Downtown Oakville
Heritage Conservation District Study

Downtown Oakville
Heritage Conservation District – Municipal Implementation
(Third Draft)

December 2012

Prepared by:

MHBC
Planning, Urban Design & Landscape Architecture

Oakville

Preserve it! Vision 2057
A Note to Readers

This third draft of the Downtown Oakville Heritage Conservation District Plan and Guidelines follows on from community focus group meetings held in October and November 2012, as well as the public meeting held in December 2012. This report includes a number of revisions and refinements advised by the public and Town staff. This draft represents the professional opinion of the consulting team of MHBC Planning in association with Peter Stewart of George Robb Architect. This consulting team was hired by the Town of Oakville to conduct a Downtown Heritage Conservation District Study which involved extensive work and public consultation (including public meetings and focus groups) conducted during 2011-12. This third draft reflects the consultant’s work and is now available to you for comments.

The third draft of the Downtown Oakville Heritage Conservation District Plan and Guidelines has not yet been accepted or endorsed by Town staff or by Town Council. The recommendations from the consulting team within the plan and guidelines may or may not be included in the final version of the plan, which will be presented to Council for consideration in early 2013. Staff note there are recommendations related to implementing zoning and design which will need to be assessed in relation to the InZone and Urban Design Manual work currently underway for the Downtown.

Please take the time to read this draft version and give us your feedback. Public comments are encouraged to be submitted for consideration in the final revisions to the draft Plan and Guidelines. Any questions or comments regarding this document can be directed to Susan Schappert, Heritage Planner at sschappert@oakville.ca or 905-845-6601, ext. 3870.

Project consultants:

MHBC Planning
[Image]

In association with:

George Robb Architect
[Image]
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Context to the Downtown Oakville Heritage Conservation District Study, Plan and Guidelines

Downtown Oakville Heritage Conservation District - Municipal Implementation

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Context to the Downtown Oakville Heritage Conservation District Study, Plan and Guidelines

In 2010 the Town completed the Downtown Oakville Strategic Review. This was part of the implementation program for the Livable Oakville Plan – the Town’s new official plan. The Downtown Oakville Strategic Review included six months of research, analysis, consultation and community collaboration with diverse stakeholder groups, including business and residents’ associations, property owners, members of council, and the public.

The review produced the Downtown Oakville Strategic Action Plan. This document will help guide improvements in the downtown by building on the success of previous plans and on the strengths of the area’s existing features. The plan addresses critical factors including cultural heritage, urban design and streetscape, public facilities, economics, transportation, and sustainability. The Downtown Heritage Conservation District Plan Study was initiated as one of the 12 strategic initiatives of the Downtown Oakville Strategic Action Plan: Inspire, Connect, Protect. Other strategic initiatives of the Action Plan include:

- Development of urban design guidelines
- Revitalization of Centennial Square facilities
- Accessibility and safety audit
- Transportation strategy
- Retail strategy
- Re-evaluation of Town Square

Many of these initiatives are already in process and some are planned for the future. They are all being carried out under Vision 2057 to ensure integration. Vision 2057 brings together all of the Town’s master plans and other key planning initiatives to ensure a consistent and integrated approach to planning for the Town’s future. The Downtown Heritage Conservation District Plan and Guidelines is being developed within the Vision 2057 framework.

Many of the recommendations in the draft of the Downtown Oakville Heritage Conservation District Plan and Guidelines, given that they apply to a specific segment of the Downtown, will be addressed through the completion of other Downtown Strategic Action Plan initiatives. These initiatives cover the entirety of the Downtown area, not just the proposed Heritage Conservation District Boundary and include: the Transportation, Access and Mobility Study; the Downtown Cultural Hub Study; and, the Tools and Incentives review.

The Heritage Conservation District Guidelines will also help inform the work being undertaken on the Urban Design Guidelines and In Zone (update to the Town’s zoning by-law project) as they relate to the proposed Heritage Conservation District and the entirety of downtown Oakville. It should also be noted that the Town has a number of by-laws and processes that will continue to be applied to the Heritage Conservation District, including site plan control, sign by-law and property standards.

This draft report contains many recommendations and initiatives that have been prepared for the Town’s consideration, and further review with the applicable departments will be undertaken in order for staff to recommend a District Plan and Guidelines to Council.
1.0 INTRODUCTION

This portion of the Downtown Oakville Heritage Conservation District Plan and Guidelines addresses those aspects of conservation that are not necessarily strictly related to the provisions of the *Ontario Heritage Act*. The successful implementation of a Heritage Conservation District Plan may often rely on other initiatives and planning policies that directly support or provide a framework for focussing and implementing conservation efforts. A number of initiatives are proposed in the following sections, including matters relating to cultural heritage landscape recognition, building height and zoning by-law provisions, signage and the Town’s sign by-law, delegation of heritage permit approvals and a municipal grants program.

This Heritage Conservation District Plan has identified initiatives for the Town’s consideration in the following areas:

- Initiative 1: Downtown Heritage Character Area
- Initiative 2: Height provision in the zoning by-law
- Initiative 3: Sign by-law provisions
- Initiative 4: Site Plan Control
- Initiative 5: Streetscape management plan
- Initiative 6: District wayfinding
- Initiative 7: District lighting
- Initiative 8: District street tree planting
- Initiative 9: District viewing locations
- Initiative 10: A western District gateway
- Initiative 11: Cultural Heritage Impact Assessments
- Initiative 12: A Downtown Oakville Heritage Conservation District grants program
- Initiative 13: Refinement of delegated approvals
- Initiative 14: A Downtown Oakville Heritage Advisory Committee
2.0 PLANNING POLICIES AND ISSUES

2.1 INTRODUCTION

The review of official plan policies in the Downtown Oakville Heritage Conservation District Study Heritage Assessment Report did not reveal any major conflicts between the goals of heritage conservation and those objectives for the Downtown area. Through the course of public dialogue and consultation it became apparent that if the proposed Heritage Conservation District did comprise an area that was reduced in size from the original study area, some consideration should be given to recognizing the original Downtown study area limits to protect its cultural heritage value. Recognition as an area having some heritage character or value as a cultural heritage landscape was one potential means of accomplishing this and is discussed further in the following section.

2.2 CULTURAL HERITAGE LANDSCAPES

The Downtown Oakville Heritage Conservation District Study Heritage Assessment Report recognized the grid plan of streets envisaged in Chisholm’s ambitious vision for a port settlement as being one of several features that contributed to the character of the Downtown area. It was also recognized that outside of the proposed Heritage Conservation District, there were other heritage buildings and structures distributed amongst the street grid that contributed to the notion of an identifiable Downtown area, distinct and separate from surrounding residential areas.

Under the Planning Act there is recognition of cultural heritage features as considerations in the planning process. Specifically Section 2 of the Planning Act establishes a number of matters of provincial interest that must be considered by appropriate authorities in the planning process.

Subsection 2(d) provides that

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, ...

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; ..

In support of the provincial interest identified in Subsection 2 (d) of the Planning Act the Province has also refined policy guidance for land use planning and development matters in the 2005 Provincial Policy Statement (PPS) which provides for the following:

2.6 Cultural Heritage and Archaeology

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

A number of supporting definitions accompany the PPS that assist in the interpretation of these cultural heritage management policies:
**Significant:** means…(g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Cultural heritage landscape:** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Conserved:** means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

In applying the provisions of the Planning Act and the PPS it is anticipated that all planning and development activities subject to the Act, ranging from Official Plan policy preparation through to the consideration of variances, would all have to take into account the conservation of cultural heritage resources, including the conservation of significant cultural heritage landscapes.

**Initiative 1: Downtown Heritage Character Area**

Accordingly, the Town of Oakville will consider formally recognizing the original Downtown Oakville study area boundary (defined by Sixteen Mile Creek to the west and north, Dunn Street and Sumner Avenue to the north, Allan Street to the east and Robinson Street to the south) as a significant cultural heritage landscape, either by way of Council resolution or an Official Plan amendment.

The Downtown Oakville cultural heritage landscape area includes:

- The area identified as the Downtown Oakville Heritage Conservation District,
- The historical street grid established in the early nineteenth century,
- The historical transportation route and historical commercial corridor of Lake Shore Road East, and
- A building stock comprising a collection of both heritage and non-heritage buildings characterized by predominantly two- and three-storey building forms, with a variety of construction materials and roof types.
Any future planning applications that result in physical change to property would then have to take into account how such change assists in contributing to the conservation of the cultural heritage landscape, including the street grid network, the existing low-profile of many of the two-storey heritage buildings, (notably those existing prior to 1960 and described as designated, listed or inventoried as part of the Downtown Oakville Heritage Conservation District Study Heritage Assessment Report, Appendix B) and street trees.
3.0 ZONING BY-LAW

3.1 INTRODUCTION

The review of the Zoning By-law applicable in the Downtown Oakville Heritage Conservation District Study Heritage Assessment Report did not reveal any major conflicts between the provisions of the By-law and those anticipated objectives for the Downtown Oakville Heritage Conservation District area, except for the issue of height. The current Zoning By-law generally permits a maximum building height of 13.5 metres (representing approximately four storeys) for buildings within the C3R zone.

The Downtown Oakville Heritage Conservation District Study Heritage Assessment Report advised that any advice or initiatives emanating from the assessment report would assist in informing the Town’s comprehensive zoning update, namely the InZone project. Review of building heights in the Downtown Oakville Heritage Conservation District revealed that approximately 80% of commercial buildings were two storeys or less. The *Ontario Heritage Act* (Subsection 41.2(1)(b)) provides that where a heritage conservation district plan is in effect the council of a municipality may not “pass a by-law for any purpose that is contrary to the objectives set out in the plan”. The Act also provides that where there is a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, “the plan prevails to the extent of the conflict”.

In an effort to ensure that there is neither confusion nor conflict respecting the matter of building height within the District, building height may be addressed in a variety of ways. At the time of adopting the designating By-law and Heritage Conservation District Plan:

- the maximum building height permitted will be the existing height. No provisions would be made to allow any increase in height, either through a variance, by-law amendment or a Council approved heritage permit; or

- the maximum building height permitted will only be that height as allowed through a Council approved heritage permit under Part V of the *Ontario Heritage Act*; or

- it can be asserted both in the District Plan and through amendments to the existing zoning by-law (or the through the new comprehensive update, the InZone project,) that a building step back will be allowed in any new construction above an existing second storey building in combination with a maximum building height set either at a third floor or the fourth floor in keeping with current provisions.
**Initiative 2: Height provision in the zoning by-law**

Given the alternative ways of addressing the matter of height within the Downtown Oakville Heritage Conservation District, the Town of Oakville will consider pursuing a course of action either through amendments to the existing zoning by-law or through the InZone project may result in the following provisions:

- The maximum building height in the Downtown Oakville Heritage Conservation District will remain at 13.5 metres, or approximately four conventional storey heights.
- In any existing one-storey building a second story may be added with no step back required.
- In existing two-storey buildings, and in new infill building construction, any addition to create a third floor will be set back 2.75 metres (9 feet) from the front building façade and any addition above a third floor will be set back 5.5 metres (18 feet) from the front building façade.
- In new building construction the same convention will be adopted with step backs established above the second floor as for existing buildings.
- In those areas where commercial buildings may have limited depth and opportunities for step backs may be restricted, the Town will seek to accommodate rear-ward expansions by encouraging minor variances to any required additional height and/or rear yard lot depth.

The above provisions are intended primarily for commercial building façades that comprise block or terraces with flat front façades. It is not intended for use with front gable, side gable, cross or multi-gabled roofs.
4.0 SIGN BY-LAW (BY-LAW NUMBER 2006-005)

4.1 INTRODUCTION

In reviewing the provisions of the Sign By-law in the Downtown Oakville Heritage Conservation District Study Heritage Assessment Report, as with the Zoning By-law provisions, there did not appear to be any major conflicts between the provisions of the By-law and those anticipated objectives for the Downtown Oakville Heritage Conservation District. The only matter that may need to be addressed is the issue of processing and managing permits under both the Town’s Sign By-law and through the heritage permit process, and any potential conflict that may arise.

Through its Sign By-law, the Town administers numerous provisions respecting the variety of type, design, size, area and location of signage.

By-law Number 2006-005 makes numerous provisions respecting the type, design, size, area and location of signage. Given the complexity of these provisions and the specific characteristics and idiosyncrasies of heritage buildings, historic storefronts and sign locations, either as fascia signs, or projecting signs, an approach should be adopted that gives the District Plan and guidelines the status of a higher standard and reduce potential for conflict. This would recognize the importance that signage has in contributing to the heritage character of the District.

Initiative 3: Sign By-law provisions

In order to rationalize the provisions of the Sign By-law and the process of heritage permit processing, the Town of Oakville considers the Downtown Oakville Heritage Conservation District Plan and Guidelines and the implementing by-law under the Ontario Heritage Act as an established higher standard in the consideration of heritage permits under Part V of the Ontario Heritage Act that supersede the provisions of the Sign By-law respecting signage.
Signage is an important element of any downtown commercial core but it should be appropriately scaled to the storefront and the streetscape environment.

Notwithstanding this interpretation, the Town will consider also amending By-law 2006-005 for the purposes of clarification by adding the following text provisions under Part IX, Miscellaneous, as follows:

“This By-law does not apply to the erection or display of any advertising device within the Downtown Oakville Heritage Conservation District designated by By-law Number 20XX-XXX, or individual properties within the District designated under Part IV of the Ontario Heritage Act, wherein all such advertising devices shall only be permitted by the approval and issuance of a heritage permit pursuant to Parts IV and V of the Ontario Heritage Act.”

Any new signage would then be considered on its merits and district guidelines and on a case-by-case basis with respect to each building façade.

For the purposes of considering signage installation, the Town of Oakville will consider utilizing the current application for fascia and ground sign permits as an application under the Ontario Heritage Act. No charge will be levied for any application for the installation of signage within the Downtown Oakville Heritage Conservation District either under the sign by-law provisions or for a heritage permit application.
5.0 SITE PLAN CONTROL

5.1 INTRODUCTION

In some heritage conservation districts it has become practice to use site plan control provisions pursuant to the Planning Act to complement the development review mechanisms of the Ontario Heritage Act. Site plan control allows the municipality to require facilities or improvements to a subject site as permitted by the Planning Act.

The dual processes and differing time spans for processing applications under the Planning Act and the Ontario Heritage Act and the overlapping of elements or components of a property that are subject to regulation, suggest that applications be considered consecutively. Pursuant to subsection 1.4.1.3 of Ontario Regulation 350/06 under the Building Code Act both heritage permit applications and site plan approvals are considered to be applicable law. A building permit may not be issued until any required approvals are given under the Planning Act and the Ontario Heritage Act.

The Ontario Heritage Act allows a fine-grain approach to the regulation of building fabric than permitted under site plan control. It is considered to be more appropriate to manage specific details of property alterations under the Ontario Heritage Act first. Accordingly, for the purposes of administering site plan and heritage permit approvals the Town of Oakville will consider a heritage permit application first followed by the consideration of a site plan application.

On the submission of a subsequent site plan application the accompanying plans and drawings may then be annotated with the specific heritage permit application file number and date of approval, e.g., “Facade materials and window details as per Town of Oakville approved heritage permit application HP23/13, December 18th, 2013”.

**Initiative 4: Site Plan Control**

In administering changes and alterations to properties within the designated Heritage Conservation District, the Town of Oakville will only process site plan applications under the Planning Act concurrently or after the submission and approval of a heritage permit application under the Ontario Heritage Act.
6.0 STREETSCAPE MANAGEMENT PLANS, WAYFINDING AND PUBLIC IMPROVEMENTS

6.1 INTRODUCTION

The Downtown Oakville Heritage Conservation District, as has been noted elsewhere, is arranged around the central spine of Lakeshore Road, a historical transportation route linking Toronto and Hamilton. During the course of public consultation while undertaking the District assessment discussion arose around co-ordinating design initiatives along this corridor regardless of whether it was partially or wholly contained within a prospective District. One means of achieving a long term, co-ordinated strategy is by means of a streetscape master plan or management plan (that will also apply to the Downtown outside the defined District).

Streetscape management plans are used in many municipalities in Ontario as a means of providing a broad design strategy and context for future physical, above-ground, improvements in the public realm, i.e., the public road right-of-way, public squares, and other publicly owned spaces. Usually, management plans also contain urban design principles and guidance on design intent that together provide a bridge between the general policy provisions of the Official Plans and specific detailed design drawings and specifications necessary for implementation. In Oakville, for example, the Town has embarked upon a Streetscape Plan for Old Bronte Road in Palermo.

In addition to streetscape management plans there are also a number of other singular “improvements” that can enhance the heritage setting of streets and their component buildings and spaces. Ideally these are pursued as part of a co-ordinated strategy effected by adopting a streetscape management plan. Accordingly, the Town of Oakville may pursue the following initiatives.

Initiative 5: Streetscape management plan

In the specific context of Downtown Oakville and the Downtown Oakville Heritage Conservation District a streetscape management plan for Lakeshore Road should be able to assist in complementing heritage conservation initiatives by:

- articulating a long-term vision for enhancing the pedestrian amenity and civic image of the historical transportation route;
- strengthening linkages to the Lake Ontario shoreline, the Sixteen Mile Creek, to surrounding residential neighbourhoods, and adjacent Heritage Conservation Districts;
- identifying key civic spaces and priority areas for specific streetscape treatment in order to enhance the character and sense of place within Downtown Oakville; and
- establishing a high standard of design within public spaces as a model for private sector initiatives.

A key administrative principle that should drive and accompany most streetscape management plans is the principle of undertaking streetscape improvements (typically above-ground work) in a co-ordinated manner at the same time as major infrastructural improvements (under-ground work) or
when other major public development is planned. This often assists in reducing implementation costs and unnecessary disruptions to adjacent property owners, business operations, vehicular traffic and pedestrians. Co-ordination of these activities should be undertaken as part of the Town’s annual capital improvements budget process. Due to the long term horizon of most municipal budgeting processes, anywhere from 10 to 15 years, most streetscape management plans should also adopt an equally longer-term approach.

A streetscape management plan is intended to serve as a design guide and future inspiration for preliminary, functional and detail design of most municipal capital projects within the entire downtown area, especially the Lakeshore Road corridor (from Navy to Allan Streets). It is also anticipated that Town priorities, financial capabilities and standards may well change or be modified over such a substantial period of time. The guidelines and recommendations of a streetscape plan are to be carefully reviewed on a case-by-case basis in conjunction with all applicable provincial laws and Town by-laws, policies and standards relating to the public road allowance. Additionally, some public improvements may have to fulfill requirements of Ontario’s Municipal Class Environment Assessment processes and these are guided by costs and magnitude and scale of anticipated environmental effects.

Typically a streetscape management plan in a downtown urban commercial core should address a variety of matters that fall within the public realm including, but not limited to:

- the type, width and materials for use in road and sidewalk construction such as concrete, imprinted asphalt and pavers,
- the appropriateness of installing grassed boulevards,
- the type of light poles and luminaires, especially in the consideration of “standard” or “off the shelf” units or the installation of special, custom designed for signature locations either of contemporary design or heritage motifs,
- the appropriateness of planting in-ground street trees and installing tree grates especially in areas where underground services may be affected,
- installation of traffic calming devices such as bump-outs or speed humps,
- the appropriateness of guard-rails, pedestrian fences or other safety features,
- planters,
- street signage,
- banners,
- kiosks,
- waste receptacles,
- bus shelters,
- bicycle racks, and
- public art.

Accordingly, the Town of Oakville will consider developing and implementing, as future municipal budget permits, a Lakeshore Road Streetscape Management Plan from Navy Street to Allan Street. The intent is to provide a coherent and strategic approach to managing an important historical, commercial corridor. The identification of design themes whether a contemporary approach or a cultural heritage based approach, or a combination of both must be left to further public consultation. An approach that ties the entire corridor together, as well as recognizes the uniqueness of the Downtown Oakville Heritage Conservation District, is to be encouraged. Council may also wish to consider similar initiatives for adjacent streets.
The identification of priorities for a streetscape management plan and its implementation require a highly integrated approach amongst a variety of Town Departments. The Town will establish an implementation and co-ordinating committee comprising staff of the Planning Services Department, the Engineering and Construction Department, Parks and Open Spaces Department, and the Recreation and Culture Department.

Regardless of whether the Town proceeds to adopt and implement a streetscape management plan, there are three components of a streetscape management plan that are considered critical in establishing a successful streetscape dynamic: wayfinding, lighting and street trees. These three components can be addressed independently and are discussed in the following subsections.

6.2 WAYFINDING

One of the key principles of a streetscape management plan for Downtown Oakville is to strengthen connections from the Downtown to surrounding neighbourhoods and Heritage Conservation Districts, the Lake Ontario waterfront and the Sixteen Mile Creek. While investments in infrastructure are crucial in providing sound physical linkages it is also important to be able to complement these by fostering supportive features such as well designed signage or other wayfinding tools (e.g., sidewalk directional markings, pathway markings, icons or design motifs on lamp standards and kiosks.) to enable pedestrians and other users to navigate their way around Downtown Oakville and beyond to the lakefront, harbour and the Sixteen Mile Creek.

Wayfinding elements such as kiosks or directional signage is used sparingly within the Downtown area.

Wayfinding, as one means of enhancing “active transportation” is important for a number of reasons:

- **Creation of meaningful links**
  The desire to create meaningful links from the Downtown to the lakefront, harbour and Sixteen Mile Creek is especially important to be able to guide tourists, visitors and local residents along safe and interesting pathways that showcase important places (such as adjacent Heritage Conservation Districts), heritage buildings, cultural features, streetscapes and parks.
- **Adopting a comprehensive approach**
  A comprehensive strategy is required for a co-ordinated approach that avoids “piece-mealing” and encourages a consistent design philosophy in a wayfinding system. The use of colour-coded street sign plates, icon or motif inspired directional signs (waves for the lake, sails for the harbour and so on), imprinted sidewalk patterns or colour-coded Town or BIA kiosks helps establish clarity in the urban environment.

**Initiative 6: District wayfinding**

Accordingly, either as part of a streetscape management plan or as a separate initiative, the Town will consider pursuing the implementation of a comprehensive wayfinding system for the Downtown Heritage Conservation District with particular attention given to establishing linkages with neighbouring Heritage Conservation Districts, the lake front and the harbour and Sixteen Mile Creek.

### 6.3 LIGHTING

Lighting within any community may serve a variety of purposes. Importantly, it illuminates the path of travel either by vehicle or on foot and can heighten and contribute to a sense of safety and security. The style of light fixture, both poles and luminaires, can also contribute to a community’s or a specific locale’s identity providing an important urban design element in the streetscape.

Conventional belief has focused on the notion that brighter was better with little consideration given to the effects of glare and light trespass into the night sky. Increased awareness of the environmental effects of lighting while attempting to achieve functional requirements, not only for vehicles but considerations for CPTED (Crime Prevention Through Environmental Design) continues to be a challenge in maintaining and improving the quality of urban life. In considering the initiation of a lighting strategy, it is important to coordinate and consider many of these issues by ensuring:

- Minimizing light pollution and trespass and preserving the experience of the night sky;
- Enhancing the urban environment during the day by using decorative light poles and fixtures that define a neighbourhood;
- Providing pedestrian lighting levels at night that promote improvement to safety and amenity;
- Enhancing selected landmark buildings, statuary or spaces;
- Complementing wayfinding initiatives;
- Deterring undesirable or illegal activities;
- Increasing public safety; and
- Minimizing power consumption in keeping with environmental sustainability and responsible use of energy.
Initiative 7: District lighting

As a means to complement the continuing enhancement of the Downtown Oakville Heritage Conservation District, the Town of Oakville, as future budget commitments permit, will consider undertaking a lighting study with the objective of improving the quality, consistency, safety and energy efficiency of night lighting in the streets, sidewalks and public spaces of the District with particular attention given to lighting the sidewalk in conjunction with wayfinding. Municipal lighting standards may also be taken into account.

6.4 STREET TREES

Historically, the streets of the downtown area of Oakville, particularly Lakeshore Road was characterised by its openness and the relative absence of continuous street tree plantings. Trees, where they were planted, appear to be predominantly located on the north side of the road allowing for pedestrian shade on the “sunny side” of the street. The particularly wide road right-of-way that now accommodates sidewalks and five lanes of vehicular traffic (two parking lanes, two travelled lanes and a turning lane) also prevented the establishment of over-arching tree canopies that help define and embellish nearby Heritage Conservation Districts. It is recognized that street trees while providing considerable public amenity (shade and visual interest) are also challenging to plant and continually maintain in compact urban cores: they compete with underground utilities for space within the public right-of-way and are often short-lived.
To date, street tree planting in the Downtown has followed an approach of continuous plantings in hard boulevards on Lakeshore Road. The trees comprise a variety of species and are located within a strip of brick or masonry pavers, without tree grates, and adjoining the concrete sidewalk. The spaces in between the trees tend to be taken up with garbage receptacles, benches and newspaper dispensers.

Elsewhere on Thomas, George and Church Streets, several of the street trees are planted within grass boulevards, likely the last remnants of the former residential uses that once predominated the area north of the Lakeshore Road commercial core.

**Initiative 8: District street tree planting**

Rather than continue to pursue a “traditional” approach of continuous street tree planting that is both unsustainable and historically inappropriate, the Town of Oakville will consider pursuing a District tree planting program that places and clusters trees strategically within the District using structural soil cells as a preferred means of planting with specific species suited to urban locations. Intervening spaces between individual clusters of trees will be designed to provide more pedestrian amenities, such as seating.

**6.5 VIEWING AREAS**

Viewing opportunities within the District are primarily focussed at the intersection of Thomas and Randall Streets with a viewing area comprising an interpretive kiosk and northward looking bench adjacent to the banks of the Sixteen Mile Creek. A key issue is that views from this viewing platform are obscured by tree growth.

![Scenic views of the Sixteen Mile Creek and tree'd valley are obscured from view.](image)

**Initiative 9: District viewing locations**

The Town will consider maintaining an open, non-obscured viewing area of the Sixteen Mile Creek and its valley lands as well as views down Thomas Street through regular pruning of tree and vegetation growth as well as consider installing a circular seating bench or back-to-back seating benches to allow 360-degree viewing opportunities.
6.6 THE WESTERN DISTRICT ENTRANCE

The Lakeshore Road western entrance to Downtown Oakville and the District was historically heralded by a distinctive bridge crossing that, together with the terraces and blocks of commercial buildings announced entry into the downtown core.

Today, the south side of the Navy Street and Lakeshore Road intersection is marked by a multi-storey apartment building and the northwest corner of the intersection features low-profile, landscape plantings. There is an opportunity to enhance this corner with an entrance or gateway feature with either with some form of public art (potentially depicting historical associations and motifs of past activities and functions), or enhanced landscape plantings incorporating wayfinding measures or accent lighting to provide some form of modest counterpoint to the building height opposite.

Initiative 10: A western District gateway

The Town will consider initiating a design competition to solicit ideas and concepts for a western Downtown Oakville Heritage Conservation District gateway feature, either as a public art or enhanced landscaping, to be implemented as the Town’s municipal budget allows.
7.0 CULTURAL HERITAGE IMPACT ASSESSMENTS AND ADJACENT LANDS

7.1 INTRODUCTION

Livable Oakville, the Town of Oakville’s Official Plan provides for the requirement to prepare a Cultural Heritage Impact Assessment (CHIA) where the development or redevelopment of property is proposed adjacent to, or in the immediate vicinity of, the boundaries of a heritage conservation district (Policy 5.3.4). The term “immediate vicinity” is not defined in the Official Plan. Similarly Section 2.6.3 of the Provincial Policy Statement, 2005, (PPS) prepared pursuant to the Planning Act also provides for the evaluation and assessment of development adjacent to designated property as follows:

“2.6.3 Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.”

Supporting definitions accompany the PPS that assist in the interpretation of these cultural heritage management policies and listed alphabetically as follows:

Adjacent lands: means...

b) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Heritage attributes: means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Protected heritage property: means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

The PPS direction contained in 2.6.3 can be summarized as requiring the following activities to be undertaken:

An evaluation of the proposed development or site alteration that affects protected heritage property on adjacent lands;

A demonstration that the heritage attributes of the protected heritage property will be conserved as part of the proposed development and site alteration; and,
A commitment to *mitigative measures and/or alternative development* approaches in order to conserve the *heritage attributes* of the *protected heritage property* affected by the adjacent development or site alteration.

In order to address initial concerns during the course of public consultation related to the matter the matter of “adjacency”, the consultant team reconsidered the delineation of the heritage conservation District boundary at its eastern limit. This addressed an area that had been defined at the intersection of Dunn Street and Lakeshore Road East. Instead of including the extensions of Dunn Street (north and south of Lakeshore Road East) and the extension of Lakeshore Road East (to the east of Dunn Street), the boundary was reduced to only include a portion of Lakeshore Road East to the west of Dunn Street.

Given the definition of “adjacency” in both the Official Plan and the PPS, it was indicated during public consultation that in order to assist in clarifying when a cultural heritage impact assessment is required, it would be clearly stated that property owners with street addresses east of 216 and 217 Lakeshore Road East to Dunn Street will not be required to submit cultural heritage impact assessments for development proposed for these properties as it pertains to effects upon the public road right-of-way. It was determined that any development of property subject to *Planning Act* applications will not have detrimental or adverse effects upon the Lakeshore Road East public realm street pavement or sidewalks as there is no remaining heritage fabric related to these surfaces. All other permits required by Town of Oakville policies would still be required.

**Initiative 11: Cultural Heritage Impact Assessments**

The Town will consider recognizing that the requirement for the preparation of a CHIA on private property east of 216 and 217 Lakeshore Road East to Dunn Street will not be required to assess adverse effects on the road right-of-way. Where development, as defined in the PPS, is proposed on lands immediately adjacent to 216 Lakeshore Road (Fifth Post Office) and adjacent to 217 Lakeshore Road East an HIA may be required where the proposed development is of such a magnitude (demolition or substantial reconstruction) that it may result in physical impacts to the adjacent designated properties.

Elsewhere and in all other respects the requirements for CHIAs would remain in full effect, that is, they would be required as per the direction in the Official Plan. In order to clarify the matter of “immediate vicinity” for the purpose of the Downtown Oakville Heritage Conservation District and the preparation of an HIA, “immediate vicinity” is defined here as those lands or properties located in whole or in part within 40 metres (131 feet) of the Downtown Oakville Heritage Conservation District boundary.
The Downtown Oakville Heritage Conservation District is shown in orange, and the 40 m CHIA catchment area is shown in yellow.
8.0 FUNDING: A GRANTS PROGRAM

8.1 INTRODUCTION

The Downtown Oakville Heritage Conservation District Study Heritage Assessment Report reviewed the matter of heritage funding programs and concluded that heritage grants are usually the most manageable of all financial incentives for the purposes of municipal implementation (Authority for establishing funding programs is found in Section 45 of the Ontario Heritage Act which requires the preparation of an enabling by-law). Typically, most programs rely on capital budget allocations being made in a municipality’s budgeting process with a program commitment of at least three to five years in order that the local community and property owners can plan within a known framework of time. Projects and work schedules can then be carefully planned by private property owners.

The first start-up year is usually a slow year with the final year of the program typically witnessing a rush of applications and demand on funds. Municipal heritage grants can be focused either on particular building types (residential, commercial institutional and so on), building features (roofs, foundations, or windows) or specific areas within a municipality such as heritage conservation districts.

The Downtown Oakville Heritage Conservation District Study Heritage Assessment Report noted that total program commitments and grant amounts may vary depending on municipal priorities but they must be of a sufficient amount to make applying worthwhile and be of benefit to the property owner in addressing substantial conservation efforts such as a façade restoration project. Grants may be organized on a first come-first served basis or by way of an annual or semi-annual competition ideally synchronized with the relevant construction season. In comparing the benefits of tax incentives with those of grants or loans it is believed that heritage grants or loan programs that actually target conservation efforts are more effective at achieving the goal of protecting heritage properties.

Moreover, for ease of municipal administration a grants program is measurably easier to manage and monitor than a loans program. Financial incentive programs provided in the form of a grant gives the municipality control in what type of work is “eligible” and that the actual work is completed (to the municipality’s approval) and fully paid. Requiring the property owner to match (or be responsible for a percentage of the costs) also ensures the property owner’s commitment. This measurable return on investment and control of the use of municipal funds is not present in a tax rebate program for example.

Heritage grants or loans are not intended to provide financial assistance for routine maintenance of these properties or for costs incurred that are not directly tied to the heritage features. It should not be the intent of the municipality to provide financial assistance to property owners for generally maintaining their property – as all properties, heritage or not, should be maintained in accordance with the Town of Oakville’s property standards.
8.2 COMPONENTS OF A HERITAGE GRANTS PROGRAM

Establishing and administering the financial aspects of a heritage grants program should reside with an appropriate Department within the Town (Financial Services Department/Corporate Services Commission). Heritage staff should typically be involved only with examining, reviewing and assessing the scope of project work to ensure that the work proposed is eligible for grant assistance and consistent with the District Plan and Guidelines. Review and co-ordination of whether such work requires the processing of a heritage permit application would also fall within the scope of heritage staff interests.

The focus of a grants program should be intended to provide financial assistance for owners of heritage property contained within the Downtown Oakville Heritage Conservation District. Although it is beyond the scope of the Downtown Oakville Heritage Conservation District Plan and Guidelines to provide a detailed guide to a grants program, the following are advised as components of a successful funding program:

- A clear objective to encourage continuing long-term economic and physical investments in the conservation of heritage fabric of designated properties.
- An appropriate allocation of municipal funding should be made to assist heritage property owners in a meaningful way over a multi-year period, from three (3) to five (5) years.
- Maximum grant aid of $20,000 per property per year.
- A municipal allocation of funds ranging from $360,000 to $600,000 for a three (3) to five (5) year program with tentative yearly allocations of $60,000, (first year) $120,000, $120,000, $120,000 (intervening years) and $180,000 (final year).
- The program will be based on an annual competition to take place in the Fall allowing for Spring construction starts.
- Grant assistance will be based on a matching fifty per cent (50%) grant for eligible heritage conservation work.
- Eligible work comprises any work that conserves or enhances heritage elements on identified heritage properties in the District Plan or in the accompanying designating by-laws for property designated under Part IV of the Ontario Heritage Act.
- Grants should not be available for any form of abrasive cleaning, (e.g., sandblasting) or high-pressure water cleaning.
- Grants supporting work necessary to restore a building to structural soundness should be considered as being eligible, e.g., the correction of serious structural faults that threaten the building’s survival but should not include structural work to accommodate modern renovations or routine maintenance.
• All properties must be in conformity with relevant policy documents and by-laws of the Town, provisions of the Zoning By-law, must not be in municipal tax arrears and must satisfy the Town’s Property Standards By-law.

• Grants can be awarded on an annual or semi-annual cycle following a request for applications with a deadline(s) to be established by the Town.

• Town staff, e.g., a Building Inspector and Heritage Planner, should perform initial inspections and site visits of the heritage property intended to be conserved and subsequent final inspection to assure compliance with the original award of the grant and any permits pursuant to the Ontario Heritage Act.

• Proposed work should usually be completed within one (1) calendar year of the date of the Council award of a grant to be eligible for payment.

• Work completed must comply with estimates, and work proposed and identified within the application.

8.3 ELIGIBLE CONSERVATION WORK

If a grants program is initiated with appropriate levels of funding that Council has determined can be supported it is usual to establish in the program guidelines clear descriptions respecting what constitutes eligible conservation work.

Any work that conserves or enhances the heritage attributes of the District or identified in Part IV designating by-laws should be capable of being grant assisted. These typically include:

• The conservation of significant architectural features such as doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the Reasons for Designation.

• The conservation or renewal of original siding and roofing materials including repair and replacement where necessary of wood cladding, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work can also include removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.

• The reconstruction of former architectural features for which the appearance can be clearly determined from documentary sources such as photographs, drawings, etc.

• The reconstruction of shop fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.

• Appropriate cleaning of masonry may be eligible if it is necessary for the building’s preservation.
• Work necessary to restore a heritage building to structural soundness, i.e., the correction of serious structural faults that threaten a building's survival, including work on foundations or roof replacement.

• The conservation of historical fences and outbuildings.

**Initiative 12: A Downtown Oakville Heritage Conservation District grants program**

The Town will consider establishing a Downtown Oakville Heritage Conservation District grants program with a program schedule, levels of funding and eligibility criteria as determined by Council in the context of prevailing municipal budget commitments.

Potentially eligible projects if a Town sponsored heritage funding program was established: refurbishing decorative features, stucco repairs, and shingle replacement.
9.0 EXPANSION OF DELEGATED APPROVALS TO STAFF

9.1 INTRODUCTION

The Town of Oakville has established a system of delegated approvals for heritage permits under the provisions of the Ontario Heritage Act (By-law 2011-115). The scope of the delegation is limited to certain types of approval that do not negatively impact any heritage features on the designated property or district as follows:

(a) exterior repainting of part or the whole of a building or structure;
(b) alterations to roofing material and colour;
(c) addition/removal of, or alterations to, permanent hard landscaping features, including but not limited to walkways, driveways, patios, planters, fences, gates, walls, trellises, arbours and gazebos;
(d) addition/removal of, or alterations to, signage;
(e) addition/removal of, or alterations to, exterior lighting;
(f) addition/removal of, or alterations to, basement windows and window wells;
(g) removal/replacement of, or alteration to, non-heritage features, including but not limited to doors, windows, trim, shutters, railings, stairs, porch, flooring, columns, brackets, and decorative features;
(h) addition/removal of, or alterations to, detached single-storey accessory buildings under 15 square metres;
(i) minor revisions to previously approved heritage permits; and
(j) temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building or structure at risk of damage.

The Town of Oakville experience to date appears to have been successful for several reasons. Importantly greatly improved customer service is achieved by reducing waiting periods from anywhere from 60 days down to 10 business days or less. This enhances the notion of the Town as being open for business, “user friendly” and dispenses with the perception of unnecessary red tape.

The reduction of time in report preparation and agenda scheduling (Heritage Oakville and Council) also frees up staff time on other heritage activities including the processing of designation requests and commenting on development applications. There is also a “green” benefit with the reduction of costs for paper and photocopying. Heritage permit reports that still require formal consideration by Heritage Oakville typically use three to five pages for the staff report, 15 to 20 pages for permit application reproduction and one for the location map: 20 to 25 pages in total.

Delegation of heritage permit approvals has appeared to be successful. Further delegation of Council’s authority to staff is appropriate.
Initiative 13: Refinement of delegated approvals

In order to further expedite heritage permit approvals Town Council will consider amending delegation By-law 2011-115 to provide for the approval by staff of all alterations to properties within the Downtown Oakville Heritage Conservation District. Notwithstanding this delegation of approval authority it is intended that staff would be diligent in bringing forward to Heritage Oakville and Council those heritage permit applications that account for substantial alterations to heritage building fabric or those involving particularly complex conservation issues. It is expected or anticipated that these will be flagged by staff in consultation with the Chair of Heritage Oakville and that in the case of extraordinary applications these would be forwarded for full consideration to Heritage Oakville and Council for decision.
10.0 PROCESS AND THE HERITAGE ADVISORY COMMITTEE

10.1 INTRODUCTION

As part of public consultation and dialogue during the preparation of the Downtown Oakville Heritage Conservation District Study Heritage Assessment Report it became apparent that there were concerns expressed about how business interests may not be appropriately valued or recognized by those with a focus on cultural heritage interests. As potential delays in the permitting process under the Ontario Heritage Act may be perceived as a deterrent to business decision making, it was suggested in the preceding Section 9 that delegation of approval of the majority of all applications for alterations would be seen as a positive step in expediting approvals.

In order to address potential alternatives if a comprehensive system of staff delegation was not implemented the Town of Oakville could establish a Downtown Heritage Conservation District Advisory Committee comprising a varied membership of heritage, business and property owners. While primarily tasked with advising staff, Heritage Oakville and Council on heritage permit applications the committee could also address strategic and longer term matters related to marketing, tourism and partnering opportunities.

While this approach does have some positive outcomes there remain a number of potential drawbacks, including:

- There may be insufficient staff resources (heritage planning staff and municipal clerks) to fully support an additional Town committee which should be administered with an agenda and appropriately minuted when addressing matters under the Ontario Heritage Act; and,

- Potential for conflicts of interest as these tend to be greater in a small geographical area of property owners which may include memberships or representation in the Downtown Oakville Business Improvement Area (BIA) or the Oakville Chamber of Commerce.

Initiative 14: A Downtown Oakville Heritage Advisory Committee

The Town of Oakville will consider evaluating the merits of establishing and evaluating the role and membership of a Downtown Oakville Heritage Conservation District Advisory Committee.