

REPORT

Planning and Development Council

Meeting Date: December 5, 2022

FROM: Planning Services Department

DATE: November 22, 2022

SUBJECT: Recommendation Report, Official Plan Amendment, April Investments Limited, 527079 Ontario Limited, Trans County Development Corporation Limited, and Oakville Developments (2010) Inc., 560-584, 550, 530 Kerr Street and 131, 171 Speers Road, File No. OPA. 1 - By-law 2022-089

LOCATION: Northwest corner of Kerr Street and Speers Road

WARD: Ward 2

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RECOMMENDATION:

1. That the application for Official Plan amendment submitted by April Investments Limited, 527079 Ontario Limited, Trans County Development Corporation Limited, and Oakville Developments (2010) Inc., File No.: OPA. 1616.56, be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official 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 November 22, 2022.
2. That By-law 2022-089, a by-law to adopt OPA No. 51 amendment to the Livable Oakville Plan, be passed.
3. That the Comprehensive Development Plan, appended to this report from Planning Services as Appendix 'B', be approved.
4. That the Urban Design Brief dated August 2022, appended to this report from Planning Services as Appendix 'I', be endorsed, and that the proposed development be designed in accordance with the design requirements in the approved Urban Design Brief.

5. 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.

KEY FACTS:

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

- **Nature of the Application:** The intent of the proposed Official Plan Amendment is to implement a comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the subject lands on a comprehensive basis. Increased height and density permissions are also being sought. Other planning applications, such as zoning by-law amendments and site plan approvals, will be required prior to any development taking place. At this time, no such applications have been filed with the exception of a previous zoning by-law amendment application in respect of 550 Kerr Street which was based on previous official plan policies and is subject to an appeal to the Ontario Land Tribunal.
- **Location:** The subject lands (the “**Subject Lands**”) are comprised of 4.8 ha (11.8 acres)¹, consisting of five property parcels which are occupied by commercial buildings and located at the northwest corner of Kerr Street and Speers Road.
- **Applicant:** The Applicant is comprised of the Owners of four of the five property parcels. While the Owner of 171 Speers Rd. is not an applicant, this property was included in the comprehensive development plan to demonstrate the potential full build-out of the whole block and coordinate implementation policies.
- **Policy Context:** The Subject Lands are located within the Kerr Village Growth Area and designated ‘Urban Core’ which permits building heights ranging from eight to twelve storeys. Four storeys of additional height were permitted pursuant to bonusing (total of 16 storeys), however the authority to permit height through bonusing expired when the Town passed the Community Benefit Charge By-law on September 6, 2022. Within Kerr Village, the Subject Lands are located within the Upper Kerr Village District. This District is planned to be a transit-supportive, mixed use area. The Subject Lands require a comprehensive development plan which demonstrates potential full build out of the whole block. This includes, amongst other matters:
 - i. a complete local road network, including extensions of Shepherd Road and St. Augustine Drive;

¹ After land expropriation by Metrolinx for the Kerr Street grade separation project.

- ii. spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tower separation;
- iii. location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway;
- iv. location of planned urban square & park;
- v. safe setbacks to rail line, utilities and pipelines;
- vi. location of commercial space, including a food store; and,
- vii. transit-supportive considerations such as adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.

This Official Plan Amendment implements a comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis

- **Planned Infrastructure Improvements:** Two Class Environmental Assessments have been completed for public infrastructure projects adjacent to the Subject Lands:

- i. Kerr Street underpass project; and,
- ii. Speers Road improvements.

The underpass project will lower grades across the Kerr Street frontage of the Subject Lands, shift the location of the Shepherd Street and Kerr Street intersection, and alter access to the Subject Lands from Kerr Street. The improvements planned to Speers Road are coordinated with frequent transit (priority bus) planned along Speers Road as part of the Metrolinx 2041 Regional Transportation Plan. As of the date of this report, Metrolinx has informed the Town that the Kerr Street underpass project is 'deferred indefinitely'. Despite the deferral, discussions with Metrolinx and town staff are ongoing to explore opportunities to restart the project.

- **Proposal:** The proposed redevelopment, as revised, consists of:
 - approximately 1,841 residential units in 11 buildings, seven of which seek increased height permissions with a maximum proposed building height of 28 storeys (building heights range from 8 storeys to 28 storeys in comparison to 8 to 16 storeys with bonusing under current policies);
 - ground floor commercial uses, and a potential food store, as previously identified in the Kerr Village Growth Area policies with the addition of

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- minimum commercial floor area requirements ranging from 600 m² to 3,000 m² on a block basis;
 - a new Town park, as generally described in the Kerr Village Growth Area policies, with the addition of a more specific location for the park, size (0.4 ha (1 acre)), and an enabling policy to consider stratified ownership;
 - a new urban square at the corner of Kerr St. and Speers Rd. at a minimum size of 500 m²;
 - the westerly extension of Shepherd Road and northerly extension of St. Augustine Drive, as previously identified in the Kerr Village Growth Area policies, with the addition of one new mid-block private road; and,
 - site-specific urban design, land use compatibility, landowner cost sharing and development phasing policies which are coordinated with the deferral of the Kerr Street grade separation.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting (“PIM”) was held on January 19, 2022 and was attended by 86 residents. A statutory public meeting was subsequently held on February 15, 2022. All public comments received as of the date of the report are appended as “**Appendix ‘A’**” to this report.
 - **Timing:** The *Planning Act* provides for a 120 day timeline to make a decision on this application (March 12, 2022) failing which the Applicant could file an appeal for non-decision. The Applicant agreed not to file an appeal for non-decision until after June 30, 2022 to allow additional time for the consideration of this application. Since then, the Applicant has updated the plans and studies to address comments and staff have completed review of this application, as detailed herein.
 - **Recommendation:** Staff recommend approval of the Official Plan Amendment Application as the proposed development 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 goals and objectives of the Livable Oakville Plan.

BACKGROUND:

Kerr Village has been the subject of detailed, comprehensive land use studies by the Town. The most recent comprehensive land use study, was completed in 2009, and titled “The Plan for Kerr Village” (the “**Kerr Plan**”). The preferred scenario outlined in the Kerr Plan was about more than new buildings, it applied a comprehensive, integrated and long-term approach to planning which coordinated growth with

infrastructure and it provided a strong focus on urban design and 'place making' including improved amenities such as new parks, design treatment of the main street, enhanced streetscapes and pedestrian features and appropriate transitions. The following conceptual model of the Upper Kerr District at full build out was developed:



Above:
Conceptual
model of the
Upper Kerr
Village District
at full build-
out.

Right:
Conceptual
photo
montage of
the
intersection of
Kerr Street
and Speers
Road.



Figure 1: Conceptual model and plan for Upper Kerr Village District at full build-out

Design elements of particular importance, when considering the Subject Lands in the context of the Kerr Plan include:

- i. apartment built form with a variation of building height which contribute to two gateways along Kerr Street and the railway and Kerr Street and Speers Road;
- ii. new urban park², centrally located within the Subject Lands with pedestrian mid-block connections to both Speers Road and Kerr Street;
- iii. urban square at the northwest corner of Kerr Street and Speers Road;
- iv. extension of main street commercial north along Kerr Street and west along Speers Road with enhanced streetscape features; and,
- v. northerly extension of St. Augustine Drive and westerly extension of Shepherd Road.

The new growth planned for Kerr Village was also coordinated with existing and planned infrastructure through a comprehensive Transportation Study of Kerr Village. This Study relied on critical public road improvements listed in Table 5 of the Kerr Plan, including a new Kerr Street underpass, the Speers Road improvements, and the westerly extension of Shepherd Road and northerly extension of St. Augustine Drive, through the Subject Lands.

Area Infrastructure Projects

Class Environmental Assessments have been completed for two public infrastructure projects adjacent to the Subject Lands:

- a) the Kerr Street Underpass Project (the '**Underpass**')²

The Underpass consists of widening and lowering Kerr Street under the railway, and shifting the road alignment westerly toward the Subject Lands. This shift resulted in approximately 2,210 sq.m. of land being acquired by Metrolinx from the original boundaries of Subject Lands. These lands will be conveyed to the Town upon completion of the project. Aside from the land expropriation, the Underpass will result in two immediate land use planning considerations:

Grades: The Underpass will lower grades across the Kerr Street frontage of the Block. More specifically, the existing Speers Road / Kerr Street intersection will be maintained at existing grade, then the proposed new

² The Kerr Plan noted that "...From a preliminary view, it was determined that only the north-west end of the study area would be lacking park space should the area redevelop with higher levels of residential densities. The amount of required park space is to be confirmed through the development process.... (pg.18).

road profile will follow an approximately 3.5% grade and will be approximately 3 m below existing grade at the Kerr Street / Shepherd Road intersection and approximately 7 m below the railway tracks.

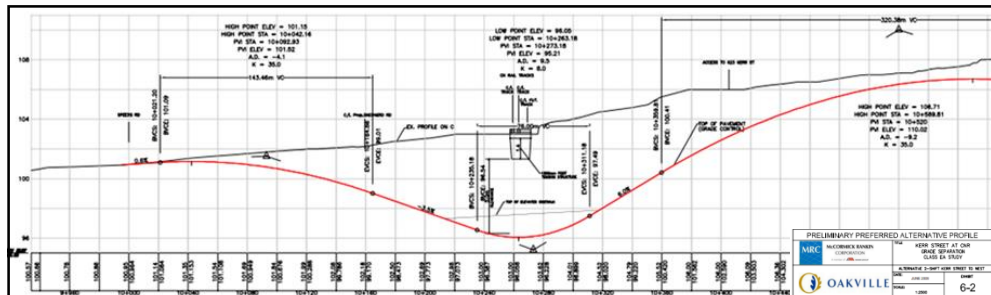


Figure 2: Section Illustrating Changes to Grade along Kerr Street

Access: the two existing full moves accesses to the Subject Lands from Kerr Street will be replaced with one new ramp from the new Kerr Street elevation opposite the realigned Shepherd Road up approximately 3.0 m to the existing drive aisle of the Commercial Plaza.³

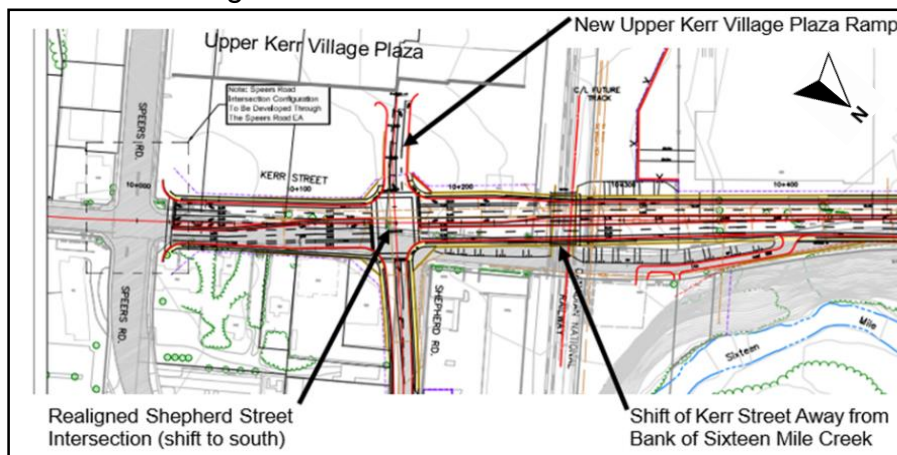


Figure 3: Plan Illustrating Alignment of Kerr Street and Access to Subject Lands

b) Speers Road Improvements

The Class Environmental Assessment Study for improvements to Speers Road from Bronte Road to Kerr Street (Phase 2) was completed in December of 2009 (the '**Speers EA**'). The preferred design includes a five lane cross section (2 lanes in each direction and one centre turn lane), new bike lanes and sidewalks on both sides of the road, and a stub for a planned extension of the public road network into the subject lands at St. Augustine Road.

³ Kerr Street at CNR Grade Separation Class Environmental Assessment Study, June 2009

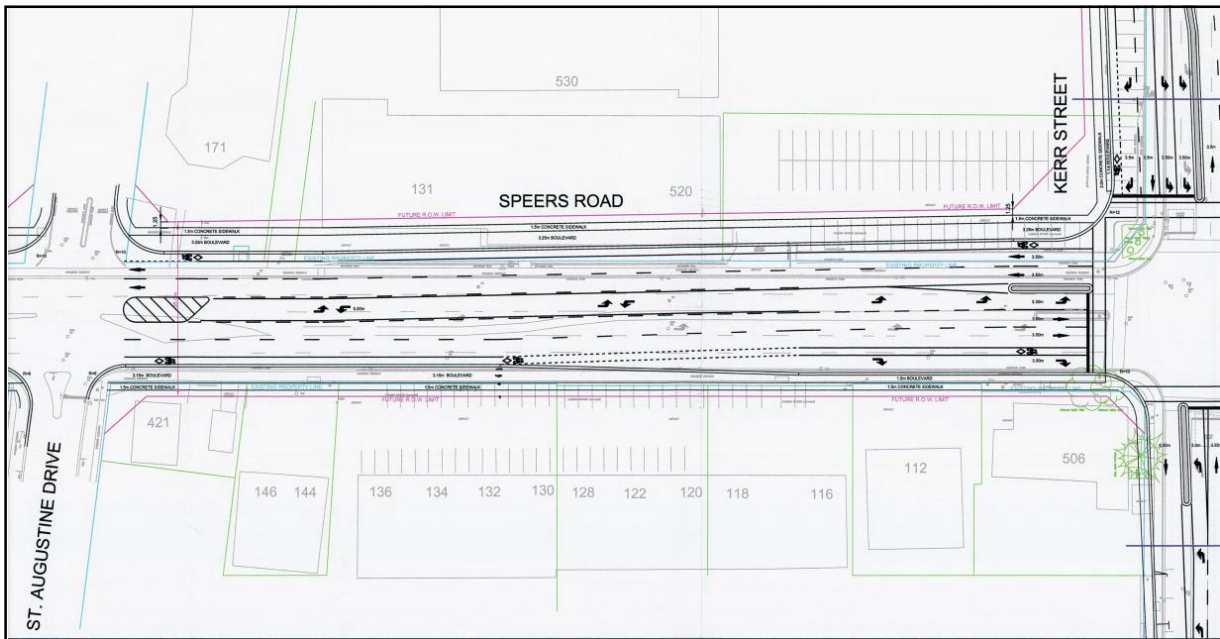


Figure 4: Extract from Speers Road Environmental Assessment Study (Drawing 6 – Morden to Kerr Street)

Ontario Land Tribunal Proceedings and Nature of this Application

A concurrent Zoning By-law Amendment application (Z.1616.55) applies to a portion of the Subject Lands (550 Kerr Street) (the “**550 Kerr Application**”). The 550 Kerr application proposes to rezone 550 Kerr Street to a site-specific MU4 zone to permit the development of 3 sixteen storey buildings with commercial uses at grade and a total of 472 dwelling units. For the reasons outlined in the staff report dated June 24, 2020 staff recommended refusal, and Council subsequently refused the rezoning application on July 6, 2020. This decision was appealed by the Owner of 550 Kerr Street (Ontario Land Tribunal Case No. PL200333). A hearing was scheduled to take place on November 29, 2021, however was subsequently adjourned pending the outcome of this Official Plan amendment application.

The intent of the proposed Official Plan Amendment application is to implement a comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis. Increase height and density permissions are also being sought.

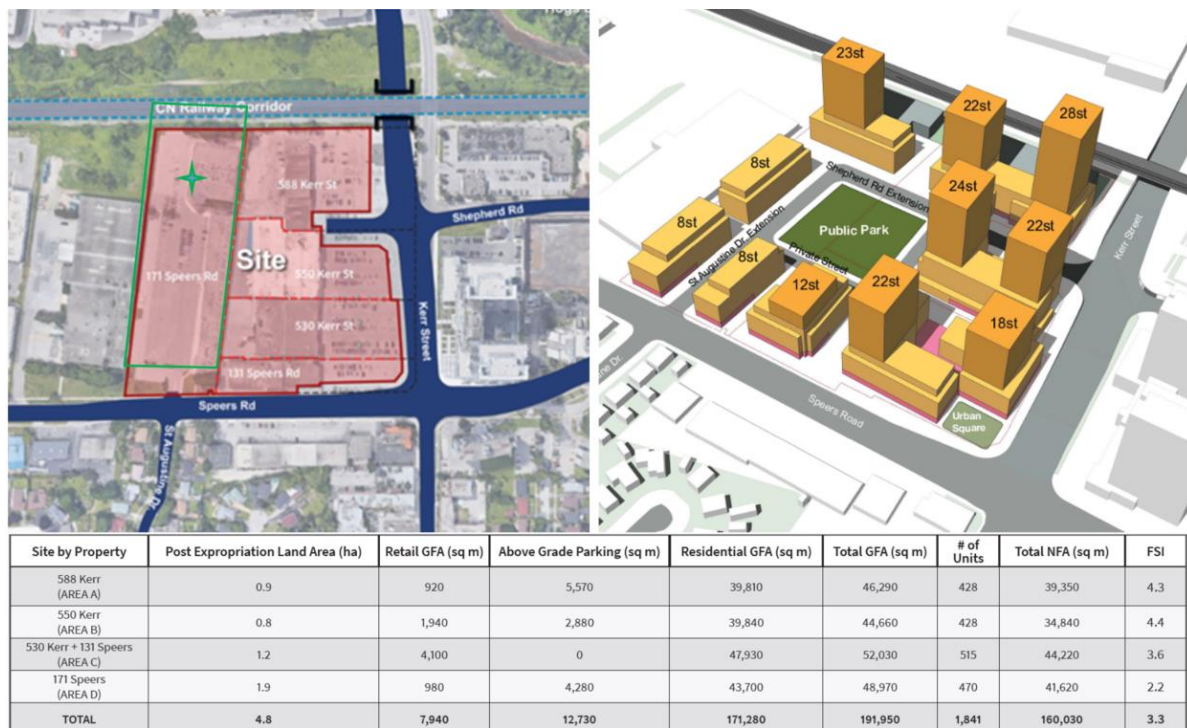
This proposal was presented to P&D Council in September 2022; however, it was deferred by Council so that the public could have more time to review the staff report and recommendation. The proposal, and report, has not substantially changed since the September 2022 version.

Proposal

The proposed redevelopment (the “**Proposal**”), as revised, consists of:

- i. approximately 1,841 residential units in 11 buildings, seven of which seek increased height permissions with a maximum proposed building height of 28 storeys (building heights range from 8 storeys to 28 storeys in comparison to 8 to 16 storeys with bonusing under current policies);
- ii. ground floor commercial uses, and a potential food store, as previously identified in the Kerr Village Growth Area policies with the addition of minimum commercial floor area requirements ranging from 600 m² to 3,000 m² on a block basis;
- iii. a new Town park, as generally described in the Kerr Village Growth Area policies, with the addition of a more specific location for the park, size (0.4 ha (1 acre)), and an enabling policy to consider stratified ownership;
- iv. a new urban square at the corner of Kerr St. and Speers Rd. at a minimum size of 500 m²;
- v. the westerly extension of Shepherd Road and northerly extension of St. Augustine Drive, as previously identified in the Kerr Village Growth Area policies, with the addition of one new mid-block private road;
- vi. site-specific urban design, land use compatibility, landowner cost sharing and development phasing policies which are coordinated with the deferral of the Kerr Street grade separation.

The proposed comprehensive development plan is appended to this report as “**Appendix ‘B’**”.



★ Not part of the landowner group seeking official plan amendment.

Figure 5: Subject Site, Conceptual Massing View and Site Statistics from Applicant

Changes to Proposal

Several changes were made to the Proposal since the public meeting:

1. **Tower Heights:** were reduced along Kerr Street and at the intersection of Kerr Street and Speers Road. Heights were redistributed to the northern edge of the site along the railway and towards the interior of the Subject Lands, which resulted in a reduction of shadow impacts on the surrounding public realm:



Figure 6: Modifications to Towers

2. **Kerr Street Grade Separation Project / Phasing:** With the grade separation of Kerr Street deferred by Metrolinx, expropriations having already occurred, and temporary construction easements in place along the eastern edge of the Subject Lands, phasing of redevelopment was necessary together with updates to several reports and studies to assess interim phasing and existing capacity of transportation infrastructure. The phasing plan provides for initial phases of development being concentrated more centrally. Phases 1 & 2 are intended to be built before the underpass, with phases 3 and 4 following construction of the underpass:

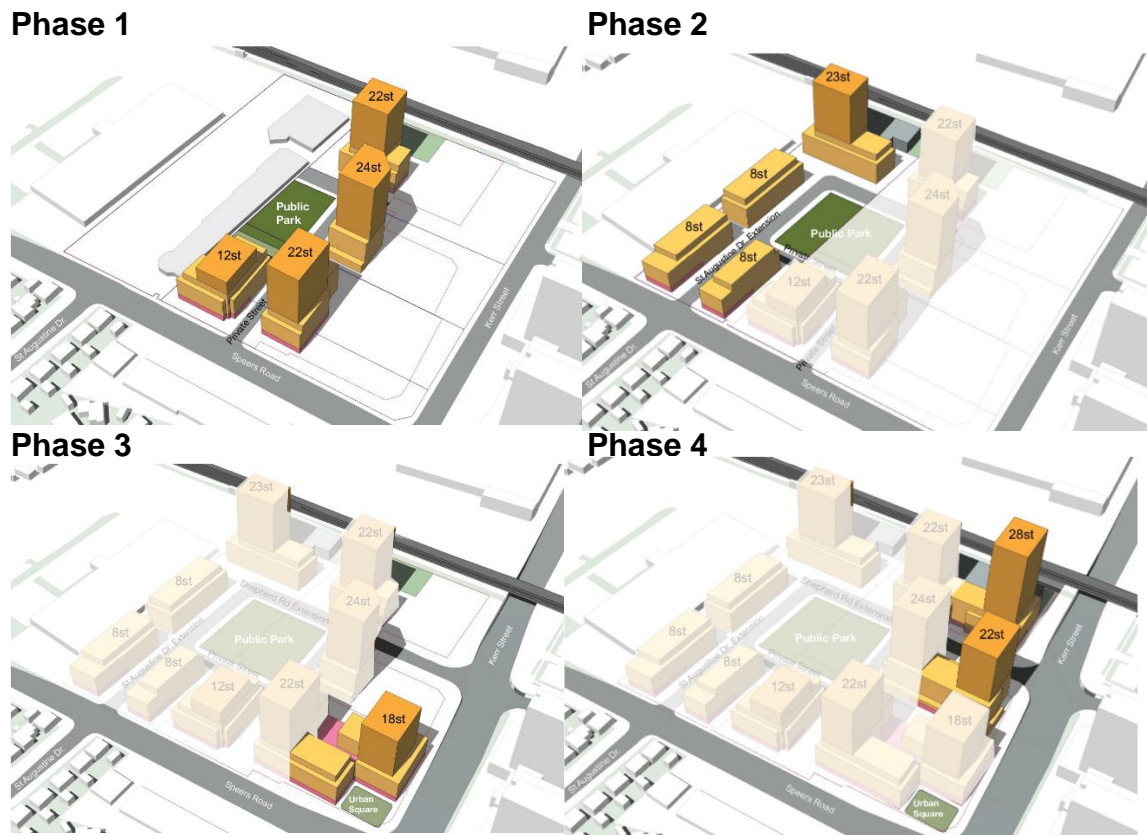
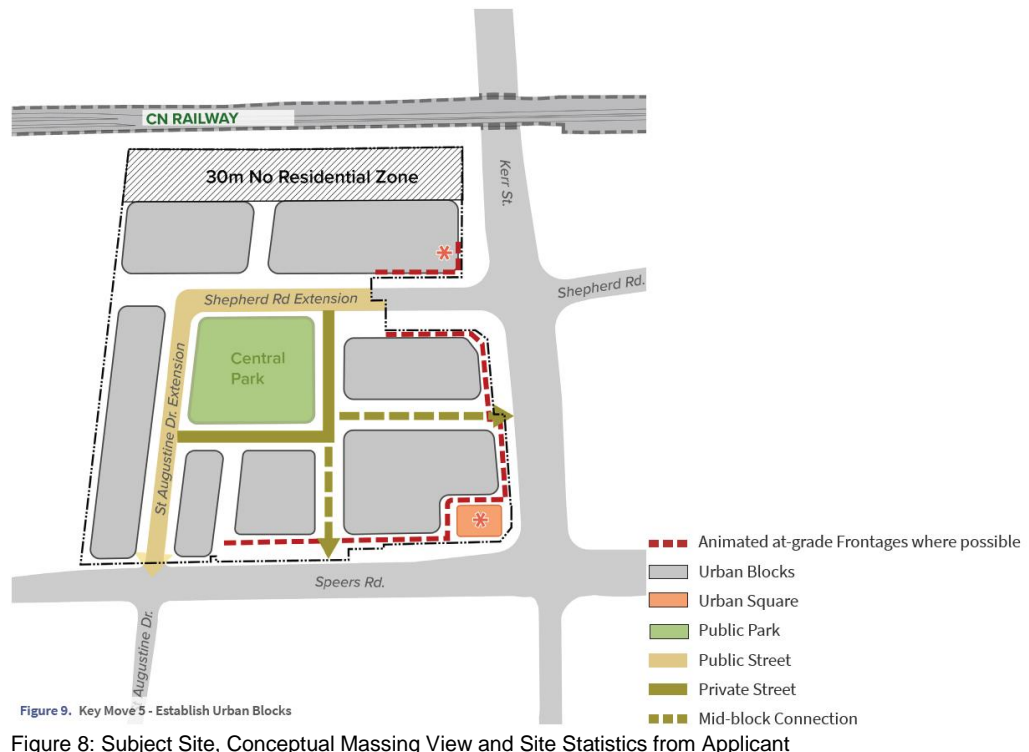


Figure 7: Phasing Plan from Applicant

The proposed OPA now includes detailed policies to coordinate development with existing and planned infrastructure. The amount of development permitted prior to construction of the Kerr Street grade separation is limited. As part of a complete planning application a detailed phasing plan will be required which will be based on comprehensive functional servicing report, transportation demand management implementation strategy and transportation impact study.

- 3. Parks and Open Space:** The proposed 'central' public park, and the urban square at the northwest corner of Kerr Street and Speers Road remain consistent from what was proposed at the public meeting, however several detailed policies were refined and added to the proposed OPA regarding:
 - a. the size and location of the urban park, mid-block pedestrian connections from the urban park to both Speers Road and Kerr Street, and implementation policies;

- b. criteria under which stratified ownership⁴ of the urban park would be considered. As outlined in more detail in this report, this policy would not require stratified ownership, but rather it would allow for Council to consider approval of such an arrangement as part of a future development application, without an amendment to Livable Oakville; and,
- c. encouragement of private outdoor amenity space, such as on top of building podiums or the roof of structured parking, to complement the urban park and urban square. The function of these areas would be similar to a backyard, and may include resident amenities such as a dog walk, swimming pool, BBQ, gardens and other amenity space.



- 4. Land Use Compatibility:** Several land use compatibility policies have been added to the proposed OPA regarding compatibility between the proposed sensitive land uses and the rail corridor to the north, as well as the employment area to the north and west. The new policies are detailed further in this report. Implementation will take place as part of a future planning application to ensure risk to public health and safety is minimized.

⁴ This refers ownership of land divided three dimensionally (parcels that are above and below one another). Stratified title can be used to create underground structures, such as a parking garage, owned by one owner while the area above, such as a park, is owned by someone else.



Figure 9: Extract from Applicant's Urban Design Brief

5. **Commercial Area:** The minimum amount of ground floor commercial area required in the proposed OPA was increased. Under the proposed OPA, maintenance of a food store will be encouraged, and the block which the comprehensive development plan shows a potential food store will require a minimum ground floor commercial gross floor area of 3,000 square metres, approximately the same size as the existing food store.
6. **Urban Design:** several changes have been made to refine the Urban Design Brief, and urban design polices as well as update to the Kerr Village Urban Design Schedule O2 in the proposed OPA which are detailed herein and include identification of primary and secondary streets, building podiums, towers design, green roofs, articulation of facades, treatment of above grade parking structures, and design of the private road.
7. **Transportation:** In addition to the phasing and transition polices, outlined above, the proposed OPA will require a transportation demand management and implementation strategy. It will be measured and evaluated through the phases of development. The results, and observed travel patterns will be used to inform any transportation impact analysis required as part of a complete planning application.

Location & Site Description

The Subject Lands are located at the northwest corner of Kerr Street and Speers Road, are approximately 4.8 ha (11.8 acres)⁵ in size, and are occupied by commercial plazas.



Table 1: Subject Land Ownership		
Parcel No.	Municipal Address	Post Expropriation Land Area (ha)
1	560-584 Kerr Road	0.9
2	550 Kerr Road	0.8
3	530 Kerr Road	0.8
4	131 Speers Road	0.4
5	171 Speers Road*	1.9

*Not part of the landowner group seeking official plan amendment.

Figure 10: Air Photo and Parcel Ownership

Surrounding Land Uses

Surrounding the Subject Lands are the following:

- North: rail corridor then business employment lands;
- East: Kerr Street then commercial plaza and mixed use condominiums;
- South: Speers Road then commercial and low density residential; and,
- West: business employment.

⁵ Post land expropriation by Metrolinx for the Kerr Street grade separation project.

PLANNING POLICY & ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement ('**PPS**'), which came into effect on May 1, 2020, continues to recognize 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 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.

The PPS (2020) 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.

Halton Region and the Town have identified an urban structure, consistent with the PPS. The Subject Lands are located within a settlement area, within a node (Kerr Village) and located on a Regional Transit Priority Corridor (Speers Road). In addition, the Subject Lands are located approximately 1.2 km from the Oakville GO Station (approximately 15 minute walk).

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. When dealing with planning matters, the PPS provides that a coordinated, integrated and comprehensive approach should be used. Furthermore, Healthy, active communities should be promoted by, amongst other matters, planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

For the reasons outlined in this report, in staff's opinion, the proposed OPA to implement a comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the subject lands on a comprehensive basis is consistent with the PPS. Furthermore, the OPA would coordinate phasing of comprehensive development plan with the provision of infrastructure, and provide more detailed policies to implement increased building height, land use compatibility, and urban design.

A summary of applicable policies is appended to this report as “**Appendix ‘C’**”.

Growth Plan

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 (policy 2.2.1). The subject lands are located within the “Delineated Built-Up Boundary”.

Municipalities are required to undertake integrated planning to manage forecasted growth to the horizon of this Plan, which, amongst other matters, establish a hierarchy of settlement areas, and of areas within settlement areas, and provide 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.

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, including affordable housing, and expand convenient access to transportation options.

The Subject Lands are located within a strategic growth area. Strategic growth areas are to be recognized as a key focus for development, and municipalities are required to develop an intensification strategy which amongst other matters identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas.

Infrastructure planning, land use planning, and infrastructure investment are required to be co-ordinated to implement the Growth Plan.

Based on staff’s review, the Subject Lands are located with a ‘secondary regional node’ on Map 1h, Regional Urban Structure of the Halton Plan. Secondary Regional Nodes are intended to be a focus for growth through mixed use intensification at a scale appropriate for its context.

In terms of context, the Metrolinx Regional Transportation Plan was developed in alignment with the Growth Plan population and employment forecasts and policy

directions for where and how to grow⁶. It sets out a proposed Frequent Rapid Transit Network (“**FRTN**”) that “consists of regionally significant, high-demand transit corridors that connect Urban Growth Centres, key Mobility Hubs and areas of high population or employment density.” The Subject Lands are a +/- 15 minute walk (+/- 1.2 km to Oakville GO, which is a mobility hub with planned public investment in improved service levels as part of Metrolinx’s planned 15-minute two-way all-day GO service. The Subject Lands are also adjacent to 7 local Oakville Transit routes⁷, and in the longer term, Speers Road is identified in the Metrolinx Regional Transportation Plan as a future priority bus route.

As part of the Town’s intensification strategy, the Subject Lands are identified as being part of a Node and Corridor (Kerr Village), Main Street Area, and located on a Regional Transit Priority Corridor (Speers Road) on Schedule A1, Urban Structure. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development.

For the reasons outlined in this report, in staff’s opinion, the proposed OPA conforms to the Growth Plan. The OPA will provide new and updated policies which will support the achievement of complete communities through a more compact built form, optimize public transit infrastructure investments, and implement redevelopment of the Subject Lands on a coordinated basis.

A summary of applicable policies is appended to this report as “**Appendix ‘D’**”.

Halton Region Official Plan

The Subject Lands are designated “Urban Area” in the Halton Plan. Lands within the “Urban Area” are intended for residential and employment growth. 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 Halton Plan.

As part of the ongoing Regional Official Plan Review/Municipal Comprehensive Review, Halton Region is determining how to accommodate forecasted population and employment growth in the Region to 2051. This work is being conducted through the Region’s Integrated Growth Management Strategy and includes ROPA 48, and ROPA 49. The identification of strategic growth areas is an important component of the Region’s overall growth management strategy.

⁶ Appendix 2, 2041 RTP, Metrolinx.

⁷ Oakville Transit routes 4, 10, 14, 14A, 15, 18 and 28.

The Subject Lands are located within the Kerr Village Secondary Nodes on Map 1H of the Halton Plan and are identified as a Strategic Growth Area. Secondary Regional Nodes are considered to be historic downtowns or villages that are intended to be a focus for growth through mixed use intensification at an appropriate scale for their context. It is the intent that Regional Secondary Nodes have a concentration of residential and employment uses with development densities and patterns supportive of active transportation and public transit.

Accordingly, it is the policy of the Region to direct development with higher densities and mixed uses to Strategic Growth Areas. Pursuant to Section 81.4-4 of the Halton Plan the Town is responsible to set out specific policies or area-specific plans related to densities, active transportation, transit-supportive urban design and integration with higher order transit, among other matters for such Intensification Areas.

The Halton Plan also sets out targets for growth/intensification within the Built-up area (Sections Section 55, 77 2.1 and Table 2). The proposed development would be supportive of achievement of the density targets.

In a letter dated June 22, 2022, Halton Region stated that they have no objection to this application subject to the following:

1. We request that the Official Plan Amendment contain policies to implement land use compatibility (setbacks, need for future studies re stationary noise) in relation to abutting employment lands and transportation facilities);
2. With regard to the Air Quality Study we request clarification in relation to Section 5.1.4.3 regarding the prevalence of westerly winds and whether this changes the recommendations regarding potential impacts from that use/property.
3. Comments be received from Metrolinx/Canadian National Railway indicating that they are satisfied from a property and noise/vibration impact perspective and that any railway setback is appropriately shown and any land requirement accommodated;
4. That the Official Plan Amendment contain a policy related to future functional servicing reports generally as outlined in this letter; and,
5. The Urban Design Guideline and Waste Management Report be updated in accordance with our waste management comments.

For the reasons outlined in this report, staff are of the opinion that all foregoing matters have been addressed, and that the proposed OPA conforms to the Halton Plan.

Halton Region has reviewed the proposed OPA and advised that Regional approval of the proposed OPA is not required.

Town Urban Mobility and Transportation Strategy

On February 15, 2022, the Urban Mobility and Transportation Strategy was presented to the Planning and Development Council. The Strategy recommends a new lens through which Staff and Council can evaluate options and make decisions on the prioritization, design, operation and maintenance of town transportation infrastructure. The report warns of the negative impacts of the Town continuing to develop as an auto-dominated community. A key acknowledgement of the Strategy noted that growth directed to strategic growth areas and higher order transit corridors will:

- accommodate the demands of the future that come from being part of a growing region;
- adapt to an evolving transportation landscape; and,
- respond to a changing climate.

It is important for infrastructure planning, land use planning, and infrastructure investment to be co-ordinated to successfully implement the Town's urban structure.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011. 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.

OP Objectives

Kerr Village has been the subject of detailed and comprehensive land use studies which have resulted in detailed goals, objectives and policies. The overall goal for Kerr Village is to revitalize it as a vibrant business district and cultural area.⁸

The following objectives for Kerr Village are intended to be used in the process of reviewing planning applications, and to guide decisions:⁹

⁸ Section 23.1, Livable Oakville

⁹ Section 23.2, Livable Oakville

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

Enhance the mobility of all users with the provision of transit priority measures and increase levels of service through the development process by:

- a) promoting pedestrian and cycling-oriented mixed use development, with improved connections to the Downtown as well as the GO train station and proposed employment hub in Midtown Oakville;*
- b) improving circulation, connections and access for cyclists, pedestrians and public transit; and,*
- c) increasing efficiencies for alternate modes of transportation by encouraging compact urban form.*

Create an attractive public realm by:

- a) promoting high quality streetscapes and open spaces to create a comfortable, accessible and unique community; and,*
- b) ensuring appropriate transitions occur between the main street areas and the lower density residential neighbourhoods.*

The general objectives outlined for urban design (Section 6) focus on providing:

- a) diversity, comfort, safety and compatibility with the existing community;*
- b) attractive, barrier-free, and safe public spaces, such as streetscapes, gateways, vistas and open spaces;*
- c) innovative and diverse urban form and excellence in architectural design; and,*
- d) the creation of distinctive places and locales, including Midtown Oakville, the other Growth Areas and high profile locations such as gateways to the Town.*

Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town and identifies the subject lands as part of a Node and Corridor, Main Street Area, and located on a Regional Transit Priority Corridor (Speers Road).

While higher intensity forms of mixed use growth are directed towards Nodes and Corridors, Kerr Village is recognized in the urban structure as a main street area for its distinctive character and is intended to accommodate relatively lesser amounts of

intensification than the Town's primary growth areas.¹⁰ Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development.

As part of urban structure amendments approved through Official Plan Amendment 15 ('**OPA 15**'), the following criteria was added to evaluate site-specific amendments to Livable Oakville:¹¹

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.*

Land Use Policies

As part of the Town's Official Plan Review, the land use designations and policies that apply to Kerr Village were studied and reviewed. This review was considered by Council in December of 2017 where Council passed By-law 2017-119 to adopt Official Plan Amendment 19 ('**OPA 19**'). OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018. This changed part of the land use designation of the Subject Lands from 'Urban Centre' to 'Urban Core' on Schedule

¹⁰ Section 3.6, Livable Oakville

¹¹ Section 28.2, Livable Oakville

O1, in the Livable Oakville Plan “**Appendix ‘D’**”. Accordingly, all of the Subject Lands are now designated ‘Urban Core’.

Within Kerr Village, the Subject Lands are located within the Upper Kerr Village District. The Upper Kerr Village District (the ‘**District**’) is planned to be a transit-supportive and mixed use area where higher density forms of development are permitted to achieve the critical mass required for enhanced transit. The District is also planned to include appropriate gateway features, an urban park with pedestrian mid-block connections and opportunities for affordable housing¹².

Pursuant to section 12.5.2 of the Livable Oakville Plan, buildings within the Urban Core designation of between eight storeys and twelve storeys are permitted. Section 23.8.2 provides that the town may allow up to four storeys of additional height (total of 16 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.

The Subject Lands are also subject to an exception. Section 23.7.1 of Livable Oakville provides that the following additional policies apply to certain lands on Schedule O1, Kerr Village:

- a) As part of any development approval, development and redevelopment shall be based on a comprehensive development plan which demonstrates the potential full build out of the lands.*
- b) Redevelopment of existing low-rise commercial uses may occur gradually in a phased manner. Notwithstanding the minimum building heights required by this Plan, building additions, alterations and/or replacements may be permitted where they can be demonstrated not to preclude the long-term redevelopment of the properties as set out in this Plan; and,*
- c) On the west side of Kerr Street abutting the railway, any 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.*

The westerly extension of Shepherd Road along the northern portion of the Subject Lands is planned to connect with the northerly extension of St. Augustine Drive which will be a ‘secondary street’, as identified on Schedule O2. As such, Shepherd Road is required to be planned for as a pedestrian-oriented streetscape through the

¹² Policy 23.3.1, Livable Oakville Plan

use of wide sidewalks, landscaping and furnishings¹³. Pursuant to policy 23.5.3 c) buildings along secondary streets, 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.

Pursuant to Section 23.5.4 of the Livable Oakville Plan, three gateways are proposed in Upper Kerr Village. These locations are to provide gateway treatments which may include well designed built form or structures, distinctive streetscape treatments, landscaping, and/or public art.

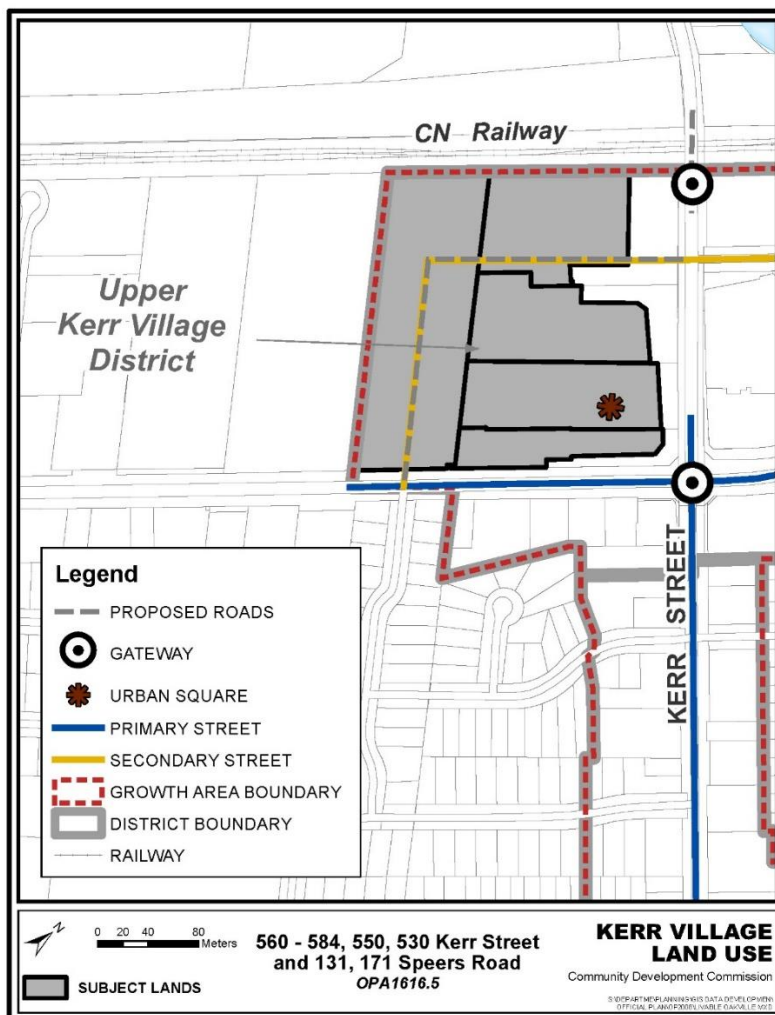


Figure 11: Extract from Kerr Village Urban Design Schedule O2

¹³ Policy 2.5.3 a), Livable Oakville Plan

Pursuant to 23.8.3 c) of the Livable Plan, an urban park is proposed in the Upper Kerr District, west of Kerr Street, north of Speers Road which:

- i. may be located within the site bound by the Shepherd Road extension to the north, Kerr Street to the east, Speers Road to the south and St. Augustine Road extension to the west;*
- ii. may provide public underground parking facilities with a “green roof” at street level forming the urban park portion of the site;*
- iii. may be accessed at street level via mid-block pedestrian connections and from Kerr Street, Speers Road and the north Gateway; and,*
- iv. is encouraged to be maintained through a public-private partnership.*

Section 23.6.2 of the Livable Oakville Plan encourages the maintenance of a food store in any redevelopment of lands within the Urban Core designation.

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. To support the foregoing, transit passenger amenities, minimal surface parking, and other travel demand management strategies are to be implemented to encourage transit ridership¹⁴. 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 buildings¹⁵. Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers¹⁶.

The urban design policies in Section 6 also provide direction with respect to: public realm, complete streets, streetscapes and street design; gateways; urban squares; built form; and, pedestrian circulation and vehicular access and circulation.

The Livable Oakville Plan provides that development within Kerr Village will likely occur gradually over the long-term and be coordinated with the provision of infrastructure, including¹⁷:

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

¹⁴ Policy 24.4.1 b), Livable Oakville Plan

¹⁵ Section 24.4.1 c) ii), Livable Oakville Plan

¹⁶ Section 24.4.1 d), Livable Oakville Plan

¹⁷ Section 23.8.1, Livable Oakville Plan

A summary of applicable policies is appended to this report as “**Appendix ‘F’**”.

Proposed OPA

The purpose of the proposed OPA is to implement the comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis.

The effect of the proposed OPA is to:

1. Replace Part E Section 23.5, to update the requirements for the urban square regarding a minimum area of 500 square metres and to specify that it will be privately-owned publicly accessible open space.
2. Replace Part E Section 23.7, to provide new and updated exception policies for the Subject Lands to support the goals and objectives for Kerr Village. The policies:
 - a. Specify that development shall be in accordance with a comprehensive development plan approved by Council.
 - b. Specify permitted maximum building heights and densities and encourage affordable housing by exempting the net floor area of affordable housing units.
 - c. Refine urban design policies regarding the design of tall buildings, building podium, façade treatment, green roofs / amenity space, mid-block pedestrian connections, structured parking, and the private road.
 - d. Address land use compatibility to the rail corridor and employment area to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants to ensure risk to public health and safety is minimized.
 - e. Address phasing and transition through coordination with the Kerr Street grade separation, road network capacity, compatibility with existing land uses, functional servicing and implementation of a Transportation Demand Management Strategy, inclusive of transit and alternative transportation solutions associated with the Subject Lands.
 - f. Add landowner cost sharing requirements.
3. Replace Part E Section 23.8, to update requirements for the urban park to specify the minimum size of 0.4 ha, accessibility and mid-block pedestrian connections, implementation and phasing policies, and to

add criteria under which the urban park may be dedicated to the Town in a stratified arrangement.

4. Amend Schedule O1, to remove lands eligible for bonusing from the Subject Lands.
5. Amend Schedule O2, to identify primary and secondary streets within the subject lands, identify the conceptual location of the urban park and urban square, identify the location of enhanced streetscapes, and add the location of a proposed private road.

In staff's opinion, the proposed OPA is consistent with Policy 23.8.3 c) of the Livable Oakville Plan for the following reasons:

- i. it is consistent with the mission and guiding principles of Livable Oakville and the proposed policies will help implement the goals and objective of the Kerr Village Growth Area;
- ii. the Subject Lands are located within a Growth Area, served by existing and planned transit that will be part of the Frequent Rapid Transit Network. The proposed development represents a compact form of mixed use development which is planned to be transit-supportive. For the reasons outlined in this report, this supports the Town's urban structure.
- iii. the Subject Lands are not part of the natural heritage system, do not contain cultural heritage resources, and the proposed policies will provide appropriate transitions to the established Residential Areas together with land use compatibility policies to protect the Employment Areas and provide for an appropriate interface with the railway.
- iv. The Subject Lands are located within a growth area and the Proposal is an efficient use of land. The proposed OPA provides transition and phasing policies to coordinate growth with infrastructure. These policies mitigate adverse fiscal impacts for the Town;
- v. For the reasons outlined in this report, and subject to the policies in the proposed OPA, it is staff's opinion that the comprehensive development plan submitted as part of this OPA appropriately demonstrates the potential full build out of the lands. The policies in the proposed OPA represent good planning and are consistent with the PPS, and conform to both the Growth Plan and Halton Plan.

Zoning By-law

The subject lands are zoned H1-MU3 and H1-MU4, as shown in "**Appendix 'G'**". Both mixed use zones permit a mix of uses including apartment dwellings with building heights ranging from 6 to 8 storeys (MU3) and 8-12 storeys (MU4).

As previously noted Livable Oakville permits an additional 4 storeys of height, pursuant to bonusing provisions. It is noted that Bill 108 removed Section 37 density/height bonus provisions in the *Planning Act* when the Town passed the CBC By-law on September 6, 2022. Specific provisions permitting additional height in exchange for identified benefits had not previously been incorporated into the zoning by-law regulations for the area. The proposed OPA removes bonusing from the Subject Lands, and instead future development will be subject to CBC (if approved by Council).

The conditions of removal of holding provision 'H1', which applies to the Subject Lands, are provided below:

16.3.1.3 Conditions for Removal of the "H"	
The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the <i>Planning Act</i> . The following conditions, if and as applicable, shall first be completed to the satisfaction of the Town of Oakville:	
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the <i>Town of Oakville</i> .
b)	The owner has entered into any required servicing agreement(s) with the <i>Town</i> regarding stormwater management.
c)	The completion of detailed design drawings required for the construction of <i>road</i> and <i>infrastructure</i> improvements.
d)	Registration on title of an agreement between the owner and the <i>Town</i> with respect to the <i>road</i> and <i>infrastructure</i> improvements. This agreement shall also address security and advancing of funds, or a letter of credit for the full cost of the <i>road</i> and <i>infrastructure</i> improvements.
e)	The registration on title of a Section 37 Agreement per the <u>Planning Act</u> .
f)	All required land conveyances have been undertaken.

TECHNICAL & PUBLIC COMMENTS:

Planning Comments

Planning staff circulated the application for comments to both internal and external comment partners and agencies. These comments, together with input from the Public and Council at the Public Meeting have been summarized below, with

responses to summarize and explain how all of the technical matters have been satisfactorily addressed:

i. climate change

- Alignment with the climate emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.

Response: Staff applied best practices to reduce the carbon footprint of the Proposal and to align with the climate emergency. This includes applying the Ministry of Transportation Transit-Supportive Guidelines, which informed the design of the blocks including the proposed mid-block connections to provide ease of access to existing and planned transit, mix of land use to support a complete community, accessible open space, local jobs and convenient local services, as well as the coordinating the density proposed with the planned level of transit service in the area.

As part of the transportation policies for Kerr Village, Policy 23.4.1 e) of Livable Oakville provides the following policy.

e) The feasibility of creating a new or improved east-west pedestrian/cycling connection across Sixteen Mile Creek in the general area of the QEW/Speers Road shall be investigated by the Town.

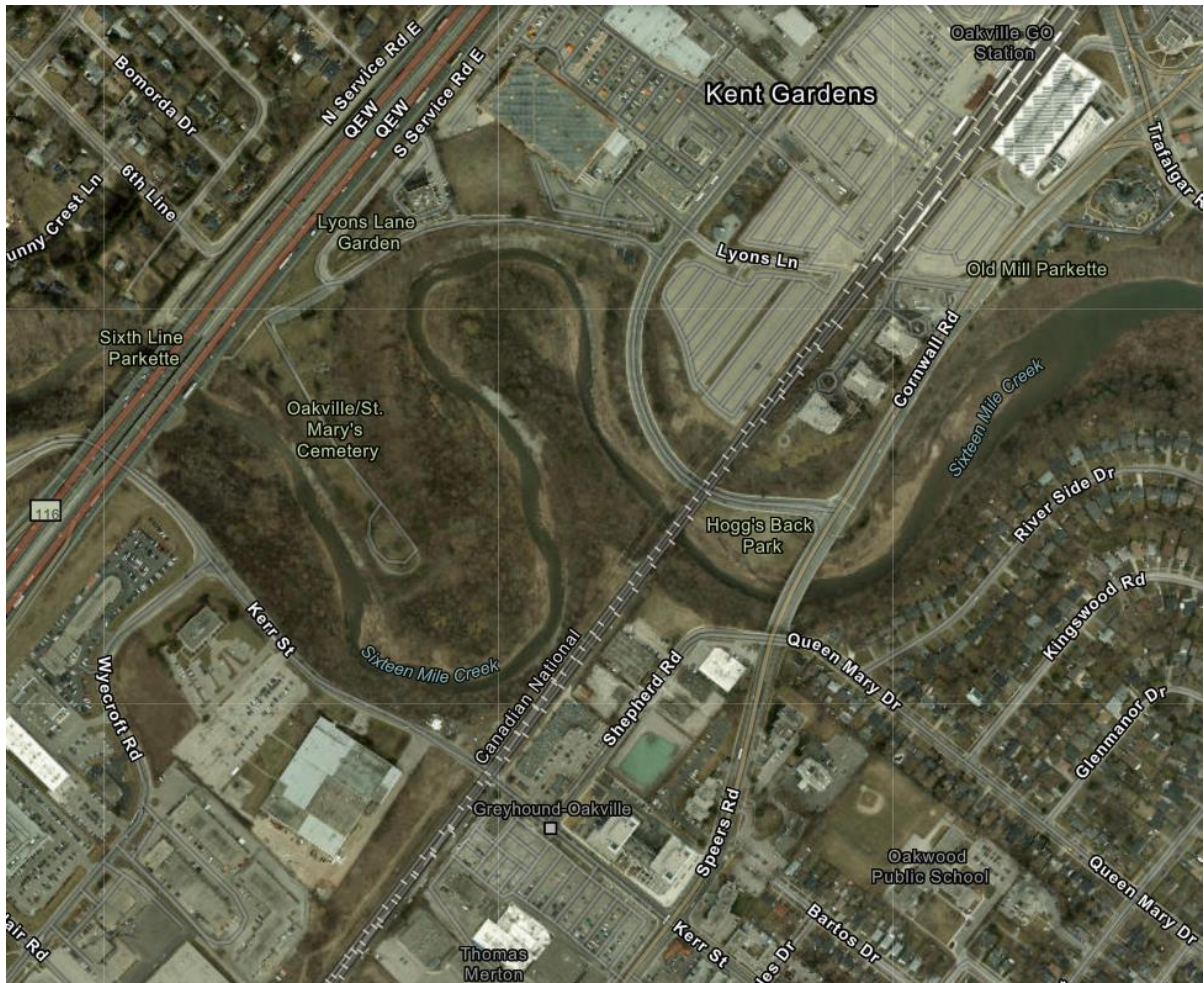


Figure 12: Air Photo illustrating potential area for improved east-west pedestrian/cycling connection across Sixteen Mile Creek in the general area of the QEW/Speers Road

Given the proposed density, transit-supportive development objectives and planned transportation demand management measures (discussed below), the new or improved crossing will help better connect Upper Kerr with Midtown, provide a more convenient access to the Oakville GO Station, and this infrastructure would be supportive of increased use of active forms of transportation (cycling and walking).

A feasibility study for a new crossing was recently initiated, and staff are in discussions with Ministry of Transportation staff regarding a preferred alignment. Development charges may help fund the capital costs of a new or improved crossing.

ii. suitability of comprehensive development plan including:

- demonstration of the potential full build out of subject lands, within the context of Livable Oakville, including the following elements:
 - a) landowner coordination;
 - b) overall spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tower separation;
 - c) complete local road network;
 - d) appropriateness of proposed private road;
 - e) review of shadow study;
 - f) location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway;
 - g) location and size of planned urban square & public park;
 - h) safe setbacks to rail line, utilities and pipelines;
 - i) location and distribution of commercial space, including a food store;
 - j) incorporation of transit-supportive development including adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks; and,
 - k) appropriateness of private parking under proposed public park.

Response: Staff applied the urban design policies of Livable Oakville, the Livable by Design Manual, as well as other guidelines such as the Transit-Supportive Guidelines to review the overall design of the comprehensive development plan. In review of the comprehensive development plan, an integrated and long-term approach to planning was applied which coordinates growth with infrastructure. While the Proposal does include permissions for increased building heights, a strong focus was applied to urban design and 'place making' including improved amenities such as new parks, design treatment of the main street, enhanced streetscapes and pedestrian features and appropriate transitions. Based on staff's review, the comprehensive development plan demonstrates the potential full build out of the lands.

The policies and schedule changes of the draft OPA will implement the comprehensive development plan. In addition to the increased building height and density proposed, the proposed OPA would:

- i. update the requirements for the urban square regarding a minimum area of 500 square metres and to specify that it may be privately-owned publicly accessible open space;

-
- ii. encourage affordable housing by exempting the net floor area of affordable housing units;
 - iii. refine urban design policies regarding the design of towers, building podium, façade treatment, green roofs / amenity space, mid-block pedestrian connections, structured parking, and the private road;
 - iv. address land use compatibility to the rail corridor and employment area to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants to ensure risk to public health and safety is minimized;
 - v. address phasing and transition through coordination with the Kerr Street grade separation, road network capacity, compatibility with existing land uses, functional servicing and implementation of a transit demand management strategy;
 - vi. add landowner cost sharing requirements;
 - vii. identify the conceptual location and update requirements for the urban park to specify the minimum size of 0.4 ha, accessibility and mid-block pedestrian connections, implementation and phasing policies, and to add criteria under which the urban park may be dedicated to the town in a stratified arrangement; and,
 - viii. identify primary and secondary streets within the subject lands as well as the location of enhanced streetscapes, and add the location of a proposed private road.

In addition to the foregoing, staff are of the opinion that more detailed urban design policies are required to guide future development of individual parts of the Subject Lands in a cohesive manner. To that end, staff have reviewed the Urban Design Brief prepared by Urban Strategies, dated August 2022, and recommend that it be endorsed by Council and that the proposed development be designed in accordance with the design requirements in the Urban Design Brief.

The Urban Design Brief addresses design matters in more detail such as variation of tower heights to contribute to a dynamic skyline in Kerr Village, treatment of gateway elements, podium heights and treatment to achieve a human-scaled street wall and comfortable spaces for pedestrians. Shadow impacts are addressed by locating the tallest buildings along the railway, and providing for building massing that is articulated to minimize impact on shadow sensitive uses including the proposed public park, urban square, and surrounding residential uses. All of these matters are important to achieve good urban design, and enable the creation of stimulating, vibrant, and liveable places, and to help create a definable sense of identity. The Urban Design Brief will help guide future development of individual parts of the Subject Lands in a cohesive manner.

In terms of the distribution of commercial space, the draft OPA complements the existing Livable Oakville policies by also requiring a minimum amount of commercial floor space. For example, Livable Oakville will continue to encourage the maintenance of a food store, and the Proposed OPA will also now require a minimum commercial floor area 3,000 sq.m. for portion of the site with the existing food store. For reference, 3,000 sq.m. is the same size as the existing food store present on site today.

In terms of safe setbacks to the rail line, utilities and pipelines, all of the utility and Metrolinx comments have been addressed in the proposed OPA. Land use compatibility policies have been added which address matters such as minimum setbacks, easements, requirement for future studies, minimum safety standards for development, and treatment within setbacks to the rail line.

Staff reviewed the Applicant's proposal to permit private parking under the public 'central' park, and are supportive in principle. Since the Subject Lands were historically developed as commercial plazas, and are removed from Residential Areas, they lack access to public open space, which is an important part of a complete community. The proposed OPA protects for a future urban park, and provides principles under which such a stratification could be considered through a future development application, as follows:

- a. The park will be designed and function as a public park, featuring high quality open space
- b. The value of the parkland contribution may be discounted, particularly where the parkland is encumbered by below-grade private infrastructure or structures such as a private parking garage and this increases lifecycle costs. The actual amount of the land area discount will be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town; and,
- c. The owner entering into an agreement with the Town to secure park design standards and specifications, design standards of below-grade private infrastructure and park maintenance arrangements.

The principles established are intended to address legal and maintenance aspects with stratification, value of parkland dedication, and to ensure that the design of the park is not significantly compromised by what is located underneath. A high quality public open space in this context does not mean trees in concrete planter boxes; the intent is for the park to look and function like a public park and provide high quality public open space which will complement other planned open space elements such as the urban square, mid-block publicly accessible pedestrian connections, and rooftop private amenity spaces.

Lastly, in terms of landowner coordination, the Owner of 171 Speers Road is not part of the landowner group that submitted this application, however they have been actively participating in the planning process. Staff considered their comments and several were addressed in the Proposed OPA which are discussed in more detail below. This includes permissions for a stratified public park and not prescribing a specific floor area for this block. Landowner coordination policies have also been included in the proposed OPA to ensure that costs associated with development including the provision of parkland, infrastructure and servicing are distributed equitably amongst all landowners.

However, the Owner of 171 Speers Road, preferred the St. Augustine Drive extension to be a private road to facilitate redevelopment of their lands as one contiguous parcel and for the public park to be elongated and include frontage along Speers Road. In staff's opinion, the St. Augustine Drive extension is an extension of the public road network, one that is relied on to support planned growth in a growth area, and to service the Subject Lands. As such, when considered on a comprehensive and integrated basis, private tenure of the St. Augustine Drive extension is not appropriate. Furthermore, for the reasons outlined in the subsequent section of this report, the 'central' park location is preferred by staff, and as previously mentioned, the park may be dedicated to the Town in a stratified arrangement, subject to the criteria listed in the proposed OPA.

iii. suitability of land for intended use including:

- environmental suitability of lands for proposed use (sensitive land use / contamination); and,
- archaeological (whether such matters have been appropriately investigated, identified and protected).

Response: The submitted Phase 1 ESA was reviewed and found to be satisfactory by Halton Region. As part of future development applications, a Phase 2 ESA, at a minimum, and a mandatory Record of Site Condition (RSC) will be required. The proposed OPA addresses these matters as part of site-specific land use compatibility policies.

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

- whether the proposed density, building height, and design of the proposed development is appropriate given the existing and planned surrounding context.
- transportation impact to adjacent roadways and intersections;

- adequacy of proposed sanitary, water and stormwater management servicing and consistency with applicable engineering standards;
- pedestrian circulation and integration with larger network;
- capacity of existing transportation, water, sanitary and other infrastructure to support the proposed development and broader planned redevelopment in Kerr Village;
- appropriateness of designation of subject lands as a Class 4 Area pursuant to NPC 300; and,
- land use compatibility (noise and vibration in relation to railway corridor and employment lands).

Response: Staff retained an independent peer review consultant to review the Transportation Assessment. Several updates to the Transportation Assessment were made since the public meeting to address staff and peer review comments, as well as Metrolinx's decision to defer construction of the Kerr Street underpass.

To address the deferral of the Kerr Street underpass, staff requested additional transportation analysis to review the implications of deferral of this project. The updated Transportation Assessment reviewed the following additional scenarios:

- i. grade separation in place by 2031;
- ii. grade separation and associated road widening, intersection improvements, turning lanes, and active transportation infrastructure deferred beyond 2031 and 2036;
- iii. grade separation deferred beyond 2031 and 2036 but other transportation improvements and signal timing changes are in place.
- iv. Level crossing is closed and there is no through access along Kerr Street across the existing level crossing.

Based on the advice of the peer review consultant, staff are in general agreement that the comprehensive development plan could be supported by the existing and proposed transportation system, in a coordinated and phased manner and with increased emphasis on transportation demand management. Accordingly, as part of the proposed OPA, staff are recommending the following measures to coordinate the proposed development with transportation network capacity, provide safe interim access, coordinate development with provision of the Kerr Street underpass as well as other Town capital improvements planned along Kerr Street and Spears Road, and provide specific and measurable transportation demand management measures which are intended to be evaluated and form part of a complete application for future site-specific planning applications:

- i. Development is limited prior to construction of the Kerr Street underpass. A maximum floor space index of 2.1 is permitted prior to construction of the

Kerr Street grade separation. A minor increase may be considered provided specific criteria in the proposed OPA is met.

- ii. As part of filing a complete planning application a phasing plan will be required which will demonstrate safe access point(s). Prior to construction of the Kerr Street grade separation, interim accesses may be considered where it is demonstrated that the access is safe, provides an appropriate level of service, and is coordinated with provision of the Kerr Street grade separation. The intent of this policy is to provide for safe access to initial phase(s) of development before the Kerr Street grade separation is built.
- iii. As part of the phasing plan a Transportation Demand Management (“TDM”) and implementation strategy is required. This means a set of strategies will be developed and implemented that results in more efficient use of the transportation system by influencing travel behavior by mode, time of day, frequency, trip length, regulation, route, or cost.
- iv. As part of a complete application for subsequent phases of development, a transportation data validation monitoring report will be required to measure the effectiveness of modal split adjustments applied to the site trip generation in the transportation impact assessment, and implementation of the TDM strategy on prior development phase(s). Observed travel patterns will be used to inform any transportation impact analysis required as part of a complete planning application. Failure to successfully implement TDM measures may impact the density of future phases of development.

As previously noted, a study is being undertaken for an east-west pedestrian/cycling connection across Sixteen Mile Creek in the general area of the QEW/Speers Road. This, together with other planned infrastructure, would be supportive of increased use of active forms of transportation (cycling and walking).

In terms of land use compatibility, staff have worked with Metrolinx staff to draft the following policy which will address land use compatibility with the rail line and provide design direction for the treatment of space within safety setbacks from the rail line:

The following policies shall be applied through the implementing zoning and site plan process:

- i. *Compatibility assessments may be required for development adjacent to the railway right-of-way to identify*

mitigation measures for any identified safety, security, noise and vibration issues.

- ii. Unless otherwise directed by the landowner of the railway right-of-way:
 - a. buildings shall be setback a minimum of 30 metres from the property line of the railway right-of-way. Notwithstanding the required setback, infrastructure, parking areas or structures, parks and open space, and private amenity space, may be permitted within the setback; and,*
 - b. no tall vegetation should be planted within 3.5 metres of the railway right-of-way.**
- iii. Warning clauses in offers of purchase and sale, lease or rental agreements and condominium declarations, or other development agreements as applicable, shall be determined and secured through the planning application process, and may include, but not limited to, advising purchasers and future occupants of the proximity of the railway and associated rail traffic and operations.*
- iv. An environmental easement for operational emissions from the railway should be registered on title, in favour of the railway owner, at the time of property redevelopment.*

The proposed OPA will also include a land use compatibility section with specific policies regarding sensitive land uses to ensure risk to public health and safety is minimized, and to require as part of a complete application all future planning applications to include a site-specific land use compatibility assessment, including a noise and vibration study and air quality report. It is anticipated when more detailed assessments are provided, mitigation measures may be required. To that end, mitigation measures will be at expense of the Applicant/Owner and agreed upon by all affected parties.

Furthermore, as part of the proposed OPA, staff are recommending that for the purpose of noise and vibration studies, a Class 4 area under the Provincial NPC-300 guidelines may be considered. As part of the site-specific land use compatibility assessments, this policy will allow for a Class 4 Area to be implemented, if warranted, provided it is determined as necessary through a land

use compatibility study. An independent peer review of the study will likely be required as part of a future planning application.

Staff have reviewed the functional servicing and stormwater management report, which provided an analysis for how the Subject Lands, as a whole, will be serviced together with phasing scenarios. Based on staff's review, it has been demonstrated at an OPA level that sanitary, water and stormwater management servicing of the Subject Lands will be adequate. Initial phases of development may require agreement and easements across the lands expropriated by Metrolinx along Kerr Street. This will be evaluated as part of a future planning application.

The proposed OPA address functional servicing of the site, through phasing policies. As part of filing a complete planning application a phasing plan will be required. Amongst other matters, the phasing will be supported by a functional servicing report which comprehensively addresses the adequate provision of stormwater, water and wastewater infrastructure, including a more detailed downstream analysis. Through an implementing zoning by-law amendment, a holding provision will be used to secure for all upgrades and/or replacement of required stormwater, road network and water and wastewater infrastructure, if not already secured through other processes, such as a draft plan of subdivision.

v. Appropriateness of phasing including cost sharing:

- coordination of proposed growth with planned infrastructure improvements;
- appropriateness of phasing / coordinating the proposed development with the provision of necessary infrastructure improvements in consideration of the proposed density;
- suitability of phasing policies to allow for the orderly redevelopment of the subject lands, including the continuation of part or parts of the existing commercial plazas; and,
- appropriate cost sharing policies.

Response: Given the fragmented ownership of the Subject Lands, and deferral of the Kerr Street underpass project, staff anticipate that the comprehensive development plan will be constructed in phases. As previously noted, as part of filing a complete planning application for required future planning applications a phasing plan will be required. The phasing plan will coordinate proposed growth with planned infrastructure improvements, limit density prior to construction of the Kerr Street underpass, and provide a policy framework for the orderly redevelopment of the subject lands.

Amongst other matters, the proponent of a future development application will be required to demonstrate no undue adverse impact on the continued operation of adjacent existing uses, or negative impact on the full implementation of the comprehensive development plan.

Given the fragmented ownership of the Subject Lands, and the level of coordination needed to deliver infrastructure that spans 3 or more land parcels, cost sharing policies have been proposed as part of the proposed OPA. As part of a complete planning application, a cost sharing agreement will be required which is administered by and entered into amongst all landowners within the comprehensive development plan. The cost sharing agreement is required to demonstrate that costs associated with development including, but not limited to, the provision of parkland, infrastructure and servicing are distributed equitably amongst all landowners.

Since the owner of 171 Speers Road is not in agreement with the cost sharing policies, at this time, the proposed OPA also provides flexibility for the Town to permit submission of a planning application without a cost sharing agreement, if the landowner undertakes to enter into such an agreement and consents to the Town imposing appropriate conditions to secure such an undertaking, as part of any approval of a planning application. Through an implementing zoning by-law amendment, a holding provision may be used to secure the execution of cost sharing agreement.

vi. urban design and function of site including:

- built form, massing, building setbacks, overall design;
- shadow impact in relation to existing and future development;
- consideration of active at-grade uses to provide safety, animation and attractive building façades;
- treatment of the Kerr Street frontage with proposed elevation changes proposed through the realignment of Kerr Street;
- provision of publicly accessible private open space and other private open space in an urban context; and,
- conformity with the urban design policies of the Livable Oakville Plan and consistency with the Livable by Design Manual.

Response: Urban design has been addressed under (ii), above.

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

- whether the proposed development is designed appropriately to support the full build out of the District together with provision of planned features, amenities and infrastructure.
- whether the proposed density and built form of development supports the urban structure of the town and is appropriate given the existing and planned context;
- Consistency with the Provincial Policy Statement, conformity with the Growth Plan, Halton Region Official Plan, Livable Oakville Plan and related guidelines.
- Bonusing / community benefits given pending changes to section 37 of the *Planning Act*¹⁸.

Response: Staff analysis of applicable policy was provided in the preceding section of this report. Contextually, the Subject Lands are located adjacent to 7 Oakville Transit routes, are on the Metrolinx Frequent Rapid Transit Network, and are within a +/-15 minute walk to the Oakville GO Station. Furthermore, the Subject Lands are part of the Kerr Village growth area, in a location where the highest height and density are currently permitted. Within the context of ROPA 48, and ROPA 49, and the policy review outlined herein, it is staff's opinion that the increased height and density proposed is appropriate. Moreover, staff undertook a comprehensive, integrated and long-term approach to planning which coordinated growth with infrastructure, and the proposed OPA includes detailed policies which address phasing, land use compatibility, cost sharing and urban design.

As outlined in i), above, a strong focus was applied to urban design and 'place making' together with contributing to a complete community. This includes improved amenities such as new parks, design treatment of the main street, enhanced streetscapes and pedestrian features and appropriate transitions and building design guidelines. All of these matters, together, are important to achieve good urban design, and enable the creation of stimulating, vibrant, and livable places, and to help create a definable sense of identity.

Lastly, in accordance with Bill 108, the proposed OPA will amend Schedule O1 to remove 'lands eligible for bonusing' from the Subject Lands.

Council Resolution

Council added the following matters of interest at the public meeting. The status of each matter is listed below:

¹⁸ Section 37 of the *Planning Act* was in effect until the Town passed a Community Benefit Charge ("CBC") By-law on September 6, 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.

3. *“That analysis of the following matters of interest to Council be included as part of the recommendation report:*

a. consider the park location to ensure accessibility to the public.

Response: The ‘central park’ concept is consistent with the original ‘Plan for Kerr Village’ and staff prefers this central location. While scenarios with park frontage along Speers Road were considered and evaluated by staff, they were not preferable given increased transportation noise, inefficiencies with park design to create a safety buffer along Speers Road, and from an overall design perspective of the comprehensive development plan.

However, the proposed OPA was amended to add requirements for two mid-block connections to physically connect the park to both Speers Road and Kerr Street. Both connections will be fully accessible to the public.

b. consider the overall distribution of building height across the development site.

Response: The comprehensive development plan directs taller buildings toward the northern edge of the site along the railway. Given the orientation of the Subject Lands, this reduces shadow impacts on the public park, as well as the surrounding public realm and private amenity space. The comprehensive development plan was also designed to provide a height transition down from the gateway locations toward the stable residential neighbourhood at St. Augustine Drive while providing for a variation of tower heights to contribute to a dynamic skyline in Kerr Village.

As previously mentioned, the Owner of 171 Speers Road is not part of the landowner group that submitted this application, however they have been actively participating in the planning process. Staff considered their comments in reviewing the Proposed OPA. In staff’s opinion, the Proposed OPA addresses comments made with respect to ‘down

zoning' of their property, by removing prescriptive floor space limits originally proposed.

- c. mix and distribution of land uses (park, retail, and commercial).*
- d. how the phasing and future development will occur.*
- e. impact on the proposal if Metrolinx does not complete the Kerr Street grade-separation."*

Response: The mix and distribution of land uses, phasing and impact of the deferral of the Kerr Street underpass were analyzed in staff's above comments with appropriate implementing policies added to the proposed OPA.

Public Comments

An applicant-initiated virtual Public Information Meeting ("PIM") was held on January 19, 2022 and was attended by 86 residents, followed by a statutory public meeting on February 15, 2022. All public comments received as of the date of this report have been appended to this report as '**Appendix 'A'**'.

A number of concerns were raised by the public. The following matters were addressed in this staff report in the 'Planning Comments' section of this report:

- a) transportation congestion;
- b) loss of retail and specifically the existing grocery store
- c) excessive height and density;
- d) shadow impacts;
- e) size of urban square;
- f) ways to increase walkability of the area;
- g) capacity of water and sewer infrastructure;
- h) affordable housing;
- i) access to public park;
- j) location of tall buildings (prefer adjacent to railway);
- k) access to Oakville GO Station; and,
- l) phasing.

The following matters will be addressed as part of subsequent planning application in addition to reviewing / implementing all of the above matters as part of a site-specific development application:

- a) construction nuisances (dust, noise, etc...);
- b) wind impacts / micro climate;

- c) tenure of buildings (rental vs. condo);
- d) visitor parking;

In addition to the foregoing, the following matters were raised, which are not addressed in this report:

Traffic Utilizing Queen Mary Drive

As part of the transportation report, the intersection Kerr Street / Shepherd Road (extension of Queen Mary Drive) was reviewed. As part of the analysis provided up to 5% residential site trips and 11% retail site trips are expected to utilize Queen Mary Drive. This is not anticipated to have a substantive impact to the operational characteristic of Queen Mary Drive.

Request for Discount Grocery Store

While maintenance of a food store is encouraged by the existing Livable Oakville policies, and the proposed OPA will require the same amount of ground floor commercial area as the size of the existing food store for the block with potential food store shown on the comprehensive development plan, the *Planning Act* does not permit the Town to specify the exact tenant through an official plan amendment.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to the Owner, Applicant, all person/public bodies that provided written submissions or who wrote in to request notice, the delegation list from February 15, 2022 public meeting, and agencies from Ward 2.

All written submissions received as of the date of this report are included in **Appendix "A"**.

(B) FINANCIAL

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

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The applications were circulated to internal and external departments and agencies for comment.

(D) CORPORATE STRATEGIC GOALS

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

- To be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development generally complies with the Town's sustainability objectives of the Livable Oakville Plan. The proposal was reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities to reduce the development footprint of the proposal.

CONCLUSION:

Staff recommends approval of the proposed official plan amendment to permit the Proposal for the following reasons:

- 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;
- A full circulation has been undertaken and there are no outstanding planning issues to be resolved;
- The Proposal is consistent with and would assist to implement the vision, development objectives, Kerr Village goals and objectives of Livable Oakville;
- The Proposal is located within a strategic growth area, adjacent to 7 Transit routes, are is adjacent to the Metrolinx Frequent Rapid Transit Network, and within a 15 minute walk to the Oakville GO Station. The Proposal is transit-supportive.
- A comprehensive, integrated and long-term approach to planning was undertaken which coordinated growth with infrastructure, and the proposed OPA includes detailed policies which address phasing, land use compatibility, cost sharing and urban design.
- Comments from the public have been appropriately addressed; and,
- Comments from Council have been appropriately addressed.

Next Steps

As previously mentioned, the Ontario Land Tribunal hearing (Case No. PL200333) regarding 550 Kerr Street was adjourned to allow for the subject Official Plan Amendment application to be considered. Following this meeting, staff anticipate that a separate legal report will be prepared which will outline the status of this appeal.

Future planning application such as a Zoning By-law amendment, draft plan of subdivision, draft plan of condominium, and site plan approval application will be required to implement the proposed OPA, and will be reviewed by staff at that time.

APPENDICES:

Appendix A – Written Public Comments
Appendix B – Comprehensive Development Plan
Appendix C – Provincial Policy Statement Extracts
Appendix D – Growth Plan Extracts
Appendix E – Livable Oakville Schedule
Appendix F – Livable Oakville Extracts
Appendix G – Zoning By-law Schedule
Appendix H – Proposed OPA 51
Appendix I – Urban Design Brief

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