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10 St. Mary Street, Suite 801
Toronto, Canada
M4Y 1P9

April 16, 2018

Lord Mayor and Members of Council
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

RE: Report CDS-10-014 (Development proposal for 144 & 176 John Street East, Randwood)

E.R.A. Architects has been retained by Save Our Randwood Estate (SORE) to review the Solmar/Marotta proposal for a hotel/conference facility on the Rand Estate from a heritage perspective. As part of our review, we have been following the public process associated with the Zoning By-law Amendment and Site Plan Approval applications for the site and served as a delegation at the Municipal Heritage Committee Meeting on February 13, 2018. On March 2, 2018, we submitted a memo to Denise Horne and Jesse Auspitz with recommendations for the peer review process of the development proposal. These submissions are attached as reference.

Tonight, we welcome the opportunity to speak directly to Council on this important matter.

- First, we would like to reiterate our congratulations to Staff on their February 13th report, which demonstrated a commitment to conserving the significant cultural heritage value of the Rand Estate.
- We also applaud the Municipal Heritage Committee's recommendations, which we understand are in front of Council tonight for approval and action. The Town and its residents are fortunate to have a dedicated and knowledgeable Committee to assist in assessing this proposal and in conserving Niagara-on-the-Lake's heritage resources.
- Randwood is an astonishing property with significance extending far beyond this municipality. Its layering of natural, architectural, and designed landscape elements date back to the early nineteenth century and reflect historic cultural practices and land-use patterns in one of Canada's earliest settlement Towns. The Rand Estate - which includes not only the two John Street properties proposed for development, but also 200 John street and 588 Charlotte Street - contains significant designed landscape elements by Dunington-Grubb, Canada's preeminent landscape architecture firm of the twentieth century. These later estate elements have significant cultural heritage value in their own right and also demonstrate a history of design-sensitive stewardship of the 19th-century estate property. In addition to the resources within the estate, Randwood is adjacent to Butler's Barracks and Fort George national historic site. Randwood's cultural heritage value needs to be understood and conserved in this wider context.

- This extraordinary resource should be stewarded by the Town, which has a responsibility not just to citizens of Niagara-on-the-Lake, but to all Canadians. Under the Ontario Heritage Act and operating within provincial policy and the Town's draft Official Plan, the Committee has the ability to recommend designation of properties with cultural heritage value to Council. In turn, Council has the authority, and several OMB decisions have confirmed the RESPONSIBILITY, to designate properties independent of any related planning process or reliance on third party stewardship of the property (OHA, Part IV, 29(1)).
- The significance and cultural heritage value of the estate has already been identified by the Town and the Applicant's heritage consultant. Given the Town's ability to act independently to designate one of the most significant heritage properties in NOTL, we hope and encourage that Council and Staff do so quickly and on your own initiative. We reiterate that the Town has the ability to designate the property independent of the applicant's involvement or the development application and that OMB decisions have confirmed the responsibility of municipalities to protect their cultural heritage resources.
- One of the recommendations before you is for the peer-review of the development proposal. We strongly support this recommendation and also suggest that the Municipal Heritage Committee be involved in the preparation of a Terms of Reference for the peer review. Under the amendment to the Town's Official Plan for the Romance Inn, the Heritage Committee has final approval over proposed development on the Rand Estate. A successful process therefore depends on the early and detailed involvement of the Municipal Heritage Committee in any peer review process.
- The selection of the peer reviewer is critical to the success of this process, and, ultimately, the conservation of the cultural heritage value of the Randwood Estate. In our view, the Terms of Reference should create parameters for a holistic review of the application in the context of the Rand Estate property, including 200 John Street & 588 Charlotte Street and the subdivision referenced in the Applicant's Heritage Impact Assessment. 588 Charlotte Street and 200 John Street have a historic relationship to the Randwood Estate; elements of the Dunington-Grubb designed landscape extends to both of them, and their cultural heritage value and significance should be fully understood before impacts to Randwood can be properly assessed. The comprehensive assessment of the estate landscape and adjacent resources is essential to properly evaluate impacts of the current proposal.
- Subsequent to our delegation to the February MHC meeting, ERA provided Town staff with a list of heritage professionals who in our view have the capabilities needed to take on the significant complexities of the site which includes built and landscape elements. We understand that the applicant raised objections in front of this Council to the impartiality of that list. We would like to take this opportunity to advise Council that the list of professionals provided to Staff are unconnected to our firm. We are in fact on opposing sides of different matters with some of these experts. We did not speak to any of these firms or individuals before providing their names to the Town. The list includes qualified professionals with demonstrated experience and expertise to undertake the analysis of a complex site and development proposal. It is our best advice to the Town and we would be pleased to forward these recommendations directly to Council should you wish.
- In 2009, students at The School of Restoration Arts at Willowbank produced a study of the Randwood Estate with a focus on the glasshouse originally at 200 John Street. This report should be reviewed by

Staff, the applicant's heritage consultant, and the selected peer reviewer as it contains information that will contribute to the understanding of the cultural heritage value of 200 John Street and the Rand Estate as a whole.

- In closing, we would like to emphasize that these comments are not intended as a rally against development, but instead speak to actions that can be taken by the Town to ensure its cultural heritage resources are protected and that a contextually sensitive development proposal is approved. Thank you for the opportunity to speak to you tonight on this very important matter and we look forward to following the ongoing public process.

Sincerely,



Michael McClelland, Principal
E.R.A. Architects Inc.

Copy:

Save Our Randwood Estate (SORE)



ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Canada
M4Y 1P9

February 13, 2018

Members of the Municipal Heritage Committee
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

Dear Members of the Municipal Heritage Committee:

R E : Staff Report MHC-18-008, 144 & 176 John Street East, Randwood

E.R.A. Architects has been retained by Save Our Randwood Estate (SORE) to review the Two Sisters hotel proposal for the Randwood Estate from a heritage perspective. As part of our review, we have been following the public process associated with the Zoning By-law Amendment and Site Plan Approval applications for the site. These comments pertain to the Staff Report currently before the Municipal Heritage Committee (Report MHC-18-008, February 13, 2018).

First and foremost, we would like to congratulate Heritage Staff on an excellent report which demonstrates a commitment to conserving the cultural heritage value of the Randwood Estate. This is an astonishing property with significance extending far beyond the local. Its layering of natural, architectural, and designed landscape elements date back to the early nineteenth century and reflect historic cultural practices and land-use patterns in one of Canada's earliest settlement Towns. The estate (which includes not only the two John Street properties proposed for development, but also 200 John street and 588 Charlotte Street) also includes significant designed landscape elements by Dunington-Grubb, Canada's preeminent landscape architecture firm of the twentieth century. These later estate elements have significant cultural heritage value in their own right and also demonstrate a history of design-sensitive stewardship of the 19th-century estate property. In addition to the resources within the estate, Randwood is adjacent to Butler's Barracks and Fort George national historic site. Randwood's cultural heritage value needs to be understood and conserved in this wider context.

In its advisory role to Council, the Municipal Heritage Committee has a responsibility to steward this resource not just for citizens of Niagara-on-the-Lake, but for all of Canada. Under the Ontario Heritage Act and operating within provincial policy and the Town's draft Official Plan, the Committee has the ability to recommend designation of properties with cultural heritage value to Council. In turn, Council has the authority to designate properties independent of any related planning process or reliance on third party stewardship of the property (OHA, Part IV, 29(1)). The concept of "third party" designations is not referenced in the Ontario Heritage Act, Provincial Policy Statement, or in the Town's draft Official Plan and should not be an impediment to designation in this case if recommended by the Municipal Heritage Committee.

The Town is responsible for protecting heritage resources under the Provincial Policy Statement (2.6.1) and its own draft Official Plan (7.2.3.1(1)(b)). Ontario Municipal Board hearings pertaining to municipal responsibility to protect heritage resources may provide further context (e.g. 145 Victoria Avenue (Blessed Sacrament Church), Chatham-Kent, Decision/Order No.1036 and 14795 Niagara River Parkway, Niagara-on-the-Lake, Decision/Order No. 0893). The OMB has consistently confirmed the duty of municipalities to act proactively to designate identified cultural heritage resources of which the Randwood Estate is a particularly exceptional example. A similar court case (Tremblay v. Lakeshore (Town)) held that requiring the owner's consent before considering a designation was not consistent with the intent of the Ontario Heritage Act (<https://danschneiderheritage.blogspot.ca/2015/11/the-oha-what-courts-have-to-say-part.html>).

The significance and cultural heritage value of the estate has already been identified by the Town and the Applicant's heritage consultant. The Town has the ability to act independently to designate the property and we hope and encourage that it does so quickly. This is not a rally against development, but a call to take action to ensure that the Town protects its heritage resources and ultimately approves a contextually sensitive proposal.

Operating within the framework of the Town's Official Plan, provincial policy, and best practices in heritage conservation, Heritage Staff have made a series of recommendations to steward this resource. We support Staff's recommendations and submit the following comments for the Committee's consideration.

Peer-Review

- We strongly recommend that the Municipal Heritage Committee be involved in the preparation of a Terms of Reference for the peer review. We would be pleased to provide our input on the Terms of Reference.
- The peer reviewer should be carefully selected with regard to relevant experience and recognized expertise.
- The Terms of Reference should create parameters for a holistic review of the application, including 200 John Street and the subdivision referenced in the Applicant's Heritage Impact Assessment.
- The Terms of Reference should outline policy documents relevant to the peer review, including the Ministry of Tourism, Culture & Sport's forthcoming guide on the identification, evaluation and management of cultural heritage landscapes (anticipated May 2018). The peer review should proceed after this Ministry guidance is available.
- Both an independent peer reviewer (Brook McIlroy Inc.) and Parks Canada provided comments on the 2011 proposal for the same site. These comments should be addressed in the peer review of the current application and reflected in any proposal that is approved by the Town.
- General comments from Brook McIlroy include: consideration for siting and setbacks to create architecture that is restrained and contextually sensitive to the heritage context; a maximum recommended height of 3 storeys above grade for new construction; and, the use of high quality architectural materials in keeping with the period of the existing buildings.

- Parks Canada recommended that development be limited to a maximum of 4 storeys with consideration for chimney and turret heights to protect the forested horizon as viewed from the Commons of Butler's Barracks and Fort George. The peer review should address potential impacts to the Parks Canada site which is a national heritage resource and a significant tourist attraction for the Town.

9/06 Assessment

- The Applicant's heritage consultant has prepared a draft Statement of Significance which should be used as a starting point for the 9/06 assessment.
- We note that the draft Statement of Significance identifies the boxwood hedge as an attribute. We understand that this feature of the estate has been largely decimated by the Applicant, pointing to the urgency of protecting the property through designation. We suggest that the Committee urgently request that the Town take immediate action to ensure further and irreparable damage to Randwood be prevented.

588 Charlotte Street and 200 John Street

- 588 Charlotte Street and 200 John Street have a historic relationship to the Randwood Estate and their cultural heritage value and significance should be fully understood before impacts to Randwood can be properly assessed. The comprehensive assessment of the estate landscape and adjacent resources is important for evaluating impacts of the current proposal.
- Additional research on Dunington-Grubb's contributions to the full extent of the Estate landscape, including 588 Charlotte Street and 200 John Street will also be required to inform the 9/06 assessment for 144 & 176 John Street. E.R.A. has begun its own analysis of Dunington-Grubb's contributions to the Estate landscape and can provide supporting comments if needed.

Again, we congratulate Heritage Staff on an excellent report and their commitment to conserving the Town's cultural heritage resources. We look forward to further input as this matter evolves.

Sincerely,



Michael McClelland, Principal
E.R.A. Architects Inc.

Copy:

Save Our Randwood Estate (SORE)
Lord Mayor
Town Council Council
Denise Horne
Raymond Chung
Tara Druzina
Mike Zettel



ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Canada
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March 2, 2018

Sent by EMAIL

Denise Horne
Jesse Ausphitz
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
dhorne@notl.org
jausphitz@notl.org

Dear Denise and Jesse:

RE : Peer Review of development proposal for 144 & 176 John Street East, Randwood

E.R.A. Architects has been retained by Save Our Randwood Estate (SORE) to review the Solmar/Marotta proposal for the Randwood Estate from a heritage perspective. As part of our review, we have been following the public process associated with the Zoning By-law Amendment and Site Plan Approval applications for the site and served as a delegation at the Municipal Heritage Committee Meeting on February 13, 2018. As part of our delegation, we spoke on the importance of a peer review process for the development application. We made the following recommendations:

- We strongly recommend that the Municipal Heritage Committee be involved in the preparation of a Terms of Reference for the peer review. We would be pleased to provide our input on the Terms of Reference.
- The peer reviewer should be carefully selected with regard to relevant experience and recognized expertise.
- The Terms of Reference should create parameters for a holistic review of the application, including 200 John Street & 588 Charlotte Street and the subdivision referenced in the Applicant's Heritage Impact Assessment.
- The Terms of Reference should outline policy documents relevant to the peer review, including the Ministry of Tourism, Culture & Sport's forthcoming guide on the identification, evaluation and management of cultural heritage landscapes (anticipated May 2018). The peer review should proceed after this Ministry guidance is available.

- Both an independent peer reviewer (Brook McIlroy Inc.) and Parks Canada provided comments on the 2011 proposal for the same site. These comments should be addressed in the peer review of the current application and reflected in any proposal that is approved by the Town.
- General comments from Brook McIlroy include: consideration for siting and setbacks to create architecture that is restrained and contextually sensitive to the heritage context; a maximum recommended height of 3 storeys above grade for new construction; and, the use of high quality architectural materials in keeping with the period of the existing buildings.
- Parks Canada recommended that development be limited to a maximum of 4 storeys with consideration for chimney and turret heights to protect the forested horizon as viewed from the Commons of Butler's Barracks and Fort George. The peer review should address potential impacts to the Parks Canada site which is a national heritage resource and a significant tourist attraction for the Town.

The selection of the peer reviewer is critical to the success of this process, and, ultimately, the conservation of the cultural heritage value of the Randwood Estate. The following list of heritage professionals would have the capabilities needed to take on the complexities of the site itself and the public process unfolding as part of the development applications:

- Julian Smith & Associates, Architects (<http://www.juliansmitharchitects.ca>)
- Letourneau Heritage Consulting Inc. (https://lhheritage.com/cms/?page_id=386)
- GBCA Architects (<http://gbca.ca>)
- David J. Cuming, Cultural Heritage Resource Planning & Conservation (heritageplanning@bell.net)
- Andre Scheinman, Heritage Preservation Consultant (andre.preserve@gmail.com)

Finally, we would like to reiterate that a Terms of Reference for the peer review will be essential to ensuring a successful outcome and strongly encourage Staff to work with the Heritage Committee on this aspect of the process. E.R.A. would also be pleased to provide input on the Terms of Reference or other support and information as needed.

Sincerely,



Michael McClelland, Principal
E.R.A. Architects Inc.

Copy:

Save Our Randwood Estate (SORE)