



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 12, 2021

FROM: Planning Services Department

DATE: March 30, 2021

SUBJECT: Update Report, Official Plan Amendment & Zoning By-law Amendment, Amico Properties

LOCATION: 152 Wilson Street

WARD: Ward 2

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RECOMMENDATION:

That the report entitled Update Report, Official Plan Amendment & Zoning By-law Amendment, Amico Properties Inc./Spruce Partners Inc., 152 Wilson Street, File No. OPA 1615.12 and Z.1615.12, be received.

KEY FACTS

- The subject Official Plan Amendment and Zoning By-law Amendment applications propose a 6 storey retirement home with 230 units, 110 parking stalls and indoor and outdoor amenity space.
- The subject lands are designated Main Street 1 and zoned Community Use by the Livable Oakville Plan and Zoning By-law 2014-014.
- An amendment to the Main Street 1 designation of the Livable Oakville Plan is sought to permit: an increase in height from four to six storeys without bonusing; for the seniors residence use to occupy the ground floor along Kerr Street; and, for the building to be stepped back at the fourth rather than the third storey.
- The proposed Zoning By-law Amendment seeks to rezone the lands to a site-specific MU 1 zone which would permit a maximum building height of 6 storeys, a seniors residence use to occupy all of the ground floor adjacent to Kerr Street, and provide for site-specific modifications to building setbacks.
- The applications were submitted and deemed complete on June 15th, 2020 and a statutory public meeting was held on September 8th, 2020.
- Since the statutory public meeting on September 8th, 2020, staff provided a consolidated set of comments to the applicant on September 28th, 2020 and

engaged in a number of meetings and correspondence with the applicant regarding clarification of comments, and potential design solutions.

- In a submission dated January 27th, 2021, the applicant submitted updated reports and revisions to their original development application presented at the statutory public meeting to address staff comments, and Council and public feedback received at the statutory public meeting.
- In principle, the establishment of a retirement home land use would be supportive of a complete community, however it is necessary for the design of the proposed retirement home to be responsive to the surrounding context, including the enhanced streetscape along Kerr Street.
- The main street district in Kerr Village is a good example of a successful main street within the town and is a defining feature of this growth area. The commercial shops, services and restaurants found along the main street serve the needs of local residents, employees, and visitors alike. They contribute to the Town's vibrant and walkable neighbourhoods, provide employment opportunities, contribute to transit-supportive land use patterns, promote active transportation, and play a key role in fostering this vitality through an active main street environment.
- Through review of the development application, as currently proposed, the applicant has not demonstrated that the proposal would meet the intent of the Livable Oakville Plan with respect to the enhanced streetscape.
- The purpose of this report is to provide Council with a status update of the review of the development application.
- Staff intend to continue to work to complete the review of this development application and to expeditiously bring forward a recommendation report.

BACKGROUND

Proposal

An Official Plan Amendment and Zoning By-Law Amendment application were submitted which proposes a 6 storey retirement home with 230 units, 110 parking stalls and indoor and outdoor amenity space. More specifically, the retirement home proposes to provide a continuum of care with 104 suites dedicated to assisted-living and memory care and the remainder 126 units being dedicated to independent-living units which include a full or partial kitchen, bathroom, living area and wither one or two bedrooms with unit sizes ranging from 65 m² (700 ft²) to 75 m² (800 ft²). All units would have access to common areas and a shared dining facility.

Outdoor amenity space is proposed to be provided at the northern side of the building as an outdoor dining area backing onto Westwood Park, and an outdoor memory garden court and terrace on the second floor. Indoor amenity space is proposed to be provided on the ground floor and includes a fireside lounge, green house, library, bistro, multi-purpose room, salon, spa, pool, change room, fitness studio, bar/lounge, lounge/games room, kitchen and dining areas.

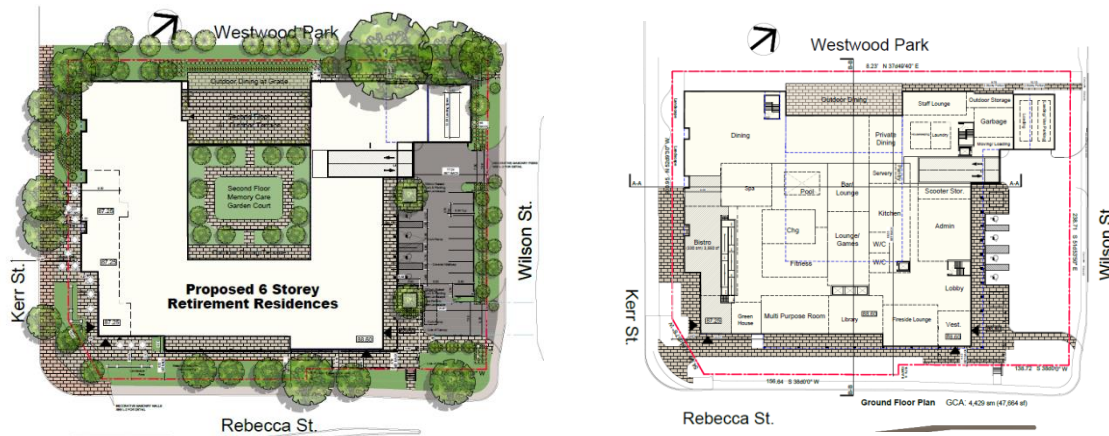


Figure 1: Proposed Site and Ground Floor Plans

Since the statutory public meeting on September 8th, 2020, staff provided a consolidated set of comments to the applicant on September 28th, 2020 and engaged in a number of meetings and correspondence with the applicant regarding clarification of comments, and potential design solutions.

According to the applicant, revisions to the original development application presented at the statutory public meeting to address staff / public comments include:

- Increase to the bistro area presence along Kerr Street to assist in further animation of the streetscape including at-grade access along the majority of the Kerr Street frontage with increased at-grade interlocking to facilitate direct access points, permanent seating, increased amount of windows and additional landscaping. The bistro occupies a minimum of 65% of the ground floor along Kerr Street and has a total area of 310 square metres (3,336 square feet) with the outdoor seating area occupying a total area of 225 square metres (2,421 square feet). The increased bistro area will include up to 12 permanent tables and 48 permanent chairs. The bistro is intended to provide public service and permanent seating to animate the streetscape and to provide opportunities for community pausing and gathering;
- Added additional connectivity from within the building along Kerr Street, and eliminated the retaining wall, allowing for better and more animation along the Kerr Street frontage;
- Increased landscaping along the northern portion of the Kerr Street frontage not occupied by at-grade access to facilitate a strong landscape connection to Westwood Park to the north of the Subject Lands;
- Revisions to the Kerr Street elevation to incorporate 3 storey articulation, with the addition of a new step back to the main building;

- *Revisions to the Kerr Street elevation design to incorporate an undulating main wall giving the appearance of smaller "store front" sized bays that better mimic and speak to the surrounding Kerr Village retail frontages;*
- *Revisions to Wilson Street elevation to incorporate 3 storey articulation, with the addition of a new step back to the main building;*
- *Addition of a direct pedestrian connection from the southeast corner of the building to Rebecca Street via a staircase;*
- *Revisions to the ground floor amenity area design to incorporate the bistro along the majority of the Kerr Street frontage to assist in animation of the streetscape as discussed above; and,*
- *Revisions to the floor plans for floors four to six to address the changes made through the additional step backs.*

The below rendering provided by the applicant illustrates the changes made to the Kerr Street frontage and the intersection at Kerr Street and Rebecca Street:



Figure 2: Applicant's Rendering of Kerr Street Frontage (original on left, current on right)

The current version of the floor plan showing the uses at grade is provided below:

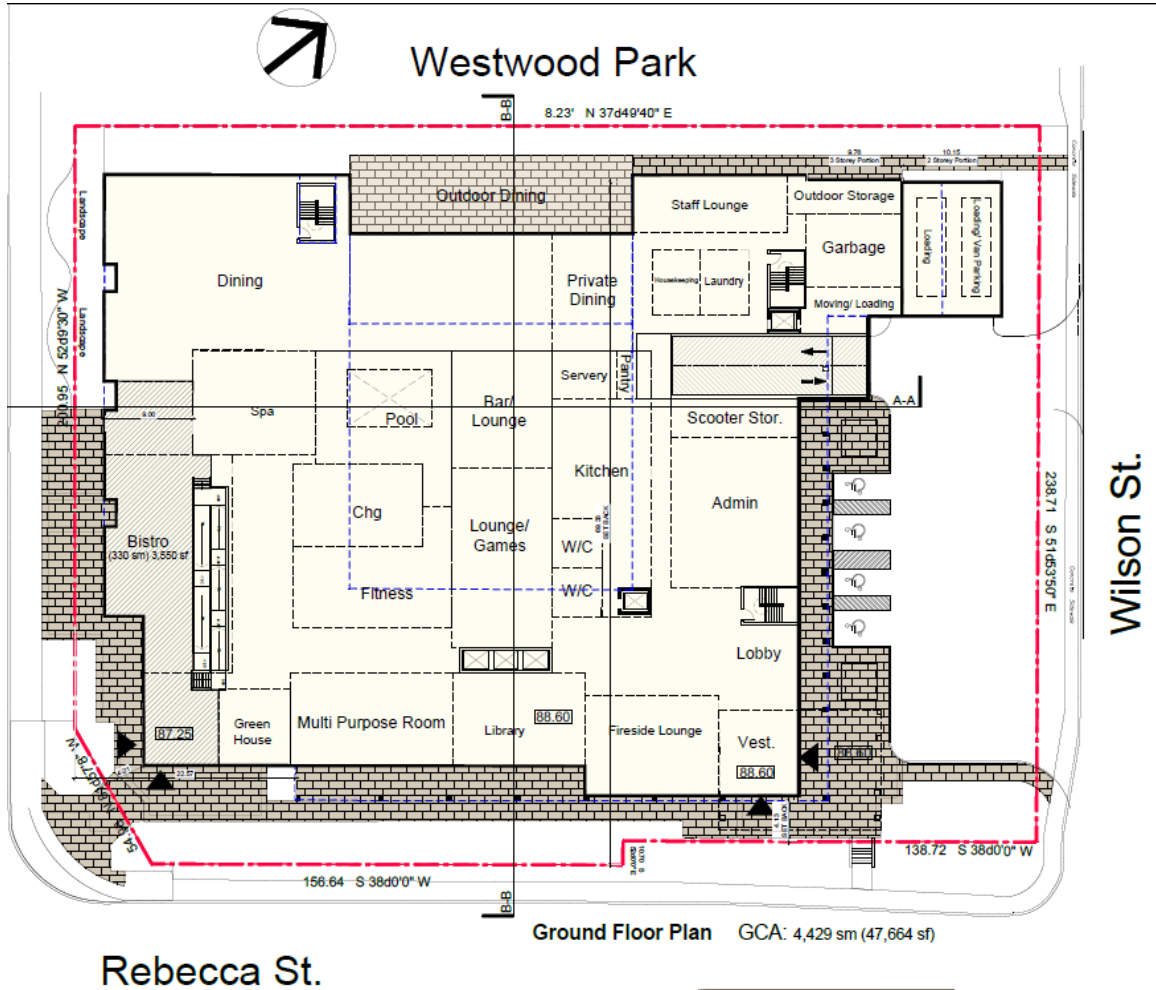


Figure 3: Ground Floor Plan

Plans and reports submitted in support of the application are available on the town's website at the following link: <https://www.oakville.ca/business/da-35778.html>.

Location & Site Description

The subject lands are located north of Rebecca Street between Kerr Street and Wilson Street. The subject lands are approximately 0.72 ha (1.79 acres) in size with approximately 76 m of frontage on Kerr Street, 90 m of frontage along Rebecca Street and 72 m of frontage along Wilson Street. The site is currently occupied by a former school building which has been used by the Lions Foundation of Canada Dog Guides. The existing building varies in height from one storey along the Kerr Street frontage to three storeys along the Wilson Street frontage. The three storey portion of the existing building provides a setback of approximately 21 m (68 ft) to the eastern property line along Wilson Street. Access to the site is currently provided from Wilson Street.

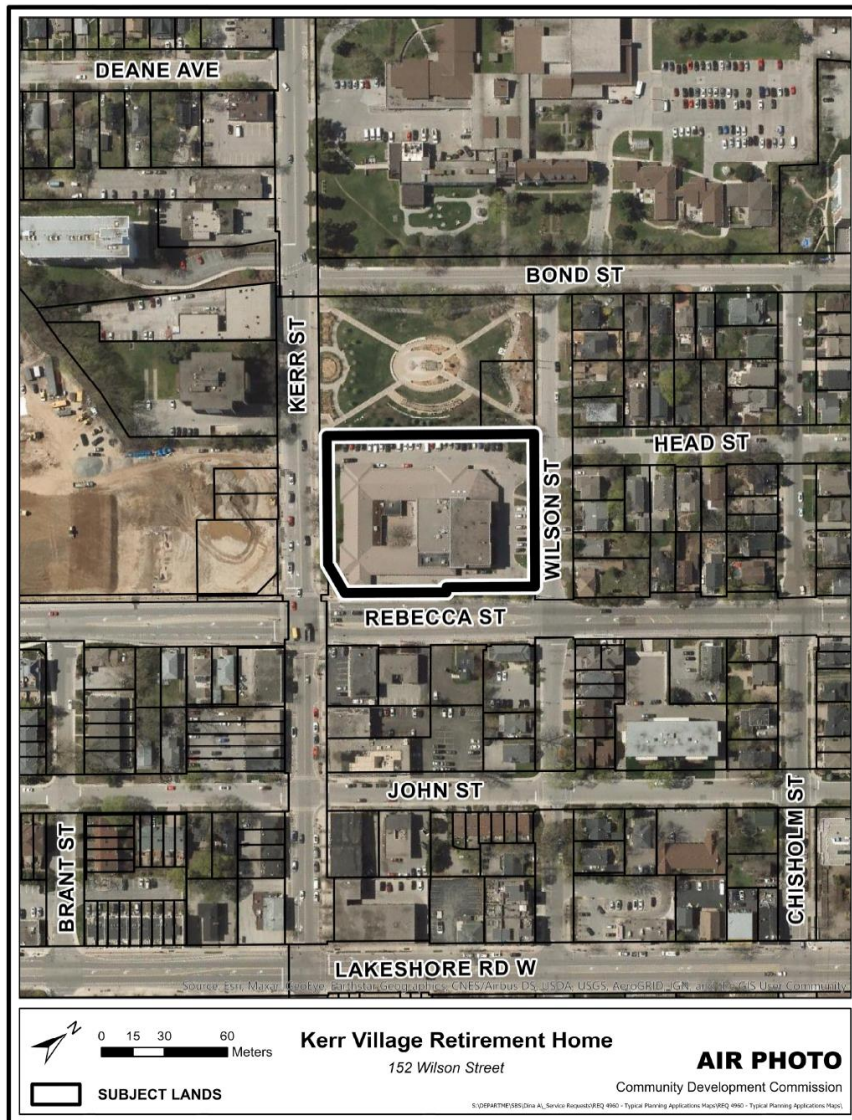


Figure 4: Air Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North: Westwood Park

East: low density residential (one and two storey)

South: mixed use buildings with commercial at grade

West: Fire Station, Trafalgar Park Community Center / Park and 10 storey apartment building

Livable Oakville Plan

OP Objectives

Section 2.1 of the *Livable Oakville Plan* provides the following mission statement:

To enhance the Town's natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions.

Section 2.2 of the *Livable Oakville Plan* provides the following guiding principles:

2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

2.2.2 Providing choice throughout the Town in order to:

- a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life;*
- b) provide choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,*
- c) foster the Town's sense of place through excellence in building and community design.*

2.2.3 Achieving sustainability in order to:

- a) minimize the Town's ecological footprint;*
- b) preserve, enhance and protect the Town's environmental resources, natural features and areas, natural heritage systems and waterfronts; and,*
- c) achieve sustainable building and community design.*

Urban Structure

The *Livable Oakville Plan* is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support

the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town. Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26th, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors and are located within Kerr Village. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.

Livable Oakville

As part of the Town's ongoing [Official Plan Review](#), the land use designations and policies that apply to Kerr Village were studied and reviewed. This review was considered by Council in December of 2017 where Council passed By-law 2017-119 to adopt OPA 19 to the *Livable Oakville Plan*. OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018. The subject lands are designated Main Street 1, and are eligible for bonusing on Schedule O1, in the *Livable Oakville Plan*.

The applicant seeks to amend the Livable Oakville Plan to permit: an increase in height from four to six storeys without bonusing; for the seniors residence use to occupy the ground floor along Kerr Street; and, for the building to be stepped back at the fourth rather than the third storey.

Policy 23.2 provides that as Kerr Village develops, the Town will, through public actions and in the process of reviewing planning applications, use the following objectives to guide decisions:

- Create opportunities for new, sustainable growth by promoting compact urban form with higher density development through compatible development and redevelopment opportunities.
- Enhance the mobility of all users with the provision of transit priority measures and increase levels of service through the development process by:
 - a) promoting pedestrian and cycling-oriented mixed use development, with improved connections to the Downtown as well as the GO station and proposed employment hub in Midtown Oakville;
 - b) improving circulation, connections and access for cyclists, pedestrians and public transit; and,

- c) increasing efficiencies for alternate modes of transportation by encouraging compact urban form.
- Create an attractive public realm by:
 - a) promoting high quality streetscapes and open spaces to create a comfortable, accessible and unique community; and,
 - b) ensuring appropriate transitions occur between the main street areas and the lower density residential neighbourhoods.

Within Kerr Village, the subject lands are located within the Kerr Village Main Street District. The Kerr Village Main Street District will be a predominantly mixed use area along Kerr Street with residential buildings including commercial or office uses at-grade. Development shall be set back to allow for pedestrian activity and attractive streetscapes. A gathering point for the community, such as a market, shall be encouraged here¹.

Pursuant to 12.2 of the Livable Oakville Plan, the Main Street 1 designation represents small scale, mixed use development along main streets and is intended to reflect a pedestrian-oriented, historic main street character. A wide range of retail and service commercial uses, including restaurants, commercial schools, offices and residential uses, may be permitted in the Main Street 1 designation. The ground floor of buildings in the Main Street 1 designation are to be primarily occupied by retail and service commercial uses. Limited office uses, and ancillary residential uses, may also be permitted on the ground floor of mixed use buildings².

Pursuant to section 12.2.2 of the Livable Oakville Plan, buildings within the Main Street 1 designation shall be a minimum of two storeys in height and a maximum of four storeys in height. Section 23.8.2 provides that the town may allow up to two storeys of additional height (total of 6 storeys) beyond the maximum permitted in exchange for the provision of public benefits as listed in section 28.6.2, with priority given to those public benefits noted in section 23.8.2 d). This includes: affordable housing units and/or rental housing units; community service/facility space; non-profit child care facilities; public art; enhanced streetscape/public open space improvements; and, enhanced green building and energy conservation technology.

Section 28.6.4 of the Livable Oakville Plan provides that bonus by-laws should only be considered where such increases can be accommodated by the existing or improved infrastructure. Studies supporting the increased height and/or density proposed may be required to address infrastructure capacity for the subject development as well as the impacts on the surrounding area. Furthermore, section

¹ Policy 23.3.2, Livable Oakville Plan

² Policy 12.2.1. The requirement for and the size and location of retail, service commercial and office uses on the ground floor of buildings shall be determined through the development process and regulated by the implementing zoning.

28.6.5 of the Livable Oakville Plan provides that bonus by-laws shall only be considered where such increases are compatible with the surrounding area.

In accordance with section 12.2.3 of the Livable Oakville Plan, surface parking shall be provided only within a side and/or rear yard. Surface parking on corner lots shall only be permitted in the rear yard.

Section 23.4.1 a) of the *Livable Oakville* Plan provides for transit service improvements to be introduced at an early stage in the development of Upper Kerr Village District. As the revitalization of this district evolves it will be serviced by the extension of improved transit levels of service, including transit priority measures and infrastructure required to create an efficient and attractive transit environment.

To support the foregoing, it may include transit passenger amenities, minimal surface parking, and other travel demand management strategies to encourage transit ridership³. Further, access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of buildings⁴. Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers⁵.

Section 23.4.1 c) (Parking) provides:

- i. Surface parking lots shall be limited. Where surface parking is provided, the visual impact of large surface lots shall be mitigated by a combination of setbacks and significant landscaping including:
 - pavement treatment;
 - low walls or decorative fencing;
 - landscape material; and,
 - trees and lighting throughout parking lots and along the edges.*
- ii. Access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of buildings.*
- iii. On-street parking shall be maintained throughout Kerr Village with the exception of Speers Road and Kerr Street north of Speers Road. It is the intent that on-street parking shall be permitted at all times.*

Section 23.5 provides urban design polices, which provides that in addition to the Urban Design policies in section 6 of the Livable Oakville Plan, the following policies apply specifically to Kerr Village. The urban design plan for Kerr Village is provided on Schedule O2.

³ Policy 24.4.1 b), Livable Oakville Plan

⁴ Section 24.4.1 c) ii), Livable Oakville Plan

⁵ Section 24.4.1 d), Livable Oakville Plan

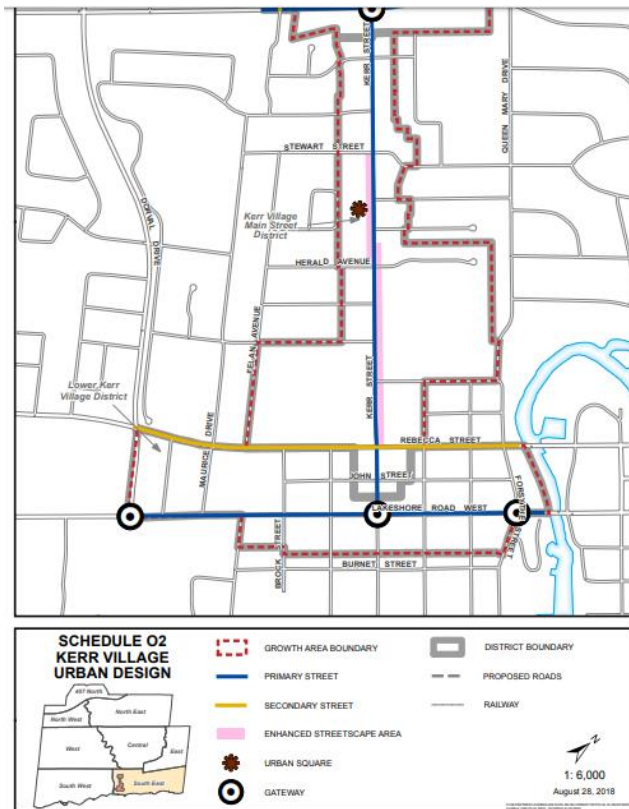


Figure 5: Kerr Urban Design

The subject lands are adjacent to a primary street (Kerr Street) with an enhanced streetscape area, and a secondary street (Rebecca Street).

Development and public realm improvements, including the streetscape for Kerr Street and Lakeshore Road West, shall be evaluated in accordance with the urban design direction provided in the Livable by Design Manual. Policy 23.5.2 of the Livable Oakville Plan (Public Realm) provides that enhanced streetscape areas, (along Kerr Street), should be incorporated in the design of new developments, streetscapes and open space areas, and utilized as a unifying public realm element through the use of compatible, consistent and complementary design treatments while contributing to a distinctive and unique streetscape. Enhanced streetscape areas may include the preservation of existing large stature trees and open space areas, as well as larger setbacks in built form and the creation of additional pedestrian-oriented spaces.

Policy 23.5.3 (streetscapes) provides that:

- a) *Primary and secondary streets, as identified on Schedule O2, shall provide for pedestrian-oriented streetscapes through the use of wide sidewalks, landscaping and furnishings.*

- b) *Buildings along primary streets, as identified on Schedule O2, shall:*
- i. *incorporate a high degree of transparency on the ground floor;*
 - ii. *provide building openings and principal entrances facing the street; and,*
 - iii. *contain commercial, community, cultural or limited office uses adjacent to the street which foster an active main street environment.*
- c) *Buildings along secondary streets, as identified on Schedule O2, should:*
- i. *incorporate a high degree of transparency on the ground floor;*
 - ii. *provide building openings and principal entrances facing the street; and,*
 - iii. *contain commercial, office, community or cultural uses adjacent to the street which support the main street district, and may also contain residential uses on the ground floor.*

Policy 23.5.6 b) of the Livable Oakville Plan (built form), provides that buildings greater than three storeys in height, on lands immediately adjacent to lands designated Residential Low Density, shall be stepped back above the third storey.

Policy 23.6.3 of the Livable Oakville Plan provides that on the lands designated Main Street 1 and Main Street 2, residential uses may be permitted on the ground floor, including multiple-attached dwellings and apartments, except where adjacent to Lakeshore Road West, Kerr Street and Speers Road, where commercial, community, cultural or limited office uses shall be provided on the ground floor facing the street, to maintain and enhance a pedestrian-oriented main street function.

The *Livable Oakville* Plan provides that development within Kerr Village will likely occur gradually over the long-term and be coordinated with the provision of infrastructure, including⁶:

- i) transit;
- ii) transportation improvements;
- iii) water and wastewater services;
- iv) stormwater management facilities;
- v) pedestrian and cycling facilities; and,
- vi) utilities.

Section 6 of the *Livable Oakville* Plan sets out a number of policies and objectives related to urban design. The *Livable by Design* Manual, including the section regarding urban design direction for Kerr Village approved by Council on June 11th, 2018, also applies to the proposed development.

Zoning By-law 2014-014

⁶ Section 23.8.1, Livable Oakville Plan

Zoning By-law 2014-014 zones the subject lands as Community Use (CU), which does not permit the proposed development ('**Appendix A**'). The proposed Zoning By-law Amendment seeks to rezone the lands to a site-specific MU 1 zone which would permit a maximum building height of 6 storeys, a seniors residence use to occupy all of the ground floor adjacent to Kerr Street, which would otherwise be prohibited, and provide for site-specific modifications to building setbacks.

The draft zoning by-law amendment submitted by the applicant may be viewed on the Town of Oakville website at <https://www.oakville.ca/business/da-35778.html>.

A summary of the provisions of the existing CU zone, compared to the parent MU1 zone and site-specific MU1 zone is provided in '**Appendix B**' of this report. The applicant is proposing the following site-specific exceptions:

- a) Increase the minimum front yard setback from 0.0 m to 3.0 m (Kerr Street)
- b) Increase the maximum front yard setback from 3.0 m to 6.97 m (Kerr Street)
- c) Increase the minimum flankage yard setback from 0.0 m to 3.0 m (Rebecca Street)
- d) Increase the maximum flankage yard setback from 3.0 m to 10.0 m (Rebecca Street)
- e) Increase the minimum rear yard setback from 0 m to 3.0 m (Wilson Street)
- f) Add a maximum rear yard setback of 21.0 m (Wilson Street)
- g) Increase the minimum interior side yard from 0.0 m to 5.0 m (Westwood Park)
- h) Add a maximum interior side yard of 6.0 m (westwood Park)
- i) Permit an additional 2 storeys of height (from 4 to 6 storeys)
- j) Increase minimum height of first storey from 4.5 m to 5.0m
- k) Decrease the mainwall proportions from a minimum of 75% of the main wall is required to be oriented toward the front / flankage lot line to 67%.
- l) Exempt site from footnote no. 2 of Table 8.2 which prohibits a retirement home in the first 9.0 metres of depth of the building, at grade along Kerr Street, except for an ancillary residential use on the first storey up to a maximum of 15% of the length of the main wall oriented toward a public road
- m) Permit a 'bistro amenity use for the seniors residence with a minimum area of 310 square metres' on the ground floor along Kerr Street for a minimum of 65% of the length of the building facing Kerr Street.

CURRENT STATUS

As part of the future recommendation report, a complete analysis of the application will be undertaken using applicable policy, guidelines and standards, which includes a review of the following matters:

Town Council Resolution

At the statutory public meeting on September 8th, 2020, Council directed staff to include analysis of the following matters of interest to Council in the recommendation report:

- a) *Consider alternate vehicle access locations to the building versus what is proposed.*
- b) *Consider terracing starting at three stories rather than four stories.*
- c) *Consider design changes that would respond to COVID-19 challenges.*
- d) *Provide a breakdown of how parking spots are being allocated including the shift change.*
- e) *Provide a justification as to why retail is not being provided as a result of parking not available on the east side of Kerr Street.*

Public Comments

A Public Information Meeting was held by the applicant on February 26th, 2020 at the Trafalgar Park Community Centre which was attended by approximately 80 residents. The principal concern(s) raised at the PIM are listed below and were identified in the Statutory Public Meeting report dated August 26th, 2020, and considered by Council on September 8th, 2020. The summary of the public information provided by the applicant noted the following issues:

- a) building height;
- b) design of building should mix in with the existing neighbourhood context;
- c) limited retail use;
- d) good use (seniors housing);
- e) building step-back towards Wilson Street;
- f) privacy toward Wilson Street (balconies);
- g) adequacy of visitor parking;
- h) building setback toward Wilson Street;
- i) adequacy of parking;
- j) construction related nuisances;
- k) traffic calming / management;
- l) concern about use (prefer residential use to support retail);
- m) shadow impacts of building;

In addition to the applicant, three oral submissions were made by residents at the statutory public meeting. As of the date of this report, eleven formal written comments have been received which are appended to this report as '**Appendix C**' and relate to the following matters not already identified in the above list:

- n) traffic congestion;
- o) noise / vibration impact;
- p) vehicular access location (not from Wilson Street);
- q) massing of proposed building;
- r) truck traffic, garbage storage;
- s) health impacts of housing residents in small units with common facilities (COVID related);
- t) loss of landscaped areas / tree preservation;
- u) shadow impact (including adjacent park); and,
- v) inadequate public benefits to justify additional building height and density.

Staff will respond to these matters in a future recommendation report.

Notice of this meeting was mailed to those members of the public who have participated in this application process.

Development Application Review

1. Livable Oakville Polices

Active Main Street Environment

As detailed in the statutory public meeting report, the subject lands are: located within the main street district of Kerr Village; designated Main Street 1; and, are located adjacent to a primary street (Kerr Street) within an enhanced streetscape area.

This main street district is a good example of a successful main street within the town and is a defining feature of this growth area. The commercial shops, services and restaurants found along the main street serve the needs of local residents, employees, and visitors alike. They also contribute to the Town's vibrant and walkable neighbourhoods, provide employment opportunities, contribute to transit-supportive land use patterns, promote active transportation, and play a key role in fostering this vitality through an active main street environment.

In addition to the consistency with the PPS and conformity to the Growth Plan, it is necessary to consider the following Livable Oakville objectives and policies, within the context of the surrounding area, as summarized below:

- a) **Kerr Village Objectives:** The Town will, in the process of reviewing planning applications, use the following objectives to guide decisions: a) promoting pedestrian and cycling-oriented mixed use development... c) increasing

efficiencies for alternate modes of transportation by encouraging compact urban form⁷. (policy 23.2)

- b) **Streetscapes (Primary):** Buildings shall:
- i. incorporate a high degree of transparency on the ground floor;
 - ii. provide building openings and principal entrances facing the street; and,
 - iii. contain commercial, community, cultural or limited office uses adjacent to the street which foster an active main street environment. (policy 23.5.3 b))
- c) **Land Use:** On the lands designated Main Street 1 and Main Street 2, commercial, community, cultural or limited office uses shall be provided on the ground floor facing the street to maintain and enhance a pedestrian-oriented main street function. (policy 23.6.3)
- d) **Urban Design – Streetscapes:** New development should contribute to the creation of a cohesive streetscape by: a) placing the principal building entrances towards the street and where applicable, towards corner intersections. (policy 6.4.2 a))
- e) **Urban Design – Built Form:** In Growth Areas and along intensification corridors, buildings should incorporate distinctive architecture, contribute to a sense of identity and be positioned on and oriented towards the street frontage(s) to provide interest and comfort at ground level for pedestrians. (policy 6.9.4)
- f) **Urban Design – Built Form:** buildings should present active and visually permeable façades to all adjacent streets, urban squares, and amenity spaces through the use of windows, entry features, and human-scaled elements. (policy 6.9.5)
- g) **Urban Design – Built Form:** Main principal entrances to buildings should be oriented to the public sidewalk, onstreet parking and transit facilities for direct and convenient access for pedestrians. (policy 6.9.6)

It is noted that Policy 23.5.3 b) and 23.6.3, (regarding provision commercial, community, cultural or limited office uses at grade along Kerr Street, to foster an active main street environment), were recently approved by Council on December 4th, 2017 as part of a town-initiated Official Plan Amendment implementing the Kerr Village Growth Area Review.

⁷ **Compact urban form:** means a land use pattern that encourages efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional all within one neighbourhood), proximity to transit and reduced need for infrastructure. Compact urban form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. (Livable Oakville)

In staff's view, the main policy intent is to foster an active main street environment, primarily along Kerr Street. This policy intent also assists in achieving a number of other policy objectives, such as:

- promoting active transportation;
- achieving transit-supportive land use patterns;
- creating employment opportunities close to where residents live;
- enhancing the vitality of the main street and fostering social interaction;
- providing convenient access to local stores;
- reducing greenhouse gas emissions; and,
- creating a cohesive streetscape.

While the applicant's efforts to improve the design of the building and land use along Kerr Street have been well received, staff are of the view that the proposed design would not meet in the policy intent of the Livable Oakville Plan.

The intent of the Livable Oakville Plan is expressly more than a façade that looks like a main street with a retirement home use, albeit one with private amenity space in the form of a bistro / private dining room, behind it. As such, while aspects of the revised design put forward by the applicant would look like a main street use, staff are of the view that the development would not function as a main street use, nor achieve the stated policy intent.

Further, the public component of the proposed bistro would be confined to a patio, which is typically seasonal and only used for parts of the year. The ground floor main street uses of commercial, community, cultural or limited office uses, otherwise required by Livable Oakville along the enhanced main street, are not seasonal as they are located in a premises.

Notwithstanding the foregoing, staff have concerns with the feasibility of the public patio portion of the proposed bistro use. First, it is unclear how a public patio with service from the retirement home could be required by planning instruments, considering the seasonality of the land use.⁸

Secondly, part of a healthy, liveable and safe community is avoiding development and land use patterns which may cause public health and safety concerns⁹. The proposed development would deviate from the Livable Oakville Plan by permitting a bistro as an amenity use of a retirement home with a public patio component along the Kerr Street frontage, in lieu of separate main street commercial, community, cultural or

⁸ It is noted that the proposed amendment to the town's Zoning By-law would not appear to expressly permit a public patio with service from the retirement home.

⁹ Policy 1.1.1. c), PPS

limited office units at grade¹⁰. While experts from Halton Public Health have been contacted to provide advice to Council in this regard, their resources are focused on the ongoing pandemic response, and accordingly their input has not been received as of the date of this report. These concerns will be addressed in a future recommendation report.

In staff's view, the proposed development would reinforce a discontinuous streetscape treatment, which would not: fully contribute to the Town's vibrant main street; provide retail employment opportunities; promote active transportation; or, foster this vitality through an active main street environment.

Urban Design and Building Height

While effort has been made to create more comfortable pedestrian environment, as proposed, additional refinement is necessary to provide more visual interest and a backdrop for on-street activities by articulating all facades. As proposed, the facades are large, mostly flat and do not create the desired pedestrian-friendly main street environment envisioned by the Livable by Design Manual (Part B) – Urban Design Direction for Kerr Village.

Policy 6.9.4 of Livable Oakville provides that buildings should incorporate distinctive architecture and contribute to a sense of identity. The Livable by Design Manual also speaks to designing the building middle to incorporate varied architectural detailing (Section 3.1.22).

While positive changes to the building design in this regard have been made, additional refinements are required as the building appears large within the surrounding context. In staff's opinion, while the proposed reveals are appreciated, stronger statements would need to be made to de-emphasize the massing, provide appropriate architectural detailing and create fine grain elements of a main street. In addition, the proposed step backs for the upper storeys are considered minimal. In staff's view, the two upper storeys should be stepped back further and the proposed balconies for the sixth storey should be redesigned to create less substantial and elongated feature.

Lastly, with respect to the increase in building height to 6 storeys, staff and the applicant are in agreement that Section 37 of the *Planning Act*, and the Town's community benefit policies are in full force and effect as of the date of this report, and are applicable. Accordingly, issues with respect to bonusing, have been resolved in principle as it is staff's understanding that the applicant has committed to satisfy the community benefit policies of Livable Oakville. Pursuant to Policy 23.8.2,

¹⁰ The applicant further clarified that it is preferred that the interior 'bistro use' be exclusive to the retirement home residents and their guests, while members of the general public will be able to utilize the seating area and will have the opportunity to be serviced outside.

the bonusing priorities for Kerr Village include transit and alternative transportation solutions. Additional public benefits may include, but are not limited to: community service/facility space; non-profit child care facilities; public art; enhanced streetscape/public open space improvements; and, enhanced green building and energy conservation technology

Staff note that Livable Oakville Policy 28.6.4 and 28.6.5 provide that bonus by-laws should only be considered where such increases can be accommodated by the existing or improved infrastructure and where such increases are compatible with the surrounding area. This would engage the other concerns listed in this report.

Other Urban Design Matters Under Review

Once the design of the building has been sufficiently refined, the site-specific zoning by-law will recommend appropriate implementing measures such as setbacks, step backs and building heights. In addition, Urban Design Requirements could be prepared for this site to be implemented through a future site plan application. It is anticipated that the following urban design comments could be more fully satisfied through a subsequent site plan application:

- i. Policy 23.5 Urban Design – provides that Kerr Street suffers from an inconsistency of streetscape treatments, which works against the objective of distinguishing the district. Policy 23.5.2 provides that enhanced streetscape areas should be used as “unifying public realm elements, through the use of compatible, consistent and complementary design treatments ...” (LO 23.5.2) Schedule O2 identifies an enhanced streetscape area along the entire length of the western property line. It will be necessary to bring the streetscape up to current standards. For example, the existing concrete sidewalk and unit stone paving must be removed and replaced with materials and general layout matching those used opposite Westwood Park.
- ii. Policy 23.5 Urban Design – The proposed 1.2m wide sidewalk is not considered sufficient in this context as it does not meet the AODA’s minimum width for exterior paths of travel. The pedestrian clearway should be at least 1.5m wide but should match the concrete paving width opposite Westwood Park.
- iii. There is concern with the impact of headlights on adjacent residences from vehicles exiting the site on Wilson Street. The urban design brief should discuss how this impact is mitigated.
- iv. The tree canopy target of 20% is required to be achieved on the site itself. Additional tree canopy cover is required on site.
- v. The stairs for the direct pedestrian connection from the Rebecca Street sidewalk to the main building entrance is helpful, but the stairs should be located on the private side of the property line, and not in the right-of-way.

Applicant's Justification Regarding Active Main Street Environment

The applicant is of the view that the revisions to the proposed development to accommodate an increased bistro area presence along Kerr Street satisfies the policy intent of the Livable Oakville Plan and should be approved. The following outlines areas of disagreement between staff and the applicant:

“It is our opinion that the requirement for retail and commercial uses along the frontage of Kerr Street at this location pre-dates the relocation of the fire station on the west side of Kerr Street, immediately opposite to the Subject Lands.”

Staff's view is that the relocation of Fire Station No. 3 was designed, approved, and constructed as part of the new Trafalgar Park Community Centre (SP. 1615.031/02). The related site plan application was conditionally approved by the Site Plan Committee on November 8th, 2016¹¹. By-law 2017-119, which implemented the Kerr Village Growth Area Review, and added the requirement for commercial, community, cultural or limited office uses adjacent to Kerr Street, was subsequently passed by Council on December 5th, 2017 (approximately one year later), approved by Halton Region on May 30th, 2018, and was in full force and effect on June 20th, 2018. By-law 2017-119 is attached as '**Appendix D**'.

“The implementation of the fire hall use has changed the character of the Kerr Street and Rebecca Street intersection which supersedes the Kerr Village policy framework requiring retail frontage at this location. It is also our opinion that had the firehall use been present at the time of the policy preparation, an exemption could have been considered for this site due to the conflicts that arise between commercial at-grade uses with the firehall use from a transportation perspective as noted in the Traffic Impact Study Addendum prepared by IBI, as well as the fact that there is no on-street parking for parking/loading adjacent to this frontage in part because of the fire hall across the street.”

As noted above, Fire Station No. 3 was proposed, conditional approved, and under construction before By-law 2017-119 was passed by Council on December 5th, 2017.

As of the date of this report, no evidence has been presented that supports the argument that ground floor commercial use along Kerr Street would be unfeasible, and thereby necessitate an alternative policy approach due to the presence of a Fire Station across the street, or for any other reason.

More specifically, there is no evidence to substantiate the claim that there would be conflicts between ground floor commercial uses along the Kerr Street frontage of the

¹¹ conditional site plan clearance was granted on December 1st, 2016 to permit foundation works, and final site plan approval was granted on February 15th, 2017.

subject lands with Fire Hall No. 3, aside from three (3) on-street parking spaces the Traffic Impact Study Addendum found could conflict with turning movements from Fire Station No. 3, if on street parking was extended south. It is evident that the Addendum was not implying that vehicle turning movements would impact the viability of a ground floor commercial uses as it specifically notes¹² that the author was retained to conduct transportation impact analysis and has no comment on commercial market assessments.

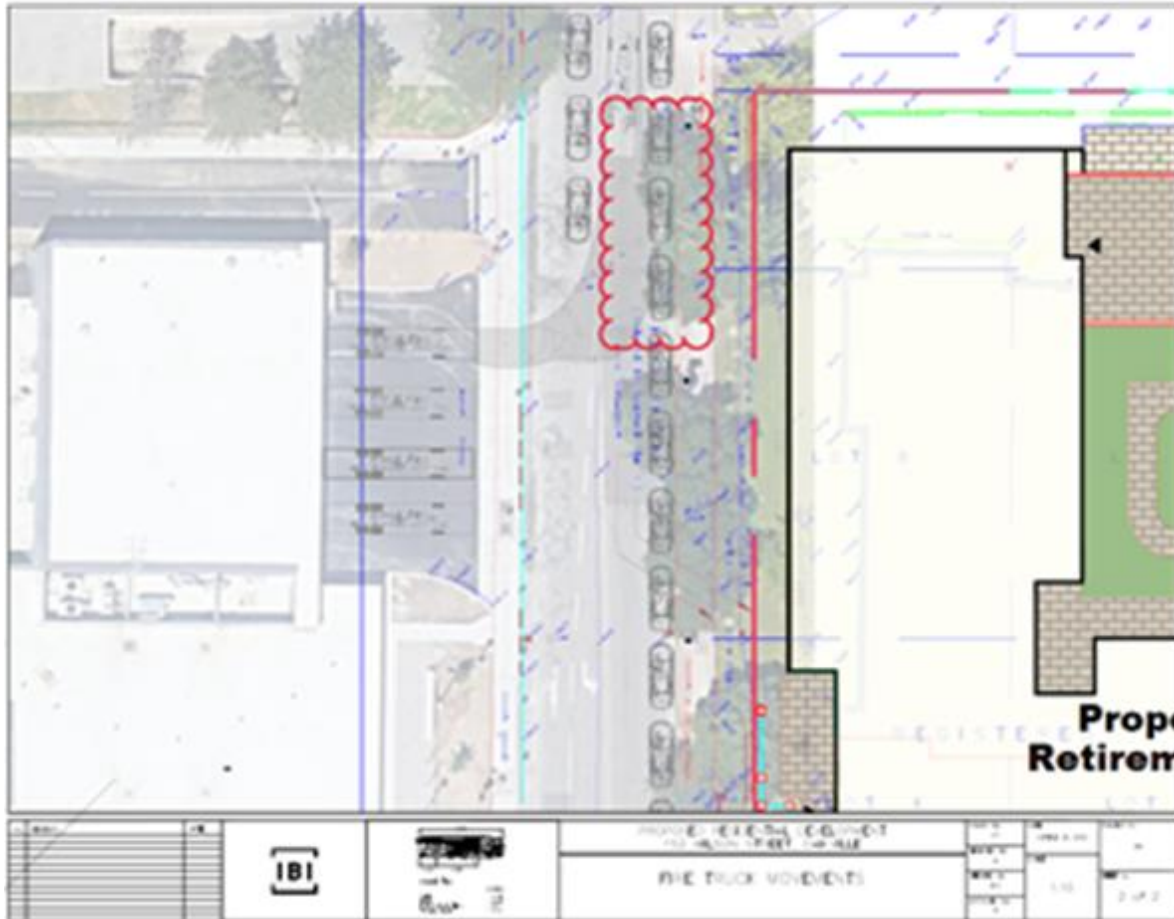


Figure 6: Extract of Appendix C from Transportation Impact Study Addendum

Notwithstanding the foregoing, on street parking is neither required by the Zoning By-law, nor would be set aside for the exclusive use of the proposed development. In fact, there is a significant supply of public on-street parking in the immediate area, including along the full frontage of Westwood Park to the north.

With respect to the view that implementation of the fire hall use has changed the character of the Kerr Street and Rebecca Street intersection, Fire Hall No. 3 replaced open space and a former building used by the Air Cadets. In staff's view, there is no

¹² Footnote no. 2

evidence that Fire Hall No. 3 impacted the character of the intersection in a way that would adversely impact the viability of ground floor commercial land use on adjacent lands.



Figure 7: Google Street View Image from 2019

“For the reasons provided herein, it is our opinion that the revisions to the proposed development to accommodate an increased bistro area presence along Kerr Street, in the amount of 310 square feet for 65% of the ground floor frontage satisfies the intent of Policy 23.5.3 and Policy 23.6.3 of the LOP for the following reasons... provides a community use on the ground floor in the form of a bistro that serves the retirement home and visitors...” (emphasis added)

Respectfully, staff do not agree with the applicant’s characterization of the proposed ‘bistro’ as a community use. While the retirement home use is a valuable part of a complete community, it is not a community use in the Town’s policy framework. Community uses are defined in Livable Oakville¹³ which include an education facility, place of worship, community facility, emergency services facility (Fire Station No. 3), parks, emergency shelters, etc... and are permitted in all land use designations with the exception of the Natural Area designation.

As proposed, the proposed ‘bistro’ would be considered an ancillary residential use, with a public patio component. It would form part of a common indoor area which is designed primarily for dining and recreational purposes for the occupants of the retirement home. The portion of the bistro in the building would not be open to the community, and would be part of a private retirement home.

¹³ Policy 7.1.2 (Livable Oakville)

Alternative Example to Meet Policy Intent

Staff has provided the applicant with an example of a retirement home within the town which has implemented the Livable Oakville Main Street polices. The most recent example is a retirement home in Bronte Village (SP.1729.041/02)¹⁴. This development will provide five (5), independent retail units, open to the public, and at grade along the main street, in this case Lakeshore Road West, separate from the retirement home.

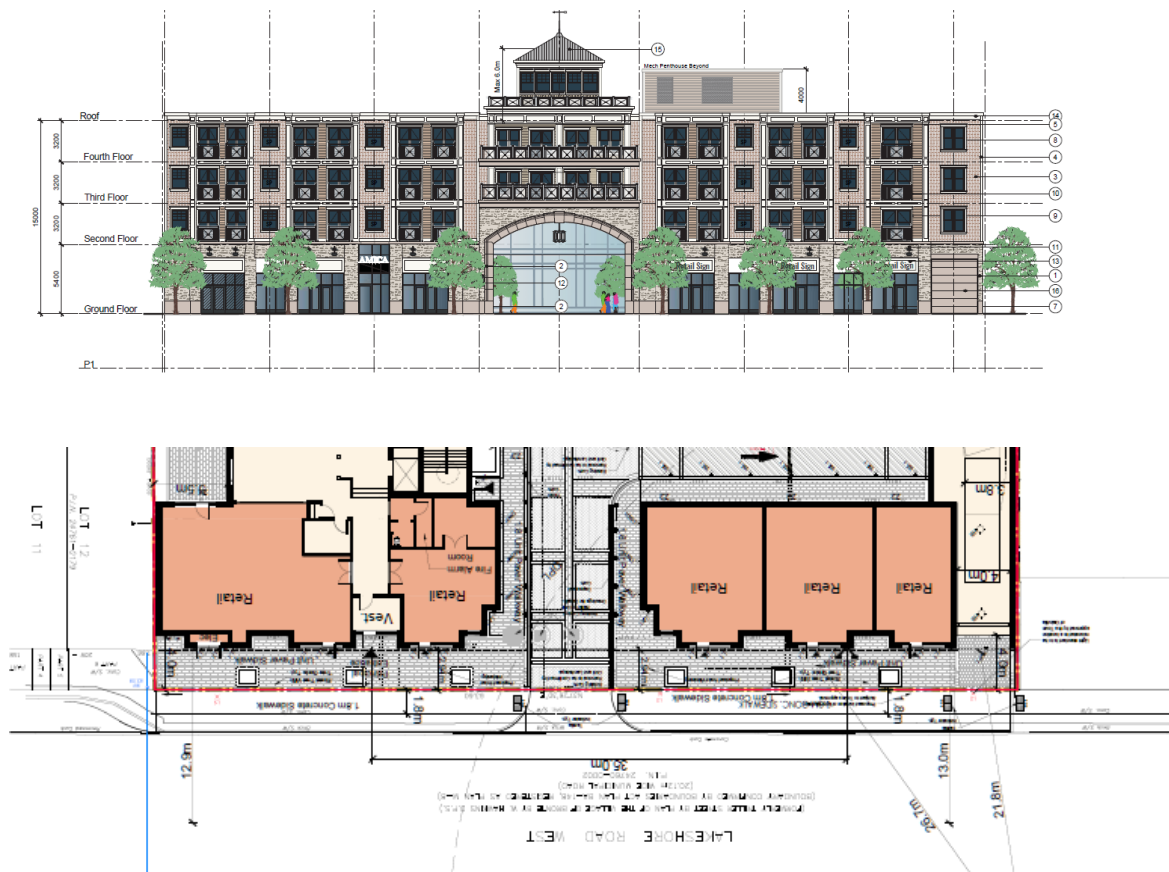


Figure 8: Extracts from elevation and floor plan of site plan SP.1729.041/02

¹⁴ 2368-2380 Lakeshore Road West

It is noted that no on-street parking spaces are planned to be provided in front of the independent retail units, as evident below in the streetscape plan.

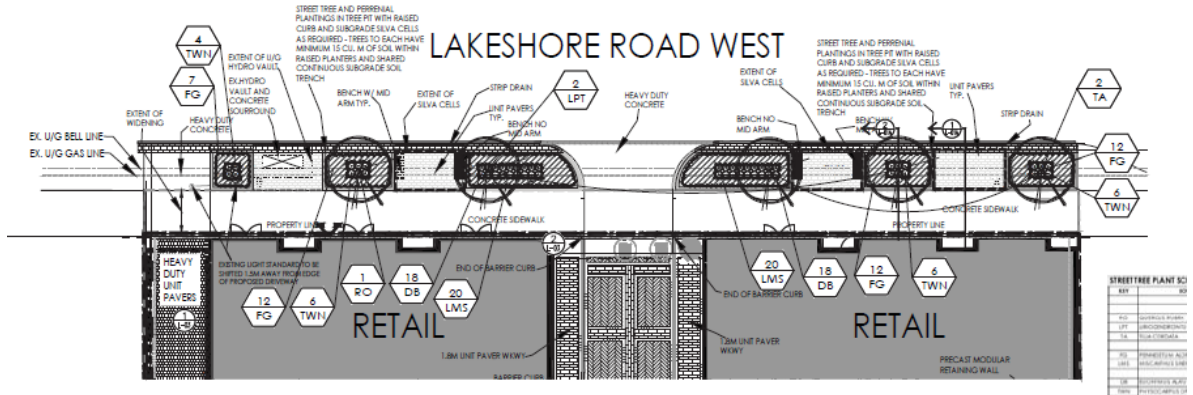


Figure 9: Extract from 'ultimate streetscape plan' of site plan SP.1729.041/02

2. Transportation & Mobility

Staff reviewed the Transportation Impact Study dated May 14th, 2020, and the Transportation Impact and Parking Study Addendum dated January 22, 2021 and are satisfied that the public road infrastructure can adequately accommodate the proposed development.

Kerr Street frontage issues aside, with respect to active transportation, it would be necessary for the proposed design to take into consideration the urban condition of the site and the Town's policies and vision related to creating well-connected, pedestrian-friendly treatment with appropriate relationship between the built form and the main street¹⁵. More specifically, better connections to Westwood Park should be provided and the extensive decorative masonry walls along the public streets at the corner of Kerr Street and Rebecca Street would create a harsh pedestrian environment along the public sidewalk, and an alternative design approach should be provided.

The site has been appropriately designed to accommodate Oakville Transit care-A-van service for persons with disabilities.

The proposed design also provides adequate bike parking through secure bike storage in the underground parking garage, and is located adjacent to cycling facilities on Rebecca Street.

In terms of on-site parking supply, the proposed development would accommodate 110 parking spaces for 230 units, which equals approximately one parking space for every two units (ratio of 0.49 per unit). While this exceeds the Town's minimum

¹⁵ (Livable by Design Manual (Part B) – Urban Design Direction for Kerr Village, section 3E)

Zoning By-law ratio of 0.33 parking spaces per unit¹⁶ justification of the proposed parking ratio, on a site-specific basis, was requested.

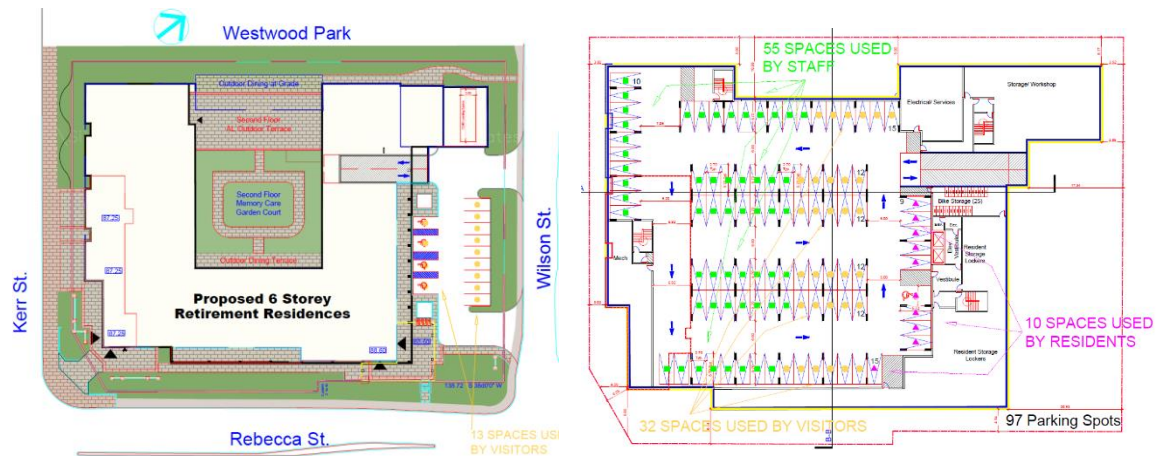


Figure 10: Proposed Parking Plan

The applicant expects that typical usage of the 110 proposed parking spaces would be as follows:

- 45 auto drivers are expected to be on duty during the weekday business day (up to 55 during staggered shift changes)¹⁷; and,
- up to 10 parking spaces for primarily independent living suites.

Based on the foregoing, the 45 remaining parking spaces would accommodate visitor parking supply, which is expected to experience peak demand on weekends when fewer than the typical weekday staff complement is expected to be present.

It appears the foregoing expectations were based on other facilities, however staff are seeking additional information on what comparable sites were utilized and how they were assessed. This will be addressed in a future recommendation report.

As noted Halton Region’s comments dated March 1st, 2021 (**‘Appendix E’**), due to site constraints Halton Region is requesting that key waste collection requirements are addressed now, as they may impact other aspects of the site design and potentially the implementing zoning provisions.

Infrastructure

As noted Halton Region’s comments dated March 1st, 2021 (**‘Appendix E’**), if the Functional Servicing Report is not revised, to fully address comments with respect to water and wastewater servicing, a “H” Provision will be required, as follows: “A revised

¹⁶ A minimum of 76 parking spaces would be required under Zoning By-law 2014-014, whereas 110 parking spaces are proposed, 34 parking spaces above the minimum.

¹⁷ Based on 103 full-time equivalent staff.

Functional Servicing Report (FSR) has been submitted to the satisfaction of Halton Region.”

3. Suitability of Subject Land for Proposed Sensitive Land Use

The applicant has submitted a Record of Site Condition. As noted Halton Region’s comments dated March 1st, 2021 (**‘Appendix E’**) and the Region is satisfied that its concerns in this regard have been satisfied, subject to the applicant providing the supporting Phase 1/2 Environmental Site Assessments (and any remediation documentation) to Halton Region for its records.

4. Other Matters

It is noted that as of the date of this report, engineering and urban forestry comments are outstanding.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 120 m of the subject property. In addition, a Public Information Meeting was held on February 26th, 2020 at the Trafalgar Park Community Centre, and a statutory public meeting was held, virtually, on September 8th, 2020.

(B) FINANCIAL

None.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review.

(D) CORPORATE STRATEGIC GOALS

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

- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development will be reviewed to ensure compliance with the Town’s sustainability objectives of Livable Oakville. The proposal will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24th, 2019 to provide opportunities to reduce the development footprint of the proposal.

CONCLUSION:

In principle, the establishment of a retirement home land use would be supportive of a complete community, however it is necessary for the design of the proposed retirement home to be more responsive to the surrounding context, including the enhanced streetscape along Kerr Street.

The purpose of this report is to provide Council with a status update of the review of the development applications. As provided for in this report, staff plan to continue to address other technical matters with the applicant and expect to provide a more fulsome analysis as part of a future recommendation report.

APPENDICES:

- A – Zoning By-law (2014-014) extract
- B – Summary of Existing and Proposed Zoning Standards
- C – By-law 2017-119
- D – Public Comments
- E – Halton Region Comments

Prepared by:

Paul Barrette, MCIP, RPP
Senior Planner
Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP
Manager
Current Planning – West District

Submitted by:

Gabe Charles, MCIP, RPP
Acting Director, Planning Services