



# PLANNING & URBAN DESIGN RATIONALE

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## 42 LAKESHORE ROAD WEST OAKVILLE, ONTARIO

## Executive Summary

Batory Planning + Management has been retained by Format Lakeshore Inc. as the planning consultant for the property located at 42 Lakeshore Road West, Oakville, Ontario. This report provides an overview of the proposed development on the subject lands, a review and analysis of the applicable policy framework and a detailed rationale of the Official Plan and Zoning By-law Amendments needed to facilitate the proposed development.

The subject site is located within Ward 2, on the south side of Lakeshore Road West, west of Chisholm Street. The landowner is proposing to redevelop the subject site with a 10-storey, 38.25 metre, residential apartment building containing 152 apartment dwellings, including unit types ranging from one bedroom to three-bedroom layouts. A total of 477 square metres of commercial and retail space is proposed on the ground level.

A total of 183 vehicle parking spaces, of which, 31 spaces are proposed for visitors, and 154 short and long term bicycle parking space are proposed. Vehicle access to the site is proposed through a single drive via Chisholm Street. A total of 1,112 square metres of amenity space is proposed, of which 309 square metres located indoors and 803 square metres located outdoors.

The proposed development also proposes a Commemorative Conservation Plan for the McCraney-Robertson House, including the documentation and demolition of the structure, and implementation of an interpretative landscape plan. The interpretive landscape plan will commemorate the Site's cultural heritage value, including the McCraney-Robertson House and the former magnolia tree. The commemorative structure is located in a publicly accessible courtyard fronting Lakeshore Road West

Applications to amend the Town of Oakville Official Plan and Zoning By-law 2014-014 are required to permit the proposed development. A Site Plan Control application is also required and may be submitted concurrently with, or following, applications to amend the Official Plan and Zoning By-law.

The proposed development implements the objectives of the Growth Plan and Provincial Policy Statement, appropriately balances the Official Plan's numerous goals and objectives for transit supportive, environmentally responsive growth that improves public space, expands the range of housing options, and appropriately limits impacts related to building mass and scale on surrounding areas. The proposed development represents good planning.

# 1.0 Site and Local Context Overview



## 1.1 Subject Site and Surrounding Context

The property municipally known as 42 Lakeshore Road West (the ‘Subject Site’), is located on the southwest corner of Lakeshore Road and Chisholm Street, approximately 200 metres west of Sixteen Mile Creek, as shown on Figure 1. The Subject Site is a rectangular corner lot with 48.76 metres of frontage on Lakeshore Road West and a total area of approximately 2,337 sq.m. (25,156 sq.ft.). The site is mostly vacant, with an existing heritage building located on the northwest corner of the site, known as the McCraney-Robertson House.

Vehicle access is currently provided via Chisholm Street. The subject site is also within 170m of the nearest bus station, located at Chisholm Street and Rebecca Street to the north of the subject site, which connects to both Downtown Oakville as well as the GO Train Station.



Figure 1 – Aerial View & Context

The area surrounding the Subject Site includes the following land uses:

To the north: Lakeshore Road West, as well as retail and mixed use buildings.

- To the south: Existing residential neighbourhood.
- To the west: Commercial uses adjacent to Lakeshore Road West, existing residential neighbourhood.
- To the east: Chisholm Street, commercial uses adjacent to Lakeshore Road West, existing residential neighbourhood.

Lakeshore Road West is a two-lane street that carries one lane of traffic in each direction (east-west), and also includes a centre left-turn lane, as well as street parking on both the north and south sides of the road. Lakeshore Road serves as a local "main street" with a primary focal point located a few blocks east of the site, on the east side of the Sixteen Mile Creek bridge. Lakeshore Road plays a significant role as a thoroughfare for automobiles, buses, and pedestrians, connecting the downtown area to surrounding communities.

Lakeshore Road West is a Minor Arterial as shown on Schedule C - Transportation Plan in the Town of Oakville Official Plan, with a planned Right-of-Way width of 26 metres as identified in Official Plan Table 4 - Functional Classification of Roads. A continuous sidewalk is provided along the north and south sides of Lakeshore Road West. Parking is permitted along either side of the street adjacent to Lakeshore Road West.

Chisholm Street is a two-lane street that carries one lane of traffic in each direction (north-south). Chisholm Street is a Local as shown on Schedule C - Transportation Plan in the Town of Oakville Official Plan with a planned Right-of-Way width of 16-18 metres. A continuous sidewalk is provided along the west side of Chisholm Street. Temporary parking is permitted along the west side of the street.

Oakville Transit Bus Routes 14 & 14A are located directly north of the subject site at Chisholm Street and Rebecca Street, as shown on Oakville Transit Route Map, servicing Lakeshore Road and the Oakville GO Station. This bus route is approximately 170 metres from the subject site.



Figure 2 – Oakville Transit Map

The Oakville GO station is located on the Lakeshore West line with service to Downtown Toronto, with service at intervals of approximately 20 minutes during peak hours and 30 minutes during off peak hours. Oakville Transit also connects with MiWay and Burlington Transit, the transit services for the City of Mississauga and City of Burlington, respectively.

The neighbouring properties along Lakeshore Road West consist mainly of commercial establishments at ground level with residential units above. Building heights vary on the north side, ranging from one to seventeen stories, and on the south side, ranging from one to nine stories. These built forms also include a variety of architectural styles and proportions. However, the majority of buildings are one, two, or three stories in height.

The frontage, width, and architectural style of nearby development along Lakeshore Road West developments are diverse, with no predominant style or proportion. The Lakeshore Road West built form does, however, maintain consistency in terms of street setbacks, with buildings located very close to the street line, particularly at corner lots, typical of urban development.

Chisholm Street, both to the north and south of Lakeshore Road West, is predominantly a residential street. South of the subject site, there are three-story townhouses and two-storey detached houses. The street terminates three blocks south of the site at Tannery Park, which is situated along both the creek and Lake Ontario.

The subject site does not directly border any public open space apart from the sidewalks along Lakeshore Road West and Chisholm Street.





Looking south toward the subject site.



**Left:** Looking south toward the existing structure on the subject site, **Right:** Lakeshore Road West, north of subject site



street buildings on Lakeshore Road West



**Left:** Lakeshore Road West **Right:** Three storey main



street buildings on Lakeshore Road West



**Left:** Lakeshore Road West **Right:** Three storey main



**Left:** Chisholm Street **Right:** Lakeshore Road West looking south



The development on the subject site presents an opportunity to further enhance the Lakeshore Road streetscape by extending the pedestrian-friendly streetscape and activating the site with street-related commercial uses, new landscaping, and an attractive building design.

The proposed development has been designed, sited, and massed, with setbacks, step-backs, appropriate glazing and cladding, and high-quality architecture, to fit



appropriately within the Lake Shore West context and transition appropriately to the adjacent residential areas to the south.

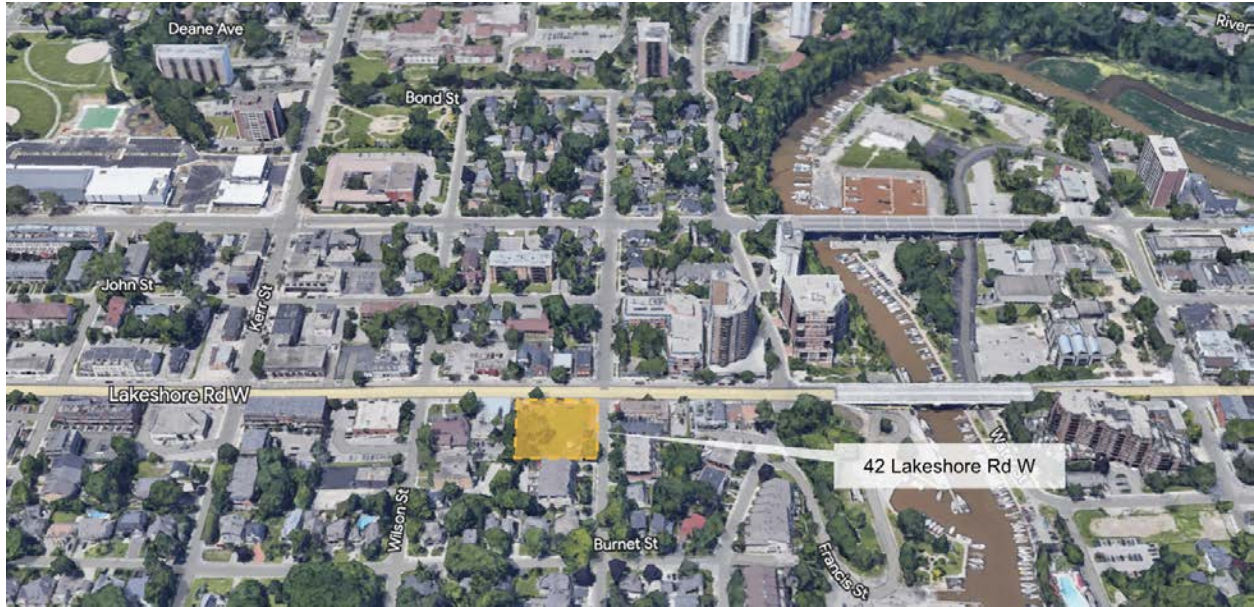


Figure 10 – Aerial View of immediate context

## **2.0**

# **Proposed Development and Required Applications**



## 2.1 Planning History

In 2009, the subject land was approved for a 5-storey mixed use building with a total of 23 units. These Official Plan Amendment and Zoning By-law Amendment applications were approved at the time with a number of site specific provisions and conditions, many of which were removed with the implementation of the 2014-014 Zoning By-law. The subject site has subsequently had a number of different landowners who proposed various design adjustments to the approved building form. However, none of these applications have proceeded to a building permit on the subject site to date.

## 2.2 The Proposed Development

The proposed development comprises a 10-storey, 38.25 metre, residential apartment building containing 152 condominium apartment dwelling units. A total of 152 vehicle parking spaces, 32 of which are proposed for visitors, and 152 bicycle parking spaces are proposed. Four levels of underground parking are proposed with vehicle access to the Subject Site via Chisholm Street. A total of 1,112 square metres of amenity space is proposed, of which 309 square metres located indoors and 803 square metres located outdoors.

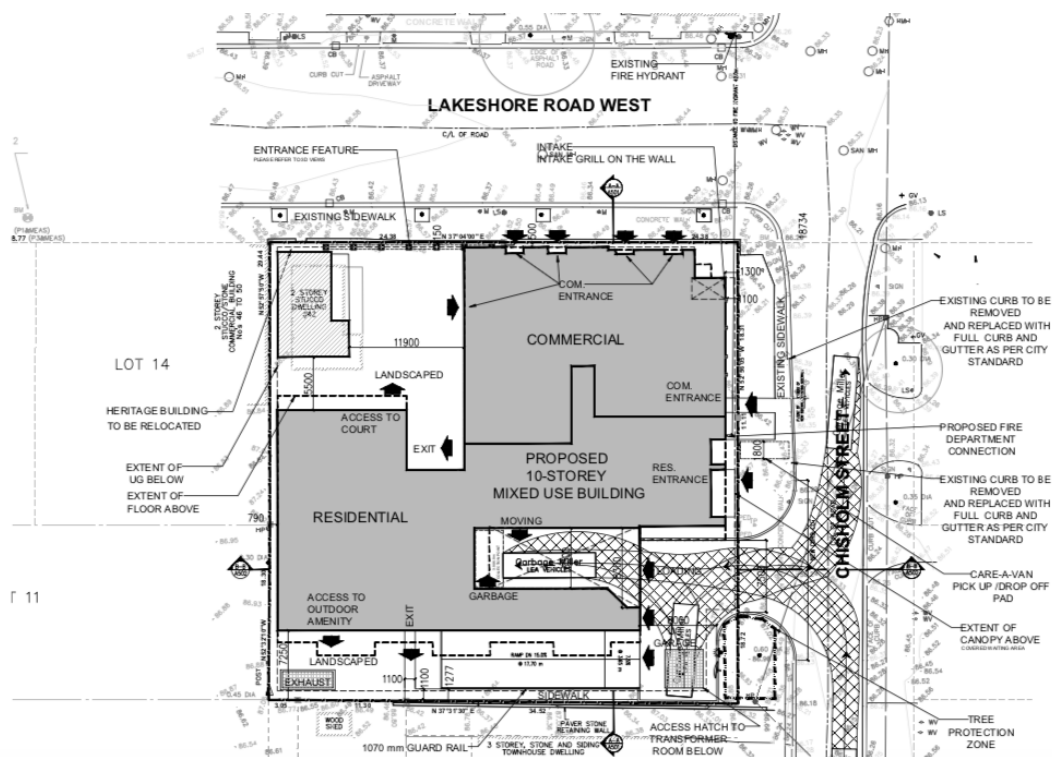


Figure 11 - Site Plan

## 2.3 Building Siting and Design

The proposed development locates the majority of the building's mass toward the northeast corner of the site, adjacent to the intersection of Lakeshore Road West and Chisholm Street. The northern portion of the site includes ground floor commercial space and a courtyard with a commemorative heritage structure and interpretive landscape space located on the northwest corner of the subject site. Vehicular access is located on the west side of the site from Chisholm Street.

The proposed ground floor commercial space is situated at sidewalk level along Lakeshore Road, while the residential main entrance and amenity space is accessed from Chisholm Street and located at the rear of the site. A new courtyard, connected to the commemorative heritage structure, as well as the retail space and residential amenity space, provides direct access at grade to the southwest corner of the site. This design ensures accessibility to all ground floor areas and allows for taller ceiling heights in these spaces, as well as appropriately animated the Lakeshore Road frontage.

The proposed continuous glazing along the ground floor retail spaces on Lakeshore Road and the residential entrance area along Chisholm Street contribute to an active streetscape. Multiple entry points and access paths are created along both streets, with sidewalk extensions incorporated to connect the retail spaces, the commemorative heritage space, the residential amenity areas, and the main residential entrance.



Figure 12 – Rendering



A new courtyard, adjacent to the commemorative heritage structure, is established at the northwest corner of the site. It features new retail frontage on its east side and includes a landscape amenity area and potential outdoor expansion or patio for the retail area, adding energy and vitality to the space.



Figure 13 – North Elevation

The entrance to the underground parking level is situated near the Chisholm Street vehicular access to ensure that a garage door does not disrupt the primary street-facing facade of the building.

The proposed 10-storey building is designed as a characteristic mid-rise building, with an ‘L-shaped’ floorplate which frames the courtyard on the northwest portion of the lot. The proposed building features several recesses and step-backs, which provide for transition to adjacent properties and an architectural approach that is compatible and complementary to the Kerr Village context.

The building transitions to the surrounding properties via a stepping down of height at the south of the site from the 10<sup>th</sup> to the 5<sup>th</sup> storey, on the east side of the site to the 7<sup>th</sup> storey and 8<sup>th</sup> storey, and on the north side of the site to the 8<sup>th</sup> storey and the 5<sup>th</sup> storey.

The building features both inset and projecting balconies, which provide for architectural articulation of the building and private amenity space. Planter boxes are featured on a number of the balconies and terraces along the south side of the building to mitigate privacy and overlook impacts on adjacent properties and residences.



Figure 14 – Rendering

At the south elevation of the building, the ground floor is set back 7.2 metres, while floors 2 through 5 are set back 6.0 metres. Floors six through ten are set back 10.0 metres from the property line. A vehicle access along the south of the property provides additional transition to the adjacent low-rise areas.

The building is predominantly clad in stone and brick panels, with punched windows and both inset as well as some projecting balconies. The 9<sup>th</sup> and 10<sup>th</sup> floors are clad in glass, which also includes the mechanical penthouse.



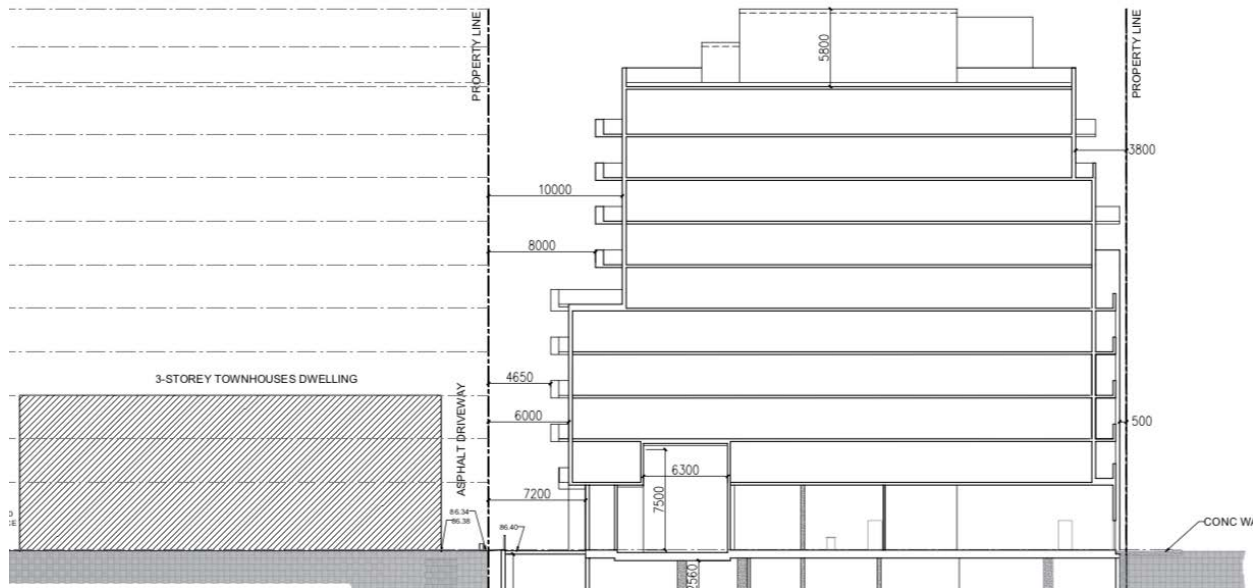


Figure 15 – Section

The primary landscape areas of the development include the courtyard adjacent to Lakeshore Road West, and the 10th floor rooftop terrace. The programming of the courtyard is intended to function as an extension to the public realm, which is generally consistent with the originally approved development for the site. Tree planting is proposed in the courtyard, which includes a feature magnolia tree. Seating areas are proposed underneath the commemorative heritage feature, and bistro seating is contemplated adjacent to the ground floor commercial uses to provide outdoor patio opportunities. The rooftop terrace areas for lounge seating and dining furniture for the benefit of residents within the building. The southern limit of the rooftop terrace includes a raised planter and planting opportunities to mitigate potential and perceived overlook and privacy impacts.

### Residential Units

The proposed Composition of residential apartment units is as follows:

Type	Number	Percentage
1 Bedroom	44	29%
1 Bedroom + Den	45	30%
2 Bedroom	38	25%
2 Bedroom + Den	12	8%
3 Bedroom	13	8%
<b>Total</b>	<b>152</b>	<b>100%</b>

## **2.4 Access, Parking, and Loading**

Vehicle access to the site is proposed via a two-way driveway from Chisholm Street. A total of 183 vehicle parking spaces, 31 of which are proposed for visitors, are located on four underground parking levels.

A total of 154 bicycle parking spaces, of which 40 spaces are located at grade in front of the building at the Lakeshore Road and Chisholm Street frontages, and 114 spaces are located in a dedicated bicycle storage room on the below grade parking levels.

One loading space is proposed to service the proposed development.

The residential lobby entrance to the building is accessed from Chisholm Street.

## **2.5 Amenity Space**

A total of 1,112 square metres of amenity space is proposed, of which 309 square metres located indoors and 803 square metres located outdoors. The indoor amenity area is located on the ground floor and will be designed to accommodate a range of uses and multi-purpose spaces for building occupants. The outdoor amenity terrace is proposed to be at grade, with connection to the indoor amenity space. Additional rooftop amenity area is proposed for the development to serve the residents of the apartment units, and will be designed to accommodate a range of both passive and active outdoor activities.

## **2.6 Required Applications**

The proposed development requires an application to amend the Town of Oakville Official Plan to permit a building with a height of 10 storeys. The current site and area specific policy in the Plan permits a 5 storey building. An application to amend Zoning By-law 016-2014, as amended, is also required to permit an increase in height and specify other development criteria within the Zoning By-law. A Site Plan Control application is also required and may be submitted concurrently with, or following, applications to amend the Official Plan and Zoning By-law.

## **3.0**

# **Planning Policies, Regulations, and Analysis**



### 3.0 Planning Policies, Regulations, and Analysis

The recommendations of this Planning Justification Report are based on the review and consideration of the following Provincial, Regional, and Local policy and non-policy documents:

- Planning Act
- Provincial Policy Statement (PPS 2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)
- Region of Halton Official Plan
- Town of Oakville Official Plan
- Town of Oakville Zoning By-law 2014-014
- Oakville Livable by Design Manual

### 3.1 Planning Act

Section 2 of the Planning Act establishes matters of provincial interest to which a City Council shall have regard, in carrying out its responsibilities, including:

- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- the appropriate location of growth and development;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities;
- the mitigation of greenhouse gas emissions and adaptation to a changing climate; and,
- the promotion of built form that:
  - is well-designed,
  - encourages a sense of place, and,
  - provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

#### Planning Act Analysis

The proposed development has been designed with regard for the matters of Provincial Interest established in Section 2 of the Planning Act.

By providing a range of unit sizes and types in a variety of apartment sizes and layouts, the proposal contributes to the range of housing in the surrounding area. Located in a predominantly mixed-use area with good access to transit, the proposal reflects the orderly development of transit-supportive density and the efficient use of land with close proximity to the Town's investments in transit infrastructure.

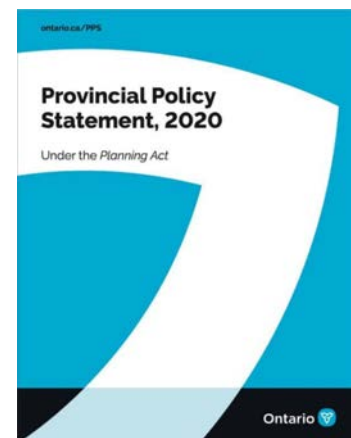
The proposal includes ground floor commercial space to help animate the streetscape and provide local services, as well as a landscaped public space along both frontages, greatly improving the existing pedestrian environment around the site.

The proposed density, the site's transit proximity, and the limited supply of resident parking results in a project with compact, efficient housing units that assist in the Town's ongoing adaptation to climate change. The creation of the proposed courtyard along the northwest portion of the site improves the pedestrian environment, creates additional landscaping opportunities, and improves access to the proposed development, contributing to the sense of place at this intersection on a main street.

Overall, the proposal reflects the orderly development of land within a transit supported context that is planned to accommodate growth and has regard for the relevant matters of Provincial Interest established in Section 2 of the Planning Act.

### 3.2 Provincial Policy Statement (2020)

On February 28, 2020, the Minister of Municipal Affairs and Housing introduced an updated Provincial Policy Statement that came into effect on May 1, 2020. All decisions under the Planning Act, or that affect a planning matter within the Province, are required to be consistent with the new 2020 Provincial Policy Statement.



The Provincial Policy Statement (2020) (the 'PPS') provides direction on a wide range of matters of provincial interest relevant to land use planning and development to promote strong communities, a strong economy, and a healthy environment. The PPS includes policies regarding the efficient and wise use and management of land and infrastructure; protection of the built and natural environment; the development of sustainable and resilient complete communities that enhance health and social well-being; the growth of a variety of employment opportunities; the development of a mix of housing; open space and recreation opportunities; and transportation options intended to increase the use of active transportation and transit.

The following PPS policies are of particular relevance and importance to the redevelopment of the Site.

Policy 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by:

- a) efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

- b) accommodating an appropriate range and mix of residential types, including affordable housing, and housing for older persons;
- c) avoiding development which may cause environmental or public health and safety concerns; and,
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society

Policy 1.1.3.1 states that Settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 provides direction on the land use patterns within settlement areas are based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- f) are transit supportive, where transit is planned, exists or may be developed

Policy 1.1.3.3 states that Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planning infrastructure and public service facilities required to accommodate projected needs.

Policy 1.1.3.4 promotes development standards which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.5 directs Planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. This policy further states that where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Policy 1.1.3.6 states that new development in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.



Policy 1.4.1 states that municipalities will provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents by:

- a) maintaining, at all times, the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and,
- b) maintaining, at all times, where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Policy 1.4.3 directs planning authorities to provide a range and mix of housing options and densities to meet projected requirements of current and future residents. This policy, further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

Policy 1.6.7.4 promotes land use patterns, densities, and mixes of uses that minimizes the length and number of vehicle trips and support current and future use of transit and active transportation.

Policy 1.7.1 states that long-term economic prosperity should be supported by:

- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.
- c) Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities

Policy 4.6 of the Provincial Policy Statement recognizes the Official Plan as the most important vehicle for implementation of the PPS.

### **Provincial Policy Statement Analysis**

The proposed development, comprising a range of new housing in the form of a 10-storey mixed-use apartment building, consists of a compact, urban form, and makes efficient use of land located within an area that is designated for growth, and well-served by existing and planned services, transit, and amenities. The proposal constitutes transit-supportive density, an efficient use of land, and helps meet the Town's projected housing requirements of current and future residents.

A total of 152 residential apartments are proposed in a variety of sizes and layouts, including 33% two-bedroom and an additional 8% three-bedroom units. The proposal contributes to the overall variety and mix of units in the local context.

While the surrounding community, particularly the neighbourhood south of the subject site, is characterized by low-rise townhomes and single detached dwellings, there is also a considerable amount of housing in the form of apartment buildings in the immediate context, primarily located along Lakeshore Road West. The proposed condominium tenure will increase the provision of ownership housing in a mid-rise multi-unit building. The proposal contributes to greater variety in the area housing mix.

The proposed development is situated within a designated Growth Area – Kerr Village - and is situated in close proximity to transit. The surrounding area is undergoing transition and renewal, with several properties fronting on, and in the vicinity of, Lakeshore Road West near Downtown Oakville and Kerr Street to the west of the subject site having experienced redevelopment in the form of mid-rise and tall buildings within the last decade. The site is currently underutilized with a two-storey vacant building that is in significant disrepair. Given the density of existing and planned services, amenities, transit connections, active transportation options, redevelopment of the site is consistent with the high-level growth objectives of the PPS.

The site is within close proximity to existing bus transit which provides connectivity to the Oakville GO Transit station, and close to existing cycling routes, providing an alternative to personal automobile travel for the building occupants and visitors. The proposed development includes 183 vehicle parking spaces and 154 bike parking spaces. The limited number of vehicle parking spaces proposed will encourage residents to use the local active transportation network and transit lines and eschew personal automobile use.

The proposal constitutes an efficient use of land. It is located close to existing transit, near community facilities, parks, schools, and a range of commercial uses. The proposed development has been designed and sited in a form which fits within the area context, limits its impact on adjacent uses and open spaces, and is consistent with the Town's general policy objectives contained in the Official Plan for growth in this area.

It is our opinion that the proposed development is consistent with the Provincial Policy Statement.

### 3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

In May 2019, the Ontario government published “A Place to Grow” (the “Growth Plan”). The document is intended to strategically manage and direct growth within the Greater Golden Horseshoe (the “GGH”). The policies within The Growth Plan provide direction on matters such as housing, infrastructure, and natural resources. As an essential part of Ontario’s planning-led decision-making hierarchy, The Growth Plan replaces the Growth Plan (2017) and helps implement the vision of the Provincial Policy Statement. Decisions involving planning matters within the Province of Ontario must be consistent with A Place to Grow. The Growth Plan provides land use direction until the year 2051.



The following sections of The Growth Plan are of particular relevance to the proposed development on the Site.

Section 1.2.1 of The Growth Plan – Guiding Principles – establishes that the policies of the Plan regarding how land is developed, resources are managed and protected, and public dollars are invested is based on the following principles:

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities to make efficient use of land and infrastructure and support transit viability;
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improving the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government; and,
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.

Section 2.1 establishes that the purpose of the plan is to accommodate forecasted growth in complete communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. The section further states that complete communities support quality of life and human health by encouraging the use



of active transportation, a balance of jobs and housing in communities across the Greater Golden Horseshoe to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

Section 2.1 further states that in order to achieve complete communities, the Growth Plan for the Greater Golden Horseshoe establishes minimum intensification and density targets that recognize the diversity of communities across the GGH.

Section 2.1 further comments on the direction of where growth is to occur. Directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields can lead to the better use of land and infrastructure. The policy goes on to state that concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range of housing options.

Section 2.1 also establishes that transit is a first priority for major transportation investments, and seeks to align transit with growth by directing growth to major transit station areas and other strategic growth areas including urban growth centres. The Province further directs municipalities to complete detailed planning for major transit station areas on these corridors to support planned service levels.

This Section also speaks to housing affordability and availability, and seeks to address the housing supply challenge by providing direction to plan for a range and mix of housing options, second units, and affordable housing, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Section 2.2.1.1 of the Growth Plan directs that the population and employment forecasts contained in Schedule 3 of the plan will be used for planning and managing growth in the GGH. Regarding these forecasts, Section 2.2.1.2 of The Growth Plan states that that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to settlement areas that:
  - i. Have a delineated built boundary;
  - ii. Have existing or planned municipal water and wastewater systems; and
  - iii. Can support the achievement of complete communities;
  
- c) Within settlement areas, growth will be focused in:
  - i. Delineated built-up areas;
  - ii. Strategic growth areas;

- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. Areas with existing or planned public service facilities;

d) Development will be directed to settlement areas.

Section 2.2.1.3 c) of The Growth Plan directs upper- and single-tier municipalities to undertake integrated planning to manage forecasted growth to the horizon of the plan by supporting an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Section 2.2.1.4 of The Growth Plan supports the creation of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- e) provide a more compact built form and a vibrant public realm, including public open spaces.

Most of the growth within the GGH is directed to delineated built-up areas, which refers to lands within the built boundaries of municipalities. To help realize the desired intensification targets for the GGH, Section 2.2.2.3 of the Growth Plan instructs municipalities to create strategies to achieve the minimum intensification targets and intensification through the delineated built-up areas which will:

- c) encourage intensification generally throughout the delineated built-up area; and,
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Further, 2.2.4.10 states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range of mix of uses and activities.

Section 2.2.6 of The Growth Plan recognizes the importance of a diverse housing stock for current and future needs. Section 2.2.6.1 states that upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

- i. identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and,
- ii. establishing targets for affordable ownership housing and rental housing;

Section 2.2.6.2 of The Growth Plan states that municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Section 3 of the Growth Plan speaks to Infrastructure and its role in supporting growth throughout the Province. Policy 3.2.3.1 and 3.2.3.2 speak to public transit being the first priority for transportation infrastructure planning and investment, and that decision on transit planning will be made by prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment. Policy 3.2.3.2 (d) states that transit services should be expended to areas that achieve or have planned to achieve transit-supportive densities and provide a mix of residential, office, institutional, and commercial developments, where possible.

Section 5 speaks to the timely implementation of the Growth Plan through both upper tier and single tier municipalities. Section 5.1 states that its in the best interest of all municipalities to complete their work to conform with the Growth Plan, including all Official Plans and Zoning By-Laws as expeditiously as possible, and that the plans should include relevant legislative and regulatory tools and other strategies to plan for a variety of heights, densities and other elements of site design within settlement areas to achieve the desired urban form and the minimum intensification and density targets. Policy 5.2.5 (1) speaks to density targets within the Growth Plan as minimum intensification standards, and that municipalities are encouraged to go beyond the targets, where appropriate.

### **Growth Plan Analysis**

The proposed development represents a compact form of intensification on an underutilized site situated near transit, in an area delineated by the Town's Livable Oakville Official Plan for growth. The redevelopment of this site will assist the Town in achieving the 2051 growth targets delineated in Schedule 3 of the Growth Plan. The proposed development comprises 152 residential apartments in a variety of sizes and layouts, including 33% two-bedroom and 8% three-bedroom units to serve a variety of household sizes, compositions, incomes, and ages. The proposal will create more

relatively affordable housing within the area and expand the overall variety and mix of units in the local context, making efficient use of land situated along a main street designated in the Town's Official Plan for growth.

The proposed development includes a limited supply of personal automobile parking and a significant supply of bike parking, reducing car dependence and supporting the Town's investment in existing and planned transit and active transportation by intensifying a site close to these mobility options.

The proposed development represents the type of growth contemplated by the policies of the Growth Plan. It enhances the housing mix within the area, is designed in a compact urban form that will improve the public realm along Lakeshore Road West and Chisholm Street, has good access to existing and planned transit, and contributes to a complete community.

It is our opinion that the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

### **3.4 Bill 23 – The More Homes for Everyone Act**

On October 25, 2022 the Ontario Government introduced Bill 23, the More Homes Built Faster Act 2022, that proposes extensive changes to the planning and land development system in Ontario. The Bill proposes to amend numerous Acts including the: City of Toronto Act, 2006 Planning Act, Conservation Authorities Act, Development Charges Act, 1997, Municipal Act, 2001, New Home Construction Licensing Act, 2017, Ontario Heritage Act, Ontario Land Tribunal Act, and the Ontario Underground Infrastructure Notification System Act, 2012.

The province's goal for the Bill is to facilitate the construction of 1.5 million new homes, of which 33,000 homes are targeted in Oakville by 2031. The proposed development will contribute to achieving Oakville's growth target as established in Bill 23.

### **3.5 Halton Region Official Plan**

The Halton Region Official Plan (ROP), formally known as Sustainable Halton, provides clear direction as to how development should occur in Halton to meet the current and future needs of its residents and regional economy. The Region of Halton adopted Regional Official Plan 49 (ROPA 49) in 2022 to conform with the latest Provincial Growth Plan and implement the 'Urban Structure' with Strategic Growth Areas throughout the lower-tier municipalities, which are areas targeted for residential intensification and population growth to 2051.



The ROP reflects the Region’s collective aims and aspirations, regarding the character of the landscape and the quality of life within Halton. The ROP clarifies and assists in the delivery of Regional services and responsibilities as set out in the Planning Act, the Municipal Act, and other pertinent Provincial legislation. The ROP provides land-use guidance in developing a consistent vision for Burlington, Halton Hills, Milton and Oakville.

The Region of Halton forecasts population growth and employment targets within Table 1, Table 2, and Table 2A of the Region Official Plan. Table 1 outlines population growth and that Oakville is forecasted to increase in population to 349,990 by 2051. Coinciding with this population allocation, The Region further forecasts Oakville to add 19,340 new housing units in the Built Boundary between 2022 and 2041 with a phased allocation of:

- 2022-2026: 4,500 units
- 2027-2031: 4,780 units
- 2032-2036: 4,980 units
- 2037-2041: 5,080 units

The subject site is designated as “Urban Area” with Map 1 – Regional Structure.

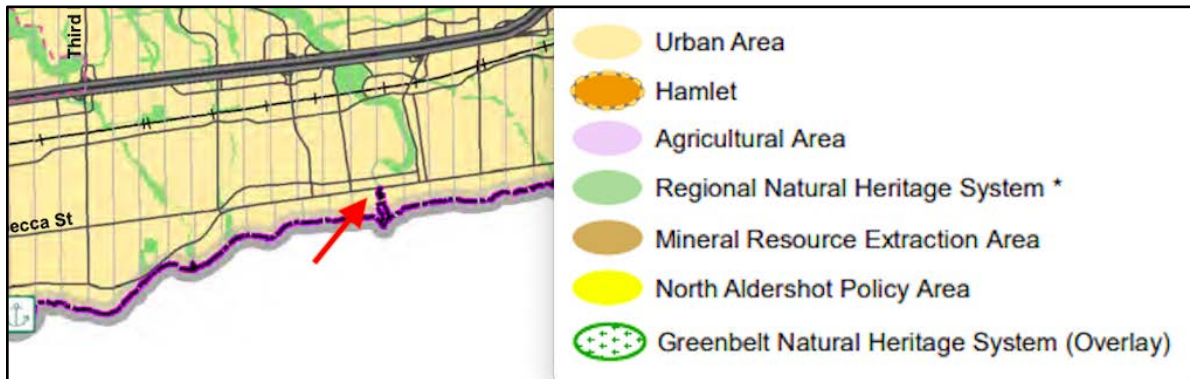


Figure 16 – Map 1, Regional Structure

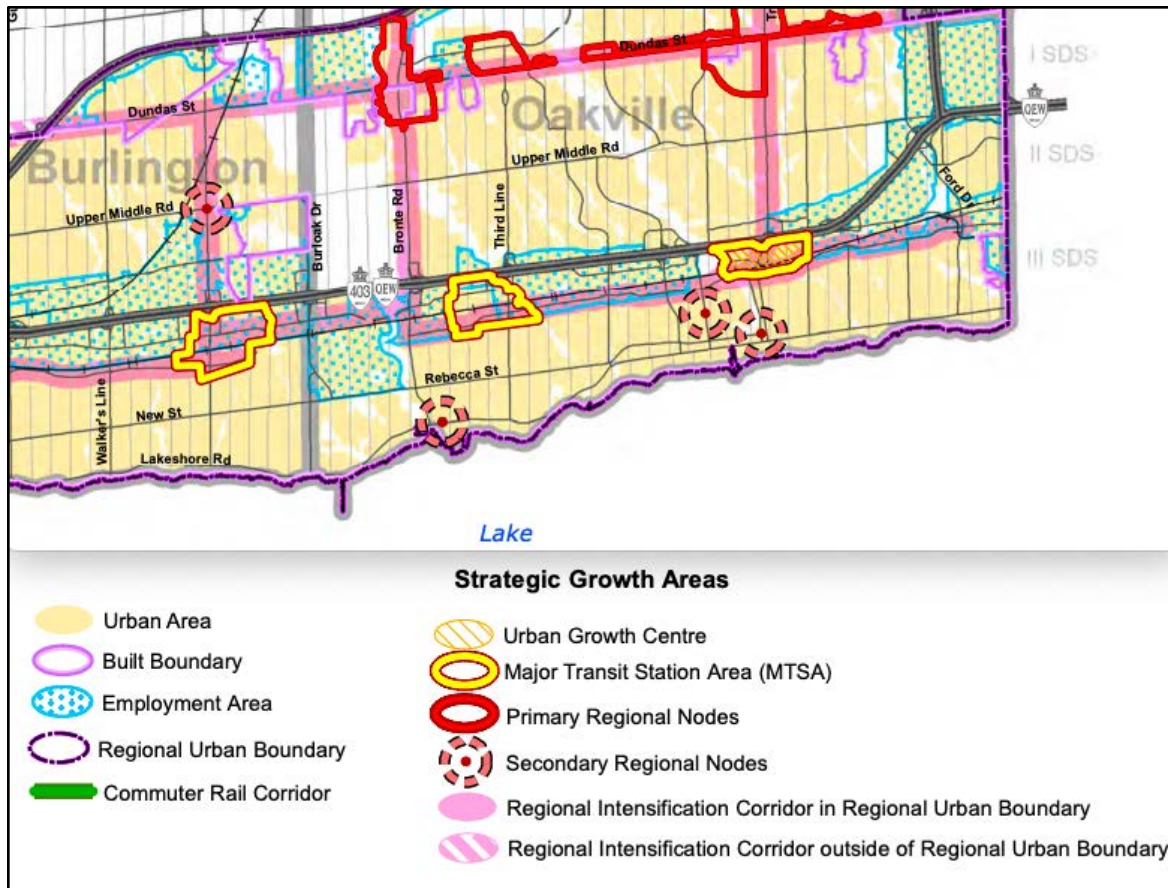


Figure 17 – Map 1H, Regional Urban Structure

The ROP identifies Urban Growth Centres, Major Transit Station Areas, Intensification Corridors, and Nodes as Intensification Areas throughout the region. Map 1 of the ROP – Regional Structure – identifies the Subject Site as being within the Urban Area within the Town of Oakville’s Built Boundary. The following sections of the ROP are of particular relevance to the subject lands’ Urban Area designation.

Policy 72 of the ROP establishes that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

Policy 72.1 sets out the objectives of the Urban Area which include:

1. 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.

2. To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
3. To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.
4. To ensure that growth takes place commensurately both within and outside the Built Boundary.
5. To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities, and is consistent with the policies of this Plan.
6. To identify a Regional Urban Structure that directs growth to Strategic Growth Areas and protects Regional Employment Areas.
7. To plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting and to increase the modal share for transit and active transportation.
8. To facilitate and promote intensification and increased densities.

Policy 74 states: The Urban Area consists of areas so designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities

Policy 75 further adds: The Urban Area is planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities as shown in Table 1, the intensification and density targets as shown in Table 2, the Regional phasing as shown in Table 2a, and the targets for Strategic Growth Areas as shown in Table 2b.

It is the policy of the Region to direct to the Built-Up Area a minimum of 45 per cent of new residential development occurring annually within Halton in between 2022 and 2051.

Policy 78 states: Within the Urban Area, the Regional Urban Structure, as shown on Map 1H, implements Halton's planning vision and growth management strategy to ensure efficient use of land and infrastructure while supporting transit, and the long-term protection of lands for employment uses.

The Regional Urban Structure consists of the following structural components:

1. Strategic Growth Areas;
2. Regional Employment Areas;
3. Built-Up Areas; and,
4. Designated Greenfield Areas.

The objectives of the Regional Urban Structure are outlined in Policy 78.1 of the ROP, which include:

1. To provide a structure and a hierarchy in which to direct population and employment growth within the Urban Area to the planning horizon of this Plan;
2. To focus a significant proportion of population and certain types of employment growth within Strategic Growth Areas through mixed use intensification supportive of the local role and function and reflective of its place in the hierarchy of Strategic Growth Areas identified in this Plan;
5. To support climate change mitigation by directing growth to areas that will support achieving complete communities and the minimum intensification and density target of this Plan as well as reducing dependence on the automobile and supporting existing and planned transit and active transportation.

The policies of Strategic Growth Areas are identified in Section 79 of the ROP, and the objectives are as follows:

1. To provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable in order to promote the development of complete communities.
2. To provide opportunities for more cost-efficient and innovative urban design.
4. To provide a diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods.
5. To create a vibrant, diverse and pedestrian-oriented urban environment
8. To support transit and active transportation for everyday activities.
9. To generally achieve higher densities than the surrounding areas.
10. To achieve an appropriate transition of built form to adjacent areas.
- 10.1 To conserve cultural heritage resources in order to foster a sense of place and benefit communities in Strategic Growth Areas.

Policy 79.1.3 of the ROP states: Primary and Secondary Regional Nodes as shown on Map 1H due to their contribution to the Regional Urban Structure, subject to policies in Sections 82 to 82.2, which have a concentration of residential and employment uses with development densities and patterns supportive of active transportation and public transit;



Policy 79.2 states: The Regional Urban Structure contains a hierarchy of Strategic Growth Areas as delineated or identified by symbol on Map 1H: (6) Secondary Regional Nodes

The ROP also contains the following policies regarding Strategic Growth Areas:

*Policy 79.3(1): Direct development with higher densities and mixed uses to Strategic Growth Areas in accordance with the hierarchy identified in Section 79.2 of this Plan.*

*Policy 79.3(6): Require the Local Municipalities to ensure the proper integration of Strategic Growth Areas with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design.*

*Policy 79.3(7): Require the Local Municipalities to:*

- a) include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Strategic Growth Areas;*
- d) promote development densities that will support existing and planned transit services.*

*Policy 79.3(7.3): Ensure that Strategic Growth Areas are development-ready by:*  
*a) making available at the earliest opportunity water, waste water and transportation service capacities to support the development densities prescribed for Strategic Growth Areas*

*Policy 79.3(8): Encourage the Local Municipalities to adopt parking standards and policies within Strategic Growth Areas to promote the use of active transportation and public transit.*

*Policy 79.3(9): Encourage the Local Municipalities to consider planning approval, financial and other incentives to promote the development of Strategic Growth Areas.*

Regarding Regional Nodes, ROPA 49 sets out the following objectives:

*Policy 82(1): To recognize Strategic Growth Areas in the Region which are an integral component of the Regional Urban Structure, and are historic downtown areas, or contain or are planned for a concentration of public service facilities (i.e. hospitals, universities) and/or transit-supportive, high density uses.*

*Policy 82(3): To provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses that supports the area in a pedestrian-oriented urban environment.*

*Policy 82(4): To reflect and reinforce Local Urban Structures.*

*Policy 82.1: Regional Nodes are shown on Map 1H as follows:*

*(2) Secondary Regional Nodes are identified by symbol on Map 1H and are historic downtown areas or villages, and/or are intended to be a focus for growth through mixed use intensification at a scale appropriate for their context: b) Kerr Village, Oakville;*

*Policy 82.2: It is the policy of the Region to:*

*(1) Direct development with higher densities and mixed uses to Regional Nodes in accordance with the hierarchy identified in Section 79.2, and based on the level of existing and planned transit service.*

*(2) Require the Local Municipalities to delineate the boundaries of Primary Regional Nodes in accordance with Map 1H and Map 6 and encourage the Local Municipalities to delineate the boundaries of Secondary Regional Nodes.*

Regarding housing, the ROP includes the following objectives and policies:

*Policy 84: The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.*

*Policy 85(4): To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.*

*Policy 86(6a): that the per cent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings be at least 65 per cent to 2031 and at least 75 per cent each year thereafter.*

*Policy 86(11): Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.*

*Policy 86(21): Require Local Official Plans to provide an appropriate mix of housing by density, type and affordability in each geographic area, consistent with current and projected demands reflecting socio-economic and demographic trends.*

*The ROP also includes the following objectives regarding creating healthy communities and 'Air and the Ambience':*

*Policy 142(5): To support urban forms that will reduce long distance trip-making and the use of the private automobile.*

*Policy 142(6): To promote trips made by active transportation and public transit.*

*Policy 143(4): Promote walking, cycling and public transit over other modes of transportation.*

*The ROP contains the following transportation related objectives:*

*Policy 172(8): To achieve a level of public transit usage that averages at least 20 per cent of all daily trips made by Halton residents by year 2031.*

*Policy 172(9.1): To ensure development is designed to support active transportation and public transit.*

*Policy 172 (10): To promote land use patterns and densities that foster strong live-work relationships and can be easily and effectively served by public transit and active transportation.*

Table 3 Minor Arterials' Function:

- Serve mainly local travel demands
- May serve an Intensification Corridor
- Accommodate local truck traffic
- Accommodate local transit services
- Connect Urban Areas within the same municipalities
- Carry moderate to high volumes of traffic
- Distribute traffic to and from Major and
- Multi-Purpose Arterials
- Accommodate active transportation

## ROP Analysis

The proposed development will contribute to the Region's intensification targets for the Town of Oakville by providing new housing development within the Built-Up Area. The proposed mid-rise building with below grade parking provides a compact built form. The subject site is located in close proximity to public transit which also supports the GO Transit system, and the development will contribute to decreased dependence on private vehicles within the designated Secondary Regional Node (Kerr Village).

The proposed mid-rise building includes one, two, and three bedroom units which will help diversify the housing options in Kerr Village, contributing to a complete community and responding to the region's climate change objectives. The proposed development of a mixed-use building provides an appropriate transition of built form within the Secondary Regional Node, it complements the existing developed area, utilizes land more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable as the development achieves the goal of establishing a complete community.

The proposed development provides an appropriate transition of height and separation distances within the immediate context and is designed to mitigate impacts on the low-rise neighbourhood to the south. The building is further provided with indentations and step backs which reduce privacy and overlook impact of the development, as well as landscaping and buffers which protects the physical character of the neighbourhood. Parking for the building is located below grade, and pedestrian activity is encouraged through an animated streetscape and active commercial uses at-grade and adjacent to Lakeshore Road West. The intensification and density on the subject site will provide utilization of the existing transit service as well as active transportation infrastructure within close proximity of the proposed development.

The proposed development represents an optimization of an underutilized parcel of land, and the proposal utilizes existing services to support the proposed development which is located within a Strategic Growth Area.

The development is located on a minor arterial road in an established mixed-use area which supports a pedestrian oriented urban environment. The development supports the Secondary Regional Node of Kerr Village as a focus of growth through the proposed mixed-use intensification of the site. The development utilizes existing services which increase the supply of housing and supports the Region's goal of having at least 50 percent of new housing in the form of townhouses or multi-storey buildings.

The proposed development represents intensification within the Built-Up Areas and the development represents an appropriate intensification within the existing context. The

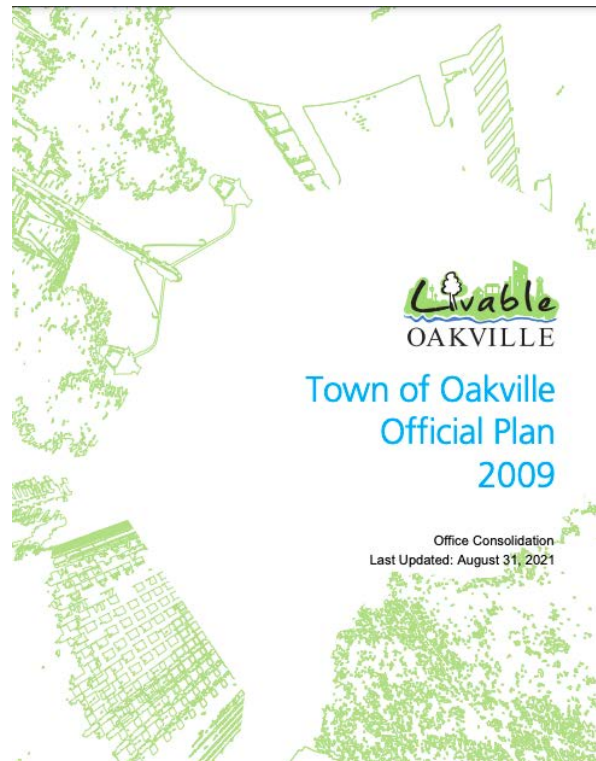


proposal optimizes the use of an under-utilized site in a Strategic Growth Area, while providing for an appropriate built for transition to the high-rise built forms at the gateway to Kerr Village, located to the east of the subject site. The proposal conforms to the Region Official Plan and supports the goals of achieving a complete community and utilizing existing infrastructure. It is our opinion that the proposed development is consistent with the policies of the Halton Region Official Plan.

### 3.6 Town of Oakville Official Plan

The Livable Oakville Plan (2009) was adopted by the Town of Oakville on June 22, 2009 and approved by the Region of Halton on November 30, 2009. Its current iteration incorporates amendments up to August 31, 2021.

Livable Oakville establishes the desired land use patterns for lands within the Town of Oakville, south of Dundas Street and North of Highway 407, carried through to 2031. It coordinates land use and infrastructure requirements to ensure that the anticipated growth can be accommodated throughout the municipality and establishes the framework for policy context for decision making providing certainty for the planning process.



#### Guiding Principles

Part B of Livable Oakville provides Guiding Principles to create a livable community. Section 2.2.1 speaks to 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

Section 2.2.2 further describes providing choice throughout the Town to:

- a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs to the community throughout all stages in life

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

### Urban Structure

Part C, of the Livable Oakville Plan contains the general policies for the urban structure within the Town. The Subject Site is within the Nodes and Corridors as well as the Main Street Areas designation as shown on Schedule A1, Urban Structure.

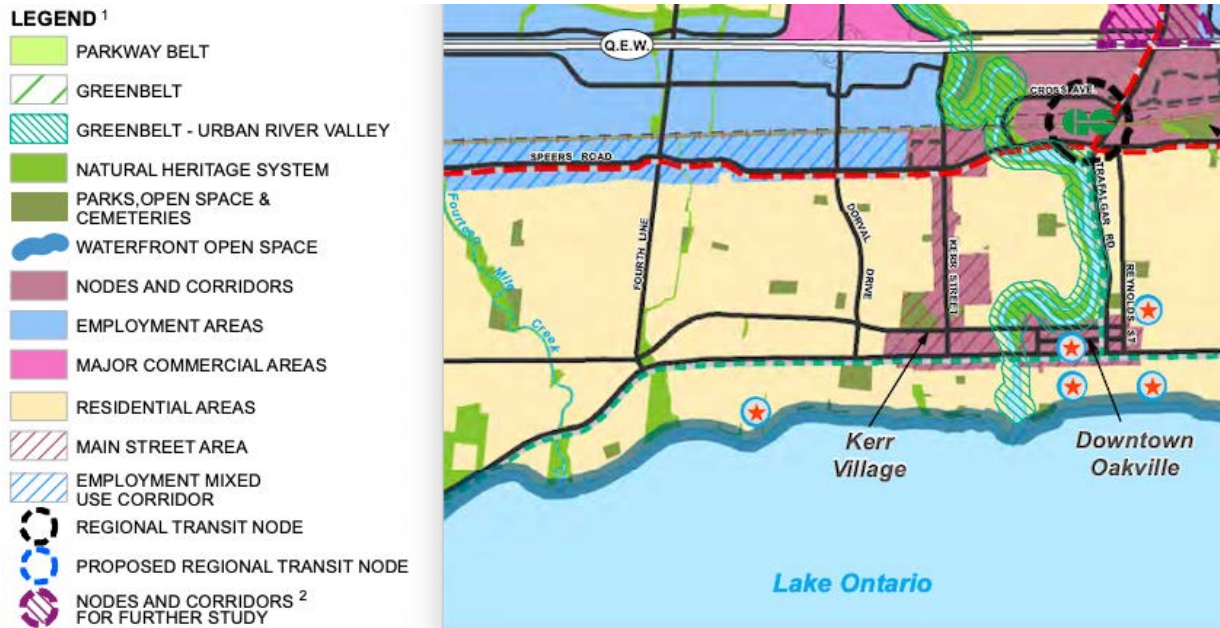


Figure 18 – Oakville Official Plan Schedule A1 Excerpt

Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification, which includes Kerr Village.

The Nodes and Corridors identified in this Plan comprise the Town’s strategic growth areas as that term is defined in the Growth Plan, 2017, and Kerr Village is intended to develop as a mixed use centre with viable main streets. They are recognized in the urban structure as Main Street Areas for their distinctive *character* and are intended to accommodate lesser amounts of intensification.

The Subject Site is designated as a Growth Area as shown on Schedule G South East Land Use. The majority of intensification in the Town is to occur within the Growth Areas as defined in Part E, as outlined in Section 4.1 of the Livable Oakville Official Plan. The Plan states that Kerr Village is a Growth Area, albeit not intended for the highest level of intensification as stated in the Plan. The Livable Oakville Official Plan states that Growth Areas are intended to develop as mixed-use centres with viable main streets. The revitalization of Bronte Village and Kerr Village has been the subject of detailed,

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

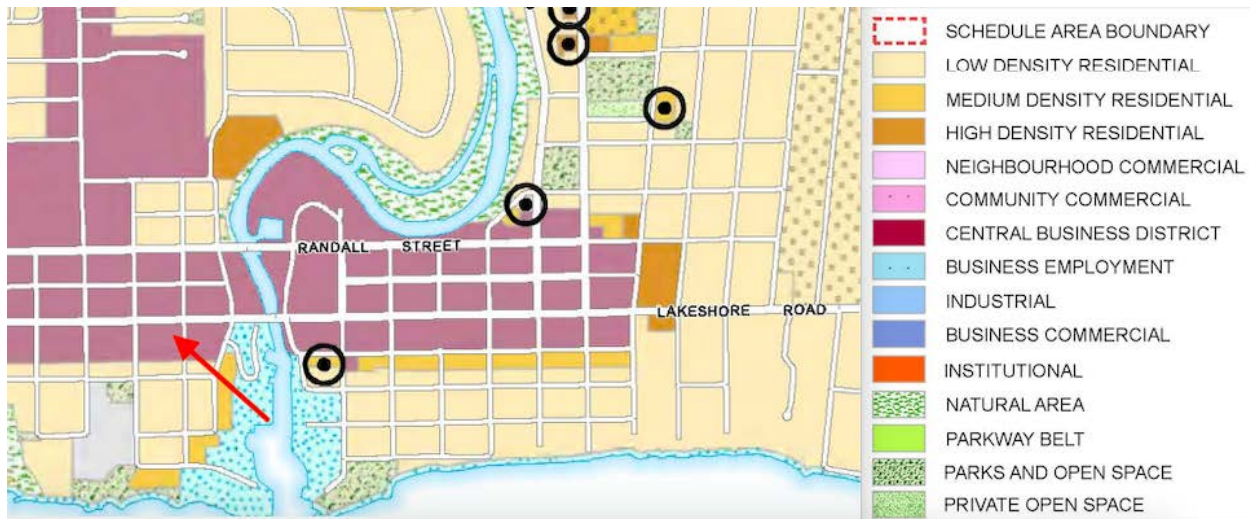


Figure 19 – Oakville OP: Schedule G - South East Land Use

The Kerr Village Land Use Schedule O1 identifies the Subject Site as ‘Main Street 1’, while the Kerr Village Urban Design Schedule O2 identifies Lakeshore Road West as a ‘Primary Street’.

## Managing Growth and Change

Section 4 of the Livable Oakville Plan details how Oakville will manage growth and change, and reflect Provincial Policies and plans by supporting a shift to a more compact urban form and prioritizing intensification within the built up-area. Population and employment growth within the Town of Oakville is intended to be accommodated through development of Residential and Employment Areas within the existing built boundary, urban growth centres, and greenfield areas. The policy goes on to state that growth is to occur primarily within the defined Growth Areas, specifically Uptown Core, Palermo Village, Kerr Village, Bronte Village, Downtown Oakville, and Midtown Oakville.



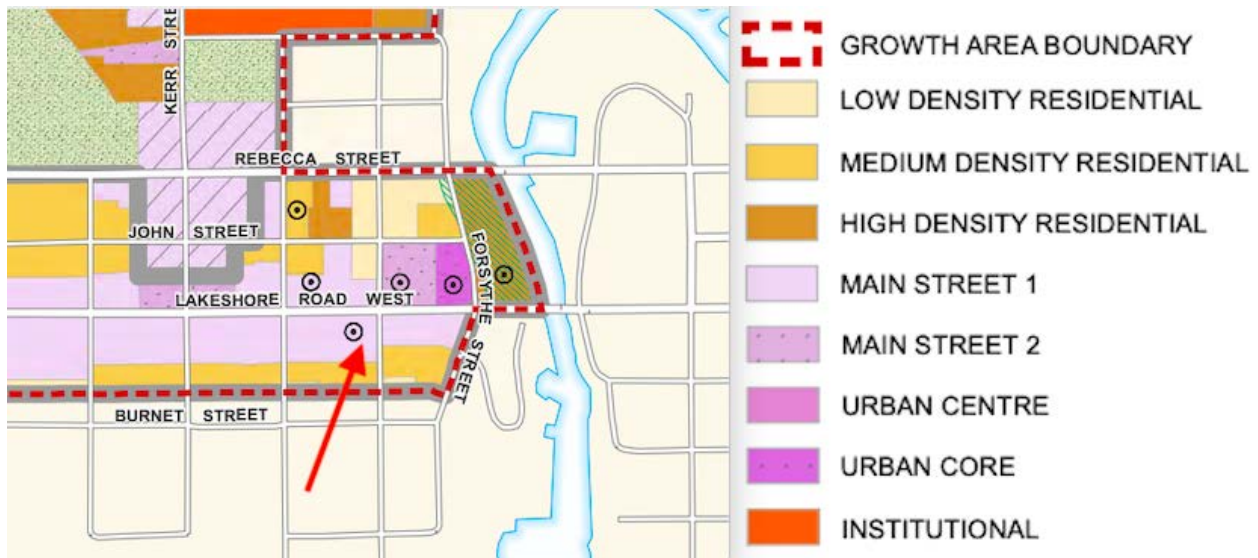


Figure 20 – Oakville OP: Schedule O1 - Kerr Village Land Use

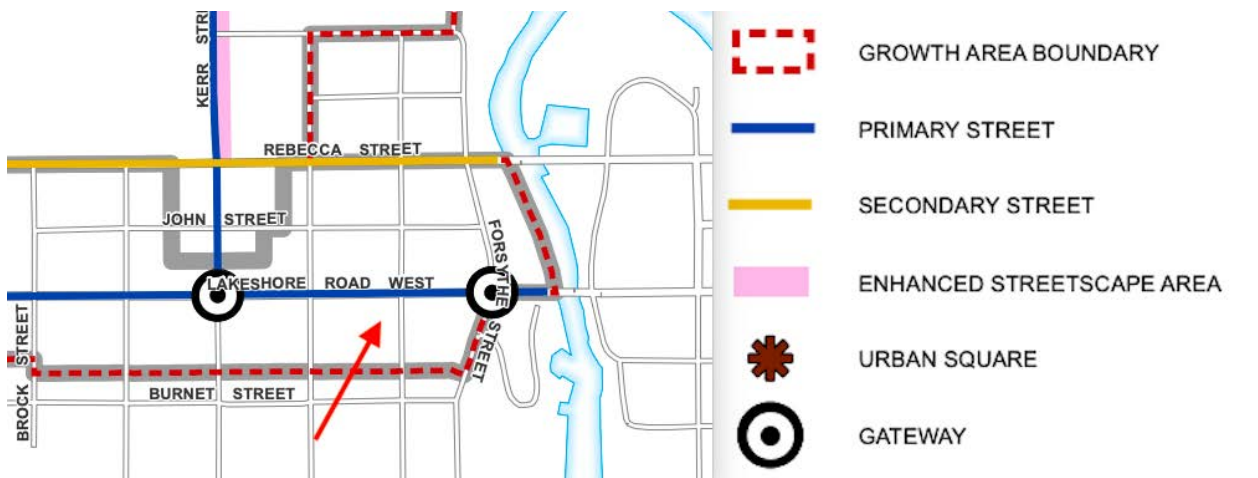


Figure 21 – Oakville OP: Schedule O2 - Kerr Village Urban Design

## Cultural Heritage

Section 5 of the Livable Oakville Official Plan provides the policies related to Cultural Heritage resources within the Town.

Section 5.1.1 states that the general objectives for cultural heritage are:

- a) to conserve cultural heritage resources through available powers and tools and ensure that all new development and any site alteration conserve cultural heritage resources; and,



b) to encourage the development of a Town-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy where cultural heritage resources contribute to achieving a sustainable, healthy and prosperous community.

Section 5.3.6 states that the Town should require a heritage impact assessment where development or redevelopment is proposed:

a) on, adjacent to, or in the immediate vicinity of, an individually designated heritage property;

d) on a property listed on the Oakville Register of Properties of Cultural Heritage Value or Interest.

Section 5.3.7 states that the Town may impose, as a condition of any development approvals, the implementation of appropriate measures to ensure the conservation of any affected cultural heritage resources, and where appropriate, their integration into new development.

Where the Town is considering a proposal to alter, remove, or demolish a cultural heritage resource that is protected or registered under the Ontario Heritage Act, or repeal a designating by-law under that Act, Section 5.3.8 states that the Town shall ensure that it has before it any required heritage impact assessment or sufficient information to review and consider:

a) how the proposal affects the heritage attributes and the cultural heritage value and interest of the cultural heritage resource; and,

b) options that reduce, minimize or eliminate impacts to the cultural heritage resource.

Section 5.5.1 states: All options for on-site retention of buildings and structures of cultural heritage significance shall be exhausted before resorting to relocation. Relocation of built heritage resources shall only be considered through a Cultural Heritage Impact Assessment that addresses retention and relocation.

## **Urban Design**

Section 6 of the Livable Oakville Plan contains policies and objectives to drive good urban design in new development. Section 6.1.1 notes the Plan's urban design objectives as being generally to provide for diversity and compatibility with the existing community; attractive, accessible public spaces and streetscapes; innovative and diverse urban form and excellence in architectural design; and, the creation of distinct

places including growth areas and high profile locations, such as gateways. Section 6.1.2 directs that Development and public realm improvements be evaluated in accordance with the urban design direction provided in the Livable by Design Manual to ascertain conformity with the policies of the Plan.

With regard to new development and its relation to public space, the Plan directs that development contribute to the creation of a cohesive streetscape by:

- placing the principal building entrances towards the street;
- framing the street; providing variation in façade articulation;
- connecting active uses to the public realm to enhance the liveliness and vibrancy of the street; and,
- incorporating sustainable design elements, among other measures.

Section 6.9 of the Plan provides direction on the form of new development. The Plan places an emphasis on compatibility through the location, orientation, scale, fit, and transition of buildings within their surrounding context. The creativity and innovation of building design is also a priority of the Plan. While the Urban Design policies, and those of the Plan generally are to be read and interpreted as a comprehensive and cohesive whole, of specific relevance to this application is Section 6.9.9, which directs that new development ensure that proposed building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm. Section 6.9.7, which states that development should be designed with variation in building mass, façade treatment and articulation to avoid sameness is also particularly relevant.

Section 6.10 directs that Landscaping design and treatments should enhance the visual appeal and human scale of development and create an attractive environment for pedestrian movement. Section 6.10.2 directs that development preserve and enhance the urban tree canopy and provide for a diverse mix of plant species.

Sections 6.11, 6.12 and 6.13 speak to pedestrian and vehicle access and facilities. Section 6.11.5 directs that walkways provide continuous routes across driveway entrances and drive aisles and through parking areas to promote safety and signify priority over driving surfaces. Section 6.12 directs that Developments should incorporate safe and direct vehicular access and circulation as well as consolidated driveway accesses to maximize areas available for landscaping and minimize disruption of the public sidewalk. Section 6.13.1 directs surface parking areas to be separated by a combination of built form, landscaping, and pedestrian facilities.

Section 6.16 of the Plan directs that loading and service areas, and activities in these areas be accessible, but screened and not visible from the public realm.

## Transportation

The Plan states that the transportation system in Oakville is a key element in shaping the form and character of growth in the Town. It is influenced by and influences land use. The subject site is located on both Lakeshore Road West and Chisholm Street. Lakeshore Road West is a Minor Arterial as shown on Schedule C - Transportation Plan in the Town of Oakville Official Plan, with a planned Right-of-Way width of 26 metres as identified in Official Plan Table 4 - Functional Classification of Roads. Chisholm Street is a Local Road as shown on Schedule C - Transportation Plan in the Town of Oakville Official Plan, with a planned Right-of-Way width of 16-18 metres.

## Residential Areas

Section 11 of the Livable Oakville Plan contains policies to guide the development of properties within the Residential Areas land use designation. The Plan states that a variety of residential uses are accommodated through the three Residential land use designations: Low Density Residential, Medium Density Residential and High Density Residential. These designations provide for a full range of housing types, forms and densities.

The Plan states the following objectives which apply to all Residential Areas:

- a) maintain, protect and enhance the character of existing residential areas;
- b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;
- c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing for all socio-economic groups; and,
- d) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities.

Section 11.1.4 of the Plan states that development in Residential Areas shall conform with the policies relating to urban design and sustainability set out in Part C of the Plan.

The Plan generally considers Residential Areas as being stable with Sections 11.1.8 and Section 11.1.9 establishing the criteria against which Development in stable Neighbourhoods is evaluated, in order to maintain and protect the existing neighbourhood character. Character is defined by the plan as the collective qualities and characteristics that distinguish a particular area or neighbourhood.

The criteria for development within all stable residential communities, established in Section 11.1.9, includes the following:

- a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.
- c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.
- d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.
- e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.
- f) Surface parking shall be minimized on the site.
- g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.
- h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.
- i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.
- j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.
- k) The transportation system should adequately accommodate anticipated traffic volumes, and,
- l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.



## Main Street 1

The Subject Site is designated as Main Street 1 as shown on Schedule O1 – Kerr Village Land Use. Section 23 of the Livable Oakville Plan establishes the special area policies of Kerr Village. Kerr Street and Lakeshore Road West, are the main streets of the village, where a mix of commercial, residential and institutional land uses are found. Kerr Village is intended to accommodate intensification through new development and redevelopment, with a mix of residential and commercial uses. The Village will also continue to function as a location for institutional, recreational and public open space uses.

The goal of Kerr Village is to be revitalized as a vibrant business district and cultural area, as per Policy 23.1.

The following Official Plan objectives apply to Kerr Village:

23.2.1 Create opportunities for new, sustainable growth by promoting *compact urban form* with higher density *development* through *compatible development* and redevelopment opportunities.

23.2.2 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 train 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*.

Through Policy 23.2.3, the Plan intends the creation of an attractive public realm by promoting high quality streetscapes and open spaces, and ensuring appropriate transitions occur between the main street areas and the lower density residential neighbourhoods.

Under the Development Concept Policies, Section 23.3 states that Kerr Village is comprised of three land use districts that are structured to provide an appropriate transition in land use and built form between the existing residential areas and any future *development* and redevelopment. The Subject Site is located within the Lower Kerr Village District.

Policy 23.3.3. states that The Lower Kerr Village District shall largely be a mixed use area, allowing for a mixture of commercial, office and residential uses, including some standalone residential uses, extending from Downtown Oakville, with a defined entrance into Kerr Village.

Section 23.4 outlines the Functional Policies for Kerr Village, and policy 23.4.1 includes the Transportation policies which apply to Kerr Village.

Policy 23.4.1. b) states that Through the *development* process, attractive transit environments are encouraged to include transit passenger amenities, minimal surface parking, and other travel demand management strategies to encourage transit ridership.

Policy 23.4.2 states that A minimum planned density shall be established for Kerr Village through Provincial plan conformity coordinated with Halton Region.

Section 23.5 of the Kerr Village policies speak to Urban Design, and state that In addition to the Urban Design policies in section 6 of this Plan, the following policies shall apply specifically to Kerr Village. The urban design plan for Kerr Village is provided on Schedule O2.

Policy 23.5.1 states that *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.

The Public Realm policy of 23.5.2 states that Enhanced streetscape areas, as identified on Schedule O2, 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.

Regarding Streetscapes, Policy 23.5.3 states:

- 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.

Regarding Built Form, Policy 23.5.6 b) states: 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.

Regarding the Kerr Village Land Use polices, section 23.6.3 states: 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.

Policy 23.6.4 states that: The lands located between the properties designated Main Street 1 south of Lakeshore Road West, and the properties designated Low Density Residential on the north side of Burnet Street, from Brock Street to Forsythe Street, are a transition area, as implemented by the Zoning By-law, and subject to the following additional policies:

- a) Medium Density Residential uses shall be permitted.
- b) Limited commercial uses that are non-retail and do not generate major traffic and noise may also be permitted at 79, 82 and 86 Wilson Street. Development in the transition area shall:
  - i) enhance the quality of the existing surrounding residential context;
  - ii) contribute to a sensitive transition from the lands to the north of the transition zone with those to the south;
  - iii) be compatible with adjacent, existing development with respect to scale, form and character; and,
  - iv) be sensitive to neighbouring heights, massing, setbacks from the street, distance between buildings, architectural form, colour and materials.

An existing exception policy applies to the subject site under policy 23.7.9, which permits a maximum building height of five storeys conditional on the owner entering into an agreement under section 37 of the Planning Act.

As per the amendments to the Planning Act enacted through Bill 23 - the More Homes Built Faster Act (2022), the bonusing policies of Section 23.7.9 and 23.8.2 no longer apply to the subject application.

## **Oakville Livable Design Manual**

The Town of Oakville’s Livable by Design Manual (LbDM) provides comprehensive and detailed urban design direction for development and capital projects to ensure designed and built elements are integrated with their surroundings and result in projects that function effectively, are aesthetically pleasing, support community vitality and improve the overall livability of Oakville. The LbDM includes a series of documents that provide comprehensive design direction tailored to specific districts and specific forms of development.

## **Oakville Official Plan Policy Analysis**

The proposed development constitutes a form, scale, siting, and approach to design and intensification that is consistent with the policy objectives of the Livable Oakville Official Plan. It is located within a Growth Area – Kerr Village – and a designated Strategic Growth Area by the ROP.

The proposed building has been designed in a compact urban form that transitions appropriately to adjacent uses and properties and is consistent with the policies for development within a residential community intending that new development fit within context and appropriately limit impacts on adjacent areas. The proposal has been designed, massed, and sited to ensure the character of the area is preserved and the overall urban structure of the Town is upheld, consistent with the Plan’s objectives for intensification within a Strategic Growth Area and Secondary Regional Node.

The proposal, which contains a range of apartment style units including one to three bedroom units with sizes ranging from 56 to 96 square metres contributes to increasing the mix of housing forms and the variety of family-sized housing units within the local context, making efficient use of area infrastructure. The proposal enables the availability and accessibility of a range of housing to meet the diverse needs of the community, and the compact form of development within the urban area achieves sustainability by minimizing the Town’s ecological footprint.

The proposed development contributes to a livable community within a Strategic Growth Area where higher density and pedestrian oriented development are intended.

Regarding the urban design policies, a high standard of design and contemporary architecture characterizes the proposed development, promoting a sustainable, dynamic, and livable environment. The urban design section of this report provides a further analysis of the urban design policies and guidelines of the Town of Oakville.

Regarding cultural heritage, a Heritage Impact Assessment (HIA) was submitted with the proposed development. It assesses the existing heritage attributes and cultural heritage



values of the existing building on the subject site. While the existing building has been determined as not viable for retention on the existing site, the HIA contemplates a commemorative heritage feature to be incorporated within the development which maintains the intent of the Official Plan policies.

The proposed development provides for a single vehicle access to the site from Chisholm Street, which provides for a safe and direct vehicle access and circulation route, maximizes the landscaping opportunities of the site, and minimizes disruptions to the public sidewalk and pavement on the site. All parking and loading areas are proposed within the building. The service and loading area is screened from the public realm and separated from the adjacent residential uses. Further, the limited amount of proposed parking - 1 spaces per unit, excluding visitor parking - reflects the intent of the Growth Area to encourage transit use and eschew personal automobile travel where possible.

The proposed mixed-use building constitutes an appropriate level of density contributing to transit supportive density, appropriately utilizing the Town and Region's current and future investments in transit. Access to the nearest transit location is within 170m of the subject site.

The proposed landscape plan and canopy coverage plan meets the Town's canopy coverage targets of 20%.

The proposed development includes ground floor commercial space with residential uses located at the second storey and above, contributing to a mixed use, pedestrian-oriented streetscape along Lakeshore Road West consistent with the objectives for Kerr Village as a Strategic Growth Area and Secondary Regional Node and a designated Main Street 1.

While the proposed development exceeds the height prescribed by the Main Street 1 policies and the existing site-specific exception, the proposed development continues to balance provincial, regional, and local policy objectives regarding the creation of complete, sustainable communities driven by the development of buildings with a mix of uses in a form that continues to fit appropriately in context.

The immediate context along Lakeshore Road West includes a range of mixed-use building heights and densities. The site is located within close proximity to several buildings with comparable and greater heights than that proposed. A series of taller buildings including 17 storey building at 6 John Street, the 12 storey building at 111 Forsythe Street, and the 13-storey building at 125 Forsyth Street are located in the immediate context of the proposed development. Further northeast the 100 Lakeshore Road East building has a height of 9 storeys. The proposed development is located within an area with an established context of height ranging from low-rise buildings up to a height of 17-storeys. In many cases, the taller buildings in the immediate context abut low-rise residential areas, similar to the proposed development. While the proposal

is situated in an area where low-rise and taller buildings are commonly located on the same block, care has been taken in the design of the proposed building to transition appropriately to surrounding low-rise areas to appropriately limit impacts. In our view the proposed height of the building and its relation to adjacent low-rise areas reflects that of the characteristics of the surrounding area. Further, the overall height of the building is considerably less than the height peak in the local context - 17-storeys - appropriately acknowledging the subject site's location on the periphery of the established context of height, while still being located in a designated growth area.



Figure 22 – 3D View of Building Height Context

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

While transition within the broader context is important, transition to the immediate context is as well. The building's numerous step backs and articulations assist in on-site transition to the immediately adjacent context in a manner that is appropriate and consistent with the policy intent of the Plan. The proposed development abuts low-rise residential communities to the south. Through the proposed massing, boundary landscaping, permitted uses, and by containing all loading and solid waste storage within the proposed building, the development achieves compatibility between different land uses and areas of development intensity.

The proposed development ensures that the building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form to existing development, which includes various setbacks, façade step backs, and differentiation in materiality to limit perceived impacts on adjacent properties and the public realm. In order to provide an appropriate transition to the low-density residential area to the south, the proposed base building is set back to the property line of 7.2 metres at the first floor, while floors two through five are set back 6.0 metres. Floors six through ten are set back 10.0 metres from the property line. These setbacks are further transitioned from the townhomes to the south of the site via a 3.6 metre vehicular laneway, measured from the side wall of the end townhouse unit to the property line.

The proposed 10-storey building is designed as a characteristic mid-rise building, with an 'L-shaped' floor plate that is configured to the lot to align with the proposed courtyard landscaping and heritage feature on the northwest corner of the site. The proposed mixed-use building features several building indentations and step-backs, which provide for transition to adjacent properties and land uses, as well as an architecture that provides for a compatible design within the context of the relevant Kerr Village character and design policies.

The building features both inset and projecting balconies, which provide for architectural articulation of the building. Further, planter boxes are featured on a number of the balconies and terraces along the south side of the building to mitigate privacy and overlook impacts on adjacent properties and residences.

The building is predominantly clad in stone and brick panels, with punched windows and both inset as well as some projecting balconies. The 9<sup>th</sup> and 10<sup>th</sup> floors are clad in glass, a lighter material than the masonry proposed on the rest of the building which helps to diminish the perception of building mass at these upper floors.

The proposed variation in massing and distinct architecture of the proposed building is consistent with the objectives of Section 6.9.7 of the Plan, as the building provides a significant of variation in the building design, articulation, massing, balcony treatment, and building materiality. A fulsome urban design analysis is included within this report.

The site includes considerable landscaping, including the courtyard adjacent to Lakeshore Road West, new street tree planting along both street frontages, the 10th floor rooftop terrace, and private amenity terraces for the individual units. The courtyard will function as an extension to the public realm and includes a magnolia tree as well as other tree planting and street furniture. Seating areas are proposed underneath the proposed commemorative heritage feature, and bistro seating is contemplated adjacent to the ground floor commercial uses to assist with animating the courtyard and providing an active pedestrian environment.

The proposed rooftop terrace includes a lounge and outdoor seating areas with raised planting intended to mitigate privacy and overlook impacts on adjacent uses.

The proposed development has been designed and sited to be consistent with the policies for development within a residential community detailed in Section 11.1.9. As detailed above, the overall scale and height of the building is appropriate in the broader context. The building’s massing, characterized by its numerous and considerable setbacks and step backs, and facade treatments ensure compatibility with the surrounding neighbourhood. The proposed gradation in building height is consistent with Section 11.1.9.c) of the Plan, which directs this type of massing when a development is intended as a transition between different land use designations or housing forms. In accordance with Section 11.1.9 d), the proposed development makes use of the existing lot size, not requiring consolidation with nearby properties. The following table assesses each of the application sections of policy 11.1.9.

**Section 11.1.9 of the “Livable Oakville” Official Plan**

The following evaluates the proposed development against Section 11.1.9 of the Livable Oakville Plan.

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<p>a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.</p>	<p>The proposed development has been designed to be compatible with the adjacent neighbourhood to the south of the subject site. The proposed provides for an appropriate setback and terracing to the south, that provides for appropriate separation to the existing three storey townhomes. A similar setback and building indentation strategy has been utilized on the north face of the proposed building, adjacent to Lakeshore Road. The materials used for the proposed development provide for an improved streetscape along Lakeshore Road West, assist in animating the streetscape for the Main Street function within Kerr Village, and diminish the perception of building mass above the 8th storey.</p>
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<p>b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.</p>	<p>The proposed development provides for an appropriate response to the Kerr Village Main Street policies, with a building that frames the intersection of Lakeshore Road West and Chisholm Street. The building is further provided with setbacks, orientation, and separation distances that are appropriate with the Main Street context.</p>
<p>c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.</p>	<p>As noted, the proposed development utilizes a series of substantial setbacks and stepbacks to create a terraced building that at its base has building elements that are similar in scale to the adjacent and nearby lower scale built form context. The design of the proposed development achieves an appropriate transition in height from the adjacent townhomes to the rear of the site.</p>
<p>d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.</p>	<p>The proposed development occupies an existing lot that is intended for intensification.</p>
<p>e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</p>	<p>Technical reports outlining the adequacy of the services in the area have been provided as part of the development application package.</p>
<p>f) Surface parking shall be minimized on the site.</p>	<p>Parking is located below grade for the proposed development, and surface parking has been minimized.</p>
<p>g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.</p>	<p>No new roads are included in the development proposal.</p>

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.

Appropriate grading relationships with the surrounding properties currently exist and will remain in the proposed development. All service areas are located within the volume of the building. The electrical transformer and utilities will be screened appropriately from the public realm. A complete shadow analysis has been carried out to the Town of Oakville's terms of reference, and this is discussed in the Urban Design section of this report. No excessive shadows are produced by the proposed development.

i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.

As the existing heritage structure is proposed to be removed due to its current condition, a commemorative heritage structure is proposed to be programmed into the development.

j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.

The proposed development will have no impact on access to any of the amenities or services.

k) The transportation system should adequately accommodate anticipated traffic volumes.

Technical reports outlining the anticipated traffic volumes generated by the proposed development and the adequacy of the transportation system in the area have been provided as part of the development application package.

l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.

Technical reports outlining the level of utility service related to the proposed development have been provided as part of the development application package.

The proposed development is a compact, urban form of intensification. It is accessible by multiple modes of transportation, reducing the dependence on personal automobile

travel, and making efficient use of underutilized lands and local infrastructure investment. A total of 154 bicycle parking spaces are proposed to support the use of the nearby cycling infrastructure.

The proposed composition of units, 41% of which contain 2 or 3 bedrooms, focuses on larger family size accommodation not dissimilar from the size of housing found in the surrounding area, but in an apartment format not common within the surrounding community. The proposed composition of residential units advances the Plan's principles noted in Section 2.2.2 to provide choice throughout the Town and enable the availability and accessibility of a wide range of housing to meet the diverse needs of the community through all stages of life. Larger apartment units, such as those proposed, are important housing options to provide within aging communities, as they allow older generations to downsize while remaining in their communities, freeing up low-rise houses for younger generations.

The proposal has been designed, massed, and sited to respond appropriately to the character of the area and the overall urban structure of the Town, consistent with the Plan's objectives for intensification within a Growth Area. The proposed development advances the Plan's objectives to ensure development transitions appropriately to its surrounding context in a compact, urban form that contributes to providing a wide range of housing to meet the diverse needs of the community.

The proposed development has been designed in accordance with the various intents of the plan with regard to the form, scale, and transition of a development in relation its immediate surrounding context and the Subject Site's role within an area intended to support transitional density between the primarily low-rise areas to the south toward greater development existing to the northeast. It is our opinion that the proposed height and density are appropriate for the physical context and provide a level of intensification that supports the objectives of provincial, regional, and local policy.

### **3.13 Town of Oakville Zoning By-Law 2014-014**

The Town of Oakville Zoning By-law 2014-014, which applies to the subject site, sets out standards for how land is to be used and developed. Regulations regarding permitted uses, siting, massing, and scales of buildings, minimum and maximum lot sizes, and parking requirements are a few of the topics the Zoning By-law helps enforce. The Zoning By-law helps implement the policies of the Town's Official Plan. In the Province of Ontario and according to the Planning Act of Ontario, Zoning By-laws must conform to the policies of their governing Official Plans. The current iteration of Oakville's Zoning By-Law is consolidated to September 8, 2020.

According to Map 19(7a) of the Town of Oakville Zoning By-Law 2014-014, the subject site is zoned *CBD: sp 17; Central Business District, Special Provision 17*.



Figure 23 – Oakville Zoning Map

Mixed Use Zones are described in Section 8.2 of the Town of Oakville Zoning By-Law. Below are the Central Business District permitted uses, as referenced in Table 8.2:

- Accessory dwelling
- Apartment dwelling
- Art gallery
- Bed and breakfast establishment
- Business office
- Commercial parking area
- Commercial school
- Community centre
- Conservation use
- Day care
- Detached dwelling
- Dormitory
- Dry cleaning depot
- Dry cleaning/laundry establishment
- Emergency service facility
- Emergency shelter
- Financial institution
- Food bank
- Food production
- Funeral home
- Home Occupation
- Hotel
- Library
- Live-work dwelling
- Long term care facility
- Medical office
- Museum
- Outside display and sales area
- Park, public
- Pet care establishment
- Place of entertainment
- Place of worship
- Post-secondary school



- Private home day care
- Public hall
- Retail store
- Retirement home
- School, private
- School, public
- Semi-detached dwelling
- Service commercial establishment
- Rental establishment
- Restaurant
- Short-term accommodation
- Sports facility
- Stormwater management facility
- Taxi dispatch
- Townhouse dwelling
- Veterinary clinic

The Special Provision 17 of the Zoning Designation allows for the following, according to 15.17.1:

Minimum depth of the building, measured in from the main wall oriented toward a road, on the first storey and entirely below the first storey within which residential uses are prohibited	12.0 m.
Maximum number of storeys	4
Maximum number of <i>storeys</i> upon execution of a bonussing agreement	5
Maximum height upon execution of a bonussing agreement	18.0 m.
Minimum rear yard (south lot line abutting 86 Chisholm Street)	0.0 m.
Minimum width of landscaping required along any lot line abutting a Residential Zone	0.0 m.

The existing Zoning By-law provisions of section 15.17.2 state:

In order to permit the increased permissions contained in this Special Provision, zoning compliance shall be dependent upon the registration on title of an agreement or agreements pursuant to Section 37 of the Planning Act. The owner of the subject lands shall provide to the satisfaction of the *Town* the facilities, services, and matters as follows:

- a) A detailed Heritage Conservation and Restoration Plan and subsequent restoration and long term preservation of all heritage attributes on all lands zoned Central Business District (CBD – SP 17).
- b) LEED Gold Certification.
- c) Securities in the form and amount to the satisfaction of the Town. The amounts payable shall be submitted to the Town prior to the issuance of a building permit for the additional height.

Additional Regulations for Permitted Uses referenced in Table 8.2:

1. a) Stand-alone residential *buildings* are not permitted on *lots* having a *front lot line* or *flankage lot line* abutting Lakeshore Road. (2021-068)
- b) Residential *dwelling units* located on the *first storey* shall have the *main front entrance* oriented towards a *public road*. (2021-068)
2. Permitted only where the use legally existed on the lot on the effective date of this By-law.
3. a) Prohibited in the first 9.0 metres of depth of the *building*, measured in from the *main wall* oriented toward the *front lot line*, on the *first storey*. (2021-068)
- b) Notwithstanding this, an *ancillary residential use* on the *first storey*- is permitted to occupy a maximum of 15% of the length of the *main wall* oriented toward a *front lot line*. (2021-068)
4. Only permitted *accessory* to and on the same *lot* as a post-secondary school or private school.
5. A maximum of one of the *uses* subject to this footnote shall be permitted in a *dwelling*.
6. On a *lot* having *lot frontage* greater than 20.0 metres *uses* subject to this footnote are limited to a cumulative maximum width of 50% of the *building* in the first 9.0 metres of depth of the *building* on the *first storey* only, measured in from the *main wall* oriented toward the *front lot line*.
7. Shall have a maximum *net floor area* of 1,400.0 square metres per *premises*, applying only for the portion of the *premises* located on the *first storey*.
8. Prohibited within a single *use building*.
9. Shall be subject to footnote 5 but shall exclude *accessory dwellings*.

The table below shows the regulations for lots in a Central Business District Zone, specifically in the CBD designation, as referenced in Table 8.3 of the Town of Oakville By-Law

	CBD Regulation
Minimum Front Yard	0.0 m.
Maximum Front Yard	3.0 m.
Minimum Flankage Yard	0.0 m.
Maximum Flankage Yard	3.0 m.
Minimum Interior Side Yard	0.0 m.

Minimum Interior Side Yard abutting a lot in any Residential Zone, Institutional (I) Zone, or Community Use (CU) Zone	3.0 m.
Minimum Rear Yard	0.0 m.
Minimum Rear Yard abutting a lot in any Residential Zone, Institutional (I) Zone, or Community Use (CU) Zone, or any railway corridor	3.0 m.
Minimum number of storeys	2
Maximum number of storeys	4
Minimum first storey height	4.5 m.
Minimum height	7.5 m.
Maximum height	15.0 m.

### 3.14 Zoning By-law Analysis

The subject site is zoned CBD: sp 17; Central Business District, Special Provision 17 by the Town of Oakville Zoning By-Law 2014-014. This zone category permits a range commercial and residential uses with an overall building height not exceeding 5 storeys, as well as a variety of other provisions to regulate the size and location of a building on the subject site. The proposed development is not permitted by the current zoning standard that apply to the Subject Site.

The policies in the Livable Oakville Plan discussed above encourage gradual development on the Subject Site, which is located in a Growth Area, in a form that transitions between a stable residential area and the high-rise developments within the immediate context.

It is our opinion that the uses and scale of development permitted by the current zoning is inadequate in responding to the Town’s policy direction and that new development constructed to the as-of-right by-law standards would be an underutilization of the site considering the policy context and built form context.

We are therefore recommending that the Zoning By-law 2014-014 be amended to permit the proposed development with applicable performance standards to secure the form and scale, required parking, among other matters.

# 4.0 Urban Design Analysis



## 4.1 Urban Design Analysis

The following details the rationale for various design elements of the proposed development and illustrates how the proposal will fit within the context of the immediate neighbourhood using relevant policies and guidelines from the Town of Oakville Official Plan and the Town of Oakville Urban Design Guidelines.

The Livable by Design Manual is intended to implement the policies of the Livable Oakville Official Plan. The proposed development is guided by a number of principles outlined in the Livable by Design Urban Design Manual, including: sense of identity, compatibility, connectivity, sustainability, and creativity.

Consistent with the public realm and streetscape guidelines in Sections 2.0 and 2.2, the proposed development maintains a continuous street wall, orients its primary building façade and entrance toward the public street, provides opportunities for patios and outdoor retail opportunities within the proposed courtyard, and incorporates awnings on the building façade to provide protection from inclement weather.

The proposed development includes public realm improvements as recommended in sections 2.2.5 and 2.2.7, including providing a continuous, unobstructed, and barrier-free sidewalk in traditional materials

The proposed planting and furnishing zone is located between the curb edge and the building face and the proposed courtyard located in the northwest corner of the subject site. In this area the proposed development includes new street trees with a soil volume that meets the Town of Oakville recommendations, and the protection of existing street trees. Planting beds are proposed in the boulevard area. Short term parking for 4 bicycles is provided close to the building entrance. A new magnolia tree is proposed in the courtyard which replaces a magnolia tree that was previously removed from the subject property. The courtyard is proposed to be programmed with a commemorative heritage structure, as well as a landscape amenity area and potential outdoor expansion or patio for the retail area, adding energy and vitality to the space.

Regarding section 2.4 of the design guidelines, the development provides a commemorative heritage feature, which is recommended in the Heritage Impact Assessment by ERA Architects submitted in support of the proposed development. The proposed development maintains the originally intended courtyard feature, though the heritage resource is no longer intended to be retained on the site, which aligns with section 2.4.1 of the guidelines.

The courtyard feature is intended to function as an urban square, consistent with section 2.5 of the guidelines, and create a sense of enclosure with its relationship to the proposed building and streetscape. The courtyard will maximize user comfort and

enjoyment through design, landscaping, and programming and will be designed as a barrier free environment for all users. The design of the courtyard will offer opportunities for various programming throughout the year. The courtyard integrates with the history of the site and the cultural heritage as designed with the commemorative heritage structure.

The proposed courtyard provides a balance of hard and soft landscaping and includes a magnolia tree, decorative paving materials, lighting features, seating and site furniture. The courtyard occupies more than one-third the width of the site frontage along Lakeshore Road West. These various elements appropriately respond to sections 2.5.2 through 2.5.4 of the design guidelines.



Figure 24 – Rendering

Section 3 of the guidelines provides the design direction for built form, and section 3.1 references Tall and Mid-rise Buildings. At a height of 10 storeys, the proposed development is designed as a mid-rise building. The guidelines note that most mid-rise and tall buildings will typically be located within the Town’s Growth Centres and along Intensification Corridors. The subject property is located within the Kerr Village Growth Area, which is noted as a Nodes and Corridors and Growth Area designation in the Urban Structure Schedule A of the Official Plan. The subject property is an appropriate location for a mid-rise building.

The planned right-of-way on Lakeshore Road West fronting the subject property is 26 metres as identified in Official Plan Table 2A- Right-Of-Way Widths. The guidelines recommend that development should be situated below a 45-degree angular plane projected over the property above a height of 80% of that width (20.8 metres) or a maximum of 6 storeys. Despite exceeding the suggested angular plane and overall building height in the guidelines, the proposed building has been designed to reflect the scale of buildings in the immediate context, provide various building articulation features including indentations, step backs, and façade treatments to transition to adjacent lower scale areas, and include a courtyard feature to break up the massing and ensure the proposal fits appropriately into the area context. The proposed development, which responds in numerous ways to the intent of the guidelines to ensure development responds to, and fits appropriately within, context, constitutes an appropriate response to the guidelines.

Regarding the ground floor treatment section of the guidelines, the proposed ground floor height is 5.0 metres. Projecting building elements are provided above the ground floor to provide weather protection above the building entrance with a clear height of approximately 4.5 metres.

A number of entryways are proposed to the development, including four commercial entryways facing Lakeshore Road West. The main residential lobby entrance to the development is proposed from Chisholm Street and a secondary commercial entrance to one of the units is proposed on this frontage as well. In the courtyard, a commercial entrance is proposed to one of the individual units, as well as to residential entrances which connect to the residential amenity area as well as a hallway to an exit stair. Finally, two entrances are proposed at the rear of the site to both an exit stair and additional residential amenity area.

The façade of the building base extends along a significant portion of the property frontages where it abuts the public realm with a setback which is similar to those of the buildings on adjacent properties that front onto Lakeshore Road, as stipulated in section 3.1.13 of the guidelines.

The base building separation and side property setbacks are outlined in section 3.3.21, and the guidelines recommend that buildings above 6 storeys set back a minimum of 5.5 metres from side property lines. The proposed development is set back 0.79 metres from the west property line on the 7<sup>th</sup> through 10<sup>th</sup> storeys. The walls facing west toward the side property line contain no windows. It is anticipated that the adjacent property to the west will redevelop in the future a form similar to the proposed development with a similar upper floor condition. The proposed development has been sited to be accommodative of the adjacent property's development potential. In our opinion, the proposed setback represents a relatively minor difference from the recommended dimension and will result in an appropriate facing condition with the existing and future

conditions on the adjacent property which does not result in any adverse shadow, wind, light, view, or privacy impacts

The proposed development incorporates substantial setbacks and step backs and a terraced built form in order to minimize potential impacts of height, massing, and shadow on its surroundings, in particular the properties in the adjacent low-density residential area, as intended by section 3.3.33 of the guidelines.

The setbacks of the proposed building are similar to those on adjacent properties facing the street and along Lakeshore Road West, consistent with the intent of section 3.3.34. The proposed development is located in excess of 9.5 metres from the adjacent main wall of the townhouses to the south of the site, which is greater than the recommended 7.5 metres to the adjacent low rise stable area in section 3.3.35.

As recommended in the guidelines, the proposed development uses a variety of building materials to articulate all facades to create a distinct and attractive building with a rhythm of masonry and transparent glass, as outlined in section 3.3.38, which results in a composition of a grouping of smaller base building elements above which the geometrically complex glazed upper levels, noted in section 3.3.39. Various balconies and terracing are provided in the development as well. Balconies in the base building are framed within or between multiple masonry elements. A number of terraced private outdoor spaces are created on the roofs of the stepped components of the proposed building. On the lower levels of the building, these terraces are enclosed by extensions of the masonry facades below. On the sixth and tenth floors the roof terrace is enclosed by a glazed railing.

The proposed development is clad in a range of high quality and durable materials including substantial areas of masonry and clear glazing, as stipulated in sections 3.3.41 & 3.3.42. The west wall close to the side property line is without openings and is clad with the same building materials and detailing that complements the overall building design, which is noted in section 3.3.43. Bird friendly glazing is provided as recommended in the guidelines, section 3.3.47. Private outdoor amenity space is provided on either a roof terrace or balcony for each unit.

There is one existing street tree in the boulevard space near the southeast edge of the subject property. Consistent with section 4.1.1 of the guidelines which pertains to landscaping, this tree (species and caliber) will be protected throughout construction to the Town of Oakville Street Tree By-law standards. The proposed development will provide new street trees on the east and north edges of the site. The new street trees are proposed to be (species and caliber) which is a drought and salt tolerant native species, as per sections 4.1.3 and 4.1.4 of the guidelines.



The front yard and flankage yard of the proposed development includes features that provide visual interest including the courtyard and associated treatment and this space, soft and hard landscaping opportunities, and entrances to the building that are unimpeded by structures, walls, fences, utilities and paving as noted in section 4.1.7. A transformer, located in the northwest corner of the site is located below grade, as per section 4.1.5 of the guidelines.

The courtyard and walkways on the subject property are all located above the underground parking garage so permeable paving is not an option, further to section 4.1.14 of the guidelines. The landscaped areas adjacent to paved and other hard surface areas are provided with continuous curbing, which is stipulated in section 4.1.15. Landscape screening is provided at the southeast of the site and at the rear of the site, adjacent to the Chisholm Street frontage and the laneway to the south. The pedestrian connections from the sidewalk to the building entrance is paved with plaza stone and is separated from the driveway by a planting bed. The rebuilt public sidewalk is provided continuously across the new driveway and frontage of the site, as per section 4.2.3.

The proposed development includes an underground parking facility as recommended in the guidelines in section 4.3.1. The vehicular entrance to the underground parking is located at the southeast corner of the site adjacent to Chisholm Street. Parking spaces for 154 bicycles are provided, including 40 short term at-grade and 114 spaces in the interior bicycle storage area which is located below grade in the underground parking, as suggested by sections 4.3.21 and 4.3.22. A drop off and delivery zone is provided in the covered, open-air at-grade driveway adjacent to the residential lobby and barrier free transitions are provided throughout this area as noted in the guidelines of sections 4.3.24 and 4.3.25. The service, loading and storage areas for the proposed development are located within the volume of the main building in and adjacent to the covered, open-air at-grade driveway area. These facilities will not be visible from the public realm or within view of the main building entrance, meeting the requirements of section 4.6.2. The driveway to the service, loading and storage area is located at the side of the subject property as recommended in the guidelines in section 4.6.9.

## 4.2 Shadow Analysis

A Shadow Analysis has been prepared by Icon Architecture, using the Town of Oakville's Terms of Reference for Shadow Impact Analysis. The general criteria are as follows:

1. Must demonstrate that adequate sunlight is available for residential amenity spaces to maximize their use during spring, summer and fall afternoons and evenings. The impacts from the proposed development should not exceed 2 consecutive hourly test times after 12 pm on April 21, June 21 and September 21.

2. The Shadow Analysis must demonstrate the proposed development allows adequate sunlight on public sidewalks, public plazas, public parks and school yards. These areas must receive 5 hours of continuous sunlight per day on April 21, June 21 and September 21.
3. To allow the possibility of using solar energy, the shadow impacts on building faces and roofs from the proposed development should not extend beyond two consecutive hourly test times on December 21.

The shadow studies demonstrate that adequate sunlight is available for residential amenity spaces to maximize their use during spring, summer and fall afternoons and evenings. The impacts from the development do not generally exceed 2 consecutive hourly test times after 12 pm on April 21, June 21 and September 21, notwithstanding the existing built form impacts of shadows on residential amenity spaces.

The shadow studies demonstrate that the proposed development allows adequate sunlight on public sidewalks, public plazas, public parks and school yards. No impacts occur on public plazas, public parks and school yards, while modest impacts occur during the April and September dates for a portion of the sidewalk. These impacts to the public sidewalks are at an acceptable level, given the existing approved development and the existing urban built form in the area provides a similar impact to the public sidewalks.

Regarding the possibility of using solar energy, the shadow impacts on building faces and roofs from the proposed development generally do not extend beyond two consecutive hourly test times on December 21, with the exception of slightly prolonged shadows to the northwest and southeast of the site, for up to a three-hour period of time. Of note, the existing 5 storey built form provides a similar condition to the roofs and building faces to the properties southeast of the subject site.

The shadow analysis illustrates that all 3 criteria will generally be met by the proposed development. In all three periods the increases in shadow are minor. They are fast moving and, in our opinion, the incremental shadows cast by the proposed development ensure that adequate sunlight is available which meet the intent of the criteria noted within the guidelines.

### **4.3 Urban Design Summary**

The proposed mixed-use development represents an appropriate, transit supportive addition to the area, given its location within Kerr Village. The development appropriately responds to the context of the site, and offers additional housing opportunities in a mid-rise built form which mitigates impacts on adjacent properties. The proposal enhances the streetscape along Lakeshore Road and Chisholm Street, and provides an

appropriate response to the heritage feature that is no longer viable for use. The proposed development conforms with the urban design policies of the Living Oakville Plan and generally satisfies the intent of the relevant design directions and recommendations in The Livable by Design Manual, which implements the urban design policies of the Livable Oakville Official Plan.

As such, the proposed development is appropriate from an urban design perspective and is in the public interest.

# 5.0

## Supporting Plans & Studies

### **Public Engagement Strategy**

As part of the Zoning By-law Amendment application, a Public Engagement Strategy has been prepared by Batory Management. The report outlines how various stakeholders will be informed and involved and consulted with. The strategy outlines how requirements for public engagement noted in the Planning Act of Ontario will be satisfied. In addition, the strategy illustrates how further initiatives will be put into action to ensure an effective public consultation is conducted.

### **Site Plan / Elevations / Shadow Study**

A Site Plan, Building Elevations, and Sun/Shadow Study has been prepared by Icon Architecture, which identifies the siting and configuration of the proposed apartment building. The proposed mid-rise apartment will also include pedestrian and amenity features, as well as visitor parking. The Building Elevations demonstrate the proposed massing and architectural features which are compatible with the existing built forms and massing within the immediate neighbourhood. The sun / shadow study prepared by Icon Architecture demonstrates the impacts of the proposed development on neighbouring properties as well as the public realm.

### **Functional Servicing Report**

A Functional Servicing Report has been prepared by Trafalgar Engineering. Water service will be provided by a connection to the existing 300mm watermain along Lakeshore Road West. Sanitary service is to be provided through a connection to the existing 200mm diameter sewer along Lakeshore Road West. The proposed storm sewer outlet will be to the existing 900mm storm sewer on Lakeshore Road West.

### **Concept Landscape Plan**

A Landscape Plan has been completed by Adessa. The plan identifies the location of and opportunities for trees, shrubs and landscape features to be incorporated within the development. The landscape plan also includes the fencing locations and details incorporated within the development as well as amenity spaces, terraces and rooftop feature, with precedent images of potential programming at a site plan stage.

### **Geotechnical & Hydrogeological Assessment**

A geotechnical and hydrogeological assessment of the site was completed by DS Consultants Ltd., which determined that the site can accommodate the proposed development. The water table levels and subsurface conditions are noted in the reports, as well as the required quality control and appropriate construction methods of the development.

### **Waste Collection Plan**

A Waste Collection Plan was requested as part of a 'complete application' for the proposed redevelopment of the subject lands. The Waste Collection Plan prepared by Icon Architects with specific regard for:



- Conformity criteria to the Region of Halton's Development Guidelines for Source Separation of Solid Waste
- Determining if the subject lands are eligible for Regional waste collection
- Illustration of turning radii and internal road widths for waste collection service vehicles

### **Phase I Environmental Assessment**

A previous Record of Site Condition (RSC) has been completed for the subject site and has been included in the submission of the proposed development.

### **Traffic & Parking Study**

A Traffic Study was completed by LEA Consulting. The report identified minimal traffic impacts to the existing street networks including the nearby intersections and access points. The report further identified the recommended on-site functional measures for safe vehicular navigation. Further, the auto-turn analysis demonstrates that vehicles and a garbage truck can appropriately maneuver through the site. The study also assesses the appropriate parking supply being provided within the development, as well appropriate transportation demand management tools to be implemented.

### **Tree Preservation Plan & Arborist Report**

A Tree Preservation Plan and Arborist Report was completed by Kuntz Forestry. The plan indicates the existing trees on the site and in the immediate context and recommends the retention of 14 trees and the removal of 13 trees.

### **Heritage Impact Assessment**

A Heritage Impact Assessment has been complete by ERA. The report assessed the existing condition of the heritage building on the property and is recommending a demolition and commemorate structure strategy to be incorporated within the proposed development.

# 6.0 Planning Conclusion

## 6.1 Conclusion

Based on our analysis of relevant provincial, regional, and local policy documents, it is our opinion that the proposed development represents an appropriate form of intensification on an underutilized site in an area designed for intensification as identified in both the Halton Region Official Plan and the Livable Oakville Plan.

The subject site is located within an important transition area between numerous tower buildings adjacent to Sixteen Mile Creek and the low-rise mixed-use buildings to the west along Lakeshore Road West, and the neighbourhoods beyond. The proposed development is designed in a compact urban form that transitions appropriately to adjacent uses and properties and is consistent with the policies for development within a Main Street context. The proposal contributes to increasing the variety of family-sized housing units in an apartment format within the local context and makes efficient use of area infrastructure. The proposal has been designed, massed, and sited to ensure the character of the area is respected and the overall urban structure of the Town is upheld, consistent with the Plan's objectives for intensification. The proposed development will contribute to achieving both the overall growth targets, and the targeted form of growth, established in the relevant policy frameworks.

It is our opinion that the proposed development is consistent with the Provincial Policy statement (2020), does not conflict with the Growth Plan (2019), has been designed in accordance with the policies of the Halton Region Official Plan and the intent of the Livable Oakville Plan, and represents good planning.

Respectfully submitted by,



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Principal, Batory Management



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Director of Planning, Batory

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*Batory Planning & Management is a multidisciplinary urban planning and project management consulting firm with a focus on helping our clients improve the built environment and embrace unique opportunities within the real estate spectrum. The firm integrates urban planning, project management, and real estate consultancy, prioritizing a customer-focused experience for our clients.*