

## REPORT

### Council

**Meeting Date: November 7, 2022**

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**FROM:** Planning Services Department

**DATE:** October 25, 2022

**SUBJECT:** Removal of CHL status – 1475 Lakeshore Road East

**LOCATION:** 1475 Lakeshore Road East

**WARD:** Ward 3

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#### **RECOMMENDATION:**

1. That the property at 1475 Lakeshore Road East be removed from any future implementation of the Cultural Heritage Landscape Strategy; and
2. That notice be issued under subsection 30.1(3) of the *Ontario Heritage Act* (OHA) to amend By-law 1991-048, a by-law to designate 1475 Lakeshore Road East as a property of historical, architectural and contextual value and interest.

#### **KEY FACTS:**

The following are key points for consideration with respect to this report:

- The property is designated under Part IV of the *Ontario Heritage Act* by By-law 1991-048.
- The property was included in the town's Cultural Heritage Landscape Strategy and identified as a 'medium priority' property.
- Heritage consultants have prepared a Heritage Impact Assessment (HIA) for the property to assess its cultural heritage value and to determine if the property is considered to be a cultural heritage landscape.
- Based on the HIA, staff are recommending that the property be removed from any future implementation of the Cultural Heritage Landscape Strategy and that the current designation by-law be amended to ensure its comprehensiveness and to reflect current legislative requirements.
- The Heritage Oakville Advisory Committee has reviewed this application and supports the staff recommendations in this report.

## BACKGROUND:

### Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act (2005)*, *Planning Act (1990, as amended)*, Provincial Policy Statement (2014, updated 2020), and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*.

Section 2.6 of the Provincial Policy Statement (PPS) 2020 relating to Cultural Heritage and Archaeology states:

*2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

The PPS (2020) defines “significant”, in regard to cultural heritage and archaeology, as:

*...resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

Further, the PPS (2020) and *Growth Plan (2019)* both define "conserved" as:

*the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained...*

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2020) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage.

The PPS (2020) definition of a cultural heritage landscape is the following:

*“a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”*

The PPS (2020) and *Growth Plan (2019)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario

Regulation 9/06 as the means for determining if a property has cultural heritage value.

Oakville Cultural Heritage Landscapes Strategy

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation to identify, inventory and assess candidate cultural heritage landscapes and to conserve significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

The Strategy is being implemented in three phases: Phase One: Inventory; Phase Two: Research and Assessment; and, Phase Three: Implementation of Protection Measures.

On February 16, 2016, Oakville Town Council endorsed the recommendations of the Phase One inventory and directed that those properties identified as 'high priority' within the inventory proceed immediately to Phase Two: Research and Assessment. The property at 1475 Lakeshore Road East was included in the 'medium priority' category.

Subject Property

The property at 1475 Lakeshore Road East is designated under Part IV of the *Ontario Heritage Act* by By-law 1991-048 for its c.1830s Georgian style home built by Barnett Griggs. This By-law is attached as Appendix A.

The property was also included in the inventory for the Cultural Heritage Landscape Strategy for its 'medium priority' potential as a cultural heritage landscape. The property is located on the north side of Lakeshore Road East west of Caulder Drive in southeast Oakville. See Appendix B for the Inventory Report completed as part of the town's Cultural Heritage Landscape Strategy.

As part of Phase Two of the Strategy for the subject property, a Heritage Impact Assessment was submitted by heritage consultants at Stevens Burgess Architects Ltd. The document was completed to determine whether or not the property should be designated as a Cultural Heritage Landscape or if the property should be removed from any future implementation of the Cultural Heritage Landscape Strategy. See Appendix C for this assessment.

**COMMENT/OPTIONS:**

Evaluation of the Property

The subject property was included in the Cultural Heritage Landscape Strategy as being a 'medium priority' because there was a concern that not all existing built and natural cultural heritage attributes were identified in the current designation by-law.

The Cultural Heritage Landscape Inventory Report made the following recommendations:

- Prepare a full evaluation report to document the site and its history and confirm and/or update the Town's understanding of the cultural heritage value or interest and heritage attributes of the property, including landscape elements; and
- Amend the designation by-law to update the address and clarify or correct the statement of cultural heritage value or interest of the property and description of heritage attributes.

This full evaluation was completed through the Heritage Impact Assessment that provides a history of the property and surrounding area and assesses the heritage value of the buildings and landscape elements, as well as its potential as a cultural heritage landscape.

The document also includes an assessment of a proposed development on the property. Staff note that this proposal is not being reviewed as part of this staff report, and that any future proposed development on the site would come back to the Heritage Oakville Advisory Committee in the form of a planning application or heritage permit application for the Committee's review.

The HIA concludes that the property continues to have cultural heritage value for its early 19<sup>th</sup> century house, but that it is not considered to be a cultural heritage landscape. The heritage consultants argue that any evidence of a designed landscape is from multiple eras of occupation and change on the property and is not a clearly defined and intentionally created landscape.

The report further concludes that the connection between the house and the landscape should be conserved and considered as part of any potential future development of the site. Finally, the HIA recommends that the designation by-law be revised and updated to meet the requirements of the *Ontario Heritage Act*, and that it consider the built form as well as the landscaped setting of the property.

### Conclusion

Staff have concluded that the property at 1475 Lakeshore Road East is not considered to be a significant cultural heritage landscape in accordance with the PPS (2020). Staff therefore recommend that the property be removed from further implementation of the Cultural Heritage Landscape Strategy.

The property continues to have cultural heritage value for its c.1830s house and will remain designated under Part IV of the *Ontario Heritage Act*. However, the by-law does not clearly identify all heritage attributes on the property and does not meet the requirements of the *Ontario Heritage Act*, which requires that the by-law include the

following four items: a description of the property; a statement explaining the cultural heritage value or interest; a description of the heritage attributes; and a correct legal description.

By-law 1991-048 does not contain a complete statement of cultural heritage value or interest or a clear description of heritage attributes as required by the OHA. Staff are therefore recommending that the designation by-law be amended to provide this information and to ensure that the by-law includes all relevant cultural heritage attributes on the property.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee at its meeting on October 18, 2022. The Committee supported the staff recommendations in this report.

**CONSIDERATIONS:**

**(A) PUBLIC**

None

**(B) FINANCIAL**

None

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

None

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- enhance our cultural environment
- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing greenhouse gas emissions. This report supports the town's climate action through the continued conservation of the cultural heritage resource at 1475 Lakeshore Road East.

**APPENDICES:**

Appendix A – Designation By-law 1991-048

Appendix B – Cultural Heritage Landscape Inventory Report

Appendix C – Heritage Impact Assessment by Stevens Burgess Architects Ltd.

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