



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 10, 2020

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**FROM:** Planning Services Department

**DATE:** January 29, 2020

**SUBJECT:** **Public Meeting Report, Zoning By-law Amendment,  
JRB-109 Reynolds Holdings LP - JRB Developments Z.1613.61**

**LOCATION:** 109 Reynolds Street

**WARD:** 3

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**RECOMMENDATION:**

1. That the public meeting report prepared by the Planning Services Department dated January 29, 2020, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by JRB-109 Reynolds Holdings LP – JRB Developments (File No.: Z.1613.61) be received.
3. That staff consider such comments as may be provided by Council.

**KEY FACTS:**

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

- JRB-109 Reynolds Holdings LP – JRB Developments, the owners of the subject lands, submitted a Zoning By-law Amendment application to facilitate a development proposal for an eight storey residential building with 21 units and underground parking.
- An amendment to the existing zoning is required to permit a height of eight storeys which is the maximum that is permitted in the Livable Oakville Plan through the use of a Bonusing Section 37 agreement. The maximum height limit is six storeys without bonusing.
- The subject lands are located at the southeast corner of Reynolds Street and Church Street and was previously occupied by the Ward Funeral Home. Permissions on the subject lands provide the opportunity for intensification to meet prescribed provincial, regional and municipal targets
- A Public Information Meeting was hosted by the applicant on June 26, 2019. The meeting was attended by 25 residents and business owners as well as

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the Ward 3 Councillors. A summary of comments received at the meeting is included in Appendix 'B'.

- The application was submitted on November 22, 2019.
- The application has been circulated to internal departments and public agencies for review and comment.

### **BACKGROUND:**

The applicant has submitted a Zoning By-law Amendment application to facilitate a development proposal for an eight storey residential building with 21 units and underground parking with 31 parking spaces. Through the approval of Official Plan Amendment No. 20 (OPA 20), the building height for the Main Street 2 land use designation was increased from four to six storeys. In addition, OPA 20 introduced policies which could allow for an additional two storeys of building height (to a total of eight storeys) to be achieved through bonusing under a Section 37 Agreement of the *Planning Act*.

Zoning By-law 2014-014 permits a range of uses within mixed use or stand alone buildings to a maximum height of 15 metres (typically four storeys), predating the increased height provisions as well as the permissions for an additional two storeys in height through bonusing for eligible lands established by OPA 20 and identified on Schedule Q1 – Downtown Oakville Land Use.

The ability to utilize bonusing provisions as provided in the Livable Oakville Plan is subject to the approval of any by-law prior to this authority being removed as a result of *More Homes, More Choice Act*, 2019 (“Bill 108”). Under the transition provisions of Bill 108, the town may continue to pass bonusing by-laws after proclamation until it either enacts a community benefits by-law or a deadline to be established through regulations has passed (“the transition period”). Should the ability to use bonusing provisions be eliminated before a by-law is approved, an applicant would have several options for proceeding, including but not limited to:

1. Revise the current proposal to remove the request for increased height through the bonusing provisions.
2. Submit an Official Plan Amendment to introduce a site specific exception into Livable Oakville permitting the desired increase in the maximum height provisions.

A number of modifications to the zoning regulations in the parent zone are proposed to recognize the proposed design and are discussed later in this report.

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Figure 1: Air Photo

Submission materials are available at the following link on the Town’s website:  
<https://www.oakville.ca/business/da-34643.html>.

The conceptual site plan and context plan, Figure 2 and Figure 3 below, illustrate the proposed development concept for the subject lands.

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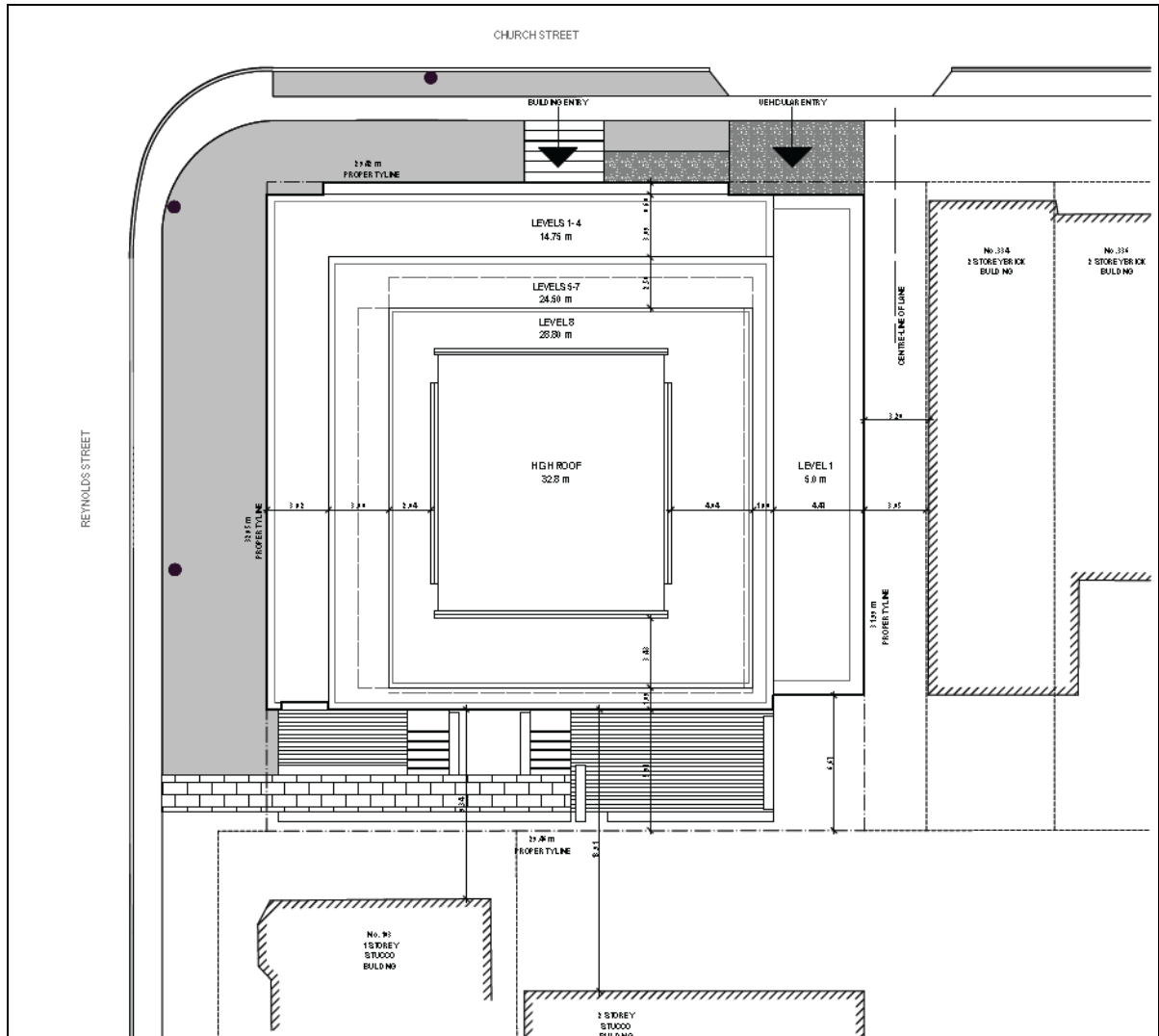


Figure 2: Conceptual Site Plan

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Figure 3: Context Plan looking south at the site

**Location and Site Description**

The subject site is approximately 0.09 hectares and is located at the southeast corner of Reynolds Street and Church Street in Downtown Oakville. The property has frontage of approximately 29 metres on Church Street and 32 metres on Reynolds Street.

The property was previously the site of the Ward Funeral Home. The building was demolished in 2018 and the site is currently vacant and secured with construction hoarding.

**Surrounding Land Uses**

The surrounding land uses are as follows:

- North: Two and three storey commercial/retail buildings
- East: Town owned laneway providing vehicular access to the parking area for the two storey commercial/retail buildings along Church Street.
- South: One and two storey commercial/retail buildings
- West: Three storey town owned parking structure

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## **PLANNING POLICY & ANALYSIS**

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

- Provincial Policy Statement (2014);
- 2019 Growth Plan for the Greater Golden Horseshoe (2007);
- Halton Region Official Plan;
- *Livable Oakville* Plan; and,
- Zoning By-law 2014-014

### **Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas, promoting a compact development form, and the long term protection of natural features.

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

### **Growth Plan for the Greater Golden Horseshoe (2019)**

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options.

The subject lands are located within an identified "Built-Up Area" and a "Settlement Area", where intensification is encouraged to efficiently make use of the existing infrastructure, municipal servicing availability and convenient access to services that

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meet the daily needs of residents. Intensification must give consideration to adjacent uses and compatible built form and transitioning.

In addition, the Growth Plan establishes intensification targets for development within “Delineated Built-Up Areas”. The Town of Oakville is included within these areas and anticipates that a minimum of 50 percent of all residential development occurring annually is expected to be within the delineated built-up area.

### **Halton Region Official Plan**

The subject lands are designated “Urban Area” in 2009 Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure.

One of the objectives of the Urban Area (Policy 72(1)) is to “accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently”. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Regional Phasing policies to 2021 require the Town of Oakville to achieve a target of 1,798 medium and high density units inside the built boundary between 2017 and 2021.

### **Livable Oakville Plan**

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011. The subject lands are located within the Downtown Oakville Growth Area and are planned to accommodate intensification and high density growth.

### 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.

Official Plan Amendment 15 to the *Livable Oakville Plan*, confirms the Town’s existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is

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consistent with the PPS. OPA 15 is subject to one appeal, as such it is not presently in force.

The subject lands are identified on Schedule A1 – Urban Structure as forming part of the Growth Area for Downtown Oakville, and in near proximity to local and GO transit services along Trafalgar Road and Midtown.

### Land Use Policies

Downtown Oakville is identified as a Growth Area in the Livable Oakville Plan and the key focus for development and redevelopment to accommodate intensification is within defined Growth Areas. The subject lands are designated Main Street 2 on Schedule Q1: Downtown Oakville Land Use Plan in the Livable Oakville Plan, shown in Figure 4. Schedule Q2: Downtown Oakville Urban Design identifies Church Street as a “Secondary Street” intended for enhanced streetscape treatments and pedestrian-oriented amenities with wider sidewalks, additional street furniture and landscaping. The built form along a Secondary Street is intended to have a high degree of transparency on the ground floor and contain commercial, community, cultural or limited office uses on the ground floor in addition to stand-alone residential buildings.

Within Part E: Growth Areas, Special Policy Areas and Exceptions of the Livable Oakville Plan, Policy 25.8.2 speaks to the use of bonusing and the public benefits considered appropriate for the application of increased height and density in Downtown Oakville. Should the ability to use bonusing provisions be eliminated through the passing of Bill 108, before a by-law is approved, an applicant would have several options for proceeding, including but not limited to:

1. Revise the current proposal to remove the request for increased height through the bonusing provisions.
2. Submit an Official Plan Amendment to introduce a site specific exception into Livable Oakville permitting the desired increase in the maximum height provisions.



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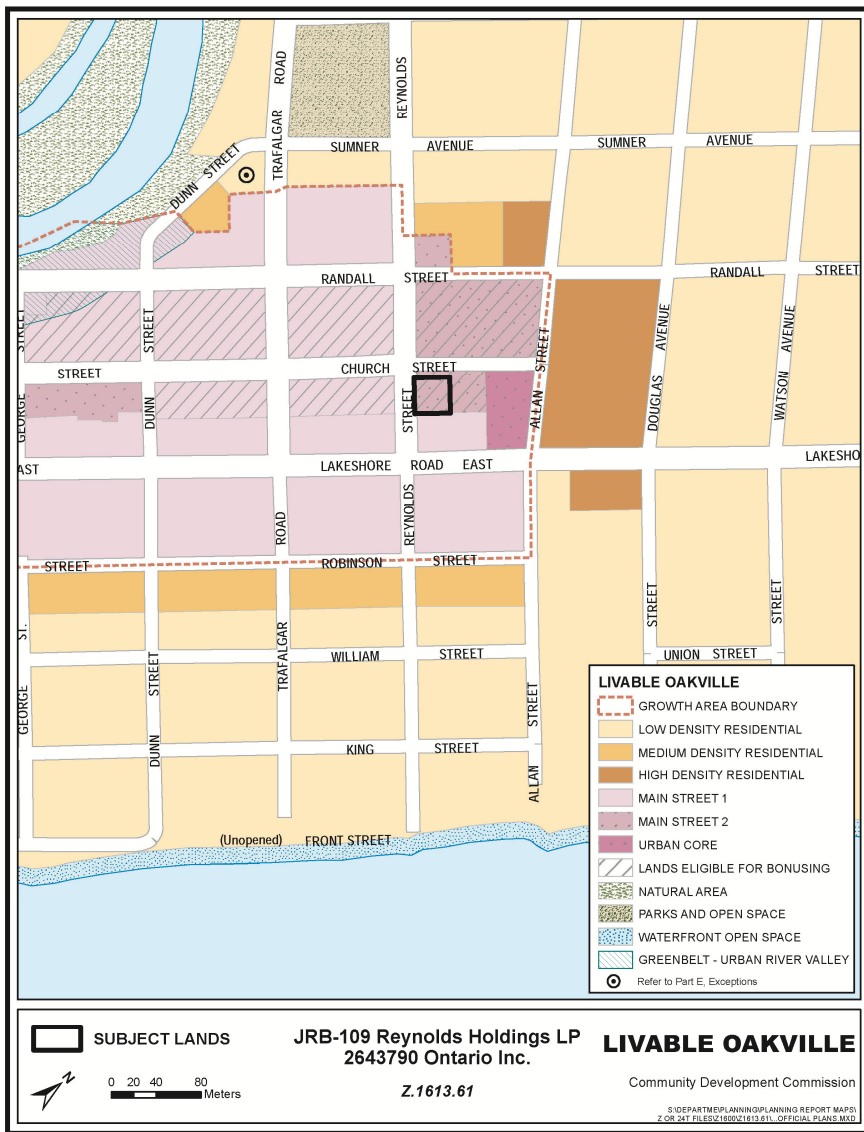


Figure 4: Official Plan Excerpt

Excerpts of relevant Livable Oakville policies to the application are attached as Appendix 'A'.

**Zoning By-law (2014-014)**

The subject lands are zoned CBD – Central Business District as shown on Figure 5 below. The CBD zone permits a wide range of uses including stand-alone residential uses with a maximum height of fifteen metres, typically equivalent to four storeys. The subject application is consistent with the CBD zone in terms of use however with OPA 20 and the introduction of a maximum building height of four to

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six storeys in the Main Street 2 land use designation the application proposes to amend the zoning in keeping with the Livable Oakville Plan Main Street 2 policies.

Zoning By-law 2014-014 requires a minimum of 26 parking spaces to be provided – including visitor and barrier free parking. The applicant has provided an additional five spaces for a total of 31 spaces including four visitor parking spaces.

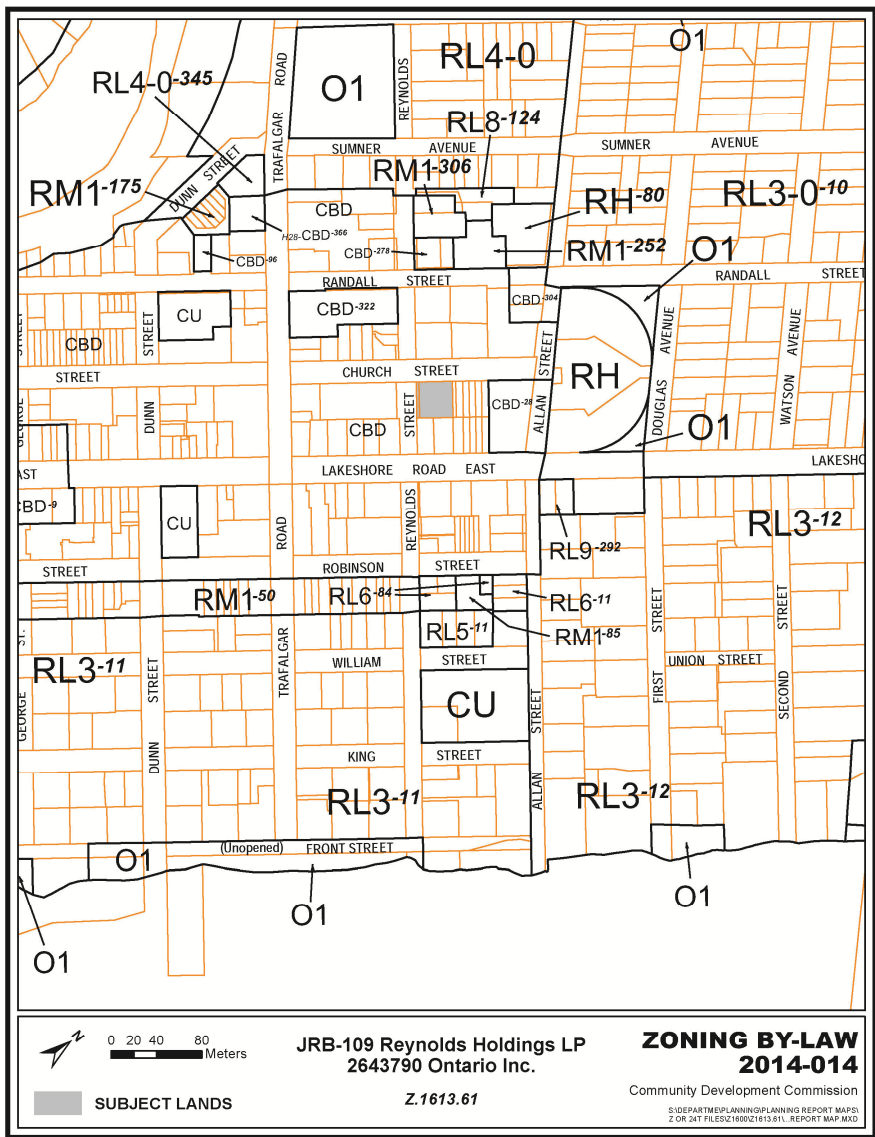


Figure 5: Zoning Excerpt

The applicant proposes the following modifications to Special Provision 38 to permit the current development proposal:

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Proposed Modification	Applicant's Justification
Reduction in the minimum length of a single visitor parking spaces from 5.7 m to 5.16 m	Applies to one visitor parking space located on parking level 1 that is deficient in length (56 cm) and is proposed as a 'small car' space.
Reduction in the minimum length of a single residential parking space from 5.7 m to 5.16 m.	Applies to one residential parking space located on parking level 2, that is deficient in length (56 cm) and is proposed as a 'small car' parking space.
Reduction in the minimum width of an aisle providing access to a parking space within a parking area from 6.0 m to 5.5 m.	Applies only to the westerly drive aisle in the underground parking garage for a maximum length of approximately 13.0 m.
Reduction in the number of bicycle parking spaces from 21 spaces to 16.	Requested to address the physical constraints of the parking garage and looking for options to reduce area required for bicycle parking.
Increase in the maximum height of a mechanical penthouse from the maximum 3.0 m to 4.0 m	To permit the height of the screening elements for the rooftop mechanical units.
Elimination of the setback requirement for a rooftop terrace from the edge of a roof whereas the Zoning By-law requires a minimum setback of 2.0 m	The private amenity area for the penthouse unit is considered a balcony. However, due to it being the highest (top) floor of the building the zoning by-law interprets this area as a rooftop terrace. The private amenity area is proposed on the northerly and westerly sides of the building and provide a greater degree of separation for adjacent land uses.
Elimination of the requirement to provide 0.3 m distance between a parking space and an adjacent fixed object	Applies to two residential parking spaces located on parking level 1 and 2 to reduce the amount of space between the parking space and the fixed wall for the staircase on the east side of the parking space.

**TECHNICAL & PUBLIC COMMENTS**

The proponent has provided technical studies in support of the application which have been circulated to various public agencies and internal town departments, and

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which are under review. The following studies and supporting documentation are also accessible on the town's website:

- Planning Justification Report
- Site Context Plan
- Building Elevations and Coloured Renderings
- Functional Servicing Report
- Urban Design Brief
- Parking Justification Letter
- Shadow Impact Analysis
- Summary of the Public Information Meeting
- Environmental Site Assessment Phase 1 and 2
- Archeological Report
- Arborist Report
- Waste Management Plan
- Survey
- Construction Staging Plan

### **Issues Under Review / Matters to be Considered**

The following reflects issues and matters have been identified to date for further review and consideration. Not all circulation comments have been received to date but will be considered in the future recommendation report.

- Consistency with the Provincial Policy Statement, 2014 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.
- Conformity to the Region of Halton Official Plan and the inclusion of a Holding Provision to ensure, there is adequate water and wastewater capacity available in accordance with regional regulations and policies.
- Conformity with Livable Oakville policies including the implementation of bonusing policies for lands that are identified within Downtown Oakville which is an area eligible for intensification and high density development.
- Identification of appropriate public benefits in exchange for height and density, such as those benefits lists within Section 25.8.2 of the Livable Oakville Plan.
- Compliance with the Livable by Design Guidelines Parts A and C, including scale, massing, and shadow impacts.

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- Strengthened interface of the treatment of the ground floor residential uses and the public realm with a high degree of transparency that addresses the Downtown Oakville policies of Livable Oakville.
- Justification for the proposed modifications to the parent zoning by-law ensuring the proposed zoning by-law amendment appropriately implements the vision of the Livable Oakville Plan.
- Establishment of an appropriate parking standard for residential parking including visitor parking.
- Alignment with the Climate Emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.
- Bill 108 implications on the ability to utilize bonusing provisions in a manner intended by the Livable Oakville Plan should relevant sections of the Bill come into force prior to the subject zoning by-law amendment being approved.

NOTE: In light of anticipated timelines for Bill 108, an applicant would have several options for proceeding with an active application that included bonusing for increased height in exchange for public benefits, including but not limited to:

1. Revise the current proposal to remove the request for increased height through the bonusing provisions.
2. Submit an Official Plan Amendment to introduce a site specific exception into Livable Oakville permitting the desired increase in the maximum height provisions.

Comments received at this public meeting will be considered and included in a forthcoming recommendation report.

### **CONCLUSION:**

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written submissions.

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## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice for the public meeting has been distributed in accordance with the *Planning Act*.

A Public Information Meeting was hosted by the applicant on June 26, 2019. The meeting was attended by 25 residents and business owners as well as the Ward 3 Councillors. A summary of comments received at the meeting is included in Appendix 'B'.

### **(B) FINANCIAL**

On June 6, 2019, Bill 108, *More Homes, More Choices Act* (Bill 108), received Royal Assent. Parts of the Bill are now in force while others await proclamation. To date, only some information on the proposed regulations and prescribed matters has been provided. Bill 108 introduces significant changes to the financial tools available to the Town. *Planning Act* changes with respect to Section 37 (density and height bonusing), Section 42 parkland dedications, existing parkland agreements, and payments in lieu, along with proposed changes to Development Charges (DCs) for growth-related park and community infrastructure will be replaced with a capped community benefits charge (CBC). This is anticipated to impact the town's ability to ensure that "growth pays for growth" and protection of complete communities.

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

The application is currently in circulation to internal departments and public agencies for comment.

### **(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

### **(E) COMMUNITY SUSTAINABILITY**

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Plan. The proposal will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 and where there are opportunities to reduce the development footprint of the proposal and the future residents.

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**APPENDICES:**

Appendix A: North Oakville East Secondary Plan Excerpts

Appendix B: Public comments

Prepared by:  
Tricia Collingwood, MCIP, RPP  
Senior Planner  
Current Planning – East District

Recommended by:  
Heinz Hecht, MCIP, RPP  
Manager  
Current Planning – East District

Submitted by:  
Mark H. Simeoni, MCIP, RPP  
Director, Planning Services