

DATE: November 18, 2003

TO: Chairman and Members of the Planning and Development Committee

FROM: Edward R. Sajecki, Commissioner of Planning and Building and Paul A. Mitcham, P.Eng. M.B.A., Commissioner of Community Services

SUBJECT: **Status Report -Port Credit Heritage Conservation Feasibility Study, Phase One**
MEETING DATE: December 8, 2003

ORIGIN: Planning and Building and Community Services Departments.

BACKGROUND: City Council on May 28, 2003 considered a report titled "Proposed Heritage Conservation District and Interim Control By-law Port Credit Heritage Village" dated April 29, 2003 (Exhibit 1) from the Commissioner of Planning and Building and adopted the following recommendations:

- "1. That the Community Services Department undertake a Heritage Preservation Feasibility Study for the lands south of Lakeshore Road West, west of the Credit River; north of Lake Ontario and east of Mississauga Road South to determine if there is merit in the heritage preservation for the area, and to recommend measures to be undertaken to achieve such preservation as outlined in the report titled "Proposed Heritage Conservation District and Interim Control By-law, Port Credit Heritage Village" dated April 29, 2003 from the Commissioner of Planning and Building.
2. That pursuant to S.38(1) of the *Planning Act*, an Interim Control By-law for all lands south of Lakeshore Road West, west of the Credit River, north of Lake Ontario and east of

Mississauga Road South be enacted by City Council to allow for the Heritage Preservation Feasibility Study to be completed as outlined in the report titled "Proposed Heritage Conservation District and Interim Control By-law, Port Credit Heritage Village" dated April 29, 2003 from the Commissioner of Planning and Building."

Pursuant to the above recommendations, Interim Control By-law 0219-2003 was enacted by City Council on May 28, 2003, to be in effect for one year, but may be extended for another year. The Interim Control By-law has been appealed to the Ontario Municipal Board (OMB), which has scheduled a hearing for January 26, 2004.

A consultant team lead by George Robb Architects was retained to determine if there is merit in the heritage conservation for the area, and to recommend measures to be undertaken to achieve such conservation. The consultants have completed Phase One of the study, an executive summary of which is attached as Exhibit 2. A full copy of the report is available for review at the Policy Planning Division of the Planning and Building Department, the Planning and Heritage Section of the Community Services Department, and at the Port Credit Library Branch.

The purpose of this report is to advise of the results of Phase One of the study.

COMMENTS:

1.0 Study Organization and Methodology

The study has been divided into two phases:

Phase One-Research, Inventory, Analysis and Recommendations on Planning Tools to be further investigated Phase Two-Planning Tools Development and Implementation Strategy Phase One has consisted of the following tasks:

- establishment of the historical context;
- inventory of historic properties;

- identify architectural patterns and define general historic character;
- inventory other properties;
- analyse effects of public policies and private activity.

Based on the forgoing analysis, the consultants recommendations are to address the following:

- whether or not the area merits heritage conservation;
- if there is merit, the identification of protection measures, within the appropriate heritage planning framework under the *Ontario Heritage Act*, the *Planning Act* and/or the *Municipal Act* to be further investigated in this regard;

As a result of completing Phase One, the study should be renamed as a Heritage Conservation (in lieu of Preservation) Feasibility Study in view of the consultant's opinion that there is merit in conservation and/or protection of the areas's heritage through managed change to allow appropriate growth, whereas, "preservation" infers no change.

In Phase Two, the consultants will prepare:

- the identified protection measures in consultation with the community; and
- a general framework for development of adjacent lands on the west side of Mississauga Road South;
- priorities for conservation;
- opportunities for historical interpretation;
- other measures to help conserve the area's historical character.

It is intended that the various protection measures be in place prior to the expiry of the Interim Control By-law in May 2004.

2.0 Public Participation

The study process to date has incorporated the following opportunities for public participation:

- four meetings with a Volunteer Advisory Committee comprised of the Ward Councillor, landowners, a Heritage Advisory Committee representative, consultants and staff;
- three public information sessions, to which all residents and landowners were invited, which included a walking tour, a workshop, and two questionnaires; and
- a Study Update Newsletter which was delivered to residents and landowners.

Phase 2 of the study will continue to involve the Volunteer Advisory Committee and the community as a whole through further public information sessions and also a statutory Public Meeting pursuant to the *Planning Act* requirements, should Official Plan Amendments and Zoning By-law Amendments be pursued.

2.1 Public Comments

Summaries of both the workshop held on October 21, 2003 and the questionnaire completed on the same date by the public are attached as Exhibits 3 and 4, respectfully. Also, extensive correspondence has been received from the residents.

Based on input received from the public, there are mixed views on the merits of a heritage designation. Despite this lack of unanimity, there appears to be two areas of common interest among most of the public participants to date:

- to protect the character of their neighbourhood;
- to consider some degree of additional protection.

At the Public Information Meeting held on November 18, 2003, there were approximately 94 members of the public in attendance. The consistent message from the majority of the residents was to proceed to Phase Two of the study to give the public the opportunity to review and consider the "details" of the possible planning tools.

The following questions and comments have been received from the public through the various public consultation methods.

Interim Control By-law (ICBL) and Zoning

What is the purpose of the Interim Control By-law?

The ICBL was enacted for the study area in May 2003. Its purpose is to control development within the boundaries of the study area until the study is completed. The by-law will expire on May 28, 2004 however, the *Planning Act* allows City Council to extend it for one additional year, if required.

Will the maximum gross floor area restrictions for new detached dwellings, and additions, in the Interim Control By-law, continue after it has expired?

No. The maximum gross floor area of 120 m² (1,290 sq. ft.) for a new detached dwelling is only in effect while the Interim Control By-law is in force.

What will happen if the Interim Control By-law expires and no changes have been made to the Port Credit Zoning By-law?

If the Interim Control By-law expires and no changes have been made to the Port Credit Zoning By-law, the zoning that was in effect prior to the Interim Control Bylaw will be applicable. This means the "H-R4" zoning, which covers most of the area, would again be in effect. The "H-R4 Residential Holding Zone" permits detached dwellings with no specific gross floor area or height restrictions. The "H" prefix could be removed by City Council by-law if it is demonstrated that there would be no municipal service or traffic impacts resulting from a development, thereby permitting, among other uses, apartment buildings with no specific height restrictions.

Heritage Designation

Why is the area unique?

Old Port Credit Village is unique to Mississauga due to the buildings of historic interest, the maintenance of the street grid pattern and built form, and its waterfront location at the mouth of the Credit River.

What criteria are used to determine if a property has heritage significance?

The evaluation of properties is based on a combination of factors which include age, style, architectural significance, historical significance and context with neighbouring properties. Other elements evaluated include archaeological resources, landscapes, mature trees and significant landforms such as the Credit River and Lake Ontario which add to the heritage resources of the community.

Are there tax benefits to a heritage property?

The Ontario government has passed legislation which allows a municipality to adopt policies and programs to provide property tax relief for heritage property owner; however, the City of Mississauga does not have any tax relief programs in place for heritage property owners at this time.

How would a heritage designation affect the value of my property and my ability to sell it?

In 1998, a study of 2,707 heritage designated properties was conducted by Professor Shipley, School of Planning, University of Waterloo, under contract to the Ministry of Culture. The study found these properties either maintained or increased their resale value.

If this area becomes a heritage district, is someone going to tell me what colour I can paint my front door?

The preliminary recommendations from the Consultants say "no". However, preferred colours may be an option to be considered for Heritage Conservation District guidelines.

If a heritage conservation district and a local Community Heritage Review Committee are established for the area, what guarantee is there that a local Community Heritage Review Committee would make fair judgements for everyone in the neighbourhood?

At this time, a decision regarding a local Community Heritage Review Committee has not been made. In some heritage conservation districts, local community heritage review committees are established to review applications to alter properties within the study area. Additional research by the Consultant and more discussion with residents is needed before a final decision can be made. However, even if a local Community Heritage Review Committee is established, all applications for demolition or new construction would be decided by City Council with recommendations from staff and the existing Heritage Advisory Committee.

Consultant Team

How can an external Consultant recommend a Heritage Conservation District without the property owner's consent?

The determination of whether or not the village area will be recommended for a heritage conservation district will be explored more fully in Phase Two of this study, and will be based, in part, on the details of the proposed associated guidelines to be developed in Phase Two.

The City of Mississauga continues to conduct an extensive public consultation process that has included Study Advisory Committee meetings, public information sessions, questionnaires and workshops designed to identify the various aspects of the community valued by the residents and landowners. It is the Consultant's professional opinion, based on experience, that a Heritage Conservation District in combination with other planning tools would best protect the valuable aspects of the community.

Planning Tools

What happens to existing buildings such as duplexes and apartments where they do not conform to the City's Official Plan policies?

The Consultant's recommendations indicate that provided these uses legally exist, they will be allowed to continue.

3.0 Consultant's Recommendations and Staff Comments

3.1 Is there merit in heritage conservation for this area?

According to the retained Consulting team, who undertook extensive research, the Old Port Credit Village area is rich in history and merits both historical recognition and conservation. Among other matters, this recommendation is based upon:

- the layout, streets and general form of the area has changed very little from the original 1835 village plan;
- human activity has been noted on these lands for thousands of years;
- native leaders Peter and John Jones have local streets named after them in recognition of their contribution to the Village;
- there are long term land uses related to the Credit River access, parkland on Lake Ontario and institutional properties

such as the First United Church and St. Mary's Catholic Church and cemetery lands;

- there are historical local landmarks such as Clarke Hall, Wilcox Inn and the Port Credit Village Fire Hall, the oldest standing fire station in Mississauga;
- the area contains five properties with heritage designations under the *Ontario Heritage Act* and 39 more which are listed on the City's Heritage Inventory; and
- there are traditional tree canopied streets in some areas.

The area is considered to be unique in Mississauga and, therefore, deserving of some consideration for additional protection.

3.2 What planning tools should be further investigated to protect the neighbourhood?

All of the consultant's recommendations are supported for further investigation and review in Phase Two as no conclusions have been made as to the most appropriate planning tools. In the course of this detailed development of the possible planning tools, there may be "tools" that will be proven to be ineffectual or impractical and, therefore, will not be pursued. On the other hand, there may be additional elements of the proposed tools identified in Phase Two to better address the study objectives.

The Consulting Team has prepared the following recommendations (see Exhibit 2) for planning tools to be further investigated through Phase Two of the Study.

3.2.1 Mississauga Plan Amendments

To assist in the conservation and enhancement of the study area, the consultants have recommended consideration of the following amendments to the Mississauga Plan policies for the Port Credit Planning District:

- Site specific policies be developed to recognize existing multi-unit residential buildings currently designated Residential Low Density I;
- Site specific policies be developed to lessen the visual impact of any development along Front Street South and to encourage the retention of buildings of historic interest;
- Site specific policies be developed, within the Mainstreet Commercial designation, to encourage the retention of the existing institutional landmark buildings and cemetery along Lakeshore Road West.

3.2.2 Zoning By-law Amendments

The consultants have recommended that:

- A Zoning By-law amendment be developed that permits uses that reflect the Mississauga Plan policies for the Port Credit Planning District, as proposed to be amended, and recognize existing uses;
- Development standards be devised for new construction in each zone that reflect the height, bulk, size, floor area, location, spacing and general character of existing buildings but that allow for appropriate growth.

3.2.3. Heritage Conservation District Plan

The consultants recommend that a Heritage Conservation District Plan be prepared in consultation with the residents, which aims for conservation and enhancement of the study area. Recognizing that not all buildings in the study area are of historic interest, the consultants recommend that the Heritage Conservation District Plan have policies and guidelines which distinguish between properties of historic interest, and other properties. This would provide the basis for review over the alteration, demolition, or removal of buildings of historic interest, as well as the review of new construction. Specifically, their recommendations are that:

- the study area be designated as a Heritage Conservation District under Part V of the *Ontario Heritage Act* and a Heritage Conservation District Plan be prepared in consultation with the community;
- the five properties currently designated under Part IV of the *Ontario Heritage Act* be included in the Heritage Conservation District
- The Heritage Conservation District Plan shall have policies and guidelines that distinguish between properties of historic interest and other properties;
- The guidelines be permissive rather than restrictive in tone;
- A review procedure be established in the second stage of the study.

3.2.4 Site Development Plan Approval

The consultants recommend that the City's Site Plan Control By-law be amended to require site development plan approval for all properties using the guidelines in the Heritage Conservation District Plan. Specifically, their recommendations are that:

- Site Plan Approval be extended to include new residential development, which includes the demolition and replacement of existing buildings, in the study area. Minor alterations and additions to detached dwellings should not be subject to Site Plan Approval.

4.0 City Owned Lands

During Phase Two of the study, the planning framework for the City owned Marina Park lands on the west side of the Credit River will be reviewed. As has been reiterated to the public at the various public information sessions, these lands are considered to be under-utilized and various land use options have been and will continue to be considered. Through this study, an appropriate framework to evaluate proposals may be reviewed and established.

CONCLUSION:

The conclusions of the consultants that there is merit in the protection of the heritage of Old Port Credit Village are acceptable. The existing planning framework could allow development which could adversely affect its historic character. This is due in part to the fact that the existing zoning for the area is not consistent with the Mississauga Plan policies for the Port Credit Planning District, and permits residential development out of character with neighbouring properties, insensitive to the heritage character of the neighbourhood. At this time the subject area retains much of its original character and is of historic interest. There is merit in heritage conservation for the area, and additional protection measures should be further investigated. Phase Two of the Study will allow for the details of the proposed protection measures to be developed and reviewed by the public.

- RECOMMENDATIONS:**
1. That the report titled "Status Report - Port Credit Heritage Conservation Feasibility Study, Phase One" dated November 18, 2003, from the Commissioner of Planning and Building and the Commissioner of Community Services be received, and that Phase Two of the Port Credit Heritage Conservation Feasibility Study be completed in accordance with Resolution PDC-0062-2003 which directed the Community Services Department to undertake the study.
 2. That future Public Meetings be held at the Planning and Development Committee to review the draft planning tools to be developed in Phase Two of the Port Credit Heritage Conservation Feasibility Study.

Original Signed By: _____
Edward R. Sajecki
Commissioner of Planning and Building

Original Signed By: _____
Paul A. Mitcham, P.Eng. M.B.A.,
Commissioner of Community Services