



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: December 9, 2020

SUBJECT: Information
Application Processing – Cultural Heritage Resources

The purpose of this memo is to provide Heritage Markham members with information on how applications involving cultural heritage resources are reviewed and processed in Markham.

Types of Cultural Heritage Resources requiring review

- a property listed on the *Markham Register of Property of Cultural Heritage Value or Interest* (not designated)
- an individually designated property (Part IV designation);
- a property located in a heritage conservation district (Part V designation) – includes both contributing and non-contributing properties

Types of Development/Related Applications that are reviewed

- Heritage Permit application
- Site Plan Control Application
- Official Plan Amendment (OPA)
- Zoning By-law Amendment (ZBA)
- Plan of Subdivision or Condominium Plan
- Severance (Consent) Application (Committee of Adjustment)
- Variance Application (Committee of Adjustment)
- Building Permit Applications (Construction, Signage, etc)
- Building Permit Applications (Demolition) or Request for Demolition
- Heritage Financial Assistance Applications (results in development work)

Official Plan policy – Development Approvals

- Section 4.5.3.8 – to circulate any application for development approval, building permit or demolition permit which affects a property on the *Markham Register of Property of*

Cultural Heritage Value or Interest to Markham’s municipal heritage committee, Heritage Markham, for review, unless the review has been delegated to municipal heritage staff.

Typical Process used for review

Application Type	Heritage Review Process
Heritage Permit Application	Delegated Approval Process unless the work warrants Heritage Markham review- at the discretion of the Manager, Heritage
Site Plan Control Application	
• 50 sq m or under - Resid	Staff (may include Heritage Markham)
• Over 50 sq m- Resid	Staff and Heritage Markham
• Commercial	Staff and Heritage Markham
Official Plan Amendment Zoning By-law Amendment Plan of Subdivision Plan of Condominium	Staff and Heritage Markham
Variance Application	Staff and Heritage Markham (unless Heritage Markham has already considered the need for variances as part of another application type)
Consent Application	Staff and Heritage Markham
Building Permit Application	Delegated Approval Process – usually a continuation from Site Plan Approval. Stand alone permits for smaller projects are sent to Heritage Markham at the discretion of the Manager, Heritage
Demolition Permit Application	Staff and Heritage Markham
Financial Assistance Applications	Staff and Heritage Markham

Delegated Approval Process

- In Markham, we do not have a separate heritage review process as is used in other municipalities.
- Instead, the heritage review is captured within one of three existing approval processes: Heritage Permit, Building Permit (Heritage) and Site Plan Approval (Heritage).
- Essentially, the application and approval process varies in relation to the magnitude of the project. Minor projects require a Heritage Permit whereas a new dwelling in a heritage conservation district requires Site Plan Approval (Heritage).
- The *Ontario Heritage Act* requires Council to approve all alterations affecting cultural heritage resources. However, in 2007, using the authority provided by the revised *Ontario Heritage Act*, Markham Council adopted a by-law delegating its approval authority to the Manager of Heritage Planning or his/her delegate to approve or approve with conditions any alteration of the property that would typically require Council approval.

- According to the Act, “alter” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning
- The Delegation By-law also permits the Manager, Heritage Planning to forward alteration requests to the municipal heritage committee for review, if necessary. All decisions made by the Manager, Heritage Planning pursuant to delegated powers are to be reported the municipal heritage committee for information purposes.

The administrative process utilizing this delegated approval is summarized below:

1. Receipt of application for alteration to property
 - Building Permit (eg. Construction of a porch)
 - Heritage Permit (eg. Change to siding, painting)
 - Signage Permit (eg. Commercial storefront sign)
 - Site Plan Application (eg. Addition to a dwelling or a new dwelling)
2. Circulation and Review of application by Heritage Staff
 - Consultation with applicant if necessary
 - Confirm compliance with policies/guidelines
3. Three Options
 - a) **Manager, Heritage Planning consents to the alteration of the property** (with or without terms and conditions)
 - Forwards notice of consent to processor of application (i.e. for a building permit, the heritage consent would be sent to the Building Department to allow the permit to be issued once it meets any other City requirements).
 - Provides a summary of all decisions to Heritage Markham for information.
 - b) **Application is forwarded to Heritage Markham for review**
(i.e. situations where there is no policy to address to situation; situations where there may be some local sensitivity; where Heritage Markham has specifically asked to see the permit, etc.).
 - If supported by the Committee, Manager, Heritage Planning may consent to the alteration of property (with or without terms and conditions).
 - If not supported by the Committee or the Manager does not concur with the Heritage Markham recommendation, the application is forwarded to Development Services Committee and Council for a decision.
 - c) **Application is not supported by Manager, Heritage Planning**
 - Manager, Heritage Planning does not have the power to refuse.
 - Application is forwarded to Heritage Markham for review/recommendation.
 - Application is forwarded to Development Services Committee and Council for decision.

Refusal of an Application and Demolition Requests/Application.

- The legislation does not allow Council to delegate the authority to deny an application (only to approve or approve with conditions). If an application is recommended to be denied, the process requires Council approval.
- Also, the delegation of “alterations” to the Manager, Heritage Planning does not include the authority to consider applications for demolition or removals which are addressed under Parts IV and V of the Ontario Heritage Act, and where no delegation provisions apply in these circumstances. Council is the approval authority in the case of demolition requests.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive the presentation on application processing of cultural heritage resource properties as information.

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