



March 17, 2021

Dear City Council,

As you consider the County Courthouse designation brief recommended by PACAC on February 3, 2021, the County would like to offer the following for consideration.

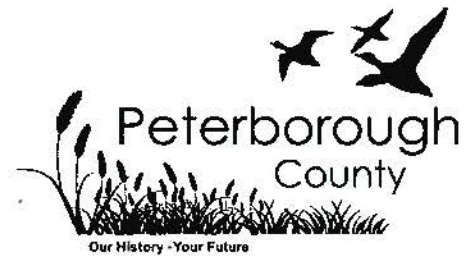
The County has worked with the City to support the appropriate designation of heritage attributes on the County Courthouse property. We have stressed the primary significance of the Courthouse building and the necessity that Victoria Park always remain a Park. We have demonstrated that the County has been great stewards of the property over the years, maintaining the building to high standards. Knowing first-hand the operating and capital costs of maintaining the property, from the beginning, we wish to do all we can to ensure its viability and vitality into the future.

In addition to the approved PACAC designation brief, PACAC voted to include to Council a letter dated February 3, 2021 from the County outlining the desire to have an agreement with the City that provides a certain path to developing at the rear of the property to the East of the Courthouse. The letter speaks to the County's Historical Consultant and City Staff's acknowledgement as to the *relative significance* and *condition* of the Heritage Attributes. Our request was discussed in detail at the PACAC meeting. Our Heritage consultant Terry White of +VG Architects, was on hand to answer questions. The County request was received in good light by PACAC and was voted to be included with the brief for Council's consideration.

We have continually stressed the need to consider future uses of the site which support downtown intensification and revitalization. The County proactively provided a formal agreement to City staff on February 18, 2021. The agreement clearly outlines what we feel are fair expectations between the parties with respect to the property and is in keeping with our letter to PACAC.

We are requesting City Council consider at their meeting:

1. Approving the proposed designation and subsequently approving the agreement (separate motions); **or**



2. Approving the proposed designation brief with the following concepts represented in the Designation Brief or Bylaw to provide clarity and agreement between the County and City:

Courthouse Building - A Heritage Impact Assessment (HIA) satisfactory to the City, shall be completed to assess the impact of any intervention required by future alterations or additions physically impacting the building. It is paramount for the health and continued viability of the Courthouse to have a path forward through adaptive reuse.

Caretaker's House - Given its minor significance it is acknowledged that it would be acceptable to demolish the Caretaker's Residence to allow for future intensification of the County Courthouse Property and as such, neither an HIA nor a Heritage Impact Plan (HIP) shall be required prior to demolition or as a condition of the granting of a demolition permit for the Caretaker's Residence. However, an HIP satisfactory to the City, shall be completed as part of a future development to capture its associative value.

East Facade of the Courthouse - Considered the back or rear and is lesser in importance and that the East Elevation is nondescript and the appropriate location to build new.

Peterborough County Jail Park - It is acknowledged that given the state of decay it would be acceptable to demolish the remaining fabric of the Jail to allow for future intensification of the County Courthouse Property, and as such, neither an HIA nor an HIP shall be required prior to demolition or as a condition of the granting of a demolition permit for the remaining fabric of the Jail. However, an HIP satisfactory to the City, shall be completed as part of a future development to capture its associative value.

The HIP will provide suggested methods for future interior and/or exterior design elements to honour the Jail's significance. This can be accomplished in a number of ways:

- (a) Record the remainder of the Jail with video to be made available publicly.
- (b) Provide plaques, story boards, markers on site.



(c) Incorporate the foundations plan into a future development interior public lobby or an exterior public garden.

(d) Artefacts, images, etc. offered through a Commemorative Room on the property or a museum within Peterborough.

East Elevation – The East Elevation is nondescript and the appropriate location to build new, therefore that an HIA shall not be required in connection with new construction or other improvements provided that they are not attached to the County Courthouse.

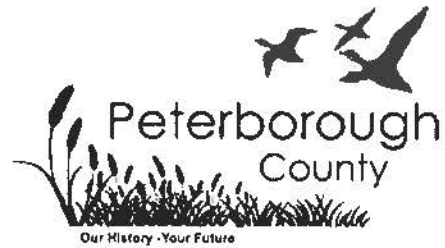
The foregoing is respectfully submitted by the County of Peterborough, as owner of the County Courthouse to City Council as a partner with the County to ensure that appropriate heritage attributes are preserved while balancing the need to ensure certainty in planning for the continued viability and vitality of the Courthouse.

Sincerely,



J. Murray Jones
Warden

Attach. County letter – February 3, 2021
County proposed agreement – February 18, 2021



February 3, 2021

From: Peterborough County – A/CAO Sheridan Graham

To: Peterborough Architectural Conservation Advisory Committee

Re: Heritage Designation Brief – County Courthouse

Dear Chair and Members of Committee:

On behalf of the County of Peterborough, we would like to thank you for allowing the time for our heritage consultant, Terry White +VG Architects to work with City staff to bring forward a unified Heritage Designation Brief regarding the Peterborough County Courthouse.

The work invested by all parties has been significant and we appreciate the efforts of all to work together.

With the Heritage Designation Brief complete, the County would like to enter into a formal agreement with the City of Peterborough that will provide additional clarity and certainty to the path ahead given the relative significance of heritage attributes as well as their condition (See enclosed letter, +VG Architects).

We look forward to continuing to work together to ensure the long-term vitality of the Courthouse.

Sincerely,

Sheridan Graham

Attach. Letter from +VG Architects – Terry White

c.c. Sheldon Laidman, Commissioner, Community Services

Sandra Clancy, Chief Administrative Officer



February 2, 2021

Sheridan Graham, CMO

A/CAO – Director, Corporate Projects & Services

County of Peterborough

470 Water Street

Peterborough, ON

K9H 3M3

Telephone: 705-743-0380

Email: SGraham@ptbocounty.ca

RE: PETERBOROUGH COUNTY COURTHOUSE UNIFIED DESIGNATION BRIEF

Dear Sheridan:

After contributing on the designation brief for the County Courthouse property with Erik Hanson and Jennifer Guerin at the City of Peterborough, I offer the following guidance for the future development of the County's property. Specifically, I share my professional opinion in relation to the County Courthouse, the Caretaker's Residence, and the Heritage Jail Park.

The Designation Brief has expanded the understanding of the historical significance of this property for all involved. As it exists, the brief does not differentiate between the relative *level of significance* of the listed attributes or their built integrity.

Courthouse:

Of primary Significance is the Courthouse building. In general, it is in a good state of repair given its age. I recommend that a Heritage Impact Assessment (HIA) be completed to assess the impact of any intervention required by a future proposed development. This includes alterations to its interior and exterior heritage fabric, and any proposed additions. It is paramount for the health and continued viability of historical properties (when their original use can no longer be accommodated) to have a path forward through adaptive reuse. Without the ability to be developed and intensified to serve a function and be vital to the community, a property cannot generate the revenue required to offset the inherent current and future operating and capital cost of a property.

Caretaker's Residence:

The Caretaker's Residence is the only stand-alone residential construction on the property and is situated to the rear of the primary Courthouse building. The architecture of the residence is not of high heritage value, many houses like this remain intact in Peterborough. The residence has been identified as being significant because of its associative value with the institutions that historically have existed on this site. Given its minor significance it was acknowledge in discussion with City Staff that it would be acceptable to demolish to make way for future intensification of the property. I recommend that a *Heritage Interpretation Plan* (HIP) be considered as part of a future development to capture the associative value.



Jail Park:

Historically the East Facade of the Courthouse was considered the back or rear, and lesser in importance. The Jail was originally added to the back or behind the Courthouse. The institution for incarceration was shielded from view as it was built behind the Courthouse. The 1864 Jail's North, South and East Façades were hidden behind the Prison Yard's perimeter wall, not visible to the public.

When the Land Registry Building was built in 1863, it proudly took its place south of the Courthouse and aligned its principal façade to face west. The 1929 Courthouse north addition has its principal façade facing west. The East Elevation is nondescript and the appropriate location to build new.

A survey of the jail remnants for integration into future potential development has raised concern. The previous demolition of the Peterborough County Jail was necessary due to the failing structures. As you know, in 2016 it was converted to an interpretive park.

The remaining fabric of the 1864 Jail was observed to be in an accelerated state of deterioration. The removal of the roof and exterior masonry walls has exposed the remaining brick masonry to the elements. The Jail interior was a heated space, and this helped the masonry walls dry when they became wet from the weather. Now that the remaining brick "ruins" are exposed to the weather, and unheated, the remaining masonry is deteriorating rapidly due to freeze thaw cycling.

In conversations on next steps City staff liked the idea of implementing a HIP as part of the *Conservation Plan* for the property. This would be one of the options presented in the HIA for the Heritage Jail Park. The HIP would allow for both passive and active interpretations of the site. For example, the Foundation Plan of the Jail could be incorporated into a future development interior public lobby or an exterior public garden. This was deemed by the City to be an appropriate intervention given the state of decay the remaining Jail walls are exhibiting.

I would suggest working with the City to incorporate future interior and/or exterior design elements honouring the Jails significance. This can be done through a HIP a number of ways:

1. Record the remainder of the Jail with video to be made available publicly.
2. Provide plaques, storey boards, markers on site.
3. Incorporate the foundations plan into a future development interior public lobby or an exterior public garden.
4. Artefacts, images, etc. offered through a Commemorative Room on the property or a museum within Peterborough.

Throughout my career I have found that the best outcomes for the conservation of Historical Properties is achieved when there is a detailed understanding and acknowledgement of the challenges faced with a property and a collaborative approach involving the owner, the design team, and the City. Retaining the heritage value of a property while adapting it/intensifying it through development to a new use is sometimes a difficult balancing act – achieving consensus requires hard work and good communication.

Appendix B



The County and City are well along this path with the County Courthouse property.

Yours Very Truly,
THE VENTIN GROUP ARCHITECTS

Terry White
B.Arch., O.A.A., M.R.A.I.C., C.A.H.P.

Appendix B

Schedule "A" to By-law No. _____

THIS AGREEMENT made in triplicate on the ____ day of _____ 2021.

B E T W E E N:

The Corporation of the County of Peterborough
(the "Owner")

and

THE CORPORATION OF THE CITY OF PETERBOROUGH
(the "City")

WHEREAS the Owner is the legal and beneficial owner of the property known as 470 Water Street, Peterborough (the "County Courthouse Property"), being a property of cultural heritage value or interest;

AND WHEREAS the Council of the City ("City Council"), in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, (the "Act") intends to designate the County Courthouse Property as a Property of Heritage Value or Interest to the City of Peterborough;

AND WHEREAS the parties acknowledge that the Owner or a subsequent owner of the County Courthouse Property is likely to undertake alterations to its interior and exterior heritage fabric and any perhaps additions or construction of additional buildings on the County Courthouse Property;

AND WHEREAS the parties acknowledge that it is paramount for the health and continued viability of historical properties to allow appropriate development and intensification to serve a function and be vital to the community, and to generate the revenue required to offset the inherent current and future operating and capital cost of a property;

AND WHEREAS this Agreement recognizes the relative significance of various elements of the County Courthouse Property and outlines certain requirements in respect of any potential redevelopment which may affect any of the cultural or heritage attributes of the buildings or the property as identified in the Designation Brief for the County Courthouse Property;

AND WHEREAS this agreement shall be attached as a schedule to the designation by-law upon passage of same and registered on title thereafter by the City;

NOW THE PARTIES AGREE AS FOLLOWS:

1. Of primary Significance is the Courthouse building. In general, it is in a good state of repair given its age. A Heritage Impact Assessment (HIA) satisfactory to the City, shall be completed to assess the impact of any intervention required by future alterations or additions physically impacting the building. It is paramount for the health and continued viability of the Courthouse to have a path forward through adaptive reuse.
2. The Caretaker's Residence is the only stand-alone residential construction on the property and is situated to the rear of the primary Courthouse building. The architecture

of the residence is not of high heritage value, many houses like this remain intact in Peterborough. The residence has been identified as being significant because of its associative value with the institutions that historically have existed on the County Courthouse Property. Given its minor significance it is acknowledged that it would be acceptable to demolish the Caretaker's Residence to allow for future intensification of the County Courthouse Property and as such, neither an HIA nor a Heritage Impact Plan (HIP) shall be required prior to demolition or as a condition of the granting of a demolition permit for the Caretaker's Residence. However, an HIP satisfactory to the City, shall be completed as part of a future development to capture its associative value.

3. The parties acknowledge that the East Facade of the Courthouse was considered the back or rear, and lesser in importance and that the East Elevation is nondescript and the appropriate location to build new. The previous demolition of the Peterborough County Jail was necessary due to the failing structures and, in 2016, it was converted to an interpretive park. The remaining fabric of the Jail is observed to be in an accelerated state of deterioration. The removal of the roof and exterior masonry walls has exposed the remaining brick masonry to the elements. The Jail interior was a heated space, and this helped the masonry walls dry when they became wet from the weather. Now that the remaining brick "ruins" are exposed to the weather, and unheated, the remaining masonry is deteriorating rapidly due to freeze thaw cycling.

Given the poor state of repair of the Jail, it is acknowledged that it would be acceptable to demolish the remaining fabric of the Jail to allow for future intensification of the County Courthouse Property, and as such, neither an HIA nor an HIP shall be required prior to demolition or as a condition of the granting of a demolition permit for the remaining fabric of the Jail. However, an HIP satisfactory to the City, shall be completed as part of a future development to capture its associative value.

The HIP will provide suggested methods for future interior and/or exterior design elements to honour the Jail's significance. This can be accomplished in a number of ways:

- (a) Record the remainder of the Jail with video to be made available publicly.
 - (b) Provide plaques, storey boards, markers on site.
 - (c) Incorporate the foundations plan into a future development interior public lobby or an exterior public garden.
 - (d) Artefacts, images, etc. offered through a Commemorative Room on the property or a museum within Peterborough.
4. It is further acknowledged, given the East Elevation is nondescript and the appropriate location to build new, that an HIA shall not be required in connection with new construction or other improvements provided that they are not attached to the County Courthouse.
5. The parties acknowledge and agree that the recitals are true as to content and substance and that they form part of this agreement and may be relied by any party or court of competent jurisdiction when interpreting this agreement.

Appendix B

6. Each representative of the City when granting a consent or approval or making a determination or designation (a "Decision") under this Agreement or Applicable Law, will act reasonably and in good faith and in accordance with the applicable principles and standards of such person's profession. Where the Owner does not agree with the Decision, nothing in this Agreement will prevent the Owner from appealing any such Decision to any body having jurisdiction in accordance with Applicable Law. If any representative of the City withholds any consent or approval where it is required to act reasonably, such party shall, on written request, deliver to the Owner a written statement giving the reasons for withholding the consent or approval.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands and seals.