

Planning and Development Council Meeting  
November 4, 2019

**Comments Received Regarding Item 4**

Oakville Developments (2010) Inc.  
Proposed Zoning By-law Amendment  
550 Kerr Street  
File No. Z.1616.55

October 29, 2019

**VIA EMAIL**

Clerk's Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Kathy Patrick, Acting Town Clerk

Dear Ms. Patrick:

**Re: November 4, 2019 Public Meeting  
Response to: Public Meeting Report, Zoning By-law Amendment, Oakville  
Developments (2010) Inc., 550 Kerr Street, File No. Z.1616.55  
550 Kerr Street  
Oakville, Ontario**

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We represent Oakville Developments (2010) Inc. ("client") as their legal counsel regarding the above noted application at 550 Kerr Street ("application"). A Public Meeting Report ("Report") was prepared by the Planning Services Department dated October 11, 2019 related to our client's application. We have reviewed this Report and wish to provide Council with supplementary information and clarification regarding our client's application in advance of the Public Meeting scheduled for November 4, 2019.

**Policy Context**

The Report notes under the heading, "Policy Context" that "Development within the District is required to be coordinated..." The Report does not provide a reference for this statement. We would ask that Staff provide Council and our client with the specific policy language that requires development to be coordinated.

Our review of the policy context has not identified a specific policy that requires development to be coordinated amongst landowners. Nevertheless, our client has consulted with surrounding landowners and the community at large (as detailed below).

**Community Consultation**

Under the heading "Public Comments", the Report notes that a landowner coordination meeting is currently being organized: "Staff intend to hold a landowner coordinating meeting in due course to advance the comprehensive development plan for the larger area, using the Livable Oakville policy framework, as approved by Council."

The Report fails to mention that a landowner coordination meeting was held on June 26, 2018, which was used to inform our client's preparation of a Block Concept Plan for the Upper Kerr Village area.

Throughout the preparation of our client's application, an extensive consultation process has been employed as shown by the key consultation milestones summarized below (those in **bold** are beyond statutory requirements under the *Planning Act*):

- |  |                        |
|--|------------------------|
| • Pre-consultation Meeting                     | March 28, 2018         |
| • <b>Landowner Coordination Meeting</b>        | <b>June 26, 2018</b>   |
| • <b>Applicant Initiated Public Open House</b> | <b>June 5, 2019</b>    |
| • <b>Second Pre-consultation Meeting</b>       | <b>August 21, 2019</b> |
| • <b>Public Information Meeting</b>            | <b>October 7, 2019</b> |
| • Public Meeting                               | November 4, 2019       |

There has also been recent and ongoing dialogue between our client's consultants and the consultants for the surrounding landowners.

### **Adjoining Landowners**

The adjacent landowners brought forward a Block Concept Plan in a letter dated October 7, 2019 and this Plan has been appended to the Report. This Block Concept Plan has been brought forward outside of any formal submission by those landowners.

Our client's Block Concept Plan was prepared through consultation, including the previously mentioned Landowner Coordination Meeting, and has been forwarded for Staff review as part of a formal submission process. Our client's Block Concept Plan was not included as part of the Report even though it was filed with our application. It is attached to this letter for Council's information.

It is unclear to us why the Block Concept Plan submitted in support of our Client's application was not included in the Report while an alternative Block Plan from other landowners was attached to the Report.

### **Additional Information Required**

Under the "Matters to be considered" heading, the Report notes: "Additional information requested from the applicant which has not been provided yet." The Report goes on to state that in part, this outstanding information will result in a recommendation report being brought to Council consideration beyond the allocated 90 day review period.

To date, the only additional information requested of the applicant has been clarification of existing easements on title. A summary of easements on title was promptly provided to Staff for consideration. Staff have requested further information relating to how easements will be impacted by development of the property. This information is forthcoming for Staff consideration.

The information outstanding should have no bearing on Staff completing their review of our Client's application within the 90 day review period.

### **Archaeological Potential**

Under the heading "Matters to be considered", subsection ii, and relating to the suitability of the land for the intended uses, the Report notes archaeological matters are to be considered and whether such matters have been identified and protected. As noted, our client participated in two pre-consultation meetings with Staff in which submission requirements were documented. An archaeological assessment did not form a part of the submission requirements during either pre-consultation meeting.

Should Staff deem it appropriate to investigate archaeological matters further, it is our submission that this investigation is more appropriately deferred to Site Plan Approval. Due to the nature of archaeological investigation, further investigation could be disruptive to the ongoing function of the subject lands for retail purposes and would be better suited for consideration closer to when construction can commence.

### **Building Design**

The Public Meeting Report refers to our client's proposal as three buildings. In our submission, it would be appropriate to describe the proposal as one building, considering the structure would be entirely connected.

We kindly request that this letter be included for Council's information purposes in the November 4, 2019 agenda related to File No. Z.1616.55.

Yours truly,

AIRD & BERLIS LLP

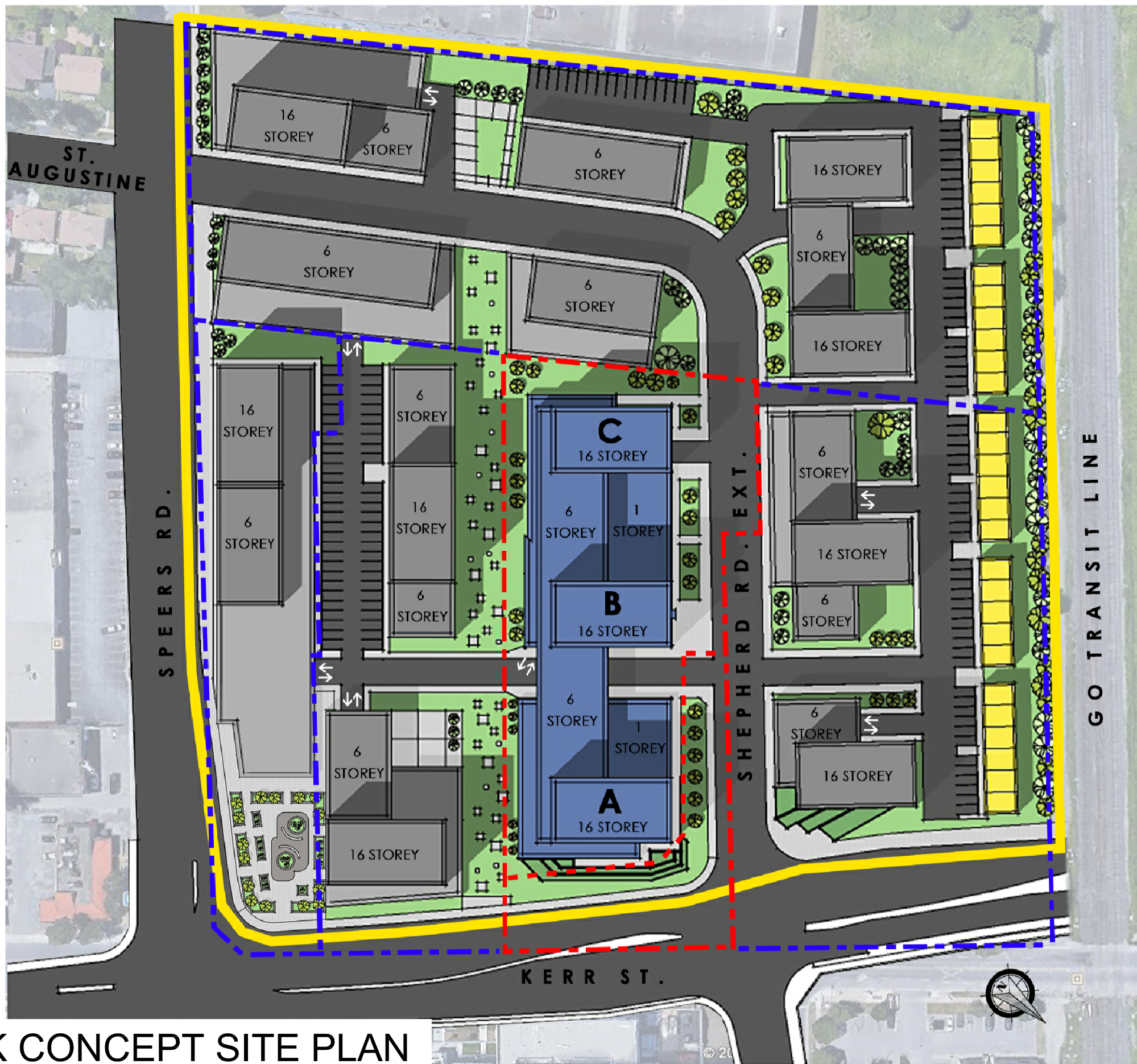


SAZ/bp  
Encl.

cc. *Oakville Developments (2010) Inc. (via email)*  
*Greg Priamo, Zelinka Priamo Ltd. (via email)*  
*Stephen Waque, Borden Ladner Gervais (via email)*  
*Charles McConnel, Town of Oakville (via email)*

37682368.2





## LEGEND

SUBJECT SITE  
FIRST FLOOR.: 45,000 SQ.FT.  
COMMERCIAL/RETAIL  
FLOORS 2-16:  
RESIDENTIAL 400,000 SQ.FT.

ADJACENT SITE FIRST FLR.  
COMMERCIAL/RETAIL

ADJACENT SITE  
RESIDENTIAL FLOORS

ADJACENT SITE  
3-4 STOREY TOWNHOMES

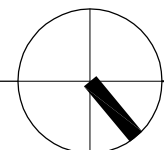
GREEN SPACE

AREA OF STUDY

SUBJECT LAND  
PROPERTY LINE

BUILDING SETBACK

ADJACENT SITE  
PROPERTY LINE



## BLOCK CONCEPT SITE PLAN

SCALE : 1" = 100'-0"

0 25 50 100 150 300 FEET

**Subject:** FW: Planning and Development Council: November 4th Agenda, Item 4.  
**Attachments:** Letter Regarding Preposed Rezoning.pdf

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**From:** Garnet Mason [<mailto:Garnet@techvilleonline.com>]

**Sent:** Tuesday, October 29, 2019 4:48 PM

**To:** Paul Barrette <[paul.barrette@oakville.ca](mailto:paul.barrette@oakville.ca)>; [ray.chisolm@oakville.ca](mailto:ray.chisolm@oakville.ca); Cathy Duddeck <[cathy.duddeck@oakville.ca](mailto:cathy.duddeck@oakville.ca)>;  
Town Clerk <[TownClerk@oakville.ca](mailto:TownClerk@oakville.ca)>

**Subject:** Planning and Development Council: November 4th Agenda, Item 4.

To whom it may concern,

Please find attached the talking points we would like to present in the public comments portion of Item 4 on this coming Monday's meeting.

Regards,

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Garnet Mason

Office: (905) 849 8702 EXT: 202

Direct: (905) 849 8702 EXT: 100

Manager of Marketing and Sales

[www.TechvilleOnline.com](http://www.TechvilleOnline.com) | [www.TechvilleGroup.com](http://www.TechvilleGroup.com) | [www.TechvilleParts.com](http://www.TechvilleParts.com)



To the esteemed Councillors and Town Clerk of the city of Oakville. The purpose of this letter is to present our collective objection to the amendment of the zoning by laws to rezone the lands from H1-MU3 to a site specific MU4 Zone. The goal behind this rezoning is to open the lands to be overdeveloped with multiple highrise condominiums adding a massive burden on the already stressed, insufficient infrastructure, and contributing countless more vehicles and people to our already congested streets, schools and medical facilities. This letter is to highlight why this rezoning is against the best interests of Oakville and the people who live here, and how this rezoning and condominiums that would accompany it are in contrast to the policies and goals set out in The Livable Oakville Plan (2009 Town of Oakville Official Plan). After this, and in an effort to shed light on some of the not as evident effects of this rezoning, the local business owners have prepared the following statements as to how this will impact them, their staff, their customers, and as such, Oakville as a community.

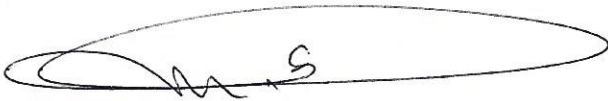
The Livable Oakville Plan, outlines two main areas as to why the rezoning of the land north of Speers and West of Kerr should not be passed. First, the infrastructure in the area is not sufficient to sustain the massive additional load that would come with the construction of multiple highrise condos. The area in question is being planned to be developed into four or more buildings towering 21 stories and hosting over a thousand units. When you consider that the average utilities consumption for one of these units is around 7 008 kWh of electricity and 156 000 litres of water per year, that is an increase of **7 008 mWh** of electricity and **156 000 000 Litres** of water on an annual basis. This additional burden on our infrastructure hasn't even taken into consideration the additional waste, sewage, and vehicle traffic that these units would generate. Our already strained infrastructure and congested streets simply cannot support this level of expansion. The town has already made efforts to upgrade the water main to catch up to the demand created by the rain condos on the north-east side of the intersection at Kerr and Speers. This change would make these efforts redundant and the funds wasted as the water mains would have to be further upgraded to support this level of development. The Livable Oakville Plan outlines that any future development would only be considered once the necessary supporting infrastructure is in place. The motion to rezone these lands is well ahead of schedule as there has been no proposal to improve or make ready the necessary utilities, roadways and other infrastructure needed to support such a large development.

The second reason the proposed rezoning is not in support of the Livable Oakville Plan is that the plan outlines Kerr village as "a Vibrant Business District", and these lands specifically are outlined as the "Urban Core" to this area. The rezoning would be in contrary to this plan as it would turn what is planned as a Vibrant Business Core into a congested residential sector. Part E section 23.3.1 even goes as far as to state that; "Employment designations adjacent to the District are to remain, and any new development shall incorporate measures to buffer employment areas from potentially incompatible uses." It is clear that these lands are to be protected as Employment areas and are not to be further developed into zones of incompatible use. Further, in Part E: Section 23.6.2 the Livable Oakville Plan states the desire to maintain the presence of a food store within the Urban Core. This rezoning would be signing off that this is no longer a priority and potentially would result in the removal of access to affordable groceries to the local residents who rely on Food Basics for their groceries. Finally, regulations must be enforced in line with Part E: Section 23.7.1 b) that; the Redevelopment of existing low-rise commercial uses may occur gradually in a phased manner and that they must be demonstrated not to preclude the long-term redevelopment of the properties as set out in the Livable Oakville Plan. The rezoning of these areas is in contrast to the Plan as seen in the areas above and as such should not be passed.

In supplement of the above statement the business owners of the commercial areas within the lands in question have written short statements outlining how these changes will affect their livelihoods, the livelihoods of the employees, and the wellbeing of the customers who frequent their businesses. They are included in addition to the above letter in an effort to shed light on the secondary unseen effects that this rezoning would have on Oakville and the Kerr community.

My name is Enayat Mahmood, I own Villi's Pizza & Wings. I have purchased this business in July 2018 with my life savings of \$150,000 from the previous owner and I also invested another \$10, 000 in renovations. Not only I had to use up all my life savings, but I also had to borrow money in order to purchase and start this business. This restaurant has been in business for more than 15 years in this community. If my business was to disappear, the customers that have been depending on my business to feed their families at a reasonable price will no longer have a pizza store to go to. I have 4 employees that also depend on my business to feed their families. If they were to lose their jobs they would be forced to go on Employment Insurance or welfare and put a strain on the system. I have a growing business and I was intending to hire more people to help sustain it. If I go out of business not only my current employees would lose their jobs, the potential for new job creation also vanishes. I would not know what to do if my business was to shut down. I am the only breadwinner for my entire family and without my business, my family would be in turmoil. My kids are in university and their education also depends on my ability to bring home an income. Moving my business is not an option as I have spent all the money that I had and could borrow on establishing this business just a couple of years ago. Even if I was able to move the business I would not be able to move the clientele which has been established over the past 15 years. This was the reason I invested in this business in the first place. The potential of this neighbourhood being rezoned for condos has been causing me nightmares and has really impacted me mentally and put a lot of stress on me and my family. If I was to not have a place to do business I would not only be unable to provide for my family but I may also have to file for bankruptcy as I would not be able to service my debt without my business income. I also have a mortgage which I will not be able to pay and I would end up losing my home.

This proposal to rezone this area would have a devastating impact on me personally as a business owner, and it would also hurt all my employees who are completely dependent on their jobs to feed their families. It would also hurt the 1000s of families and workers that depend on my business for an affordable lunch and dinner.

A handwritten signature in black ink, appearing to read 'Enayat Mahmood', is written over a horizontal line.

Enayat Mahmood

Our names are Muayed Mansur and Saher Boless, we co-own Kukapille Sports Barber Shop. We purchased this business in 2015 from the previous owner with our life savings and also did some renovations to get the business to look updated. This business has been around since 1943. It is one of the oldest barber shops in Oakville. We sometimes run into clients who have been cutting their hair for over 40 years and sometimes they bring their grandchildren and tell them the story of how they also use to come here and sit in the same chair. We employ 3 people that have been working here for many years. This is the only income for our employees and we depend on to feed our families. Many of our children are young and our wives don't work as they have to stay home and take care of the children. If we were to lose our business we would not have any other source of income. We have car payments, bills, and mortgages for all of which we depend on our business. We bought this business for the long history of this barbershop and the clientele it came with and as a result it is not an option for us to relocate our business as it would mean everything we have paid for and worked so hard for to retain as a historical place for Oakville's people to come to would be lost. The potential of us losing our business has been causing us a significant amount of stress on a day to day basis. It makes us feel like we have no future even though we are working very hard to keep our business going and our staff employed. One of the employees has been working at this barbershop for over 14 years. He would not know where to begin if he was to lose his job as he has established a massive clientele over this long period of time. Some of my employees that work for us have been working as a barber for almost 30 years and their clients have been coming to them since they were a child and have very special connections. If I don't have this business income not only I would not be able to feed my family, I would also be forced to lose my house and go bankrupt. Our employees would also lose an income and most likely end up in the same boat as me. Our clients who have been coming to this barbershop religiously for generations would be emotionally devastated and this would also mean taking away something of significant historical value from the town of Oakville.

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Muayed Mansur / Saher Boless

My name is Denesh Balar, I am the owner of Techville and Techville Distribution, two businesses located at 574 and 578 Kerr Street. We have been here for over 12 years, and the business has been a part of Oakville for 3 years before that.

Our customers depend on us to keep their devices running, not just for somewhere to buy their electronics but someone they can depend on should they have any emergencies with their device. We serve everyone; people like Mayor Rob Burton, football superstar Michael "pinball" Clemons, Local Conservative Leader Terrance Young, and even Oakville citizen, Brad Foote a local gentleman who has been coming to us for years. In fact, Techville is the #1 Tech Center as voted by an independent survey conducted by the Consumer Choice Award out of over 800 stores across the GTA and we are proud to bring the title home to Oakville.

Our 30 employees rely on Techville to make a living. Many of them support not just themselves but their families as well. Both myself and my wife also work at Techville/Techville Distribution. Our livelihood as well as the wellbeing of our two children depend on our income from these businesses. I also rely on this income to support my two aging parents as I am paying for their mortgage, utilities, insurance, and their groceries. The largest of these expenses being to cover my mother's treatment, and medication as she battles cancer which has cost over \$130,000 in just the past few years. All this I would not be able to afford if not for my business and my valued customers.

Even if we were to try to relocate and move, we can't, there is no space near us for rent. Even the spaces that are available within Oakville are too far away from our current location and are often either too small to house our business, or far too large and expensive for us to afford. Also, assuming we could even find a new location, our clients have grown to rely on us and our dependability in this location. Since there are no viable alternative locations nearby, we would have to move much too far away for our current clientele. Not only would this force us to start over and rebuild our strong reputation we hold in this community, but the thousands of clients who rely on us may be forced to find another source to assist them with their tech needs.

The worry and stress of this issue has impacted me immensely. The uncertainty has me concerned that the 12 years I've taken to build this business may be for not, and I do not think I could do it again. I have a wife and kids to support now and would not be able to take on the risk and uncertainty of starting a new business again. Also, with 30 employees that rely on me and my business for their livelihood, this takes another toll on my mind. If my business were to be lost these employees would all be out of work, and have to rely on employment insurance just to get by.

On a personal note, I have invested hundreds of thousands of dollars and countless hours of work into building my business. All of this will be lost if the zoning is changed. I will be forced to move and lose everything I have invested here. A demolition clause in our lease means we get nothing in the event they decide to demolish the plaza.

I believe that as a business it is important to be involved in our community and have always been happy to sponsor local sports teams and participate in events such as ribfest, kerrfest and holiday celebrations such as the Canada Day at bronte waterfront. Not only is it important to be involved but also to give back to the community. As such we have done multiple fundraisers, raising thousands for Kerr Street Mission. Small businesses such as ours, participate in the community because we are part of the community. Large corporations such as the developers interested in building these highrise condos are not. They will get their money and then leave us to deal with the aftermath.

To allow for the rezoning of these lands is to say that the profit of these landowners and developers matters more than the livelihood of the people that work there and the needs of thousands of customers who rely on these businesses.



Denesh Balar

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Denesh Balar

In conclusion, you can see that the impact of this rezoning would be a huge detriment to the Oakville community. The above businesses have been a part of the Oakville community for years and have invested their time and money into building their business in the city they love! Despite their investment, these businesses are subject to a demolition clause and as such would receive no compensation should these lands be developed. Their livelihoods and the livelihoods of their employees gone. The only people who would benefit from this are the property owners and developers who stand to make millions while the 100s of employees and business owners and over 193 thousand other residents of oakville suffer the consequences. The rezoning of this area would hurt local business owners, the employees of these businesses, the customers who rely on these businesses, and in summary hurt Oakville and should not go through.

**Piper Morley**  
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November 1, 2019

**Delivered via Email (TownClerk@oakville.ca)**

Corporation of the Town of Oakville  
Planning and Development Council  
c/o the Town Clerk  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Dear Sir/Madam:

**Re: Submissions with respect to a Proposed Zoning by-law Amendment for  
550 Kerr Street (the “Subject Property”)  
File No. Z.1616.55**

We are legal counsel to April Investments Limited, the owner of 530 Kerr Street, 527079 Ontario Limited, the owner of 560-588 Kerr and Trans County Development Corporation Limited 520 Kerr/131 Speers (the “**Surrounding Owners**”). The lands owned by the Surrounding Owners flank the Subject Property to the North and South within the Upper Kerr Village District.

We write to you to provide our comments and concerns in relation to the application of Oakville Developments (2010) Inc. (the “**Applicant**”) in respect of 550 Kerr Street and bearing File No. Z.1616.55.

Overall, we adopt the comments provided in the October 11, 2019 staff report and provide more specific comments with respect to the Surrounding Owners’ concerns.

### **Comprehensive Development**

Staff have consistently expressed a strong desire for a comprehensive plan for this area, which is consistent with Policy 23.7.1(a) of Liveable Oakville Plan, which requires that redevelopment shall be based on a comprehensive plan which demonstrates the potential full build out of the lands.

We also note that a phased approach to development is necessary for a large, comprehensive development with multiple owners, especially in light of Livable Oakville Policy 23.7.1(b) which identifies that redevelopment of low-rise commercial uses may occur gradually and in a phased manner. We would also like to ensure that during construction, the businesses operating in the commercial premises surrounding the Subject Property are not disrupted and would like to understand how that will be achieved.

You have already received a block plan created by Urban Strategies which we believe reflects the intent and purpose of the policies relating to the Upper Kerr Village. In accordance with staff comments on page 16 of October 11, 2019 staff report, we look forward to meeting with planning staff and the Applicant to advance comprehensive redevelopment of Upper Kerr using Liveable Oakville as a policy framework.

### **Built Form**

Our planners have met with the Applicant's planners to express our concerns with the built form identified in the Applicant's concept plan submitted, and we look forward to working with the Applicant in the future, but we take this opportunity to express some of our concerns on built form, particularly.

We note that there is inadequate tower separation distance provided for between 550 and 530 Kerr Street (12.5m rather than 15m is provided to the south property line), which will constrain the 530 Kerr Street property for potential tower development. We note that the Urban Design Direction for Oakville s. 24(a) would require the Applicant to incorporate minimum separation distances between building towers, whether on the same or an adjacent property of 30m for buildings of 30 storeys or less.

The tower floorplates proposed by the Applicant as currently shown have an area of approximately 610 m<sup>2</sup>. We question the feasibility and marketability of a 610 m<sup>2</sup> tower residential floorplate as well as the wisdom of potentially limiting the number of towers distributed elsewhere within the block plan based on such a small residential floorplate in the Applicant's development proposal.

We are concerned that the current concept plan does not consider variation in built form and articulation to avoid sameness as required by Policy 6.9.7 of Liveable Oakville. Instead, most of the buildings within the concept plan are shown as having consistent heights and articulation. There are several policies within Liveable Oakville which promote variation in built form, but we specifically point to policy 6.9.4 which sets out that in Growth Areas, buildings should incorporate distinctive architecture, contribute to a sense of identity and be positioned on and oriented towards the street frontage(s) to provide interest and comfort at ground level for pedestrians.

While the heights shown on the Urban Strategies concept plan exceed current permissions, there are few nodes within Oakville that will allow for the achievement of desired urban densities and a critical mass of development to support the goal of enhanced transit, as identified in Liveable Oakville Policy 23.3.1. We see the redevelopment of Upper Kerr Village as an opportunity to achieve this through increased building heights and intensification.

Similarly, Policy 6.9.8 sets out that buildings located on corner lots shall provide a distinct architectural appearance that continue around the corner to address both streets. Continuous street walls of identical building heights, as are shown on the concept plan, are discouraged under policy 6.9.10 of Liveable Oakville. We also note that the slab podium (approximately 130m in length) may not create a desirable pedestrian scale for the block and neighbourhood as a whole.

In terms of the gateway treatments that are encouraged in Liveable Oakville in Policy 23.5.4 and the Urban Design Direction for Kerr Village: 3A, we note that the entry points of the concept plan do not currently indicate visual prominence and a sense of arrival.

Lastly, there is little to no transition to the south west low rise residential neighbourhood which would be required by Policies 23.2.3, 23.3, and 11.1.9(c) of Liveable Oakville.

It is our position that the concept plan as currently shown does not meet these policies although, as stated above, we are open to meeting with staff and the applicant to address these concerns.

### **Street and Block Pattern**

Having carefully reviewed the street and block pattern put forward by the Applicant for this area, we prefer the street and block pattern proposed by Urban Strategies. Particularly, the road connection from Shepherd to Speers breaks up the block for a more urban condition, allows for greater pedestrian movement and permits a vehicular connection prior to completion of Shepherd extension.

The Urban Strategies street pattern is also preferable because it identifies an internal road network which would extend and connect to Speers Road, thereby providing an interconnected network of roads designed to disperse traffic by providing alternative routes in accordance with Policy 6.5.1 of Liveable Oakville. The Urban Design Direction for Kerr Village (3E) speaks to prioritizing pedestrian access and movement, enhancing the circulation network, and creating new linkages such as mid-block connections which can help to mitigate long and deep blocks.

We adopt the issues identified in the October 11, 2019 staff report which requires further analysis, including:

- a. Provision of a complete local road network.
- b. Appropriateness of the proposed private road to access other parcels.
- c. Impacts of the layout/connectivity of roadways on the adjoining properties.
- d. Feasibility of interim reliance on lands being expropriated by Metrolinx to provide site access via the Shepherd Rd. extension.

In terms of the surface parking shown on the Applicant's concept plan, we prefer the Urban Strategies concept plan which does not include surface parking. This is consistent with Policy 12.5.3(a) of Liveable Oakville which encourages underground and/or structured parking and Policy 23.4.1(c) which encourages limited surface parking.

We may identify more comments and concerns as we interact with staff and the Applicant and will provide those comments in due course. We look forward to working with you and the Applicant to achieve mutually desirable development of the Upper Kerr Village.

Yours very truly,  
**BORDEN LADNER GERVAIS LLP**



Piper Morley  
PM/jcm

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