



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 8, 2020

FROM: Planning Services Department

DATE: August 26, 2020

SUBJECT: Public Meeting Report, Official Plan Amendment & Zoning By-law Amendment, Amico Properties Inc./Spruce Partners Inc., 152 Wilson Street, File No. OPA 1615.12 and Z.1615.12

LOCATION: 152 Wilson Street

WARD: 2

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RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated August 26th, 2020, be received.
2. That comments from the public with respect to the proposed Official Plan Amendment & Zoning By-law Amendment submitted by Amico Properties Inc./Spruce Partners Inc. (File No.: OPA 1615.12, Z.1615.12), be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

The subject Official Plan Amendment and Zoning By-law Amendment applications propose a 6 storey retirement home with 230 units, 110 parking stalls and indoor and outdoor amenity space. The applications were submitted and deemed complete on June 15th, 2020. As a result of a pause implemented by regulation during the COVID-19 emergency, the appeal period is calculated from June 22nd, 2020 resulting in an appeal date of September 19th, 2020 (Zoning By-law Amendment) and October 19th, 2020 (Official Plan Amendment).

The subject lands are designated Main Street 1 and zoned Community Use by the Livable Oakville Plan and Zoning By-law 2014-014. An amendment to the Main Street 1 designation of the Livable Oakville Plan is sought to permit the following: an increase in height from four to six storeys; for the seniors residence use to occupy

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the ground floor without commercial, community, cultural or limited office use as would be otherwise required; and, for the building to be stepped back at the fourth rather than the third storey. The proposed Zoning By-law Amendment seeks to rezone the lands to a site-specific MU 1 zone which would permit a maximum building height of 6 storeys, and provide for site-specific modifications to building setbacks.

Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement 2020, conform to all applicable Provincial plans, the Region of Halton Official Plan and the *Livable Oakville Plan* as they allow for urban development in accordance with the Town's established urban structure.

BACKGROUND

The purpose of this report is to introduce the planning application as part of the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

Proposal

An Official Plan Amendment and Zoning By-Law Amendment application were submitted which proposes a 6 storey retirement home with 230 units, 110 parking stalls and indoor and outdoor amenity space. More specifically, the retirement home proposes to provide a continuum of care with 104 suites dedicated to assisted-living and memory care and the remainder 126 units being dedicated to independent-living units which include a full or partial kitchen, bathroom, living area and wither one or two bedrooms with unit sizes ranging from 65 m² (700 ft²) to 75 m² (800 ft²). All units would have access to common areas and a shared dining facility.

Outdoor amenity space is proposed to be provided at the northern side of the building as an outdoor dining area backing onto Westwood Park, and an outdoor memory garden court and terrace on the second floor. Indoor amenity space is proposed to be provided on the ground floor and includes a fireside lounge, library, greenhouse, bistro, multi-purpose room, salon, spa, pool, change room, fitness studio, theatre/chapel, bar/lounge, lounge/games room, kitchen and dining areas.

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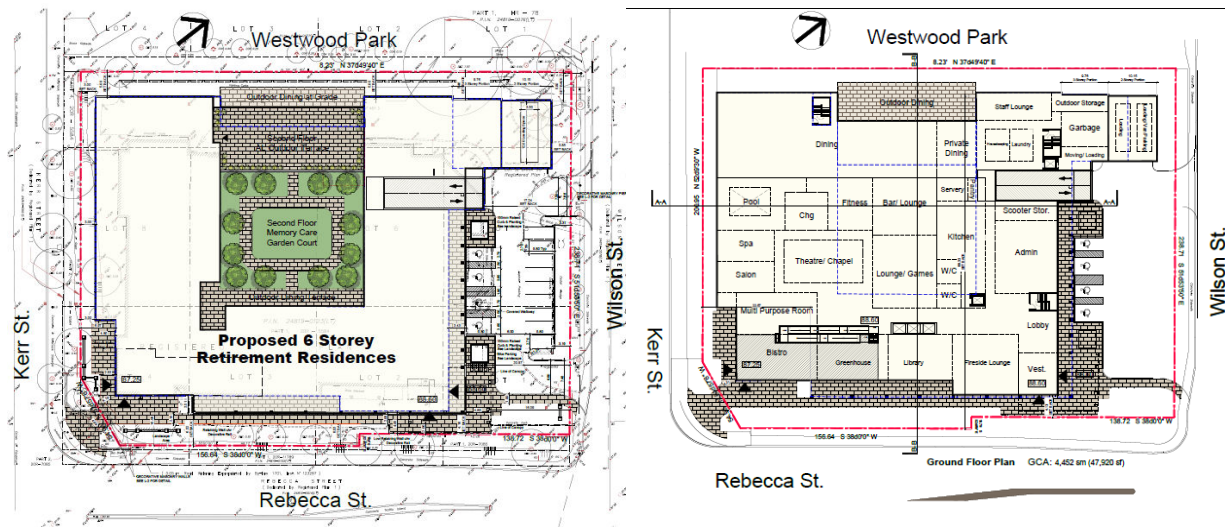


Figure 1: Proposed Site and Ground Floor Plans

Plans and reports submitted in support of the application are available on the town's website at the following link: <https://www.oakville.ca/business/da-35778.html>.

Location & Site Description

The subject lands are located north of Rebecca Street between Kerr Street and Wilson Street. The subject lands are approximately 0.72 ha (1.79 acres) in size with approximately 76 m of frontage on Kerr Street, 90 m of frontage along Rebecca Street and 72 m of frontage along Wilson Street. The site is currently occupied by a former school building which is currently used by the Lions Foundation of Canada Dog Guides. The existing building varies in height from one storey along the Kerr Street frontage to three storeys along the Wilson Street frontage. The three storey portion of the existing building provides a setback of approximately 21 m (68 ft) to the eastern property line along Wilson Street. Access to the site is currently provided from Wilson Street.

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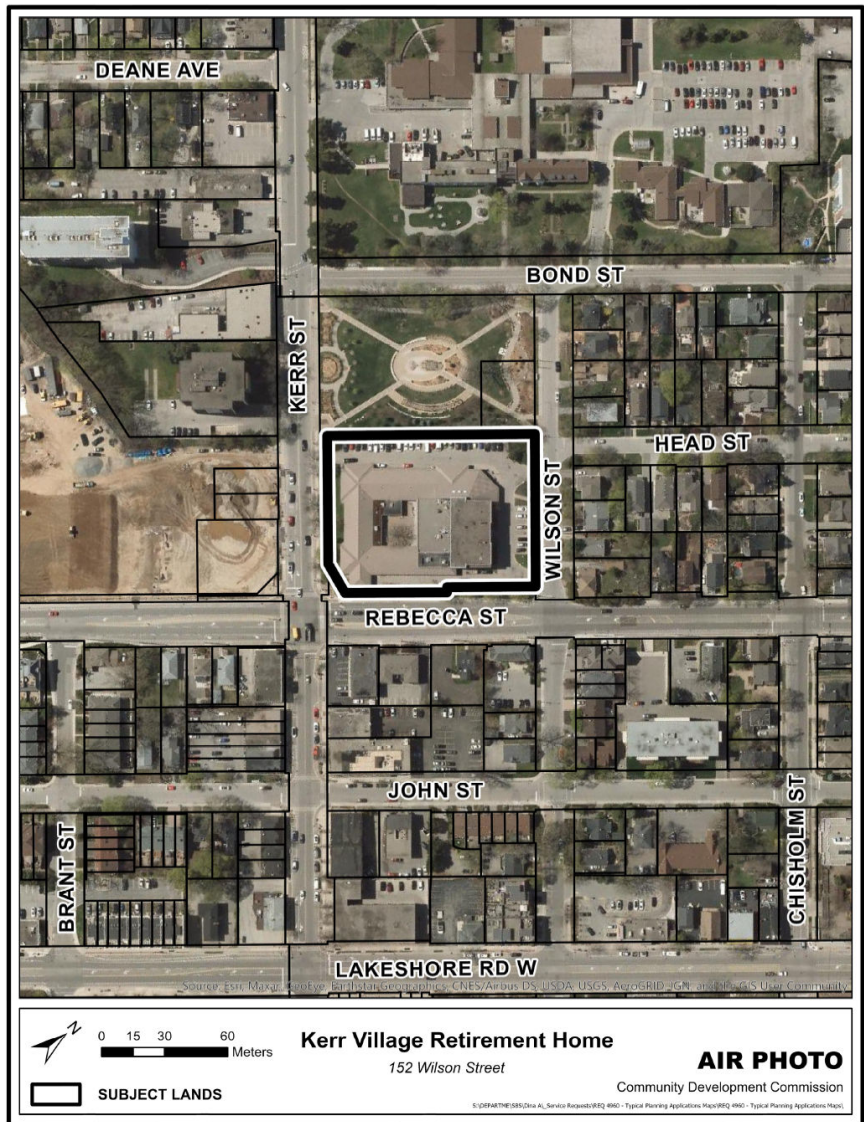


Figure 2: Air Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North: Westwood Park

East: low density residential (one and two storey)

South: mixed use buildings with commercial at grade

West: Fire Station, Trafalgar Park Community Center / Park and 10 storey apartment building

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PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2020)
- 2017 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 are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Applicable policies are appended as '**Appendix A**' to this staff report. In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS.

Growth Plan for the Greater Golden Horseshoe

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Delineated Built-up Area" and are within a strategic growth area (Kerr Village).

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

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options, expand convenient access to transportation. Applicable policies are appended as '**Appendix B**' to this staff report.

All planning decisions after May 16th, 2019 must conform to the Growth Plan.

Halton Region Official Plan

The subject lands are designated "Urban Area" and included in the "Employment Area" overlay in the Halton Region Plan. Lands within the "Urban Area" are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Livable Oakville Plan

OP Objectives

Section 2.1 of the *Livable Oakville Plan* provides the following mission statement:

To enhance the Town's natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions.

Section 2.2 of the *Livable Oakville Plan* provides the following guiding principles:

2.2.1 Preserving and creating a livable community in order to:

- 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; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

2.2.2 Providing choice throughout the Town in order to:

- a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life;*
- b) provide choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,*

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- c) *foster the Town's sense of place through excellence in building and community design.*

2.2.3 *Achieving sustainability in order to:*

- a) *minimize the Town's ecological footprint;*
- b) *preserve, enhance and protect the Town's environmental resources, natural features and areas, natural heritage systems and waterfronts; and,*
- c) *achieve sustainable building and community design.*

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. Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town. 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 26th, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors and are located within Kerr Village. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.

Land Use Policies

As part of the Town's ongoing [Official Plan Review](#), the land use designations and policies that apply to Kerr Village were studied and reviewed. This review was considered by Council in December of 2017 where Council passed By-law 2017-119 to adopt OPA 19 to the *Livable Oakville Plan*. OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018. The subject lands are designated Main Street 1, and are eligible for bonusing on Schedule O1, in the *Livable Oakville Plan* (**Appendix C**).

Policy 23.2 provides that as Kerr Village develops, the Town will, through public actions and in the process of reviewing planning applications, use the following objectives to guide decisions:

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- Create opportunities for new, sustainable growth by promoting compact urban form with higher density development through compatible development and redevelopment opportunities.
- Enhance the mobility of all users with the provision of transit priority measures and increase levels of service through the development process by:
 - a) promoting pedestrian and cycling-oriented mixed use development, with improved connections to the Downtown as well as the GO station and proposed employment hub in Midtown Oakville;
 - b) improving circulation, connections and access for cyclists, pedestrians and public transit; and,
 - c) increasing efficiencies for alternate modes of transportation by encouraging compact urban form.
- Create an attractive public realm by:
 - a) promoting high quality streetscapes and open spaces to create a comfortable, accessible and unique community; and,
 - b) ensuring appropriate transitions occur between the main street areas and the lower density residential neighbourhoods.

Within Kerr Village, the subject lands are located within the Kerr Village Main Street District. The Kerr Village Main Street District will be a predominantly mixed use area along Kerr Street with residential buildings including commercial or office uses at-grade. Development shall be set back to allow for pedestrian activity and attractive streetscapes. A gathering point for the community, such as a market, shall be encouraged here¹.

Pursuant to 12.2 of the Livable Oakville Plan, the Main Street 1 designation represents small scale, mixed use development along main streets and is intended to reflect a pedestrian-oriented, historic main street character. A wide range of retail and service commercial uses, including restaurants, commercial schools, offices and residential uses, may be permitted in the Main Street 1 designation. The ground floor of buildings in the Main Street 1 designation are to 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 buildings².

Pursuant to section 12.2.2 of the Livable Oakville Plan, buildings within the Main Street 1 designation shall be a minimum of two storeys in height and a maximum of four storeys in height. Section 23.8.2 provides that the town may allow up to two storeys of additional height (total of 6 storeys) beyond the maximum permitted in

¹ Policy 23.3.2, Livable Oakville Plan

² Policy 12.2.1. The requirement for and the size and location of retail, service commercial and office uses on the ground floor of buildings shall be determined through the development process and regulated by the implementing zoning.

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exchange for the provision of public benefits as listed in section 28.6.2, with priority given to those public benefits noted in section 23.8.2 d). This includes: affordable housing units and/or rental housing units; community service/facility space; non-profit child care facilities; public art; enhanced streetscape/public open space improvements; and, enhanced green building and energy conservation technology.

Section 28.6.4 of the Livable Oakville Plan provides that bonus by-laws should only be considered where such increases can be accommodated by the existing or improved infrastructure. Studies supporting the increased height and/or density proposed may be required to address infrastructure capacity for the subject development as well as the impacts on the surrounding area. Furthermore, section 28.6.5 of the Livable Oakville Plan provides that bonus by-laws shall only be considered where such increases are compatible with the surrounding area.

The applicant submitted an Official Plan Amendment to permit an increase in height to 6 storeys. This was suggested to the applicant by staff at the pre-consultation meeting since Bill 108 (and now Bill 197) will remove the existing Section 37 density/height bonus provisions from the *Planning Act* and replace this section with a capped community benefit charge. Given the uncertainty with respect to when this change will take effect, this approach will allow for the proposed development to be considered under either the existing legislation or a future community benefits charge framework, depending on which legislation is in force when Council makes a decision on this application. As part of the future recommendation report, staff will identify which legislation is in force at that time, and provide a detailed explanation of the requirements in effect.

In accordance with section 12.2.3 of the Livable Oakville Plan, surface parking shall be provided only within a side and/or rear yard. Surface parking on corner lots shall only be permitted in the rear yard.

Section 23.4.1 a) of the *Livable Oakville Plan* provides for transit service improvements to be introduced at an early stage in the development of Upper Kerr Village District. As the revitalization of this district evolves it will be serviced by the extension of improved transit levels of service, including transit priority measures and infrastructure required to create an efficient and attractive transit environment.

To support the foregoing, it may include transit passenger amenities, minimal surface parking, and other travel demand management strategies to encourage transit ridership³. Further, access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of

³ Policy 24.4.1 b), Livable Oakville Plan

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buildings⁴. Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers⁵.

Section 23.4.1 c) (Parking) provides:

- i. Surface parking lots shall be limited. Where surface parking is provided, the visual impact of large surface lots shall be mitigated by a combination of setbacks and significant landscaping including:
 - pavement treatment;
 - low walls or decorative fencing;
 - landscape material; and,
 - trees and lighting throughout parking lots and along the edges.*
- ii. Access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of buildings.*
- iii. On-street parking shall be maintained throughout Kerr Village with the exception of Speers Road and Kerr Street north of Speers Road. It is the intent that on-street parking shall be permitted at all times.*

Section 23.5 provides urban design polices, which provides that in addition to the Urban Design policies in section 6 of the Livable Oakville Plan, the following policies apply specifically to Kerr Village. The urban design plan for Kerr Village is provided on Schedule O2.

⁴ Section 24.4.1 c) ii), Livable Oakville Plan

⁵ Section 24.4.1 d), Livable Oakville Plan

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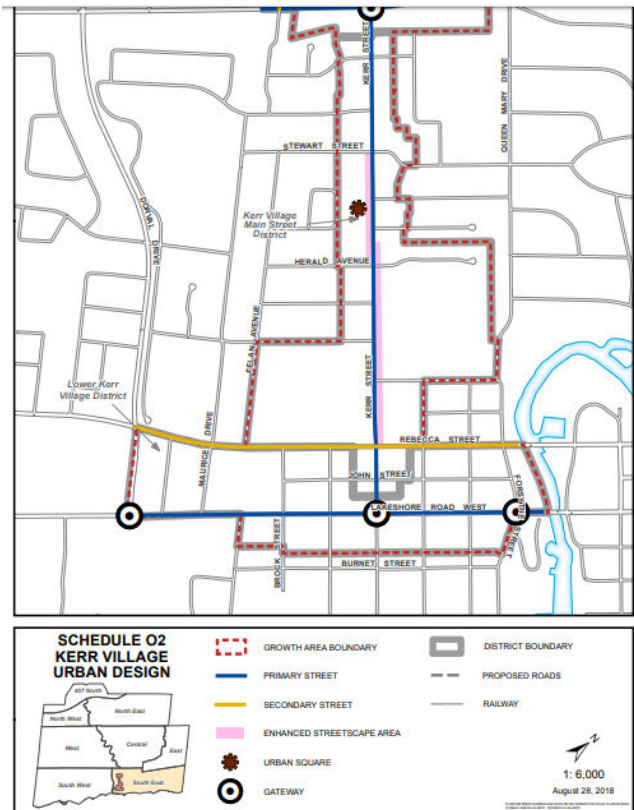


Figure 3: Kerr Urban Design

The subject lands are adjacent to a primary street (Kerr Street) with an enhanced streetscape area, and a secondary street (Rebecca Street).

Development and public realm improvements, including the streetscape for Kerr Street and Lakeshore Road West, shall be evaluated in accordance with the urban design direction provided in the Livable by Design Manual. Policy 23.5.2 of the Livable Oakville Plan (Public Realm) provides that enhanced streetscape areas, (along Kerr Street), should be incorporated in the design of new developments, streetscapes and open space areas, and utilized as a unifying public realm element through the use of compatible, consistent and complementary design treatments while contributing to a distinctive and unique streetscape. Enhanced streetscape areas may include the preservation of existing large stature trees and open space areas, as well as larger setbacks in built form and the creation of additional pedestrian-oriented spaces.

Policy 23.5.3 (streetscapes) provides that:

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- a) *Primary and secondary streets, as identified on Schedule O2, shall provide for pedestrian-oriented streetscapes through the use of wide sidewalks, landscaping and furnishings.*
- b) *Buildings along primary streets, as identified on Schedule O2, shall:*
 - i. *incorporate a high degree of transparency on the ground floor;*
 - ii. *provide building openings and principal entrances facing the street; and,*
 - iii. *contain commercial, community, cultural or limited office uses adjacent to the street which foster an active main street environment.*
- c) *Buildings along secondary streets, as identified on Schedule O2, should:*
 - i. *incorporate a high degree of transparency on the ground floor;*
 - ii. *provide building openings and principal entrances facing the street; and,*
 - iii. *contain commercial, office, community or cultural uses adjacent to the street which support the main street district, and may also contain residential uses on the ground floor.*

Policy 23.5.6 b) of the Livable Oakville Plan (built form), provides that buildings greater than three storeys in height, on lands immediately adjacent to lands designated Residential Low Density, shall be stepped back above the third storey.

Policy 23.6.3 of the Livable Oakville Plan provides that on the lands designated Main Street 1 and Main Street 2, residential uses may be permitted on the ground floor, including multiple-attached dwellings and apartments, except where adjacent to Lakeshore Road West, Kerr Street and Speers Road, where commercial, community, cultural or limited office uses shall be provided on the ground floor facing the street, to maintain and enhance a pedestrian-oriented main street function.

The *Livable Oakville* Plan provides that development within Kerr Village will likely occur gradually over the long-term and be coordinated with the provision of infrastructure, including⁶:

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

Section 6 of the *Livable Oakville* Plan sets out a number of policies and objectives related to urban design. The *Livable by Design* Manual, including the section regarding urban design direction for Kerr Village approved by Council on June 11th, 2018, also applies to the proposed development.

⁶ Section 23.8.1, Livable Oakville Plan

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Zoning By-law (2014-014)

Zoning By-law 2014-014 zones the subject lands as Community Use (CU), which does not permit the proposed development (**Appendix D**). The application proposes to rezone the lands to a site-specific MU1 zone to permit a 6 storey retirement home with 230 units, 110 parking stalls and indoor and outdoor amenity space. The draft zoning by-law amendment submitted by the applicant may be viewed on the Town of Oakville website at <https://www.oakville.ca/business/da-35778.html>.

A summary of the provisions of the existing CU zone, compared to the parent MU1 zone and site-specific MU1 zone is provided in '**Appendix E**' of this report. The applicant is proposing the following site-specific exceptions:

- a) increase the maximum front yard from 3.0 m to 6.97 m which would apply to a portion of the building along Kerr Street at the southwest corner of the site for an outdoor patio.
- b) Increase the maximum flankage yard from 3.0 m to 10 m along Rebecca Street at the southwest corner of the site for an outdoor patio.
- c) The applicant is seeking to permit an additional 2 storeys of height (from 4 to 6 storeys).
- d) Decrease the mainwall proportions whereas a minimum of 75% of the main wall is required to be oriented toward the front / flankage lot line and 67% is proposed to incorporate an outdoor patio.

A full review of the proposed zoning by-law amendment will take place as part of the technical review.

TECHNICAL & PUBLIC COMMENTS

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website (<https://www.oakville.ca/business/da-35778.html>):

- Aerial
- Arborist Report
- Archaeological Assessment - Stage 1
- Building Sections Plans
- Elevation Plans
- Environmental Site Assessment - Phase 1
- Environmental Site Assessment - Phase 2

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- Floor Plans
- Functional Servicing & Stormwater Management Report
- Geotechnical Report
- Grading Plans
- Landscape Plans
- Planning Justification Report
- Servicing Plan
- Site Plan
- Survey
- Traffic Impact Study
- Tree Preservation Plan
- Underground Parking Plan
- Urban Design Brief
- Waste Management Plan

Issues under Review / Matters to be Considered

A complete analysis of the application will be undertaken and includes a review of the following matters, which have been identified to date:

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

- whether the proposed, massing, transitions and design of the proposed development is appropriate given the existing and planned surrounding context;
- appropriate land uses at grade and design treatment along primary and secondary streets (Kerr and Rebecca Streets).
- transportation considerations associated with the proposed development, and in relation to adjacent roadways and intersections, including adequacy of parking;
- adequacy of proposed sanitary, water and stormwater management servicing and consistency with applicable engineering standards;
- pedestrian circulation and integration with larger network;
- tree preservation;

ii. urban design and function of site including:

- Overall design and appropriateness of the proposed development including massing, building setbacks, height and elevations;
- access to public open space and pedestrian connectivity;
- enhanced streetscape treatment and provision of a pedestrian-oriented streetscape;
- layout and land use of ground floor along Kerr Street frontage;

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- design treatment adjacent to Westwood Park;
- conformity with the urban design policies of the Livable Oakville Plan and consistency with the Livable by Design Manual.
- adequate building setbacks and transition to the low density residential neighborhood;
- transit-supportive considerations including adequate transit passenger amenities, bicycle infrastructure and walkable blocks.

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

- whether the proposed density and built form of development supports the urban structure of the town and is appropriate given the existing and planned surrounding context;
- Consistency with the Provincial Policy Statement, conformity with the Growth Plan, Halton Region Official Plan, Livable Oakville Plan and related guidelines.

iv. suitability of land for intended use including:

- environmental suitability of lands for proposed use (sensitive land use / contamination);

Public Comments

A Public Information Meeting was held by the applicant on February 26th, 2020 at the Trafalgar Park Community Centre which was attended by approximately 80 residents. A summary of the meeting is included in 'Appendix C' of the Planning Justification Report, which can be accessed on the town's website (<https://www.oakville.ca/business/da-35778.html>). According to the aforementioned summary, issues raised at the meeting include the following:

- a) building height;
- b) design of building should mix in with the existing neighbourhood context;
- c) limited retail use;
- d) good use (seniors housing);
- e) building step-back towards Wilson Street;
- f) privacy toward Wilson Street (balconies);
- g) adequacy of visitor parking;
- h) building setback toward Wilson Street;
- i) adequacy of parking;
- j) construction related nuisances;
- k) traffic calming / management;

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- l) concern about use (prefer residential use to support retail);
- m) shadow impacts of building;

As of the date of this report, five formal written comments have been received which are appended to this report as ‘**Appendix D**’. Concerns expressed by residents (both written and oral comments) related to the proposed development / planning issues have been included in the ‘issues under review / matters to be considered’ section of this report.

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

Climate Change

The proposed development will be reviewed to ensure compliance with the Town’s sustainability objectives of the Livable Oakville Plan. The proposal will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24th, 2019 to provide opportunities to reduce the impact of, and increase the resilience of, the proposed development on climate change.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 120 m of the subject property and included on the three signs posted on the site.

In addition, a Public Information Meeting was held on February 26th, 2020 at the Trafalgar Park Community Centre.

(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. The application remains in technical review.

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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 will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A – PPS extract

Appendix B – Growth Plan extract

Appendix C – Official Plan (Livable Oakville) extract

Appendix D – Zoning By-law (2014-014) extract

Appendix E – Summary of Existing and Proposed Zoning Standards

Appendix F – Public Comments

Prepared by:

Paul Barrette, MCIP, RPP

Senior Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager

Current Planning – West District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services