

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 16, 2016

FROM: Planning Services Department

16-499

DATE: April 25, 2016

SUBJECT: Public Meeting and Recommendation Report, Official Plan Amendment and Zoning By-law Amendment, Symgine (Lake East) Inc., File Z.1728.61, 2266 Lakeshore Road West and 83 East Street

LOCATION: 2266 Lakeshore Road West & 83 East Street

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RECOMMENDATION:

That the Official Plan Amendment and Zoning By-law Amendment applications by Symgine (Lake East) Inc., for 2266 Lakeshore Road West and 83 East Street (File Z.1728.61), be denied.

KEY FACTS:

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

- Symgine (Lake East) Inc. have submitted applications for an Official Plan Amendment and Zoning By-law Amendment for properties at 2266 Lakeshore Road West and 83 East Street.
- The application proposes to allow a mixed use building up to 20 storeys in height containing 144 dwelling units with retail and service commercial uses at grade.
- A pre-consultation meeting was held with the applicants, wherein they were advised that the proposal did not maintain the intent of the Livable Oakville Plan.
- A Public Information Meeting was held on January 27, 2016 at Queen Elizabeth Park Community and Cultural Centre. The meeting was attended by 92 residents.
- At the call of the Ward Councillors, an informal courtesy Public Information Meeting was held on February 10, 2016 for residents of Ennisclare by the Lake. The meeting was attended by 80 residents.

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- A public meeting was held on March 21, 2016, which was well attended by members of the public who generally raised objections related to the applications.

BACKGROUND:

The purpose of this report is to provide a comprehensive staff evaluation of the application and a recommendation on the proposed Official Plan Amendment and Zoning By-law Amendment for 2266 Lakeshore Road West and 83 East Street.

A pre-consultation meeting was held on September 9, 2015, which was attended by the applicant as well as Town and Regional staff based on a 18 storey mixed use building. The purpose of pre-consultation meetings is to establish the formal application requirements of a development application, as well as to provide preliminary staff feedback on a proposal. The applicant was advised that the proposal did not maintain the intent of the Official Plan, would be out of character of Bronte Village and did not respect the urban design directions contained in the Livable by Design Manual,. A follow up teleconference call took place on September 18, 2015 between the applicant, architect and Town staff. As a result of information provided at a pre-consultation meeting, the applicant was aware of where a development application may fall short in satisfying the Town's policies and would have been able to adjust the proposal in advance of submission of a formal application.

Official Plan Amendment and Zoning By-law Amendment applications were submitted on November 24, 2015 by Symgine (Lake East) Inc. The applications were deemed complete on December 8, 2015. At that time, the application was also circulated for technical review and agency comment. The purpose of the application is to allow a 20 storey apartment building containing 144 dwelling units with retail and service commercial uses at grade.

A Public Information Meeting was held on January 27, 2016 at Queen Elizabeth Park Community and Cultural Centre. The meeting was attended by 92 residents. A statutory public meeting was held on March 21, 2016, which was well attended by a number of residents and the Bronte Village Residents Association who raised concerns and voiced opposition to the applications. Following the public meeting, it was discovered that the date of the meeting on the sign posted on the property was incorrect. As a result, notice has been provided in accordance with the full notice requirements of the *Planning Act* to allow for a second statutory public meeting to be held on May 16, 2016 to ensure that all public comments are received. This issue does not affect the validity of the submissions made to Council at the first public meeting.

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Proposal

The applicant seeks approval to permit the lands to be developed for a mixed use building up to 20 storeys in height, containing 144 residential units with 767 square metres of retail and service commercial use at grade and mezzanine levels. The 20 storey building is proposed to be located diagonally across the site, mounted on a two-storey podium containing retail and service commercial uses and communal amenity spaces for residents. Two open spaces are proposed at grade, including a publicly accessible 301 square metre Urban Square at the corner of Lakeshore Road West and East Street, and a communal amenity space for residents on the east side of the site. Additional communal amenity areas are proposed to be located on the roofs of the podium and the building.

Four and a half levels of underground parking are proposed to be accessed from a driveway off of East Street. The total proposed parking supply is 247 spaces, of which 32 spaces would be provided at grade for commercial uses and resident visitor parking.

The applicant has applied for an Official Plan Amendment to change the existing land use designation from “Main Street 1” with bonusing policies to “Urban Core” with bonusing policies that would have the effect of securing permissions for a 12 storey building, with bonusing provisions allowing for an additional 8 storeys in exchange for the provision of community benefits. In addition, the proposal requires a Zoning By-law Amendment to rezone the lands from Main Street 1 (H1 MU1) to Urban Core (H1 MU4) with regulations specific to the subject property related to building height and building setback. The Zoning By-law Amendment would require a Section 37 agreement as a means of implementing the bonusing provisions being sought under the Official Plan Amendment.

Location

The subject lands consist of two properties located on the southeast corner of Lakeshore Road West and East Street, municipally known as 2266 Lakeshore Road West and 83 East Street.

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Site Description

The combined area of the subject lands is 2,397 square metres with a combined frontage of 40.69 metres on Lakeshore Road West and 60 metres of frontage on East Street. The subject lands are currently developed with two single-storey commercial buildings.

Surrounding Land Uses

The surrounding land uses are as follows:

South: 17 storey condominium apartment building.

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West: Single storey commercial (Bronte Village Plaza) west of East Street.

North: Single storey commercial uses (gas station/convenience store, bank) north of Lakeshore Road West.

East: Two storey group home.

POLICY FRAMEWORK

The applications are subject to the following policy framework: the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (2006), the Halton Region Official Plan, and the Oakville Official Plan and Zoning By-law.

Provincial Policy Statement

The Provincial Policy Statement 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 and by promoting a compact development form.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

The PPS directs planning authorities to identify appropriate locations for intensification; to enact appropriate development standards to facilitate intensification; and to implement minimum targets for redevelopment within built up areas, based on local conditions (PPS, Part 1.1.3.3, 1.1.3.4 and 1.1.3.5). The Town has considered local conditions in the development and implementation of the Town's growth management framework. Appropriate locations and scale for intensification and regulations to facilitate appropriate intensification are described in Livable Oakville and implemented through Zoning By-law 2014-014.

Growth Plan for the Greater Golden Horseshoe

In 2006, the Growth Plan was approved and provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification

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where development proposals can efficiently use existing transportation and servicing infrastructure.

The Livable Oakville Plan was unanimously approved by Council in June 2009 and approved by the Ontario Municipal Board (OMB) in May 2011. It provides policy direction for growth and development to 2031. This plan conforms to the Growth Plan (2006) and is consistent with the Provincial Policy Statement (2005).

The Town's growth management strategy is well positioned to meet Oakville's percentage of Halton Region's population growth established in the Growth Plan without significant changes to the existing Livable Oakville policies and permissions. The revitalization of Bronte Village was the subject of a detailed, comprehensive land use study, which resulted in objectives and policies to provide for growth opportunities at a scale appropriate for a main street growth area. The scale of the proposed redevelopment undermines the planned function of the Bronte Village Growth Area. Bronte Village is not considered a Primary Growth Area and is planned to develop as a mixed use centre with a viable main street.

Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. The policies of ROPA 38 to Halton's Official Plan are in force with the exception of site specific and policy specific matters unrelated to this application.

The lands are designated "Urban Area" according to the Region's Official Plan. The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". 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". The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011 and is consistent with the 2005 Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe.

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Schedule P of the Livable Oakville Plan includes the property within the boundaries of the Bronte Village Growth Area, and designates the property as “Main Street 1” and as “Lands eligible for bonusing”.

“12.2 Main Street 1

12.2.1 Permitted Uses

A wide range of retail and service commercial uses, including restaurants, offices and residential uses may be permitted in the Main Street 1 designation. The ground floor of buildings in the Main Street 1 designation shall be primarily occupied by retail and service commercial uses. Limited office uses, and ancillary residential uses, may also be permitted on the ground floor of mixed use buildings.

12.2.2 Building Heights

Buildings within the Main Street 1 designation shall be a minimum of 2 storeys in height and a maximum of 4 storeys in height.”

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

In order to allow increased building height, the proposed development requires an Official Plan Amendment to change the existing land use designation on the site from “Main Street 1” with bonusing to “Urban Core” with bonusing. The proposed “Urban Core” designation would permit buildings eight to twelve storeys in height, and the applicant proposes that eight additional storeys of height be secured as a result of bonusing, for a total building height of 20 storeys.

Further to the requested redesignation of the subject property, the applicant requests that an alternative parkland land dedication arrangement be applied to the subject lands. The purpose of the request is to cap the value of cash-in-lieu of parkland dedication requirement, to a percentage of the site area determined having regard to best practices and other comparable development sites.

As part of the ongoing Official Plan review, Growth Area Reviews are underway to consider new or revised policies, to ensure the goals and objectives of the growth areas and the overall growth management framework for the town continue to be realized. As part of this review, The Bronte Village Growth Area Review was launched in the spring of 2015. As a result of technical analysis and public

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feedback, including an assessment of the existing built context of Bronte Village, recent development activity, review of studies and master plans impacting the area and an initial open house hosted in the spring of 2015, staff prepared ten draft directions for public consultation. The directions were presented to the public at open house meetings held in the fall of 2015 and winter of 2016 and will be presented to Council in June, 2016.

One of the draft directions is related to providing further emphasis on the eastern gateway through built form, and is related to the review of the subject applications in terms of height. The proposed direction would redesignate the subject property to “Main Street 2”, which would allow an increased building height of six storeys, with up to an additional four storeys available as a result of bonusing, for a maximum potential building height of ten storeys. Although these draft directions have not been approved or even considered by Council, they represent emerging thinking on the type of development that may be appropriate for the area.

Relevant policies from the Livable Oakville Plan, relating to urban design standards, development objectives for Bronte Village, implementation policies for bonusing and parkland dedication are contained within Appendix A.

Zoning By-law 2014-014

The zoning provisions Zoning By-law 2014-014, as it relates to this property, is now in full force and effect.

The proposed development requires a Zoning By-law Amendment to rezone the lands from Main Street 1 (H1 MU1) to Urban Core (H1 MU4) with regulations specific to the subject property related to building height, building setback and parking. A comparison between the MU1 and MU4 zone regulations and the site specific regulations is provided in Table 1, which is contained in the Planning Analysis section of this report. The Zoning By-law Amendment would require a Section 37 agreement as a means of implementing the bonusing provisions being sought under the Official Plan Amendment.

PLANNING ANALYSIS:

Planning matters considered

Physical context

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

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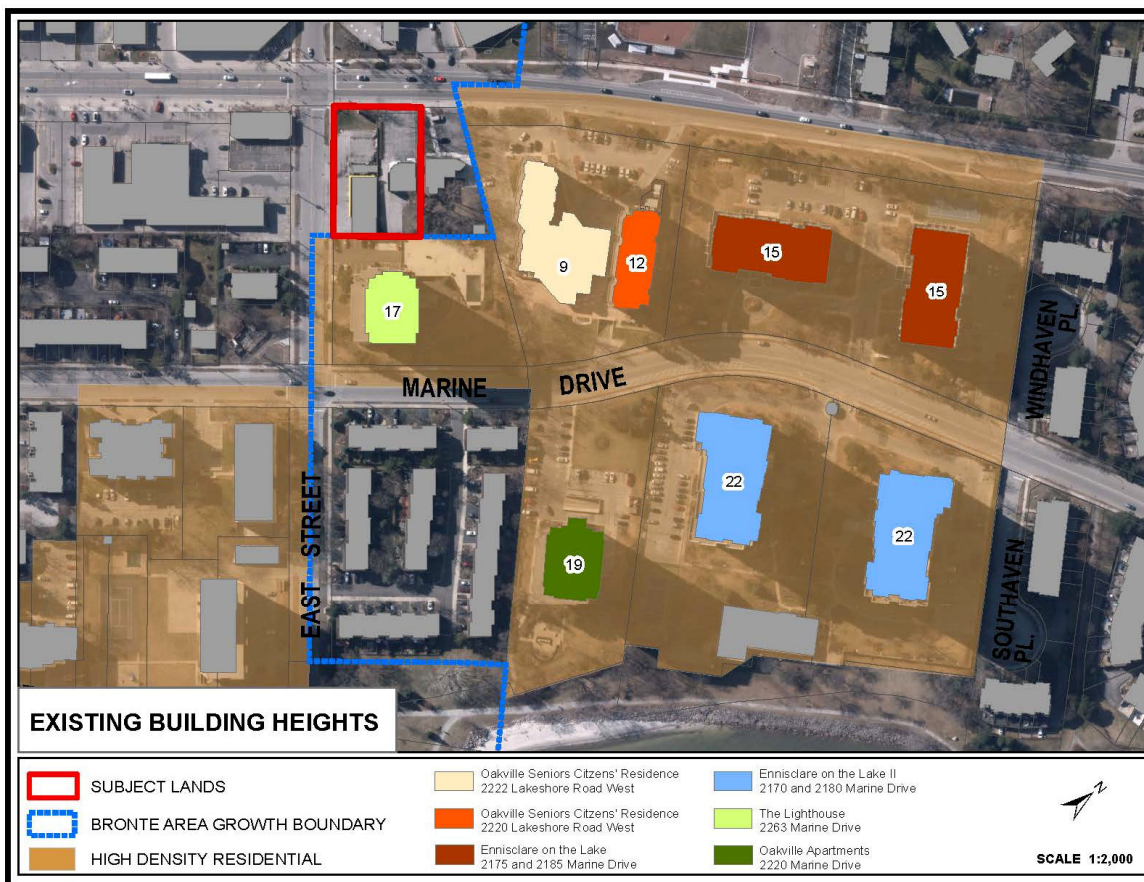
the Bronte Village growth area, and to a lesser degree lands located outside the boundary of the growth area.

Adjacent lands to the east, north and west are designated Main Street 1 and are included within the boundary of the growth area. Abutting lands to the east contain an existing two storey group home. A single storey commercial site known as the Bronte Village Plaza is located on the southwest corner of Lakeshore Road West and East Street. Similar to the subject property, both of these properties are eligible for bonusing, permitting buildings two to four storeys in height, with an additional two storeys of height being available as a result of bonusing, for a potential maximum building height of six storeys. Single storey commercial uses including a combined gas station/convenience store and bank are located on the northeast corner of Lakeshore Road West and East Street. A site specific policy affecting these lands limits the maximum building height to two storeys.



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Lands immediately to the south and further east of the subject property and north of Marine Drive are located outside of the boundary of the Bronte Village Growth Area and are designated High Density Residential. Existing adjacent development consists of a 17 storey condominium apartment building to the south (2263 Marine Drive), and apartments ranging in height from 9 to 15 storeys further east along Lakeshore Road (2185, 2175 Marine Drive and 2222, 2220 Lakeshore Road West).



The planning justification report submitted in support of the proposed development references the height of the existing apartment buildings as a justification for allowing additional height on the subject property. Although the Main Street District and the high density residential neighbourhood to the south are within close geographic proximity to one another, from a planning perspective, these two areas are considered distinct neighbourhoods, in both form and function, and as such are identified differently from a policy perspective.

The existing apartments were developed prior to the enactment of the Town's 1981 Official Plan and maintain a "tower in the park" form of development. Unlike the

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urbanized, low rise, linear built form anticipated in the Main Street District, these apartment developments feature a lower floor area ratio, given the buildings are set back from the street and maintain open landscape areas to mitigate increased building height. Although the buildings are located in proximity to the subject property, they are outside the defined boundary of the Bronte Village Growth Area and are designated high density residential by Livable Oakville. The high density residential neighbourhood was excluded from the boundary of the Bronte Village Growth Area because redevelopment of the lands is not contemplated. In this regard, existing development within the high density residential neighbourhood is not an appropriate reference point for potential building height in Bronte Village as the lands are located outside of the Bronte Village Growth Area and are therefore subject to a different policy framework.

Conformity with the Livable Oakville Plan

Growth Areas:

The Livable Oakville Plan (2009 Town of Oakville Official Plan) applies to all lands within the town except the North Oakville East and West Secondary Plan areas. It sets out Council's policies on how the lands should be used and how growth should be managed through to 2031.

The guiding principles, set out in Section 2 of the Livable Oakville Plan, are designed to preserve and create a livable community. Specifically, Part 2, Section 2.2.1 a) and b) reinforce the Town's Urban Structure:

"a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;

b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated."

Livable Oakville establishes an intensification target of 14,390 units for the period 2015 to 2031 and directs that the majority of intensification is to occur within the Town's six growth areas. Further, Part C, Section 4.1, contains policies to differentiate the function of each growth area:

"Midtown Oakville, the Uptown Core and Palermo Village are primary Growth Areas which will accommodate the highest level of intensification....Bronte Village, Kerr Village and Downtown Oakville are also Growth Areas. These areas are intended to develop as mixed use centres with viable main streets. The revitalization of Bronte Village and Kerr Village has been the subject of

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detailed, comprehensive land use studies which have resulted in objectives and policies to provide for growth opportunities.”

The role of Midtown Oakville, the Uptown Core and Palermo Village is to accommodate the majority of the Town's new growth, while Kerr Village, Bronte Village and Downtown Oakville are to continue to redevelop in a smaller main street configuration. The distinction in function and the different types of growth anticipated in each growth area is furthered reinforced by the growth target policies contained in Part E of Livable Oakville. In comparison to Midtown Oakville, the Uptown Core, Palermo Village, and Kerr Village, Bronte Village is the smallest growth area, intended to achieve a modest amount of growth to contribute to the Town's overall growth targets. Part E, Section 24.4.5 b) of Livable Oakville states that a mix of 950 new residential units and 2,000 square metres of new commercial space will be required to meet the growth target for Bronte Village of accommodating approximately 4,500 residents and 26,700 square metres of commercial space.

The planning justification report submitted in support of the subject applications takes the position that although sufficient land has been designated to achieve the growth target for Bronte Village, none of the targeted 950 residential units have yet been constructed, and therefore, redesignation of the subject lands presents an opportunity to realize a portion of new residential units to help achieve the Town's residential intensification target. It should be noted that since Regional approval of Livable Oakville in 2009, residential units have been constructed in Bronte Village. The Amica development at 160 Bronte Road, provides 119 assisted living units and 20 rental units. In addition, although not constructed, the OMB approval of a rezoning application on the Bronte Village Mall site allows for the construction of a total of 579 dwelling units and assisted living units.

Although staff recognize the importance of achieving the minimum residential intensification targets established by Livable Oakville, the proposed 20 storey development represents a significant departure from the anticipated low-rise character of the Bronte Village Main Street District. The minimum height permissions set out in the land use designations contained in Part D and the Growth Area policies in Part E provide sufficient opportunities to meet the Town's minimum intensification targets over time.

Bronte Village:

Through the extensive public consultation process as part of the Bronte Village Revitalization Study completed in 2009, the character of Bronte Village has been identified as one to conserve and enhance through the review of future development applications. The character of Bronte Village is defined by its location, cultural

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heritage features and pedestrian oriented main areas along Lakeshore Road West and Bronte Road. Although medium and high density residential land uses exist in Bronte Village, the policies of the Livable Oakville plan reflect the preferred vision of maintaining a predominately low rise village character for the area. Part E, Section 24.2.1 and 24.2.2 of Livable Oakville contains policy objectives to guide the review of planning applications in Bronte Village, including the following:

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

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

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

- c) Focusing retail, service commercial and office uses along Lakeshore Road West, Bronte Road and Jones Street."*

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

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

The focus for growth in Bronte Village is Lakeshore Road West which is designated as the Bronte Village Main Street District. Lands within the Bronte Village Main Street District are anticipated to develop in a low-rise built form consisting of a four storey main street and accordingly, are designated Main Street 1 or Main Street 2. Two main gateway intersections are identified on Lakeshore Road West at Bronte Road and at East Street. Properties within the gateways are eligible for up to two storeys of additional building height through bonusing. It should be noted that the approval of any additional height or density through bonusing is at the sole discretion of Council.

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The intent of the development concept for the Bronte Village Main Street District is to allow a focal point for mixed use growth, while providing for relatively modest change and stability in the existing land uses. The existing policies related to height in the Main Street District were developed as a result of a site by site development analysis that was completed as part of the Bronte Village Revitalization Study, to determine the quantity of growth that could be accommodated in Bronte Village, taking into account public consultation, technical review, revitalization objectives, planning and urban design principles.

Subsequent to the adoption of Livable Oakville, an OMB settlement was reached on a rezoning application for the lands that form part of the westerly Bronte Road Gateway, known as the Bronte Village Mall. Although the policies of Livable Oakville were not technically in force at the time the application was submitted to the Town, the settlement took into account the new development concept for Bronte Village related to building height and urban design in the context of the Bronte Village Main Street District. As a result of the settlement, one 10 storey building is permitted adjacent to Sovereign Street and one 14 storey building is permitted adjacent to Bronte Road. The settlement took into account the concept of height transfer as outlined in Part E, Section 24.5.2 b) of Livable Oakville, whereby redevelopment may maintain a minimum building height adjacent to Lakeshore Road with the transfer of unused height to a building sited internally. The proposed 10 and 14 storey buildings are required to be located away from Lakeshore Road West and the impact of the massing of the buildings on surrounding residential lands will be minimized through terraced step backs. While the Livable Oakville plan was not in force at the time the original application was submitted, the settlement maintained the intent of the policy objectives of providing a low rise Main Street in Bronte Village by restricting development along Lakeshore Road West to a maximum height of four storeys.

As a result of a proposed draft directions prepared as part of the Bronte Village Growth Area Review, additional height is under consideration on the subject property, which forms part of the eastern gateway to Bronte Village. The draft directions propose to redesignate the subject property to Main Street 2, which would allow an increased building height of four to six storeys, with an additional four storeys available as a result of bonusing, for a potential maximum building height of ten storeys. Therefore, taking into account the results of the OMB settlement for Bronte Village Mall and emerging policy direction, the Lakeshore Road West linear corridor of the Bronte Village Main Street District is still anticipated to maintain a low rise four storey main street, anchored by low midrise development at gateway locations.

The proposal requests redesignation of the site to Urban Core. The Urban Core designation allows mixed use development with a maximum building height of 12

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storeys. The intent of the Urban Core designation is to allow for mixed use development with a strong urban focus to contribute to a pedestrian oriented and transit supportive environment. For this reason, areas with the highest concentration of lands designated Urban Core are found in the growth areas intended to manage the highest level of intensification in the Town, including Midtown Oakville and the Uptown Core. The Urban Core designation presently does not exist nor is it contemplated under emerging Official Plan policies which continue to contemplate a low rise built form in the Bronte Village Main Street District. A redesignation to Urban Core would have the impact of eroding the integrity of the development concept for Bronte Village Main Street District.

Bronte Village Gateways:

Major gateways are located at visually prominent sites positioned at entry points into the town and growth areas. Design directions are provided for gateways in the town's Urban Design Manual. Two main gateway intersections are identified on Lakeshore Road West at Bronte Road and at East Street. These gateway locations are identified for potential additional height permitted through the bonusing provisions under Section 37 of the *Planning Act*, solely at Council's discretion. Under existing policies, the Bronte Road Gateway is anticipated to be characterized by taller buildings and the East Street Gateway is to be developed at a lower scale. The variation in the scale of the gateways is reflected by the current height permissions. As a result of bonusing, the existing policies allow building height up to six storeys (Main Street 1) in the southern portions of the East Street Gateway, whereas a maximum building height up to eight storeys (Main Street 2) is permitted in the eastern portion of the Bronte Road Gateway.

The planning justification report submitted in support of the subject applications States that "the proposed building falls within the height range established by the existing buildings to the south, but as is appropriate for a gateway site, the building will be taller than its immediate neighbour (The Lighthouse)". Staff would disagree with the assertion that development on the subject property must be taller than existing built form on the Lighthouse property in order to create a distinctive gateway identity. The Lighthouse property maintains diminished visibility from the entrance of the East Street Gateway, given the closest point of the existing Lighthouse building is setback 74 m south of Lakeshore Road West. Further, as noted elsewhere in this report, the existing high density residential development is not an appropriate reference point for potential building height in Bronte Village as the lands are located outside of the Bronte Village Growth Area and are therefore subject to a different policy framework.

The existing and emerging policies provide an appropriate level of development for the subject property as a gateway, while taking into account the height of

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surrounding built form and maintaining the intent of the Main Street 1 (current) and Main Street 2 (proposed) designations. Accordingly, current site permissions allow for a building height of four storeys and up to six storeys as a result of bonusing. To create a sense of arrival, appropriate gateway design takes into account not only built form, but streetscape features, public art, urban squares, contextual landscape features and accent lighting. Successful gateway design should create a sense of arrival and also be characteristic of what one can expect in the district. A 20 storey building is not required or desirable in this location to create a gateway. The existing height permissions for the site together with the design directions outlined in the town's Urban Design Manual, would achieve an appropriate and acceptable gateway development.

Sensitive Transition:

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

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

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

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

As stated elsewhere in this report, the existing context of the subject property consists of low rise development to the north, east and west, and high density residential uses to the south. The planned surrounding context of the subject property is to function as a two to six storey gateway to anchor the low rise Bronte Village Main Street District. Within the existing and planned context, the proposed development does not provide a sensitive transition in terms of height. The existing height permissions allow for a building height that reflects the gateway function of the subject property, while providing a transition between the existing height of the high density residential uses to the south and low rise Bronte Village Main Street District.

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Aside from the fundamental issue of building height, staff notes that the proposed building design does not implement design directions for tall and midrise buildings contained in the town's Urban Design Manual. Design directions related to height of the building base, length of tower floor plate and tower spacing are not satisfied by the proposed building design. These directions are important to ensure the impacts of a tall building on surrounding properties are minimized, including sun shadowing and wind conditions.

Mixed Use Pedestrian Oriented Main Street:

The Bronte Village Main Street District is intended to continue to develop as a low rise, grade related, mixed use street. Part C, Section 6, of Livable Oakville sets out urban design policies for built form that support creating pedestrian oriented streetscapes. The policies relevant to the subject application are as follows:

6.9.4 In Growth Areas and along intensification corridors, buildings should incorporate distinctive architecture, contribute to a sense of identity and be positioned on and oriented towards the street frontages to provide interest and comfort at ground level for pedestrians.

6.9.5 Building should present active and visually permeable facades to all adjacent streets, urban squares, and amenity spaces through the use of windows, entry features, and human scaled elements.

6.9.8 Buildings located on corner lots shall provide a distinct architectural appearance with a high level of detailing and articulated facades that continue around the corner to address both streets."

While the inclusion of grade related commercial units and the provision of an urban square offer an opportunity to create an animated streetscape, the siting of commercial uses along the Lakeshore Road West frontage behind a screen wall limit connectivity to the commercial space and the urban square. In the context of the subject property, which is a gateway site within a main street district, the majority of the Lakeshore Road West frontage should be designed in a manner that is welcoming to pedestrians which would include building facades featuring glazing and entrance doors oriented towards the street.

Concept plans submitted in support of the application show the installation of a screen wall approximately 6 metres in height at intervals along both Lakeshore Road West and East Street. A screen wall can be defined as a wall that can conceal or break a view and that serves no structural purpose as the wall supports no vertical weight other than its own. The location of the screen wall acts as a visual and physical barrier limiting connectivity between the proposed development and

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public realm. Further, portions of the footprint of the proposed the 20 storey tower are setback 0 metres from Lakeshore Road West. The proposed design and limited accessibility commercial space does not allow for an active or inviting building interface on Lakeshore Road West, which is intended to be built at a human scale and serve as a pedestrian oriented main street.

Bonusing:

The applicant requests redesignation of the subject property to an Urban Core designation, a designation that permits buildings eight to twelve storeys in height; and further, the applicant proposes that eight additional storeys of height be secured as a result of bonusing, for a total building height of 20 storeys. In terms of the town's urban structure, the level of bonusing proposed by the subject application is inconsistent with the level of intensity of development anticipated in Bronte Village and would be better direct to Midtown Oakville, the town's identified urban growth centre.

The applicant has requested the town to consider the publicly accessible urban square and the architecture of the proposed building as public benefits in order to secure eight storeys of bonus development. Although there may be merit in considering the publicly accessible urban square as a public benefit, staff is of the opinion that the architecture of the proposed building is not a suitable public benefit in exchange for additional building height. To create a dynamic and livable community, the Town is committed to achieving a high standard of urban design and architectural quality as a baseline for all new development, not as a means of securing bonus development.

In accordance with Sections 24.7.2 and 28.6 of the Livable Oakville Plan and the town's corporate bonusing protocol, consideration of bonusing is reliant on a development application that represents good planning principles and conforms to all policies and criteria of the Official Plan. Based on the analysis discussed through this report, staff is of the opinion that the subject application does not conform to the development concept for Bronte Village and does not represent good urban design principles. On this basis, consideration of eight storeys of bonus development is considered inappropriate.

Proposed Zoning By-law Amendment

The proposed development is seeking to introduce a built form and zoning regulations which are not characteristic of the built form and zoning in the Bronte

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Village Main Street District. The proposal requires a number of exceptions to the zoning as illustrated in Table 1.

Table 1. Comparison between MU1 zone regulations with proposed MU4 exceptions.			
Zoning Regulation	MU1 – General Provisions (existing)	MU4- General Provisions	MU4 – Special Provision (proposed)
<i>Minimum Front Yard (Lakeshore Road West)</i>	0 m	1 m	0 m
<i>Minimum Flankage Yard (East Street)</i>	0 m	1 m	0 m
<i>Interior Side Yard (East)</i>	0 m	0 m	Minimum 3 m and minimum average side yard of 14 m both applicable only to portion of building above 8m
<i>Minimum Rear Yard (abutting R zone)</i>	3 m	7.5 m (or 10 m for portion of building above 13.5 m)	0 m to portion of building under 8 m 4.5 m and minimum average rear yard of 30 m, both applicable only to portion of building above 8 m
<i>Height</i>	Minimum 2 storeys and 7.5m	Minimum 8 storeys and 25.5 m	N/A
	Maximum 4 storeys and 15 m	Maximum 12 storeys and 25.5 m	N/A
	Maximum with bonusing: No provisions		Maximum with bonusing: 20 storeys and 60 m to main roof, 63 m to penthouse roof
<i>Parking</i>	Minimum 0.2 spaces per unit for visitors Minimum 1 space per 40 m2 for commercial		Minimum 32 spaces for visitors and commercial (Creates a deficiency of 16 visitor or commercial spaces)

The shaded cells show specific exceptions requested to the Urban Core zone regulations. Although planning justification for these exceptions has been provided by the applicant, in staff's opinion, the proposed zoning does not implement the objectives and policies of the Livable Oakville Plan, as it would provide for a building height and design that would not protect or enhance the existing or proposed character of the Bronte Village Main Street District.

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Technical Review

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

- Planning Services comments from both the Policy and Urban Design groups require revisions to the proposal in order to conform to the policies of Livable Oakville and Urban Design Manual.
- Zoning, Development Engineering and the Fire departments have no comments at this time.
- Technical revisions are required to address comments from Transportation Engineering, Engineering & Construction and Parks & Open Space departments.
- The school boards requested warning conditions for future purchasers regarding school facility locations and accommodation of new students in the areas.
- Canada Post requested conditions related to the provision of a centralized mail receiving facility.
- The Region of Halton has no objections to the proposed development, however would require a Holding provision to address the confirmation of downstream sewer capacity and the ability of the water system to accommodate the proposed development.

An additional issue, raised by a member of Council related to cumulative shadow impacts was raised at the public meeting on March 21, 2016. The requirements of the town's updated terms of reference for shadow impact studies were clarified during a teleconference call between the applicant, architect and town staff on September 18, 2015. However, the submitted shadow impact study was not completed in accordance with the Town's updated terms of reference for shadow impact studies, therefore, a detailed analysis of cumulative shadow impact has not been completed. Technical review comments are contained in Appendix D.

Matters raised at the Public Meeting

A Public Information Meeting (PIM) was held on January 27th, 2016 and was attended by 92 members of the public. An informal courtesy Public Information Meeting was held on February 10, 2016 for residents of Ennisclare by the Lake. A public meeting was held at Planning and Development Council on March 21, 2016.

Throughout the planning process, public input has been extensive and has consisted of written correspondence, participation in meetings and formal delegations to Council. Planning Services report PD 16-498 dated February 23rd,

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2016 and presented at the Public Meeting on March 21, 2016, contained appendices of all written correspondence received to the report date including from the Bronte Village Residents Association and the public. Written correspondence received since the Public Meeting is attached in Appendix C to this report.

A portion of the written and verbal comments from the public acknowledge that the subject lands should be redeveloped, but in the context of the maximum building heights permitted under the current Main Street 1 designation (four storeys + two storeys as a result of bonusing for a total of six storeys) or draft designation (six storeys + four storeys as a result of bonusing for a total of 10 storeys). The majority of comments received are in opposition to the development as proposed. The key concerns relate to building design, building height, impact of the proposed development on the character of Bronte Village, increased traffic, pedestrian safety, parking, diminished quality of life, shadow impacts, loss of views, infrastructure capacity, viability of proposed commercial space at grade and construction management.

Additional Matters

Bronte Village Growth Area Review:

Staff have considered the emerging policies being established through the Official Plan review for the Bronte Village Growth Area that are relevant to the subject property. Staff are of the opinion that the Bronte Growth Area Review has been sufficiently completed to provide direction on the merits of the applications, as the draft directions are scheduled to be presented to Council in June 2016.

A draft direction proposes to redesignate the subject property to "Main Street 2", which would allow an increased building height of six storeys, with an additional four storeys available as a result of bonusing, for a maximum building height of ten storeys. Although higher than the existing height permissions for a four storey building (with up to an additional two storeys available as a result of bonusing for a maximum building height of six storeys) the emerging policies do not represent a drastic shift in policy direction for the subject property. Although the subject property has been identified as a location where additional height may be appropriate, the proposed 20 storey building far exceeds the permissions being contemplated through emerging policy directions.

CONCLUSION

The Planning department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

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Staff is not satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents, as communicated to the applicant at the pre-consultation meeting, and recommends denial of the application. The submitted applications for an Official Plan Amendment and corresponding zoning amendment to permit a 20 storey mixed use building neither maintains nor enhances the existing or future character of the surrounding neighbourhood. The proposal does not satisfy the policy objectives for new development in Bronte Village, the Urban Design policies contained in Livable Oakville or emerging policy directions for the subject property established through the Bronte Village Growth Area Review.

Similarly, the zoning as proposed is not appropriate for the use of the lands, and the deviations from the existing zoning regulations would result in a development that is not characteristic of the built form and zoning in the Bronte Village Main Street District.

The proposal does not represent a development that reflects the appropriate implementation of the Livable Oakville Plan and is not considered to be good planning or in the public interest. Based on the undertaken analysis as discussed through this report, staff recommends that the subject applications be denied.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on January 27, 2016. An informal courtesy Public Information Meeting was held on February 10, 2016 for residents of Ennisclaire by the Lake. A public meeting was held on March 21, 2016. A second public meeting is being held on May 16, 2016. Correspondence received by the Planning department after the Public Meeting report was prepared has been included in Appendix C.

(B) FINANCIAL

There are no financial impacts arising from this report, however, if approval of the development were contemplated, a more rigorous evaluation of bonusing would need to take place in accordance with the Town's approved Corporate Bonusing Procedure. In addition, the implications of the requested cap on the value of cash-in-lieu of parkland dedication would need to be evaluated in context with Bill 73.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

There are no impacts on other departments or users arising from this report.

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(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 does not conform with the sustainability goals and objectives of the Livable Oakville Plan.

APPENDICES:

- A – Livable Oakville, Schedule P, Bronte Village Land Use and Extract
- B – Zoning By-law, map 19 (2a)
- C – Public Comments received since the Public Meeting of March 21, 2016
- D – Technical review comments
- E – Site Plan and renderings

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