

## REPORT

### Planning and Development Council

Meeting Date: July 11, 2022

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**FROM:** Planning Services Department

**DATE:** June 28, 2022

**SUBJECT:** Public Meeting & Recommendation Report, Official Plan Amendment and Zoning By-law Amendment, Greywood Developments, 2365-2377 Lakeshore Road West - File Nos. OPA1729.61 and Z.1729.61

**LOCATION:** 2365-2377 Lakeshore Road West

**WARD:** Ward 1 .

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#### RECOMMENDATION:

That the Official Plan Amendment and Zoning By-law Amendment applications by Greywood Developments, for 2365-2377 Lakeshore Road West (File Nos. OPA1729.61 and Z1729.61), be denied.

#### KEY FACTS:

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

- Greywood Developments has submitted applications for an Official Plan Amendment and Zoning By-law Amendment for properties at 2365-2377 Lakeshore Road West.
- The application proposes a nine-storey mixed use building by way of bonusing containing 180 dwelling units with 673 square metres of retail and service commercial uses at grade, and two levels of underground parking.
- A virtual Public Information Meeting was held on December 14, 2021 and had 30 attendees.
- The existing, and in-effect, Official Plan designation as amended by OPA 18 and zoning are consistent with the Provincial Policy Statement, conform to all applicable Provincial plans, and the Region of Halton Official Plan.
- The application was deemed complete on April 5, 2022.
- The report recommends refusal of the proposed official plan and zoning amendment applications based on the following:

- The applicant has not provided sufficient information to demonstrate how the proposed increase in height, and the building's design and placement on the site address aspects of the Matters of Provincial Interest under Section 2 of the *Planning Act*, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Region of Halton Official Plan.
- The cumulative impacts of the requested changes to the Official Plan and zoning in the context of Bronte Village's Main Street district appears to conflict with the policy framework established through coordinated planning exercises between the town and the Region of Halton through OPA 15 and 18, ROPA 48 and the emerging policies of ROPA 49, which recognizes Bronte Village as a Secondary Regional Node.
- The proposal fails to comply with the Livable Oakville Official Plan as the proposal does not sufficiently implement the "Development Concept" nor provide intensification at a scale of appropriate for the existing and planned context of Bronte Village.
- The proposed increase in height is not appropriate for the subject lands as the proposed building form and massing does not represent good urban design in that it fails to incorporate adequate and suitable building setbacks and building wall step backs to achieve the necessary transitions to be compatible with the Lakeshore Road main street character and from the low-rise residential areas to the north of the site.

## **BACKGROUND:**

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Official Plan Amendment and Zoning By-law Amendment for 2365-2377 Lakeshore Road West.

A pre-consultation meeting was held on November 10, 2021, which was attended by the applicant as well as Town and Regional staff based on a nine-storey mixed use building. The purpose of a pre-consultation meeting is to establish the formal application requirements of a development application, as well as to provide preliminary staff feedback on a proposal.

Taking into account the policies of the Livable Oakville Plan and urban design directions contained in the Livable by Design Manual, staff provided preliminary feedback on the nine-storey proposal to the applicant related to the proposed height, siting, and design of the building. As a result of information provided at the pre-consultation meeting, the applicant was made aware of which aspects of the proposal

fell short of addressing the Town's policies for new development in the Main Street district for Bronte Village, and what adjustments might be advisable to the proposal in advance of a formal application submission. No revisions to the proposal were made prior to the application being submitted.

Official Plan Amendment and Zoning By-law Amendment applications were submitted and deemed complete on April 5, 2022. At that time, the application was also circulated for technical review and agency comment.

A virtual Public Information Meeting was held on December 14, 2021. The meeting was attended by 30 participants. Since the submission of the application, staff have received 12 letters of objection to the application.

Bill 108 provides for a 120 day consideration, which will end on August 5, 2022.

## **Proposal**

As previously stated, the applicant seeks approval to permit the lands to be developed for a nine-storey mixed use building containing 180 residential units with 673 square metres of retail and service commercial use at grade, with two levels of underground parking.

The proposal provides for 161 parking spaces for residential, visitors and commercial use within two levels of underground parking and parking at grade. Based on the requisite parking ratio under the existing zoning by-law, for residential, visitor and commercial parking a total of 200 parking spaces are required for the proposed development. Further, the proposal contemplates a dog-run at grade at the north east corner of the property, as shown in the site plan provided in Figure 1 below.

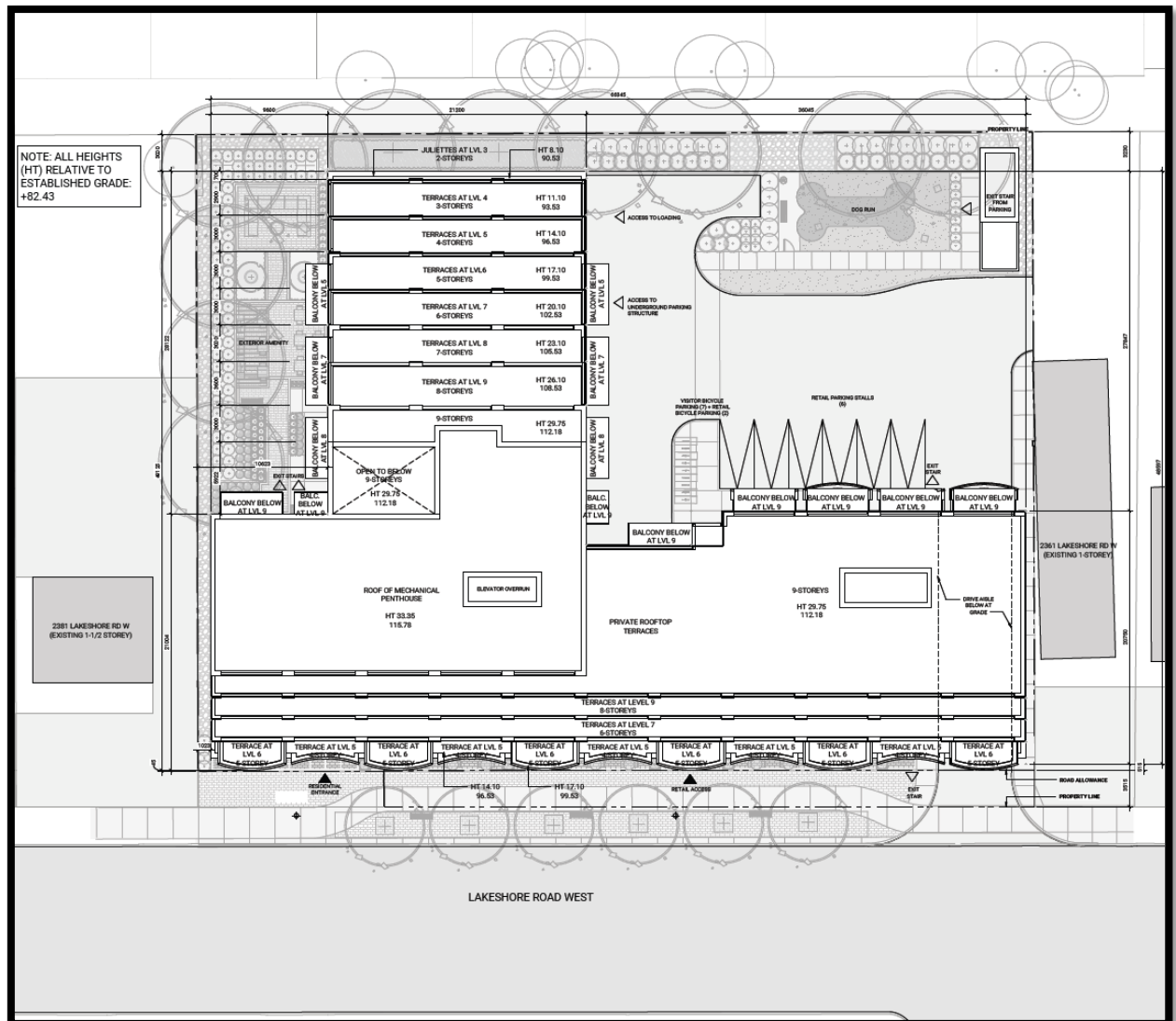


Figure 1 – Proposed Site Plan

The applicant has applied for an Official Plan Amendment to increase the maximum building height from four storeys (with bonusing, up to six storeys at Council's discretion) to nine storeys within the Main Street 1 designation. At the present time, the applicant will require a Section 37 (bonusing) agreement to support any additional height beyond four storeys. The applicant has not identified what public benefit is proposed in exchange for any height over four storeys.

As a result of legislative changes to the *Planning Act*, by-laws utilizing Section 37 (bonusing) can no longer be passed as of September 18, 2022, however; municipalities may consider a Community Benefits Charge (CBC) under Section 37.

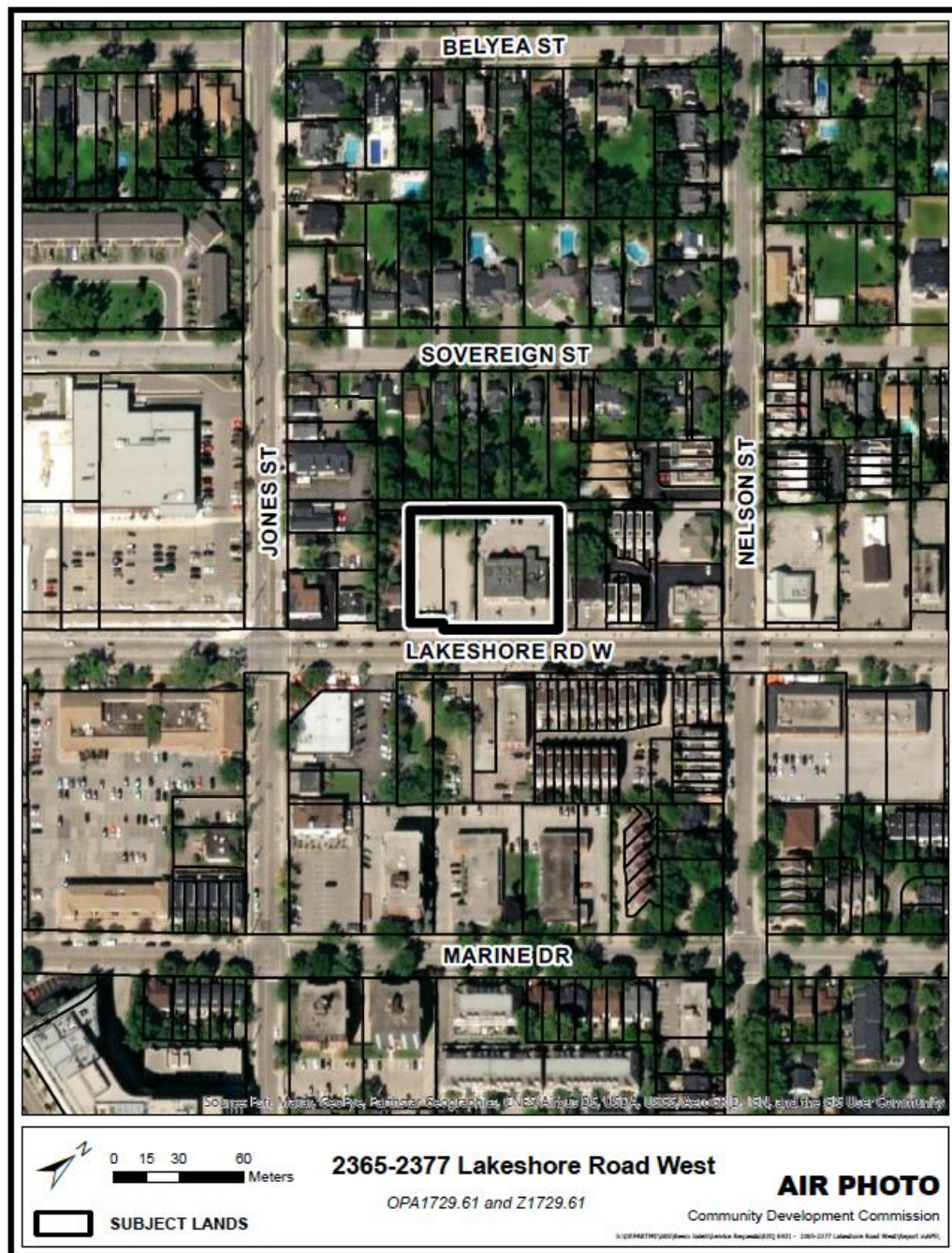
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It is anticipated that Council will consider a Community Benefits Charge Strategy to implement a Community Benefits Charge in place of the current Section 37 process.

In addition, the proposal requires a Zoning By-law Amendment to rezone the lands from Main Street 1 (H1 MU1) to Main Street 1 modified with regulations specific to building height, building setback, landscaping, and parking, among others.

### **Location & Site Description**

The subject lands consist of three properties located on the north side of Lakeshore Road West between Jones Street and Nelson Street and is municipally known as 2365-2377 Lakeshore Road West, as shown in Figure 2 below.



*Figure 2 – Aerial Photo*

The evaluation of the proposed development includes an assessment of the physical context and character of the surrounding neighbourhoods. In this case, the neighbourhood can be primarily classified as lands located within the boundary of the Bronte Village growth area.

Adjacent lands to the east, north and west are designated Main Street 1 and are included within the boundary of the growth area. Abutting lands to the east contain an existing one-storey restaurant, and to the west, a two-storey commercial building. Immediately north of the site is a 4.5m town owned parcel which contains stormwater management infrastructure which has created a natural buffer to the residential uses fronting onto Sovereign Street. The lands to the south are currently under construction for a new four storey mixed use building with seniors' residences.

Similar to the subject property, both properties to the east and west are eligible for bonusing, permitting buildings two to four storeys in height, with an additional two storeys of height being available as a result of bonusing, for a potential maximum building height of six storeys, at Council's discretion.

### Site Description

The combined area of the subject lands is 0.37 hectares with a frontage of approximately 68 metres on Lakeshore Road West. The subject lands are currently occupied by one two-storey commercial building.

### **Surrounding Land Uses**

The surrounding land uses are as follows:

South: four-storey mixed use building, with senior's residences

West: one-storey commercial uses

North: detached dwellings

East: one-storey commercial uses

### **PLANNING POLICY & ANALYSIS:**

The property is subject to the following policy and regulatory framework:

- Section 2, Matters of Provincial Interest, *Planning Act*
- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014, as amended



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## Matters of Provincial Interest

Section 2 of the *Planning Act*, sets out specific criteria for which all planning applications should be evaluated. The following criteria are applicable to the applications:

- “(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
  - (i) is well-designed,*
  - (ii) encourages a sense of place, and*
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.”*

While the proposed development is providing for new residential opportunities within a growth area, the scale of development conflicts with the coordinated planning exercised undertaken by the Region and the town. These coordinated exercises resulted in OPA 15 which established the town’s urban structure, and informed ROPA 48 that recognizes Bronte Village as a Secondary Regional Node that accommodates development on a scale defined by the town. OPA 18 established the development context for the Main Street district of Bronte Village, including built form. The proposed built form does not appear to reflect the “sense of place” planned for Bronte Village as it is not well-designed because it does not create appropriate setbacks and transitions to the street and residential areas to create attractive and vibrant public spaces. Therefore, it is staff’s opinion that more information is required to determine if the application has regard for Section 2 of the *Planning Act*.



## Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) ('PPS') continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The vision of the PPS is to provide a policy framework that supports the optimized use of land for efficient development and land use patterns by directing growth to settlement areas, and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

Section 1 of the PPS provides policies that direct efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

The PPS under Policy 1.1.1 e) states that:

*"healthy, liveable and safe communities are sustained by:*

*promoting the integration of land use planning, growth management, 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."*

Policy 1.1.3.3 states that:

*"planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."*

It also sets out under Section 1.1.3.4 that:

*"appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety."*

Section 4 of the PPS provides various policies on implementing and interpreting the PPS to ensure the policy objectives are achieved.

Section 4.6 of the PPS establishes that:

*“The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.*

*Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.*

*In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.”*

It is staff's opinion that to optimize the available land supply, the development must represent good planning by implementing the local policy direction for Bronte Village, and incorporate good urban design as provided through the town's Urban Design direction and OP policies. It is staff's opinion that the proposed development does not appear to represent an attempt to optimize the available land supply but rather maximizes the use of the land by proposing an increase in height together with reduced parking and setbacks, and inappropriate transitions to the street and abutting residential uses. It is staff's opinion that the proposal does not sufficiently address the existing and planned character of the street and surrounding area. Therefore, it is staff's opinion that the proposal does not demonstrate consistency with the PPS.

### **Growth Plan (2019)**

The Growth Plan for the Greater Golden Horseshoe ('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. 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, expand convenient access to transportation options.

The subject property is within the "Built-Up Area" on Schedule 2 of the Plan.

Section 2 of the Growth Plan provides various policies on where and how to grow. The Plan states:

*“It is important to optimize the use of existing urban land supply as well as existing building and housing stock to avoid over-designated land for future urban development while also providing flexibility for local decision-makers to respond to housing need and market demand. This plan’s emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities and less on continuously expanding the urban area.”*

Under Section 2.2.1-3 (Managing Growth), the Growth Plan sets out that upper and single tier municipalities will undertake integrated planning to achieve a number of matters including providing direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form (Section 2.2.1-3 (c)).

It further states under Section 2.2.1-3 (d) that this integrated planning will be undertaken by way of a municipal comprehensive review and, where applicable, include direction to lower-tier municipalities.

Section 2.2.1-4 intends that the application of its policies will support the achievement of complete communities that feature a diverse mix of land uses, convenient access to and public service facilities and provide for a more compact built form and vibrant public realm.

Section 2.2.3 states:

“All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas”

Section 5 provides various policies for the implementation and interpretation of the Plan’s objectives. Section 5.2.3 provides direction on the coordination of planning

activities between upper and lower tier municipalities that are required to implement the Plan.

OPA 15 established the town's Urban Structure and identifies strategic growth areas, such as Bronte Village, to support intensification. Subsequently, OPA 18 was adopted and provides a distinct policy framework for the type and scale of development for Bronte Village, including policies to address transition to adjacent areas. ROPA 48 and the emerging policies of ROPA 49 continue to recognize Bronte Village as a Secondary Regional Node have not identified a need to revisit the current policy regime for Bronte Village beyond what has been established through OPA 18. On this basis, the Bronte Village policies support intensification and conform to the Growth Plan.

However, as also provided in the PPS discussion above, the proposed development neither represents good urban planning nor does it incorporate good urban design to optimize the use of land by proposing an increase in height together with insufficient parking and reduced setbacks, and therefore does not appear to implement the objectives set out by the Growth Plan to provide intensification at a scale appropriate for the Bronte Village Main Street district. On this basis, it is not clear how the cumulative impacts of the proposed amendments adequately demonstrate conformity with the Growth Plan.

### **Halton Region Official Plan**

The subject lands are designated 'Urban Area' in the Regional Official Plan (ROP) as shown on Map 1 of the ROP (Regional Structure). Section 72 of the Regional Official Plan provides that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity. The policies of the Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities, which afford maximum choices for residence, work, and leisure. Section 72.1 of the ROP states that the objectives of the Urban Area are to identify a Regional Urban Structure that directs growth to Strategic Growth Areas and to facilitate and promote intensification and increased densities (among other matters).

Further, Section 76 of the ROP provides that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws.

However, Section 44 of the ROP recognizes that each Local Municipality is responsible for its Local Urban Structure, as long as the overall planning vision for Halton and policies of the ROP, including the Regional Urban Structure, are adhered

to. On this basis, the town must be satisfied that the proposed development meets the goals, objectives, and policies of its Official Plan and it does not impact the implementation of other strategic growth areas within Oakville.

Strategic Growth Areas are integral to the Regional Urban Structure within the Urban Area and consist of a number of components, including Primary and Secondary Regional Nodes. The subject lands, being located within 'Bronte Village', are within a Secondary Regional Node as shown on Map 1H and referenced in Section 82.1(2)c of the ROP. Secondary Regional Nodes are intended to be a focus for growth through mixed-use intensification at a scale appropriate for the context, while development with higher densities and mixed uses are directed to Primary Regional Nodes in accordance with the hierarchy identified in Section 79.2 and based on the level of existing and planned transit service. The ranges of height and their associated contexts is provided more specifically within the implementing zoning by-law, discussed later in this report. Both ROPA 48 and the emerging policies of ROPA 49 continue to recognize Bronte Village as a Secondary Regional Node and does not currently contemplate revisions to the town's policy framework established through OPA 18.

Within the Secondary Regional Nodes, the scale of development is at the discretion of the municipality, which has been established through the "Development Concept" for Bronte Village in the Livable Oakville Official Plan. On this basis, the application does not appear to sufficiently demonstrate how the cumulative impact of the requested amendments address the Secondary Regional Node objectives for Bronte Village, and how the proposal conforms to the Region of Halton Official Plan.

### **Livable Oakville Plan**

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe

### **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, and was adopted through OPA 15, and the town's Urban Structure was later used to inform ROPA 48.

The subject lands are identified on Schedule A1 – Urban Structure as being Nodes and Corridors Main Street Area.

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The Urban Structure identifies Nodes and Corridors as key areas of the Town which will be the focus for mixed use development and intensification, and provides a hierarchy for the scale of development relative to the location of the Node and Corridor. For example, Main Street Areas (Bronte Village) are recognized for their distinctive character and are intended to accommodate lesser amounts of intensification than Midtown which will accommodate a significant portion of the town's and Region's required intensification which is supported by higher order transit.

Schedule P1 of the Livable Oakville Plan includes the property within the boundaries of the Bronte Village Growth Area, and designates the property as "Main Street 1" and as "Lands eligible for bonusing" (see Figure 3 below). The lands are also subject to the Primary Streets and Enhanced Streetscape Area policies as shown on Schedule P2 Urban Design Plan. The "main street growth areas" (also considered the Secondary Regional Node in the Region of Halton Official Plan) of Bronte Village, Kerr Village and Downtown Oakville were studied, and official plan amendments (OPA 18, OPA 19 and OPA 20) were adopted by Council in December 2017 and approved by Halton Region in June 2018, following the adoption of OPA 15 in April 2018. OPA 15, which was approved by the Region, informed foundational elements of the Regional Urban Structure in ROPA 48.

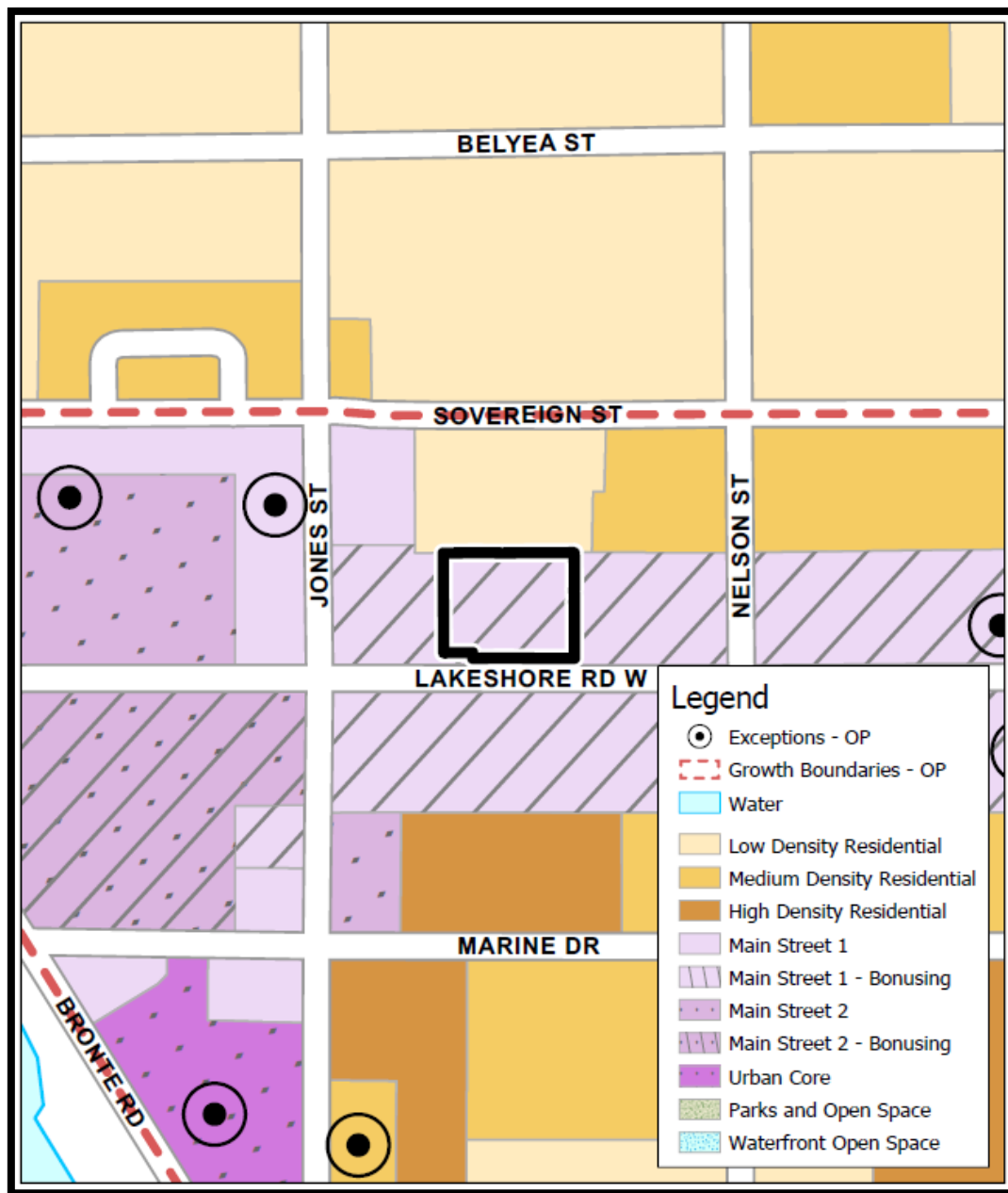


Figure 3 – Official Plan excerpt

The “Main Street 1” designation is intended to represent small scale mixed use development along main streets and to reflect a pedestrian focused, main street character. This designation permits buildings two to four storeys in height, and in certain locations (including the subject property), an additional two storeys of height may be available as a result of bonusing, for a maximum building height of six storeys. Bonusing is available at the sole discretion of Council.



In order to allow increased building height to nine storeys, the proposed development requires an Official Plan Amendment to provide a site specific exemption in the Official Plan.

### OP Objectives

Bronte Village “shall have a distinct *character* in terms of land use and function” as set out by the “Development Concept” policies in the Official Plan. The policy framework that defines and supports this character was considered through a comprehensive planning process, which considered growth objectives to 2041. The emerging policies of ROPA 49 does not contemplate any changes to the existing Bronte Village policies. On this basis, no further growth reviews are contemplated at this time and the policy framework established for Bronte Village through OPA 18 reflects the current direction and expectations for intensification in this area.

In the recommendation report dated November 13, 2017 prepared for OPA 18, staff provided a detailed analysis of the Bronte Village Growth Area Review process and its outcomes. The report stated:

*“Throughout the Bronte Village Growth Area Review process, there had been a significant amount of discussion about the appropriate level of development permissions within Bronte Village (i.e. building heights). The discussions took place from two perspectives:*

- 1) ensuring the character of Bronte Village is maintained, premised on a low rise main street environment, and;*
- 2) ensuring development permissions create conditions which enable and encourage redevelopment to take place, premised on a sense of urgency to strengthen the local business environment.*

*Underlying both of these perspectives has been the collective desire for a revitalized community with a vibrant main street, a mixed use community with a range of commercial spaces and housing options, and attractive parks and open spaces which offer a complete community for residents, visitors, and employees year round.*

*It is staff’s opinion that the recommended official plan amendment addresses these perspectives. The amendment provides increased development opportunities and expanded areas eligible for bonusing which will assist to further enable revitalization at a scale appropriate for the Bronte Village Growth Area. Further, the recommended official plan amendment upholds the context of Bronte Village within the town-wide urban structure as a Main Street Area, which are recognized for their distinctive character and are*

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*intended to accommodate lesser amounts of intensification as compared to the other growth areas such as Midtown Oakville.”*

Amendments to the policies in Section 24 - Bronte Village Growth Area were implemented through a comprehensive planning exercise resulting in OPA 18.

To support the Growth Area Review exercise, the town retained consultant N. Barry Lyons to complete a viability assessment. The assessment validated the town's approach to provide bonusing opportunities to increase height in specific locations to encourage growth and intensification, while also maintaining the Main Street character of Lakeshore Road West. On this basis, maximum heights were established for Main Street and Gateway areas within Bronte Village. Four storeys (plus two storeys with bonusing) is the maximum permitted height for the subject lands and the entire block of properties on Lakeshore Road West between Jones Street to Nelson Street. The inclusion of maximum height policies (together with applicable urban design criteria) within this area supports intensification at a scale that is appropriate for the existing and planned context of Bronte Village.

### Land Use Policies

Section 24 of the Livable Oakville Plan provides the primary policy framework for growth in Bronte Village, which was most recently updated through OPA 18.

Bronte Village is a historical area, that has retained the character of a village community and is focused on the pedestrian-oriented areas along and around Lakeshore Road West and Bronte Road. Bronte Village is intended to continue to evolve and serve as an intensification area. The Official Plan provides that growth within Bronte Village will be managed at clearly defined locations and will contribute to the Town's residential intensification targets.

The “Development Concept” for Bronte Village contains a clearly articulated set of policies and design direction for appropriate forms of intensification in Bronte Village. Section 24.3 of the Livable Plan establishes a framework for new development throughout the Village area and along Lakeshore Road West. Policy 24.3.1 states:

*“New development in the Bronte Village Main Street District shall primarily be provided in mixed use buildings... Higher residential densities shall be directed to the gateways of the District and serve to anchor Lakeshore Road West within Bronte Village as the main street.”*

To support this direction, gateway areas have been defined under policy 24.5.6 which are primarily located at Lakeshore Road West and East Street to the east, and Lakeshore Road West and Bronte Road to the west. The purpose of gateways

is to accommodate visually prominent entry features into Bronte Village by providing a well designed built form or structures, distinctive streetscape treatments, landscaping, and/or public art. The gateways generally accommodate taller buildings than those found on the Main Street district. The subject lands are located in the middle of the two gateway locations on Lakeshore Road West.

Further, to better direct the built form of the Main Street areas, not including the gateway locations, policy 24.5.8 states:

*“To maintain a pedestrian-scaled environment, new development should generally be two to four storeys in height along the street edge, with taller elements stepped back from the street.”*

With respect to the land use policies of the Main Street 1 designation, Section 12.2 must be considered, which further reinforces the “Development Concept” set out in Section 24.3, to provide a small scale, pedestrian oriented environment. Policy 12.2.2 states:

*“Building Heights Buildings within the Main Street 1 designation shall be a minimum of two storeys in height and a maximum of four storeys in height.”*

Through the Growth Area Review for Bronte Village, bonusing opportunities for additional height was included in OPA 18, as set out in Section 24.8.2. Policy 24.8.2 a) i) identifies that an additional two storeys in height could be considered through implementing the bonusing provision and providing public benefits identified as:

- i) improved local transit service and transit user amenities;
- ii) affordable housing;
- iii) public parking facilities;
- iv) streetscape enhancements;
- v) cultural heritage conservation and enhancements;
- vi) parkland improvements beyond the minimum standards for public squares; and,
- vii) public art.

Bonusing provisions as provided in the Livable Oakville Plan will no longer be available after the earlier of September 18, 2022, or if Council implements a Community Benefits Strategy. The CBC Strategy will identify eligible items and cash contributions required for residential development of five or more storeys and 10 or more units. It is not yet clear what will be eligible.

In consideration for site specific Official Plan amendments, Section 28.2 is also applicable. Policy 28.2.3 states:

*“Submissions must demonstrate that the proposed amendment:*

- a) is consistent with the Town’s mission and guiding principles;*
- b) does not undermine the Town’s urban structure in terms of:*
  - i) directing growth to identified nodes and corridors, and ensuring their timely development in a manner that makes effective and efficient use of existing and planned investment and achieves the planned objectives for these areas;*
  - ii) protecting natural heritage systems;*
  - iii) protecting waterfront open space, parks and other public open space;*
  - iv) conserving cultural heritage resources; and,*
  - v) the maintenance of the character of established Residential Areas, Employment Areas and major commercial areas;*
- c) is consistent with Provincial, Regional and Town plans for multi-modal transportation systems, municipal services, infrastructure and public service facilities;*
- d) does not result in adverse fiscal impacts for the Town;*
- e) is an appropriate use for the land;*
- f) is compatible with existing and planned surrounding land uses;*
- g) is not more appropriately considered under a required comprehensive Official Plan review or a municipal comprehensive review;*
- h) does not establish an undesirable precedent if approved;*
- i) satisfies all other applicable policies of this Plan.”*

The criteria established in Section 28.2.3 provides the framework for considering site specific amendments. It is staff’s opinion that the cumulative impact of the proposed amendments as it relates to the increase in height from four storeys to nine storeys is inconsistent with the mission and guiding principles of the Official Plan. The proposed increase in height together with insufficient parking and reduced setbacks, and inappropriate transitions to the street and abutting residential uses results in a built form and scale that would be more appropriately directed to a gateway location, or a Node and Corridor supported by higher order transit and therefore, is inconsistent with the town’s urban structure. Additionally, the increase in height is not compatible with the existing and planned surrounding land uses and would establish an undesirable precedent if approved.

On this basis, it is staff’s opinion that the proposed application to amend the Official Plan is inappropriate as the application fails to implement the “Development Concept” policies for Bronte Village, does not have regard for the Urban Design

direction, and does not appropriately reflect the scale of development set out by the urban structure policies, and therefore should not be approved.

### Zoning By-law

The zoning by-law provides for two Main Street zones, being MU1 and MU2. The zones correlate with the Official Plan designations of Main Street 1 and Main Street 2 respectively, which is commonly found within the Secondary Regional Nodes (Bronte, Kerr and Downtown). There are also MU3 and MU4 which correlate to the Urban Core and Urban Centre designations more commonly found within the Primary Regional Nodes such as Uptown or Midtown. The fundamental difference between the zone categories is the minimum and maximum height permissions.

In comparison of the Main Street zone categories, the MU2 zone permits a minimum height of four storeys and a maximum of six storeys; whereas the MU1 permits a minimum height of two storeys and a maximum of four. The MU1 zone in Bronte Village is predominantly located along Lakeshore Road West between the gateway areas at Lakeshore Road West and East Street, and Lakeshore Road West and Bronte Road. As noted earlier in this report, the subject site is not a gateway location.

The subject lands are currently Zoned MU1-H1 (Main Street 1 – Holding 1) as shown in Figure 4 below.

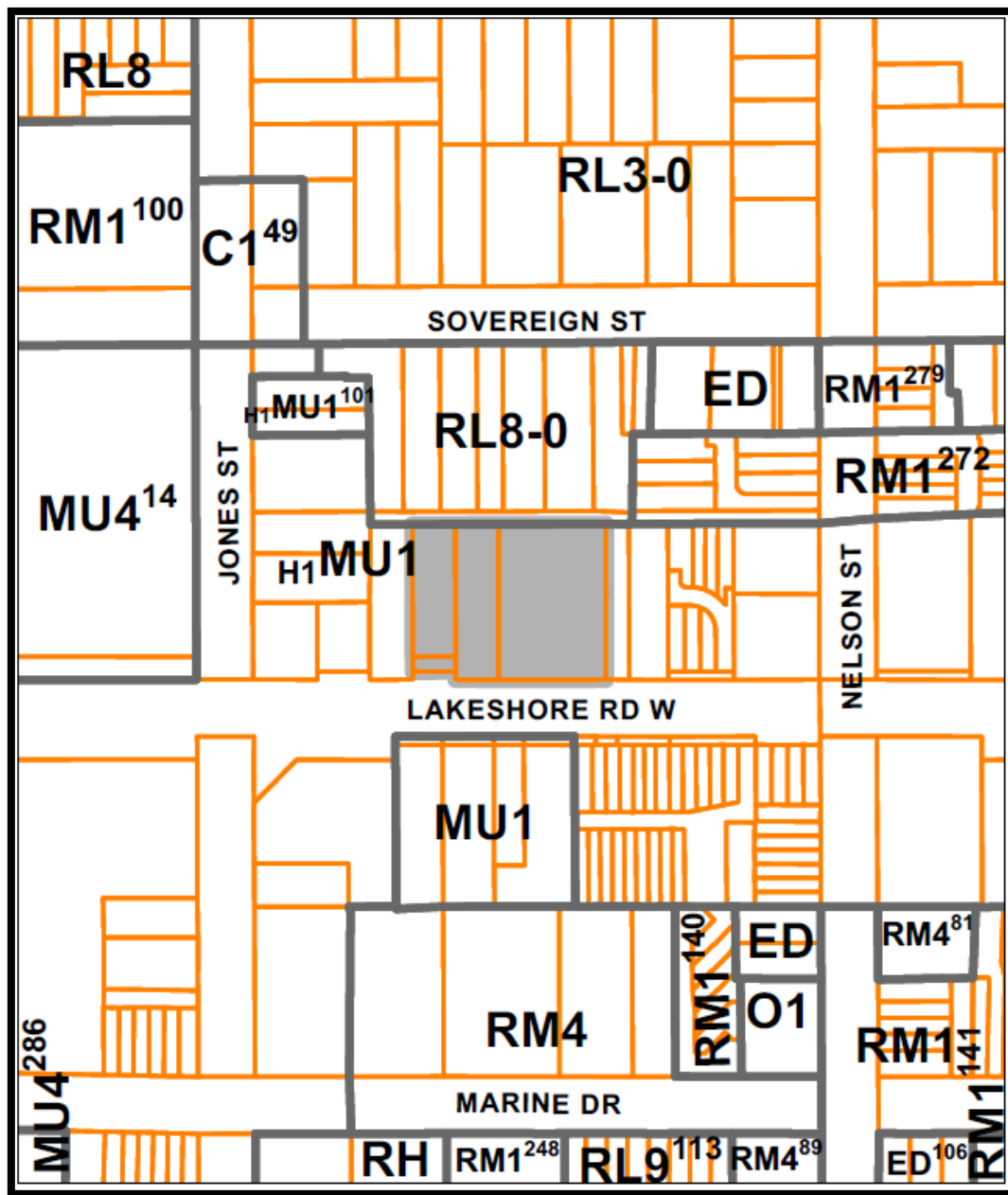


Figure 4 – Zoning excerpt

The applicant's proposal is to request a height of nine storeys, where four is the maximum permitted (plus two storeys with bonusing). The requested nine storeys in height is more in line with height permissions of the MU3 and MU4 zones which permits a maximum of eight and 12 storeys respectively. It is staff's opinion that this requested height conflicts with the "Development Concept" which provides a clearly articulated set of policies and design direction for appropriate forms of intensification in Bronte Village. On this basis, the proposal does not implement the Official Plan, and does not warrant support for an amendment to the Zoning By-law.

The applicant has also requested further modifications to the MU1 zone to reduce the parking requirements, and through the review of this application it has been noted that additional modifications may be required with respect to rear yard setback, landscaping, and balcony depth.

Further, the “H1” Holding Provision was incorporated into the town’s Zoning By-law 2014-014 for Palermo, Kerr and Bronte Village areas to ensure new development was sustainable and serviceable. The conditions of the “H1” Holding Provision state:

- a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.
- b) The owner has entered into any required servicing agreement(s) with the Town regarding stormwater management.
- c) The completion of detailed design drawings required for the construction of road and infrastructure improvements.
- d) Registration on title of an agreement between the owner and the Town with respect to the road and infrastructure improvements. This agreement shall also address security and advancing of funds, or a letter of credit for the full cost of the road and infrastructure improvements.
- e) The registration on title of a Section 37 Agreement per the *Planning Act*.
- f) All required land conveyances have been undertaken.

While a zoning by-law amendment is required to establish the increased height (inclusive of bonusing), together with the additional requested modifications, the applicant is not seeking to remove the H1 Holding provision at this time. Typically, the conditions of the holding symbol removal would be more thoroughly vetted along with a concurrent site plan approval process.

It is staff’s opinion that that the cumulative effect of the proposed zoning modifications results in an over-intensification and contributes to a development that does not adequately reflect the scale of development planned for Bronte Village. On this basis, staff do not support the requested zoning by-law amendment.



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## **TECHNICAL & PUBLIC COMMENTS:**

As submitted, staff are unable to support the proposed development. The following technical comments and issues have been provided by review agencies and departments:

- Planning Services comments require revisions to the proposal in order to conform to the policies of Livable Oakville Official Plan and Livable By Design Urban Design Manual.
- Zoning deficiencies have been identified based on the initial concept provided, and the cumulative effect of the modifications contribute to an overall negative impact to Bronte Village.
- Development Engineering identified concerns with respect to stormwater management and drainage for the site, as it relates to the size and positioning of the proposed building.
- Technical revisions are required to address comments from Transportation Engineering as it relates to the Transportation Impact Study and the Parking Justification Report.
- The school boards requested warning conditions for future purchasers regarding school facility locations and accommodation of new students in the areas.
- Canada Post requested conditions related to the provision of a centralized mail receiving facility.
- The Region of Halton has no objections to the proposed development, however as discussed above, acknowledges that the town must be satisfied that the proposed development meets the goals, objectives, and policies of its Official Plan and it does not impact on the implementation of other strategic intensification/growth areas within Oakville.
- The Region of Halton also requires a modified Holding provision to address the confirmation of downstream sewer capacity and the ability of the water system to accommodate the proposed development, as well as a waste management plan.

An analysis of the town's concerns is provided below:

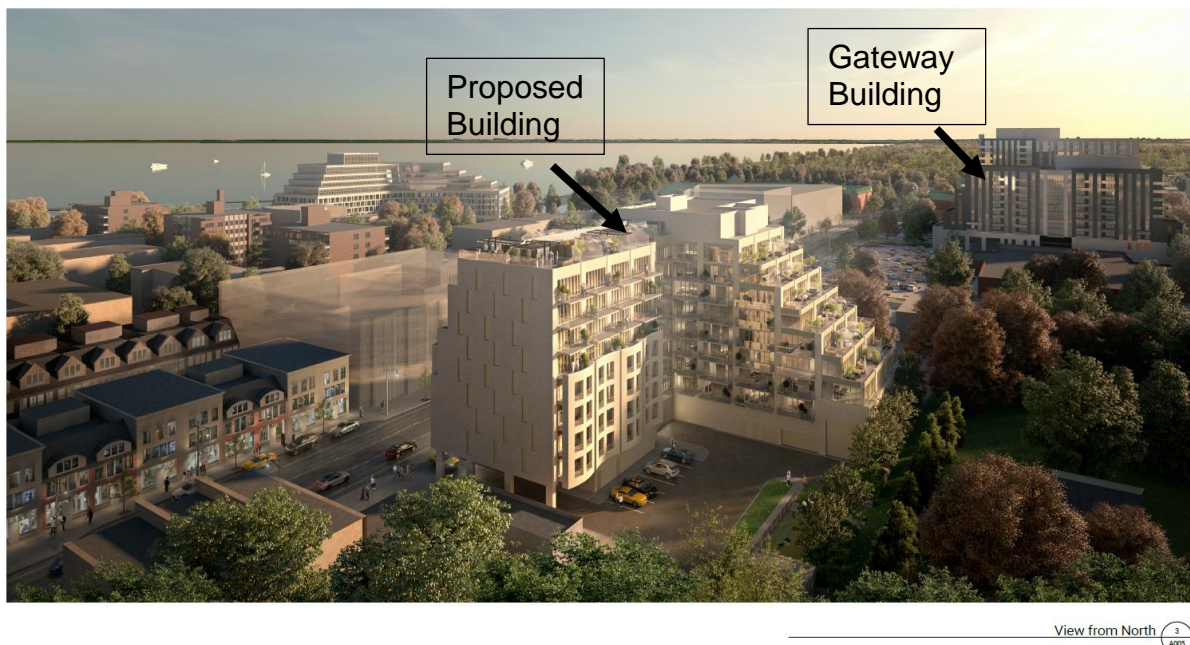
### **Physical Context**

The Planning Justification Report submitted in support of the proposed development references the height of the existing and planned apartment buildings located at the gateway locations for Bronte Village as a justification for allowing additional height on the subject property. It is staff's opinion that the Main Street condition is distinctly different than what exists and is planned for in the gateway locations in both form and function. The purpose of gateways is to accommodate visually prominent entry features into Bronte Village by providing a well designed built form or structures,

distinctive streetscape treatments, landscaping, and/or public art. The gateways generally accommodate taller buildings than those found on the Main Street district.

The Planning Justification Report also makes references to the existing apartments to the east of the site, outside of the Village Area, which were developed prior to the enactment of the Town's 1984 Official Plan and maintain a "tower in the park" form of development. This form of development reflects a suburban approach to high density, which is not practiced today in a dense, urban, pedestrian-oriented context. In addition, the "tower in the park" building types are taller than those buildings found within the Main Street setting. It is staff's opinion that these developments do not provide appropriate justification for the proposed development, as they are contextually different than the context for the Main Street district on Lakeshore Road West.

The block bound by Jones Street and Nelson Street is in transition with newer developments approved and under construction. These developments provide a more relevant context for the desired development for the Main Street. The applicant provided a rendering of the proposed development as it relates to the surrounding buildings and uses, including the new development at the Bronte Road and Lakeshore Road West gateway, shown in Figure 5 below.



*Figure 5 – Applicant rendering looking south west*

It is staff's opinion that the cumulative effect of the height, and the setbacks and transition to the street and adjacent residential does not reflect the intended low-scale character of the Main Street district and would have the effect of undermining

the integrity of the policy framework for Bronte Village and establishing an undesirable precedent.

## **Conformity with the Livable Oakville Plan**

### Growth Areas:

As provided earlier in this report, OPA 18 was adopted to provide additional growth opportunities within Bronte Village and established bonusing policies to encourage development along Lakeshore Road West. Although staff recognize the importance of achieving the minimum residential intensification targets established by Livable Oakville, the proposed nine-storey development represents a significant departure from the anticipated low-rise character of the Bronte Village Main Street District. The minimum height permissions set out in the land use designations contained in Part D and the Growth Area policies in Part E provide sufficient opportunities to meet the Town's minimum intensification targets over time.

### Bronte Village:

Although medium and high density residential land uses exist in Bronte Village, the policies of the Livable Oakville plan reflect the planned vision of maintaining a predominately low rise village character for the area. Part E, Section 24.2.1 and 24.2.2 of Livable Oakville contains policy objectives to guide the review of planning applications in Bronte Village, including the following:

*"24.2.1 To nurture, conserve and enhance the historic lakeside village character of Bronte by:*

- a) Promoting a predominately low-rise and pedestrian-oriented built form along Lakeshore Road West, Bronte Road and Jones Street;*
- b) Ensure high quality urban design that complements and contributes to the historic character of Bronte Village;*
- g) Providing a sensitive transition between the concentration, mix and massing of uses and buildings within and adjacent to, the village."*

*"24.2.2 To revitalize the village and maintain a complete community by:*

- a) permitting uses that attract different users throughout the day and throughout the year, by including a mix of residential, commercial, office, cultural and recreational uses, complemented by public open spaces;*
- b) providing for a variety of residential unit sizes in new buildings;*

- c) *focusing retail, service commercial and office uses along Lakeshore Road West, Bronte Road and Jones Street; and*
- d) *providing for a variety of retail unit sizes and improved retail space to encourage commercial revitalization.”*

The proposed development has not been designed to respond to the development objectives for Bronte Village contained in Livable Oakville or the design directions identified in the Livable by Design Urban Design Manual. Additional planning analysis with respect to land use designations, building height, urban design, and sensitive transition are provided below:

*Land Use Designations & Building Height in the Bronte Village Main Street District:*

As discussed throughout this report, lands within the Bronte Village Main Street District are anticipated to develop in a low-rise built form consisting of a two to four storey main street (plus two storeys with bonusing) and accordingly, are designated Main Street 1.

The two main gateway intersections identified earlier on Lakeshore Road West at Bronte Road and at East Street are designated as Main Street 2 and the properties within the gateways are eligible for up to four storeys of additional building height through bonusing. As previously noted, approval of any additional height or density through bonusing is at the sole discretion of Council.

The intent of the “Development Concept” policies for the Bronte Village Main Street District is to allow a focal point for mixed use growth, while providing for relatively modest change and stability in the existing land uses. The proposed height and resulting degree of intensification is more in line with the objectives of the Primary Regional Nodes, rather than the Secondary Regional Nodes. The proposed increase in height is neither contemplated nor does it appear to be adequately accommodated on the site with the inappropriate transitions from the street and residential areas.

*Sensitive Transition:*

The Livable Oakville Plan, Part C, Section 6, sets out urban design policies for compatibility with the existing community and compatibility in terms of height transitions between existing and new development. These policies are as follows:

*“6.9.2. Building design and placement should be compatible with the existing and planned surrounding context and undertaken in a creative and innovative manner.*

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*6.9.3 To achieve compatibility between different land uses, development shall be designed to accommodate an appropriate transition through landscape buffering, spatial separation, and compatible built form.*

*6.9.9 New development shall ensure that proposed building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm."*

Noted earlier in this report, the subject site is adjacent to a town-owned parcel which contains stormwater management infrastructure. Over time, these lands have created a buffer to the abutting residential uses to the north from the existing commercial operations on Lakeshore Road West. These lands are designated and zoned for Low Density Residential uses, and are not intended to be combined with the Main Street 1 land use context.

The applicant has included the town owned block in its proposal as if it is its own property as a means to justify a reduction in rear yard setback and accommodating a reduced spatial separation to the low density residential uses to the north. In staff's opinion, it is inappropriate to attribute town lands that are not intended to be developed for uses included in the Main Street 1 designation within the scope of this proposal. The applicant should apply the appropriate setbacks and building separation to the residential uses from the limits of their property.

Aside from the fundamental issue of building height, the proposed building design does not implement design directions for tall and mid-rise buildings contained in the Town's Livable by Design Urban Design Manual. Design directions related to the compatibility of the design as it relates to the existing and emerging main street environment along Lakeshore Road West and accommodating the necessary transition to the low-density residential uses to the north are not satisfied by the proposal. These directions are important to ensure the impacts of a tall building on surrounding properties are minimized, including sun shadowing conditions.

As stated previously, the planned surrounding context of the subject property is to function as a two to four storey (plus two storeys with bonusing) main street environment. Within the existing and planned context, the proposed development does not provide a sensitive transition to adequately accommodate the proposed height.

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**Bonusing/Community Benefit:**

At the discretion of Council, the subject lands are eligible for bonusing of up to an additional two-storeys. A maximum height of four storeys is currently permitted under the Zoning By-law. Approved bonusing could result in an increase in height to six storeys for this property.

To create a dynamic and liveable community, the Town is committed to achieving a high standard of urban design and architectural quality as a baseline for all new development, not as a means of securing bonus development. In accordance with the Town's current corporate bonusing procedure, consideration of bonusing is reliant on a development application that represents good planning principles and conforms to all policies and criteria of the Official Plan. Based on the analysis discussed throughout this report, staff is of the opinion that the subject application does not satisfactorily address the urban structure policies, does not implement the "Development Concept" policies for Bronte Village and does not represent good urban design principles. On this basis, consideration of bonusing is inappropriate.

**Proposed Zoning By-law Amendment**

As detailed earlier in this report, the proposed development is seeking to introduce a built form and zoning regulations which are not characteristic of the built form and zoning in the Bronte Village Main Street District. The proposal requires a number of exceptions to the zoning as illustrated in the applicant's draft by-law in Appendix "A".

Although planning justification for these exceptions has been provided by the applicant, in staff's opinion, the proposed zoning does not implement the objectives and policies of the Livable Oakville Plan, as it would provide for a building height and design that would not implement the planning objectives of the Bronte Village Main Street District.

**Matters raised at the Public Meeting**

A virtual Public Information Meeting (PIM) was held on December 14, 2021 and was attended by 30 participants, consisting of members of the public, town staff, and the ward councillors. The minutes of the PIM were submitted with the application and noted concerns respecting height, intensification, parking, and architectural design.

Staff have received nine letters of opposition to this proposal which have been included as Appendix "E". The key concerns noted by the public related to the building height, density, impacts on traffic, and servicing capacity. The concerns raised by the public are similar to those raised by staff and discussed throughout this report.

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**CONSIDERATIONS:**

**(A) PUBLIC**

The applicant held a virtual Public Information Meeting on December 14, 2021, and it was attended by the Ward and Regional Councillors, town staff, and members of the public. The minutes have been included as Appendix "D".

Notice of Complete Application was distributed to property owners within 240m of the subject lands in accordance with the town's current notice requirements. Following the Notice of Complete application and installation of the development sign, nine public comments have been received to-date and are included in Appendix "E".

Notice of the Public Meeting has been provided to property owners within 240m of the subject lands in accordance with the town's current notice requirements.

**(B) FINANCIAL**

None associated with this report.

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

The application was circulated to internal and external departments and agencies for review. The application remains in technical 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 the Livable Oakville Plan.

**CONCLUSION:**

As mentioned above, the town undertook a comprehensive study of the subject lands and surrounding area to create land use policies and objectives that would support scale-appropriate growth for Bronte Village. The intent of these policies is to maintain the character of Bronte Village while accommodating intensification within the Growth Area.

The applicant has submitted various studies and reports that present a number of conflicts with the applicable provincial policies, Regional Official Plan and the Town's Official Plans. It is staff's opinion that the proposed nine-storey mixed use



building presents a development that conflicts with the “Development Concept” for Bronte Village Main Street district and the additional five storeys of bonusing undermines the integrity of the policy framework recently established through OPA 18, and reaffirmed through ROPAs 48 and 49.

Staff recommends refusal of the proposed official plan amendment and zoning by-law amendment applications based on the following:

- The applicant’s request to amend the Official Plan to provide a special exception to permit nine storeys in height where four storeys (plus two storeys with bonusing) is the maximum, is a policy change that presents potential negative impacts to maintaining the integrity of the current policies for the Bronte Village Growth Area, and has the potential to undermine the ability to achieve the goals and objectives of OPA 18, as adopted by Council.
- The applicant’s proposed official plan amendment does not reflect a development which sufficiently addresses the vision and policy direction of OPA 18 and other applicable policies of the Official Plan to provide small scale main street development that maintains the character of Bronte Village.
- The proposed official plan amendment is inappropriate as it does not satisfy the criteria for site specific amendments provided in Section 28.2.3 of the Livable Oakville Official Plan.
- Technical aspects of the proposal such as urban design, stormwater management, transportation, waste management, and parking have not been sufficiently addressed to demonstrate that development on the subject lands will achieve the goals and objectives of the Growth Area.
- It is staff’s opinion that the application does not appear to sufficiently address the Matters of Provincial Interest, the Provincial Policy Statement, the Growth Plan, the Region of Halton Official Plan, or the Livable Oakville Official Plan, as it appears to conflict with the coordination of planning activities resulting in OPA 18 and results in a development that does not reflect the existing and planned characteristics of Bronte Village.

## **APPENDICES:**

Appendix “A” – Applicant’s proposed Zoning By-law Amendment

Appendix “B” – Applicant’s proposed Official Plan Amendment

Appendix “C” – Applicable Policies

Appendix “D” – PIM Minutes

Appendix “E” – Public Comments

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