



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: March 7, 2022

FROM: Planning Services Department

DATE: March 1, 2022

SUBJECT: Recommendation Report, Zoning By-law Amendment, Amico Properties Inc. /Spruce Partners Inc., 152 Wilson Street, File No. Z.1615.12 – By-law 2022-013

LOCATION: 152 Wilson Street

WARD: Ward 2

Page 1

RECOMMENDATION:

1. That the proposed Zoning By-law Amendment application submitted by Amico Properties Inc., Spruce Partners Inc. (File No. Z.1615.12), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated March 1, 2022.
2. That By-law 2022-013, an amendment to Zoning By-law 2014-014, be passed.
3. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
5. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'B' to this report from the Planning Services Department dated March 1, 2022.

KEY FACTS:

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

- **Location:** The subject lands are located north of Rebecca Street between Kerr Street and Wilson Street and are approximately 0.72 ha (1.79 acres) in size. The site is currently occupied by a former school building and used by the Lions Foundation of Canada Dog Guides.
- **Proposal:** A 6 storey retirement home with 230 units, ground floor restaurant along Kerr Street, and 110 parking spaces is proposed.
- **Policy Context:** The subject lands are located within the Kerr Village Growth Area and designated 'Main Street 1'. Building heights ranging from 2 to 4 storeys are permitted. An additional 2 storeys of height may be permitted pursuant to bonusing (total of 6 storeys). Within Kerr Village, the subject lands are located within the Main Street District (the "**District**"). This District is planned to be a predominantly mixed use area along Kerr Street with residential buildings including commercial or office uses at-grade. This includes, amongst other matters¹:
 - i. pedestrian-oriented streetscapes through the use of wide sidewalks, landscaping and furnishings, incorporation of a high degree of transparency on the ground floor, and building openings and principal entrances facing the street along Kerr Street and Rebecca Street;
 - ii. commercial, community, cultural or limited office uses adjacent to the street to foster an active main street environment along Kerr Street;
 - iii. stepping of buildings greater than three storeys, on lands immediately adjacent to lands designated Residential Low Density (east of Wilson Street);
 - iv. direct access to parking and servicing areas from local streets, service lanes and to the side or rear of buildings instead of Kerr Street;
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting ("**PIM**") was held on February 26, 2020 with approximately 80 residents in attendance. The statutory public meeting was held, virtually, on September 8, 2020, and an update report was presented to Planning & Development Council on April 12, 2021 with public delegations. All public comments received as of the date of the report are appended as "**Appendix 'A'**" to this report. All public comments have been appropriately addressed.
- **Nature of the Application:** This application is for a Zoning By-law Amendment only. The previously submitted Official Plan Amendment is no

¹ Policy 23.5.3 (streetscapes), 23.5.6 (built form), 23.4.1 c) ii) (Transportation), Livable Oakville

longer necessary as a result of amendments to the proposed development to bring it into conformity with the Livable Oakville Plan, including the following provisions which are now included in By-law 2022-013:

- i. bonusing to permit an additional 2 storeys of height (for a maximum of 6 storeys);
 - ii. a minimum of 330 m² of ground floor commercial (restaurant) along a minimum of 65% of the main front wall along Kerr Street; and,
 - iii. additional stepping of the building along Wilson Street, and additional stepping and articulation of the westerly building façade along Kerr Street.
- **Timing:** This application was submitted and deemed complete on June 15, 2020. As a result of a pause implemented by regulation during the COVID-19 emergency, the appeal period is calculated from June 22, 2020, resulting in an appeal date of September 19, 2020 before the Applicant could file an appeal for non-decision.
 - **Recommendation:** Staff recommends approval of the Zoning By-Law Amendment 2022-013. All outstanding planning and design matters, including those outlined in the Update Report dated March 30, 2021, have been satisfied. This amendment, as revised, is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the Livable Oakville Plan. It conforms to the Town's urban structure, would make an important contribution to achievement of complete communities, and, subject to the urban design requirements listed in "**Appendix 'B'**", is consistent with the urban design direction provided by the Livable by Design Manual and the Urban Design Direction for Kerr Village Growth Area.

BACKGROUND:

Proposal

The proposed development (the '**Proposal**') consists of a 6 storey retirement home with 230 suites which would provide a continuum of care comprised of approximately 104 memory care and assisted living suites and 126 independent living suites. The first floor is proposed to be dedicated to resident amenity space including dining, spa, fitness, green house, lounge/games and library space. In addition, an approximately 330 m² restaurant use is proposed at grade along Kerr Street with an accessory outdoor patio and direct access from Kerr Street.

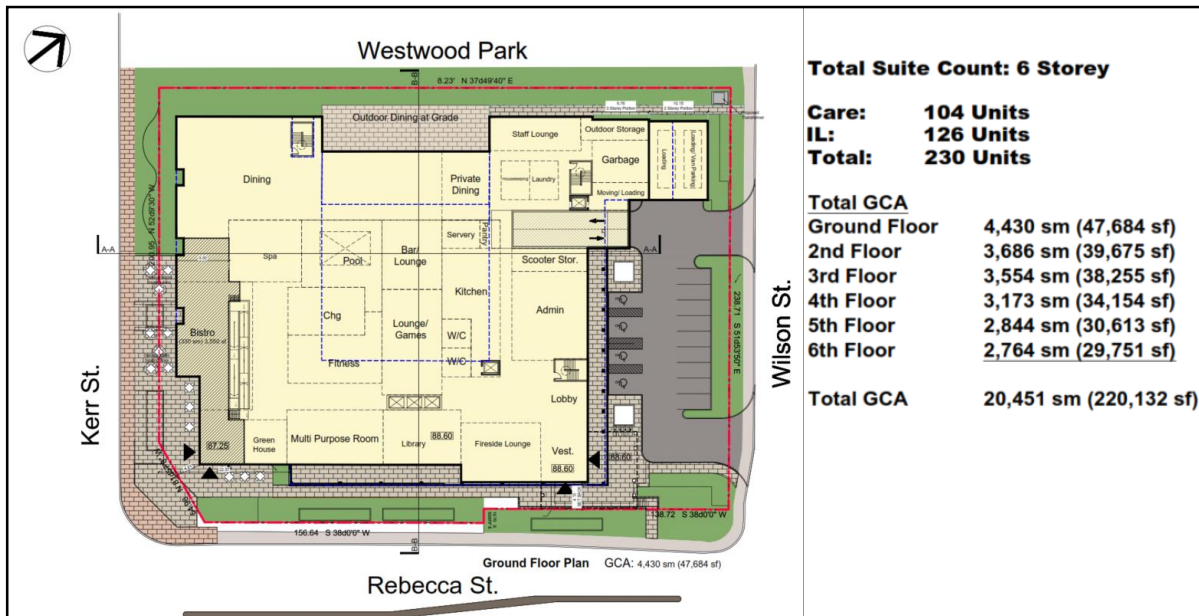


Figure 1: Ground Floor Plan and Site Statistics



Figure 2: Applicant's Rendering of Corner of Kerr St. and Rebecca St.

Outdoor amenity space is proposed along the northern side of the building in the form of an outdoor dining area backing onto Westwood Park, and an outdoor memory garden court with terrace on the second floor. A total of 110 parking spaces are proposed comprised of 13 parking spaces at-grade, separated by approximately 3 m of landscaping from Wilson Street, and 97 underground parking spaces.

The proposed building was designed to be generally reflective of the footprint of the existing building. This includes an approximately 19 m setback of the main wall from

Wilson Street. The loading and garbage areas are proposed to be enclosed within the three storey step-back of the proposed building, along Wilson Street.



Figure 3: Applicant's Rendering of Corner of Rebecca St. and Wilson St.

Stepping of the building at the 4th, 5th and 6th storeys along Kerr Street, and the 3rd², 4th and 5th storeys along Wilson Street.

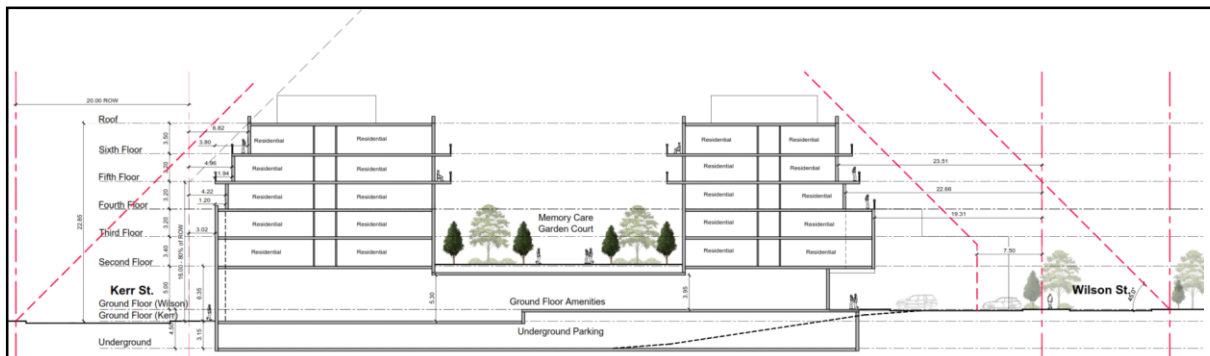


Figure 4: Section of Proposed Building from Kerr St. to Wilson St.

The 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>.

Changes to Proposal since Statutory Public Meeting

Since the statutory public meeting on September 8th, 2020, revisions to the original building design include:

1. A new 330 m² restaurant and outdoor patio, at-grade along Kerr Street together with at-grade building entrance (open to the public);

² Applies to loading and garbage area with outline shaded in Figure 4.

2. Lowering of the finished floor elevation along Kerr Street and elimination of the associated retaining wall;
3. Additional stepping of building at 4th storey along Wilson Street, and 6th storey along Kerr Street.
4. Refinement of building design to break up building massing including simplified balconies, added articulation, and four storey elements along Kerr Street combined with covered canopies for appearance of smaller store fronts; and,
5. Streetscape improvements along Kerr Street.

Updates to the supporting reports and studies were also made by the applicant, which are addressed in the analysis section of this report.



Figure 5: Applicant's Rendering of Kerr Street Frontage (original on left, current on right)

Given the nature of the updates, staff are recommending that in accordance with Section 34(17) of the *Planning Act*, no further notice is necessary.

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 1 storey along the Kerr Street frontage to 3 storeys along the Wilson Street frontage. The 3 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.

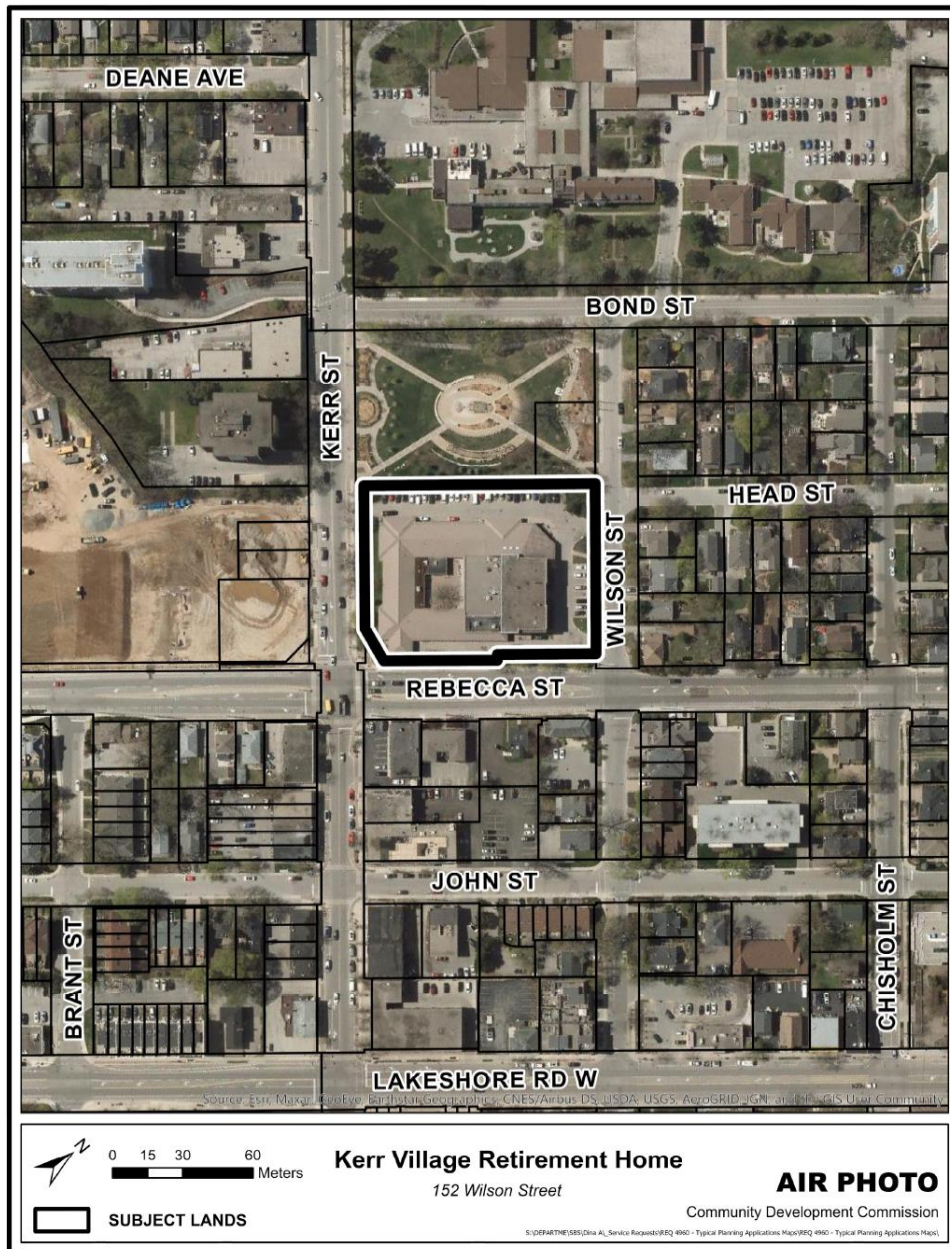


Figure 6: Air Photo

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Westwood Park;
- East: Wilson Street then Low Density Residential (one and two storey);
- South: Rebecca Street then Mixed Use Buildings; and,
- West: Kerr Street then Fire Station No. 3, Trafalgar Park Community Center / Park and one 10 Storey apartment building.

PLANNING POLICY & ANALYSIS:

The properties are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020);
- Growth Plan for the Greater Golden Horseshoe (2019);
- Halton Region Official Plan;
- Livable Oakville Plan; and,
- Zoning By-law 2014-014.

Provincial Policy Statement

The Provincial Policy Statement (2020) (“**PPS**”) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient compact development form by directing growth to settlement areas, and encourages planning authorities to permit and facilitate a range of housing options, including ‘housing for older persons’ to sustain healthy, liveable and safe communities.

The PPS promotes the integration of land use planning, growth management and transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

The subject lands are located within a “Settlement Area”, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Municipal official plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning.³ As explained in the Livable Oakville section of this report, the Proposal conforms to Livable Oakville. It is located within a node (Kerr Village Growth Area) and constitutes a compact built form, which is transit supportive, at an appropriate density for the local context which will contribute to optimization of infrastructure and public service facilities. Furthermore, the proposed retirement home would increase housing options in the local area and make an important contribution to a healthy, livable and safe community by providing ‘housing for older persons’. The design of the Proposal is appropriate for the local context as it would provide a well-designed built form to

³ Part I, PPS

encourage a sense of place which would also enhance the vitality and viability of the main street.

On this basis, the Proposal is consistent with the PPS. Excerpts of relevant PPS policies are attached as “**Appendix ‘C’**”.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (2019) (“**Growth Plan**”) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options. The Growth Plan acknowledges the significance of high quality compact urban form, an attractive and vibrant public realm and access to public open spaces through site design and urban design standards.

The subject lands are located within a “Delineated Built-up Area” and are within a strategic growth area (Kerr Village). As explained in the Livable Oakville section of this report, the Proposal conforms to Livable Oakville and would assist in implementing the town’s local intensification strategy, as required by the Growth Plan. The Proposal, as revised, constitutes an appropriate scale of built form that is contextually appropriate, would assist in optimizing infrastructure and would be transit-supportive. Further, the Proposal would support the achievement of complete communities by providing a mix of housing through the proposed continuum of care of the retirement home land use, and the commercial land use (restaurant) along a main street (Kerr Street).

On this basis, the Proposal is consistent with the Growth Plan. Excerpts of relevant Growth Plan policies to the application are attached as “**Appendix ‘D’**”.

Halton Region Official Plan

The subject lands are designated “Urban Area” in 2009 Regional Official Plan (“**Halton Plan**”). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and

supportive of transit, the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure.

The subject lands are within the “Built-Up Area”. Regional Phasing policies to 2021 require the Town of Oakville to intensify within the built boundary. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

One of the objectives of the Urban Area (Policy 72(1)) is to “accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently”.

Halton’s planning vision for a healthy community is found in Policy 31(3) stating that a healthy community is physically designed to minimize the stress of daily living and meet the life-long needs of its residents where a full range of housing, social, health and recreational opportunities are present and where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system.

In a letter dated December 7, 2021, Halton Region advised Town staff that the Proposal is consistent with the PPS, and in conformity with the Growth Plan and Halton Region Official Plan.

Livable Oakville Plan

OP Objectives

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.*

The goal for Kerr Village is to revitalize the Village as a vibrant business district and cultural area.⁴ Specific objectives for Kerr Village include:

23.2.1 Create opportunities for new, sustainable growth by promoting compact urban form with higher density development through compatible development and redevelopment opportunities.

23.2.3 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.*

Urban Structure

The Town's urban structure most recently updated through Official Plan Amendment 15 provides for nodes and corridors, where higher intensity forms of mixed use growth that would support frequent transit service are to be accommodated. 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. Kerr Village is also recognized in the urban structure as Main Street Areas for its distinctive character and is intended to accommodate a relatively lesser amount of intensification than primary growth areas such as Midtown, Uptown and Palermo Village.

⁴ Section 23.1, Livable Oakville

Land Use Policies

As part of the Town’s ongoing [Official Plan Review](#), the land use designations and policies that apply to Kerr Village were studied, reviewed and approved through OPA 19 which is in full force and effect.

Within Kerr Village, the subject lands are located within the Kerr Village Main Street District and designated Main Street 1 – bonusing, as shown in “**Appendix ‘E’**”. 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 here⁵.

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 buildings⁶.

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 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.

⁵ Policy 23.3.2, Livable Oakville Plan

⁶ 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.

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 ridership⁷. 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 buildings⁸. Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers⁹.

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.

⁷ Policy 24.4.1 b), Livable Oakville Plan

⁸ Section 24.4.1 c) ii), Livable Oakville Plan

⁹ Section 24.4.1 d), Livable Oakville Plan

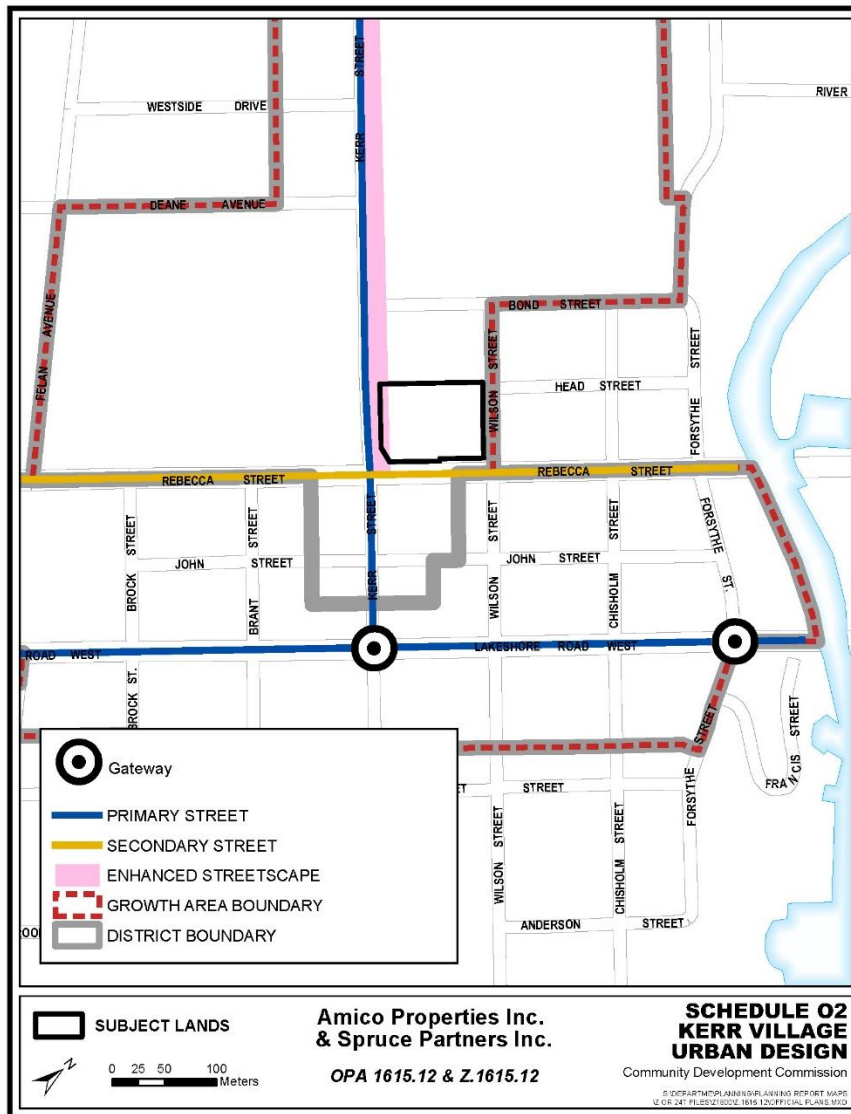


Figure 7: Kerr Village Urban Design

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

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.

In staff's opinion, as revised, the Proposal conforms to Livable Oakville. Livable Oakville permits the retirement home land use and ground floor commercial use (restaurant) along Kerr Street (policy 12.2.1, 23.5.3) together with the proposed building height of 6 storeys with bonusing (policy 12.2.2, 23.8.2). The site layout conforms to Livable Oakville by providing limited surface parking at the rear of the building (policy 12.2.3) and access to the loading and servicing area from a local street (policy 23.4.1 c)) which supports transit-supportive policy goals and objectives. Given the surrounding context, and as explained in the subsequent urban design section of this report, the design of the proposed building provides appropriate setback and step backs to transition to the surrounding area. Similarly the proposed building design along Kerr Street provides a high degree of transparency on the ground floor, building entrances facing the street and contains commercial space together with an outdoor patio to foster an active main street environment in accordance with policy 23.5.2. Together, the proposed land use, building height and massing, site layout and building design are consistent with the

Kerr Village policies and assist in achieving broader policy objectives of revitalizing Kerr Village, optimizing use of infrastructure and public service facilities, an efficient development of a compact built form within a node, and which is transit-supportive.

Urban Design and Livable by Design Manual

Section 6 of the *Livable Oakville* Plan sets out goals, objectives and policies for urban design. The Livable by Design Manual provides a comprehensive and detailed design direction for development to ensure designed and built elements are integrated with their surroundings and result in projects that not only function, but achieve a high standard of urban design and architectural quality, support community vitality, and promote a sustainable, dynamic and livable environment.

A 'Part B', urban design direction was prepared for Kerr Village in 2018. The design direction implements the policy goals, objectives and urban design policies as set out in the Kerr Village (Section 23) and Urban Design (Section 6) sections of *Livable Oakville*.

Design is a key component of the continuing revitalization of Kerr Village as a vibrant business district and a recreational and cultural destination. To maintain the vibrancy of this district, the design of the built environment must support people as they make their way to and throughout the village. These important considerations are addressed under the following themes:

- A. distinguish the district;
- B. foster activity at street level;
- C. frame the street;
- D. be compatible with surroundings; and,
- E. create links to and throughout the district.

The subject site is located next to a low-rise residential area on the east side of Wilson Street. To maintain compatibility and respond to the character of Kerr Village, step backs for building greater than three storeys in height must be provided. The below conceptual illustration depicts desirable built form and pedestrian realm components which reinforce a traditional main street development by addressing both streets and transitioning to the surroundings.

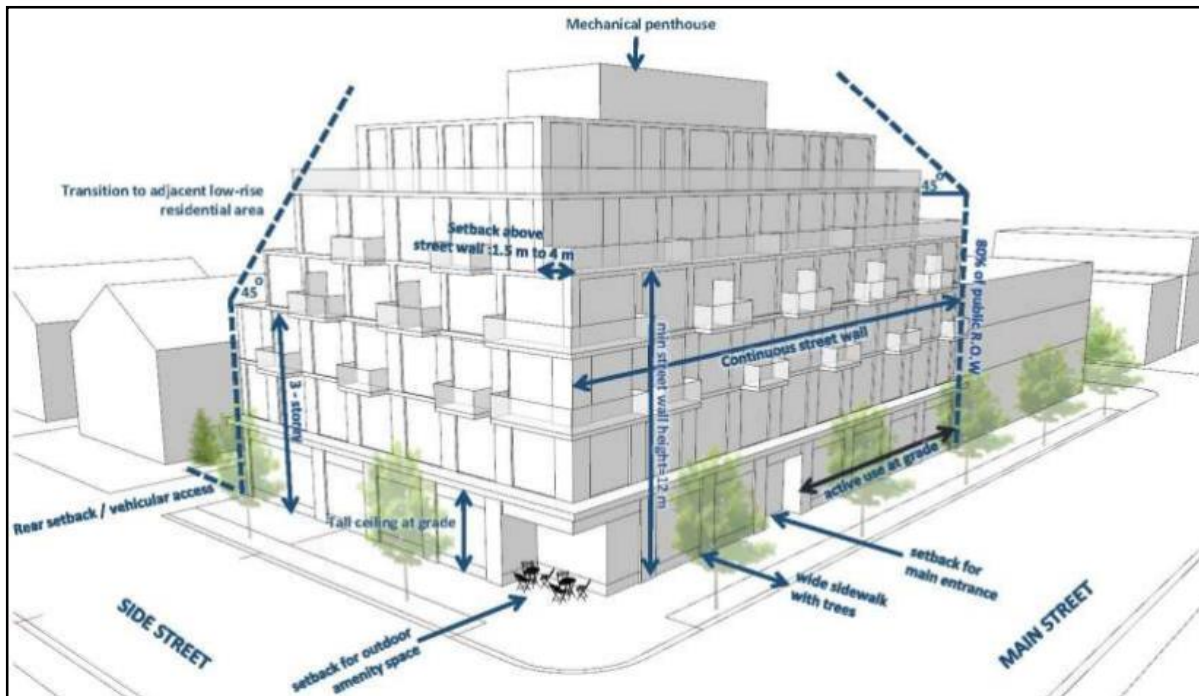


Figure 8: Extract from Urban Design Direction for Kerr Village

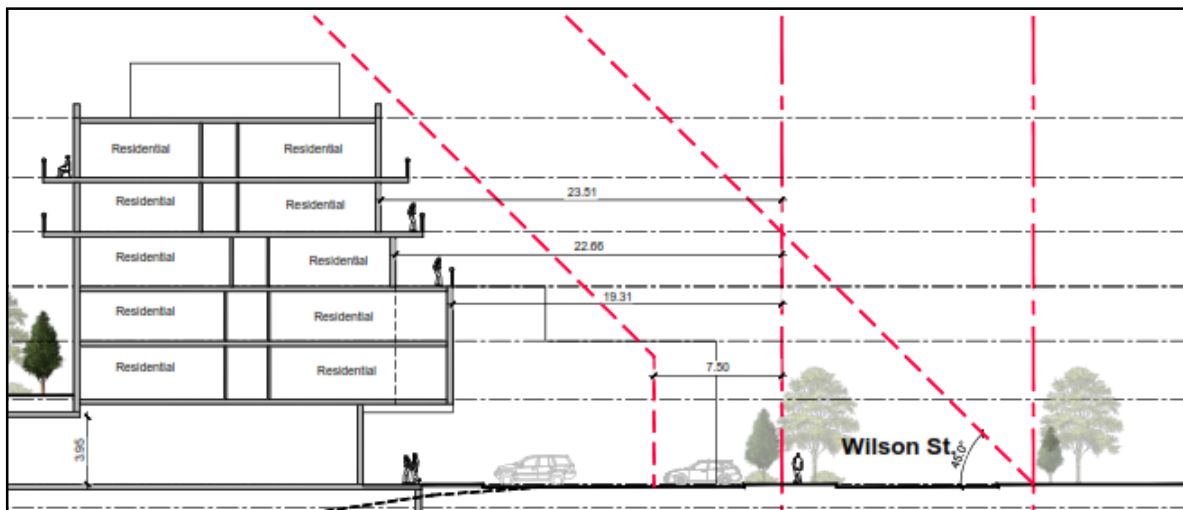


Figure 9: Building Section along Wilson Street with 45 Degree Angular Plane

The subject lands are separated from the low-rise residential area by Wilson Street. The main wall of the Proposal would be setback an additional approximately 19 m from Wilson Street and the building design includes step backs at the 4th and 5th storeys. The proposed loading and garbage space is proposed to be enclosed within the building and would project into this minimum yard (outline shaded in in Figure 9). A 3.85 m setback to Wilson Street would be provided and this portion of the proposed building would step back at the 3rd storey. Together, this design treatment results in meeting and exceeding a 45 degree angular plane to the low-density

residential area on the east side of Wilson Street. In staff's opinion, this treatment is consistent with the design direction for Kerr Village.

Although the site plan application has not been submitted, staff are recommending that that Council pass a resolution that would require the site plan for the proposed development be designed in accordance with the foregoing urban design requirements, listed in "**Appendix 'B'**" of this report:

- Distinctive, enhanced architectural design to create an appropriate built form at this significant corner location within Kerr Village.
- De-emphasizing the massing by providing step-backs for the upper two storeys and by articulating facades into narrower segments, through projections and/or recesses, which reflect the rhythm and scale of the surrounding built form in Kerr Village.
- Articulating the massing by dividing the facade into smaller elements, incorporating appropriate architectural detailing such as layering and modulations.
- Designing the ground floor uses to encourage activity at street level, with large window areas and entrances to provide appropriate relationships with the public realm.
- Incorporating architectural treatments such as canopies, accent illumination and landscaping to accentuate the principal building entrances.
- Refining the design to provide more visual interest and a backdrop for on-street activities by articulating all facades.
- Maintaining a fine-grain main street pattern
- Incorporating building setbacks and recesses at main entrances and gathering spaces that will provide shelter from elements.
- Incorporating environmental controls into the building design.

These requirements are intended to address the proposed and potential massing and the development impacts on the neighbourhood and the public realm at a more detailed site plan level.

Should the review of the site plan application identify that a minor variance is necessary, and within 2 years from the date By-law 2022-013 is enacted, staff will report back to Council.

Zoning By-law

Zoning By-law 2014-014 zones the subject lands as Community Use (CU), which does not permit the proposed development ('**Appendix F'**). Staff are recommending that By-law 2022-013, an amendment to Zoning By-law 2014-014, be passed. This Amendment would rezone the lands to MU1 (Main Street 1), consistent with the Main Street 1 designation, with Special Provision 411 which would provide:

-
- i. limit permitted uses to permit the proposed use, together with a minimum of 330 m² of commercial uses at grade along Kerr Street;
 - ii. prohibit a retirement home within the first 4.9 m of depth from the main wall oriented toward Kerr Street (to require the commercial use along Kerr St.);
 - iii. permit ancillary residential uses on the first storey for a maximum of 35% of the length of the main wall oriented toward Kerr Street (to permit the proposed dining room amenity);
 - iv. site-specific zoning performance standards requiring the proposed building step backs and a minimum rear yard of 17.0 m along Wilson Street, with provisions to accommodate the loading and garbage area projection;
 - v. Permit up to 6 storeys of height dependant on registration on title of an agreement pursuant to Section 37 of the *Planning Act*¹⁰ providing, to the satisfaction of the Town, facilities, services, and matters in the form of one or more of the following:
 - a. Contribution towards a community meeting room;
 - b. Heritage conservation;
 - c. Contribution towards public park improvements;
 - d. Cash-in-lieu contribution; and,
 - e. Contributions by the Owner of the subject property to the Corporation of the Town of Oakville to be used for eligible community benefits identified in Part E, Section 23.8.2 d) and Part F, Section 28.8.2) of the Livable Oakville Plan.

While the specific benefits will be defined in a future agreement, the contribution toward a community meeting room is intended to augment seniors' space at the Oakville Trafalgar Community Centre. The heritage conservation may conserve building elements from the existing Lions Foundation building, by dismantling and incorporating them into the new development.

TECHNICAL & PUBLIC COMMENTS:

As noted in the 'Changes to Proposal since Statutory Public Meeting' section of this report, since the statutory public meeting on September 8th, 2020 revisions to the Proposal, together with the supporting plans and reports were made to address comments received from Council, the Public and staff. The current version of the reports and plans submitted in support of this application are available on the town's website at the following link: <https://www.oakville.ca/business/da-35778.html>

¹⁰ Section 37 of the *Planning Act* remains in effect until the Town passes a Community Benefit Charge ("CBC") By-law or until September 18, 2022. Transition provisions would allow for a site-specific Zoning By-law that describes required Section 37 contributions, enacted before the end of this transition period, to continue to apply after the CBC By-law is enacted.

Planning staff circulated the updated plans and reports to internal departments and external agencies for a full assessment of the proposal to ensure technical matters have been satisfactorily addressed. The PPS, Growth Plan, Halton Region Official Plan, Livable Oakville and other relevant policies and supporting guidelines were reviewed in their entirety, with relevant policies applied. Overall, all technical comments have been addressed.

The following is an overview of the how matters identified by staff at the Public Meeting and through the Update Report were addressed, followed by matters identified by Council and the Public.

Issues Identified by Staff at Public Meeting and Through Update Report

i. impact/integration of the proposed development on adjoining properties including:

- *whether the proposed, massing, transitions and design of the proposed development is appropriate given the existing and planned surrounding context;*

Comment: As summarized in the ‘Urban Design and Livable by Design Manual’ section of this report, an assessment of the proposed massing, transitions and design of the Proposal was undertaken by staff which concluded that the Proposal, as revised, is compatible with the surrounding context, conforms to Livable Oakville and would implement the Livable by Design Manual including Part B (Urban Design Direction for Kerr Village), subject to the urban design matters identified in “**Appendix ‘B’**” being addressed through a future site plan application. This includes the proposed and potential massing and the development impacts on the neighbourhood and the public realm.

- *appropriate land uses at grade and design treatment along primary and secondary streets (Kerr and Rebecca Streets).*

Comment: A restaurant land use is now proposed at grade along Kerr Street. An assessment of both land use and design treatment, as revised, along Kerr Street and Rebecca Street was undertaken by staff which concluded that the Proposal conforms to Livable Oakville and would implement the Livable by Design Manual including Part B (Urban Design Direction for Kerr Village) subject to the urban design matters identified in “**Appendix ‘B’**” being addressed through a future site plan application.

It is noted that under the parent zoning performance standards of the MU1 zone, ancillary residential uses on the first storey are permitted to

occupy a maximum of 15% of the length of the main wall oriented toward the front lot line (Kerr Street). By-law 2022-013 will increase this permission to 35% which will allow for one resident amenity space (dining room) to be accommodated along Kerr Street. Given the unique location of the subject lands adjacent to Westwood Park, together with the proposed building setback, it will allow for the landscape treatment to be continued from Westwood Park south along proposed dining room, which on this proposed limited basis would address the Urban Design direction for Kerr Village while also accommodating site-specific grading matters.

As part of a future site plan application, consistent with the design direction of the Livable by Design Manual, enhanced streetscapes will be designed and constructed, at the expense of the Owner, along the Kerr Street and Rebecca Street frontages of the subject lands.

- *transportation considerations associated with the proposed development, and in relation to adjacent roadways and intersections, including adequacy of parking;*

Comment: Since the public meeting, an addendum to the Transportation Impact and Parking Study was submitted. An analysis of transportation impact of the Proposal on adjacent roadways together with parking was undertaken, and staff are of the opinion that all comments and concerns regarding the same have been addressed. The updated Transportation Impact and Parking Study provides that AM peak trips will increase from 16 (current use) to 44, and PM peak trips will increase from 12 (current use) to 60, resulting in 28 net new trips in the AM peak hour and 48 net new trips in the PM peak hour.

The traffic operations analysis demonstrates that the foregoing trips are expected to have a minimal impact on the study area roadways. No new critical movements would be created as a result of site traffic, and increases to delays are minimal.

A total of 110 parking spaces are proposed. This results in a parking ratio of approximately 0.47 parking spaces per suite, exceeding parking standard of the town's Zoning By-law 2014-014 of 0.33 parking spaces per suite. The Applicant's parking study reviewed the parking supply of comparable retirement homes which provide a similar continuum of care and found that, on average, the proxy retirement homes provided an average parking ratio of 0.45 parking spaces per suite, less than the approximately 0.47 parking spaces per suite proposed.

Staff reviewed the parking supply in relation to the planned operation of the Proposal which found that:

- Based on 103 full-time equivalent staff, approximately 45 auto drivers are expected to be on duty during the weekday business day. During shift changes – which are expected to be staggered, with some staff arriving / departing at 2:00 p.m. and others arriving / departing at 3:00 p.m. – the worst-case auto driver occupancy is expected to be approximately 55;
- Based on comparable retirement residences, up to 10 suites – primarily independent living suites – are expected to require parking for a single private vehicle;
- The remainder of the parking supply is intended to 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.

This analysis demonstrated that up to 50% (55 out of 110) of the proposed parking supply will be utilized by staff during a shift change, with a smaller proportion during regular business hours, and a smaller proportion on weekends. Approximately 10% (up to 10 out of 110) of the proposed parking supply is expected to be used by independent living residents, and the remaining 40% (45 out of 110) of the proposed supply is expected to be available for visitors. The proportion of the parking supply available for visitors is expected to increase during peak times on weekends, as fewer staff are expected to be on duty.

Based on this analysis, staff are of the opinion that the proposed parking supply is adequate for the Proposal, and that the proposed design will be able to accommodate visitor parking on site.

- *adequacy of proposed sanitary, water and stormwater management servicing and consistency with applicable engineering standards;*

Comment: In a letter dated December 7, 2021, Halton Region reviewed the submitted Functional Servicing Report, found that previous comments were addressed, and concluded that there are no impacts to the Region's water or sanitary sewer system from the Proposal.

- *pedestrian circulation and integration with larger network;*

Comment: Since the public meeting, pedestrian connectivity has been improved including the addition of a new sidewalk from the building entrance to Wilson Street, and the addition of the outdoor patio and grading improvements along Kerr Street. The site plan, including pedestrian connection is anticipated to be developed further through the subsequent site plan application.

- *tree preservation;*

Comment: Staff reviewed and are satisfied with the updated Tree Assessment Report, Tree Preservation Plan and Shadow Study associated with the 45 trees and one vegetation unit on and in proximity to the subject lands. The shadow study found that the proposed 6 storey built form will not significantly impact the long term health or survivability of the trees within Westwood Park. It will be necessary to review tree preservation concerns at a more detailed site plan stage related to matters such as shifting the location of the proposed hydro transformer away from mature trees along the Westwood Park boundary and determining the specific location of the proposed walkway between the proposed building and Westwood Park, possibly through use of a non-invasive trenching exercise (Hydrovac technology) to determine the location of the roots of the subject trees. A detailed landscape plan with a minimum of 20% tree canopy cover, and streetscape plan will be required to be advanced through the required site plan application.

ii. urban design and function of site including:

- Overall design and appropriateness of the proposed development including massing, building setbacks, height and elevations;
- access to public open space and pedestrian connectivity;
- enhanced streetscape treatment and provision of a pedestrian-oriented streetscape;
- layout and land use of ground floor along Kerr Street frontage;
- design treatment adjacent to Westwood Park;
- conformity with the urban design policies of the Livable Oakville Plan and consistency with the Livable by Design Manual.
- adequate building setbacks and transition to the low density residential neighborhood;
- transit-supportive considerations including adequate transit passenger amenities, bicycle infrastructure and walkable blocks.

Response: As previously noted, staff are of the opinion that subject to the urban design matters identified in “**Appendix ‘B’**” being addressed

through a site plan application, all urban design matters as they relate to the subject Zoning By-law Amendment Application have been satisfied.

The applicant's sun / shadow study illustrates that the Town's standards for adequate sunlight on adjacent properties, future redevelopments, and the public realm are met.

iii. consistency / conformity with applicable Provincial, Regional and Town policy including:

- whether the proposed density and built form of development supports the urban structure of the town and is appropriate given the existing and planned surrounding context;
- Consistency with the Provincial Policy Statement, conformity with the Growth Plan, Halton Region Official Plan, Livable Oakville Plan and related guidelines.

Response: As reviewed in the Planning Policy & Analysis section of this report, the Proposal is consistent with the PPS, conforms to all applicable Provincial plans, the Region of Halton Official Plan, and the Livable Oakville Plan and related guidelines.

iv. suitability of land for intended use including:

- environmental suitability of lands for proposed use (sensitive land use / contamination);

Response: In a letter dated December 7, 2021, Halton Region reviewed the Proposal within the context of the Halton Region's "Protocol for Reviewing Development Applications with Respect to Contaminated Sites". A Record of Site Condition has been submitted that addresses concerns with respect to environmental site contamination.

For the foregoing reasons, and given the revisions to the Proposal, staff are of the opinion that all of the items listed in the 'Development Application Review' section of the Update Report dated March 30th, 2021 have been adequately addressed.

Statutory Public Meeting

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.*

Response: Similar to the existing use, two site accesses are proposed from Wilson Street. As previously noted, Policy 23.4.1 c) ii) of Livable Oakville provides that 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. An alternative access point from Rebecca Street was considered. The subject segment of Rebecca Street is occupied by a bike lane and a right lane taper for northbound turning movements on Kerr Street. This analysis demonstrated that a site access along Rebecca Street would create additional conflict points for the cycling route, and may introduce confusion for drivers given the presence of the right turn lane and the close distance to the Wilson Street and Rebecca Street intersection. In staff's opinion, shifting a site access to Rebecca Street is not recommended as it may increase the risk of collisions.

Furthermore, given the proposed arrangement of two site accesses from Wilson Street, the Transportation Study demonstrated that the Wilson Street and Rebecca Street intersection is expected to operate well within capacity, with minimal increase to delays for any lane movement. The current arrangement also provides a continuous loop which will allow for the forward movement of garbage pick-up and delivery vehicles to minimize back up noise from vehicles. Through the required site plan application, the site layout would be reviewed in more detail, including provision of enhanced landscape buffers along Wilson Street.

- b) *Consider terracing starting at three storeys rather than four storeys.*

Response: As previously noted, the Proposal has been updated to include additional stepping of the building at the 4th storey along Wilson Street, and 6th storey along Kerr Street together with refinement of building design to break up building massing. Given the setbacks and terracing provided, as revised, a 45 degree angular plane to the low-density residential area on the east side of Wilson Street met, consistent with the Livable By Design Manual and Part B Design Direction for Kerr Village, as noted herein. It is staff's opinion that the Proposal provides an appropriate transition to the Wilson Street.

To address the building massing and the development impacts on the neighbourhood and the public realm, at a more detailed level as part of a future site plan application, staff are recommending that Council approve a resolution that the site plan for the proposed development be designed in accordance with the urban design requirements in “**Appendix ‘B’**” to this report.

- c) *Consider design changes that would respond to COVID-19 challenges.*

Response: The Owner advised that the retirement home operator will undertake best practices learned through the pandemic into the design of the building.

- d) *Provide a breakdown of how parking spots are being allocated including the shift change.*

Response: Based on 103 full-time equivalent staff, approximately 45 auto drivers are expected to be on duty during the weekday business day. During shift changes – which are expected to be staggered, with some staff arriving / departing at 2:00 p.m. and others arriving / departing at 3:00 p.m. – the worst-case auto driver occupancy is expected to be approximately 55.

In other words, up to 50% (55 out of 110) of the proposed parking supply would be utilized by staff during a shift change. This would provide capacity for the 10 parking spaces anticipated to be used by independent living residents, and the remaining 45 parking spaces for visitors. As previously noted, an analysis of parking was undertaken, and staff are of the opinion that the Proposal would provide adequate on site parking.

- 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.*

Response: The plans have been revised to address this comment by including a restaurant use along Kerr Street, together with an outdoor patio. This commercial space would be required to be open to the public and be a minimum of 330 m² in size by By-law 2022-013. The applicant has advised that the restaurant would be run by a third party. Should a restaurant use not be successful within this space, By-law 2022-013 would also permit other commercial uses such as a ‘retail store’ and ‘art gallery’ which would also contribute to the policy objective of fostering an active main street environment.

Update Report

At the Planning and Development Council meeting on April 12, 2021 Council considered an Update Report regarding this application and directed staff as follows:

1. *That staff be directed to prepare an Official Plan Amendment and Zoning By-law Amendment which permits the proposed retirement home including at-grade uses where associated with the retirement home, and as generally identified in the updated plans provided in the report from Planning Services dated March 30th, 2021.*
2. *That staff bring back a report upon satisfactory resolution of the outstanding planning and design matters that are generally outlined in the Planning Services March 30th, 2021 report, and specifically addressing appropriate transition to the established neighbourhood to the east, and improved articulation of the westerly building façade.*

Response: The Proposal has been updated to conform to Livable Oakville. As such, it is staff's opinion that an amendment to Livable Oakville is no longer required. It is noted that this staff report only assesses the proposal on the basis of community benefits being provided in exchange for an additional 2 storeys of building height, in conformity to Livable Oakville.

As provided herein, all outstanding technical matters have been addressed. By-law 2022-013 has been drafted for Council's consideration to implement the Proposal.

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 concerns 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 fit 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 impact / calming / management;
- l) concern about use (prefer residential use to support retail);
- m) shadow impacts of building;

Three oral submissions were also made by residents at the statutory public meeting. Public comments received as of the date of this report have been appended to this report as “**Appendix ‘A’**” 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.

While the majority of the foregoing comments have been addressed through the analysis of planning policy, and issues covered by the staff review and Council resolutions, the following overview addresses remaining matters:

- i. **Garbage Storage:** garbage storage and loading is designed to be stored and take place inside the building, which would limit odour and visual impacts. Furthermore, the vehicle circulation plan has been designed to provide for a continuous forward motion to minimize back up noise from trucks. In addition, staff are recommending as part of “**Appendix ‘B’**” direction for a future site plan agreement to be registered on title of the subject property which will, amongst other matters, limit the private pick up of garbage on weekdays only between 9:00 AM – 4:00 PM.
- ii. **Site Plan Approval:** As part of a future site plan application the design of the site would be developed further. This would include matters such the Rebecca Street and Kerr Street streetscape, tree preservation, and enhanced landscape buffers along Wilson Street.
- iii. **Bonusing:** While specific benefits would be defined in a future agreement, By-law 2022-013 enables a bonussing option including contribution toward a community meeting room (intended to be a new seniors’ space at the Oakville Trafalgar Community Centre), heritage conservation (may conserve

building elements from existing building), and other eligible bonusing items provided by Livable Oakville.

- iv. **On Street Parking along Wilson Street:** As previously noted, based on staff's review of the Parking Assessment, it is staff's opinion that the Proposal provides adequate on-site parking facilities for all users of the proposed building. As part of a future site plan application, parking signage will be also reviewed. This may include signage to directing visitors to park on site, and be supported by clauses in the site plan agreement which would be registered on title of the subject property.
- v. **Construction Impacts:** As part of a future site plan application, the Applicant will be required to submit a construction management plan. It will outlined the construction works to be undertaken and how the builder intends to manage the project to minimise the impact on the local residents during construction. In addition, the builder will be required comply with related Town By-laws which regulate matters such as the time of day construction works can occur.

Accordingly, staff are recommending a resolution that the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.

IMPLEMENTATION:

Should Council approve this Zoning By-law Amendment application, site plan matters, including the Urban Design Requirements appended to this report as "**Appendix 'B'**", would continue to be advanced through a required site plan application. Concurrently, to permit a six storey building height, the Owner would be required to enter into a bonusing agreement with the Town to specify the facilities, services, and matters being provided pursuant to Section 37 of the *Planning Act*. As outlined in this report, part of the foregoing may include heritage conservation involving the conservation of building elements through dismantlement and incorporation into the new building design.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on February 26, 2020 at the Trafalgar Park Community Centre, and a statutory public meeting was held, virtually, on September 8, 2020. Written correspondence received since the public meeting is included as "**Appendix 'A'**".

Notice for the meeting regarding this development application was provided in accordance with the *Planning Act* regulations and Town practices.

(B) FINANCIAL

Development charges and parkland dedication are applicable to this development, net of any demolition credits, and would be payable at building permit.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Zoning By-law Amendment application was circulated to internal and external departments and agencies for review and comment.

(D) CORPORATE STRATEGIC GOALS

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

- To be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development has been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019. Overall, the proposed development constitutes a transit-supportive compact built form which is supportive of the town's urban structure and would efficiently use public infrastructure. Staff have encouraged the applicant to reduce the footprint of the proposed development through use of construction methods which support sustainable development including:

- i. renewable energy systems such as wind, geothermal and solar power installations;
- ii. energy-efficiency technologies that are consistent with high energy efficiency standards (such as Energy Star and LEED buildings), design features and construction practices;
- iii. green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect;
- iv. permeable paving and other innovative stormwater management methods;
- v. water conservation and efficiency measures; and,
- vi. conserving heritage resources, which contributes to sustainability by reducing landfill and lessening the demand for energy and resources needed for new construction.

These opportunities to reduce the development footprint of the proposal will be explored in greater detail, and encouraged as part of a future site plan application.

CONCLUSION:

Staff recommends approval of the zoning by-law amendment to permit the Proposal following reasons:

- A full circulation has been undertaken and there are no outstanding planning issues to be resolved;
- The Proposal is consistent with and would implement the vision, development objectives, community design strategy and land use strategy of Livable Oakville;
- The Proposal is consistent with the PPS and conforms to the Growth Plan and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning;
- The Proposal is located within a strategic growth area, and would be transit-supportive.
- The Proposed retirement home land use is permitted by Livable Oakville and would assist in achieving healthy, liveable and safe communities objectives of the PPS and provide an important contribution to achieving broader complete community objectives of the Growth Plan
- Site design matters will continue to be advanced through the required site plan approval application.
- The Urban Design Requirements appended to this report as “**Appendix ‘B’**” will further address the proposed and potential massing and the development impacts on the neighbourhood and the public realm, through the site plan process;
- Comments from the public have been appropriately addressed; and,
- Comments from Council have been appropriately addressed.

APPENDICES:

- A – Public Comments
- B – Urban Design Requirements
- C – PPS Extracts
- D – Growth Plan Extracts
- E – Livable Oakville Extracts
- F – Zoning By-law (2014-014)
- G – By-law 2022-013

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
Director, Planning Services