



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 8, 2020

FROM: Planning Services Department

DATE: August 26, 2020

SUBJECT: Recommendation Report, JRB - 109 Reynolds Holdings LP - JRB Developments, Zoning By-law Amendment, Z.1613.61, By-law 2020-043

LOCATION: 109 Reynolds Street

WARD: 3

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RECOMMENDATION:

1. That the proposed Zoning By-law Amendment application submitted by JRB – 109 Reynolds Holdings LP – JRB Developments (File No. Z. 1613.61), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated August 26, 2020.
2. That By-law 2020-043 an amendment to Zoning By-law 2014-014, be passed.
3. That the notice of Council's decision reflects that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
5. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'B' of the report from the Planning Services Department dated August 26, 2020.

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

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facilitate a development proposal for an eight storey residential building with 21 units and a total of 26 parking spaces within an underground garage.

- The subject lands are located at the southeast corner of Reynolds Street and Church Street. The site was previously occupied by the Ward Funeral Home.
- An amendment to the existing zoning is required to rezone the property from Central Business District to Mixed Use 2, which would permit a maximum height of six storeys. The six storey maximum height is consistent with the Main Street 2 land use designation in the Official Plan. The zoning amendment will also implement the Livable Oakville bonusing provisions for a height increase of 2 storeys (an eight storey maximum height allowance) that is permitted in the Main Street 2 designation in the Downtown Oakville growth area.
- The proposed development is consistent with the permissions for the site and provides the required intensification to meet prescribed provincial, regional and municipal targets.
- The application was submitted and deemed complete on November 22, 2019. The statutory timeframe for processing this application expired on February 22, 2020 and the applicant is eligible to appeal the Zoning By-law Amendment application to LPAT.

BACKGROUND:

Proposal

The subject Zoning By-law Amendment application would have the effect of permitting an eight storey building with 21 residential units and 26 parking spaces located in an underground parking garage. Ground floor commercial uses are not proposed within the development despite the mixed use designation on the site, however the use will remain an option should there be a desire to convert residential space to commercial space.

As part of the Town's Official Plan Review, the land use designations and policies that manage growth and change within the main street growth areas were studied to ensure consistency with the latest Provincial and Regional policies and support the town's strategic goals. Downtown Oakville policy amendments were approved by Council through Official Plan Amendment No. 20 'OPA 20' which is now in effect. OPA 20 amended the Main Street 2 land use designation to increase the maximum height limit 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*.

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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) within the Central Business District (CBD) zone. The zoning regulations pre-date the increased height provisions (additional two storeys in height) and land use permissions established in OPA 20 and identified in Schedule Q1 – Downtown Oakville Land Use thereby requiring a rezoning of the lands from CBD to MU2 to recognize the Main Street 2 land use designation.

The ability to use bonusing provisions as provided in the Livable Oakville Plan is subject to Bill 108 *More Homes, More Choice Act*. It is noted that Bill 108 will be removing the existing Section 37 density/height bonus provisions in the *Planning Act* and replace this section with a capped community benefit charge. It is unclear when this change will take effect; however, the transition provisions of Bill 108 permit the town to continue to pass bonusing by-laws until such time where either the Town enacts a community benefits by-law or regulations have been passed.

The proposed amending by-law modifies a number of zoning regulations in the parent zone to recognize the proposed design and is discussed later in this report.

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Figure 1: Air Photo

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

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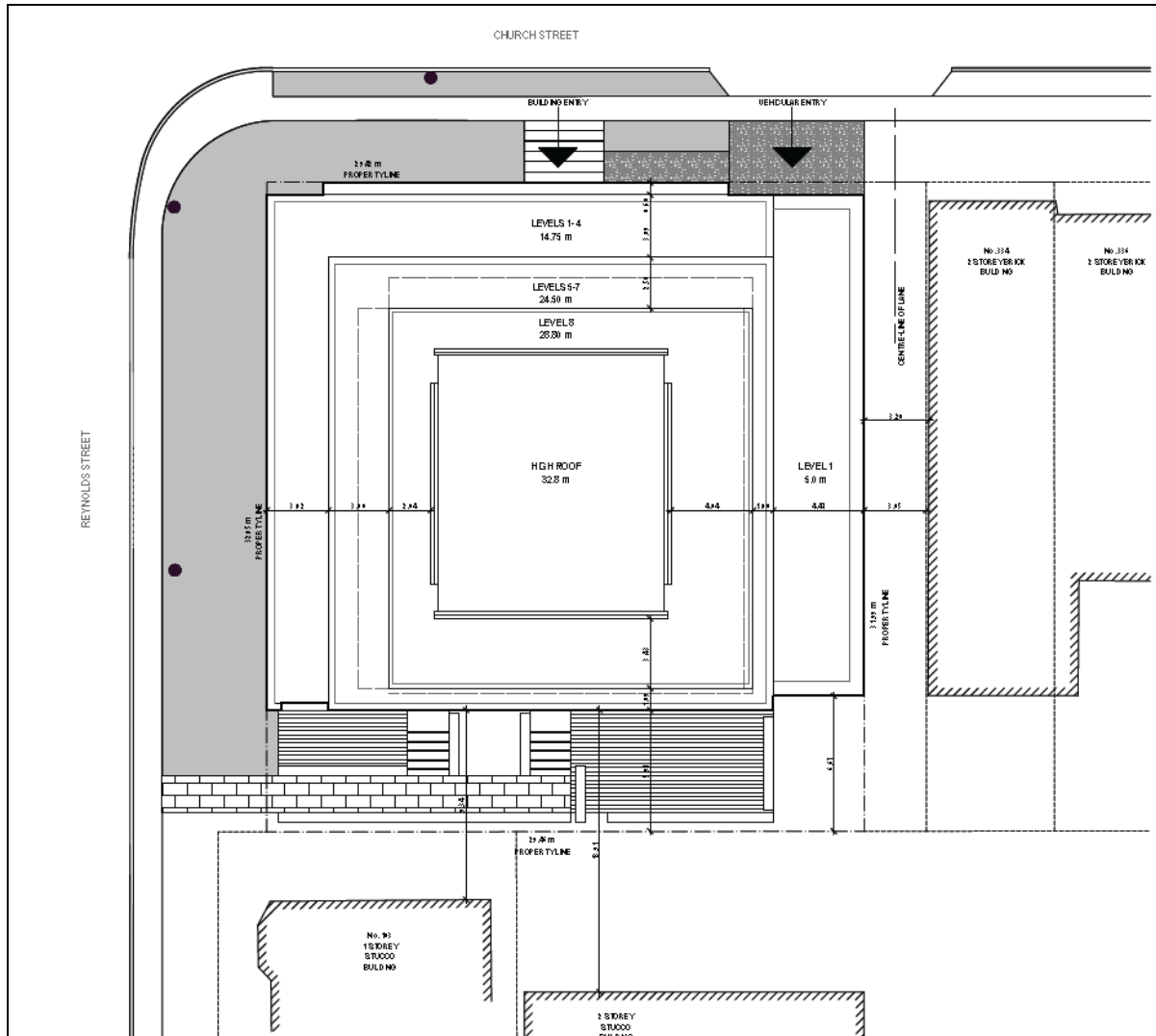


Figure 2: Conceptual Site Plan

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Figure 3: Context Plan looking south down Reynolds Street towards 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 Ward Funeral Home building on the property 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 town storey commercial/retail buildings along Church Street
- South: One and two storey commercial/retail buildings
- West: Three storey town-owned parking garage structure

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Figure 4: 3D model placing proposed building within existing context

PLANNING POLICY & ANALYSIS:

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville Plan
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (2020) (‘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 and by promoting a compact development form.

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

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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 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.

The existing Official Plan designation conforms and does not conflict with the Growth Plan given that the proposal aids in the intensification of built up areas and the development of complete communities.

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.

Halton’s Regional Structure is accompanied by a growth strategy for Halton and targets for intensifying development within the Built-Up Area. Policy 55.2 and Table

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2a sets the phasing targets to be achieved every five years in the Built-Up Areas and require the Town of Oakville to achieve a target of 5,068 new residential units inside the built boundary between 2017 and 2021. The subject property is located within the Region's Built-Up Area and contributes to the achievement of these targets.

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 staff has no objection to the approval of the proposed Zoning By-law Amendment subject to holding provisions with regards to possible servicing options for the site and

Livable Oakville Plan

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

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 consistent with the PPS. OPA 15 is subject to one appeal, and 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, are in proximity to local and GO transit services along Trafalgar Road and Midtown, and are planned to accommodate intensification and high density growth.

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Land Use Policies

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. The passing of Bill 108 results in the options for using a Section 37 Agreement to bonus eligible lands for additional height and density being repealed. However municipalities can continue to process current applications requesting bonusing until such time that there is a community benefit charge by-law in place for the Town of Oakville.

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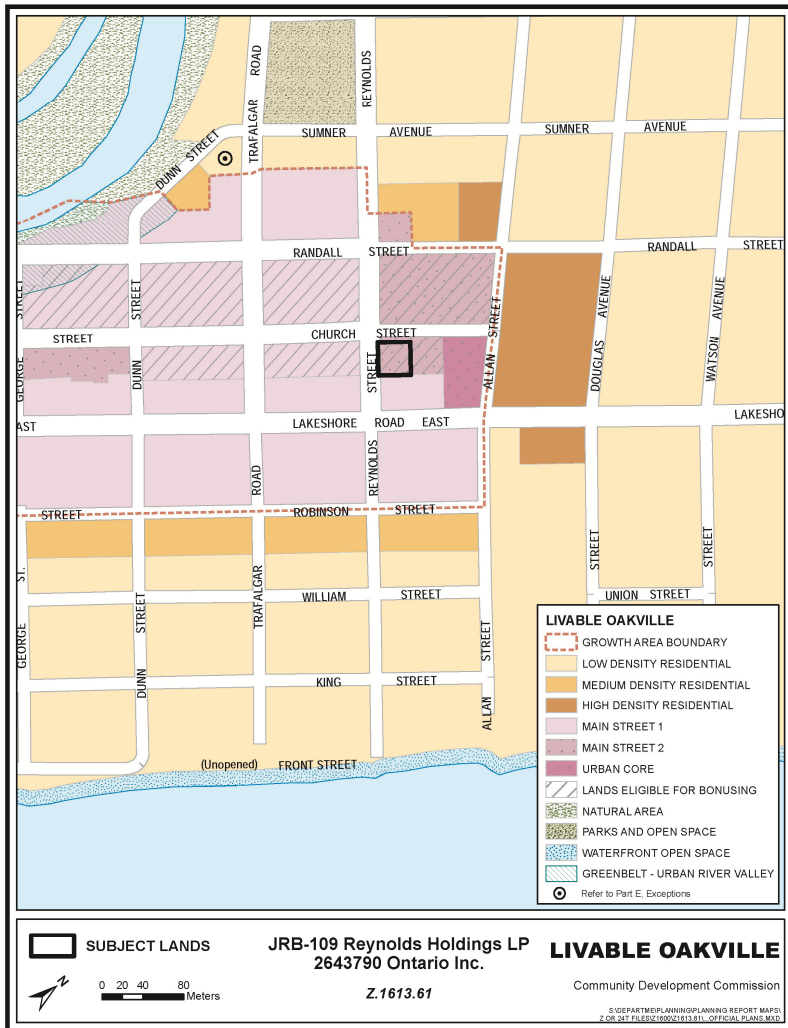


Figure 5: Official Plan Excerpt

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 amendment to the Zoning By-law is consistent with the CBD zone in terms of use. OPA 20 introduced a maximum building height of six storeys in the Main Street 2 land use designation which is not recognized in By-law 2014-014. The amending by-law rezones the property from CBD to MU2 in order to implement the Main Street

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2 land use policies and bonusing permissions. The effect of the zoning amendment will allow the applicant to exercise the MU2 height permissions of a maximum six storey height limit and recognize bonusing 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. Within mixed use zones for apartments the requirement is one parking space per residential unit, plus 0.2 spaces of visitor parking of which one space must meet the barrier free parking requirements.

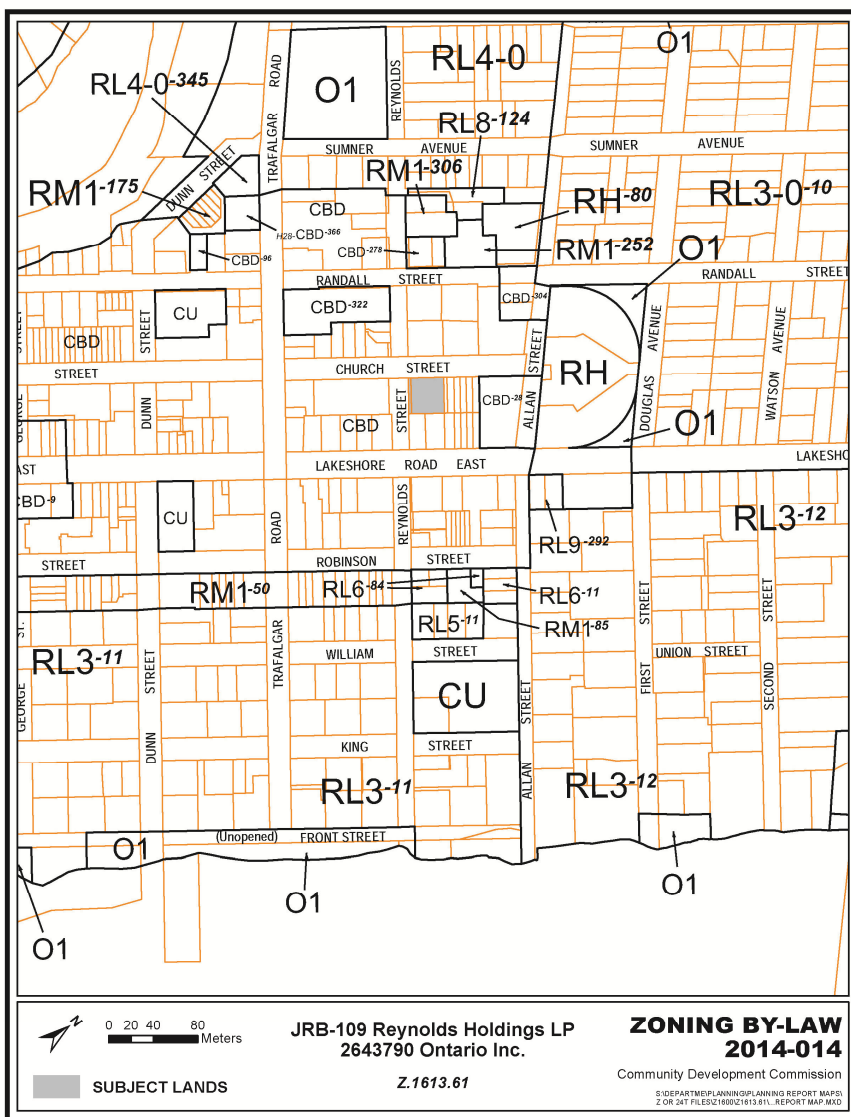


Figure 6: Zoning Excerpt

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TECHNICAL & PUBLIC COMMENTS:

Planning staff circulated the development application to internal departments and external agencies for review and comment. There were no objections to the development proposal. The PPS, Growth Plan, Halton Region Official Plan, Livable Oakville Plan and other relevant policies and supporting guidelines were reviewed in their entirety, with relevant policies applied.

The following matters were raised and taken into consideration while reviewing the application, including:

- Regional staff reviewed the functional servicing report and note that there are significant servicing concerns with future development in Downtown Oakville until such time as the Region has addressed the capacity issues at the Navy Street Pumping Station. At this time the station is unable to accept additional flows from redevelopment within the stations catchment area. The Region has placed an 'H' holding provision on the site specific zoning by-law for the subject lands requiring adequate servicing to be available prior to the issuance of building permits.
- The Livable Oakville Plan permits an additional two storeys in height on this site subject to bonusing and the determination that additional height is compatible with the surrounding context and does not result in negative impacts. Through working meetings with the applicant and the use of 3D modeling it was determined that the additional height is compatible and does not adversely impact the surrounding properties and future redevelopment potential of adjacent properties.
- The density proposed on the site is 220 units per site hectare. Planning Staff are of the opinion that the building density (including the proposed density increase by way of the two additional storeys permitted through bonusing) is compatible with the surrounding context and in keeping with previously constructed residential buildings on nearby blocks. The density proposed efficiently provides additional housing in the downtown within walking distance to commercial and retail services, contributes to complete community goals and regional targets for the number of units in the built up areas.
- Planning and Urban Design staff are committed to ensuring quality design throughout the Town and will continue to work with the applicant through the recently submitted site plan application to enhance the proposed product, in particular the interface of the ground floor space with the public realm. Setback considerations and functional design elements, such as the location of utilities and the underground garage ventilation are often constrained within the downtown and must be taken into account when designing a redevelopment proposal.

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- The applicant’s sun/shadow study illustrates that the Town’s standards for adequate sunlight on adjacent properties, future redevelopments and the public realm are met.
- The Downtown Transportation Study included a Streetscape Master Plan for the Downtown study area to provide a template for the consistent streetscape treatment throughout the Downtown. The streetscaping will be implemented in conjunction with development applications such as this, as well as through capital programming of the Town.
- The applicant is complying to the Downtown Oakville Main Street land use vision and enhancing the public realm by keeping the streetscape consistent with the Downtown Streetscape Master Plan included in the Downtown Transportation Study. Urban Design staff will continue to work with the applicant through the site plan process to ensure that there is a high quality of design achieved through this development and that the building interfaces with the public realm successfully.
- Transportation Engineering staff reviewed the transportation impact assessment and had no concerns regarding the development impact/trips generated on the local road network.
- All required parking for the site is located within an underground garage on the subject lands. Staff reviewed the parking justification study and confirm that the proposal meets the required number of parking spaces. Staff note that relief from the parent by-law with regards to reducing minimum standards for the size of parking spaces and the allowances for obstructions beyond what is already regulated will not be permitted within the site specific zoning by-law.
- Adequate visitor parking spaces have been provided at the standard rate applied in the Growth Areas and are located in the underground garage. Staff are of the opinion that the parking rates associated with the proposed development are appropriate and reflect the locational context and proximity to the commercial services, pedestrian and cycling infrastructure and access to transit services and the municipal parking garage.

Proposed Zoning By-law Amendment

The table below identifies the modification as well as the effect of the modification to the parent by-law

Modification	Effect of the modification
Increase maximum height to six storeys by rezoning the property from CBD to MU2	Permits a maximum of six storeys which is consistent with OPA 20.
Maximum height of eight storeys with a Bonusing Section 37 Agreement	Implements the policies adopted through OPA 20, Main Street 2 designated sites are eligible for bonusing. Within this designation there is potential to

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	increase the height by two storeys to a maximum of eight storeys.
Reduction in the minimum length of a single parking space from 5.7 m to 5.16 m	Permits a maximum of four to six parking spaces located within the underground garage to be deficient in length (56 cm). NOTE: this requested modification was not included in the special provision for this site.
Elimination of the requirement to provide 0.3 m distance between a parking space and an adjacent fixed object	Removes the requirement to have a 0.3 m distance between the parking space and the fixed wall for the staircase on the east side of the parking space for a maximum of two parking spaces located within the underground garage. NOTE: this requested modification was not included in the special provision for this site.
Bonusing provisions	Includes options for what has been determined an appropriate exchange of height for community benefits as defined by the Livable Oakville Plan.
Holding provisions	The Region requires a holding provision on the by-law that must be satisfied prior to site plan approval and the issuance of building permits. The 'H' provision requires an approved servicing strategy for the property.

Staff are of the opinion that the proposed zoning amendment is appropriate as it accommodates modifications to the parent by-law required to implement the objectives and policies of the Livable Oakville Plan.

Bonusing

The Livable Oakville Plan includes bonusing policies that provide permissions for additional height on eligible lands within Downtown Oakville Main Street 2 land use designation in exchange for community benefits. The policies that establish height limits, Section 28.6 of the Livable Oakville Plan (included in Appendix 'A') set out a number of public benefits that may be acceptable in exchange for bonused development throughout the Town. Section 25.8.2 (included in Appendix 'A') describes particular benefits that have been identified as being appropriate within Downtown Oakville.

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The current policy framework requires that the applicant enter into a Section 37 Agreement with the Town to secure public benefits in exchange for increased height. The Total height increase would be two storeys and would be subject to Section 37 Agreement.

As part of the Town's approved Bonusing Protocol the applicant will be required to conduct a market appraisal of the project to assist the Town in determining the appropriate bonused "amount" to be paid. Bonusing options could include such things as funding a portion of the approved Downtown Oakville Streetscape Master Plan works within proximity of the site.

In lieu of the identified benefits described in Livable Oakville, an alternative is for the Town to accept an exchange of community benefits for additional height in the form of cash. Funds received in exchange for bonused height are required to be held by the Town in a reserve fund and spent only on eligible community benefits within the relevant area (in this case Downtown Oakville). This approach allows bonusing funds for various sites to be combined and spent in a manner that allows for flexibility in meeting the needs of the area.

Public Comment:

A Public Information Meeting (PIM) was held on June 26, 2019, and was attended by 25 members of the public and business owners. There were no written comments received at that time, however staff have received comments (included as Appendix 'C') from the resident's association. Comments included positive feedback for the proposal and the building design while cautioning the potential for setting density and height precedents within the downtown.

CONCLUSIONS:

A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed. In Staff's opinion the Zoning By-law Amendment is appropriate and conforms to the Livable Oakville Plan, does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan. It is recommended that By-law 2020-043, be approved as the proposal represents good planning and is in the public interest. Staff note the following requirements have been satisfied:

- The proposed development would be supportive of Downtown Oakville Main Street 2 designation and policies of intensification in an identified growth area.
- The proposed development is located within a mixed use area and will be rezoned to Mixed Use 2 and will support the overall build out and

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redevelopment of Downtown Oakville. The area includes commercial and office uses, local transit service, a municipal parking garage.

- The proposed development would assist in achieving healthy, liveable and safe communities objectives of the PPS and is consistent with the policies of the PPS.
- The proposed development would provide an important contribution to achieving broader complete community objectives and conforms to the policies of the Growth Plan.
- Site design matters will continue to be advanced through the future site plan approval, including the function/management of the ground floor uses and interface with the street.
- The urban design considerations noted in Appendix 'B' will include a review and assessment of the operational characteristics of the development through the future site plan process.
- The site specific provisions for the subject site include an appropriate parking standard for residential parking including visitor parking.
- The development is consistent with the intent of the Livable Oakville policies including the implementation of bonusing policies for lands that are identified within Downtown Oakville Growth Area, which is an area intended for intensification, mixed use and single use residential development.
- The financial issues with regards to bonusing, i.e. the identification of appropriate public benefits in exchange for height and density, such as those benefits listed within Section 25.8.2 of the Livable Oakville Plan, will be evaluated as part of preparing the Section 37 Agreement.
- Implications, if any, of Bill 108 on the ability to utilize bonusing provisions in a manner intended by the Livable Oakville plan will be addressed.

By-law 2020-043 is included in the agenda for the September 8th, 2020, Planning and Development Council meeting.

CONSIDERATIONS:

(A) PUBLIC

Staff have received some comments from the community with respect to the proposed development and their comments are included within Appendix "C".

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 Public Meeting was held on February 10, 2020. Notice for that meeting was distributed in accordance with the *Planning Act*.

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(B) FINANCIAL

Development Charges would be applicable to this development. In 2019 the More Homes, More Choices Act (Bill 108), received Royal Assent. Parts of the Bill are now in force while others await proclamation. The COVID-19 Economic Recovery Act, 2020 (Bill 197) received Royal Assent on July 21, 2020, and would reverse many of the changes introduced through Bill 108, restoring the financial tools available to the town. Bill 197 provides more certainty in municipal financing and assists the town in providing complete communities while ensuring that “growth pays for growth” to the maximum extent possible.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review and there was no objection to the proposed development.

(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 generally complies with the Town’s sustainability goals and objectives of the Livable Oakville Plan.

APPENDICES:

- Appendix A: Policy Excerpts
- Appendix B: Urban Design Requirements
- Appendix C: Public Comment
- Appendix D: By-law 2020-043

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