



ADDITIONAL COUNCIL AGENDA

WEDNESDAY, March 11, 2015

8. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

- R-4 Report dated March 10, 2015, from Commissioner of Commissioner of Corporate Services and Chief Financial Officer re: Expansion of the Port Credit Business Improvement Area (BIA) (Ward 1).

Recommendation

That a by-law be enacted to expand the Port Credit Business Improvement Area (Port Credit BIA) as outlined in Appendix 3 of the Corporate Report dated March 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer.

Motion

14. MOTIONS

- (h) To enact a by-law to expand the Port Credit Business Improvement Area (Port Credit BIA) as outlined in Appendix 3 of the Corporate Report dated March 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer.

Corporate Report R-4

15. INTRODUCTION AND CONSIDERATION OF BY-LAWS

- B-11 A by-law to expand the boundaries of the Port Credit Business Improvement Area and to amend By-law No. 518-92 (Ward 1).

Corporate Report R-4

- B-12 A by-law to authorize the execution of a Condominium Development Agreement and any other related documents between Nova Ridge (Aero) Development Corp, Peel Standard Condominium Corporation No. 971 and the Corporation of the City of Mississauga (CDM-M 13003 W5) (Ward 5).

CDM-M13003 W5

18. **CLOSED SESSION**

- (viii) Personal matter about an identifiable individual, including municipal or local board employee re: **Citizen Appointments to Committee of Adjustment.**



Corporate Report

Clerk's Files

Originator's
Files

CD.05.POR
(Port Credit BIA)

R-4

COUNCIL AGENDA

March 11, 2015

DATE: March 10, 2015

TO: Mayor and Members of Council
Meeting Date: March 11, 2015

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: Expansion of the Port Credit Business Improvement Area (BIA)
(Ward 1)

RECOMMENDATION: That a by-law be enacted to expand the Port Credit Business Improvement Area (Port Credit BIA) as outlined in Appendix 3 of the Corporate Report dated March 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer.

BACKGROUND: On December 17, 2014, City Council adopted recommendation PDC-0079-2014 to endorse the intention to enact a by-law to expand the boundaries of the Port Credit BIA. A copy of the associated corporate report is attached as Appendix 1. In accordance with the *Municipal Act, 2001*, notice of intention to pass a by-law for the expansion of the Port Credit BIA was sent to all landowners who pay commercial property taxes within the existing and the proposed expansion boundary area (Appendix 2).

COMMENTS: Upon completion of the 60 day notice period, a total of eight (8) objections were received by the City Clerk from eligible commercially taxed property owners. The objections were received from properties within the proposed expansion area. Given that more than 2/3 of the

eligible commercially taxed property owners did not object, there is positive support for the expansion of the Port Credit BIA boundary.

In order for the by-law not to proceed, the *Municipal Act, 2001*, states:

Objections

3(a) written objections are received by the clerk of the municipality within 60 days after the last day of mailing of the notices;

(b) the objections have been signed by at least one-third of the total number of persons entitled to notice under subsection (1) and under clause (2) (a); and

(c) the objectors are responsible for,

(i) in the case of a proposed addition to an existing improvement area:

(A) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area, or

(B) at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the geographic area the proposed by-law would add to the existing improvement area, or

(ii) in all other cases, at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area. 2001, c.25, s.210 (3).

A by-law establishing the expansion of the Port Credit BIA will come before Council for approval. Once the expanded BIA boundary is established, the Executive will prepare a budget for the BIA, subject to Council's approval.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: Given that the objections to the expansion of the BIA boundary do not represent at least one-third of the business property class taxes levied in the Port Credit BIA, and in accordance with the *Municipal Act*,

2001, the City Clerk deems that it is valid for City Council to enact a by-law to expand the Port Credit BIA within the proposed boundary area.

ATTACHMENTS:

Appendix 1: Planning and Development Committee Corporate Report titled "Proposed Expansion to the Port Credit Business Improvement Area (BIA)", dated ~~November~~ November 18, 2014

Appendix 2: Notice of Intention to Expand the Port Credit BIA

Appendix 3: Proposed Port Credit BIA Boundary Expansion Map



Gary Kent

Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Mumtaz Alikhan, Legislative Coordinator

R-4(C)



Corporate Report

Clerk's Files

Appendix 1

Originator's
Files

CD.05.POR
(Port Credit BIA)

DATE: November 18, 2014

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 8, 2014

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Proposed Expansion to the Port Credit Business Improvement Area (BIA)**

- RECOMMENDATION:**
1. That the report titled "Proposed Expansion to the Port Credit Business Improvement Area (BIA)" dated November 18, 2014 from the Commissioner of Planning and Building, be received.
 2. That the City Clerk be authorized to give notice to the Board of Management of the Port Credit Business Improvement Association and to all commercial and industrial property owners defined under the *Municipal Act, 2001*, within the current Port Credit BIA boundary and the proposed boundary expansion, of City Council's intention to enact a by-law to expand the boundaries of the Port Credit BIA as shown on Appendix 4.

**REPORT
HIGHLIGHTS:**

- A letter dated May 27, 2014 was submitted to City Council by the General Manager of the Port Credit Business Improvement Association expressing their Board of Directors' interest in expanding the boundary of the Port Credit BIA.
- On June 11, 2014, City Council received the letter and referred it to Planning and Building staff to prepare a report.

- A review of the boundary proposed by the Port Credit Business Improvement Association finds the extent of the proposed boundaries is generally acceptable. Some additional properties are recommended for inclusion while a few properties are suggested not to be included in the boundary expansion. Appendix 4 is the staff recommended boundary for the Port Credit BIA.
- The next step in the process is for the Office of the City Clerk to notify owners in all prescribed business property classes, as defined under the *Municipal Act, 2001*, within the current BIA boundary (By-law 518-92) and the proposed BIA boundary expansion.

BACKGROUND:

The City of Mississauga (City) recognizes that there are wide-ranging benefits of a Business Improvement Association (BIA). BIAs can, for example, promote the area as a business or shopping area; provide beautification or streetscape improvements; help revitalize an area; promote and market businesses; and hold special events to promote businesses in the area.

The Port Credit BIA was first established on April 12, 1977 (By-law 163-77). Then in 1984, the Port Credit Business Improvement Association requested an expansion of the BIA boundary, resulting in the enactment of By-law 892-84. In 1990, another request was made by the Port Credit Business Improvement Association for a further expansion to the boundary. The process ensued in an appeal to the Ontario Municipal Board in which a Board Order was issued on January 4, 1995 (By-law 518-92). The present boundary of the Port Credit BIA is reflected in By-law 518-92.

The *Municipal Act, 2001* provides the legislative requirements for establishing or expanding a BIA. Objections are no longer directed to the Ontario Municipal Board but must be provided in writing to the City Clerk within the 60-day objection period. The Ministry of Municipal Affairs and Housing *Business Improvement Area Handbook* provides an overview of the procedures for establishing and operating a BIA in Ontario.

In recent years, the Port Credit Business Improvement Association has met with City staff to discuss the opportunity for a boundary expansion. Earlier this year, City staff attended meetings with the General Manager of the Port Credit Business Improvement Association to review the boundary expansion process and the proposed limits.

A letter addressed to the Mayor and Members of City Council dated May 27, 2014 from Ellen Timms, General Manager of the Port Credit Business Improvement Association, expressed the Board of Directors' interest in expanding the boundary of the BIA in Port Credit (see Appendix 1). The requested east-west boundary extension includes businesses located generally on the north and south sides of Lakeshore Road East from Cooksville Creek to Maple Avenue. The north boundary extends to the Canadian National Railway tracks, mainly at four locations by the railway tracks - at Wesley Avenue, Mississauga Road North, Helene Street North, and the Cooksville Creek. The boundary that is proposed by the Port Credit Business Improvement Association's Board of Directors is shown on Appendix 2.

On June 11, 2014, City Council received the letter dated May 27, 2014 from the General Manager of the Port Credit Business Improvement Association and referred the letter back to Planning and Building staff to prepare a report for Planning and Development Committee.

Legislative Requirements

Section 209 of the *Municipal Act, 2001* ("the Act") provides that the City may alter the boundaries of an improvement area and the board of management remains unchanged for the altered area. The board of management is a local board of the municipality for all purposes and is subject to various regulatory responsibilities and obligations.

In accordance with the Act, the City must pass a by-law to change the boundary of a BIA. Before such a by-law can be passed, notice of City Council's intention to pass a by-law must be sent to the Board of Management of the BIA and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located in the existing improvement area and the proposed expansion area.

It is the responsibility of property owners to provide a copy of the notice to their tenants. If written objections to the proposed by-law are received within 60 days and signed by at least one-third of the persons entitled to notice and representing at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the improvement area or in the expansion area, then the Act prohibits the passing of the by-law.

If the proposed By-law is not enacted, preceding By-law 518-92 continues to remain in effect.

COMMENTS:**BIA Boundary as Proposed by the Port Credit Business Improvement Association**

The proposed BIA boundary expansion area consists of commercial, office, industrial, automotive service commercial, residential, and community and cultural uses located along Lakeshore Road East and Lakeshore Road West (see Appendix 2). The sites located close to the Canadian National Railway tracks include industrial businesses, mixed uses, commercial, and residential uses.

BIA Boundary as Recommended by City Staff

A review of the proposed Port Credit BIA boundary expansion was undertaken by Planning staff. Factors such as the existing use of the property (i.e., commercial locations), the designation of the property in Mississauga Official Plan (including the Port Credit Local Area Plan – Amendment 19), and the provision for a contiguous BIA boundary were considered in assessing the proposed boundary.

Appendix 3 is an excerpt of the land use designation map from Mississauga Official Plan and it shows the boundary that is proposed by the Port Credit Business Improvement Association and the boundary expansion recommended by staff.

City staff generally agree with the boundary proposed by the Port Credit Business Improvement Association for the following reasons:

- along Lakeshore Road (East and West) from Maple Avenue to Cooksville Creek, the majority of properties are designated “Mixed Use.” The existing commercial, office, and residential uses are permitted in this designation. One detached dwelling in this area is designated “Mixed Use” which allows for future development of other uses such as commercial;
- a few sites in the east end of the proposed area are designated “Residential High Density” and appropriate for inclusion in the BIA as they provide for a contiguous boundary along Lakeshore Road East and are being considered for redesignation through the Lakeview Local Area Plan review for “Mixed Use”;
- along Helene Street North, a few properties are designated “Mixed Use” and are in close proximity to Lakeshore Road East; and
- the two properties on Port Street West proposed for inclusion are designated “Residential Low Density I”, and in these instances are appropriate to be added to the BIA boundary. The property located at Port Street West and Mississauga Road South (15 Mississauga Road South) is being considered through the Port Credit Local Area Plan – Amendment 19 and Special Site 4 for other uses such as office, restaurant and personal services in addition to the “Residential Low Density I” designation. The site located at Port Street South and John Street South (44 Port Street South) is one property with two land use designations (“Mixed Use” and “Residential Low Density I”) and it is recommended that the whole property be included.

It is suggested that some properties should not be included in the BIA boundary expansion for the following reasons:

- some properties do not have a commercial or industrial designation, or they do not provide for a contiguous boundary;
- the property located at 70 Mississauga Road South (Imperial Oil) is identified in the Port Credit Local Area Plan - Amendment 19 as a "Special Waterfront" designation. That designation specifies that a comprehensive master plan will be carried to determine the use of the lands, and the land use will be appropriately amended. Therefore, City staff advises that the property be excluded from the boundary expansion at this time. A future boundary expansion to include this property may be reconsidered following the completion of a comprehensive master plan; and
- the lands along the Canadian National Railway tracks west of Mississauga Road North are not recommended to be included in the boundary extension. Although these lands are designated "Business Employment", they are not in close proximity to Lakeshore Road East or along an arterial road such as Hurontario Street.

There are additional properties that are recommended for inclusion in the BIA boundary:

- include entire properties designated "Mixed Use" along Lakeshore Road East and not portions of the properties;
- properties designated "Mixed Use" which are located on streets that flank Lakeshore Road (East and West) should be included in the BIA boundary; and
- the Port Credit Local Area Plan – Amendment 19 proposes redesignation of some properties to "Mixed Use" such as the "Residential Medium Density" properties on the north side of

Lakeshore Road West at Benson Avenue and the “Residential High Density” properties located at the southwest quadrant of the Canadian National Railway tracks and Hurontario Street.

Appendix 4 presents the staff recommended boundary expansion of the Port Credit BIA.

STRATEGIC PLAN: The expansion of the Port Credit BIA aligns with the following goals and actions of the City’s Strategic Plan:

CONNECT: Completing our Neighbourhoods

- Develop Walkable, Connected Neighbourhoods
- Build Vibrant Communities
- Nurture “Villages”

PROSPER: Cultivating Creative and Innovative Businesses

- Meet Employment Needs

FINANCIAL IMPACT: Not applicable.

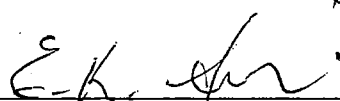
CONCLUSION: The City of Mississauga has four established BIAs: Clarkson, Malton, Streetsville, and Port Credit. BIAs provide many benefits for the local businesses and neighbouring residential areas, including making the area more attractive to visit and shop, promoting businesses, and assisting in revitalization.

City staff are in general agreement with the proposed boundary expansion of the Port Credit BIA as outlined by the Port Credit Business Improvement Association, with the exception of some properties that are suggested for exclusion, and some additional properties that are recommended to be included as part of the Port Credit BIA boundary expansion. The boundary expansion area recommended by staff is shown on Appendix 4.

The *Municipal Act, 2001* establishes the requirements for City Council to deal with a request to alter the boundaries of a business improvement area. To obtain the position of the business community within the recommended BIA, the City should initiate the statutory process required to implement the expansion of the Port Credit BIA designation.

ATTACHMENTS:

- Appendix 1: Letter from the General Manager of the Port Credit Business Improvement Association, dated May 27, 2014
- Appendix 2: Port Credit Business Improvement Association – Proposed Port Credit BIA Boundary Expansion (Map)
- Appendix 3: Port Credit BIA Land Use Designations (Map)
- Appendix 4: Recommended Port Credit BIA Boundary Expansion (Map)



Edward R. Sajecki
Commissioner of Planning and Building

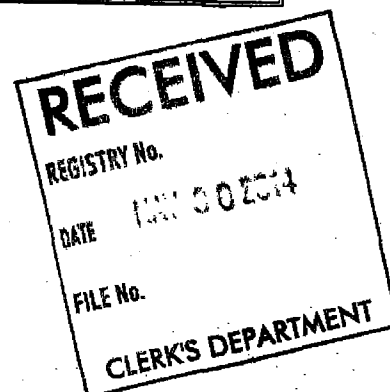
Prepared By: Karin Phuong, Policy Planner



R-4(k)

Port Credit

Always On. Always Electric!



May 27, 2014

Mayor Hazel McCallion and Members of Council
City of Mississauga
300 City Centre Drive
Mississauga, L5B 3C1

Dear Mayor McCallion and Members of Council,

RE: Proposed Port Credit BIA Boundary Expansion

The Board of Directors of the Port Credit BIA would like to express their willingness to expand the boundaries of the Port Credit BIA.

The Port Credit Business Improvement Area (BIA) was formed in 1976. In the ensuing years the nature of the area and indeed Port Credit has changed. In 1991 a boundary expansion added Credit Landing Plaza west of Wesley Avenue but permitted the businesses in between the existing boundary and the shopping plaza to opt out of the expansion.

There are many businesses that have emerged just outside the established boundaries, but are in fact perceived by the public as being in Port Credit and reap the benefits of that perception. Many of these businesses have chosen to become associate members of the PCBIA. There are commercial operations on side streets running directly off Lakeshore Rd. E. that are not included in the PCBIA boundary.

Lakeshore Rd. East and West has become more built up and the Port Credit business community has emerged, added to these changes is the proposed developments on the east and west boundaries of the PCBIA. We have found idiosyncrasies in the boundary with some side streets not included while others are.

A motion was made at the May 14, 2014 meeting that the PCBIA request to City Council that the PCBIA boundary be expanded to the following boundaries:

Lakeshore Rd. East from Hurontario St. to the Cooksville Creek including commercial properties on side streets leading off Lakeshore Rd. E. (South side - 341, 348, 374-398, 406, 420, 456, 494, 498, 504) (North side- 411, 425, 447, 453, 501)

2, 3 Brant Avenue

7, 9 Mohawk Avenue

Lakeshore Rd. West from Hurontario to 380 Lakeshore Rd. W. (north side) and 345 Lakeshore Rd. W. (south side) including commercial properties on side streets leading off Lakeshore Rd. W. (North side - 150, 170, 176, 182, 188, 200-212, 264-272, 280, 296-300) (South side - 161, 167, 181, 304, 321-327)

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R-4(1)

7 Elmwood Avenue

3 Benson Avenue

10 Stavebank Rd. N.

6, 8, 23-31 Helene St. N.

Mississauga Rd. N. from Lakeshore Rd. W. to the CNR tracks. (49-71, 18)

49 Mississauga Rd. N. (Strip plaza)

15 Mississauga Rd. S.

Queen St. W. (2, 6, 10, 20, 28-34)

70 Wesley Avenue

44 Peter St. which has seven businesses with signs on Lakeshore Rd. W. and Peter St.

Please consider that when the Texaco property is developed along Lakeshore Rd. W. this area should be considered for expansion.

We note the Municipal Act 2001, Section 25 deals with boundary expansion and has streamlined and simplified the process.

Sincerely,

Ellen Timms

Ellen Timms
General Manager

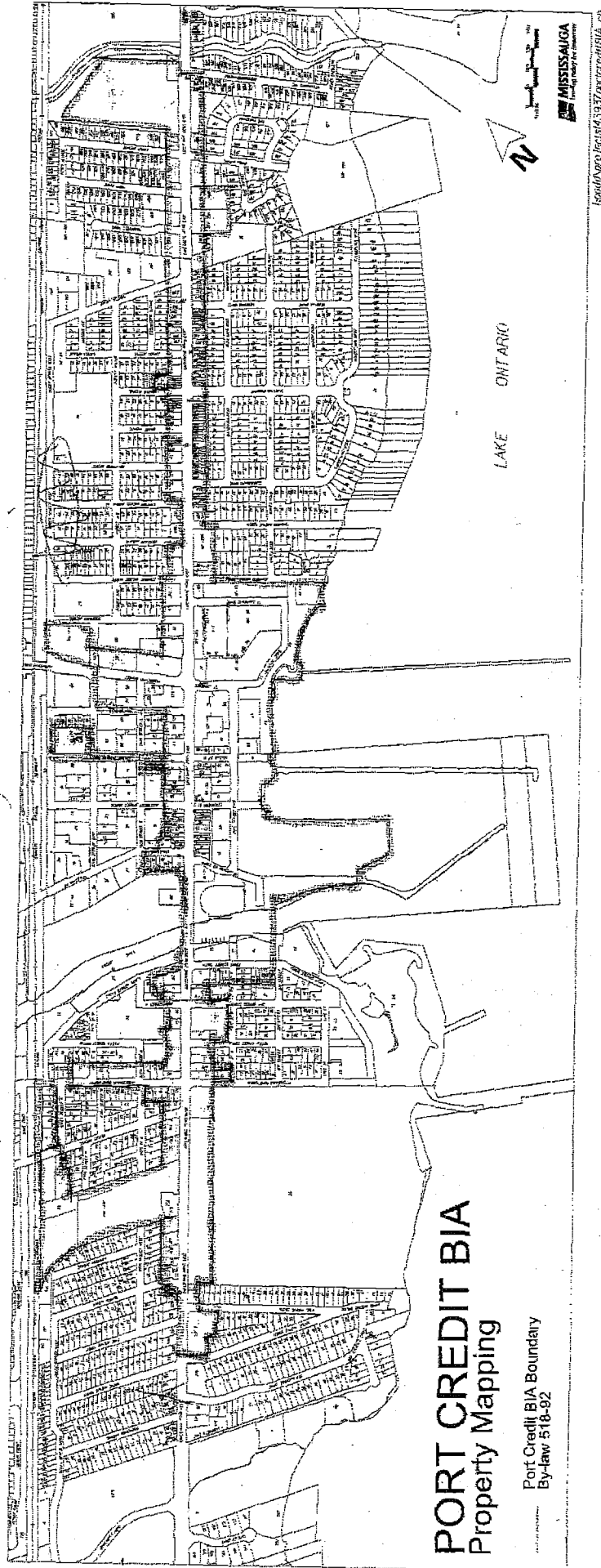
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<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Appropriate Action
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<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input checked="" type="checkbox"/> Report

Cc: Jim Tovey, Councillor Ward One
Ed Sajecki, Commissioner of Planning and Building
Heather MacDonald, Director of Policy Planning
Susan Tanabe, Manager Community Planning
Crystal Greer, Director, Legislature Services & City Clerk

R-4(m)

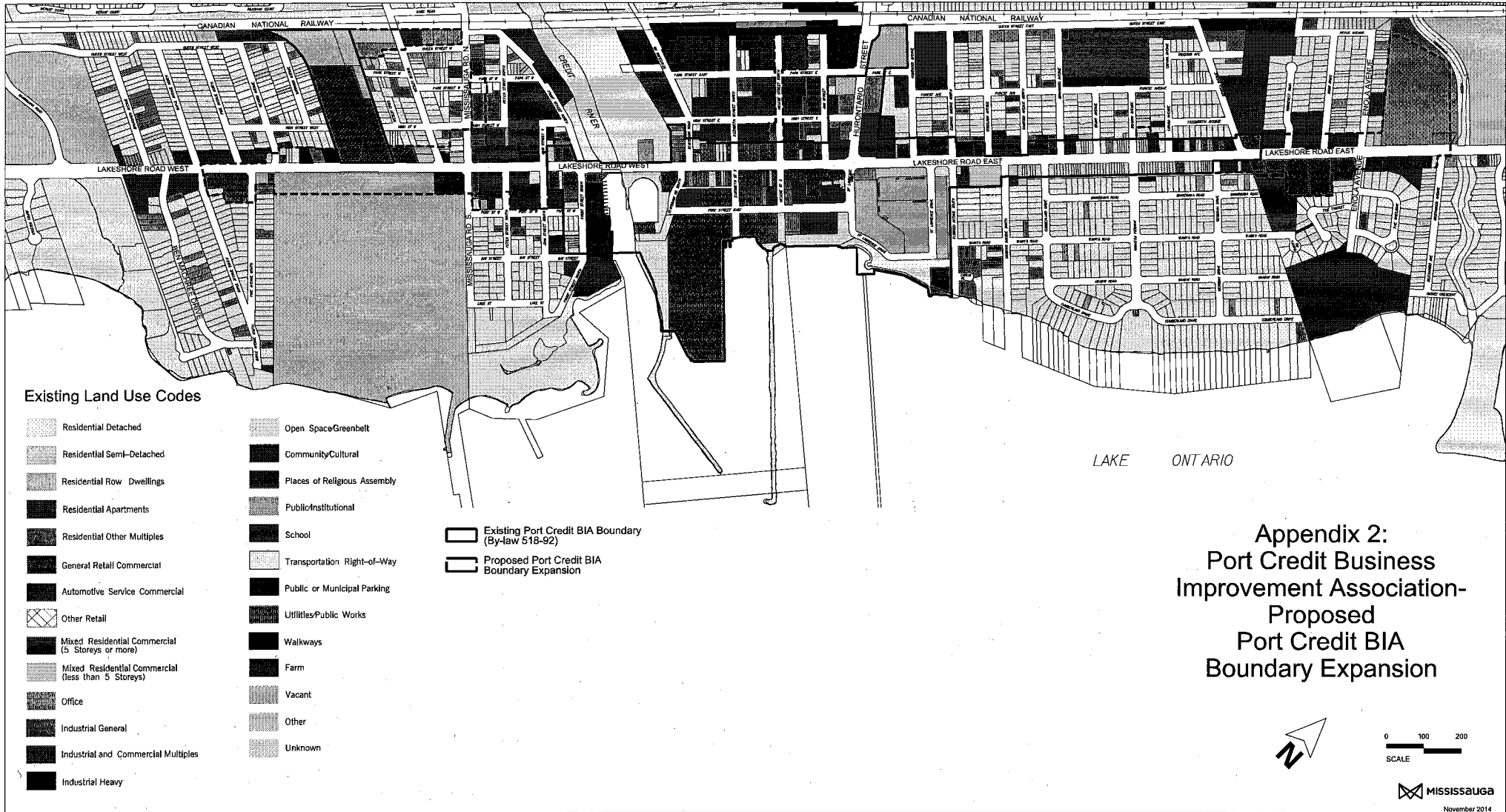
Businesses located
at 44 Peter St.

- Avalokitesvara Kadampa Buddhist Centre
- Positions School of Ballet
- Fitness by the Lake
- Warren B&C
- Prince Edward Montessori
- Impressions School of Art
- CM Conservatory of Music



Boundary Expansion Request
May 27, 2014

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Appendix 2: Port Credit Business Improvement Association- Proposed Port Credit BIA Boundary Expansion

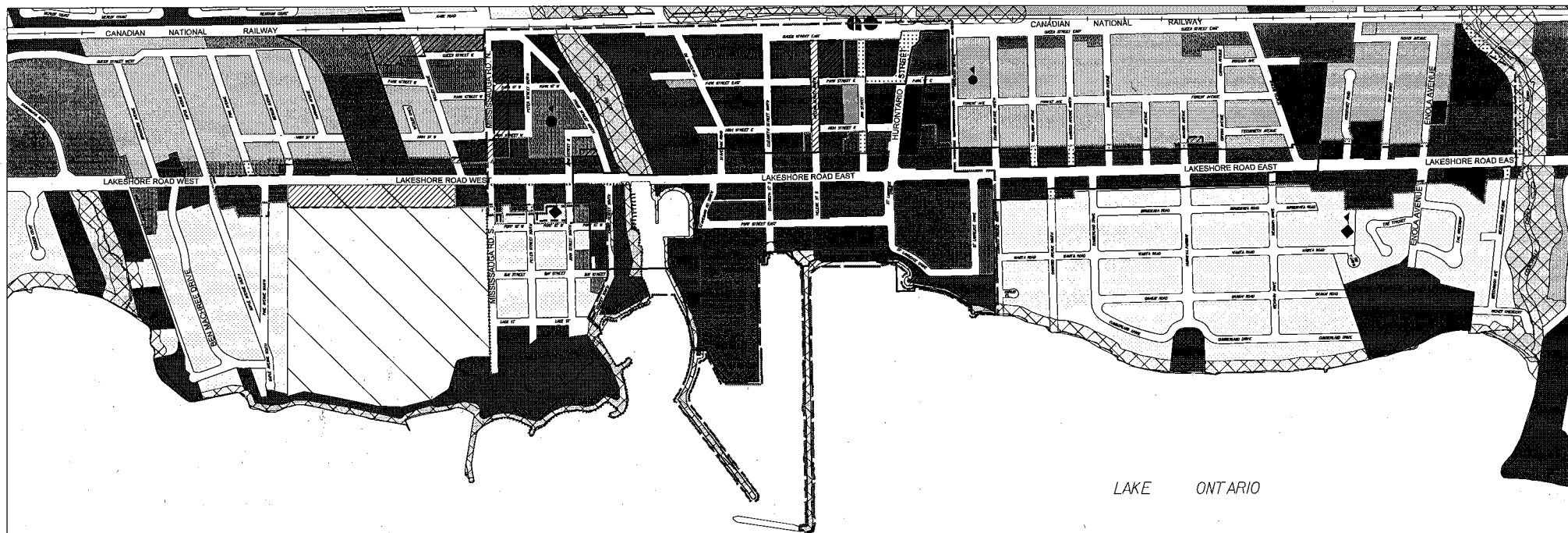


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MISSISSAUGA

November 2014

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LAND USE DESIGNATIONS

	Residential Low Density I		Business Employment
	Residential Low Density II		Industrial
	Residential Medium Density		Airport
	Residential High Density		Institutional
	Downtown Mixed Use		Public Open Space
	Downtown Core Commercial		Private Open Space
	Mixed Use		Greenbelt
	Convenience Commercial		Parkway Belt West
	Motor Vehicle Commercial		Utility
	Office		To Be Determined

BASE MAP INFORMATION

	Heritage Conservation District
	Community Node Boundary
	Natural Hazards
	GO Rail Transit Station
	Public School
	Catholic School
	Community Facilities

	Existing Port Credit BIA Boundary (By-law 518-92)
	Proposed Port Credit BIA Boundary Expansion
	Recommended Port Credit BIA Boundary Expansion
	Properties Not Recommended for Expansion of the Port Credit BIA
	Additional Properties Recommended for Expansion of the Port Credit BIA

Appendix 3: Port Credit BIA Land Use Designations Part of Schedule 10 Mississauga Official Plan



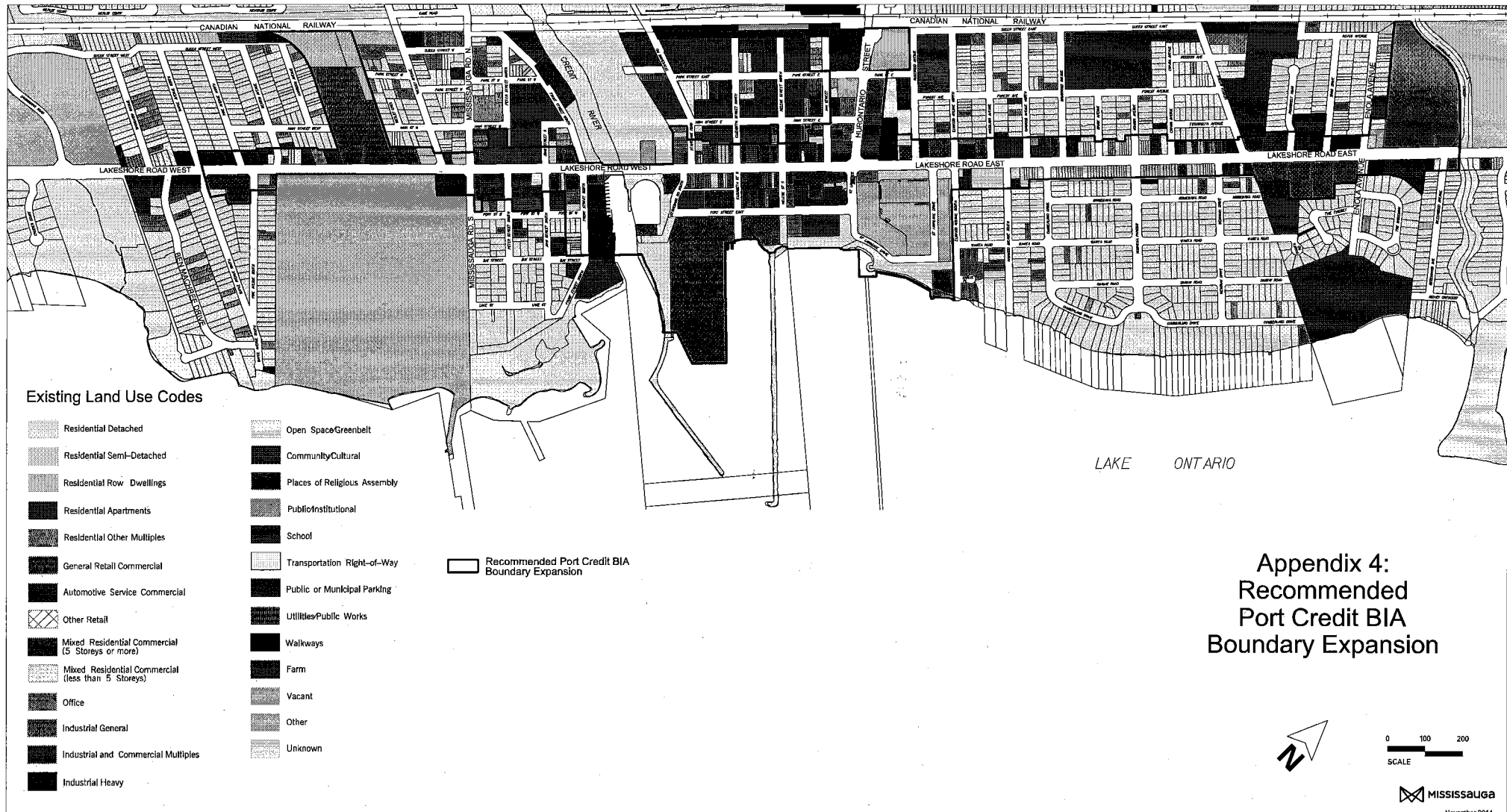
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MISSISSAUGA
November 2014

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Notice of Intention to Expand the Port Credit Business Improvement Area (BIA)

In May 2014, the Port Credit Business Improvement Area (BIA) expressed interest in expanding the boundary of the BIA in Port Credit. On December 17, 2014, City Council endorsed the intention to approve a by-law to expand the existing boundaries of the Port Credit BIA as shown on the attached map (detailed maps can be viewed at <http://www.mississauga.ca/portal/cityhall/publicnotices> or call 905-615-3200 x 5425). The *Municipal Act, 2001, S.O 2001, Chapter 25* requires that notice of the intention to enact the by-law be sent to all property owners within the current boundary and the proposed expansion area of the BIA that pay commercial property taxes. If the by-law is approved, the Port Credit BIA boundary will be expanded and commercial property owners and/or their tenants will be obligated to pay a special BIA levy.

Duties of Landowner (According to the *Municipal Act, 2001*)

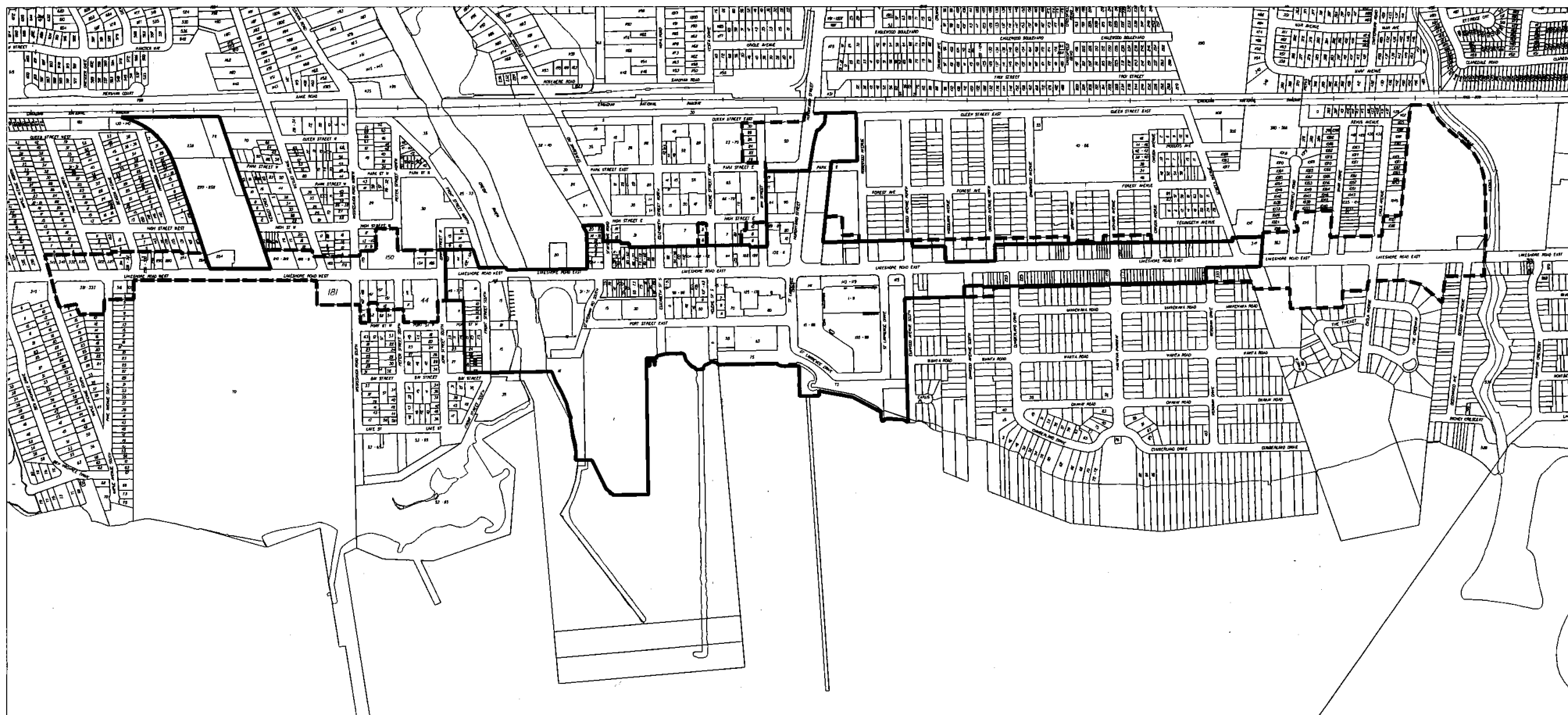
1. Each landowner who receives this notice is required to undertake the following within 30 days after the mailing date (**deadline February 9, 2015**):
 - (a) give a copy of the notice to each affected tenant of the property to which the notice applies who is required to pay all or part of the taxes on the property; **and**
 - (b) give the Clerk of the municipality a list of every tenant described in (a) above and the share of the taxes that each tenant is required to pay.
2. If you support the proposed BIA expansion, you do not need to take any further action.
3. If you oppose the proposed BIA Expansion, objections must be sent to the Clerk, City of Mississauga, 300 City Centre Drive, Mississauga, L5B 3C1 or city.clerk@mississauga.ca no later than **March 9, 2015**.



A municipality shall not pass a Business Improvement Area Expansion By-law if:

- (a) written objections are received by the Clerk of the City of Mississauga within 60 days after the mailing date of the notices (**deadline March 9, 2015**); and
- (b) the objections have been signed by at least one-third of the total number of persons entitled to notice; and
- (c) the objectors are responsible for at least one-third of the taxes levied on taxable property in all business/commercial property classes in the improvement area.

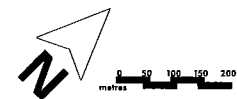
Key Dates:

Notice issue date	January 8, 2015
Duties of Landowner	On or before February 9, 2015
Objections	On or before March 9, 2015
If criteria is met to Expand Port Credit BIA Council Endorsement of the By-law	March 11, 2015



-  Port Credit BIA Boundary
(By-law 518-92)
-  Recommended Port Credit BIA
Boundary Expansion

PORT CREDIT with RECOMMENDED PORT CREDIT BIA BOUNDARY EXPANSION, LOTS AND ADDRESSES



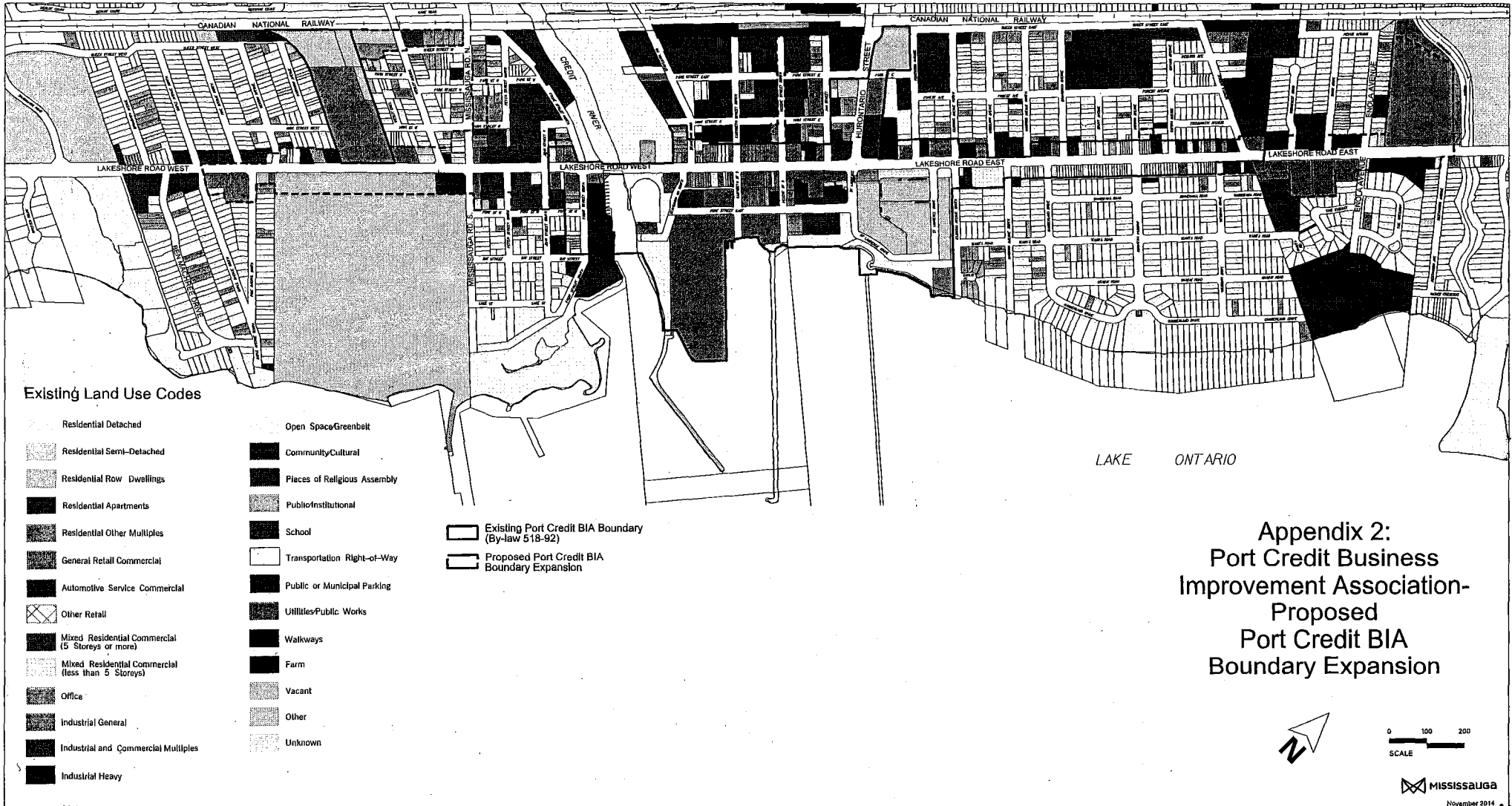
Produced by T&W, Geomatics

January 2015

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12-4(S)



Appendix 2:
Port Credit Business
Improvement Association-
Proposed
Port Credit BIA
Boundary Expansion