



**Town of Oakville  
Planning and Development Council**

**AGENDA**

**Date:** Monday, June 27, 2022  
**Time:** 6:30 p.m.  
**Location:** Council Chamber

Currently attendance at Town Hall is restricted and public meetings are being held by videoconference only. Live streaming video is available on [oakville.ca/live](http://oakville.ca/live) or at the town's YouTube channel at [youtube.com/user/townofoakvilleTV](https://www.youtube.com/user/townofoakvilleTV). Information regarding written submissions and requests to delegate can be found at <https://www.oakville.ca/townhall/delegations-presentations.html>.

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**Pages**

1. **Regrets**
2. **Declarations of Pecuniary Interest**
3. **Committee of the Whole**
4. **Consent Items(s)**

There are no Consent Items listed for this agenda.

5. **Confidential Consent Item(s)**

*Item 5.1 see confidential agenda.*

- 5.1. **OLT 21-001420 (CRB2016): 2477 Fourth Line Oakville -Notice of Intention To Designate Not Deemed To Be Withdrawn**

**6. Public Hearing Item(s)**

**6.1. Public Meeting Report, Zoning By-Law Amendment, Halton Region, 1258 Rebecca Street, File No. Z.1723.08**

9 - 43

Recommendation:

1. That the public meeting report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Halton Region (File No.: Z.1723.08), be received.
3. That staff consider such comments as may be provided by Council.

**6.2. Public Meeting Report – Draft Plan of Subdivision (24T-21005/1530) – Part of Lot 30, Concession 2 (SDS), Bronte Green Corporation**

44 - 79

Recommendation:

1. That the public meeting report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed draft plan of subdivision submitted by Bronte Green Corporation. (File No.: 24T-21005/1530), be received.
3. That staff consider such comments as may be provided by Council.



**6.3. Public Meeting and Recommendation Report – Draft Plan of Subdivision, Plan 20M-1186, Blocks 415 and 418 – Fernbrook Homes (Seven Oaks 2021) Ltd., File No.: 24T-22004/1315**

80 - 122

Recommendation:

1. That Draft Plan of Subdivision application (File No. 24T-22004/1315), submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22004/1315) submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., prepared by J.D Barnes Limited, dated January 4, 2022, subject to the conditions contained in Appendix “A”.
3. That the Subdivision Agreement be prepared and finalized to the satisfaction of the CAO and Town Solicitor or delegates, and executed in accordance with By-law 2013-057.
4. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

**6.4. Public Meeting and Recommendation Report, Oakville Green Development Inc., Zoning By-law Amendment, Part of Lot 25, Concession 1, NDS, File No. Z.1325.08 – By-law 2022-071**

123 - 246

Recommendation:

1. That the public meeting and recommendation report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Oakville Green Development Inc. (File No.: Z.1325.08), be received.
3. That the Zoning By-law Amendment application submitted by Oakville Green Development Inc. (File No. Z.1325.08), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial Interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated June 14, 2022.
4. That By-law 2022-071, an amendment to Zoning By-law 2009-189, be passed.
5. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

**7. Discussion Item(s)**

**7.1. Consideration of Objection to Notice of Intention to Designate – G.S. Wood House at 2487 Old Bronte Road - By-law 2022-060**

247 - 258

Recommendation:

1. That Town Council not withdraw its Notice of Intention to designate the G.S. Wood House at 2487 Old Bronte Road under Section 29, Part IV of the *Ontario Heritage Act* despite the Notice of Objection received from the property owner; and,
2. That By-law 2022-060 to designate the G.S. Wood House at 2487 Old Bronte Road as a property of cultural heritage value or interest, attached as Appendix "B", be passed.

**7.2. Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, Lower Fourth Development Limited and Pendent Developments Ltd, Part Lots 17- 19, Con 1 NDS, File No.: Z.1317.05, 24T-19004/1317, By-law 2022-059** 259 - 328

Recommendation:

1. That the Zoning By-law Amendment and Draft Plan of Subdivision application submitted by Lower Fourth Development Limited and Pendent Developments Ltd., (File No.: Z.1317.05, 24T-19004/1317), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022;
2. That By-law 2022-059, an amendment to Zoning By-law 2009-189, be passed;
3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-19004/1317) submitted by Korsiak Urban Planning dated May 9, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated June 14, 2022;
4. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

**7.3. Recommendation Report, SmartCentres (on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc.), Official Plan Amendment and Zoning By-law Amendment, Z.1413.34 and OPA 1413.34 – By-laws 2022-063 and 2022-064**

329 - 416

Recommendation:

1. That the proposed Official Plan Amendment and Zoning By-law Amendment applications submitted by SmartCentres (on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc.), (File Nos. Z. 1413.34, OPA1413.34), be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated June 14, 2022.
2. That By-law 2022-063, a by-law to adopt an amendment to the Livable Oakville Plan, be passed.
3. That By-law 2022-064, an amendment to the Zoning By-law 2014-014, be passed.
4. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'C' to this report from the Planning Services Department dated June 14, 2022.
7. That the Chief Administrative Officer and Town Clerk be authorized to enter into a Section 37 Agreement with the applicant/owner, permitting an agreed upon exchange of height/density for appropriate community benefit in accordance with the adopted "Bonusing Under Section 37 of the *Planning Act* Procedure" and applicable town Official Plan Policies, that will be registered on title of the subject lands, to the satisfaction of the Town Solicitor.

**7.4. Recommendation Report – Site Plan Applications SP.1601.028/01 – 560, 570 and 580 Winston Churchill Blvd. and SP.1601.029/01 – 700 and 750 Winston Churchill Blvd.**

417 - 570

**Recommendation:**

1. That the revised Site Plan application, File No.: SP.1601.028/01 to allow the construction of three warehouse buildings be approved, subject to the conditions in Appendix “A” contained within the June 14, 2022, report from the Planning Services Department.
2. That the revised Site Plan application, File No.: SP.1601.029/01 to allow the construction of two warehouse buildings be approved, subject to the conditions in Appendix “B” contained within the June 14, 2022, report from the Planning Services Department.
3. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 560, 570 and 580 Winston Churchill Blvd., File No.: SP.1601.028/01.
4. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 700 and 750 Winston Churchill Blvd., File No.: SP.1601.029/01.
5. That staff be delegated authority to transfer to the Region the easement required for the Region’s preferred servicing strategy on terms satisfactory to the Town Solicitor including the applicant/landowner compensating the Town for the market value of the proposed easement as determined through the Town’s appraisal and reimbursing the Town for the associated costs.

**8. Confidential Discussion Item(s)**

There are no Confidential Discussion Items listed for this agenda.

**9. Advisory Committee Minutes**

There are no Advisory Committee Minutes listed for this agenda.

**10. Rise and Report to Council**

**11. New Business**

(Emergency, Congratulatory or Condolence)

**12. Consideration and Reading of By-laws**

That the following by-law(s) be passed:

**12.1. By-law 2022-059**

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lots 17 – 19, Con. 1, NDS Lower Fourth Development Limited and Pendent Developments Ltd., File No.: Z.1317.05. **(Re: Item 7.2)**

**12.2. By-law 2022-060**

A by-law to designate the G.S. Wood house at 2487 Old Bronte Road as a property of cultural heritage value or interest. **(Re: Item 7.1)**

**12.3. By-law 2022-063**

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 46 (SmartCentres on behalf of SmartREIT (Oakville II) Inc./ SmartREIT (Oakville) Inc., File No.: OPA.1413.34). **(Re: Item 7.3)**

**12.4. By-law 2022-064**

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (SmartCentres on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc., File No.: 1413.34). **(Re: Item 7.3)**

**12.5. By-law 2022-071**

A by-law to amend the Town of Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 25, Concession 1, NDS (Oakville Green Development Inc., File No. Z.1325.08). **(Re: Item 6.4)**

**12.6. By-law 2022-086**

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A by-law to confirm the proceedings of a meeting of Council.

**13. Adjournment**

## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Public Meeting Report, Zoning By-Law Amendment, Halton Region, 1258 Rebecca Street, File No. Z.1723.08

**LOCATION:** 1258 Rebecca Street

**WARD:** Ward 2

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#### RECOMMENDATION

1. That the public meeting report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Halton Region (File No.: Z.1723.08), be received.
3. That staff consider such comments as may be provided by Council.

#### KEY FACTS

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

- **Location:** The subject property is located on the south side of Rebecca Street, across from the terminus of Warminster Drive, east of the Woodside Public Library and the new Halton Region EMS station, north of Patricia Picknell Elementary School. The subject property is municipally known as 1258 Rebecca Street, has an area of  $\pm 0.66$  hectares, frontage along Rebecca Street of  $\pm 72.53$  metres, and is currently vacant.
- **Policy Context:** The subject property is designated 'Low Density Residential' and is identified as 'Residential Areas' on Schedule A1 (Urban Structure), which represent the areas that provide for stable residential communities.

Intensification may occur within 'Residential Areas' provided the character of the area is preserved and the overall urban structure of the Town is upheld.

- **Zoning:** The subject property is zoned RL2-0 (Residential Low), which permits detached dwellings.
- **Proposal:** The proposed development consists of three lots fronting Rebecca Street for market-based single-detached dwellings, and 14 semi-detached dwelling units in bungalow built-form, which are intended to be operated as an assisted independent living community with supports. Access to the assisted independent living community is proposed via a private roadway off Rebecca Street, aligned with the Warminster Drive signalized intersection to the north. A central courtyard is proposed to provide outdoor space for tenants to gather and socialize, together with an additional community garden space near the northeast corner of the community.
- **Nature of Application:** The Zoning By-law amendment is required to permit a reduced lot size and frontage for 3 single detached lots proposed along Rebecca Street and to permit fourteen (14) single storey bungalow semi-detached units subject to site-specific zoning provisions and parking regulations explained herein.
- **Public Consultation:** In September of 2013 and 2017, Halton Region hosted public meetings as part of the initial concept development of the subject property. More recently, an applicant-initiated virtual Public Information Meeting ("PIM") was held on February 23, 2022 and was attended by 21 residents. Notes from the PIM are appended to this report as "**Appendix 'A'**". All other public comments received as of the date of this report are appended to this report as "**Appendix 'B'**").
- **Timing:** This application was submitted and deemed complete on April 5, 2022. The *Planning Act* provides for a 90 day timeline to make a decision on this application (July 5, 2022) failing which the applicant could file an appeal for non-decision.

## BACKGROUND

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



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

## Proposal

The proposed development consists of 3 lots fronting Rebecca Street for market-based single-detached dwellings, and 14 semi-detached dwelling units in bungalow built-form, which are intended to be operated as an assisted independent living community with support services. It is anticipated that these support services would be provided in partnership with local healthcare agencies and may include light housekeeping, personal hygiene, or meal preparation to assist primarily senior households living independently.



Figure 1: Applicant's Proposed Concept / Landscape Plan

Each of the 3 lots, proposed for new single-detached dwellings, would provide  $\pm 18.0\text{m}$  of frontage along Rebecca Street, a lot area of  $\pm 658\text{m}^2$  to  $755\text{m}^2$ , and would have access directly from Rebecca Street. It is the Applicant's intent that the

foregoing 3 lots would be sold on the market and be developed by the beneficial purchasers. As such, there are no specific building plans available at this time. Since the applicant intends to create the 3 foregoing lots by way of consent (severance), each design would be reviewed through requisite site plan approval applications, and be subject to the Zoning By-law regulations, as amended.

The proposed 14 semi-detached dwellings within the assisted independent living community are proposed to be  $\pm 59\text{m}^2$  (635  $\text{ft}^2$ ) in size, 7.1m (23ft) wide and 9.6m (31ft) deep. The proposed floor plans include a one-bedroom layout, which include universal design throughout, accessible units, and sustainable and energy efficient standards designed to meet Canada Mortgage and Housing Corporation (“CMHC”) Co-Investment program criteria.

The vision for the independent living units is to achieve a contemporary community, inspired by a cottage feel similar to the Rotary Gardens model on Woodside Drive. Each 1-bedroom bungalow unit is proposed to include a private driveway, accommodating 1 parking space per unit. Four proposed visitor parking spaces are also be proposed for shared use.

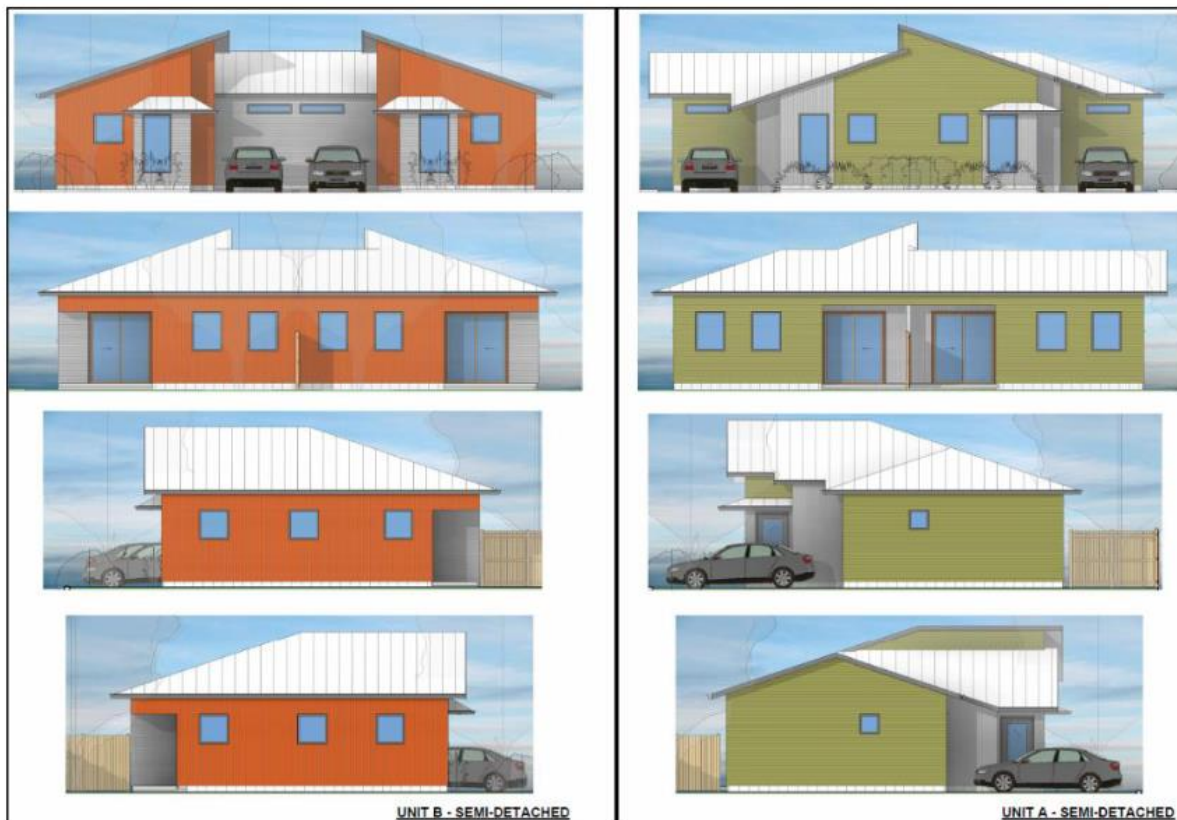


Figure 2: Applicant's Preliminary Elevations

Access to the assisted independent living community is proposed via a private roadway off Rebecca Street, aligned with the Warminster Drive signalized intersection to the north. The design of the private road includes a separated 1.5-metre-wide sidewalk to facilitate pedestrian access to the site from Rebecca Street together with a pedestrian connection to the Woodside Public Library to the West. A central courtyard is proposed to provide outdoor space for tenants to gather and socialize, together with an additional community garden space near the northeast corner of the community.

### **Location & Site Description**

The subject property is located on the south side of Rebecca Street, across from the terminus of Warminster Drive, east of the Woodside Public Library and the new Halton Region EMS station, north of Patricia Picknell Elementary School. The subject property is municipally known as 1258 Rebecca Street, has an area of  $\pm$  0.66 hectares, frontage along Rebecca Street of  $\pm$  72.53 metres, and is currently vacant (the “**Subject Property**”).

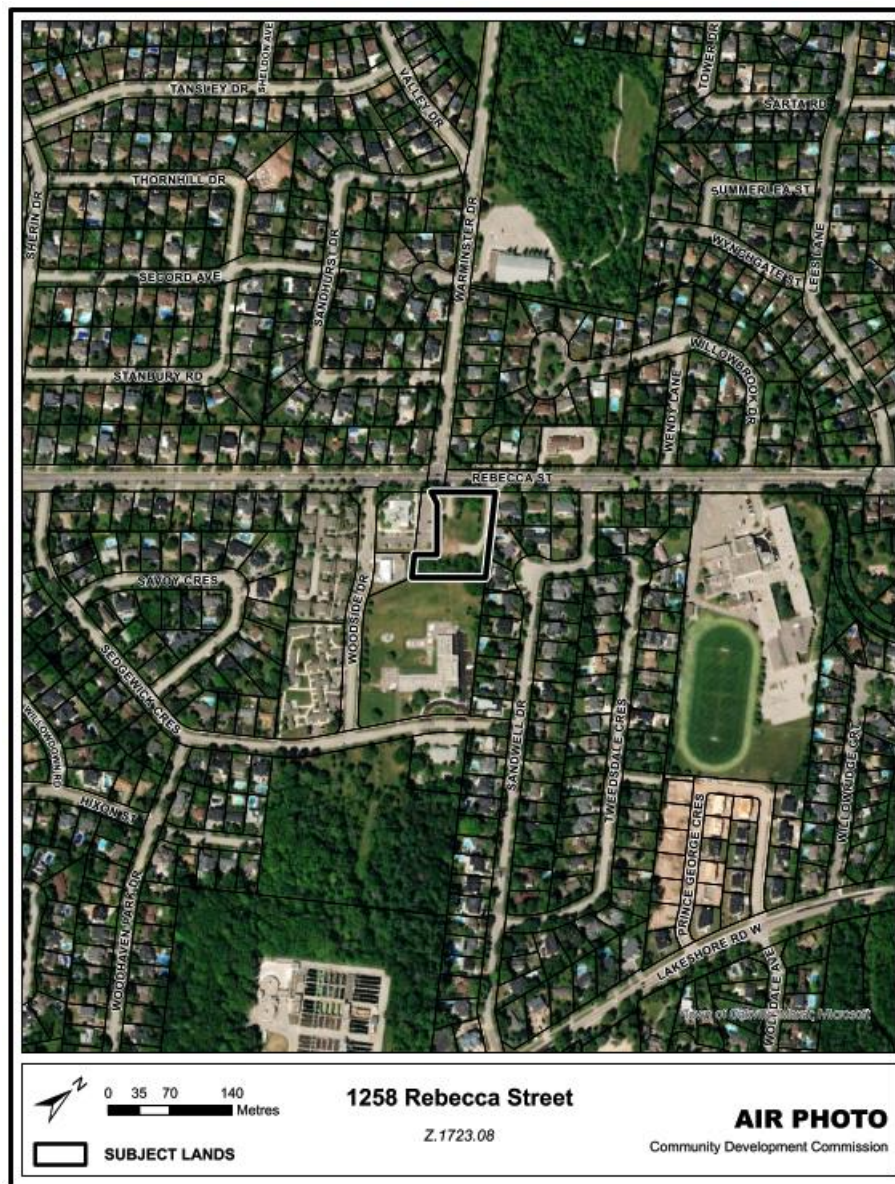


Figure 2: Air Photo

## Surrounding Land Uses

The surrounding land uses are as follows:

- North – Rebecca Street / Single-Detached Dwellings
- East – Single-Detached Dwellings
- South – Patricia Picknell Elementary School
- West – Woodside Public Library and Halton Region EMS Station



## PLANNING POLICY & ANALYSIS

The Subject Property is subject to the following policy and regulatory framework:

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

### Provincial Policy Statement

The Provincial Policy Statement (2020) (“**PPS**”), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and 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.

In consideration of new development the PPS (2020) provides direction to ensure that land use is carefully managed to accommodate appropriate development to meet the full range of current and future needs, while also achieving efficient development patterns that avoid significant or sensitive resources and areas which may pose a risk to public health and safety. Efficient development patterns are intended to optimize the use of land and resources.

Applicable policies have been appended to this report as “**Appendix ‘C’**”.

### Growth Plan

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated

built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Built-Up Area.”

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Similar to the PPS (2020), growth and development shall occur in manner which optimizes land and resources, and protects significant or sensitive resources and areas that may pose a risk to public health and safety, such as hazard lands.

Applicable policies have been appended to this report as “**Appendix ‘C’**”.

### **Halton Region Official Plan**

The Subject Property is designated ‘Urban Area’ in the Halton Region Official Plan. The policies of Urban Area designation support the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. A complete assessment of the Halton Region Official Plan will be provided through a future staff report.

### **Livable Oakville Plan**

#### Objectives

Pursuant to Section 11 of Livable Oakville, the following objectives shall 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 alternatives;*
- d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;*
- e) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities; and,*
- f) discourage the conversion of existing rental properties to condominiums or to other forms of ownership in order to maintain an adequate supply of rental housing.*

### Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town.

The Subject Property is identified on Schedule A1 – Urban Structure as being within the 'Residential Areas'. Residential Areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

Pursuant to Section 3.9 of Livable Oakville, some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the Town is upheld. The character of the Residential Areas will be significantly influenced by their relationship to the Natural Heritage System, parks and open space areas.

### Land Use Policies

The Subject Property is designated 'Low Density Residential' on Schedule F: South West Land Use, as shown on Figure 3 below.

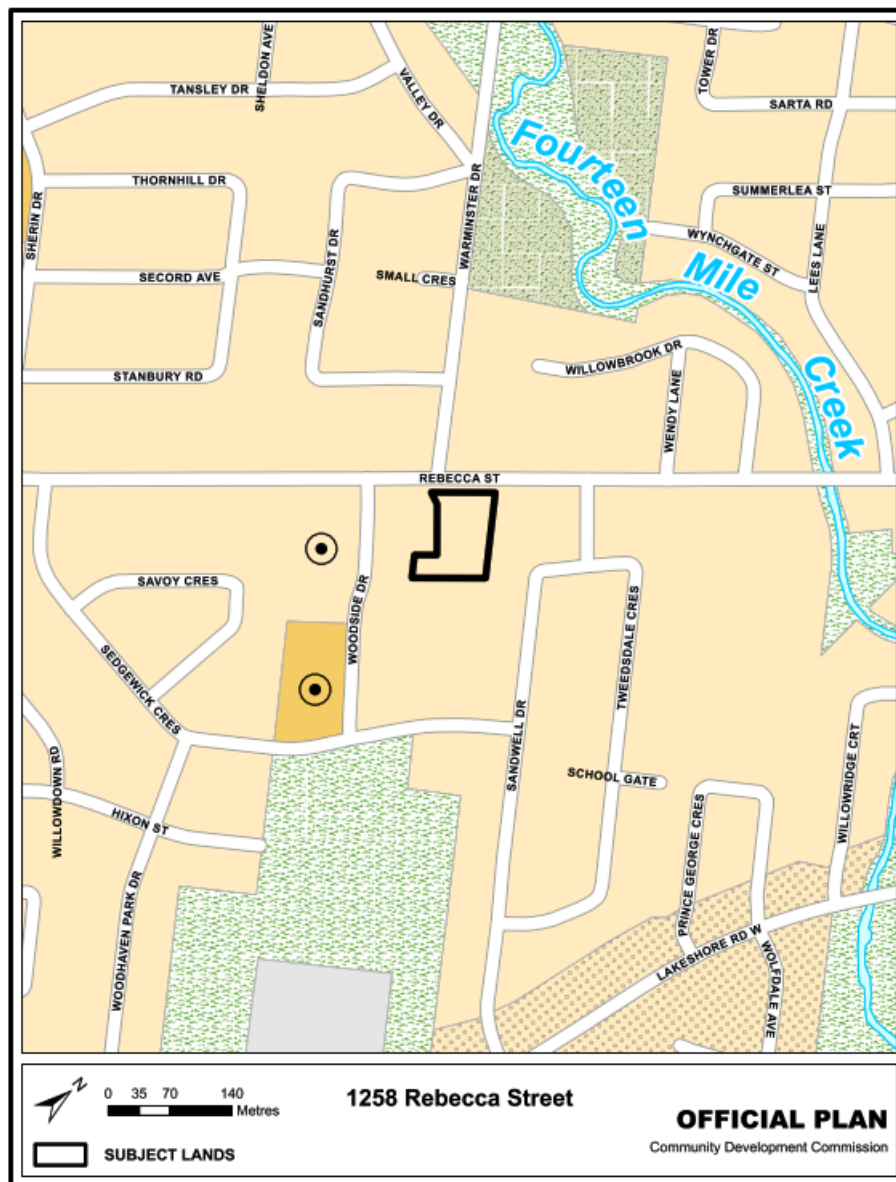


Figure 3: Livable Oakville Extract

The Low Density Residential designation permits detached, semi-detached and duplex building types, up to a density of 29 dwelling units per site hectare. The proposed 37 lot development would have a density of 26 units per site hectare.



Section 11.1.6 of Livable Oakville provides that special needs housing<sup>1</sup> may be permitted through a range of housing types in all residential land use designations in accordance with section 11.1.9 and where adequate residential amenities and services are provided.

Section 4.3 (Residential Intensification Outside of the Growth Areas), of Livable Oakville provides that:

*It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.*

Section 11.1.8 of Livable Oakville states that intensification within the stable residential communities shall be provided as follows (with emphasis added):

*a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan;*

*b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with section 11.1.9 and all other applicable policies of this Plan; and,*

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<sup>1</sup> **Special needs housing** means any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include but are not limited to housing for persons with disabilities such as physical, sensory or mental health disabilities, housing for the elderly, group homes, emergency shelter, housing for the homeless, and independent permanent living arrangements where support services such as meal preparation, grocery shopping, laundry, housekeeping, respite care and attendant services are provided. It does not include households that receive community based support services in their own home. (Livable Oakville)

Section 11.1.9 of Livable Oakville provides that development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

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

Section 11.1.5 of Livable Oakville provides that development on private roads shall be discouraged. Where it is demonstrated that a public road is not warranted, to the satisfaction of the Town, development through plans of condominium on private roads may be permitted provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied.

To facilitate the proposed development, the applicant intends to divide the Subject Property through a future consent (severance) application. Pursuant to Section

28.14 of the Livable Oakville Plan, consents may be permitted for the creation of a new lot provided the criteria in Section 28.14.2 is met.

Other policies of Livable Oakville within Section 6 (urban design), Section 8 (Transportation), Section 10 (sustainability), and the implementation policies in Section 28 will be applied as part of the review of this application.

### Zoning By-law

The Subject Property is zoned 'RL2-0'. Aside from Woodside Public Library and the new Halton Region EMS station to the west, and Patricia Picknell Elementary School to the south which are zoned "CU" (Community Use), the surrounding area is generally also zoned RL2-0.

The following charts have been completed by the applicant to describe compliance with the applicable regulations and standards of the Zoning By-law. The lines of the chart highlighted in blue denote regulations where the applicant is seeking amendment:

#### **Single-Detached Lots – Zoning Matrix**

The following chart reviews the proposed development against the provisions of the current RL2-0 Zone.

Zone Provision	Requirement	Proposed	Conformity
<b>RL2-0 Zone (Section 6.3)</b>			
<b>Permitted Uses</b>	Detached Dwelling	Detached Dwelling	Yes
<b>Lot Area</b>	836m <sup>2</sup>	658m <sup>2</sup>	No
<b>Lot Frontage</b>	22.5m	18.0m	No
<b>Min Front Yard</b>	9m	9m	Yes
<b>Min Flankage Yard</b>	3.5m	N/A	Yes
<b>Min interior side yard</b>	2.4m, except reduced to 1.2m on one side only where an attached private garage meeting the min dimension requirements of Section 5.2.3(b) is provided	2.4m	Yes
<b>Min rear yard</b>	7.5m	7.5m	Yes
<b>Max Storeys</b>	2 storeys	2 storeys	Yes
<b>Max Height</b>	9m	≤9m	Yes
<b>Max FAR</b>	See Section 6.4.1(d)	To be compliant	Yes
<b>Max lot coverage</b>	30%, except 25% where the dwelling is greater than 7m in height	To be compliant	Yes
<b>Parking, Loading &amp; Stacking Lane Provisions (Section 5.1)</b>			
<b>Parking</b>	Single detached dwelling – 2 parking spaces	2 spaces per unit	Yes
<b>Location</b>	A minimum of 50% of the minimum required parking spaces shall be provided within a private garage, carport, or parking structure.	To be compliant	Yes
<b>Driveway Dimensions</b>	Min driveway width = 3m	3m	Yes
	Min driveway length = 5.7m	5.7m	Yes

#### Semi-Detached Community – Zoning Matrix

The following chart reviews the proposed development against the provisions of the proposed RL5 Zone.

Zone Provision	Requirement	Proposed	Conformity
<b>RL5 Zone (Section 6.3)</b>			
<b>Permitted Uses</b>	Detached Dwelling	Semi-Detached Dwelling	No
<b>Lot Area</b>	464.5m <sup>2</sup>	793m <sup>2</sup>	Yes
<b>Lot Frontage</b>	15.0m	15.8m	Yes
<b>Min Front Yard (Rebecca Street)</b>	7.5m	>7.5m	Yes
<b>Min interior side yard</b>	2.4m (reduced to 1.2m on one side only where an attached private garage meeting the min dimension requirements of Section 5.2.3(b) is provided)	3.0m	Yes
<b>Minimum separation distance between dwellings</b>	N/A	2.0m between semi-detached dwellings which do not share a common demising wall	New provisions to be added
<b>Min rear yard</b>	7.5m	3.0m	No
<b>Max storeys</b>	2 storeys	1 storey	Yes
<b>Maximum Height</b>	9m	<9m	Yes
<b>Max FAR</b>	N/A	N/A	Yes
<b>Max lot coverage</b>	35%	18%	Yes
<b>Parking, Loading &amp; Stacking Lane Provisions (Section 5.1)</b>			
<b>Parking</b>	Semi-detached dwelling – 2 parking spaces	1 parking space per unit	No
<b>Location</b>	A minimum of 50% of the minimum required parking spaces shall be provided within a private garage, carport, or parking structure.	Parking to be provided outdoors at-grade and in private driveways.	No
<b>Visitor Parking Requirements</b>	0.25 visitor spaces per unit (3.5 visitor spaces required)	4 visitor spaces	Yes
<b>Parking Dimensions</b>	2.7m x 5.7m	2.7m x 6.0m	Yes
<b>Min Aisle Width</b>	6m		
<b>Driveway Dimensions</b>	Min driveway width = 3m	3m	Yes
	Min driveway length = 5.7m	6m	Yes

## TECHNICAL & PUBLIC COMMENTS

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website (<https://www.oakville.ca/business/da-41238.html>)

- Concept Plan, Elevations, and Floor Plans
- Landscape Master Plan
- Environmental Site Assessments (Phase 1 & 2)
- Record of Site Condition
- Functional Servicing and Stormwater Management Report
- Environmental Site Screening Questionnaire
- Planning Justification Report

- Tree Inventory & Preservation Plan Report
- Urban Design Brief
- Waste Management Letter
- Preliminary Geotechnical Investigation
- Preliminary Servicing Plan, Grading Plan
- Existing & Proposed Storm Drainage Plans

### **Issues Under Review / Matters to be Considered**

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

- Impact / integration of the proposed development on adjoining properties, including adequate provision / extension of pedestrian walkways;
- Conformity with applicable policy, including criteria in Section 11.1.9 of Livable Oakville to maintain and protect the existing neighbourhood character;
- Lotting pattern and proposed density of development;
- Design of proposed private road, and transportation considerations.
- Suitability of lands for intended use (environmental);
- Tree preservation;
- Functional servicing and stormwater management;
- Urban design considerations; and,
- Climate change / sustainability goals and objectives.

It is noted that in due course, site plan matters such as fencing, landscaping and the design of the proposed buildings would be advanced through a more detailed site plan application.

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

### **CONCLUSION**

Planning staff will continue to review and analyze the subject Zoning By-law Amendment application and address all technical matters, if any, along with submitted public comments, then report to Council at a future meeting. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

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## CONSIDERATIONS

### (A) PUBLIC

The applicant held a Public Information Meeting on February 23, 2022, and it was attended by 21 residents. Questions and answers from the meeting have been included as '**Appendix "A"**'. All other public comments received as of the date of this report are appended to this report as "**Appendix 'B'**".

Notice of complete application and public meeting were distributed to property owners within 240m of the Subject Property in accordance with the town's current notice requirements.

### (B) FINANCIAL

None.

### (C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

### (D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

### (E) CLIMATE CHANGE/ACTION

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

## APPENDICES

Appendix "A": Public Information Meeting Minutes

Appendix "B": Public Comments

Appendix "C": Applicable Policies

Prepared by:

Paul Barrette, MCIP, RPP

Senior Planner, Current Planning

Recommended by:

Charles McConnell, MCIP, RPP

Manager, Current Planning - West

Submitted by:

Gabe Charles, MCIP, RPP

Director of Planning

# Assisted Rental Housing for Older Adults – 1258 Rebecca Street, Oakville: Virtual Public Information Centre – Questions and Answers

Below is a list of questions asked during and following the virtual Public Information Centre held February 23, 2022 from 7 to 8 pm.

## Questions and Answers

### 1. Since we need more housing for seniors, why not have more, instead of the single dwellings?

The Region has a Council approved Comprehensive Housing Strategy 2014-2024 and new units created through this site and others within the Region's assisted rental housing development portfolio will support advancing assisted housing on this site and others.

### 2. Can you please speak more about the 3 proposed houses on Rebecca? Will those lots be available for sale to any developer? What type of housing will be permitted (e.g. affordable housing)? Will any variances be permitted for those houses (e.g. house size)?

Through the rezoning process, various regulations will be established to regulate matters such as size and location of the future homes on the proposed three single-detached lots along Rebecca St. Details regarding these regulations will be confirmed through the rezoning process in consultation with Town of Oakville Planning Staff. If the proposed zoning is approved, any future owner will be required to adhere to the Town's zoning policies. Timing for the sale of these lots is uncertain, but any future sale will be in accordance with Halton Region's surplus land policies.

If the future owner of a given lot wishes to change the approved zoning regulations, they may be permitted to do so through a formal application to the Town of Oakville. This application would be subject to further public consultation, review by Town Staff, and review by Town Council. Any further changes to the zoning would require approval from Town Council or the Committee of Adjustment.

### 3. What will be done to protect the existing mature trees on the lot?

Existing mature trees will be identified on a Tree Inventory Plan & Protection (TIPP) plan. The TIPP will identify the existing trees, identify if any trees need to be removed to accommodate the proposed development and which trees which can be retained. Prior to construction, the retained trees will be protected with fencing to ensure that the critical roots are not damaged by construction activities.

### 4. How will the residents be selected for this future development?

Housing access is administered through the Halton Access to Community Housing (HATCH) waitlist, as set out in Halton Region's Comprehensive Housing Strategy. To learn more about HATCH please visit:

<https://www.halton.ca/For-Residents/Housing-Supports-and-Services/Assisted-Housing>

**5. Assuming the approval comes in Q1 2023, what is the expected lead time to have the units available for occupation?**

Advancing this project into the construction phase will require Regional Council approval, and there are a number of steps required before the units can be occupied. These include securing zoning approval from Town Council, detailed design, tender, construction, etc. Currently, construction is planned to take place between 2023 and 2024. This timing is however subject to Town and Regional approvals.

**6. Those lot sizes do not comply with the other lots in the area. Why are we having three and not two? Lots here are standard 75 ft x 150 ft.**

The proposed development seeks to implement a plan which fits with the character of the existing neighbourhood, but which also represents an efficient use of land and infrastructure. Given the ongoing housing crisis in Ontario (both in terms of quantity and affordability), it is critical that new development make efficient use of available land to increase the available housing stock. Provincial and municipal planning policies encourage compact infill development within existing neighbourhoods to accommodate more housing opportunities while respecting the character of the existing neighbourhood.

The proposed single-detached lots fronting along Rebecca St. are intended to be 18 metres in width, whereas existing lots in the neighbourhood are (on average) roughly 22.5 metres in width. The proposed 18-metre-wide lots are not anticipated to impact the overall character of the neighbourhood.

**7. As proposed, the single lots along Rebecca would not meet similar lot sizes compared to the neighboring property. If other homeowners in the area applied to sever (split) their properties, would the City allow it?**

Any homeowner has the right to apply to the Town of Oakville to sever (split) their lands. Each application would be reviewed on its own merits by Town Staff. We cannot confirm whether or not the Town would approve a severance on another property site.

**8. Existing homes back onto your subject property. Although there is support for seniors housing in our community, the concept indicates homes are placed three metres from the property line. This would change existing sight lines dramatically as they sit well above fence lines.**

The development of the site will change existing sight lines for any homes which have views of the subject property. Details regarding setbacks are preliminary at this time and are still to be confirmed through consultation with Town Staff and public stakeholders. The proposed semi-detached units, which would abut existing homes to the rear, will be a maximum of one-storey in height so they will not have direct or clear sight lines into neighbours' yards. The development also features a proposed 1.8-metre-high wooden fence around the perimeter of the site, in addition to, plantings of various trees, bushes, and other vegetation.

**9. The area has various issues with ground water and drainage issues. How would the 14 additional units impact that?**

Through the planning approvals process, various engineering plans are required to be prepared. These plans will address matters such as servicing, grading and stormwater management. The standard requirement is to ensure that all post-development stormwater flows away from neighbouring properties and either enters the Town's stormwater sewers or is captured/released into the ground. Details regarding the stormwater management strategy are not available at this time but will be reviewed in detail with Town Engineering Staff at the appropriate juncture in the approvals process. Once complete, the existing ground water and drainage issues will remain neutral or be improved on this site.



**10. Various services such as above ground cable, Cogeco and Bell services have long created easements in the area that are directly through the site. How will this be addressed?**

Existing easements for utilities and municipal services are common, particularly in older neighbourhoods. These services will be identified and (if necessary) plans will be prepared which show how they may be relocated or adjusted to avoid disruption of services to neighbouring properties. Details regarding these easements and any existing services will be confirmed through the detailed site plan process.

**11. Will the site line up with the existing traffic lights at the intersection of Rebecca Street and Warminster Drive?**

Yes, the current intent is to align the private driveway (leading to the older adults housing units) with the existing lights at the intersection of Rebecca Street and Warminster Drive.

**12. Why doesn't the municipality plan senior housing in a lower density area, and provide opportunities for more families at this location?**

Provincial and municipal planning policies encourage the creation of complete communities which feature a diversity of housing options and densities to meet the needs of a wide range of residents. Complete communities feature housing opportunities which allow people of all ages to live and thrive in the same area and enable residents to "age-in-place", meaning that there are appropriate housing opportunities for individuals throughout their lifespan.

**13. Is this housing strictly for seniors 65+?**

While no final eligibility decisions have yet been approved by Regional Council for 1258 Rebecca Street, individuals are generally eligible to be on the Halton Access to Community Housing (HATCH) older adults' waitlist at 60 years of age, and are eligible to receive a housing offer when they turn 65. Individuals with supportive housing needs can be placed at the age of 60.

**14. What are the next steps from here?**

The next steps will be to submit applications for Zoning By-law Amendment and subsequently for Site Plan Control to the Town of Oakville. We anticipate the Zoning By-law Amendment application to be submitted in Q1 2022, with a final decision by Town Council in Q1/Q2 2023. For the Site Plan Control application, we anticipate a submission in Q2 2022 and final approval by the Town in Q2 2023 (pending zoning approval).

**15. What is the height of the proposed units?**

The semi-detached units (older adults housing) will be a maximum of one-storey in height. The height of the single-detached dwellings has not yet been determined but will likely be a maximum of two or three storeys consistent with typical building heights in the surrounding neighbourhood. These details will be confirmed in consultation with Town Planning Staff.

**16. What is the setback of the semi-detached units to the fence?**

The plans currently show a three-metre rear yard setback for all semi-detached units to the fence line. Details regarding setbacks are preliminary at this time and are still to be confirmed through consultation with Town Staff and public stakeholders.

**17. Will the new units result in a loss of privacy for neighboring properties?**

We do not anticipate any significant loss of privacy for neighbouring properties and residents. The proposed semi-detached units, which would abut existing homes to the rear, will be a maximum of one-storey in height so they will not have direct or clear sight lines into neighbours' yards. The development also features a

proposed 1.8-metre-high wooden fence around the perimeter of the site. The fence will obscure most, if not all, views into neighbouring yards. This will be enhanced by plantings of various trees, bushes, and other vegetation, which will further obscure views between properties.

**18. Can some of the semi-detached units be relocated to the courtyard/parkette? The courtyard/parkette could then be moved to the fence line to improve privacy for adjacent land owners.**

The project team has explored a variety of layouts and configurations for the site. In 2015, Regional Council endorsed a plan which closely resembles the current iteration of the plan. Although further changes to the plan are anticipated through the review process, the intent is to maintain the general layout and configuration as endorsed by Regional Council.

**19. What escalation can members of the public take before the zoning application takes place?**

At this time, we encourage all members of the public with an interest in this project to send their comments and questions to the individuals listed on the project webpage by March 31, 2022. The public will also have an opportunity to comment after the application has been submitted to the Town. There will be a notice of the application and another public meeting in 2022 where residents can express any additional concerns. To view the project webpage, please visit: <https://www.halton.ca/The-Region/Events/2022/Future-development-of-1258-Rebecca-Street>

# Appendix B

**Paul Barrette**

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**From:** Leiba, Denisa [REDACTED]  
**Sent:** May 10, 2022 11:17 AM  
**To:** Town Clerks  
**Cc:** Franca Piazza; Paul Barrette  
**Subject:** FW: Halton Region, File No. Z.1723.08, Ward No. 2  
**Attachments:** NCA\_Z.1723.08\_May-5-2022.pdf

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

RE: Formal Notice Not in Support of this Rezoning / Design.

My home is [REDACTED] Sandwell Drive and this rezoning directly impacts my home and backyard.

Our property spans a school, small forest and small part of the back of the library. Our property line is very wide, but not very deep. The design of my house, has large windows in the back that looks over the pool and then the forest over the fence which is just feet away.

My primary issues are the design of the space which is included in the application. It appears that the area will be severed for detached homes and that the independent living houses will be placed directly behind my home, and where the trees currently are.

In summary, the following are my concerns:

1. The design is contravening protected Trees as part of **Tree Protection and Tree Canopy Preservation Policy**, which outlines that Trees cannot be removed on public land unless it is to safe-guard the public. Procedure: EN-TRE-001-001, By-law 2003-021, etc.
2. We get many birds and other wildlife because of these trees/small forest and related Sedgwick forest which is close by. <https://ebird.org/hotspot/L821786> We welcome the birds and feed them. **Is wildlife space protected as part of Oakville's Wildlife Strategy?**
3. Privacy and noise levels for both sides would be a concern. Why would independent living space be put so closely to another house/property line. There clearly was no consideration to the design of the nearing house on the other side of the fence. We have a pool and young family with two dogs that bark.
4. The design has the independent living houses are just 3 feet to the fence. Our pool is 3 feet to the fence on the other side. What are the rules on how close can be built for neighbors? Pools? Possible drainage issues? Surely this is a design flaw, on top if privacy, tree and wildlife lack of considerations.
5. Why would the design not be in the unoccupied space, without impacting the trees and my house which is the most impacted based on proximately to the fence line?
6. Why is it ok for Halton /Town of Oakville to benefit from designing detached homes for a profit when directly impacting the value of my house and backyard. Again it's not the independent living occupying the space but the design of the space that is the issue.
  - a. We would literally be looking at a roof and maybe into a window from inside our kitchen, as the design has the units directly behind.
7. Impacting the trees behind us, which are so high that they can be seen from the street, would also change the curb appeal for our house and street landscape.

**We urge the City of Oakville to require the Halton Region to redesign this area before the rezoning is approved. It would not be in the residence best interest to accept the rezoning application as outlined and with so many issues,**

some of which are noted above. Our concerns were not considered when asked and the responsibility was placed on The Town of Oakville to deal with the issues. We ask you to use this responsibility to require them to redesign the area with the feedback of the residence in mind. The proposal does not balance interests – it benefits Halton, the Town of Oakville only, and not the residents who are directly impacted, or the areas to be protected, such as Trees, birds and wildlife.

Please let me know next steps so we can seek further support and back-up on the above.

Thank you,  
Denisa Leiba

---

**From:** Franca Piazza <[franca.piazza@oakville.ca](mailto:franca.piazza@oakville.ca)>  
**Sent:** Thursday, May 5, 2022 10:09 AM  
**Cc:** Paul Barrette <[paul.barrette@oakville.ca](mailto:paul.barrette@oakville.ca)>  
**Subject:** Halton Region, File No. Z.1723.08, Ward No. 2

Attached is the Notice of Complete Application served in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

If you prefer that we use an alternative email address for service, please contact Franca Piazza, Legislative Coordinator at 905-845-6601 ext. 5986 or at [franca.piazza@oakville.ca](mailto:franca.piazza@oakville.ca)

**Franca Piazza**  
**Legislative Coordinator**  
**Planning Services**  
Town of Oakville | 905-845-6601, ext.5986 | f: 905-338-4230 | [www.oakville.ca](http://www.oakville.ca)

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## Appendix “C”

### **Provincial Policy Statement - 2020**

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

#### **Part V: Policies**

##### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 – Healthy, liveable and safe communities are sustained by:

- a) promoting 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity;
- i) and preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for

specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be 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 unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

1.1.3.3 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 planned *infrastructure* and *public service facilities* required to accommodate projected needs.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place 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*.

## 1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
- a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
  - b) economic development strategies;
  - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
  - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
  - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
  - f) natural and human-made hazards;
  - g) population, housing and employment projections, based on *regional market areas*; and
  - h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.
- 1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.

## 1.4 Housing

- 1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:
- a) maintain 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) maintain 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.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting 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;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## **1.5 Public Spaces, Recreation, Parks, Trails and Open Space**

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands,



- public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

## 1.6 Infrastructure and Public Service Facilities

- 1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
  - b) available to meet current and projected needs.
- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
  - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

### 1.6.6 Sewage, Water and Stormwater

- 1.6.6.7 Planning for stormwater management shall:
- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
  - b) minimize, or, where possible, prevent increases in contaminant loads;
  - c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
  - d) mitigate risks to human health, safety, property and the environment;

- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

### **1.6.7 Transportation Systems**

- 1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
- 1.6.7.3 As part of a *multimodal transportation system*, connectivity with and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation*.

### **1.6.8 Transportation and Infrastructure Corridors**

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.
- 1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.  
  
New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.
- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

## **1.7 Long-Term Economic Prosperity**

#### 1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- 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;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;
- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.

### 1.8 Energy Conservation, Air Quality and Climate Change

#### 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

## 2.6 Cultural Heritage and Archaeology

- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

### **Growth Plan (2020)**

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

#### **Section 1.2.1 – Guiding Principles**

- *Support 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.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve 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.*
- *Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

## Section 2.2 – Policies for Where and How to Grow

### 2.2.1 – Managing Growth

2.2.1.2 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*;
- b. growth will be limited in settlement areas that:
  - i. are rural settlements;
  - ii. are not serviced by existing or planned municipal water and wastewater systems;  
or
  - iii. are in the Greenbelt Area;
- 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 generally directed away from hazardous lands;

2.2.1.3 Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

- c. provide direction for 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;
- d. support the environmental and agricultural protection and conservation objectives of this Plan;

2.2.1.4 Applying the policies of this plan will support the achievement 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;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;

- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development.

### 2.2.2 – Delineated Built-up Areas

1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
  - a. A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and
  - b. The City of Kawartha Lakes and the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe and Wellington will, through the next municipal comprehensive review, each establish the minimum percentage of all residential development occurring annually that will be within the delineated built-up area, based on maintaining or improving upon the minimum intensification target contained in the applicable upper- or single-tier official plan.
2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.
3. All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:
  - a) encourage *intensification* generally to achieve the desired urban structure;
  - b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
  - c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
  - d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
  - e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
  - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

### 2.2.6 – Housing

1. 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 additional residential units and affordable housing to meet projected needs of

- current and future residents; and ii. establishing targets for affordable ownership housing and rental housing;
  - b. identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);
  - c. align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;
  - d. address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and
  - e. implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, 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.

### **3.2.1 Integrated Planning**

1. Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
  - a. leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
  - b. providing sufficient infrastructure capacity in strategic growth areas;
  - c. identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and
  - d. considering the impacts of a changing climate.
4. Municipalities will assess infrastructure risks and vulnerabilities, including those caused by the impacts of a changing climate, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.
5. The Province will work with public sector partners, including Metrolinx, to identify strategic infrastructure needs to support the implementation of this Plan through multi-year infrastructure planning for the transportation system and public service facilities.

### **3.2.2 Transportation – General**

1. Transportation system planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.

### **3.2.3 Moving People**

1. Public transit will be the first priority for transportation infrastructure planning and major transportation investments.

### **3.2.7 - Stormwater Management**

1. Municipalities will develop stormwater master plans or equivalent for serviced settlement areas that:
  - a) are informed by watershed planning or equivalent;
  - b) protect the quality and quantity of water by assessing existing stormwater facilities and systems;
  - c) characterize existing environmental conditions;
  - d) examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;
  - e) incorporate appropriate low impact development and green infrastructure;
  - f) identify the need for stormwater retrofits, where appropriate;
  - g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and
  - h) include an implementation and maintenance plan.
2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
  - a) is informed by a subwatershed plan or equivalent;
  - b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;
  - c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
  - d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

#### **4.2.10 Climate Change**

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:
  - a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;
  - b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;
  - c) assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;
  - d) undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;
  - e) recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;



- f) protecting the Natural Heritage System for the Growth Plan and water resource systems;
- g) promoting local food, food security, and soil health, and protecting the agricultural land base;
- h) providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and
- i) any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.

## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Public Meeting Report – Draft Plan of Subdivision (24T-21005/1530) – Part of Lot 30, Concession 2 (SDS), Bronte Green Corporation

**LOCATION:** Part of Lot 30, Concession 2 (SDS)

**WARD:** Ward 4 .

Page 1

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#### RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed draft plan of subdivision submitted by Bronte Green Corporation. (File No.: 24T-21005/1530), be received.
3. That staff consider such comments as may be provided by Council.

#### KEY FACTS

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

- The proposed draft plan of subdivision would have the effect of creating six new lots for detached dwellings, and one new block for townhouse dwellings, together with additional reserve blocks to be consolidated with the abutting Bronte Green Subdivision (now Registered Plan 20M-1223) for detached and townhouse dwellings.
- The subject lands, are bound by Queens Plate Road, Charles Cornwall Road and Merton Road, and are currently occupied by a stormwater management pond that had been part of the former public works yard when the lands were owned by the Region of Halton.

- The subject lands are designated Low Density and Medium Density Residential, and are zoned RL6 and RM1 respectively, subject to Special Provision 376 and “H30” Holding Provision.
- Although the subject lands were excluded from Plan 20M-1223, the extension of the roads surrounding the subject lands, and the land use designations and zoning provisions applicable to the lands were approved by the OMB as part of the Bronte Green hearing.
- The proposed draft plan of subdivision is intended to implement the Official Plan land use designations and policies and Zoning regulations.
- Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement, conform to all applicable Provincial plans, and the Region of Halton Official.

## **BACKGROUND**

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

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

The current applications were submitted and deemed complete on October 27, 2021.

During the OMB hearing related to applications filed by Bronte Green Corporation for the development of the former Saw Whet Golf Course (PL141318), Bronte Green Corporation acquired the adjacent Halton Region public works yard. This acquisition allowed for the extension of the road network through the former public works yard, including Merton Road (formerly Street “B”), Queens Plate Road (formerly Street “G”) and Charles Cornwall Avenue (formerly Street “K”). The conveyance and construction of these roads were required as conditions of approval of the draft plan of subdivision.

The OMB’s decision, issued on June 21, 2017, also included the approval of amendments to the Official Plan policies and Zoning By-law provisions applicable to the public works yard. These approvals allowed for the subject lands to be used for residential purposes (subject to holding provisions) and a separate remnant parcel

created by the road network to be used as part of a neighbourhood commercial plaza.

Notwithstanding the approvals described above, the public works yard was excluded from the plan of subdivision since it was owned by the Region and not included in the original application. In addition, it was partially occupied by a stormwater management pond, located on the subject lands. Now that the public works yard has been relocated, and that the engineering review for the relocation of the stormwater function of the pond to a tank have been sufficiently advanced, the applicant has submitted a draft plan of subdivision application to facilitate land division of lots and blocks for residential land use, as approved by the OMB.

While not formally included in the Bronte Green subdivision, the subject lands can be seen in an excerpt from the Zoning By-law shown in Figure 1 below:

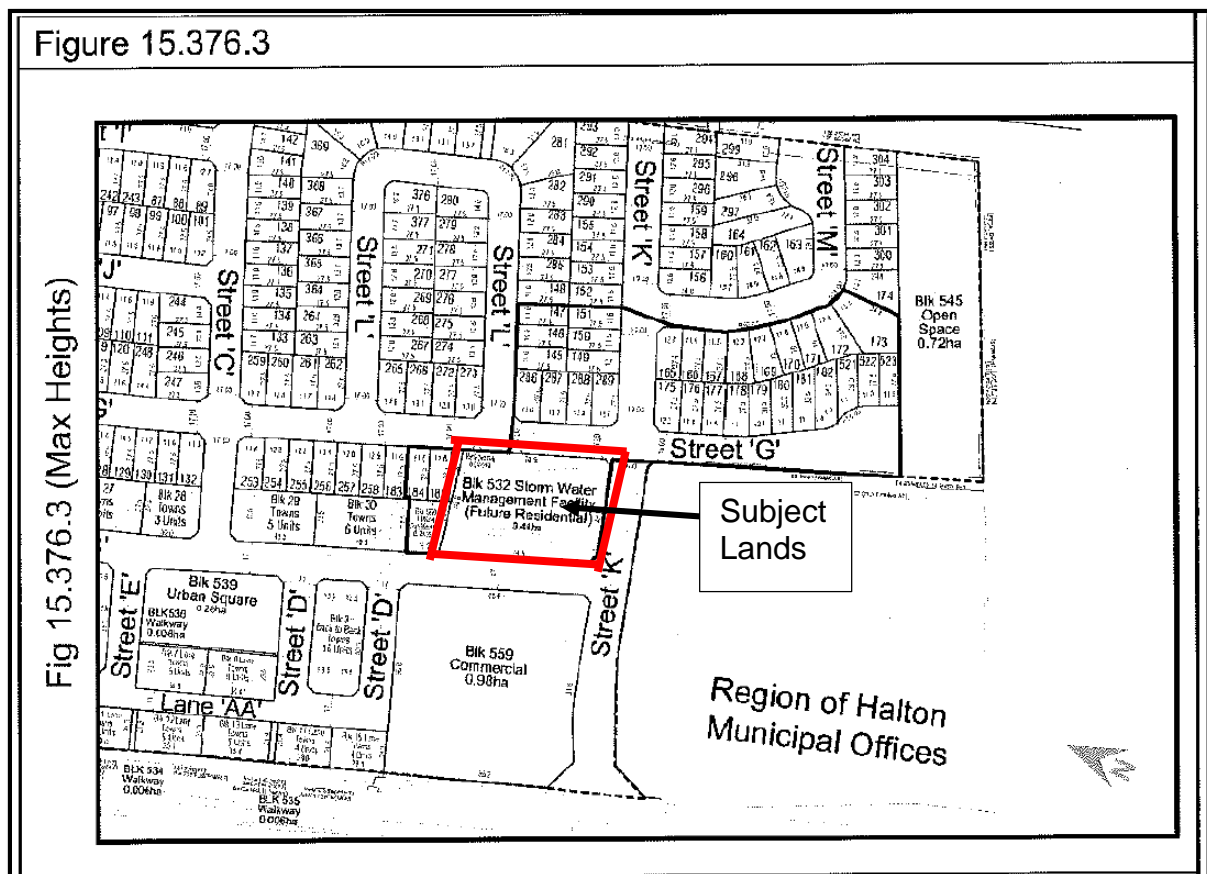


Figure 1 – Subject lands in relation to surrounding subdivision

## Proposal

The applicant proposes to subdivide the subject lands for six detached dwelling lots, and one block for six townhouse units, together with two reserve blocks to be merged with the abutting lands to the north for additional detached dwelling and townhouse dwelling lots. The proposed draft plan is provided below as Figure 2.



Figure 2 – Proposed Draft Plan of Subdivision

## Location & Site Description

The subject lands are located east of Bronte Road, east of Merton Road, north of Charles Cornwall Avenue, and west of Queens Plate Road as shown in Figure 3 below. The subject lands contain an existing stormwater management facility formerly owned and operated by the Region of Halton, and was acquired by the applicant as part of the settlement of the Bronte Green subdivision (now Registered Plan 20M-1223).



Figure 3 – Aerial Photo



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## **Surrounding Land Uses**

As seen above, the subject lands are north of the Region of Halton Woodlands Operations Centre and larger Regional Headquarters, and east of a future commercial block at Bronte Road and Charles Cornwall Avenue and represent a remnant parcel created through the taking of these roads. The subject lands are intended to be merged with lands to the north for future residential uses. There are future residential uses to the east.

## **PLANNING POLICY & ANALYSIS:**

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

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

### ***Provincial Policy Statement***

The Provincial Policy Statement (2020) ('PPS'), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and 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. Specific policies applicable to this application are included in Appendix "B".

### ***Growth Plan for the Greater Golden Horseshoe (2019)***

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

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

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options. Specific policies applicable to this application are included in Appendix “B”.

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

The subject lands are designated as “Urban Area” on Map 1: Regional Structure of the Plan. Bronte Road is shown on Map 3: Functional Plan of Transportation Facilities as a “Higher Order Transportation Corridor”.

The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed use communities which to provide a range of choices for residence, work and leisure. The Region’s Official Plan also provides that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws.

The Region of Halton has provided the following comments:

*“Policy 143 (12) requires the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region’s Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines.*

*In this regard, the Halton Regional Centre/Woodlands Centre is identified as has having potential impacts on the proposed residential uses.*

*The lands are zoned with a Holding provision that includes a requirement for the construction of a noise wall on the Region’s lands by the Woodland Centre in order to address noise impacts from the facility on the proposed residential uses.*

*In conjunction with engineering review for the noise wall (Region file DO-1060), alternatives were investigated to the initial proposal for a wing wall to address noise generated from siren testing. A new location was confirmed situated close to the 4.0-metre tall wall in the northeast area of the Woodlands Centre yard. An updated letter report prepared by HGC Engineering and dated February 10, 2022 was submitted which confirmed that the noise wall is sufficient in protecting the subject lots from noise impacts from the revised siren testing location.*



On this basis, the Region has requested warning clauses to be included in the conditions of draft approval in relation to the potential impacts from the operations at the Halton Regional Offices lands.

Further, as stated above, the subject lands contain an existing stormwater management pond. This pond is temporary and services the Halton Regional Centre / Woodland Centre lands. In order to facilitate the development of the subject property, this pond has to be relocated. The engineering review for the relocation of the stormwater function to a tank located on the Region of Halton's property is underway (Region file DO-1077).

The Region has requested a condition of draft approval to be included which would require all the relocation works to be completed and the new stormwater facility is operational prior to registration.

On this basis, the Region has no objection to this application subject to the inclusion of the requested conditions of draft plan approval to be applied at the appropriate time.

### ***Livable Oakville Official Plan***

#### **Urban Structure**

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's Residential Areas.

#### **Livable Oakville Land Use Policies**

The subject lands were included in the approvals for the surrounding Bronte Green subdivision in relation to the Official Plan designation. The lands are designated Low Density Residential on the eastern half of the site, and Medium Density Residential on the western half of the site, as shown in Figure 4 below.

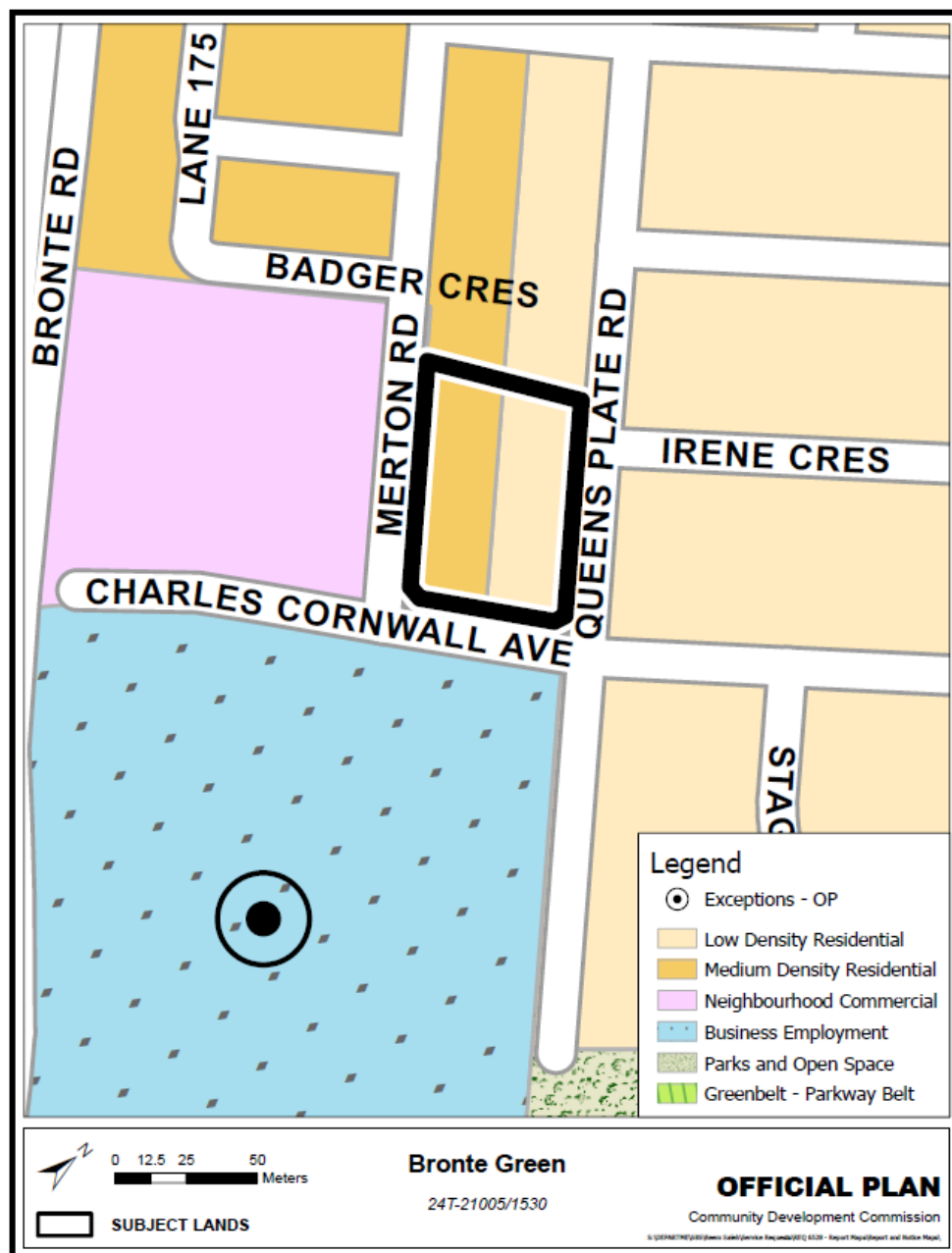


Figure 4 – Official Plan

Site specific policies were applied in the Livable Oakville Official Plan related to the Bronte Green Subdivision and also included the subject lands as stated in Policy 27.3.7:

*“The Bronte Green Lands comprise the former Saw-Whet Golf Course known municipally as 1401 Bronte Road. The Bronte Green Lands also include a*

*portion of lands owned at the time by the Region of Halton situated north of the southerly section of the proposed Collector Road shown on Schedule H.”*

Further, Policy 27.3.73 states:

*“b) Low Density Residential*

- i) On the lands designated Low Density Residential, a row of townhouses may be permitted on the north side of the southerly section of the proposed collector road shown on Schedule H to buffer from adverse impacts from the Regional lands located to the south. The need for, and design of, the potential townhouse block will be determined through a noise study.*

*c) Medium Density Residential*

- i) On the lands designated Medium Density Residential, the minimum building height shall be 3 storeys for development abutting Bronte Road.*
- ii) On the lands designated Medium Density Residential, permitted residential uses on the north side of the southerly section of the proposed collector road shown on Schedule H may require a buffer to mitigate adverse impacts from the Regional lands located to the south. The need for a buffer and the design of the buildings will be determined through a noise study.”*

As provided in the comments from Halton Region, noise mitigation measures will be managed on the Halton Regional Centre/Woodlands Centre property. Much of this work is currently underway and the Region has secured agreements with the developer to carry out these works.

***Zoning By-law***

The subject lands were zoned through the Bronte Green OMB hearing, which intended for the lands to develop as residential uses, shown in Figure 5 below.

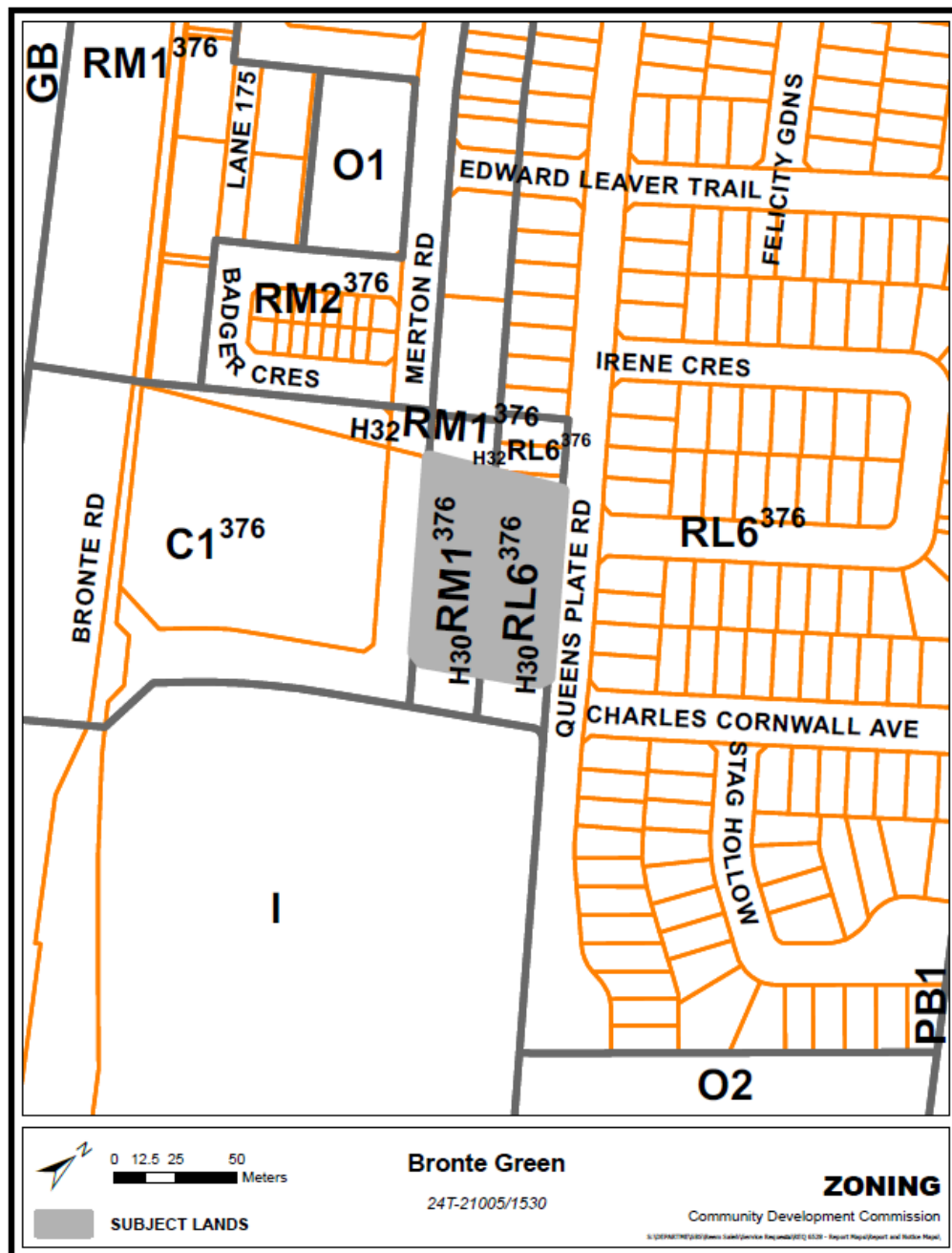


Figure 5 – Zoning Map

The eastern portion of the lands are zoned RL6 special provision 376, and subject to the “H30” holding provision. Similarly, the western portion of the lands are zoned RM1 special provision 376 and also subject to the “H30” holding provision. The RL6 and RM1 special provision 376 are consistent with the zoning to the north, as the proposed development is intended to be an extension of the Bronte Green subdivision. The proposed lots and blocks have the minimum lot area and frontage prescribed by the By-law. However, the “H30” holding provision is specific to the

subject lands, and contains the following conditions before the removal of the holding can be considered:

- “a) That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the Town of Oakville.*
- b) A Ministry of Environment acknowledged Record of Site Condition, certified by a Qualified Person as defined in Ontario Regulation 153/04, is provided to the satisfaction of the Regional Municipality of Halton.*
- c) That a detailed noise study conducted by a qualified Professional Engineer shall be provided which demonstrates compliance with Ministry of Environment sound level limits, to the satisfaction of Halton Region and the Town of Oakville.*
- d) That an updated functional servicing report be submitted which provides for potential decommissioning of the existing stormwater management pond and all grading, drainage and SWM and implications on the Region’s future EMS lands be provided to the satisfaction of Halton Region, Conservation Halton and the Town of Oakville.*
- e) The required noise walls associated with the noise impacts from the Region’s Woodlands Operations Centre and Public Works Yard have been designed, located and installed to the satisfaction of Halton Region.”*

There is no zoning by-law amendment proposed with this application nor is there a request to remove the “H30” holding provision at this time. However, as a condition of draft plan approval the “H30” holding provision will be required to be lifted prior to registration, and all of these matters are also included as conditions of draft plan approval.

## **TECHNICAL & PUBLIC COMMENTS**

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application were undertaken to ensure that all technical matters have been satisfactorily addressed. The following supporting

documents, among others are accessible on the town's website (<https://www.oakville.ca/business/da-39707.html>):

- Air Photo
- Survey
- Draft Plan of Subdivision
- Planning Justification Report
- Functional Servicing Report
- Archaeological Assessment
- Traffic Impact Study
- Arborist Report
- Traffic Noise Feasibility Study Amendment

### **Issues Under Review / Matters to be Considered**

A complete analysis of the applications will be undertaken including the review of the following matters which have been identified to date:

- Consistency with the Provincial Policy Statement 2020 and conformity to the 2020 Growth Plan for the Greater Golden Horseshoe.
- Conformity with the Region of Halton Official Plan.
- Conformity with the Livable Oakville Official Plan.
- Evaluation of the proposal with respect to Sections 2 and 51(24) of the *Planning Act*.
- Technical matters related to the decommissioning of the existing pond.
- Establishing appropriate stormwater management solutions for both the Region's Woodward Centre and the subject lands.

Staff note that these matters must be satisfactorily resolved before the preparation of draft plan of subdivision conditions. As the review of this application continues, resolution of these matters may result in modifications to the application.

## **CONSIDERATIONS**

### **(A) PUBLIC**

Due to the surrounding lands remaining in the ownership of the developer or the Region of Halton, a Public Information Meeting was not required. Notice of Complete Application was distributed to property owners within 120m of the subject lands. Following the Notice of Complete application and installation of the development sign, no public comments have been received to-date. Notice

of the Public Meeting has been provided to property owners within 240m of the subject lands in accordance with the town's current notice requirements.

**(B) FINANCIAL**

Development Charges would be applicable to this development.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

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

**CONCLUSION**

Planning staff will continue to review and analyze the proposed application and address all technical matters along with any submitted public comments, and report to Council at a future meeting. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

**APPENDICES**

Appendix "A" – Draft Plan

Appendix "B" – Applicable Policies

Prepared by:

Kate Cockburn, MCIP, RPP

Senior Planner, Current Planning

Recommended by:

Charles McConnell, MCIP, RPP

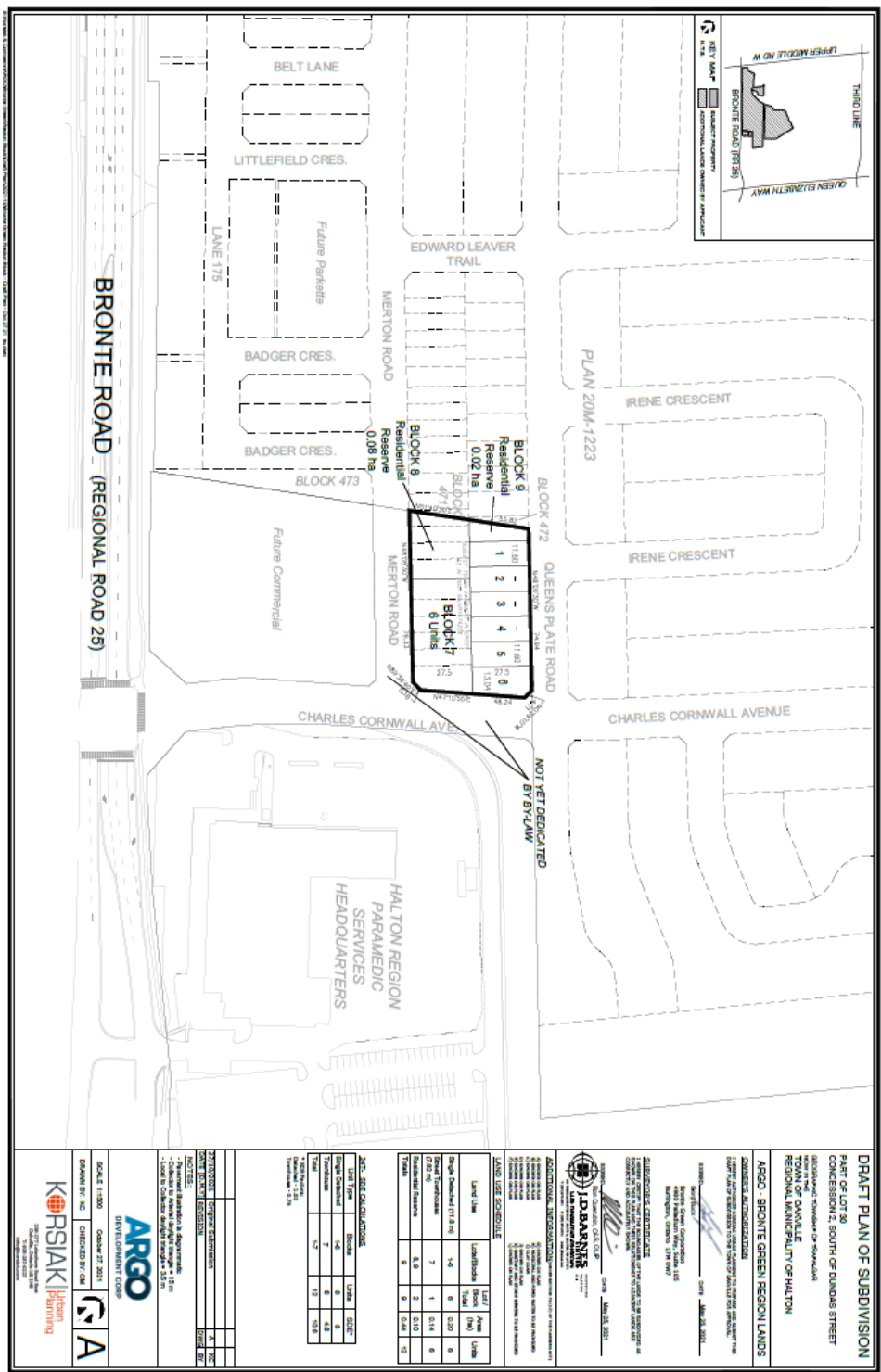
Manager, Current Planning - West

Submitted by:

Gabe Charles, MCIP, RPP

Director of Planning

Appendix "A"





## Appendix “B”– Applicable Policies

### **Provincial Policy Statement - 2020**

The Provincial Policy Statement (2020) (‘PPS’) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

### **Part V: Policies**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 – Healthy, liveable and safe communities are sustained by:

- a) promoting 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for

specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be 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 unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

1.1.3.3 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 planned *infrastructure* and *public service facilities* required to accommodate projected needs.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place 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*.

## 1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
- a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
  - b) economic development strategies;
  - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
  - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
  - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
  - f) natural and human-made hazards;
  - g) population, housing and employment projections, based on *regional market areas*; and
  - h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

## 1.4 Housing

- 1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:
- a) maintain 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) maintain 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.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and

*redevelopment*, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting 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;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## **1.5 Public Spaces, Recreation, Parks, Trails and Open Space**

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and

- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

## **1.6 Infrastructure and Public Service Facilities**

- 1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

### **1.6.6 Sewage, Water and Stormwater**

- 1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

### **1.6.7 Transportation Systems**

- 1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
- 1.6.7.3 As part of a *multimodal transportation system*, connectivity with and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation*.

### **1.6.8 Transportation and Infrastructure Corridors**

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.
- 1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.  
  
New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.
- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

## **1.8 Energy Conservation, Air Quality and Climate Change**

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

## **Growth Plan (2020)**

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

### **Section 1.2.1 – Guiding Principles**

- *Support 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.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve 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.*
- *Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the*

*impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

## **Section 2.2 – Policies for Where and How to Grow**

### **2.2.1 – Managing Growth**

2.2.1.2 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*;
- b. growth will be limited in settlement areas that:
  - i. are rural settlements;
  - ii. are not serviced by existing or planned municipal water and wastewater systems;  
or
  - iii. are in the Greenbelt Area;
- 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 generally directed away from hazardous lands;

2.2.1.3 Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

- c. provide direction for 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;
- d. support the environmental and agricultural protection and conservation objectives of this Plan;

2.2.1.4 Applying the policies of this plan will support the achievement 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;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes



- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development.

### 2.2.2.3 – Delineated Built-up Areas

All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

- a) encourage *intensification* generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

### 2.2.6.3 – Housing

To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

## Section 3.2.7 - Stormwater Management

1. Municipalities will develop stormwater master plans or equivalent for serviced settlement areas that:
  - a) are informed by watershed planning or equivalent;
  - b) protect the quality and quantity of water by assessing existing stormwater facilities and systems;
  - c) characterize existing environmental conditions;
  - d) examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events

- will exacerbate these impacts and the identification of appropriate adaptation strategies;
  - e) incorporate appropriate low impact development and green infrastructure;
  - f) identify the need for stormwater retrofits, where appropriate;
  - g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and
  - h) include an implementation and maintenance plan.
2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
- a) is informed by a subwatershed plan or equivalent;
  - b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;
  - c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
  - d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

#### **4.2.10 Climate Change**

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:
- a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;
  - b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;
  - c) assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;
  - d) undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;
  - e) recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;
  - f) protecting the Natural Heritage System for the Growth Plan and water resource systems;
  - g) promoting local food, food security, and soil health, and protecting the agricultural land base;
  - h) providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and
  - i) any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.

## **Livable Oakville Official Plan**

### **Section 4 – Managing Growth**

#### **4.3 Residential Intensification Outside of the Growth Areas**

It is the policy of the Plan that the key focus for *development* and redevelopment to accommodate *intensification* will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages *intensification* generally throughout the *built up area*, it also recognizes that some growth and change may occur in these areas provided the *character* of the areas is preserved and the overall urban structure of the Town is upheld. *Intensification* outside of the Growth Areas including additional *intensification* opportunities such as infill, redevelopment and *greyfield* and *brownfield* sites, will be considered in the context of this Plan.

### **Section 6 – Urban Design**

#### **6.4 Streetscape**

##### **6.4.2 New *development* should contribute to the creation of a cohesive streetscape by:**

- a) placing the principal building entrances towards the street and where applicable, towards corner intersections;
- b) framing the street and creating a sense of enclosure;
- c) providing variation in façade articulation and details;
- d) connecting active uses to the public realm to enhance the liveliness and vibrancy of the street, where applicable;
- e) incorporating sustainable design elements, such as trees, plantings, furnishings, lighting, etc.;
- f) coordinating improvements in building setback areas to create transitions from the public to private realms; and,
- g) improving the visibility and prominence of and access to unique natural, heritage, and built features.

#### **6.9 Built Form**

6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.

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

6.9.3 To achieve compatibility between different land uses, *development* shall be designed

to accommodate an appropriate transition through landscape buffering, spatial separation, and compatible built form.

- 6.9.7 Development should be designed with variation in building mass, façade treatment and articulation to avoid sameness.
- 6.9.8 Buildings located on corner lots shall provide a distinct architectural appearance with a high level of detailing and articulated façades that continue around the corner to address both streets.
- 6.9.9 New *development* shall ensure that proposed building heights and form are compatible with adjacent existing *development* by employing an appropriate transition of height and form from new to existing *development*, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm.
- 6.9.10 Continuous streetwalls of identical building height are discouraged. Variety in rooflines should be created through subtle variations in roof form and height.
- 6.9.14 Outdoor amenity areas on buildings should incorporate setbacks and screening elements to ensure compatibility with the local context.
- 6.9.15 Buildings should be sited to maximize solar energy, ensure adequate sunlight and skyviews, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows.

## Section 10 – Sustainability

### 10.10 Stormwater Management

- 10.10.1 Stormwater management techniques shall be used in the design of new *developments* to control both the quantity and quality of stormwater runoff. In areas where soil types permit, on-site infiltration shall be encouraged to the maximum extent feasible.
- 10.10.2 Where existing *watercourses* are sufficiently wide to carry storm flows, there shall be no modification of these areas, except for *erosion* control and water quality maintenance measures to the satisfaction of the Town, the Conservation Authority and the Province.
- 10.10.3 Where the *watercourse* is not sufficient to accommodate storm flows and to ensure water quality, realignment or deepening of the *watercourse* may be accepted, if the following guidelines are satisfied:
- a) The *watercourse* realignment must meet all of the requirements of the Town, the Conservation Authority and the Federal government.
  - b) *Erosion* control and/or stream bed and bank stabilization techniques shall be implemented to the satisfaction of the Town and the Conservation Authority.
  - c) All alterations to *watercourses*, floodplains, meander belts, valleylands and fish habitat will require the approval of the Conservation Authority.
- 10.10.4 Potential recharge and infiltration areas shall require further studies to be conducted at the *development* application stage. The purpose of these studies is to determine whether site specific recharge and/or infiltration is feasible on the subject property and to ensure protection of their function.
- 10.10.5 The provision of stormwater drainage facilities shall be in accordance with master plans established through subwatershed studies, where applicable, or the Town's engineering standards.
- 10.10.6 Stormwater management plans and facilities for watersheds that extend beyond the municipal boundary shall be developed in conjunction with the adjacent municipalities.
- 10.10.7 Existing groundwater recharge rates shall be maintained in all *developments*, where possible.
- 10.10.8 The use of permeable surfaces and soft landscaping shall be encouraged where possible.
- 10.10.9 All *development* shall follow the current Provincial and Federal guidelines for stormwater management (best management practices). The Town also encourages innovative stormwater management strategies, especially within the Growth Areas.
- 10.10.10 Where permanent facilities are required to service the full watershed, as determined in the subwatershed study, or are to be located outside the area of application for draft plan of subdivision approval, *development* of the subdivision may be delayed until required facilities are built.

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- 10.10.11 Notwithstanding the above, the proponent of an application for draft plan of subdivision approval may provide interim stormwater management for the subdivision on their own property, subject to the approval of the Town and the Conservation Authority. Such handling shall be of a temporary nature and shall not be an alternative to optimum stormwater management as identified in the watershed and subwatershed studies.
- 10.10.12 The Town may pursue opportunities to implement quantity and quality controls for stormwater management within the Town's developed areas where current controls do not exist or are not adequate.

## Section 11 – Residential

The following objectives shall 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 alternatives;
- d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;

### 11.1 General

11.1.4 *Development* shall conform with the policies relating to urban design and sustainability set out in Part C.

11.1.8 *Intensification* within the stable residential communities shall be provided as follows:

- b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through *development* approvals. *Intensification* of these sites may occur with Low Density Residential uses in accordance with section 11.1.9 and all other applicable policies of this Plan; and,
- c) Within the stable residential communities, on lands designated Medium Density Residential and High Density Residential, there may be underutilized lands on which additional *development* may be appropriate. *Intensification* of these lands may occur within the existing density permissions for the lands and may be considered subject to the requirements of section 11.1.9 and all other applicable policies of this Plan.

11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

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

### **27.3.7 Bronte Green Lands**

#### **27.3.7 Bronte Green Lands**

The Bronte Green Lands comprise the former Saw-Whet Golf Course known municipally as 1401 Bronte Road. The Bronte Green Lands also include a portion of lands owned at the time by the Region of Halton situated north of the southerly section of the proposed Collector Road shown on Schedule H.

The Bronte Green Lands are within a larger area known as the Merton Lands that are generally located north of the QEW and south of Upper Middle Road between Fourteen Mile Creek and Third Line to the east and Bronte Road to the west.

The following policies provide a framework for *development* of the Bronte Green Lands.



#### 27.3.7.1 Development Concept

The Bronte Green Lands consist of a preserved and enhanced natural environment area along Fourteen Mile Creek and its tributaries. These lands provide for environmental protection and linkages with Bronte Creek to the west.

*Development* of the Bronte Green Lands intends to provide for environmental protection and the redevelopment of existing private open spaces and public institutional lands.

*Development* of the Bronte Green Lands shall contribute to a *complete community* with a mix of uses including a range of residential uses, commercial uses, recreation and open space areas, convenient access to public transportation and local services, and community facilities such as a school, if required.

*Development* within 400 metres of Bronte Road, a *higher order transit* corridor with *frequent transit* service, shall be *transit-supportive* with built form oriented toward Bronte Road.

The proposed minor collector road shall be the primary route through the Bronte Green Lands. The proposed minor collector shall support multiple mobility choices and connections and shall link community facilities including a neighbourhood park. The minor collector road shall form a minor gateway location at the northern intersection with Bronte Road. Multiple mobility choices and connections to urban squares and an open space trail network shall also be supported through the local road network to be developed.

#### 27.3.7.2 Functional Policies

In addition to the policies in Part C of this Plan, the following policies apply to the Bronte Green Lands.

##### a) Urban Design

- i) *Development* should be designed to provide a sense of place and neighbourhood *character*.
- ii) *Development* shall provide a high quality public realm incorporating focal points such as parks and urban squares featuring gathering spaces, enhanced landscaping, seating and public art.
- iii) *Development* shall be designed to provide for a mix of uses and various lot patterns and housing choices.
- iv) *Development* shall provide a seamless transition between the public and private realms and promote pedestrian access between the built form and public realm along the street edge.



- v) Buildings should be oriented towards higher-order street frontages, open spaces and parks to provide interest and comfort at ground level for pedestrians.
- vi) Residential buildings should feature active frontages with living spaces and/or porches to support pedestrian streetscape.
- vii) Residential uses shall be designed to reduce the visual appearance of garage doors along the street edge.
- viii) To avoid a garage-dominated streetscape where lot frontages are narrow, rear laneways may be permitted.
- ix) For *development* adjacent to Bronte Road:
  - Buildings should be located close to Bronte Road to provide visual interest to pedestrians and a sense of enclosure to the street.
  - Building frontages and main entrances shall address Bronte Road.
  - Midblock pedestrian connections from Bronte Road into the interior of the community shall be provided for blocks longer than 200 meters.
  - A window street may be permitted with limited frontage along Bronte Road.
  - Land uses directly abutting the Natural Area shall be comprised of a combination of residential lots, single loaded vista roads and open space.
- x) Views and pedestrian connections from the developed area into the Natural Area and Parks and Open Space areas along the west side of Fourteen Mile Creek valley shall be encouraged.
- xi) Gateways
  - The northern intersection of Bronte Road with the proposed minor collector road shall be a minor gateway location. Gateway locations should be enhanced by features including prominent buildings, strategic building placement, landscape features and public art.
- b) Transportation
  - i) The proposed public road east of Bronte Road, shown on Schedule H, West Land Use, shall be classified as a minor collector road.

- ii) Notwithstanding Table 4 in section 8.4, Rights-of-Way, the right-of-way for:
    - The minor collector road shall be a minimum of 19 metres wide.
    - The minor collector road where it contains the Region of Halton trunk sewer easement shall be a minimum of 24 metres wide. A portion of the 24 m right-of-way containing part of the Region of Halton trunk sewer easement shall be a boulevard.
    - Local roads shall be a minimum of 17 metres wide but may be reduced by one metre in width when a sidewalk is not required on both sides of the road in accordance with section 8.10.7 of this Plan.
  - iii) *Development* shall provide for modified grid road patterns, coordinated road connections and coordinated intersections. Culs-de-sac shall be discouraged.
  - iv) Single-loaded roads shall be encouraged abutting portions of the Natural Area.
  - v) Roadway alignments shall be coordinated with existing infrastructure wherever feasible to minimize impact on the surrounding area.
  - vi) *Development* shall provide for a complete and connected *active transportation* network including bike routes, trails, pedestrian connections and sidewalks as well as improved connectivity with the existing *active transportation* network.
  - vii) On-street parking shall be encouraged on the proposed minor collector road.
- c) Sensitive Land Uses
- i) Sensitive land uses shall not be located within 300 metres of the property line of the Mid-Halton Wastewater Treatment Plant.
  - ii) Noise from all existing stationary sources of sound emanating from the Woodlands Operation Centre and works yard, Halton Regional Centre, future Emergency Medical Services building, and associated facilities, and the reasonable or planned expansion of such Regional facilities shall be appropriately mitigated by the proponents of the proposed *development* to achieve the MOECC NPC-300 guidelines for all sensitive land uses within the *development*. The costs associated with the required acoustic barriers and all recommended site source controls to achieve MOECC NPC-300 noise criteria shall be borne solely by the proponents of a proposed *development*.

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- i) The opportunity for an elementary school block shall be provided through the *development* process if required. In determining the location for a potential school block if required, the following criteria shall be considered:
- the site shall be located on the proposed minor collector road;
  - the site is located to limit traffic infiltration;
  - the site is located adjacent to, or in proximity to a neighbourhood park where practical and where land efficiencies can be achieved through joint programming; and,
  - the site is designed to reduce the overall land requirements through means such as incorporation of on-street parking, multiple storeys, and joint use to reduce land requirements.
- ii) A neighbourhood park shall be provided. In determining the location for the neighbourhood park, the following criteria shall be considered:
- the site is located along the minor collector road.
- iii) Two urban squares shall be provided. In determining the location of the urban squares the following criteria shall be considered:
- the site(s) supports walkability across the balance of the residential areas and are correspondingly distributed;
  - the site(s) is located to support the enhancement of Natural Area or identified natural features, where feasible; and,
  - the site(s) is located to support and enhance the higher density *development* along Bronte Road, where feasible.
- iv) A trail system shall be provided along the west side of Fourteen Mile Creek and its tributaries and may include pedestrian crossings where feasible. The trail system shall support future connections to the planned trail system on the east side of Fourteen Mile Creek.
- v) A trail system shall be provided primarily within the buffer and enhancement areas in the Natural Area and adjacent to the land uses directly abutting the Natural Area.
- vi) The provision of the trail system adjacent to the land uses directly abutting the Natural Area shall not preclude future connections to the planned trail system on the east side of Fourteen Mile Creek.

- vii) A trail system shall be encouraged on the lands designated Parkway Belt containing the transmission corridor in consultation with the owner.

e) Sustainability

- i) *Development* of the Bronte Green Lands will provide for the long-term protection, preservation and enhancement of the related features, functions and linkages of the natural heritage system.
- ii) *Development* shall provide tree canopy cover in accordance with the North Oakville Urban Forest Strategic Management Plan.

f) Stormwater Management

- i) Stormwater management shall not increase risk to downstream flood prone areas.
- ii) Stormwater management shall take into consideration the ecological sensitivity of Fourteen Mile Creek and shall adhere to all local, provincial and federal requirements.
- iii) Best management practices including low impact *development* shall be required.

### 27.3.7.3 Land Use Policies

Land use designations for the Bronte Green Lands are provided on Schedule H, West Land Use. In addition to the policies in Part D of this Plan, the following policies apply to the Bronte Green Lands.

a) *Transit-supportive* density targets

- i) Residential *development* within 400 m of Bronte Road shall achieve an overall minimum *transit-supportive* density target of 37 units per gross hectare.

b) Low Density Residential

- i) On the lands designated Low Density Residential, a row of townhouses may be permitted on the north side of the southerly section of the proposed collector road shown on Schedule H to buffer from adverse impacts from the Regional lands located to the south. The need for, and design of, the potential townhouse block will be determined through a noise study.

- c) Medium Density Residential
  - i) On the lands designated Medium Density Residential, the minimum building height shall be 3 storeys for *development* abutting Bronte Road.
  - ii) On the lands designated Medium Density Residential, permitted residential uses on the north side of the southerly section of the proposed collector road shown on Schedule H may require a buffer to mitigate adverse impacts from the Regional lands located to the south. The need for a buffer and the design of the buildings will be determined through a noise study.
- d) High Density Residential
  - i) On the lands designated High Density Residential adjacent to Bronte Road, the minimum building height shall be 4 storeys and the maximum building height shall be 6 storeys.
  - ii) For the lands designated High Density Residential at the south-east corner of Bronte Road and Upper Middle Road the maximum density shall be 200 units per ha.
- e) Neighbourhood Commercial
  - i) On the lands designated Neighbourhood Commercial, the minimum building height shall be 2 storeys. *Development* shall be in the form of two storey buildings while a portion of the second storey shall contain functional office space. The extent of functional office space shall be determined through implementing zoning and site plan design.



## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Public Meeting and Recommendation Report – Draft Plan of Subdivision, Plan 20M-1186, Blocks 415 and 418 – Fernbrook Homes (Seven Oaks 2021) Ltd., File No.: 24T-22004/1315

**LOCATION:** Plan 20M-1186, Blocks 415 and 418, Concession 1, NDS

**WARD:** Ward 7

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#### RECOMMENDATION

1. That Draft Plan of Subdivision application (File No. 24T-22004/1315), submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest and Section 51(24) of the *Planning Act*, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22004/1315) submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., prepared by J.D Barnes Limited, dated January 4, 2022, subject to the conditions contained in Appendix “A”.
3. That the Subdivision Agreement be prepared and finalized to the satisfaction of the CAO and Town Solicitor or delegates, and executed in accordance with By-law 2013-057.
4. That notice of Council’s decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

## KEY FACTS

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

- This report is a combined public meeting and recommendation report and recommends approval of a proposed Draft Plan of Subdivision submitted by Fernbrook (Seven Oaks 2021) Ltd., which will have the effect of creating four blocks for townhouse dwelling units with public laneway access and nine lots for detached dwelling units with access from a public right-of-way for a total of 28 units.
- Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as Appendix 'A' to this report.
- The subject lands are designated *Neighbourhood Area* in the North Oakville East Secondary Plan (Figure NOE2), and identified as Neighbourhood Centre and General Urban on the Master Plan.
- The subject lands are zoned *Neighbourhood Centre* subject to Special Provision 29 and subject to "H" holding provisions 10 and 15 (H10/H15 - NC sp:29) within Zoning By-law 2009-189, as amended, and there are no amendments to the zoning by-law required for this application.
- The applicant-initiated public information meeting was held on December 2, 2021, which was attended by one resident. One written comment was received after the application was submitted inquiring about purchasing a lot within the proposed subdivision.
- The Region's records indicate that 36 SDEs of servicing allocation have been reserved for the subject lands through the 2012 Allocation Program (Law file: 2021-143). Therefore, sufficient allocation has been reserved to support the proposed development.
- The Draft Plan of Subdivision application was deemed complete on March 10, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before July 8, 2022, after which the applicant can file an appeal for non-decision.
- Staff recommend approval of the draft plan of subdivision application as the proposed development is consistent with NOESP and Master Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans, and the Region of Halton Official Plan as they establish applicable policies to guide development in accordance with the Town's established urban structure.

## **BACKGROUND**

The purpose of this report is to introduce the planning application as part of the statutory public meeting and provide a comprehensive staff review of the application and a recommendation on the proposed Draft Plan of Subdivision by Fernbrook (Seven Oaks 2021) Ltd. Staff have proceeded with a combined public meeting and recommendation report for this proposal, as the principal land use was reviewed through a comprehensive zoning and draft plan of subdivision process known as the Sixth Line Corporation Subdivision in 2014. No new issues have been raised by staff or the public during the review of this current application.

The subject lands are known as Block 415 and Block 418 (a 0.3m reserve) within registered plan 20M-1186. The original subdivision, submitted by Sixth Line Corporation, was registered in 2017. The zoning by-law amendment approved for the subdivision identified the subject lands for mixed use development. Holding provisions were incorporated to restrict the use of the block to only permit an apartment or mixed use building for the first three years from approval, but detached dwellings and townhouse dwellings are also permitted as-of-right after the three year waiting period expires. The applicant will still need to remove the holding provision to permit the development of detached dwellings and townhouse dwellings.

## **Proposal**

The applicant is proposing to create four blocks for 19 townhouse dwelling units and nine lots for detached dwelling units, and a public lane through the Draft Plan of Subdivision application. The proposal results in a total 28 units on the subject lands, as illustrated in Figure 1.



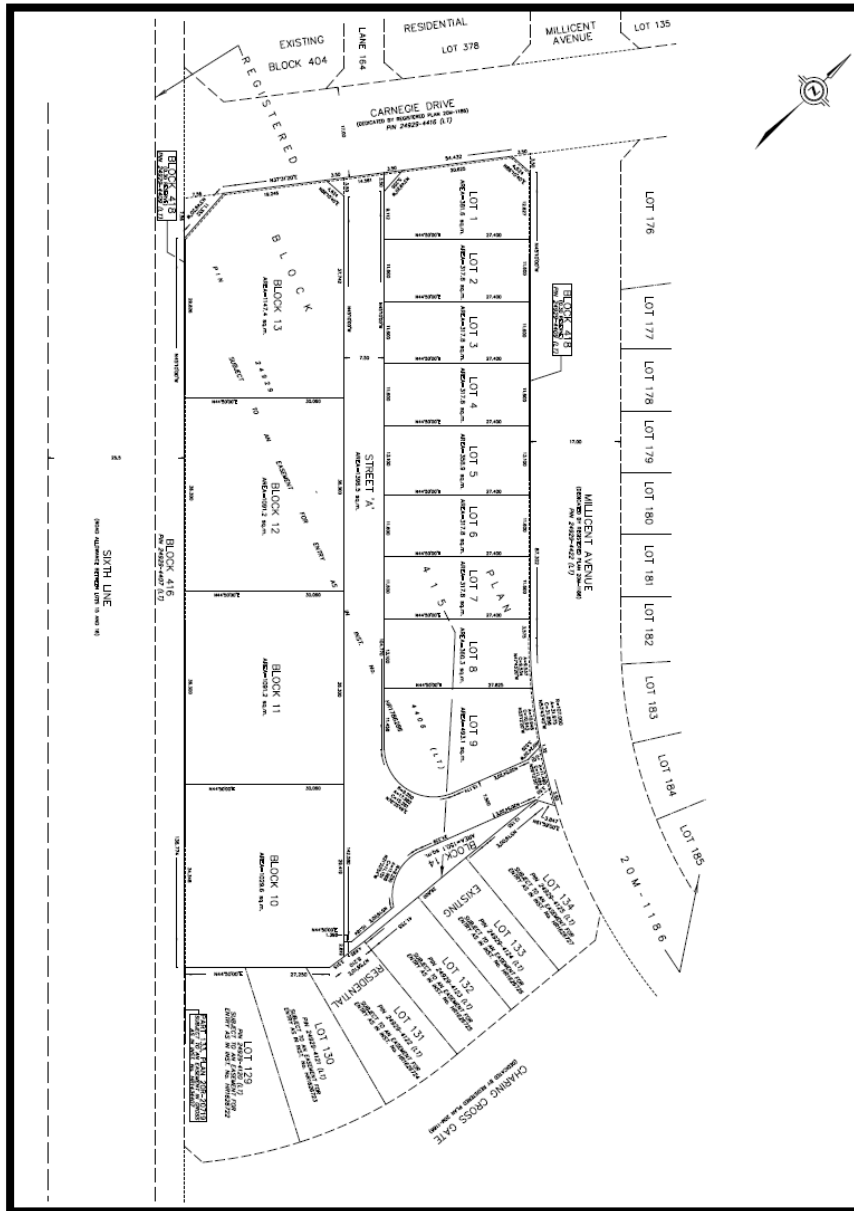


Figure 1 – Proposed Draft Plan of Subdivision

## Location & Site Description

The subject lands are approximately 0.909 hectares in size and are located at the southeast corner of Carnegie Drive and Sixth Line, abutting Millicent Avenue, as shown in Figure 2 below.

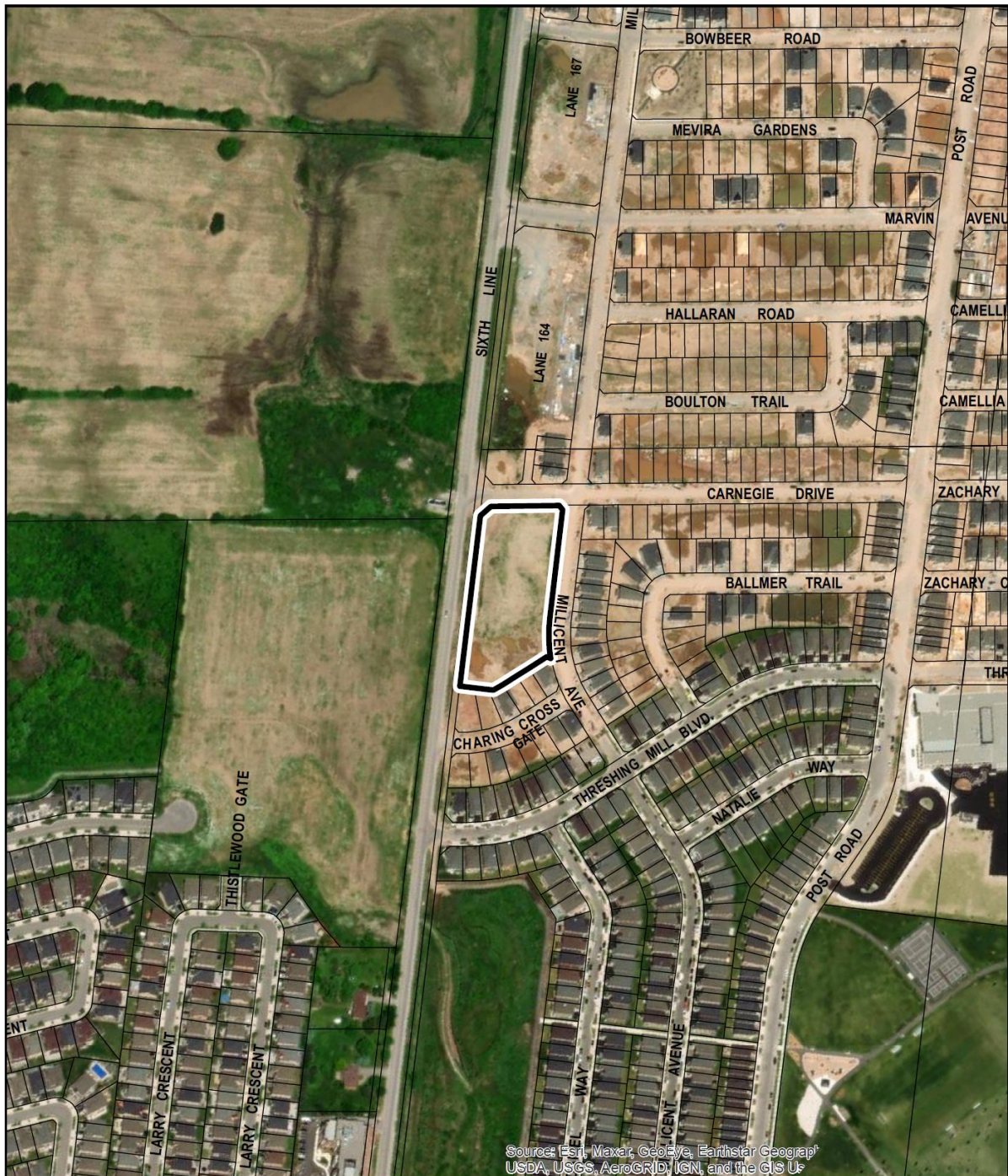


Figure 2 – Aerial Photo

## **Surrounding Land Uses**

The surrounding land uses are as follows:

*South/East:* Residential uses consisting of detached dwelling units.

*North:* Future residential units consisting townhouse dwelling units and detached dwelling units

*West:* Sixth Line and future residential uses consisting of townhouse dwelling units.

## **PLANNING POLICY & ANALYSIS**

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Oakville Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

### **Provincial Policy Statement**

The Provincial Policy Statement 2020 (“PPS”), which came into effect on May 1, 2020, is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

The subject application is consistent with the 2020 PPS as it will utilize existing infrastructure and provides for a mix of housing types.

## **Growth Plan**

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Designated Greenfield Area”. The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

The subject application conforms to the Growth Plan.

## **Halton Region Official Plan**

The subject lands are designated “Urban Area” in the Halton Region Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities, which afford maximum choices for residence, work and leisure. Policy 76 notes that the range of permitted uses in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The original subdivision was approved under the 2012 allocation program. The applicant has 36 SDEs available from that program and only 23 SDEs are required for the proposal.

In a letter dated May 9, 2022, Halton Region advised Town staff that they have no objection to the proposed draft plan of subdivision subject to conditions, which are included in Appendix “A” On this basis, the subject application conforms to the policies of the Regional Official Plan.

## **Oakville Official Plan**

The North Oakville East Secondary Plan is an amendment to the 1984 Oakville Official Plan. The land division policies for North Oakville are contained within the parent Official Plan rather than the Secondary Plan. As Section 51(24) of the *Planning Act* deals with the criteria for considering a Draft Plan of Subdivision, applications for Consent dealt with under Section 53 of the Act are subject to the same criteria for the severance of land. Noting this, the Official Plan contains

policies that deem a Plan of Subdivision the appropriate process for the development of land in most cases:

**“12.2 URBAN SEVERANCE POLICIES**

- a) *Severances for any form of Urban Development shall comply with the Phasing provisions of Part C, Section 2 and Figures "C", "D" and "D1" of this Plan.*
- b) *Although urban severances may be permitted, development in urban areas is generally to take place in accordance with comprehensively designed registered plans of subdivision. Land division by a plan of subdivision, rather than by a consent, shall generally be deemed necessary in the following cases:*
  - i) ***where the extension of a public road is required or a new road allowance is required;***

Therefore, it is necessary, as per the Official Plan policies, for the development of the subject lands to proceed by way of a Plan of Subdivision in order for the creation of the proposed public lane to occur prior to the dwellings being built.

**Urban Structure**

The *Livable Oakville* Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. *Schedule A1, Urban Structure*, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site as *Residential Areas*. This is also reflected in Section 3, *Urban Structure*, of the *Livable Oakville Plan*. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town's existing urban structure and was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

**North Oakville East Secondary Plan (NOESP)**

The North Oakville East Secondary Plan provides a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line and Sixteen Mile Creek in the west.

The development of the North Oakville community is premised on a sustainable, design-first philosophy, which promotes the protection of the natural environment, mixed-use development, and a modified grid road system that enhances transportation options for transit and pedestrians.



The North Oakville East Secondary Plan designates the subject lands as *Neighbourhood Area* on Figure NOE 2 Land Use Plan, as seen in Figure 4.

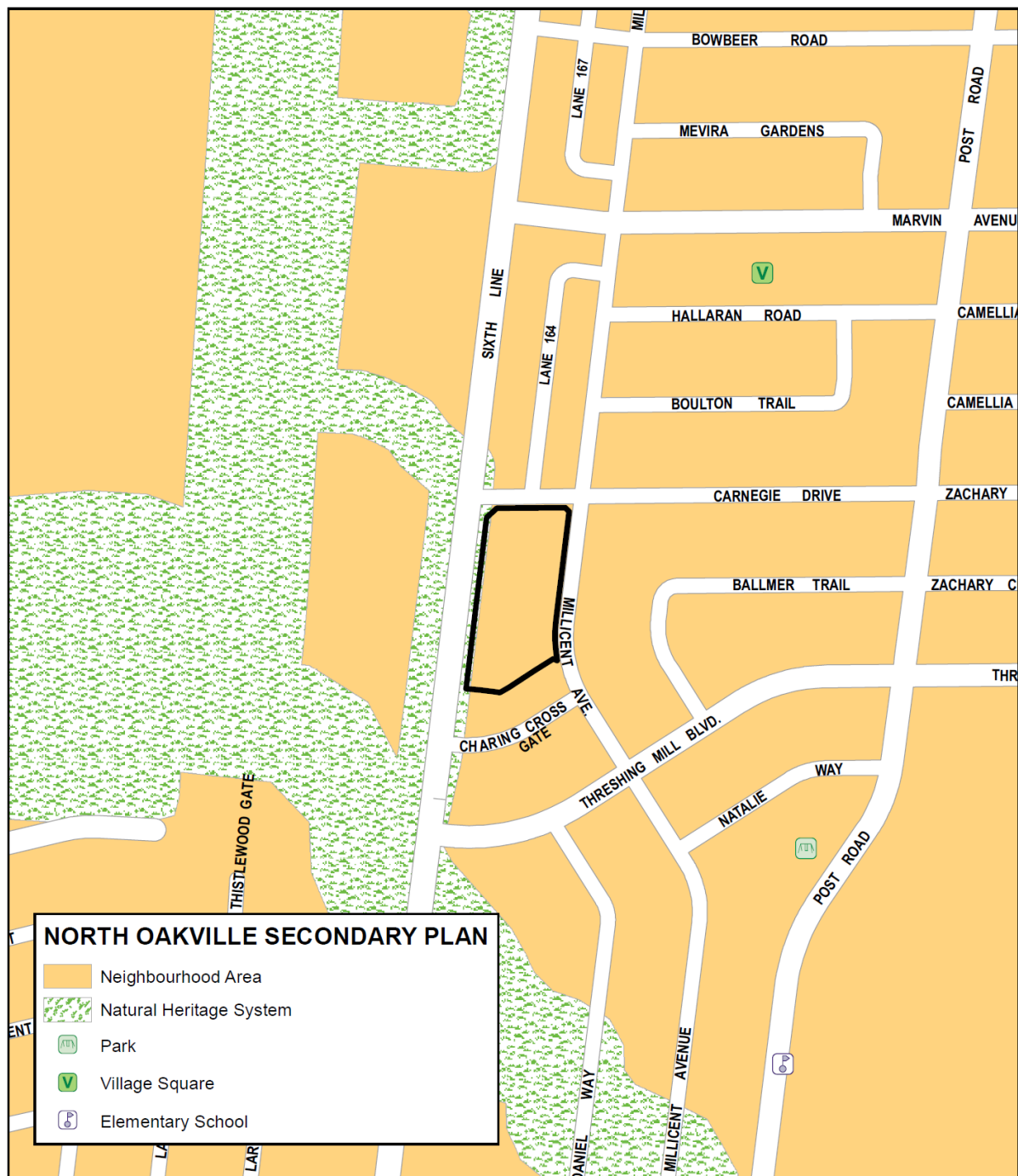


Figure 4: Official Plan – NOE 2 Map

### Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to assist in providing guidance and coordination of local roads and adjacent land uses for the North Oakville Planning Area. Development applications are reviewed to ensure general coordination and consistency with the intent of the Master Plan. Minor modifications are permitted provided the general intent and direction of the Master Plan is maintained (Section 7.5.2).

The lands are further identified as Neighbourhood Centre and General Urban Area in North Oakville Master Plan, as seen in Figure 5. It is also noted that the activity node identified on the Master Plan at Carnegie Drive and Sixth Line was relocated north to Marvin Avenue and Sixth Line (shown in blue on Figure 5) through the previous approvals for the abutting subdivision to the north known as EMGO (North Oakville I) Ltd. On this basis, there is no requirement for commercial uses at Carnegie Drive and Sixth Line.

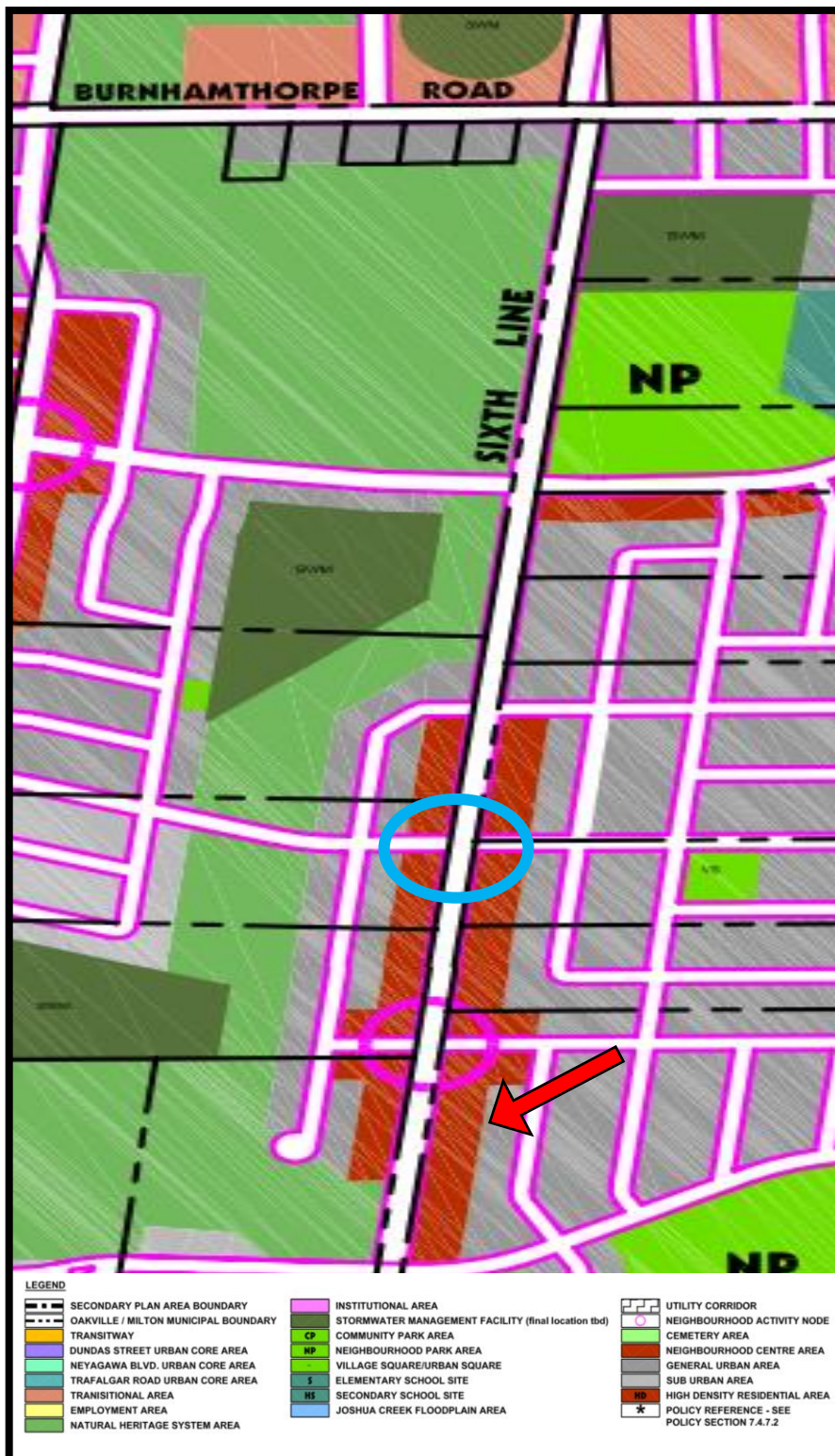


Figure 5: North Oakville Master Plan Map Excerpt



The subject application meets the intent of the policies and objectives of the Oakville Official Plan and North Oakville East Secondary Plan (NOESP).

### **North Oakville Zoning By-law**

Zoning By-law 2009-189, as amended is the comprehensive Zoning By-law in order to implement the North Oakville Secondary Plans, for all properties in Oakville north of Dundas Street, and south of Highway 407. It was passed by Council on November 23, 2009 and approved by the Ontario Municipal Board on October 25, 2010.

The subject lands are currently zoned *Neighbourhood Centre subject* to Special Provision 29 and subject to two “H” holding provisions (H10/H15 NC sp:29) as seen in Figure 6 below.

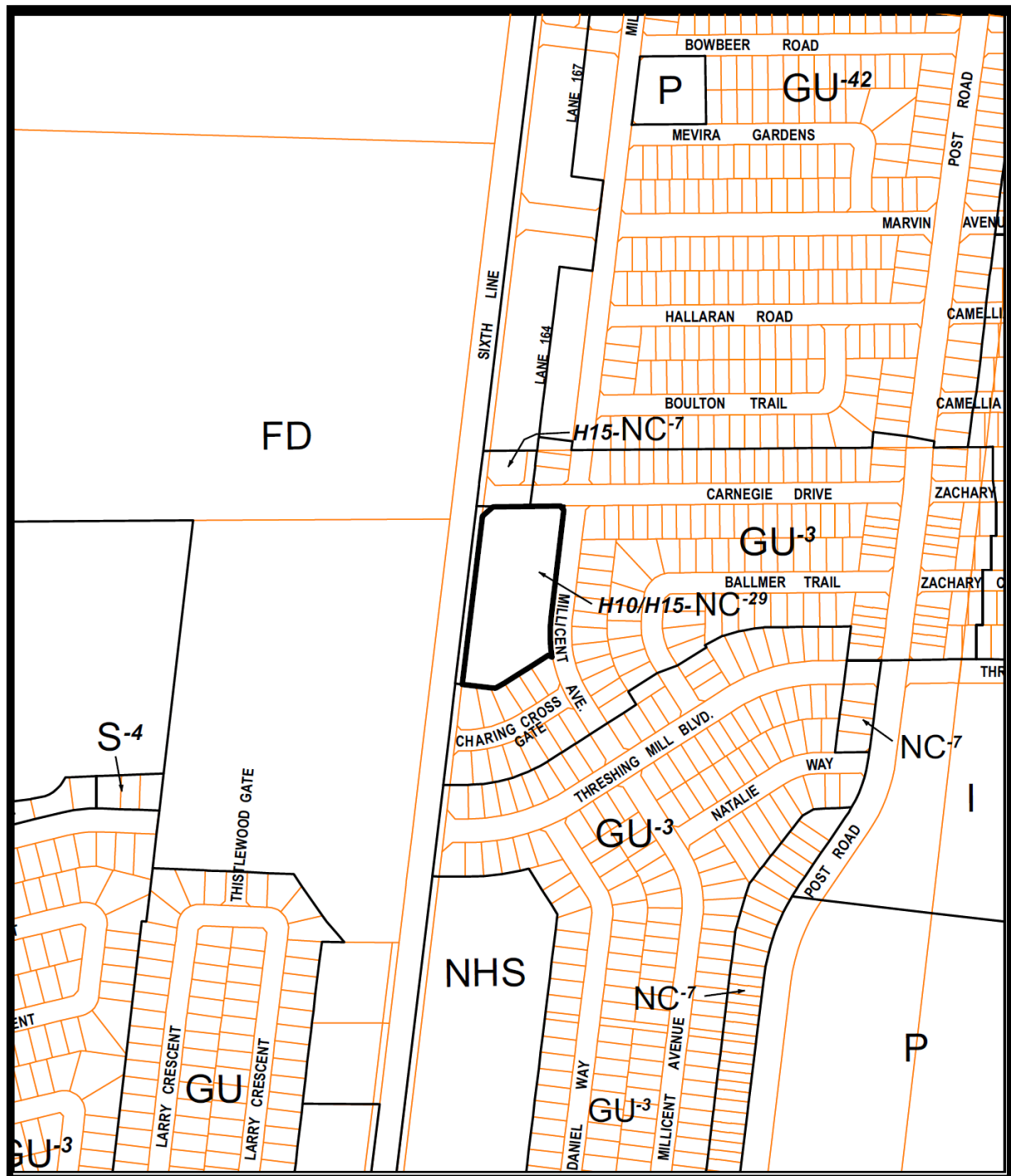


Figure 6: Zoning By-law 2009-189 Map

## Holding Provisions

These lands are part of a larger subdivision submitted by Sixth Line Corporation in 2013. The Zoning By-law Amendment and Draft Plan of Subdivision applications were approved by Council in 2014, which had the effect of rezoning the subject lands for residential uses, including detached and townhouse dwellings, apartment and mixed use buildings uses, subject to two Holding “H” Provisions.

Holding Provisions “H10” and “H15” were incorporated into the Zoning By-law at the request of Conservation Halton and the Town. The Holding “H” Provisions were to restrict development until specific conditions had been satisfied. No development can occur until such time as the “H15” is removed, following which townhouse and detached dwellings cannot be constructed until such time as the “H10” is removed. At this time, both “H” holding provisions remain in effect and will be lifted at a future date. The applicant cannot receive building permits for any permitted use until both holding provisions have been removed. Conditions of the holding provisions are as follows:

### **Holding Provision “H10”:**

H10	Sixth Line Corporation (Part of Lot 15, Concession 1 N.D.S.)	Parent Zone: NC
Map 12(5)		(2014-080)
9.3.10.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following <i>uses</i> :		
a)	All <i>uses</i> permitted in the Neighbourhood Centre (NC – SP 29) <i>Zone</i>	
9.3.10.2 Zone Regulations Prior to Removal of the “H”		
For such time as the “H” symbol is in place, the provisions of the Neighbourhood Centre (NC – SP 29) <i>Zone</i> shall apply. Notwithstanding this, the following regulations shall additionally apply for such time as the “H” symbol is in place:		
a)	<i>Dwelling units</i> are not permitted on the <i>first storey</i>	
9.3.10.3 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following conditions shall first be completed to the satisfaction of the Town of Oakville:		
a)	Holding Provision H9 has been removed from the subject lands.	
b)	A minimum of three years has passed since the date of registration of the underlying draft plan of subdivision.	

Staff note that the “H10” holding provision three year timeframe has lapsed, but the “H15” conditions have not yet been met as provided below.

## Holding Provision “H15”:

H15	Sixth Line Corporation (Part of Lot 15, Concession 1, N.D.S. 41 Dundas Street)	Parent Zone: NC, GU
Map 12(5)		(2016-103) (2020-010)
9.3.15.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
9.3.15.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That written confirmation is received from Conservation Halton indicating that these lots are no longer susceptible to flooding under the Regional Storm event to the satisfaction of the Town of Oakville.	

Through the channel works proposed on the west side of Sixth Line together with the Sixth Line right-of-way improvements, the lands require these works to be completed to the extent where a stormwater outlet is provided. The applicant will be eligible to submit an application to remove the “H15” holding provision once clearance from Conservation Halton is provided.

The proposed subdivision will comply with the applicable regulations of the Zoning By-law, including special provision 29. A Zoning By-law Amendment application is not required to permit the proposed development.

## TECHNICAL & PUBLIC COMMENTS

The applicant has submitted the following documents as part of the application submission, which have been circulated to various public agencies and internal Town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the Town’s website at the following link: <https://www.oakville.ca/business/da-40969.html>

- Draft Plan of Subdivision
- Concept Plan
- Urban Design Brief
- Traffic Impact Study
- Environmental Site Screening
- Functional Servicing Report
- Archaeological Clearance Letter

## **Public Comments**

The applicant-initiated public information meeting was held on January 10, 2022, which was attended by one resident who had questions about timing of construction. Following the submission of the application, one written comment was received inquiring about purchasing a lot within the proposed subdivision. This has been included in Appendix “C”.

This report is presented as a combined public meeting and recommendation report as there have been no substantive issues raised from the public or staff regarding the proposal.

## **Technical Review**

The following items are matters that were considered in the review of the application.

### *Appropriateness and Compatibility*

The proposed Draft Plan of Subdivision application to create 28 dwelling units consisting of detached and townhouse units. The proposed townhouses are accessible by the proposed public lane and will be three-storeys in height, as shown in Figures 7 and 8 below. The proposed detached dwellings are currently proposed to be accessed from Millicent Avenue. The units will be two-storeys in height and will have a similar design to those already found in the surrounding subdivision. As these uses are currently found within the neighbourhood, and a similar built form is anticipated to the north and west, the proposed development is compatible and appropriate for the neighbourhood.



*Figure 7 – Proposed front elevation on Sixth Line*



*Figure 8 – Proposed rear elevation on proposed public lane*

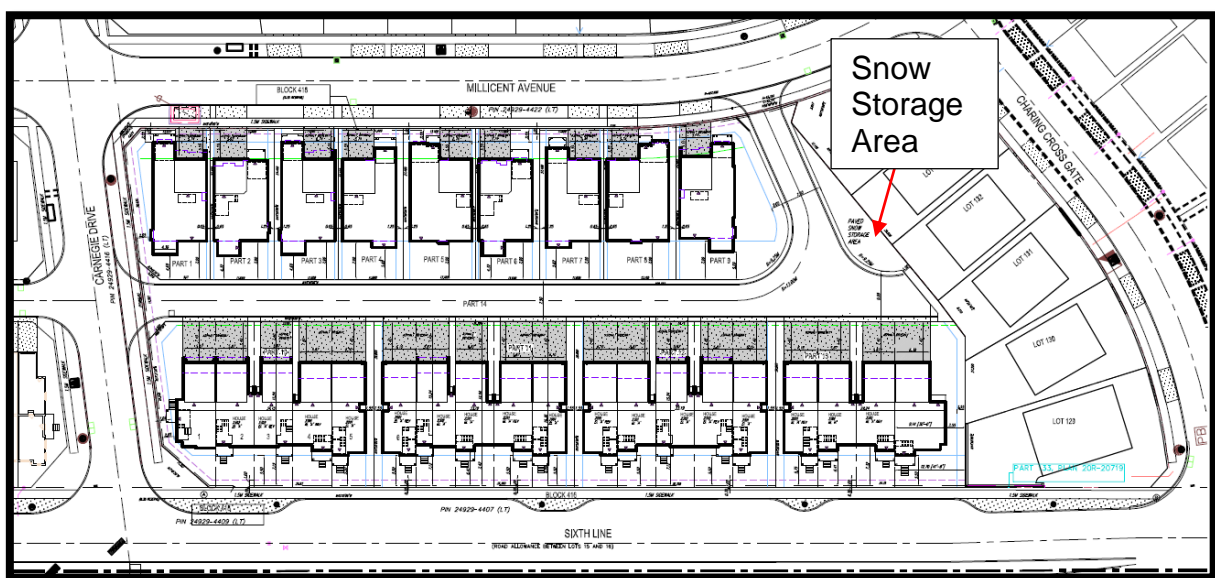


Through the finalization of the Urban Design Brief staff will explore alternative layouts to optimize the overall functionality of the block, including the design of the lane and the orientation of the dwellings. Staff will work with the developer to explore the option of accessing the single-detached dwellings from the rear lane. Appropriate conditions have been included in Appendix “A”.

#### *Public Lane Functionality and Snow Removal*

Vehicular access to this subdivision will be from Carnegie Drive and Millicent Avenue. The proposed lane would be 7.5m in width and designed to meet Town standards prior to the Town assuming ownership.

Due to the irregular shape of the development block, and the location of the private lane, a remnant area is created which will form part of the public lane to be conveyed to the town. The remnant area will be used for snow storage, as shown in Figure 9 below.



*Figure 9 – Concept Plan*

Snow plowing will be the responsibility of the municipality once the lane has been constructed by the developer to meet Town standards and the lane assumed by the Town. Until this time winter maintenance will be the responsibility of the developer. The conditions of approval include the following Warning Clause to be included in all Offers of Purchase and Sale:

*“Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”*

The Towns 2021-2022 Plow Priority Map (Figure 10), would deem the lane as a “Residential Road” which would be plowed after snow accumulates in excess of 7.5 cm (three inches) to the best of the Town’s ability within 24 hours after the snowfall event. This service is completed in accordance with O. Reg. 239/02 – Minimum Maintenance Standards for Municipal Highways.

In this instance, there is a dedicated area which will be in town ownership to be used for some snow storage to mitigate the hammerhead design of the lane. Additional information can be found on the Towns website at [Snow Clearing \(oakville.ca\)](http://Snow Clearing (oakville.ca))

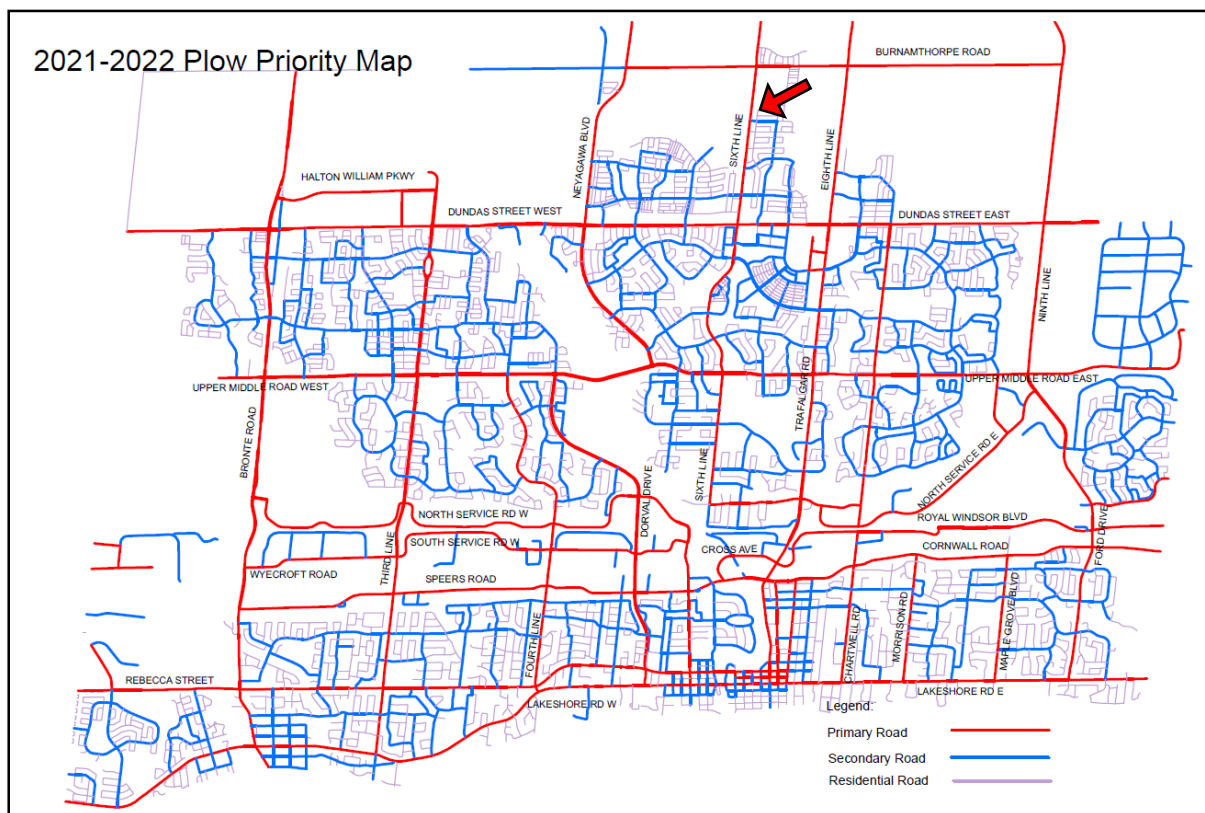


Figure 10 – Snow Plow Priority Map

### Parking

Under the current Zoning By-law 2009-189, one parking space per dwelling is required on each lot for a total of 28 parking spaces, and no visitor parking is



required. The applicant has proposed four parking spaces per unit (two in the garage and two on the driveway) for a total of 112 parking spaces. The original subdivision approved on-street parking on the east side of Millicent Avenue. The proposed new driveways will not negatively affect the availability of the existing on-street parking on Millicent Avenue. Additionally, the proposed upgrades to Sixth Line will provide lay-by parking adjacent to the proposed townhouse dwellings. The parking conditions are demonstrated in Figure 11 below:

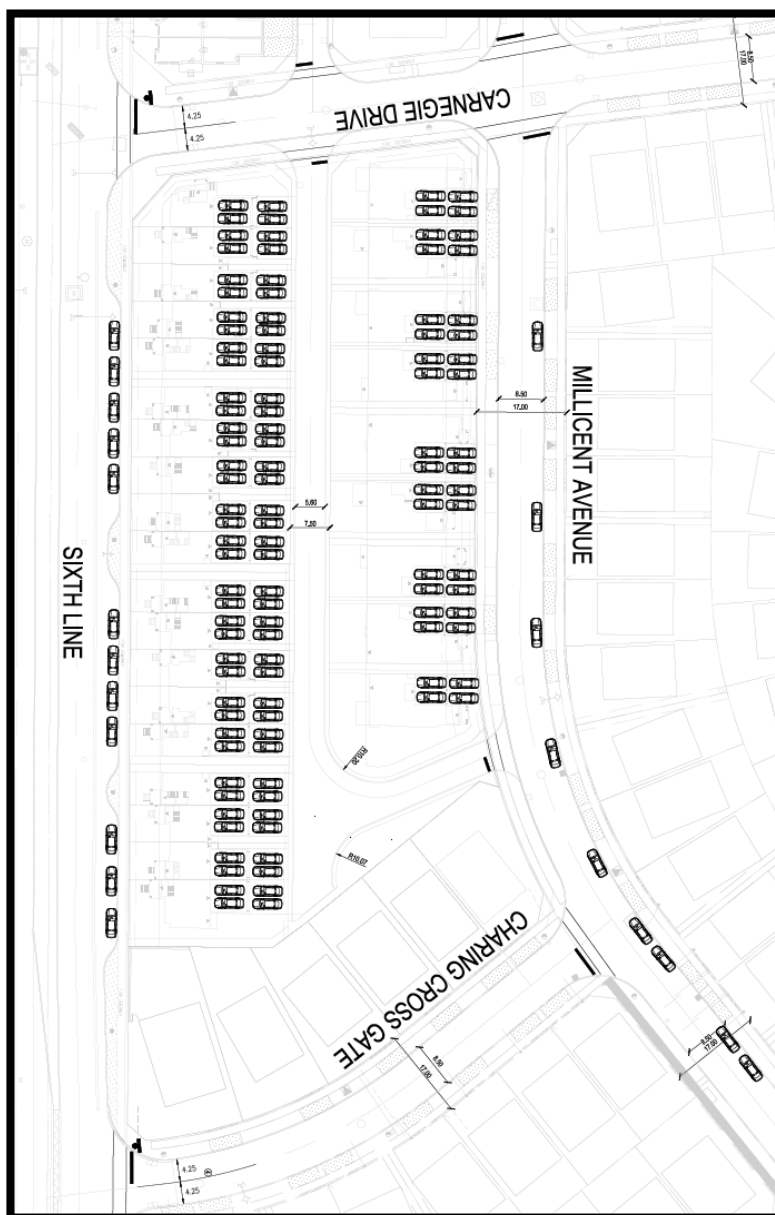


Figure 11 – Parking Plan

With respect to the townhouse dwelling units, the applicant has provided a typical garage floor plan that includes storage areas for waste bins and lawn equipment, shown in Figure 12 below:

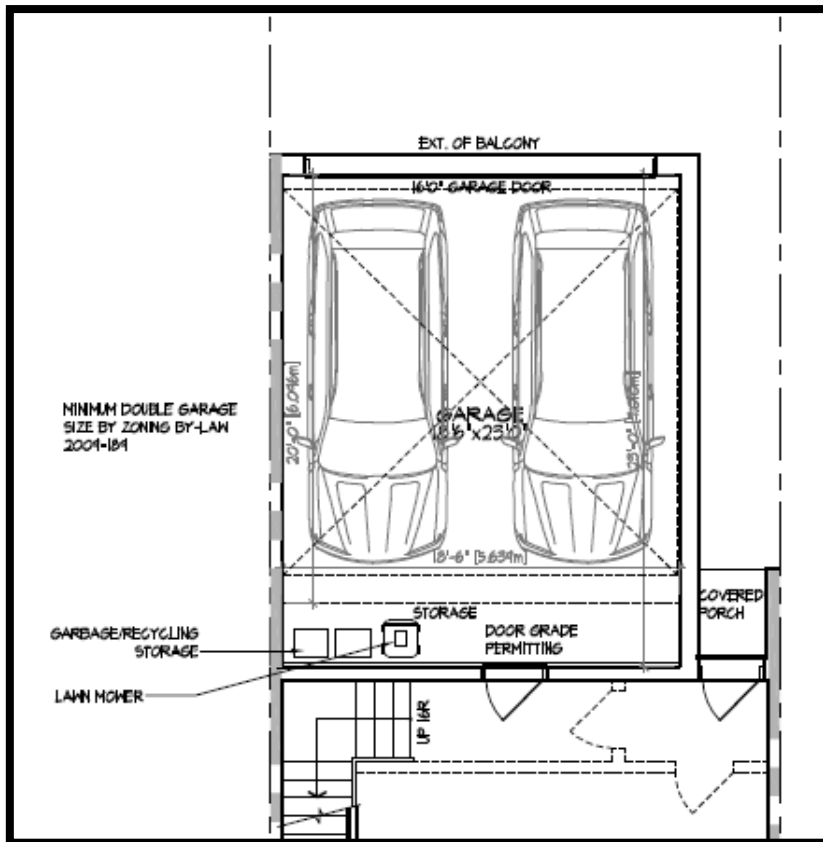


Figure 12 – Typical Garage Floor Plan

Staff have included appropriate draft plan conditions to ensure the garage floor plans and parking layout is maintained as proposed. Additionally, a warning clause will be provided to purchasers advising them of the garage sizes and typical vehicle accommodations within the garage area, as follows:

*“Not all vehicle types can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”*

## CONSIDERATIONS:

### (A) PUBLIC

The applicant held a community consultation Public Information Meeting (PIM) virtually on December 2, 2021, and one member of the public attended. The

resident was seeking clarification on the timing of the construction of the proposed development.

One written comment was received after the application was submitted inquiring about purchasing a lot within the proposed subdivision (included in Appendix “C”). Staff have received no letters of objections from the public to-date. Notice for the meeting regarding this development application was provided through a mailing of all properties within 240 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* Regulations and Town practices.

## **(B) FINANCIAL**

Development Charges are applicable for this development. Confirmation from the applicant is required to confirm that the parkland dedication has been previously satisfied through the registration of plan 20M-1186, and demonstrate that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

## **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to Agencies and Town Departments for review and comment. Conditions of Approval have been provided in Appendix ‘A’.

The Draft Plan of Subdivision application was deemed complete on March 10, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before July 8, 2022, after which the applicant could have filed an appeal for non-decision.

## **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

## **(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the Town’s sustainability objectives of the Livable Oakville Plan. The proposal has been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities for compact urban form as an efficient use of land.

## **CONCLUSION**

Staff recommends approval of the Draft Plan of Subdivision application would have the effect of permitting a total of 28 dwelling units in the form of detached and townhouse dwellings, together with a public laneway. A site-specific Zoning By-law Amendment is not required to implement the proposed development, as the Zoning was established through the original subdivision and zoning approvals.

A combined public meeting and recommendation report is appropriate for the proposed applications as the subject lands are the final block to be developed as part of the Sixth Line Corporation subdivision. The principal land use has been reviewed through the previous comprehensive zoning and draft plan of subdivision process and no new substantive issues have been raised by staff or the public during the review of this current application. The proposal provides for and adds to the mix of housing types found throughout the area. The proposed rear-lane townhouse built form is similar to, but not the same as other townhomes anticipated to the north and west of the subject lands. This results in a residential land use that is compatible with the previously approved subdivision and equates to a density that is appropriate for the development of the site.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town's approved Urban Structure and the principles and overall policy direction of the North Oakville East Secondary Plan. Staff recommends approval of the application, subject to the conditions contained in Appendix 'A' as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by the Region of Halton have been addressed through conditions of approval.
- The proposal implements the vision, development objectives, community design strategy, and land use strategy of the North Oakville East Secondary Plan.
- The draft plan of subdivision is necessary to facilitate future land division into individual residential lots and is appropriate for the orderly development of the lands.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.

## **APPENDICES**

Appendix A – Conditions of Draft Plan Approval  
Appendix B – Proposed Draft Plan of Subdivision  
Appendix C – Public Comment

Prepared by:

Kate Cockburn, MCIP, RPP,  
Senior Planner – Planning Services

Recommended by:

Leigh Musson, MCIP, RPP,  
Manager, East District – Planning Services

Submitted by:

Gabe Charles, MCIP, RPP,  
Director – Planning Services

**APPENDIX A –**  
**CONDITIONS OF DRAFT PLAN APPROVAL**

**Town File No.'s: 24T-22004/1315**  
**Draft Plan Dated**  
**on January 4, 2022**

**TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL AND  
FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY  
BRONTE GREEN CORPORATION**

This approval applies to the draft plan of subdivision (24T-22004/1315) prepared by J.D. Barnes Ltd. dated January 4, 2022 illustrating 4 blocks and 9 lots, and one public laneway. The conditions applying to the approval of the final plan for registration are as follows:

	CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE--SERVICING	CLEARANCE AGENCY
1.	Prior to any site alteration, the owner shall prepare a <b>detailed engineering submission</b> and shall update any engineering drawings or materials, including but not limited to, erosion and siltation control measures, functional servicing reports, stormwater management reports and drawings, as it relates to the Sixth Line Corporation subdivision (20M-1186) to include the subject lands, to the satisfaction of the Town of Oakville, and Conservation Halton where applicable.	OAK (TE) CH
2.	The Owner shall prepare a <b>detailed engineering submission</b> to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.	RMH (LPS)
3.	That the owner shall prepare and implement a <b>tree preservation plan</b> , or update the <b>tree preservation plan</b> for the Sixth Line Corporation subdivision (20M-1186) to include the subject lands, prior to site alteration, to the satisfaction of and the Development Services Department. Further, the owner shall not disturb or remove trees without written permission from the Town.	OAK (TE)
4.	That the Owner shall not install any municipal services on the site until the Owner has entered into a <b>Preservicing Agreement</b> or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK (TE)
5.	The Owner and/or their engineering consultants, shall arrange and hold a pre-construction meeting with the Transportation and Engineering Department and the contractor to review and discuss mitigation measures for all construction related impacts, including mud tracking, dust suppression, truck routes and contractor/trades parking, material storage, stockpile location, working hours, noise mitigation, etc, prior to the commencement of topsoil stripping and earthworks. Prior to the Earthworks Pre-construction Meeting, a Site Alteration Permit from the Town must be secured by the Owner and perimeter erosion and sediment control measures must be installed. A second pre-construction meeting is also required prior to the commencement of any servicing works. Prior to the Servicing Pre-construction Meeting, a complete set of approved Engineering Plans is required, including the Traffic Management Plan and Composite Utility Plan.	OAK(TE)(PS)
6.	That the Owner has addressed all the requirements of the Allocation Program including, but not limited to, the signing of any additional agreements, provision of any required payments and the issuance of a Region of Halton Public Works Commissioner's Notice (PWCN), to the satisfaction of the Region of Halton.	RMH (LPS)
	CONDITIONS TO BE MET PRIOR TO MARKETING AND SALES	
7.	That the Owner shall provide a surveyor's certificate providing lot areas, lot frontages and lot depths, to demonstrate compliance with the Zoning By-law for the subject lands.	OAK (Z)
8.	That the Owner shall finalize and submit for final approval of a new <b>Urban Design Brief</b> or update the approved <b>Urban Design Brief</b> for the Sixth Line Corporation subdivision (20M-1186) as it relates to the subject lands including orientation of the units and overall functionality of the block as it relates to	OAK (PS)

	pedestrian connections, laneway width, access locations, landscaping and screening, and further agrees to implement the final approved <b>Urban Design Brief</b> to the satisfaction of the Town.	
9.	The Owner shall submit elevation drawings (all facades), typical floor plans (all levels) including garage floor plan showing vehicle space and storage areas and typical lotting plans for all models on lots not subject to Site Plan Approval to Planning Services Urban Design staff for review and approval. Upon acceptance, these drawings shall be added as an Appendix to the Urban Design Brief. The Owner agrees that compliance with this condition is required prior to the Owner marketing or selling any such units.	OAK (PS)
10.	<p>That the Owner shall select a <b>control architect</b> who shall ensure all development which is exempt from Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief. The Owner shall submit a letter to the Town from the selected control architect acknowledging the following:</p> <ul style="list-style-type: none"><li>i. a control architect has been retained for this subdivision and does not have any perceived or real pecuniary interests or conflicts with performing the required duties;</li><li>ii. the control architect acknowledges the final Urban Design Brief prepared for this subdivision and agrees to implement the same;</li><li>iii. the control architect is responsible for ensuring the Town-approved models, as appended to the Urban Design Brief, will be sited in accordance with the Urban Design Brief direction;</li><li>iv. the control architect will ensure that any sold units meet the design direction and criteria of the Town-approved Urban Design Brief, prior to submitting for building permit review; and,</li><li>v. the control architect will discuss with Town staff any identified issues</li><li>vi. the control architect will submit stamped/signed drawings with the building permit application in accordance with the foregoing.</li></ul>	OAK (PS)
	<p><b>CONDITIONS TO BE MET PRIOR TO INITIATING SALES PROGRAMME</b></p> <p><b>NEIGHBOURHOOD INFORMATION MAPPING</b></p>	
11.	<p>The developer shall prepare a Neighbourhood Information Map as required to reflect the proposed subdivision. The Map is to be posted in a prominent location in each sales office from where homes in the subdivision are being sold <u>and included within the individual purchase and sale agreements</u>.</p> <p>The Map shall include the location and type of parks, open space / valleyland and walkways, a general description of their proposed facilities as well as the following information:</p> <ul style="list-style-type: none"><li>a) All approved street names,</li><li>b) The proposed land uses within the subdivision based on the draft approved plan,</li><li>c) The immediately surrounding existing and proposed land uses and potential building heights,</li><li>d) For any DUC/TUC or mixed use blocks include the min/max heights permitted within the Zoning By-law including any development file numbers if applications for these blocks are under review,</li><li>e) Where applicable, a statement indicating that place of worship and school sites may be used for residential uses if they are not acquired for their original purpose within the time period specified in the subdivision agreement,</li><li>f) Those lots or blocks that have existing and potential environmental noise constraints based on the noise feasibility study. Include all relevant warning clauses on the map,</li></ul>	OAK (PS)

	<div><div><div>g) The approximate locations of noise attenuation walls and berms,</div><div>h) The approximate locations and types of other fencing within the subdivision,</div><div>i) Where parks and open space, stormwater management facilities and walkway / vista blocks / servicing blocks are located,</div><div>j) The types and locations of village squares, parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,</div><div>k) The locations of all anticipated Canada Post Community Mailboxes,</div><div>l) The anticipated Transit routes through the subdivision,</div><div>m) Garage Floor Plan for each unit type offered showing typical vehicle type accommodation, waste and yard care storage, and bicycle storage.</div><div>n) The following standard notes:<div><div>1. "This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town's Planning Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday."</div><div>2. "Please Note: this map is based on information available on _____ (month/year) and may be revised without notice to purchasers."</div><div>3. "The map shows that there will be several types of proposed and potential housing and building heights in the subdivision."</div><div>4. "Sites shown on the map for future schools, townhouses, parks, shopping etc. could have driveways anywhere along their street frontage."</div><div>5. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."</div><div>6. "There may be catch basins or utilities easements located on some lots in this subdivision."</div><div>7. "Some lots and blocks will be affected by noise from adjacent roads, and warnings will apply to purchasers."</div><div>8. "Some dwelling units are in proximity to commercial, institutional and/or school uses from which activities may at times be audible. The map shows that some of the lots affected by noise will be fitted with noise barriers and some of the homes will be provided with central air conditioning to allow bedroom windows to be closed if necessary due to the noise."</div><div>9. "Neighbourhood Park Block(s) _____ will be developed as an active park(s) and may contain play equipment, walkways, lighting, landscaping and passive use free-play areas. Residents close to Block(s) _____ may be disturbed by noise and lighting from the park. For detailed information pertaining to park or open space issues, please call the Town's Parks &amp; Open Space Department 905.845.6601 "</div><div>10. "Natural Heritage System, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce</div></div></div></div></div>	
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	<p>adverse effects on the NHS.”</p> <p>11. “Community mailboxes will be directly beside some lots.”</p> <p>12. “Purchasers are advised that the final location of walkways in Blocks _____ may change without notice.”</p> <p>13. “School sites in this subdivision may eventually be converted to residential uses.”</p> <p>14. “Most streets contain on-street parking, and may be available for overnight parking, subject to parking permits.”</p> <p>15. “The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings.”</p> <p>16. “There may be Transit bus routes on some streets within this subdivision with stops beside some homes. Oakville Transit reserves the right to introduce transit services and facilities such as bus stops, shelters, pads and associated amenities on any municipal rights-of-way to provide effective service coverage.”</p> <p>17. “Boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance.”</p> <p>18. “The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures.”</p> <p>19. “Gates are not permitted in fences when lots abut the Natural Heritage System, a trail, valleyland, active park, woodlot or stormwater management pond.”</p> <p>20. “The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot.”</p> <p>21. “Not all vehicle types can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”</p> <p>22. “This community is subject to Architectural Control. Models available for sale have to be pre-approved by the Control Architect and certain models may not be available for some of the lots. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”</p> <p>23. “Halton Region is responsible for household garbage, recycling and green bin collection. For further information, please call 311 or visit Halton.ca”</p> <p>24. “For further general information on proposed and existing land use, please call the Town’s Planning Department 905.845.6601.”</p> <p>25. “For detailed grading and berming information, please call the Town’s Development Services Department 905.845.6601”</p> <p>The developer shall ensure that each builder selling homes within the subdivision:</p> <p>a) provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and,</p>	
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	attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.	
	<b>CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL / REGISTRATION</b>	
12.	That the Owner shall provide confirmation to the satisfaction of the Town's Finance Department that <b>all outstanding property taxes</b> and outstanding debts have been paid prior to plan registration.	OAK (F)
13.	That the Owner enter into a standard form <b>subdivision agreement</b> to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, requirements, homeowner warning clauses, etc.	OAK(PS) (TE)
14.	That the Owner shall provide a <b>certificate signed by the surveyor</b> and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.	OAK (TE)
15.	The Owner shall distribute in a manner satisfactory to the Town a <b>communication strategy and information package</b> to be available in the sales office and to be provided to all prospective purchasers. The homeowners' information booklet shall be supplied by the Town and entirely financed by the Owner.	OAK (TE)
16.	That the Owner shall implement as required the <b>construction phasing and sequencing plan</b> as prepared for the Sixth Line Corporation subdivision (20M-1186), as amended to include the subject lands to the satisfaction of the Town (and Region where applicable) for the purpose of ensuring an appropriate sequence of development from initial construction to assumption and which reflects all applicable studies including the EIR/FSS and Transit Facilities Plan. The Phasing Plan should identify how transit service will operate within the plan, including provisions for safe pedestrian access to designated bus stop locations, such that: <ul style="list-style-type: none"> <li>• a contiguous transit service area will be maintained that does not result in lengthy transit routes or "leapfrogging"</li> <li>• interim and/or permanent transit streets are to be built first</li> <li>• the Owner is encouraged to construct housing on transit streets first, where practicable</li> <li>• roadways to be upgraded where required to accommodate transit vehicles during initial or interim phases</li> <li>• permanent or temporary pedestrian facilities to be constructed early and maintained during development for access and routing to bus stop locations.</li> </ul> Where mutually agreed upon between the Owner and the Town, a contribution may be made by the Owner to the Town's early implementation initiative relating to Transit service delivery.	OAK (TE)(T)
17.	That the owner prepare and agree to <b>implement the following studies</b> for the Sixth Line Corporation subdivision (20M-1186), amended as required to include the subject lands to the satisfaction of the Town (and the Regional Municipality of Halton where applicable): <ul style="list-style-type: none"> <li>• Traffic Impact Study including any required updates</li> <li>• Traffic and Parking Management Plan</li> <li>• Transit Facilities Plan</li> <li>• Street Signage and Pavement Marking Plan</li> <li>• Functional Design Study</li> <li>• Composite Utility Plan</li> <li>• Noise Impact Study (if required)</li> <li>• Erosion, Sediment, Dust Mitigation Plan</li> <li>• Community Communication Plan</li> </ul>	OAK (TE)(T) RMH(LPS)

18.	That the Owner shall provide <b>digital discs of the registered plan of subdivision</b> in AutoCAD 2012 or later version with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, prior to registration of the plan.	OAK (TE) RMH (LPS)
19.	That the Owner shall provide the Town, together with the final plan, a list of <b>lot and block widths, depths and areas</b> prepared by an Ontario Land Surveyor, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.	OAK (Z)
20.	That prior to registration of the plan, the Owner's surveyor shall submit to the Town <b>horizontal co-ordinates of all boundary monuments</b> . These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.	OAK (EC)
21.	That the Owner shall enter into a <b>subdivision agreement</b> and satisfy all requirements, financial and otherwise, of the Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.	RMH (LPS)
22.	The development shall be subject to <b>full municipal water and sanitary sewer</b> services to the satisfaction of the Region of Halton.	RMH (LPS)
23.	The Owner agrees that should the development be phased, a phasing plan shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.	RMH (LPS)
24.	The Owner shall submit to the Planning Services Department six (6) folded copies and a digital copy of the final draft plan of subdivision along with applicable Land Registry Office J form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.	RMH(LPS) OAK (PS)
25.	The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or Regional waste collection trucks can safely access the site. Until Regional collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.	RMH(LPS)
26.	That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development.	RMH(LPS)
27.	The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development.	RMH(LPS)
28.	That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.	RMH(LPS)
29.	Prior to final approval, the Owner must follow the Region's Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region. The authors of the completed reports/letter of updates shall extend third party reliance to the Region of Halton.  The owner is required to comply with Ontario regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to	RMH(LPS)

	<p>Contaminated Sites, to the satisfaction of the Halton Region. Prior to the registration of any portion of draft plan of subdivision and prior to any servicing or grading of the site, the updates ESA documents prepared for the subject lands shall be revised to the satisfaction of Halton Region. This report shall also be prepared and certified by a qualified person as defined in Ontario regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use.</p> <p>The owner is also required to submit all supporting environmental documentation such as Phase One and Two Environmental Site Assessments (as are prepared) and remediation reports etc. (as necessary) to the Halton Region for their review. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.</p>	
30.	<p>Prior to signing the final plan, the Director of Planning Services shall be advised by Halton Region that conditions outlined herein have been carried out to the satisfaction of Halton Region with a brief but complete statement detailing how each condition has been satisfied.</p>	RMH(LPS)
31.	<p>That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of <b>Community Mail Boxes</b> as required by Canada Post Corporation, prior to registration of the plan.</p>	CP
32.	<p>That the Owner shall provide Union Gas/Enbridge Gas the <b>necessary easements and/or agreements required by Union Gas/Enbridge Gas</b> for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited.</p>	UG/Enbridge
33.	<p>The Owner shall confirm that <b>sufficient wire-line communication / telecommunication infrastructure</b> is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).</p>	BC, Cogeco, Rogers
	<p><b>CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/ REGISTRATION</b></p> <p><b>NEIGHBOURHOOD INFORMATION MAPPING</b></p>	
34.	<p>The developer shall update the final neighbourhood information map, as prepared for Sixth Line Corporation subdivision (20M-1186) to include the subject lands, based on the final M-plan for the subject lands, and approved by the Town’s Director of Planning Services, to replace the preliminary neighbourhood information map in all affected sales offices. This map shall contain the following information:</p> <p>a) all of the information required on the preliminary map,</p> <p>b) the locations of all sidewalks and walkways,</p> <p>c) the locations of all rear yard catch basins and utilities easements on private property where applicable,</p> <p>d) the proposed locations of all above ground utilities, where known,</p> <p>e) the proposed locations of all bus stops,</p>	OAK(PS)

	<p>f) The proposed locations of all temporary mailboxes.</p> <p>The developer shall ensure that each builder selling homes within the subdivision:</p> <p>a) provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.</p>	
	<b>CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS (Town and/or Regional Municipality of Halton)</b>	
35.	The Owner acknowledges that the Town may require <b>line revisions</b> to the draft plan to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to this draft plan.	OAK (PS)
36.	That the Owner agrees to submit a revised <b>Planning Statistics Spreadsheet</b> to the satisfaction of Planning Services based upon the registration of M-Plans.	OAK (PS)
37.	That the Owner acknowledges that any eligible <b>Development Charge reimbursable</b> items identified to be reimbursed through Development Charge credits, whether repaid through Development Charge credits or other means, in a form satisfactory to the Town’s Finance Department. The Owner further agrees to abide by the Town’s requirements for matters dealing with Development Charge credits.	OAK (F)
38.	The Owner acknowledges that <b>work completed on behalf of the Town</b> shall not exceed the estimated values contained within the subdivision agreement and that the Town will not accept any further progress certificates relating to the Schedule ‘K’ works and will not consider the payment of said progress certificates received after the assumption of the subdivision by the Town. The Owner further acknowledges that work done on behalf of the Town may not be reimbursed until funded in the Town’s approved capital budget.	OAK (TE)(F)
39.	The Owner agrees to provide notice to prospective purchasers upon the completion and approval of the <b>Composite Utility Plan</b> showing the location of all community facilities (community mail boxes, bus shelter and stops, street trees, sidewalks, street light poles, hydrants, cable boxes, transformers or any other above grade facilities) to the satisfaction of staff and that this plan be displayed in the sales office.	OAK (TE)
40.	That the Owner’s engineer provide certification that all <b>Erosion and Sediment Controls</b> are in a state of good repair and Stormwater outfalls are operational to the satisfaction of the Development Services Department prior to building permit issuance.	OAK (TE)
41.	That the Owner agrees to construct any <b>stormwater management facilities</b> according to the approved plans and reports for this subdivision or as updated for the Sixth Line Corporation subdivision (20M-1186) to include the subject lands. Additionally the Owner agrees to monitor and maintain the facilities until they are accepted by the town. The Owner shall provide a monitoring procedure and schedule for all stormwater management facilities / works immediately after all stormwater management facilities / works become operational. All monitoring shall be in accordance with the requirements of the approved EIR / FSS, Development Services Procedures and Guidelines Manual and North Oakville Monitoring Guidelines. Monitoring and maintenance is to be undertaken by the Owner for a minimum period of 2 years once all stormwater management works become operational and stabilized or at the Town’s discretion for a minimum period of 2 years following construction of the majority of the contributing drainage area in accordance with the approved Operations Maintenance and Monitoring Program. Should the monitoring results fail to demonstrate to the satisfaction of the Town of Oakville, acting reasonably, that the performance of the stormwater management facilities / works is in accordance with acceptable engineering practices, the Owner shall take immediate remedial action.	OAK (TE)

42.	That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's <b>Storm Drainage Policies and Criteria Manual</b> and to the satisfaction of the Development Services Department, in accordance with the Development Services Procedures and Guidelines Manual.	OAK (TE)
43.	The Owner agrees to pay for <b>electricity supplied to light the streets</b> in the development until such time as the first homeowners take possession. This will include the supply of power to the street lights, the commodity cost, transmission and independent electricity marketing operator charges, distribution charges and administration fees, details of which will be outlined in the subdivision agreement.	OAK (TE)
44.	The Owner shall agree to <b>deposit mylars and digital discs</b> (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town.	OAK (TE)
45.	That the Owner agrees to pay for and install all required <b>temporary signage</b> as per the approved Traffic and Parking Management Plan prior to the issuance of any building permits and agrees to ensure that these temporary signs are maintained throughout the construction phase or until the permanent signage is installed.	OAK (TE)
46.	That the Owner agrees to pay for and install all <b>permanent signage</b> within six (6) months of the first building occupancy as per the approved Traffic and Parking Management Plan. In the event that the Owner fails to install the permanent signage in the required timeframe the Town may carry out the work on behalf of the Owner, and will charge the Owner a 100% administration surcharge for all costs incurred by the Town in carrying out this work	OAK (TE)
47.	That the Owner shall place <b>public and educational signage</b> within the stormwater management Blocks to identify the general operation of the stormwater management facilities and list public restrictions for recreational use all to the satisfaction of the Engineering and Construction Department.	OAK (TE)
48.	<p>That the Owner agrees within the subdivision agreement to deliver to the Town the following materials to accommodate <b>PSAB requirements</b> (hereinafter in this section referred to as the "Materials") within the times herein provided:</p> <ul style="list-style-type: none"> <li>a) Prior to registration of the Plan, a table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands to be dedicated to the Town pursuant to this agreement, including rights of way (herein after referred to as the "Dedicated Lands");</li> <li>b) Prior to acceptance of Maintenance, a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials used in the Town's Work, the dates of their respective installation, together with certification of their fair market value at installation; and</li> <li>c) Prior to assumption of the Plan, updated certification by the aforementioned Ontario Land Surveyor, Owner's Engineer or Appraiser as applicable, of the Materials and their current fair market value in form and content acceptable to the Town, together with certification in the manner and by the persons set out herein of any works to be assumed by the Town and not previously certified.</li> </ul>	OAK (TE)
49.	That the Owner agrees that all <b>roadways</b> are to be designed to Town of Oakville standards and partial roads within the draft plans are not permitted, unless other suitable arrangements are made with the Director of Development Services, as agreed to through the Sixth Line Corporation subdivision (20M-1186) for the extension of Charles Cornwall Avenue and Merton Road adjacent to the subject lands.	OAK (TE)
50.	In the event that required subdivision land use and <b>notice signage</b> becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.	OAK (TE)

51.	That the Owner satisfies the <b>telecommunications</b> provider with respect to their land requirements and agrees to permit all electrical and telecommunication providers who have signed the Town's access agreement to locate on the roads within the plan and that the Owner allow these services to connect to the buildings, all to the satisfaction of the Town.	OAK (TE)
52.	That the Owner shall provide in each of the sales offices a <b>large coloured map</b> , not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of Oakville Official Plan and a prominent note indicating that further information can be obtained from the Oakville Planning Services Department.	OAK (TE)
53.	<p>a) That the Owner acknowledges that during the active construction process it is anticipated that <b>sediment accumulation</b> in the stormwater management pond will occur at an above average rate compared to the rate for a stabilised condition. Based on this assumption the Owner agrees to monitor the sediment accumulation level and clean the pond periodically to ensure its operational efficiency is maintained. Prior to assumption a condition and monitoring report is to be prepared by the Owner's Engineer which is to outline the monitored performance of the pond as documented over time and the current state of sediment level within the pond. The Engineers report will make recommendations with respect to any maintenance required at the time of the requested assumption and itemise such items which the Owner will be required to remediate prior to the assumption.</p> <p>b) That the Owner agrees, at the time of the requested assumption, to provide an up-to-date <b>bathymetric survey</b> to determine the sediment level within the storm water management pond. If the accumulated sediment level is less than 25% of the design sediment storage volume within the fore-bay and/or main bay area of the pond, the Owner will provide a cash-in-lieu payment to the town for future clean-out based on an amount to be determined. Notwithstanding the above, should the sediment accumulation exceed 25% of the design sediment storage volume, the Owner agrees to clean out the pond.</p> <p>c) That the Owner agrees that the Town shall retain <b>securities for any Stormwater Management Facility</b> for at least a minimum two year maintenance period after the construction and stabilization of the stormwater management pond, or at the Town's discretion, for a minimum 2 year period following the assumption the majority of contributing development plans. The value of this security will be determined by the Town based on the size of any pond as well as the number of contributing plans.</p>	OAK (TE)
54.	That the Owner designs, constructs and has in operation all necessary <b>flood control structures and stormwater outfall structures</b> as required for the Sixth Line Corporation subdivision (20M-1186) prior to the issuance of any building permits to the satisfaction of the Conservation Halton and Development Services Department and Parks and Open Space Department.	OAK (TE, POS) CH
55.	That the Owner agrees at their cost to implement the <b>municipal tree planting program</b> approved for the Sixth Line Corporation subdivision (20M-1186), as amended for the subject lands for all public roads in accordance with the approved Composite Utility Plan and/or Tree Planting Plan. The selection of species, calliper and timing of work shall be undertaken to the satisfaction of the Development Services Department and in accordance with the latest Town standards and specifications.	OAK (TE, POS)
56.	That the Owner agrees to submit <b>prior to Assumption</b> an inventory of all boulevard trees planted by species, size, and x/y coordinates in a digital format acceptable to the Parks and Open Space Department and Development Services.	OAK (POS, TE)
57.	That the Owner warranty all <b>boulevard street trees</b> and trees planted in open space areas for a period of 2 years from the date of planting and agrees to maintain in a healthy condition all trees until Assumption or to the end of the warranty period, where the warranty extends beyond assumption, as provided in the Sixth Line Corporation subdivision (20M-1186) as amended to include the subject lands.	OAK (TE, POS)

58.	That the Owner agrees to place <b>topsoil</b> on lots, boulevards and parkland in accordance with approved Town standards.	OAK (POS, TE)
59.	That the Owner agrees to <b>post acceptable securities</b> with the Town of Oakville as part of the subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved engineering plans including the rehabilitation of any Natural Heritage System block or open space areas which may be disturbed during the development of the subdivision.	OAK (TE) CH
60.	That the Owner agrees to not store <b>construction materials</b> on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.	OAK (TE, POS)
61.	That the Owner agrees to implement any <b>cycling and trails plans</b> as approved for the Sixth Line Corporation subdivision (20M-1186) as amended to include the subject lands in accordance with the North Oakville Trails Plan, when finalized, and the enacted Development Charges By-law to the satisfaction of the Town.	OAK (POS)
62.	That the Owner provides a <b>fire break plan</b> and other fire prevention measures to the satisfaction of the Town of Oakville, where necessary.	OAK (FD)
63.	That the owner agree that <b>any exposed soil</b> within a watercourse block, either as a result of realignment or rehabilitation works, will be seeded or otherwise stabilized within 24 hours of exposure to minimize the transport of sediment downstream;	CH
64.	That the owner agree that <b>no fill from the site may be dumped on or off-site</b> in an area regulated by Conservation Halton without the prior written permission of Conservation Halton.	CH
65.	That the Owner acknowledges that all works which are the responsibility of the Owner to complete, shall be subject to general construction observation by a <b>licensed Professional Engineer</b> of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time staff on site during construction activities to obtain the required "as constructed" field information, and to ensure general compliance to the best of his/her professional knowledge with the approved drawings and the Town and Region's Current Construction and Design Standards.	RMH (LPS) OAK (TE)
66.	That the Owner acknowledges that development shall be subject to full <b>municipal water and sanitary sewer services</b> to the satisfaction of the Regional Municipality of Halton.	RMH (LPS)
67.	The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region's Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and: <ul style="list-style-type: none"> <li>shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and,</li> <li>shall not seek final approval for registration of such lots or blocks or any part thereof.</li> </ul>	RMH (LPS)
68.	The Owner agrees that should the development be phased, the Owner shall submit a <b>phasing plan</b> prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports. The phasing shall be to the satisfaction of the Regional Municipality of Halton, and the Town of Oakville.	RMH (LPS) OAK (TE)
69.	The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or Regional waste collection trucks can safely access the site. Until Regional collection commences it is the responsibility of	RMH (LPS)



	the Owner/Developer to provide appropriate private collection to occupied units.	
70.	That the Owner shall submit a copy of the <b>approved sidewalk plan</b> prepared for the Sixth Line Corporation subdivision (20M-1186) updated to include the subject lands, and prepared to the satisfaction of the Town of Oakville, to the Halton District School Board and Halton Catholic District School Board.	OAK (TE)
71.	That the Owner provides the Halton District School Board a <b>geo-referenced AutoCAD file</b> of the draft M-plan once all Lot and Block numbering configuration has been finalised. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.	HDSB
72.	That the Owner agrees to erect and <b>maintain signs</b> at all major entrances into the new development advising prospective purchasers that a permanent school is not available and that alternate accommodation and/or bussing will be provided. The Owner will make these signs to the specifications of the respective School Board and erect them prior to the issuance of building permits.	HDSB HCDSB
73.	That the Owner agrees to ensure that all new home buyers will be officially notified of the exact <b>Community Mail Box</b> locations prior to any house sales. Also that the owner shall post in a clear site a copy of the plan indicating the Community Mail Box sites at the sales office. This plan is requested to be completed and approved prior to the start of the House sales for the subdivision. Once the homeowner has closed their home sale, the developer shall notify all new homebuyers of the process to initiate Mail Delivery as well as the address of the local Post office where new homeowners can go and show their warranty documentation as well as a license for identification to begin the process of requesting mail delivery.	CP
74.	The Owner agrees to provide the location of all <b>Community Mail Boxes</b> on the approved Composite Utility Plan to the satisfaction of the Town and Canada Post.	CP
75.	The Owner agrees, prior to offering any units for sale, to display and maintain a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all <b>Community Mail Boxes</b> within the development, as approved by Canada Post. Further, the Owner agrees to inform all homebuyers of the process to initiate mail delivery for their new home address.	CP
76.	The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.	CP
77.	The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.	CP
78.	The Owner agrees to provide a suitable and safe temporary site for <b>Community Mail Box</b> locations. This temporary mail box pad will be a compacted gravel area with a minimum of a single row of patio stones for mail box placement. Temporary pad specifications will be provided to the Owner during the siting process. This location must be set up a minimum of 30 days prior to first occupancies.	CP
79.	The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy	CP
80.	That the Owner acknowledges that where multi-unit or commercial, office or similar buildings are located, one or more conduit or conduits of sufficient size will be provided from each unit to the room(s) in which the <b>telecommunication facilities</b> are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.	BC /Cogeco/Rogers
81.	That the Owner acknowledge its responsibility to up-front the cost of any extension to the <b>electrical distribution system</b> .	OH
82.	That the Owner agrees to place the following <b>notification in all offers of purchase and sale</b> , plus any additional applicable clauses included for the Sixth	OAK (PS, TE)(POS) CH

<p>Line Corporation subdivision (20M-1186) for all lots and/or units and in the Town’s subdivision agreement to be registered on title:</p> <p>a) “Purchasers are advised that the Town of Oakville’s current <b>street tree planting standards</b>, which are subject to change, are intended to have an average of one tree for every 12 metres of frontage to be considered for planting in order to accommodate future tree growth. This means that not every house is intended to receive a tree. Purchasers are also advised that the ability to accommodate the planting of a street tree within the public road allowance will be influenced by housing form, development setbacks, utilities, driveway width and location. The Town reserves the right, in its sole discretion, to determine whether a street tree will be planted at any particular location within the subdivision particularly on narrow building lots.”</p> <p>b) “Purchasers are advised that <b>winter maintenance</b> and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”</p> <p>c) “Purchasers and/or tenants are advised that the homeowner’s builder is responsible for the timing and coordination of <b>rectifying lot grading</b> matters which occur prior to assumption.”</p> <p>d) “Purchasers and/or tenants are advised that prior to the placement of any <b>structures in side and rear yards</b>, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work.”</p> <p>e) “Purchasers and/or tenants are advised that <b>private landscaping</b> is not permitted to encroach within the Town’s road allowance, public open space or Natural Heritage System area. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption.”</p> <p>f) “Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of <b>swales and rear lot catch basins</b>.”</p> <p>g) “Purchasers are advised that any <b>unauthorized alteration of the established lot grading</b> and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots.”</p> <p>h) “Purchasers are advised that the following street(s) in the area may be designated as <b>interim or permanent bus routes</b>, and that bus stops and shelters, and garbage receptacles may be installed along the street(s) at any time: Sixth Line”</p> <p>i) “Purchasers and/or tenants are advised that home/business mail delivery will be from designated <b>Community Mail Boxes</b> and that purchasers are to be notified by the developer/owner regarding the exact centralized mail box locations prior to the closing of any home sales. “</p> <p>j) “Purchasers are advised that the <b>schools</b> on sites designated for the Halton District School Board or Halton Catholic District School Board in the community are not guaranteed. Attendance in the area is not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.”</p> <p>k) “Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that <b>school buses</b> will not enter cul-de-sacs and private roads.</p> <p>l) “Purchasers are advised that Town <b>Stormwater Management Ponds</b> will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements.”</p>	<p>HDSB HCDSB CP</p>
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	<p>m) “Purchasers are advised that <b>driveway entrance widenings</b> or modifications will not be permitted where they impact on the availability of on-street parking space. Property Owners must take note of the available parking space on their own private lot and purchase homes with knowledge that additional space for more personal / family vehicles may be limited or unavailable.”</p> <p>n) “Purchasers are advised that <b>not all vehicle types</b> can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”</p> <p>o) “Purchasers are advised that <b>Catholic school accommodation</b> may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. Halton Catholic District School Board will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board.”</p> <p>p) “Purchasers are advised that Public roads are expected to accommodate pedestrians, cyclists and vehicles of all types. Temporary and/or permanent <b>public parking along municipal roads</b> except laneways adjacent to any property can be made available for on-street parking by the public and is not reserved for use by the property Owner. This will be most evident in close proximity to parks, schools, laneways and commercial or mixed use districts where visitors to these locations will be encouraged to park on-street in accordance with municipal requirements as on-site parking space will be minimal or non-existent.</p> <p>q) “Purchasers are advised that there is the potential for high water pressures within the subdivision”</p> <p>In cases where offers of purchase and sale have already been executed, the Owner shall send a letter to all purchasers which includes the above statements.</p>	
	<b>CLOSING CONDITIONS</b>	
1	Prior to signing the final plan the <b>Director of Planning Services</b> shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	OAK (PS)
2	Prior to signing the final plan the Director of Planning Services shall be advised by the <b>Regional Municipality of Halton</b> that conditions 2, 6, 17, 18, 21-30, and 65-69 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) RMH (LPS)
3	Prior to the signing of the final plan the Director of Planning Services shall be advised by the <b>Conservation Halton</b> that conditions 1, 59, 63 and 64 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CH
4.	Prior to signing the final plan the Director of Planning Services shall be advised by the <b>Halton District School Board</b> that conditions 71, 72, and 82 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) HDSB
5.	Prior to signing the final plan, the Director of Planning Services shall be advised by the <b>Halton Catholic District School Board</b> that conditions 72 and 82 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) HCDSB
6.	Prior to signing the final plan, the Director of Planning Services shall be advised by the <b>telecommunications provider</b> that conditions 33 and 80 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) BC, Cogeco, Rogers
7.	Prior to signing the final plan the Director of Planning Services shall be advised by <b>Canada Post</b> that conditions 31, 74-79, and 82 have been carried out to their	OAK (PS) CP

	satisfaction with a brief but complete statement detailing how each condition has been satisfied.	
8.	Prior to signing the final plan, the Director of Planning Services shall be advised by <b>Oakville Hydro</b> that condition 81 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OH
9.	Prior to signing the final plan, the Director of Planning Services shall be advised by <b>Union Gas/Enbridge Gas</b> that condition 32 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	UG/Enbridge
	<b>All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being Day____, Month____, 20xx.</b>	OAK (PS)

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
Cogeco	Cogeco Cable
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
CH	Conservation Halton
MTCS	Ministry of Tourism, Culture and Sport
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville – Finance
OAK (L)	Town of Oakville – Legal
OAK (TE)	Town of Oakville – Transportation and Engineering Department (formerly DE)
OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
Rogers	Rogers
UG/Enbridge	Union Gas/Enbridge Gas

NOTES:

1.
- That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilisation, grading and seeding of non-development blocks.
2.
- The owner/applicant is to pay any outstanding cash-in-lieu of parkland dedication or provide confirmation of an executed adhesion agreement as it relates to the subject lands, pursuant to Section 42 of the Planning Act and in accordance with the Towns By-law 2008-105. The owner / applicant is to contact the Town’s Manager of Realty Services approximately 120 days and no later than 60 days prior to their intended date to draw the first above grade building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.

- 3. The required payments and contributions for water, wastewater and roads are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the Single-Detached Equivalents are being reserved for the Owner.

4. The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein

Please visit our website at [www.halton.ca/developmentcharges](http://www.halton.ca/developmentcharges) to obtain the most current development charge and Front-ending Recovery Payment information, which is subject to change.

5. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.
6. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
  - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
  - Regional Registration fee
  - Registry Office review form
7. During any development activities, should archaeological materials be found on the property, the MHSTCI should be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.
8. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

## Page 121 of 571



**Kate Cockburn**

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**From:** marine mammo [REDACTED]  
**Sent:** March 31, 2022 1:09 PM  
**To:** Town Clerk  
**Subject:** Notice of complete application

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Kate Cockburn, Senior Planner,

My Name is Marine Fatih-Allah, I am sending this email because , yesterday I have received a notice of complete Application from the town of Oakville proposed plan of subdivision Block 415, plan 20M-1186 Fernbrook homes ( seven Oak 2021) limited 24T-22004/1315, ward7,  
Can I received a notification of the decision of this matter.  
We live now in Oakville in one of the [REDACTED]

We are interested in buying another property in this area

Thank you

Regards

Fathalla=Faris, Fatih=Allah Marine



## REPORT

### Planning and Development Council

**Meeting Date: June 27, 2022**

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Public Meeting and Recommendation Report, Oakville Green Development Inc., Zoning By-law Amendment, Part of Lot 25, Concession 1, NDS, File No. Z.1325.08 – By-law 2022-071

**LOCATION:** Northeast corner of Dundas Street West and Third Line

**WARD:** Ward 7

Page 1

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#### **RECOMMENDATION:**

1. That the public meeting and recommendation report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Oakville Green Development Inc. (File No.: Z.1325.08), be received.
3. That the Zoning By-law Amendment application submitted by Oakville Green Development Inc. (File No. Z.1325.08), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial Interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated June 14, 2022.
4. That By-law 2022-071, an amendment to Zoning By-law 2009-189, be passed.
5. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

#### **KEY FACTS:**

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

- **Location:** The subject lands consist of a smaller part of a larger land holding located north of Dundas Street West, east of Third Line and the Oakville-Trafalgar Memorial Hospital. The subject lands are  $\pm 5.231$  ha (12.93 acres) in size and include a  $\pm 0.55$  ha part of the Glen Oak Stormwater Management Pond. The subject lands have approximately  $\pm 280$  m of frontage on Third Line and  $\pm 140$  m along William Halton Parkway. The site is currently vacant, aside from the existing Glen Oak Stormwater Management Pond.
- **Policy Context:** The subject lands are designated 'Employment District' on Figure NOW2 of the North Oakville West Secondary Plan, located within the Health Oriented Mixed Use Node, and are identified on Schedule A1 – Urban Structure as being within a "Node and Corridor for Further Study". The node was studied through the 'Hospital District Study', and on June 7, 2021, Council approved Official Plan Amendment 35 ("**OPA 35**") which adopted policies for the 'Hospital District'. While OPA 35 is not in full force and effect, the subject lands would be located within 'Block 5', and be designated 'Urban Core' which would permit a retirement home up to a maximum building height of 15 storeys. The Council adopted policies would require submission of a block plan, to amongst other matters, demonstrate how a minimum ratio of 55% jobs will be achieved.
- **Zoning:** The subject lands are zoned H37/H38-LE sp:57 (Light Employment) which permit a mix of primarily employment uses, and a retirement home without dwelling units, up to  $9,300 \text{ m}^2$  ( $100,000 \text{ ft}^2$ ) in size and up to 15 storeys in height.
- **Proposal:** The subject Zoning By-law amendment application seeks to increase the maximum total leasable floor area of the retirement home component from up to  $9,300 \text{ m}^2$  ( $100,000 \text{ ft}^2$ ) to up to  $23,226 \text{ m}^2$  ( $250,000 \text{ ft}^2$ ).
- **Nature of Application:** No change to the overall density, building height or zone standards are proposed. The scope of this application is limited to the proposed increase in size of the retirement home. The Zoning By-law would continue to require the retirement home to provide a higher spectrum of care, and the increase in size would generally be in keeping with the size of recent retirement homes approved and constructed in the Town context.
- **Public Consultation:** The applicant held a public information meeting on March 17, 2022, and it was attended by no residents. Presentation slides and an affidavit to the same effect is appended to this report as "**Appendix 'A'**". Notice of the public meeting has been provided to property owners within 240m of the subject lands in accordance with the town's current notice

requirements. As of the date of this report, no public comments have been received.

- **Timing:** This application was submitted on April 1, 2022 and deemed complete on April 25, 2022. The *Planning Act* provides for a 90 day timeline to make a decision on this application (July 24, 2022) failing which the applicant could file an appeal for non-decision.

## BACKGROUND:

The North Oakville West Secondary Plan (“**NOWSP**”) was adopted by Council on May 25, 2009 and in recognition and in support of the new hospital, provides for a Health Oriented Mixed Use Node (“**HOMUN**”) at Third Line and Dundas Street West. On May 11, 2015, Council endorsed the principles set out in staff report regarding the development of the HOMUN that are to guide the review and evaluation of applications to implement a HOMUN, as contemplated in the *NOWSP*:

*That Council endorses the principles set out in the report, that guide the review and evaluation of applications to implement a Health Oriented Mixed Use Node as contemplated in the North Oakville West Secondary Plan;*

On September 18, 2015 an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision application was submitted in support of a proposed Health Science & Technology District on the full extent of the Oakville Green Development Inc. (“**Oakville Green**”) lands.<sup>1</sup> The development applications, at that time, included a residential component within the HOMUN. A Regional Official Plan Amendment application was also submitted concurrently in support of the proposal.

In order to implement Council endorsed principles, a series of more detailed metrics were developed, which were endorsed by Council on July 25, 2016, and addressed the composition of employment land uses, density and approach to parkland.

On November 26, 2018, in part due to amendments to the Growth Plan which prohibit ‘residential uses’ within employment areas, the development applications for the Oakville Green land holdings were withdrawn.

On December 3, 2018, Oakville Green submitted Zoning By-law amendment and Draft Plan of Subdivision applications which were scoped to exclude all residential uses. The effect of the proposed Zoning By-law amendment, as revised, was to permit phase 1 of a health science and technology district, of up to 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>), and comprised of the following components:

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<sup>1</sup> Generally bound by Third Line, William Halton Parkway Dundas Street and the natural heritage to the east.

- 100,000 sq. ft. of Seniors Living;
- 220,000 sq. ft. of Medical Centre;
- 150,000. sq. ft. of Hotel and Conference Centre; and
- 530,000 sq. ft. of Employment Use.

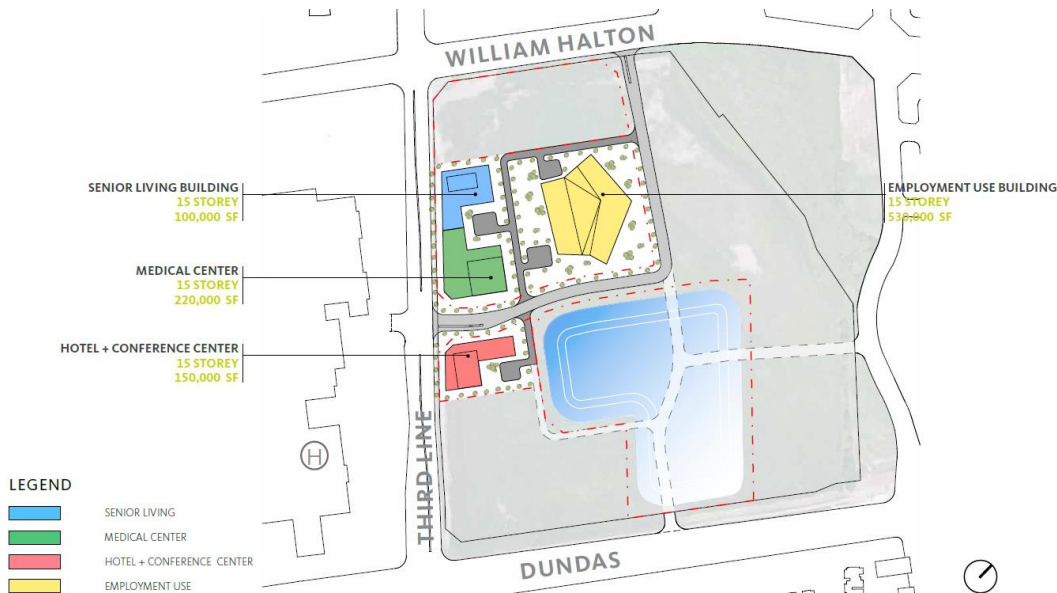


Figure 1: Phase 1, Approved by Council on June 10, 2019

The Draft Plan of Subdivision, as revised, was 5.54 ha (13.6 acres) in size and proposed to divide the land into three blocks, reshape the Glen Oak Stormwater Management Pond, and provide one new public road extending from the Hospital entrance along Third Line through the subject lands to the planned extension of William Halton Parkway. One internal roadway within the proposed block was proposed as a private woonerf style roadway. The reshaping of the pond required a land swap with the town to be coordinated with the registration of the plan of subdivision.

As part of the review of the foregoing applications, an Update Report was considered by Council on April 15<sup>th</sup>, 2019 (appended to this report as “**Appendix ‘B’**”). The Update Report provided a status update of staff’s review of the applications, and identified concerns related to the capacity of transportation infrastructure and phasing development to coordinate with the provision of infrastructure, financial impact of the proposed development on the town, and health and safety concerns of nearby AM radio tower facilities raised through public consultation. Council subsequently adopted the following resolution:

1. *That Council endorse the direction contained in the report from the Planning Services department dated April 5th, 2019 entitled Update Report, Oakville*

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*Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325.*

2. *That consideration of the application be deferred pending completion of:*
  - a. *a town-initiated peer review of the information submitted by Whiteoaks Communications Group Limited, including the identification of related matters to be addressed in planning for the surrounding area;*
  - b. *sensitivity analysis, to be requested of the applicant, regarding employment projections and limited interim transit capacity; and,*
  - c. *scoped financial impact analysis, to be requested of the applicant, to address transit capital and operating needs as well as employment density concerns identifying the financial impact on the town and mitigation measures.*
3. *That up to \$75,000 plus HST be approved, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area.*

In a staff report dated June 5<sup>th</sup>, 2019, (appended to this report as “**Appendix ‘C’**”), staff reported back to Council through a recommendation report by completing the review of the foregoing applications. This included a detailed analysis, and findings of a peer review of AM radio health and safety matters raised through public consultation, transportation considerations including a sensitivity analysis of the capacity of the existing road network and access to the Oakville Trafalgar Memorial Hospital (without easterly extension of William Halton Parkway), and stormwater management considerations.

On June 10, 2019, Council approved both the Zoning By-law amendment and Draft Plan of Subdivision applications which permitted up to 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>) of floor area, subject to two holding provisions which coordinate the development with the provision of new infrastructure by, amongst other matters, limiting the amount of vehicle trips until William Halton Parkway is constructed.

Staff’s analysis in this report builds off the previous work undertaken which addressed the broader land use, transportation and mobility, functional servicing, stormwater management, environmental (site contamination), archaeological, health and safety (AM Radio Towers), urban design, parking considerations and financial impact matters outlined in the April, 2019 Update Report and June, 2019 Recommendation Report.

The purpose of this report is to introduce the current Zoning By-law amendment application, in conjunction with the statutory public meeting and provide a staff recommendation for consideration by Planning and Development Council.

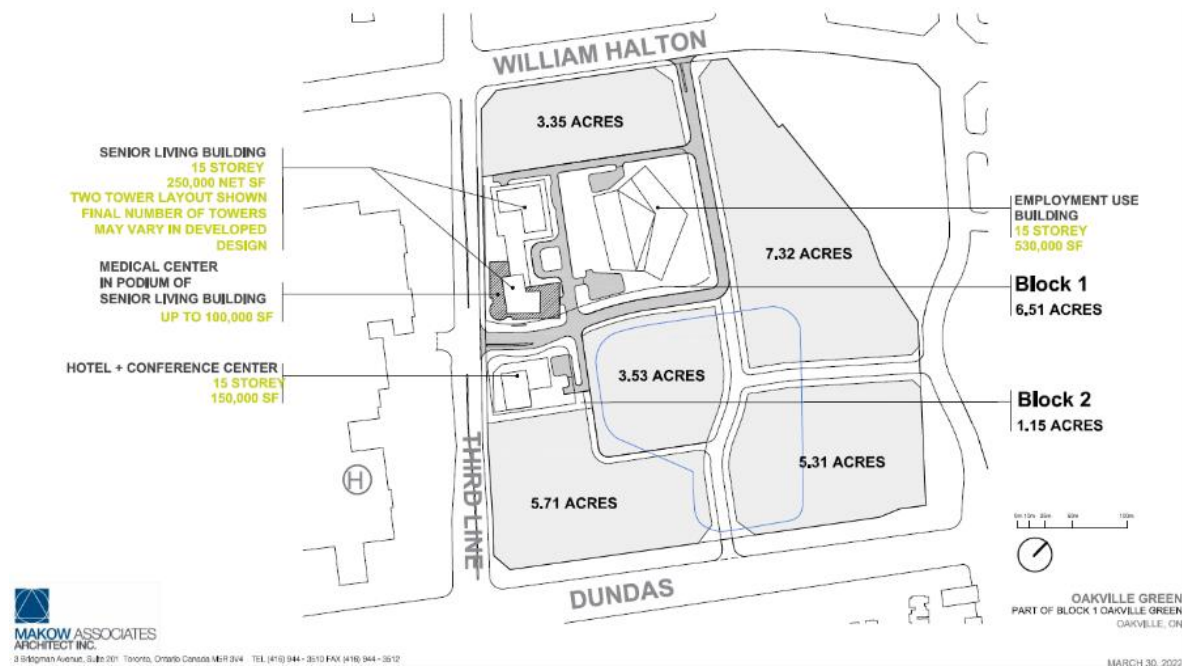
## Proposal

This Zoning By-law amendment application seeks to increase the maximum total leasable floor area of the retirement home component from 9,300 m<sup>2</sup> (100,000 ft<sup>2</sup>) to up to 23,226 m<sup>2</sup> (250,000 ft<sup>2</sup>) (the “**Proposal**”). The concept plan illustrates the retirement home as comprised of two 15 storey towers with a shared podium which contains medical office uses. While not explicitly shown on the concept plan, limited ancillary ground floor retail is also permitted within the podium. The size of the medical office component would vary, however the concept plan notes ‘up to 100,000 ft<sup>2</sup> (9,300 m<sup>2</sup>)’.



Figure 2: Comparison of Original Phase 1 (left) and Updated Area Design and Building Layout Plan (right)

The overall massing and built form is fundamentally the same as approved through the 2019 approval. The proposed towers continue to be 15 storeys in height, and would be stepped back from the podium. However, the building design has been revised to provide a podium stepback from Third Line which is intended to provide space for an outdoor amenity space.



No change to the overall density, building height or zone standards are proposed.

### Location & Site Description

The subject lands consist of part of a larger land holding located north of Dundas Street West, east of Third Line immediately east of the Oakville-Trafalgar Memorial Hospital (the “**Subject Property**”). The Subject Property is  $\pm 5.231$  ha ( $\pm 12.93$  acres) in size and has  $\pm 280$  m of frontage on Third Line and  $\pm 140$  m along the William Halton Parkway ROW (not built yet).

As outlined in the background section of this report, the site area includes a  $\pm 0.55$  ha part of the Glen Oak Stormwater Management Pond, which is currently owned by the Town but is planned to be transferred to the Applicant as part of a land swap approved by Council through draft plan of subdivision 24T-18006/1325. The land swap will facilitate alignment of the new public road which will align with the hospital entrance opposite Third Line and form a crescent to the future William Halton Parkway.

The Subject Property is currently vacant, aside from the previously mentioned  $\pm 0.55$  ha portion of the Glen Oak Stormwater Management Pond.



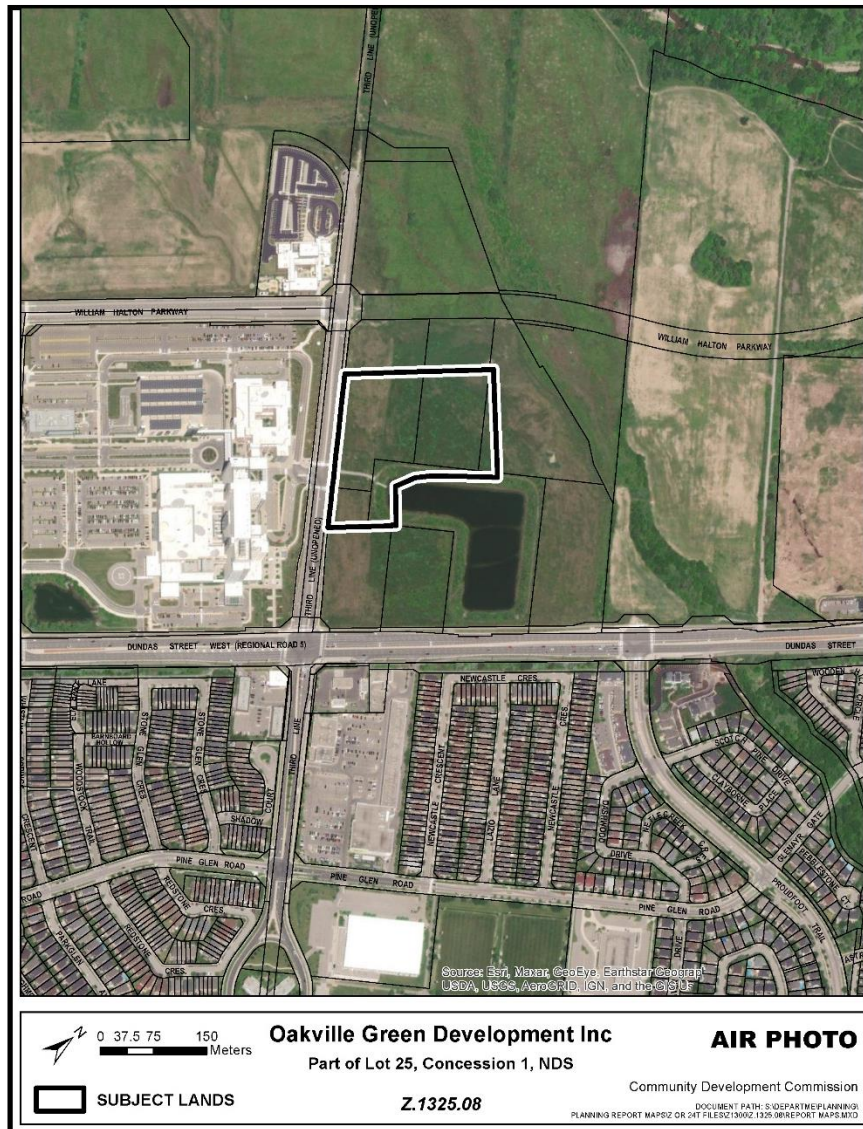


Figure 4: Air Photo

## Surrounding Land Uses

The surrounding land uses are as follows:

- North: William Halton Parkway right-of-way, greenfield designated employment land.
- East: Greenfield designated employment land / natural heritage system then greenfield designated residential land.
- South: Dundas Street West then existing commercial / residential
- West: Third Line then Oakville Trafalgar Memorial Hospital



## **PLANNING POLICY & ANALYSIS:**

The Subject Property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville West Secondary Plan
- OPA 35 (Council-adopted Hospital District policies – emerging policy)
- Zoning By-law 2009-189

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) (“**PPS**”) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient compact development form by directing growth to settlement areas, and encourages planning authorities to permit and facilitate a range of housing options, including ‘housing for older persons’ to sustain healthy, liveable and safe communities.

The PPS promotes the integration of land use planning, growth management and 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.

The Subject Property is located within an ‘employment area’<sup>2</sup>, until such time as OPA 35 in force. In staff’s opinion, the proposed increase to the size of the proposed retirement home, would continue to provide opportunity for an appropriate mix and range of compact employment uses that would efficiently use municipal infrastructure, contribute to economic development and competitiveness, and be transit-supportive.

The proposed Zoning By-law amendment would continue to prohibit dwelling units. Accordingly, any occupancy within the proposed retirement home would be in the form of assisted living units which would be accompanied by a high level of skilled care, supervision, personal care and support. This land use is defined as ‘special needs’ housing within the context of the PPS, and may be permitted as an institutional land use. The proposed increase to the size of the proposed retirement home has no impact on staff’s previous analysis undertaken as part of the approval

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<sup>2</sup> **Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (PPS)

of Phase 1 which concluded the application demonstrates that sensitive land uses would be appropriately separated from other planned employment uses to prevent adverse impact on viability of the larger employment area.

There are no significant built heritage resources or significant cultural heritage landscapes located on or adjacent to the Subject Property and the review of the application has fully addressed other policy requirements such as stormwater management, functional servicing, environmental suitability of lands, archaeological potential, transportation, natural hazards and natural heritage.

On this basis, the Proposal is consistent with the PPS. Excerpts of relevant PPS policies are attached as “**Appendix ‘D’**”.

## **Growth Plan**

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options. The Growth Plan acknowledges the significance of high quality compact urban form, an attractive and vibrant public realm and access to public open spaces through site design and urban design standards.

The Subject Property is located in a settlement area, within a “Designated Greenfield Area” and along the Dundas Street transit corridor. Within the context of the Growth Plan, the Subject Property is also located within a ‘strategic growth area’.<sup>3</sup> Pursuant to Policy 2.2.1 2) c) growth is to be focused in delineated built up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, and areas with existing or planned public service facilities are areas where growth is to be focused. Policy 2.2.1 4) of the Growth Plan provides that applying the policies of the Plan is to support the achievement of complete communities that:

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<sup>3</sup> **Strategic Growth:** Areas Within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. (Growth Plan, 2019)

- 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;*
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

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 and mix of uses and activities (Policy 2.2.4 10)).

The Subject Property is located within an 'employment area'<sup>4</sup>, until such time as OPA 35 in force. Policy 2.2.5 (7) a) provides policy direction regarding planning for employment areas by: prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.

In staff's opinion, the Subject Property is located within a strategic growth area, and considering the proposed increase in size of the retirement home, would continue to support the employment function of the HOMUN in a compact urban form with limited surface parking, that would efficiently use municipal infrastructure, would contribute to economic development and competitiveness, be transit-supportive and contribute to achieving complete community objectives.

The site-specific zoning would continue to prohibit dwelling units and the assisted dwelling units would be accompanied by a high level of skilled care, supervision, personal care and support. The size of the retirement home would also continue to be limited. Both the Applicant's concept plan for phase 1, and in force zoning, provide for up 1,000,000 ft<sup>2</sup> of floor area for phase 1. Accordingly, the retirement home would comprise of ± one quarter of the proposed / maximum permitted floor area of phase 1, thereby maintaining the original intent of encouraging a mix of primary employment uses.

There are no significant built heritage resources or significant cultural heritage landscapes located on or adjacent to the subject lands and the review of the application has fully addressed other policy requirements such as stormwater

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<sup>4</sup> **Employment Area:** Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Growth Plan)

management, functional servicing, environmental suitability of lands, archaeological potential, transportation, natural hazards and natural heritage. The foregoing matters were reviewed, and will be advanced further, through registration of the plan of subdivision and the required site plan control application.

On this basis, the Proposal is consistent with the Growth Plan. Excerpts of relevant Growth Plan policies are attached as **“Appendix ‘D’”**.

### **Halton Region Official Plan**

Regional Official Plan Amendment 48 (**“ROPA 48”**) was approved by the Ministry of Municipal Affairs and Housing, with modifications, on November 11, 2021 and implements components of the Regional Urban Structure to establish a hierarchy of strategic growth areas in the Regional Official Plan. It is the first amendment to be adopted by Regional Council as part of the Regional Official Plan Review.

The Subject Property is designated “Urban Area” and are located with a Primary Regional Node. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

It is the policy of Halton Region to direct development with higher densities and mixed uses to Regional Nodes in accordance with a hierarchy of Strategic Growth Areas, and based on the level of existing and planned transit service. The Subject Property is located adjacent to a planned higher-order transit corridor on Map 1h - Regional Urban Structure.

Staff reviewed the Proposal in the context of the approval of ROPA 48, and are of the opinion that the proposal to increase the size of the retirement home is in conformity with the Halton Region Official Plan.

### ***North Oakville West Secondary Plan***

#### OP Objectives

The development objectives outlined in Section 8.2.3 of the NOWSP are to guide the future urban development of the Plan and are appended to this report as **“Appendix ‘D’”**.

#### Urban Structure

Official Plan Amendment (‘OPA’) 318 (NOWSP), confirms the Town’s existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use

growth are to be accommodated. OPA 318 was approved by Halton Region on April 26, 2018 and is in full force and effect.

The Subject Property is identified on Schedule A1 – Urban Structure as being within a “Node and Corridor for Further Study” and fronts onto Dundas Street West, which is identified as a Regional Transit Priority Corridor. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of densities to support frequent transit service.

### Land Use Policies

The Subject Property is designated ‘Employment District’ on Figure NOW2 and is located within the HOMUN.<sup>5</sup>

Pursuant to Section 8.6.5.2 of the Plan, a range of employment uses are permitted within the Employment District designation including institutional uses such as places of worship and vocational schools, and additional uses specific to the HOMUN including a hospital, research and development facilities, medical and other offices, laboratories, clinics, supportive housing, long term care facilities, and rehabilitation facilities. Certain employment land uses such as general industrial operations, transportation terminals, outside storage and operations incidental to industrial operations, waste processing and waste transfer stations including noxious uses, are restricted within and abutting the HOMUN.

Section 8.6.5.3 of the NOWSP provides that limited retail and service commercial uses permitted in Section 8.6.5.2 shall be clustered at the intersections with Arterials and Avenues.

Section 8.6.5.4 a) of the NOWSP provides that:

*It is not intended that the full range of employment uses will be permitted in all locations designated “Employment District”. The precise range of uses and density of development shall be stipulated in the zoning by-law. In particular, the lands in the Employment Area designation abutting the HOMUN will be subject to a site specific zoning regulations including the use of a holding zone, and any proposed use will be carefully evaluated to ensure that it does not adversely impact on the uses in the Health Oriented Mixed Use Node.*

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<sup>5</sup> See Recommendation Report in “Appendix ‘C’” for more detailed analysis on the boundary of the health oriented mixed use node.

The LE sp: 57 zone, approved by Council in June, 2019 permitted a mix of employment land uses such as medical office, general office and research and development which are permitted within the HOMUN. The ancillary retail was limited to 10% of the floor area of the building and intended to be supportive of the overall area (not a commercial node). Dwelling units were prohibited in the nursing / retirement home, and the permitted assisted living units were intended to provide a higher level of skilled care, supervision, personal care and support.

The LE sp: 57 zone limited the maximum leasable floor area of a hotel to 14,000 m<sup>2</sup> (150,700 ft<sup>2</sup>) and nursing / retirement home to 9,300 m<sup>2</sup> (100,100 ft<sup>2</sup>). The intent of limiting the maximum leasable floor area of the hotel, nursing home, and retirement home (secondary employment) was to encourage the development of primary employment uses such as research and development and medical offices which are supportive of the employment function of the node. Both of the foregoing maximum floor areas were based on the floor area of each respective land use proposed by the Applicant, at that time.

In staff's opinion, the Proposal conforms to the NOWSP, and Livable Oakville (urban structure). The retirement home land use (with dwelling units prohibited) together with the proposed building height of 15 storeys (Section 8.6.5.4 d)) are permitted. The proposed increase to the size of the retirement home would be within the range of the size of retirement homes<sup>6</sup> constructed within the context of the Town. It would maintain the originally intended focus on a higher spectrum of care and maintain the limit on floor area to encourage the development of a mix of employment uses. This would be supportive of the overall goals and objectives of the HOMUN.

Together, the proposed land use, building height and massing, site layout and building design conform to the NOWSP, and Livable Oakville (urban structure) in achieving broader policy objectives of development of the HOMUN, optimizing use of infrastructure and public service facilities, an efficient development of a compact built form within a node, and transit-supportive development.

#### Hospital District (OPA 35)

The North Oakville Secondary Plans Review ("**NOSPR**") was initiated in May 2017 and is a component of the town's ongoing Official Plan Review. The purpose of the NOSPR is to review the North Oakville Plans as required by the *Planning Act* in conjunction with the Official Plan Review of Livable Oakville. It is a major component of the NOSPR to bring the North Oakville Plans into the Livable Oakville Plan so that the town has one official plan.

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<sup>6</sup> As an example, the six storey retirement home being constructed west of the Hospital at 3000 Hospital Gate is 21,319 sq.m. (229,473 sq.ft.) (gross) in size.

As part of the Official Plan Review, and to implement the town's urban structure, the town completed the Hospital District Study. This is a land use study of the lands north of Dundas Street at Third Line that considered the existing framework of policies within the North Oakville West Secondary Plan, as well as regulations, guidelines and other emerging policy directions. On June 7, 2021, OPA 35 was approved by Council which implemented the findings of the Hospital District Study. OPA 35 is currently being reviewed by the approval authority (Halton Region), and is not in full force and effect, but illustrates the emerging policy intent for this area.

It is intended that the Hospital District develop as an employment focused, compact, mixed-use, transit supportive urban community that provides for institutional, office, retail and service commercial uses in combination with high density residential uses in a predominantly mid-rise built form. There is an overall objective of a target proportion of 60% jobs to 40% residents for the whole District, to support the employment focus.



Figure 5: Hospital District Demonstration Plan with Approximate Boundary of 'Phase 1' and 'Block 5'

In order to realize this employment focus, six development blocks were identified.

Pursuant to Section 26.3 of OPA 35, the following development concept is provided for the Subject Property:

*The lands east of Third Line and south of William Halton Parkway will have a focus on health science innovation and technology with a diverse range of employment opportunities, including offices, technology incubators, pharmaceutical and biotechnology, post-secondary educational facilities,*

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*hotels and entertainment facilities, in addition to complementary residential uses.*

The Subject Property is located within 'Block 5' and designated 'Urban Core'. A retirement home is a permitted land use and a maximum building height, of 15 storeys is permitted.

Section 26.7.3 of OPA 35 (Block Plans) requires that as part of any development application in the Hospital District, a block plan shall be submitted for the entirety of the development block in which the subject lands are located, which shall:

- i. provide a comprehensive development scheme for the entirety of the block in which the subject lands are located, as identified in Figure 26.3.1;*
- ii. demonstrate how the development achieves a minimum of 55% jobs;*
- iii. demonstrate compliance with section 6.1.2 and the Livable by Design Manual; and,*
- iv. be prepared in accordance with a terms of reference approved by the town.*

The comprehensive development scheme submitted by the Applicant for Block 5, is provided in Figure 3. It provides for the overall road layout, parcel fabric, and context for the Proposal.

As part of the Hospital District Study (Appendix J), population and employment densities were calculated based on ratios from the Halton Region Development Charge Study. On this basis, a 250,000 sq.ft. retirement home would generate approximately 410 jobs. Since the balance of land uses permitted in the phase 1 of Block 5 are largely employment-oriented, and the balance of Block 5 is vacant without Zoning By-law permissions in place, staff are of the opinion that the Applicant has demonstrated that phase 1 is on track to provide more than the minimum 55% jobs.

The precise number of units in the proposed retirement home is not available, nor size of units (e.g. one or two bedroom), or exact range of use (e.g. outpatient care component for adjacent Hospital). Consistent with Statistics Canada methodology for counting population, any permanent residents in the proposed retirement home and / or long-term care home is expected to be calculated as population for the purpose of calculating the employment to resident ratio within the Hospital District.

As part of subsequent development phases, and future Zoning By-law amendment application(s)), the actual resident and employee count of phase 1, including the retirement home, will be required to be provided as part of a complete application. Accordingly, it is anticipated that the resident and employee count will 'ground-truth' the number of employees, residents, and be used to implement the minimum employment target of 55% jobs for Block 5.



In staff's opinion, the Proposal has regard to OPA 35, as adopted by Council, and is in keeping with the development concept for the lands east of Third Line and south of William Halton Parkway. The retirement home land use together with the proposed building height of 15 storeys (Section 26.5.1b)) are already permitted. Pursuant to Section 26.4.3 the Applicant is encouraged to incorporate the necessary infrastructure and design elements for district energy in the future building and engineering design.

It is anticipated that the full implementation of functional policies of OPA 35 including transportation, parking, stormwater management, and urban design will take place as part of the requisite site plan application.

### **Zoning By-law 2009-189**

The Subject Property is zoned H37/H38-LE sp:57 (Light Employment). Special Provision 57 permits retirement and nursing homes. Assisted living units are permitted in both (dwelling units are prohibited). SP 57 includes the following maximum leasable floor area for the following uses:

- i. Hotel: 14,000 m<sup>2</sup> (150,700 ft<sup>2</sup>);
- ii. Nursing / Retirement Home: 9,300 m<sup>2</sup> (100,100 ft<sup>2</sup>); and,
- iii. Ancillary Uses (e.g. retail, restaurant, café, etc...) <sup>7</sup>: 1,400 m<sup>2</sup> (15,069 ft<sup>2</sup>).

Two holding zones (H37/H38) are applicable to the Subject Property, which were enacted to ensure that technical considerations are fully addressed, and to coordinate the size of the overall development with the availability of planned transportation infrastructure:

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<sup>7</sup> Per premises and located on the first storey

H37	Oakville Green Development Inc. (Part of Lot 25, Concession 1, NDS)	Parent Zone: LE
Map 12(3)		(2019-026) (2022-007)
9.3.37.1 Only Permitted Uses Prior to Removal of the "H"		
For such time as the "H" symbol is in place, these lands shall only be used for the following:		
a)	Legal uses, buildings and structures existing on the lot.	
9.3.37.2 Zone Regulations Prior to Removal of the "H"		
For such time as the "H" symbol is in place, the regulations of the FD, Future Development, zone shall apply.		
9.3.37.3 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That updated Phase I and II Environmental Site Assessments be provided which is compliant with Ontario Regulation 153/04, current within 18 months, and completed by a qualified professional to the satisfaction of Regional Municipality of Halton.	
b)	Confirmation that the proposed development does not negatively impact the flight path of the Oakville Trafalgar Hospital helipad, to the satisfaction of Navigation Canada.	
c)	That an updated Transportation Impact Study be provided for a proposed interim development with a maximum site traffic generation rate of not exceeding 1,000 total peak hour two-way site vehicle trips to the satisfaction of the Regional Municipality of Halton and the Town of Oakville. The site peak hour trips are to be calculated using: i. standard ITE trip generation rates, (or in the absence of such standards, comparable industry standards generally applied by or acceptable to the Town of Oakville); and, ii. a total 7% modal split until such time as bus rapid transit is operating along Dundas Street West, and thereafter may utilize a corresponding higher modal split agreed to by the Director of Engineering & Construction.	

H38	Oakville Green Development Inc. (Part of Lot 25, Concession 1, NDS)	Parent Zone: LE
Map 12(3)		(2019-026)
9.3.38.1 Only Permitted Uses Prior to Removal of the "H"		
Until such time as the "H- 38" Holding Provision is lifted, and subject to the removal of H-37, the lands may be used for any use permitted by the LE, Light Employment, Special Provision 57 zone with a maximum site traffic generation rate of the existing and proposed uses within all lands zoned LE, Light Employment, Special Provision 57 not exceeding 1,000 total peak hour two-way site vehicle trips, as validated within a Transportation Impact Study prepared to the satisfaction of the Regional Municipality of Halton and the Director of Engineering & Construction.		
9.3.38.2 Zone Regulations Prior to Removal of the "H"		
For such time as the "H" symbol is in place, the regulations of the LE, Light Employment, Special Provision 57 zone shall apply.		
9.3.38.3 Conditions for Removal of the "H"		
The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	William Halton Parkway being open to vehicular traffic between Third Line and Neyagawa Boulevard.	

The subject Zoning By-law amendment application seeks to increase the maximum total leasable floor area of the retirement / nursing home component from 9,300 sq<sup>2</sup> (100,000 ft<sup>2</sup>) to up to 23,226 sq<sup>2</sup> (250,000 ft<sup>2</sup>).

In addition, as requested by Halton Region, a holding zone is proposed to be added to the Subject Property, which would apply to only the proposed retirement / nursing home use, and require the allocation matters be addressed as follows:

*“That prior to the lifting of the H, the Owner shall have addressed the following requirements for all the units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:*

- a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;*
- b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;*
- c) The Owner shall have made all required payments associated with the Allocation Program; and,*
- d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner’s Notice (PWCN) letter.”*

No other changes to the Zoning By-law are sought.

## **TECHNICAL & PUBLIC COMMENTS**

### Transportation Impact Study

As detailed in the June 2019 recommendation report, given the size of the development, existing level of service on area roadways, and that the proposed development would share an intersection with the Oakville Trafalgar Memorial Hospital, a transportation sensitivity analysis was previously undertaken to ensure that the area roadways would continue to operate at adequate levels of service.

Based on an independent analysis, it was found that at full build out of the planned transportation infrastructure, the planned transportation network could support the development, with relatively minor upgrades (signal timing, addition of turning lanes at congested intersections, etc...). However, until William Halton Parkway is completed between Third Line and Neyagawa Boulevard, phase 1 would have one full moves intersection which would be shared with the Oakville Trafalgar Memorial Hospital. In this interim scenario the movement of vehicles attempting to travel eastbound on Dundas Street would cause intersections to fail, and create unacceptable queuing lengths which would negatively impact the western access to the Hospital.

This analysis informed implementation of holding provision 38 which limits development to 1,000 total peak hour two-way site vehicle trips during this interim

period until the transportation infrastructure is built to support it (i.e. construction of William Halton Parkway is completed). No change to the holding provisions (37 & 38) are proposed, and together, they will allow for more detailed study once the design of the larger development is advanced, and will account for level of infrastructure, including transit available at that time.<sup>8</sup>

No change to the foregoing holding provisions are sought. Overall, the proposed retirement home would have a lower trip generation rate than medical office. Accordingly, by increasing the size of the retirement home and reducing the size of the medical office, the forecasted number of vehicular trips is expected to decrease compared to original analysis. As a result, the intersections analyzed would be expected to perform better than originally forecasted.

### Urban Design

Overall, the Urban Design Brief was limited by the conceptual nature of the proposed plans. It is noted that the site-specific zoning, provides enhanced regulations to implement urban design objectives, such as limiting surface parking, appropriate building setbacks for an urban development which would provide a strong street edge, limits on the size of floor plates and minimum separation distance between towers which, amongst other matters, would allow for adequate natural lighting within buildings for patrons.

Overall, a high-quality architectural design that reflects the Oakville context which creates an interesting building fabric and a diverse image is envisioned. It is anticipated that the design of the proposed development will be advanced as part of a future site plan application in accordance with the urban design brief, site-specific zoning and Livable by Design Manual. The Applicant has been informed that as part of a future site plan application, a peer review may be required for the architectural design.

### Stormwater Management

The development scheme illustrates roads through the Glen Oak Stormwater Management Pond and a reduction in size beyond the land swap approved Council through draft plan of subdivision 24T-18006/1325. This is beyond the scope of the current Zoning By-law amendment application, and would require further study through a plan of subdivision application to determine if it is feasible. Approval of the subject Zoning By-law amendment application would not constitute an endorsement of modifications to the Town's Glen Oak Stormwater Management Plan or stormwater management strategy for the entirety of Block 5.

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<sup>8</sup> This includes a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas Bus Rapid Transit ("BRT") is constructed and operational.

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### Servicing

Halton Region advised that their servicing requirements were secured through the processing of the related plan of subdivision application 24T-18006/1325, and are not impacted by this proposed Zoning By-law amendment. Furthermore, Halton Region noted that the proposed retirement/nursing home would be subject to their allocation program.

In consideration of the Region's interest in ensuring that growth occurs on the basis of a sound, integrated and co-ordinated fiscal and infrastructure plan, Halton Region requested that the Town include a new holding provision requiring allocation matters to be addressed for the proposed nursing home / retirement home. The requested holding zone has been included in the draft Zoning By-law amendment.

Detailed site servicing would be reviewed as part of the requisite site plan application.

### Navigation Canada

The design of the Oakville-Trafalgar Memorial Hospital includes a helipad located along the Dundas Street West frontage which is regulated by Canadian Aviation Regulations. While staff has confirmed that the subject lands are located outside of the flightpath for the helipad shown on the approved site plan for the Hospital, confirmation from Navigation Canada is required as part Holding Zone 37 that the proposed development does not negatively impact the flight path of the Hospital's helipad. It is anticipated that this clearance will take place concurrent with a future site plan application.

### Public Comments

The applicant held a Public Information Meeting on March 17, 2022, and it was attended by no residents. Notice of complete application, and of this public meeting were provided to property owners within 240m of the Subject Property, and no public comments were received as of the date of this report.

As outlined in the background section of this staff report, the Subject Property was subject to Zoning By-law Amendment and Draft Plan of Subdivision applications in 2019, where public comments were received, and addressed as part of the Recommendation Report appended as "**Appendix 'C'**".

## **CONCLUSION**

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed. Staff has

concluded that the proposed zoning by-law amendment conforms to the NOWSP, has regard to OPA 35, does not conflict with all applicable Provincial plans and conforms to the Region of Halton Official Plan. Further, the proposed development represents good planning and approval is in the public interest. More specifically, staff recommends approval of the proposed Zoning By-law amendment, as the following requirements have been satisfied:

- The proposed development would be supportive of the overall goals and objectives of the health oriented mixed use node, and the proposed sensitive land uses would be appropriately separated from other planned employment uses to prevent adverse impact / impact on viability of larger employment area.
- The proposed development has regard for emerging policies which Council approved through OPA 35 for the 'Hospital District'.
- The proposed development is located within a strategic growth area, would be transit-supportive, and supportive of the town's urban structure.
- The proposed development would assist in achieving healthy, liveable and safe communities objectives of the PPS and is consistent with the policies of the PPS.
- The proposed development would provide an important contribution to achieving broader complete community objectives and would conform to the policies of the Growth Plan.
- Site design matters will continue to be advanced through the required site plan approval application.
- Comments from the public, have been appropriately addressed.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;

## **IMPLEMENTATION**

Should this Zoning By-law amendment be approved by Council, further planning approvals will be required to implement the development.

First, in order to subdivide and service the Subject Property, the Owner will be required to satisfy the draft plan conditions approved by Council in 2019 (file 24T-18006/1325). This will allow for the public road (Street A) to be built, land parcel(s) to be created, municipal services to be extended, and the Glen Oak Stormwater Management Pond to be modified / reconstructed, as originally approved.

Secondly, it will be necessary for the Applicant to advance the detailed design of the proposed development. Doing so would facilitate submission of a site plan application where the building and site design will be further advanced. It is anticipated that the criteria related to remove holding provision 37 will be reviewed

concurrently with the site plan application, upon submission of a holding zone removal application. Once William Halton Parkway is extended to Neyagawa, holding provision 38 could be removed which would allow for the full extent of 'phase 1' to be developed.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The applicant held a Public Information Meeting on March 17, 2022, and it was attended by no residents. Presentation slides and an affidavit to the same effect is appended to this report as "**Appendix 'A'**"

Notice of the Public Meeting has been provided to property owners within 240m of the subject lands in accordance with the town's current notice requirements.

As of the date of this report, no public comments have been received.

### **(B) FINANCIAL**

None.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review and their comments have been included in this report or reflected in the zoning by-law amendment.

### **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

### **(E) CLIMATE CHANGE/ACTION**

The proposal generally complies with the sustainability goals and objectives of the NOWSP.

## **APPENDICES:**

Appendix "A" - Public Information Meeting Minutes

Appendix "B" – Update Report Dated April 4<sup>th</sup>, 2019

Appendix "C" – Recommendation Report Dated June 5<sup>th</sup>, 2019

Appendix "D" - Applicable Policies

Appendix "E" – By-law 2022-071

Prepared by:  
Paul Barrette, MCIP, RPP  
Senior Planner, Current Planning

Recommended by:  
Charles McConnell, MCIP, RPP  
Manager, Current Planning - West

Submitted by:  
Gabe Charles, MCIP, RPP  
Director of Planning



AFFIDAVIT OF:

**ELDON C. THEODORE, BES, MUDDS, MCIP, RPP**

**OAKVILLE GREEN, TOWN OF OAKVILLE**

MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING LIMITED  
7050 WESTON ROAD, SUITE 230  
WOODBIDGE, ONTARIO, L4L 8G7  
905 761 5588 X213

**OUR FILE NUMBER:**  
1572A

March 24, 2022

I, Eldon Theodore of the City of Toronto, MAKE OATH AND SAY AS FOLLOWS:

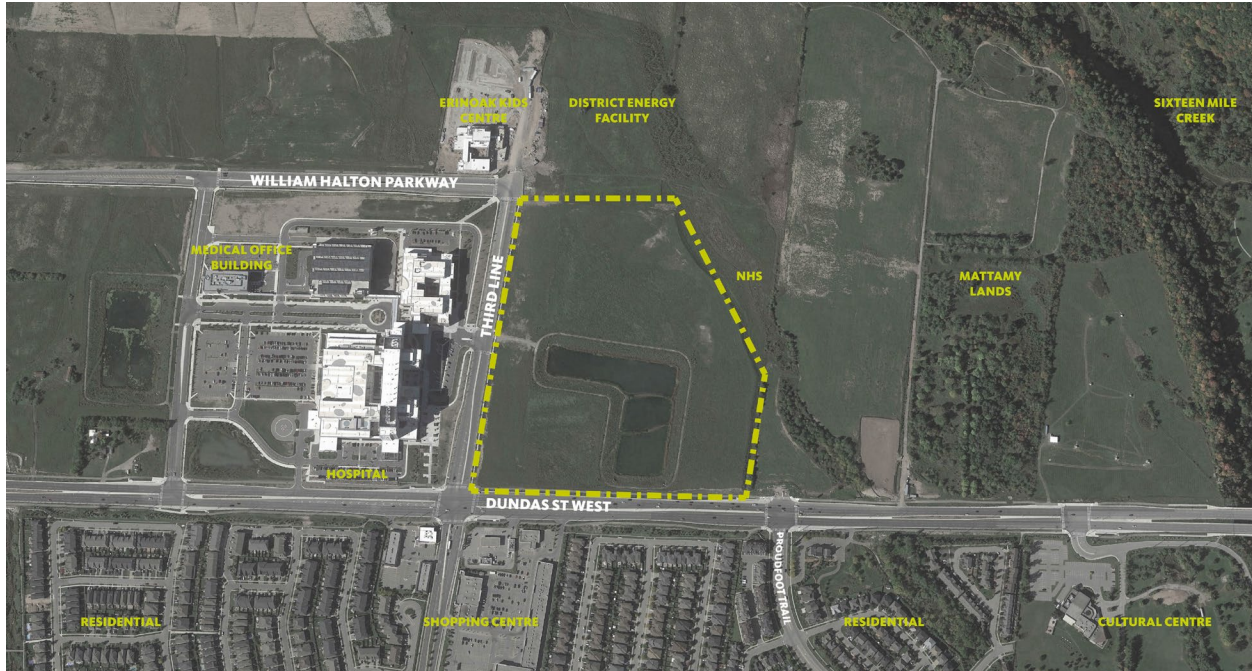
## 1.0 DESCRIPTION OF SUBJECT LANDS & SURROUNDING CONTEXT

1.1 The proposed Zoning By-law Amendment application pertains to lands located within Oakville Green Development Inc lands. Oakville Green Development Inc. lands have a total area of 15.32 ha (126.81 ac) in size and is currently vacant and pre-graded. The lands subject to this application is 5.01 ha (12.38 ac) and is located southeast of William Halton Parkway and Third Line.



1.2 Surrounding land uses include:

- North: North of the Subject Lands is the Erinoak Kids child health care centre and the future district energy facility.
- East: East of the Subject Lands is the 16 Mile Creek Natural Heritage Feature. Further east is a future residential subdivision development.
- South: Immediately south is Dundas Street West. Further south is an existing residential community and two commercial plazas.
- West: Immediately west is Third Line. Further west is the Oakville Hospital and medical offices.



## 2.0 DESCRIPTION OF PROPOSAL

2.1 The proposal is to amend the current zoning to increase the permitted gross floor area for nursing home from 9,300 sq. m of gross leasable floor area to 29,729 sq. m of gross leasable floor area.

2.2 The proposal will provide building heights of 15 storeys, underground parking and medical office opportunities as part of the building base.

## 3.0 TOWN OF OAKVILLE PUBLIC INFORMATION MEETING (PIM) 2022-044

3.1 A PIM was required by the Town as a requirement outlined on the Town of Oakville's Pre-Consultation Form.

3.2 Invitations to the public meeting were mailed to the surrounding properties on Friday March 4<sup>th</sup>, 2022, prior to the scheduled PIM.

3.3 The mailing list, which was provided by the Town, included all of the registered owners within a 240 m radius of the Subject Lands, the Resident Associations and Agencies.

3.4 The PIM was hosted online as a Virtual Meeting on March 17<sup>th</sup>, 2022 at 7:00 pm and ended earlier than anticipated at 8:06 pm, as no members of the community attended.

3.5 A video recording of the meeting was documented to demonstrate that a presentation was prepared to summarize the purpose and intent of the proposed application.

#### 4.0 FINAL CONCLUSIONS

4.1 I swear the Affidavit in support of the Public Information Meeting and for no other or improper purpose.

**SWORN** before me at the City of Toronto, in the Province of Ontario, this 24th day of March, 2022.



A Commissioner for taking affidavits  
**David Alexander McKay, a Commissioner, etc.,**  
Province of Ontario, for MHBC Planning Limited.  
Expires February 14, 2023.



**Eldon C. Theodore, BES, MUDS, MCIP, RPP**



# PUBLIC INFORMATION MEETING

FOR MORE INFORMATION OR ADDITIONAL ASSISTANCE, PLEASE CONTACT  
PATRICK FUNG AT [PFUNG@MHBCPLAN.COM](mailto:PFUNG@MHBCPLAN.COM)

## WHAT IS PROPOSED?

The proposal is to amend the current zoning to increase the permitted gross floor area for nursing home from 9,300 sq. m of gross leasable floor area to 29,729 sq. m of gross leasable floor area. Approval of this amendment will enhance seniors living and care. Opportunities within the hospital district and promote a continuum of care for health related services for the town.



Development Proposal Location:  
North East Corner Dundas and Thirdline

## PLEASE JOIN US

You are invited to attend the Public Information Meeting to learn more about the development proposal, ask questions and share your comments. A formal presentation will be provided at 7:00pm followed by a question and answer period and facilitated discussions.

**Meeting**  
**Date: MAR 17<sup>th</sup>, 2022**  
**Time: 7:00 pm**

Scan the poster's QR  
code to attend the  
meeting.

**Meeting ID:**  
**867 3270 2080**  
**Passcode: OakGreen**



For alternative phone access dial-In:  
**+1 647 558 0588**  
**Meeting ID: 867 3270 2080**  
**Passcode: 10082011**



Oakville | Public Information Meeting  
March 17, 2022

Oakville Green Developments Inc.

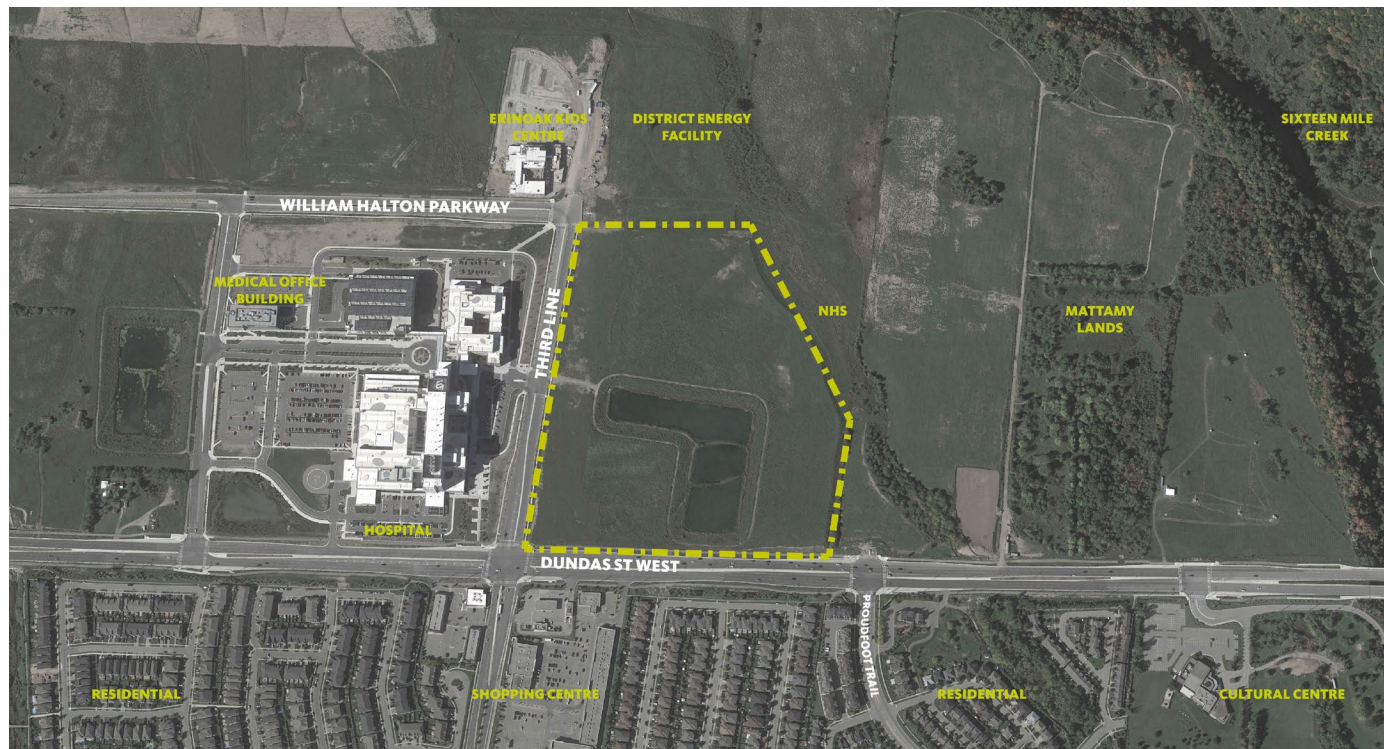
# Introduction

## TONIGHT'S MEETING

- Presentation – 7:05pm to 7:30pm
- Questions and Answers – 7:30pm to 9pm
- Please keep yourselves on mute for presentation
- Everyone will have a chance to speak and ask questions
- Raise your hand to ask a question or make a comment at the end of the presentation – Patrick from MHBC will facilitate the Q and A
- Please be respectful - everyone deserves to be heard



# Aerial Site Context






# Aerial Surrounding Context



## Legend

 Oakville Green Development Inc. Lands

 Subject Lands

Data Source: Bing Maps 2018

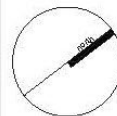
Date:

November 21, 2018

Scale:

1 : 10,000

© 1992-2018 Oakville Green Development Inc. All Rights Reserved. No warranty is made for the use of this information for any purpose other than that for which it was provided.

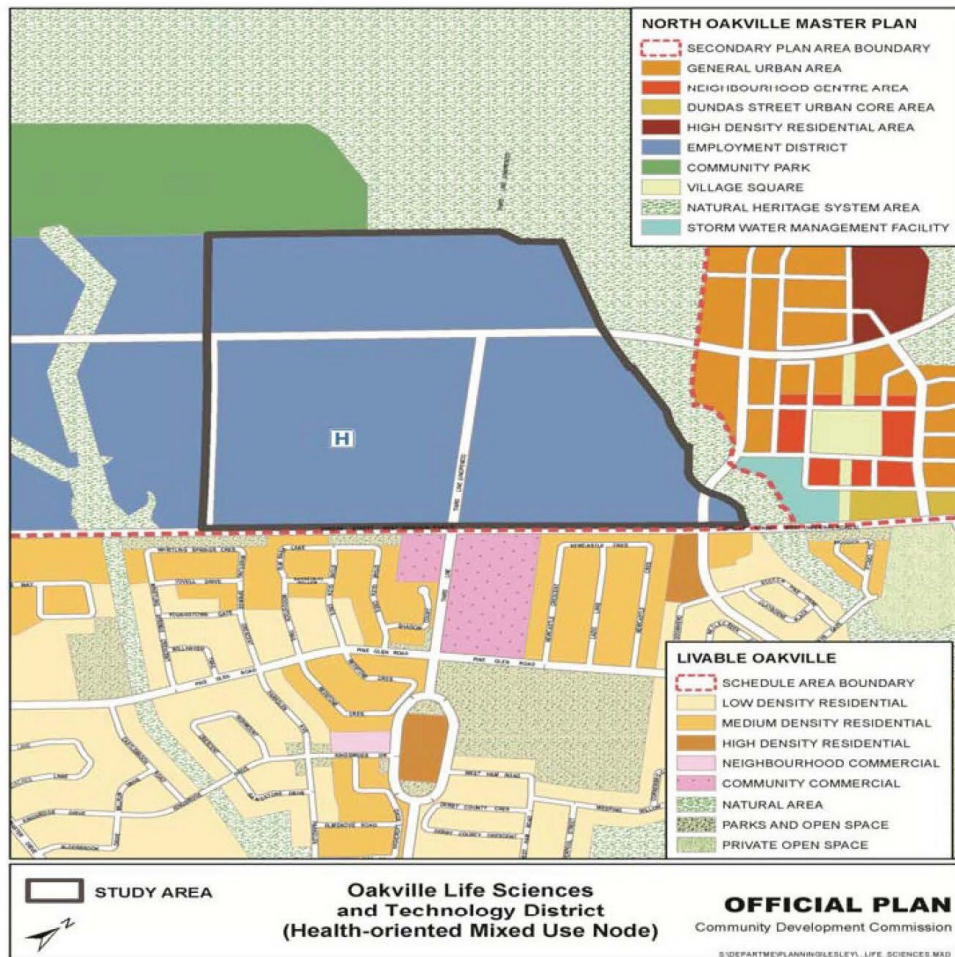


# Regional Official Plan Designation



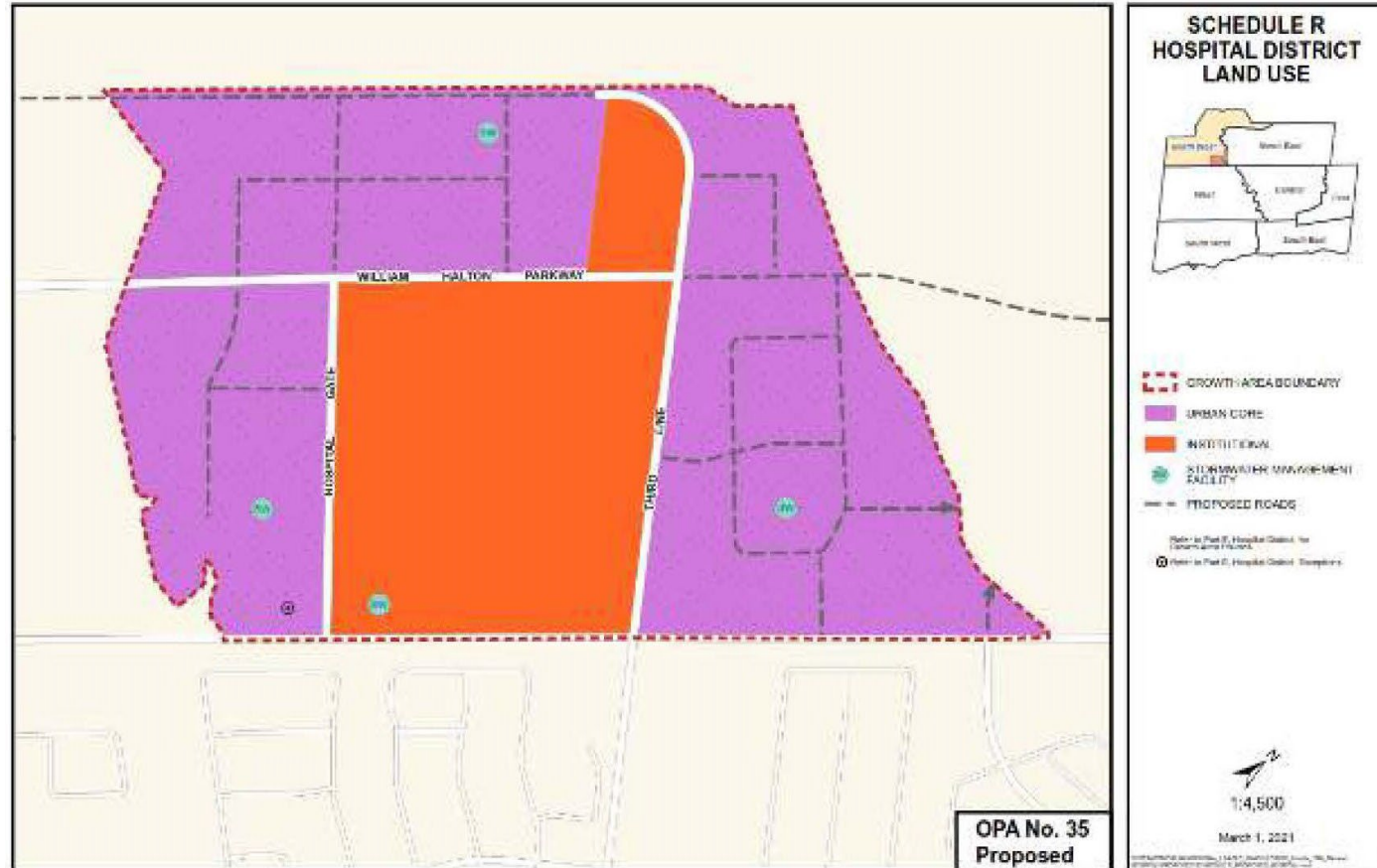


# City Official Planning Designation



Data Source: Health-Oriented Mixed Use Node Planning Report Submitted to Council of Oakville (April 2015)

# Hospital District LOPA




# Approved Zoning

## SCHEDULE "A" To By-law 2019-026



### AMENDMENT TO BY-LAW 2009-189

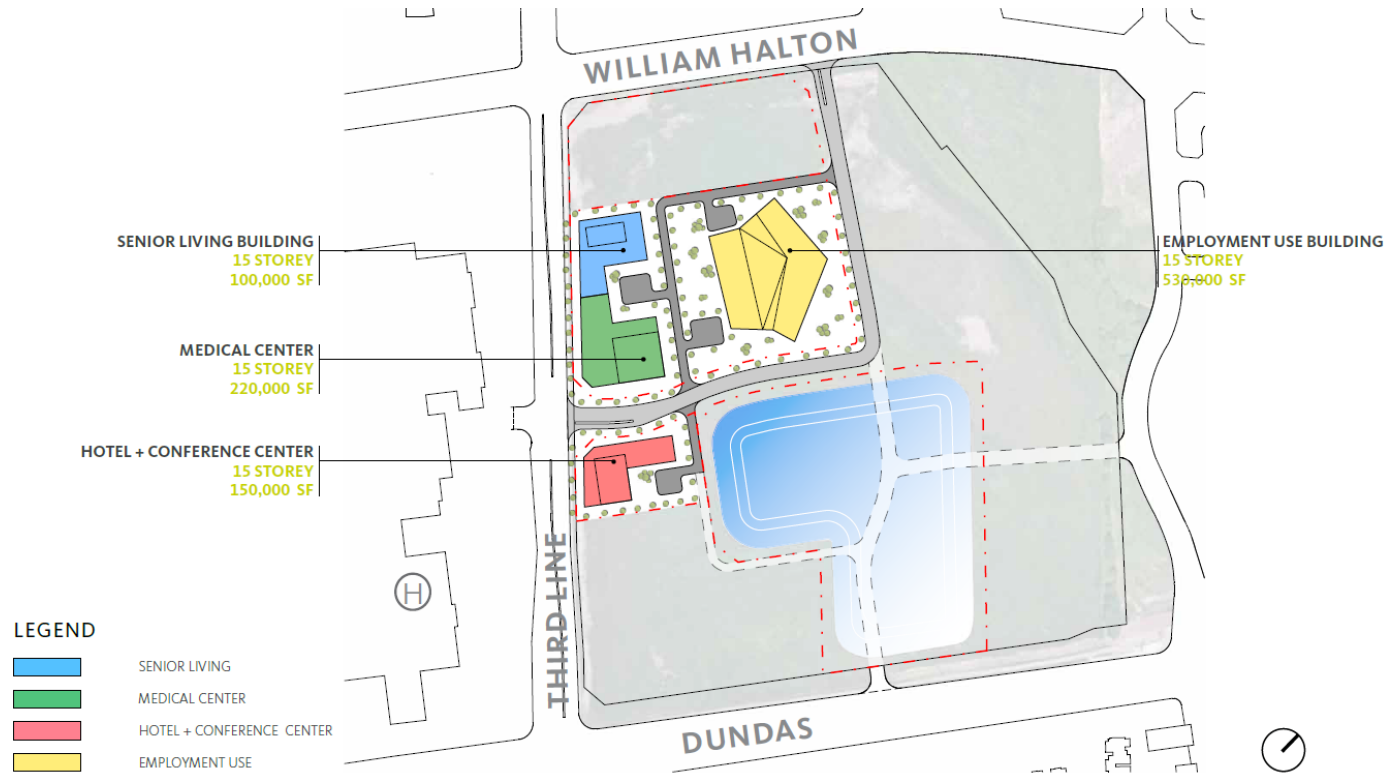
 Rezoned from Existing Development (ED)  
to Light Employment with a holding provision  
(H37, H38 LE, sp:57)

EXCERPT FROM MAP  
12 (3)

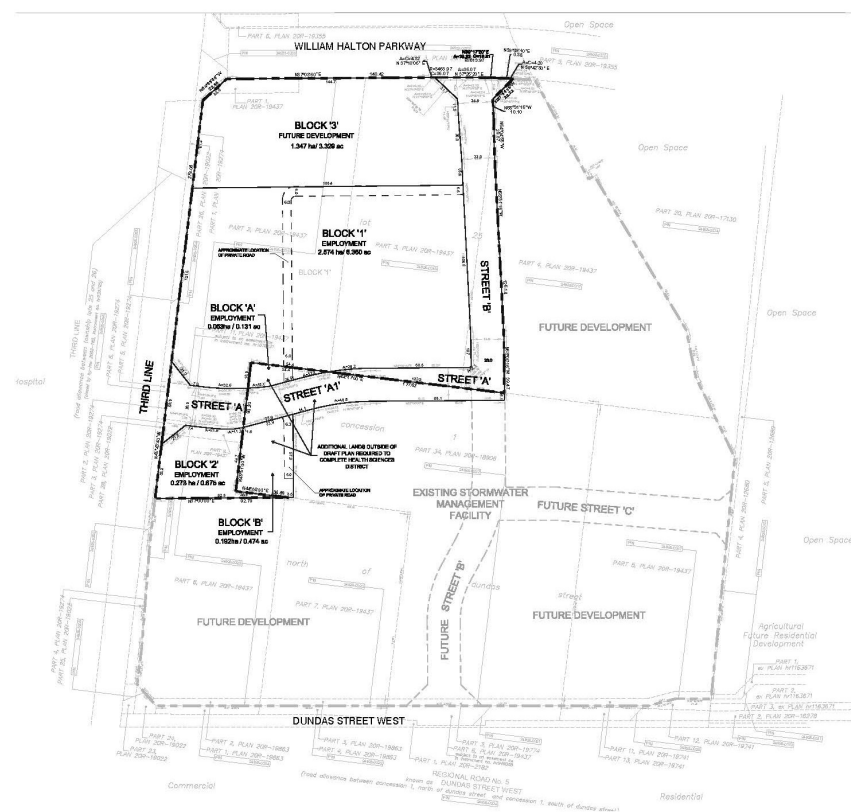


0 75 150 300  
Meters

# Development Concept



# Plan of Subdivision



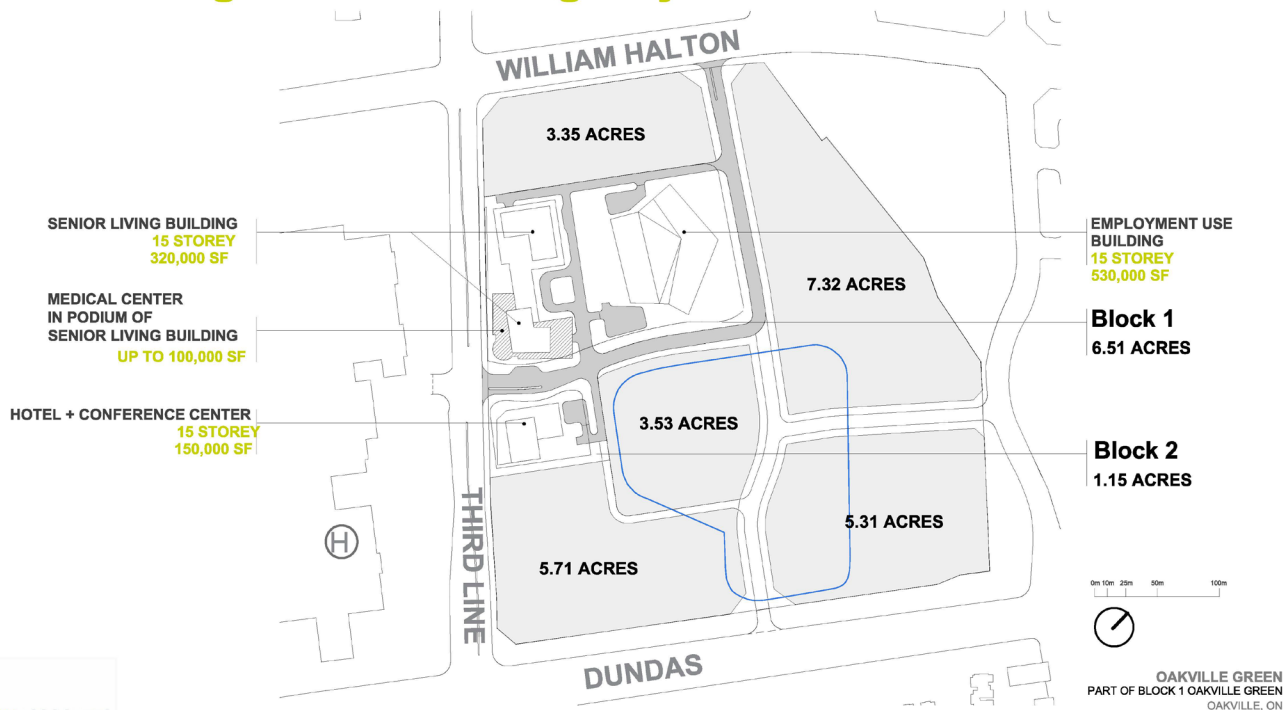
## Area Schedule

Description	Lots/Blocks	Area
Employment	1,2	2.847 ha/ 7.035 ac
Public Streets	A,B	0.792 ha/ 1.957 ac
Future Development	3	1.347 ha/ 3.329 ac
Total		4.986 ha/ 12.321 ac

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# The Proposal

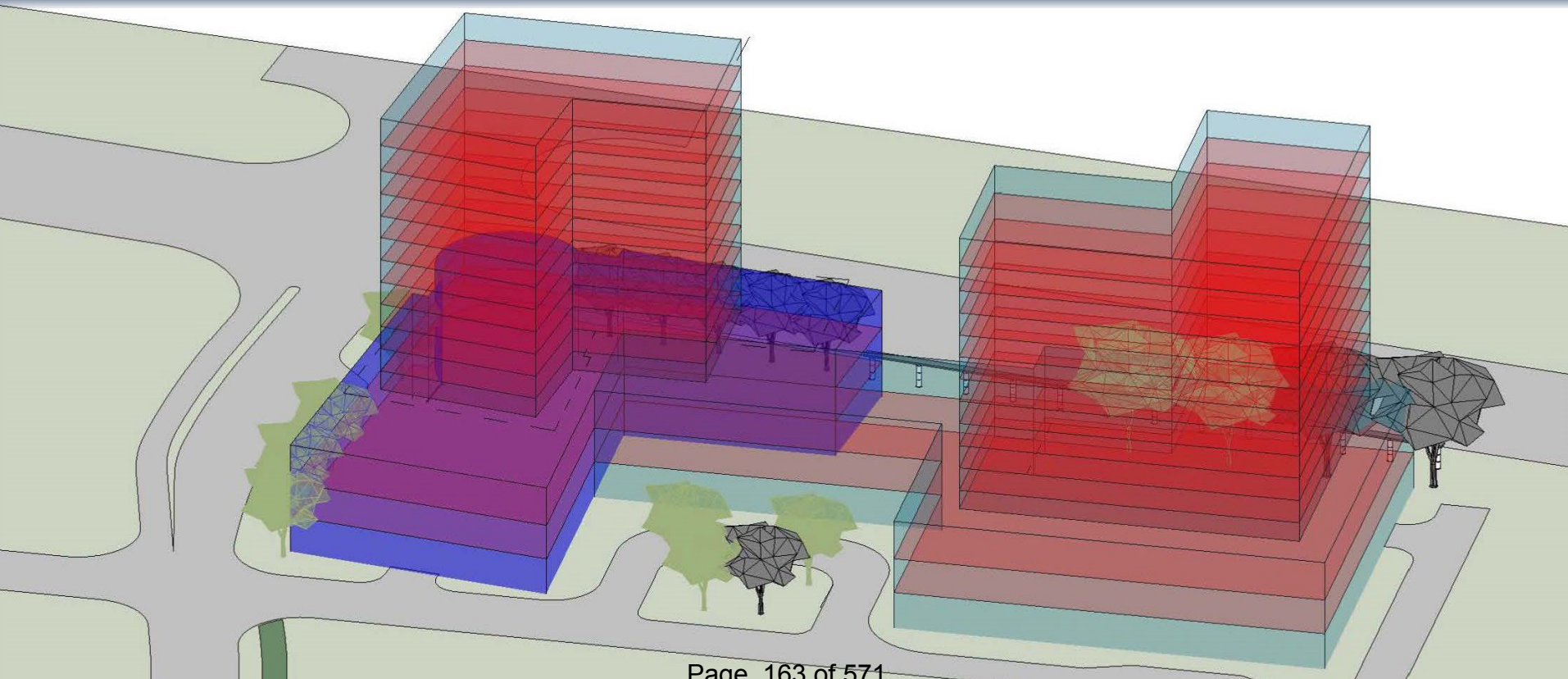
## Area Design and Building Layout Plan



- Increase the maximum total leasable floor area for a nursing home and retirement home from 100,000 sq. ft to 320,000 sq. ft
- Enhance seniors living opportunities with the Hospital District



# The Proposal



# Rationale for the Amendment



- Increasing the floor area would allow for more Seniors Housing & continuum of care uses including Retirement and LTC, which are uses acknowledged by the Province, Region & Town of Oakville, as being desperately needed
- The increased area will also assist in meeting current standards: suite sizes and mix, more dining rooms, more more distanced spaces, space needed from requirements developed by medical experts and industrial hygienists in disease transmission driven by COVID and future pandemics
- There is an opportunity to provide transitory care to the hospital, avoiding bed-blockers, which my client is in discussions with the Hospital on

# Rationale for the Amendment



- Overall parking and traffic will be minimal given the type of Retirement Residence and in fact will reduce traffic demand in comparison to medical office use.

- There are no changes to overall building height and density permissions



- The amendment is respectful of recent Local Official Plan changes, which have increased the amount of residential living opportunities

- No changes to the density and function of the Phase 1 subdivision and boundaries





**THANK YOU**

**HAPPY TO ANSWER YOUR  
QUESTIONS**

# Next Steps

- Submission of Zoning Application
- Statutory Public Meeting (additional public comments)
- Circulation for technical comments
- Resubmission addressing comments
- Recommendation Report (early summer)
- Appeal Period

# Contact Us

IF YOU HAVE ANY FURTHER QUESTIONS:

EMAIL TO: Eldon Theodore  
[etheodore@mhbcplan.com](mailto:etheodore@mhbcplan.com)

Patrick Fung  
[pfung@mhbcplan.com](mailto:pfung@mhbcplan.com)

MAIL TO: RE: Oakville Green ZBA  
C/O MHBC  
7050 Weston Road, Suite 230  
Woodbridge, ON. L4L 8G7

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 15, 2019

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**FROM:** Planning Services Department

**DATE:** April 5, 2019

**SUBJECT:** Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

**LOCATION:** North of Dundas Street, East of Third Line

**WARD:** 7

Page 1

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### RECOMMENDATION

1. That Council endorse the direction contained in the report from the Planning Services department dated April 5<sup>th</sup>, 2019 entitled Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325.
2. That consideration of the application be deferred pending completion of:
  - a) a town-initiated peer review of the information submitted by Whiteoaks Communications Group Limited, including the identification of related matters to be addressed in planning for the surrounding area;
  - b) sensitivity analysis, to be requested of the applicant, regarding employment projections and limited interim transit capacity; and
  - c) scoped financial impact analysis, to be requested of the applicant, to address transit capital and operating needs as well as employment density concerns identifying the financial impact on the town and mitigation measures.
3. That up to \$75,000 plus HST be approved, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area.



From: Planning Services Department

Date: April 5, 2019

Subject: Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

Page 2

## KEY FACTS

The purpose of the proposed Zoning By-law Amendment is to rezone the lands from Existing Development 'ED' to a site-specific Health Science and Technology Core 'HSTC' zone. The effect of the Zoning By-law Amendment is to permit four 15 storey buildings inclusive of a hotel and conference centre, medical office, retirement home and an employment use building with ground floor retail and approximately 2,344 underground parking spaces. Cumulative floor area proposed is approximately 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>). In addition, a future development block for employment uses is proposed at the southeast corner of William Halton Parkway and Third Line.

The draft Plan of Subdivision is 5.54 ha (13.6 acres) in size and proposes to divide the land into three blocks, reshape the Glen Oak Stormwater Management Pond, and provide one new public road extending from the Hospital entrance along Third Line through the site to William Halton Parkway. In addition, internal roadway(s) within the proposed blocks are proposed to be private and utilize a woonerf<sup>1</sup> style roadway.

The applications were submitted on December 3<sup>rd</sup>, 2018 and the *Planning Act* timeframe to review is 150 days for the Zoning By-law amendment application (May 1<sup>st</sup>, 2019) and 180 days for the proposed draft plan of subdivision (June 1<sup>st</sup>, 2019). This report is being provided to ensure that Council has an opportunity to consider information from staff prior to the expiry of these deadlines.

The subject lands are designated 'Employment District' and zoned 'Existing Development' by the North Oakville West Secondary Plan ('NOWSP') and Zoning By-law 2009-189. The primary focus of the Employment District designation is to protect for, and establish a range of development opportunities for employment generating industrial, office and service employment uses (policy 8.6.5.1). However, as outlined in more detail in this report, the NOWSP also provides special policies for the Health Oriented Mixed Use Node ('HOMUN'), within the Employment District designation, which includes restrictions for certain employment uses as well as permissions for other land uses.

Subject to the modifications outlined herein, the development proposed by Oakville Green is generally reflective of the future community vision of the NOWSP, and in the fullness of time would be supportive of planned bus rapid transit along Dundas Street.

In accordance with Section 8.6.5.4 (a) and 8.10.2 of the NOWSP, the Plan is to be implemented by appropriate amendments to the town's Zoning By-law in

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<sup>1</sup> "Woonerf" is a Dutch term for "living street" where pedestrians take priority and devices for reducing or slowing the flow of traffic have been installed.

From: Planning Services Department  
Date: April 5, 2019  
Subject: **Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325**

accordance with the policies of the NOWSP and Part F, Section 1.3 of the Official Plan. This implements the NOWSP by enabling the detailed review and assessment of environmental and other studies required by the NOWSP, on a site-specific basis.

The applicant is proposing to permit a broad range of land uses on the subject lands and the height and density proposed are within the limits set out in the NOWSP. However, it is not intended that the full height and density will be permitted throughout the 'Employment District' designation but rather that the precise range of uses and density of development will be stipulated in the implementing zoning by-law and be supported by the necessary technical studies which identify, amongst other matters, impacts from development and adequate mitigation.

In response to the Oakville Green Development Inc. ('Oakville Green') development application, correspondence was received from Whiteoaks Communications Group Limited ('Whiteoaks') who is the owner and operator of two AM radio stations at 1303 Dundas St. W. The reports that accompanied the Whiteoaks submission generally assess the two-way impacts between development on the radiation patterns of the radio transmissions and potential hazards during construction and once built.

According to Whiteoaks, their key concerns relate to: interference with the CJYE and CJMR signals; public health and safety (during construction and post construction); and, radio interference with construction equipment and consumer electronics, which are outlined in more detail in 'Appendix A'. These concerns warrant additional time beyond the 150 days for the Zoning By-law amendment application (May 1<sup>st</sup>, 2019) and 180 days for the proposed draft plan of subdivision (June 1<sup>st</sup>, 2019) to arrange for the submission, and any other comments, to be reviewed by a qualified expert. This would also allow time to receive comments from the applicant related to these matters.

In addition, the Transportation Impact Study ('TIS') submitted by the applicant was reviewed by town staff and a peer review consultant. While most of the comments could be addressed through draft plan conditions and a holding provision, their TIS may be underestimating the number of trips generated by the proposed development, and thus the transportation impact, given the higher density of employment proposed. Accordingly, staff undertook an independent analysis which compared the approach used by the applicant with trips generated by the number of employees. Based on these results, it was found that, on average, the higher density of employment could result in approximately 21% more vehicle trips than projected by the applicant.

Further, the applicant's TIS relies on the town to, in part, fund an estimated twelve (12) new busses by the year 2031 triggered by this development. This requirement

From: Planning Services Department  
Date: April 5, 2019  
Subject: **Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325**

would likely be significantly reduced when the planned Dundas Street bus rapid transit project is built, assuming it is funded by the Province and the operational costs are borne by others. Twelve (12) new busses would cost approximately 7.2 million dollars<sup>2</sup> in capital costs and cost approximately 4.4 million dollars in annual gross operating costs. Under the current Development Charges By-law, development charges would fund an 18% portion of the capital costs (\$1,296,000), after deduction for benefits to existing development, resulting in a net in capital cost of \$5,904,000 and \$4,400,000 annual operating costs (gross) to the town.

The foregoing capital and operating costs for the additional buses would require Council approval through the annual budget process. Since this funding is not in place, it would be prudent to require that the applicant undertake an additional sensitivity analysis to analyze whether additional trips resulting from a lower level of transit service until the Dundas Bus Rapid Transit is built could be accommodated on the road network and whether the owner would be required to fund any additional transportation system upgrades.

Staff is of the opinion that the concerns regarding the radio towers, the TIS and financial impact raise matters that would not be appropriately addressed through the inclusion in a holding provision or conditions of draft approval of the subdivision, since they may necessitate changes to the underlying zoning permissions or subdivision design. More work, with appropriate technical expertise, is necessary to understand these matters, the associated impacts, and implementable mitigation measures.

This staff report is intended to provide an update on the Oakville Green development application including: the applicant-initiated changes made to the application since the Statutory Public Meeting on February 11<sup>th</sup>, 2019; staff's review of the development application (excluding the matters raised by Whiteoaks); status of the issues identified in the public meeting report dated January 21<sup>st</sup>, 2019; anticipated resolution of those issues; and, responses to matters raised by Council at the Statutory Public Meeting on February 11<sup>th</sup>, 2019.

Staff expect to report back to Council on the Oakville Green development application, upon receipt of a qualified expert review of the radio tower concerns, a sensitivity analysis, and a scoped financial impact study through a future recommendation report.

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<sup>2</sup> Based on an estimated cost of \$600,000 per new bus.

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## BACKGROUND

The NOWSP was adopted by Council on May 25<sup>th</sup>, 2009 and in recognition and in support of the new hospital, provides for a HOMUN at Third Line and Dundas Street West. On May 11<sup>th</sup>, 2015, Council endorsed the principles set out in the HOMUN staff report that are to guide the review and evaluation of applications to implement a HOMUN, as contemplated in the NOWSP:

*That Council endorses the principles set out in the report, that guide the review and evaluation of applications to implement a Health Oriented Mixed Use Node as contemplated in the North Oakville West Secondary Plan;*

On September 18<sup>th</sup>, 2015 an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision application were submitted in support of a proposed Health Science & Technology District on the full extent of the Oakville Green land holding. This land holding is generally bound by Third Line, William Halton Parkway Dundas Street and natural heritage to the east. The development application, at that time, included a residential component. A Regional Official Plan Amendment application was also submitted concurrently in support of the proposal.

In keeping with the principles adopted by Council in 2015, which required implementation of certain performance targets, staff developed the following metrics to guide review of the development application which was endorsed by Council on July 25<sup>th</sup>, 2016:

*A land use ratio of at least 3 primary jobs to up to 1 secondary job to not more than 1 resident (3.1.1) be applied to achieve primacy of employment uses.*

*Secondary jobs and number of residential units be limited by the application of the 3:1:1 land use ratio.*

*A range of employment GFA of 0.35 FSI - 3.0 FSI, as permitted in the North Oakville West Secondary Plan.*

*Cash-in-lieu of parkland at a rate of 1 hectare per 500 units based on the provisions of Bill 73 be required.*

*That independent peer reviews of the Traffic Impact Study and Financial Impact Study be undertaken at the applicant's expense*

In addition, staff held a number of technical meetings with the applicant and developed a work plan, in accordance with Council endorsed principles, to guide the

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required study updates and review of the subject application. However, the Growth Plan was updated by the Province which did not allow for a development to proceed based on the metrics endorsed by Council and the development application was subsequently withdrawn by the applicant on November 26<sup>th</sup>, 2018.

The current rezoning and draft plan of subdivision applications were submitted and deemed complete on December 3<sup>rd</sup>, 2018. A pre-consultation meeting was held on September 19<sup>th</sup>, 2018 and the statutory public meeting was held on February 11<sup>th</sup>, 2019. Technical comments on the first submission were provided to the applicant on January 29<sup>th</sup>, 2019. Since the statutory public meeting, the applicant provided updated studies, reports and plans to address comments received. More specifically, the proposed development has been revised, as follows:

- i. The size and shape of the reconfigured Glen Oak Stormwater Management Pond has been updated, and is proposed to be based on an equal land exchange between the town and Oakville Green.
- ii. The applicant revised their parking plan by providing approximately 2,344 parking spaces in three (3) levels of underground parking with the option to increase this number of parking spaces through use of a mechanical parking stackers. A total of approximately 3,014 underground parking spaces using an automated mechanical parking stacker system was originally proposed.
- iii. The applicant has revised their job figures, and provided more rationalization of the parking plan for the overall development.

In addition, to address policy issues and technical comments outlined in more detail in the 'technical and public comment' section of this report (excluding the matters raised by Whiteoaks), it is anticipated additional modifications to the Oakville Green application including the proposed site-specific zoning by-law, draft plan conditions, and updated supporting studies including the TIS / sensitivity analysis will be required.

The concerns regarding the radio towers, sensitivity analysis, and financial impact identified herein raise matters that would not be appropriate as inclusion in a holding provision, since they may necessitate changes to the underlying zoning permissions, and more work is necessary to understand these matters, the associated impacts, and implementable mitigation measures.

In addition, there are outstanding comments from Navigation Canada who is confirming whether there would be any impacts to the regulated flight path for the adjacent helipad for the Oakville-Trafalgar Memorial Hospital.

Council approval would be required to transfer part of the Glen Oak Stormwater Management Plan (Blocks 4, 5 & 6 on the Draft Plan of Subdivision) to Oakville

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Green in exchange for an equal amount of land adjacent to the Glen Oak Stormwater Management Pond, subject to other conditions. While an update is provided with respect to the applicant's proposal, staff expect to provide more detail regarding the same for Council's consideration as part of a future recommendation report.

Site plan approval for the development would also be required, where the design of the buildings and overall site, including the operation and layout of the underground parking would be advanced.

### **Proposal**

The purpose of the proposed Zoning By-law Amendment is to rezone the lands from Existing Development 'ED' to a site-specific Health Science and Technology Core 'HSTC' zone. The effect of the Zoning By-law Amendment is to permit four 15 storey buildings inclusive of a hotel and conference centre, medical office, retirement home and an employment use building with ground floor retail and approximately 2,344 underground parking spaces. Cumulative floor area proposed is approximately 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>). In addition, a future development block for employment uses is proposed at the southeast corner of William Halton Parkway and Third Line.

The draft Plan of Subdivision is 5.54 ha (13.6 acres) in size and proposes to divide the land into three blocks, reshape the Glen Oak Stormwater Management Pond, and provide one new public road extending from the Hospital entrance along Third Line through the site to William Halton Parkway. In addition, internal roadway(s) within the proposed blocks are proposed to be private and utilize a woonerf style roadway.

The submission materials are available on the town's website at:  
<https://www.oakville.ca/business/da-31481.html>

### **Location & Site Description**

The subject lands consist of a smaller part of a larger land holding located north of Dundas Street West, East of Third Line immediately east of the Oakville-Trafalgar Memorial Hospital. The subject lands are 5.52 ha (13.6 acres) in size inclusive of a 0.55 ha part of the Glen Oak Stormwater Management Pond (owned by the Town). The subject lands have approximately 280 m of frontage on Third Line and 140 m along William Halton Parkway. The site is currently vacant, aside from the existing Glen Oak Stormwater Management Pond.

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## Surrounding Land Uses

The surrounding land uses are as follows:

North: vacant lands designated for employment land use  
 East: greenfield designated employment land, then natural heritage system  
 South: Dundas Street West then commercial & residential land uses  
 West: Third Line then Oakville-Trafalgar Memorial Hospital

## Timing

A pre-consultation meeting was held on September 19<sup>th</sup>, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

A Public Information Meeting (PIM) was held on November 6<sup>th</sup>, 2018, and was attended by two (2) members of the public. The principal concern(s) raised at the PIM are detailed in the meeting minutes in Appendix C. The applications were submitted and deemed complete on December 3<sup>rd</sup>, 2018 and a statutory public meeting was held on February 11<sup>th</sup>, 2019.

Notice of this meeting was mailed to those members of the public who have participated in the application process and/or requested notice of future meetings.

## PLANNING POLICY & ANALYSIS

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

- The Planning Act
- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- North Oakville West Secondary Plan
- Zoning By-law 2009-189

Extracts of the pertinent sections of the foregoing policy documents can be found in Appendix D –Policy Extracts. Staff expect to provide a full analysis of applicable planning policy as part of a future recommendation report, which is informed and supported by, amongst other matters, a review of the concerns raised by Whiteoaks and opinion regarding the same by a qualified expert retained by the town.



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## TECHNICAL & PUBLIC COMMENTS

The following is a preliminary summary intended to provide an update on how the issues identified as part of the public meeting report dated January 21<sup>st</sup>, 2019, and the matters raised by Council at the February 11<sup>th</sup>, 2019 Planning and Development Meeting have advanced since the statutory public meeting. This summary also identified how outstanding matters could be addressed, absence of the concerns raised by Whiteoaks. The concerns raised by Whiteoaks are expected to be addressed separately as part of a future recommendation report once reviewed by a qualified expert.

### Land Use

The applicant is proposing to rezone the subject lands to a Health Science and Technology Core ('HSTC') zone and is seeking permissions for a broad range of land uses. While staff are supportive, in principle, of permitting a broad range of employment land uses on the subject lands, there are concerns with allowing 'dwelling units' in an employment area, not limiting retail use permissions on the site and the appropriateness of certain land uses being proposed within the context of the HOMUN.

Furthermore, staff are concerned with the applicant's approach of pre-zoning the future development block located at the southeast corner of William Halton Parkway and Third Line to 'HSTC' without adequate analysis in the supporting studies. For instance, this would permit an additional 40,683 m<sup>2</sup> (437,908 ft<sup>2</sup>) of Gross Floor Area ('GFA') on the future development block, beyond the approximately 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>) of GFA proposed without analysis of the impact on transportation infrastructure.

Generally, staff would expect to address the foregoing concerns by considering the following changes to the proposed site-specific by-law:

- i. zone the future development block Existing Development 'ED' to limit the amount of floor area to what was assessed in the supporting studies;
- ii. prohibit dwelling units in retirement and nursing homes to ensure occupancy would be in the form of assisted living units which would be accompanied by an institutional level of skilled care, supervision, personal care and support;
- iii. only permit ancillary retail uses, restrict major retail, and limit the leasable floor area of ancillary retail and the maximum floor area of an ancillary retail premises;
- iv. scope the range of permitted uses to appropriate land uses within the context of the HOMUN and an employment area; and,

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- v. limit the maximum leasable floor area of the hotel, nursing home, and retirement home (secondary employment) to encourage the development of primary employment uses such as research and development and medical offices which are supportive of the employment function of the node.

In addition, and as identified in this section of the report, a sensitivity analysis is required to support the TIS, which may have a further impact on the zoning performance standards.

#### Minimum Density and Height

The applicant is proposing to rezone the subject lands to a HSTC zone which would include a minimum building height of 2 storeys and a minimum Floor Space Index of 0.35 FSI. As an example, this could permit a retail store with a second storey office component and surface parking. Staff are concerned that the minimum density and height proposed is inadequate given that the subject lands are located within a node and along a planned higher order transit corridor. This concern could be addressed by amending the minimum height and density proposed and adding other zoning performance standards consistent with other nodes in the town.

#### Urban Design

The applicant addressed staff's concerns regarding references to above-grade parking structures in the Urban Design Brief dated March 4<sup>th</sup>, 2019 ('Brief') by removing references in the Brief related to the same and has addressed other similar site layout concerns in the Brief by way of updates.

Further advancement of the Brief has been limited by the conceptual nature of the proposed plans. There is a concern that without a clear direction in the Brief that the future development might appear monolithic, out of context and would not demonstrate a high-quality architectural design. Similarly, the conceptual design limits the practicality of the Shadow Study, however at a feasibility level the Shadow Study provides that it is feasible to construct the proposed fifteen (15) storey buildings on the subject lands without a negative shadow impact from the proposed development on adjacent lands.

Staff expect to resolve the foregoing matters as follows:

- i. draft plan condition(s) requiring an update to the urban design brief will ensure an interesting and varied built form in conformity with the Livable by Design Manual;

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- ii. site-specific zoning would not permit above-grade parking structures and limit surface parking, consistent with the plans presented to Council by the applicant;
- iii. detailed zoning regulations to provide appropriate building setbacks for an urban development which would provide a strong street edge, limits on the size of floor plates and minimum separation distance between towers which, amongst other matters, would allow for adequate natural lighting for future employees.
- iv. The detailed building design could be advanced through the required site plan application, with submission of, amongst other matters, a compliant shadow study demonstrating no negative impact on adjacent lands.

A high-quality architectural design that reflects the Oakville context and that creates an interesting building fabric and a diverse image will be required as part of the site plan application. The applicant has been advised that as this development progresses toward the site plan stage, a peer review may be required for the architectural design. In this case the applicant would be responsible for the costs associated with a peer review.

### Employment Projections

The town's Development Charge Study, which supports current rates, sets out an employment and gross floor area forecast (2017 to 2031) are based on the Region of Halton's Best Planning Estimates. Square foot per employee assumptions determined are:

Table 1: Development Charge Study Floor Area per Employee		
Employment Category	Gross Floor Area (sq.ft.)	Gross Floor Area (sq.m.)
Industrial	1,200	112
Commercial	400	37
Institutional	413	38

Utilizing the Development Charge Study employment forecast rates, and applying it to the floor areas provided by the applicant, it would result in a yield of 1,527 employees. However, the proposed development is expected to be built to new standards, be reflective of current trends in employment and is seeking to attract a subset of land uses identified in the broader Development Charge Study employment forecast categories.

Accordingly, staff worked with the applicant to generate a more accurate employment forecast which is based off Halton Region Employment Survey data, and more reflective of modern employment building design, and the subset of land

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uses the applicant is seeking to attract to the development, which is detailed in the below table and results in a total of approximately 2,636 employees.

**Table 2: Oakville Green Forecasted Employment using Subset of Halton Region Employment Survey Data**

		TYPE OF USAGE	PERCENTAGE OF SPLIT	GFA		% OF USABLE AREA	GROSS LEASABLE AREA		SPACE PER EMPLOYEE RATE		NUMBER OF EMPLOYEES
				m <sup>2</sup>	SF		m <sup>2</sup>	SF	PRIMARY (m2)	SECONDARY (m2)	
Employment Building	Level -1	Retail	50%	4,501	2,251	24,224	0.85	1,913	20,591	28.642	67
		R+D+Incubation	50%		2,251	24,224	0.85	1,913	20,591	26.371	73
	Upper Floors	R+D+Incubation			44,780	482,012	0.85	38,063	409,710	26.371	1,443
											1,583
Medical Centre / Office	Podium L1	Retail	20%	2,980	596	6,415	0.85	507	5,453	28.642	18
		Medical Offices	80%		2,384	25,661	0.85	2,026	21,812	24.456	83
	Podium L2	Medical Offices			2,980	32,077	0.85	2,533	27,265	24.456	104
		Upper Floors	Medical Offices			14,483	155,895	0.85	12,311	132,511	24.456
											707
Hotel and Conferencing	Podium L1	Retail and services			2,015	21,689	0.85	1,713	18,436	28.642	60
	Podium L2	Conferencing Area			2,015	21,689	0.85	1,713	18,436	28.642	60
	Upper Floors	Hotel Rooms			9,932	106,908	0.85	8,442	90,872	142.377	59
											179
Senior Living	Podium L1	Retail	10%	2,053	205	2,210	0.85	175	1,878	28.642	6
		Long term Care facilities	90%		1,848	19,889	0.85	1,571	16,905	48.142	33
	Podium L2	Suites			2,053	22,098	0.85	1,745	18,784	48.142	36
		Upper Floors	Suites			5,186	55,822	0.85	4,408	47,449	48.142
											167
TOTAL EMPLOYEE										2,636	

Given the foregoing, the proposed development could result in more employees (~2,636 vs. 1,527) than the average forecasted by the Development Charge Study particularly for office, retail and research facilities. Given the results of this analysis further review was warranted with respect to appropriate impact on the broader transportation system, parking rates and potential financial impact to the town, which are identified in more detail in subsequent sections of this report.

It is recommended that the applicant undertake a scoped financial impact analysis, to address transit capital and operating needs as well as employment density concerns, which would identify the financial impact on the town together with mitigation measures.

## Parking

The below table outlines the minimum and maximum required parking for the proposed development based on the leasable floor area of each land use identified in Table 2:

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**Table 3: North Oakville Zoning By-law Parking Requirements**

Land Use	Parking Rate	Proposed Development (leasable sq.m. / units / rooms)	Minimum Parking	Maximum Parking	Employees
<b>General Office</b>	1/37 m <sup>2</sup> min. 1/30 m <sup>2</sup> max.	39,976	1,081	1,333	1,516
<b>Hotel</b>	0.65/suite + 1/10 m <sup>2</sup> devoted to public hall uses min. 1/suite + 1/10 m <sup>2</sup> devoted to public hall uses max.	1,713 210 rooms	309	382	119
<b>Medical Office</b>	1/20m <sup>2</sup> min. 1/15 m <sup>2</sup> max.	16,870	844	1,125	690
<b>Retirement Home</b>	0.5/suite	110 units	55		161
<b>Retail</b>	1/30m <sup>2</sup> min. 1/20 m <sup>2</sup> max.	4,308	144	216	151
<b>TOTAL</b>			<b>2,433</b>	<b>3,056*</b>	<b>2,637</b>
*since a maximum parking ratio does not apply to retirement homes, overall maximum parking ratio could exceed 3,056 parking spaces.					

A range of between a minimum of 2,433 parking spaces to a maximum of 3,056 parking spaces would be required based on the North Oakville Zoning By-law standards. As indicated in more detail in Table 3, the estimated number of employees would fall within this range at 2,637.

Zoning By-law 2014-014, which applies south of Dundas St., is supported by a more recent technical paper regarding parking and loading standards which is dated January 29<sup>th</sup>, 2013 prepared by Cole Engineering. For comparison purposes, staff calculated the minimum parking required if the proposed development was located south of Dundas Street within a growth area such as Uptown. In total, a minimum of 2,407 parking spaces would be required<sup>3</sup>. Maximum parking ratio would not apply. Accordingly, the minimum parking requirement for the proposed development is similar to Zoning By-law 2014 for the proposed employment land uses.

The applicant originally proposed to provide a total of 3,014 underground parking spaces using an automated mechanical parking stacker. As confirmed in a letter dated February 6<sup>th</sup>, 2019 (Appendix E), due to timing issues with obtaining

<sup>3</sup> Based on floor areas and concept plans provided by applicant.

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responses to questions raised regarding the proposed automated mechanical parking stacker, this parking system is not being pursued by the applicant at this time. Instead, the applicant is seeking permissions for manual parking stackers (not automated), and would like the ability to apply for automated parking in the future through a minor variance application. Due to this amendment, a total of 3 levels of underground parking are proposed, with a cumulative total of 2,344 parking spaces.

The letter dated February 6<sup>th</sup>, 2019, and appended hereto as Appendix E, also provides more details of the potential mechanical parking stacker design and how the parking would function across the site. Staff note that parking layout matters would be advanced further as part of the required site plan application.

Staff expect to resolve the foregoing matters as follows:

- i. Given the higher density of employment proposed, and the conceptual nature of the plans, staff anticipate that as part of a holding provision additional parking should be required unless the applicant can demonstrate through a parking justification study, to the satisfaction of the town, that a lower rate can be justified.
- ii. While there is more detail regarding the parking analysis in this report, the parking justification study could be required as part of a holding provision.
- iii. The site-specific by-law should provide that all lands subject to the special provision be treated as one for parking purposes. This would allow for shared parking within the development, as proposed by the applicant.
- iv. Site-specific permissions and regulations to permit stacked parking spaces, excluding accessible parking spaces, in excess of the minimum parking requirements.

#### Functional Servicing & Stormwater Management

In general, the supporting engineering submission outlines how the proposed site development would be serviced, graded, and the proposed alterations to the Glen Oak Stormwater Management Pond. Since the Statutory Public Meeting on February 11<sup>th</sup>, 2019, the Owner agreed to exchange and equal amount of land (0.57 ha (1.4 acres)) to reshape the Glen Oak Stormwater Management Pond. However, it is noted that part of the lands proposed to be provided to Oakville Green consisting of 'Street A' would be rededicated back to the town as a public road.

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Figure 1: Proposed land exchange from town to Owner (orange) and vice versa (blue).

Staff are satisfied that all previous comments identified in a letter to the applicant dated January 25<sup>th</sup>, 2019 which were required to be addressed prior to draft plan approval, have been addressed. In general, staff are satisfied that the proposed alterations to the Glen Oak Stormwater Management Pond will provide an equal or greater volume than the currently constructed pond and that the design of the Pond has been sufficiently advanced to support the Phase 1 development, subject to conditions which could be satisfied through draft plan approval of the subdivision. Staff comments are provided in 'Appendix B'.

It is anticipated that the remaining comments could be addressed as conditions of draft plan approval and in a future Environmental Implementation Report / Functional Servicing Study Addendum.

The Owner would be responsible for all costs associated with the proposed alterations to the Glen Oak Stormwater Management Pond.

### Archaeological

A Stage 1-3 Archaeological Assessment was completed for the subject lands. The results of the Stage 1-3 assessment indicate that all archaeological potential and



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resources on-site have been investigated in accordance with Ministry requirements. Staff expect that as a condition of approval of the draft plan of subdivision, no grading of the site will be permitted until the Ministry of Tourism, Culture and Sport accepts the reports and allows for development of the lands.

#### Environmental Site Assessment

The applicant submitted Phase I & II Environmental Site Assessments for the Oakville Green land holding. Halton Region identified deficiencies with the Assessments and will require updated Phase 1 & 2 Reports compliant with O. Reg. 153/04. Halton Region advised that these concerns could be addressed by way of a holding provision and as a condition of draft plan approval.

#### Environmental Implementation Report

The Environmental Implementation Report ("EIR") characterized and analyzed the natural features and functions on the site and determined and addressed the potential impacts of future development, including servicing, on the natural heritage system.

While the March 2019 submission remains in technical review at Conservation Halton, in a letter dated March 27<sup>th</sup>, 2019, Conservation Halton advised that their previous comments, which were required to be addressed prior to draft plan approval, have been adequately addressed.

The applicant is proposing an infiltration trench system and associated infrastructure east of the subject lands, also owned by Oakville Green. It will be necessary to review this in more detail including long-term ownership and defining maintenance obligations. This and other remaining comments are required to be completed through the draft plan of subdivision conditions, and minor revisions to the draft plan of subdivision.

#### Transportation & Mobility

The TIS submitted with the application concludes that based on a review of existing traffic conditions, all study intersections are operating within capacity. Further, the 2021, 2026 and 2031 background traffic analysis forecasts that study area intersections will be operating at capacity, and that planned road improvements will help traffic flow in this part of the Town. The TIS found that Traffic was accommodated at all study intersections through adjustments to the signal timing plans with no new infrastructure (traffic lanes) required to accommodate traffic volumes.

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The TIS recommends the following improvements to Regional Roads and provision of town transit services, in addition to the transportation system improvements already planned, to accommodate site generated traffic:

- i. Construct a fourth leg of the Third Line and Hospital Access signalized intersection to provide access to Oakville Green and adjust signal timings and phasings appropriately, and coordinated with the two adjacent intersections, to accommodate the site generated traffic demand.
- ii. Construct a right-in right-out access at the northerly site driveway at William Halton Parkway. A stop-controlled intersection with one outbound lane is sufficient to accommodate the subject site.
- iii. Adjust signal timings at the following study intersections:
  - a. Bronte Road and William Halton Parkway;
  - b. Bronte Road and Dundas Street West;
  - c. Bronte Road and Upper Middle Road;
  - d. Dundas Street West and Third Line; and
  - e. Dundas Street West and Neyagawa Boulevard.
- iv. Ensure efforts to maintain coordinated signal operation along Dundas Street West.
- v. Add a westbound right protected movement at the intersection of Bronte Road and William Halton Parkway under the same phase as the southbound left movement.
- vi. Add an eastbound left turn protected movement at the intersection of Dundas Street West and Third Line during the a.m. peak hour.
- vii. Add additional transit buses to routes 3 – Third Line and 5/5A Dundas, with up to a total of 10 buses to alleviate capacity concerns. These should be revalidated against a future transit strategy.

As part of the review of the applicant's TIS, a peer review consultant was retained and their comments are included as part of this report as 'Appendix B'. Staff had concerns that their TIS may be underestimating the number of trips generated by the proposed development, and thus the transportation impact, given the higher density of employment proposed (see 'Employment Projections' section of this report). Accordingly, staff undertook an independent analysis which compared the approach used by the applicant (ITE vehicle trips) with trips generated by the number of employees (Appendix F). Based on these results, it was found that, on average, the higher density of employment could result in approximately 21% more vehicle trips than projected by the Oakville Green TIS.

While the draft plan conditions would require the owner to fund the upgrades to the transportation infrastructure, the owner would also be required to fund part of the

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additional transit infrastructure required through development charges. The applicant's TIS estimates that a total of an additional seven (7) busses would be required in the 2021 and 2026 horizon years, and three (3) more in the 2031 horizon year (total of ten (10)). Given current operational practice, staff estimates that an additional 2 busses would be required, for a total of twelve (12).

It is estimated that the twelve (12) new busses triggered by the proposed development would cost approximately 7.2 million dollars<sup>4</sup> in capital costs and cost approximately 4.4 million dollars in annual gross operating costs. Under the current Development Charges By-law, development charges would fund an 18% portion of the capital costs (\$1,296,000), after deduction for benefits to existing development. This could result in a negative impact of approximately \$5,904,000 in capital costs and \$4,400,000 annual gross operating costs to the town. Staff expect that this financial impact could be significantly reduced when the planned Dundas Street bus rapid transit project is built, assuming it is funded by the Province and the operational costs are borne by others. The proposed improvements to the subject lands would also result in increased assessment which could further mitigate the financial impact.

The capital and operating cost for the foregoing additional buses would require Council approval through the annual budget process. However, the applicant is relying on these expenditures to support the conclusions of the TIS. Accordingly, it is necessary for the applicant to undertake a sensitivity analysis to analyze whether additional trips resulting from a lower level of transit service (until the Dundas Bus Rapid Transit is built) could be accommodated on the road network and to identify any additional transportation system upgrades which would be necessary.

In staff's opinion, an update to the TIS is required to inform a future recommendation report to Council. In addition, it is recommended that the applicant undertake a scoped financial impact analysis, to address transit capital and operating needs as well as employment density concerns, which would identify the financial impact on the town together with mitigation measures.

Detailed review of site plan matters such as vehicle maneuverability and pedestrian circulation plan including connection to public transit will be reviewed as part of the site plan application.

#### Below Grade Tunnel between Parking Garages

The applicant proposed to connect the underground parking garages of the hotel & conference centre and the medical building below 'Street A'. Staff asked for additional details regarding this connection during the review of the development

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<sup>4</sup> Based on an estimated cost of \$600,000 per new bus.

From: Planning Services Department

Date: April 5, 2019

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application, and the Owner responded with a technical memo from WSP dated February 4<sup>th</sup>, 2019, attached hereto as 'Appendix G'. The memo provides that the tunnel would be approximately 8.0 m below the surface of 'Street A' and would not conflict with existing and proposed infrastructure under the proposed public roadway. The memo acknowledges that should a watermain rupture above the tunnel, water proofing would be necessary to protect the tunnel from any additional water that may seep downwards through fissures in the bedrock.

To advance this concept further, staff would need to understand the future ownership of the parking garages, detailed design of the parking layout and format, and the ownership, long-term maintenance obligations and liability matters. Accordingly, it is more appropriate to advance the tunnel design as part of the required site plan control application, once the detailed design of the proposed development is more advanced, and there is more certainty with the ownership structure of the parking garages. It is anticipated that Halton Region would provide detailed comments on the proposed tunnel as part of the site plan application.

Should the tunnel design be pursued by the Owner, and advanced through the site plan application, Council approval would be required. It is anticipated that staff would bring forward a separate report for Council's consideration which would provide a greater level of detail of the proposed design of the tunnel, maintenance obligations, financial impact to the town, ownership structure and any necessary easements as part of that report.

#### Landowner Agreement

Section 8.9.4 of the North Oakville West Secondary Plan provides that in order to ensure the appropriate and orderly development of the Secondary Plan area, and to ensure the costs associated with the development of the Secondary Plan are equitably distributed among all landowners, development within the 407 West Employment District and/or the Sixteen Hollow Employment District shall only be permitted to proceed when landowners representing a significant proportion of the respective employment district have entered into a cost sharing agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner.

As part of development of the Oakville Trafalgar Memorial Hospital, services were extended to the area. Halton Healthcare confirmed that servicing costs of the subject parcel were addressed by Oakville Green. Accordingly, related cost sharing considerations have been satisfied.

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### Navigation Canada

The design of the Oakville-Trafalgar Memorial Hospital includes a helipad located along the Dundas Street West frontage which is regulated by Canadian Aviation Regulations. While staff has confirmed that the subject lands are located outside of the flightpath for the helipad shown on the approved site plan for the Hospital, the subject development application was circulated to Navigation Canada to confirm that the operation of the Hospital's helipad will not be negatively impacted.

Comments from Navigation Canada are outstanding as of the date of this report and are expected to be included as part of a future recommendation report.

### Town Council Resolution

The following resolution was adopted by Council at the February 11<sup>th</sup>, 2019 Statutory Public Meeting:

1. *That the public meeting report prepared by the Planning Services Department dated January 21, 2019, be received.*
2. *That comments from the public with respect to the Zoning By-law Amendment and Plan of Subdivision application by Oakville Green Development Inc. (File No. Z.1325.07, 24T18006/1325), be received.*
3. *That analysis of the following matters of interest to Council be included as part of the recommendation report:*

***A parking and transportation strategy that considers the following elements:***

- *Other studies within the Oakville context*
- *Consider parking and traffic impact associated with the proposed uses*
- *Undertake a traffic analysis*
- *Consider existing and planned road capacity*
- *Modal splits*
- *Traffic impacts*
- *Analysis of number of jobs and number of parking spaces. Why the gap?*
- *How will the parking stackers work?*
- *Will parking be paid and how will it be allotted?*
- *Consider transportation and Transit Master plan studies.*

From: Planning Services Department

Date: April 5, 2019

Subject: Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

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***An examination and explanation of the proposed Seniors use:***

- *Provide greater clarity as to how this proposed use will work, citing other Oakville examples*
- *Breakout the seniors use into number of uses, visitor parking spaces, staff parking spaces, time of use, and modal split, among other matters*
- *Breakout the proposed hotel uses and employment numbers*
- *How is seniors living defined?*

The questions under the category of parking and transportation strategy have been addressed in this staff report. More specifically, staff engaged a peer review consultant to review the TIS and staff also conducted an independent sensitivity analysis regarding employment density. Similarly, Halton Region engaged a peer review consultant to review the TIS. Comments from staff and the peer review consultants are included as part of 'Appendix B', and the sensitivity analysis is included as 'Appendix F'. Based on this analysis, staff are of the opinion that the TIS submitted by the applicant needs to be updated prior to zoning and draft plan approval. Further analysis is needed to fully outline impacts from the proposed development on the existing and planned transportation network.

The TIS assumes that Council would approve the capital and operating cost for the additional buses and it relies on these expenditures to support the conclusions of the TIS. As outlined in this report, this could result in a negative impact of approximately \$5,904,000 in capital costs and \$4,400,000 annual gross operating costs to the town. While this would be subject to future consideration by Council through the annual budget process, in staff's view, it would be prudent to require an additional sensitivity analysis to be undertaken to analyze whether additional trips resulting from a lower level of transit service (until the Dundas Bus Rapid Transit is built) could be accommodated on the existing road network. This analysis should also include whether any additional transportation system upgrades are necessary.

While there is more detail regarding the parking analysis in this report, additional parking should be required unless the applicant can demonstrate through a parking justification study, to the satisfaction of the town, that a lower rate can be justified. The parking justification study could be required as part of a holding provision.

In addition, staff are not supportive of permitting automated mechanical parking as-of-right without a better understanding of the operation and potential impacts. However, it is expected that conventional parking stackers could be permitted in the site-specific by-law for parking spaces beyond the minimum amount required and not for accessible parking spaces.

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The questions under the category of 'examination and explanation of the proposed seniors use' have been addressed in this staff report. More specifically, the staff report provides employment projections in relation to the required parking ratio, and the applicant has provided additional details with how they expect the parking to function (Appendix E). For comparison purposes, the applicable parking ratios in the North Oakville Zoning By-law were compared with the applicable parking ratios south of Dundas Street in By-law 2014-014. The layout of the parking garage would be reviewed in more detail as part of the required site plan application.

In general, retirement homes are permitted in medium density residential, high density residential and main street designations within the context of the Livable Oakville Plan. Within these designations, while there are some restrictions such as maintaining non-residential uses on the ground floor along main streets, a broad range of care is permitted which would allow for patrons to stay in the same facility, in the same community with familiar surroundings over time.

The proposed retirement home is different since it is located within an employment area and the HOMUN. While supportive housing is permitted within the HOMUN, 'residential uses' are prohibited in employment areas by the Growth Plan. Accordingly, the proposed retirement home would provide an institutional level of skilled care, supervision, personal care and support and this would be accomplished by prohibiting 'dwelling units' in the site-specific by-law and confirmed through review of the floor plans during the site plan stage, once the design has been further advanced.

### Public Comments

A PIM was held on November 6<sup>th</sup>, 2018, and was attended by two (2) members of the public. The principal concern(s) raised at the PIM are detailed in the meeting minutes in Appendix C and the questions were answered at the meeting. Aside from the Whiteoak comments, which are identified in this report, no other comments from the public have been received as of the date of this report.

### **Whiteoaks Communications Group Limited Comments**

Whiteoaks is the owner and operator of two AM radio stations at 1303 Dundas St. W. According to Whiteoaks, each station transmits 10,000 watts and shares the same set of six 57 m (186 ft.) tall radio telecommunication towers, but emit two separate 'DA-1 radiation patterns'. In response to the Oakville Green development application, Whiteoaks submitted comments to the town dated March 14<sup>th</sup>, 2019 together with a number of supporting correspondence, policy references and the following reports:

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Date: April 5, 2019

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- i. Lawrence Behr Associates Inc. entitled 'CJMR-CJYE / Health Sciences and Technology District RE: Two-way impacts relative to a proposed urban development named Health Sciences and Technology District, in Oakville, Ontario, Canada, on the radiation patterns of CJMR and CJYE and potential hazards during construction once built' dated March 12<sup>th</sup>, 2019;
- ii. Lehman & Associates & MA Tilston Engineering entitled 'Impacts of the Draft West Oak Trails Secondary Plan on the Operational Capacity of CHWO and CJMR Radio' dated February 1993;
- iii. Lawrence Behr Associates Inc. entitled 'Two-way impacts relative to proposed urban developments on the radiation patterns of CJMR and CJYE and potential hazards during construction and its use once built' dated March 11<sup>th</sup>, 2019; and,
- iv. Firmin & Associates entitled 'North Dundas Encroachment & Development' dated November 28<sup>th</sup>, 2018.

Whiteoaks also submitted a report dated April 1<sup>st</sup>, 2019 entitled 'Two-way impacts relative to proposed Health Sciences and Technology District urban development on the radiation patterns of CJMR and CJYE and potential hazards during construction and its use once built' by Lawrence Behr Associates Inc. The foregoing reports will be made available at the Planning Services front counter for review, upon request.

Whiteoaks is a party to the Local Planning Appeal Tribunal ('LPAT') appeal of the proposed Graydon Banning / Martillac development located between the Whiteoaks lands and the subject lands and has provided comments regarding the proposed development at 393 Dundas St. W. The cover letter summarizing the concerns related to the Oakville Green development application is attached to this report as 'Appendix A' and provides a more detailed explanation of these concerns. Overall, the following 'key concerns' are identified:

1. ***"Interference with the CJYE and CJMR signals: construction of tall buildings in close proximity to AM transmission facilities adversely impact the radio signal in two main ways:***
  - a) *blocking or weakening the signal thereby reducing the number of households it reaches; and*
  - b) *altering the broadcast pattern of the signal resulting in the stations' signals distorting the authorized transmission patterns, and as result, potentially causing interference to co and adjacent frequencies. Each station must protect 20khz either side of their assigned frequency. For instance, 1250kHz must protect 1230, 1240, 1250, 1260, 1270 kHz. While 1320 must protect 1300, 1310, 1320, 1330, 1340kHz. Each radio station has its own broadcast authorized pattern that is protected by international treaty and domestic legislation.*



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*The LBA Graydon-Banning/Martillac Report found, based on modelling, that "the AM stations' federally regulated patterns will be seriously affected during the construction activities and the presence of the buildings afterwards, causing both stations to be out of compliance with their strict, federally regulated and licensed parameters and potentially interfering with the signals of other AM radio stations." These adverse impacts are principally caused by:*

- *During construction: metal equipment, especially cranes, cables and construction elevators and components re-radiating the signal. The metal components are coopted by the electromagnetic signal into becoming part of the antenna array, altering the broadcast pattern through re-radiation.*
- *Post-construction: the physical bulk of the buildings blocking the signal and the various metallic components within them (metal framing, wiring, re-bar etc.) reradiating the signal.*

2. **Public Health and Safety:** *the LBA Graydon-Banning/Martillac Report found that the radiofrequency (RF) intensities at the site will cause safety hazards both during and after construction, unless properly mitigated as follows:*

**Construction Phase Hazards:**

- *contact current burns and shocks as well as arcing (sparks flying). These discharges can cause severe burns and other damage to the human body depending on the entry and exit points*
- *accidents resulting from shocks to construction workers while handling equipment, carrying heavy objects or operating at elevations above ground level*
- *electric sparks causing materials to combust*
- *physical injury to persons and property as a result of malfunctioning equipment*
- *arcing caused by the currents induced on metal structures and cables. The danger of sparks near combustible material is obvious. Static discharges can startle a person and cause the loss of grip on a handrail or an object with the risk of losing balance*

**Post-Construction Hazards:**

- *exterior metal railings and other long metal elements (such as aluminum window frames) can result in contact burns and shocks*
- *compromised integrity of elevator cables*
- *malfunctioning garage door equipment*

3. **Radio interference with construction equipment and consumer electronics:** *the high levels of RF from the Transmission Site can interfere with nearby electronic devices. The interference can result in devices not functioning as predicted, total malfunction or premature failure. Special filters, shielding and excessive grounding will be required but may not eliminate all the effects to a desirable level. The LBA Graydon-Banning/Martillac Report identified the following impacts:*

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- *RF interference with construction equipment, especially cranes, causing equipment to be difficult to operate, inoperable or to malfunction potentially resulting in catastrophic failure and damage to property and bodily injury*
- *arcing can damage cranes and elevator hoisting cables, rendering them useless*
- *household devices like entertainment systems and the like, alarms, monitoring systems, intercoms, and garage doors will be subject of malfunction or interference, especially the ones connected to cables or cable networks that are long enough to act as antennas at the frequencies involved The recent experience during the construction of a bridge adjacent to the broadcast transmission site of CJMR/CJYE along Dundas Street is illustrative. High RF levels caused contact burns, while the PLC controlled crane lost several expensive electronic control boards and as a result the project was halted by health and safety personnel. A manual lift crane had to be brought in to complete the project (see Firmin & Associates Report). In Industry Canada's Spectrum Management CPC-2-0-03 (June 26, 2014) 7.2 it states that land use authorities (LUA):*

*... have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers."*

The foregoing concerns warrant an external review by a qualified expert.

The concerns regarding the radio towers would not be appropriate for inclusion in a holding provision, since they may necessitate changes to the underlying zoning permissions with respect to height, placement, setbacks and massing of buildings, may result in the need for additional draft plan conditions and warning clauses, and additional work is necessary to understand the radio tower matters, the associated impacts, and implementable mitigation measures.

## CONCLUSIONS

A recommendation on the Oakville Green applications is considered premature. Staff will continue to review and assess the Oakville Green development application and anticipate retaining a qualified expert to review the Whiteoaks submissions and any related comments from the applicant. Staff expect to report back to Council on the Oakville Green development application, upon receipt of a qualified expert review of the radio tower concerns, a sensitivity analysis and a scoped financial impact study through a future recommendation report.

Staff are recommending that Council approve up to \$75,000 plus HST, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area.

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Subject: Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

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In order to address policy issues and technical comments outlined in more detail in the 'technical and public comment' section of this report (excluding the matters raised by Whiteoaks), it is anticipated additional modifications to the Oakville Green application would be required, including the following:

- i. zone the future development block Existing Development 'ED' to limit the amount of floor area to what was assessed in the supporting studies;
- ii. prohibit dwelling units in retirement and nursing homes to ensure occupancy would be in the form of assisted living units which would be accompanied by an institutional level of skilled care, supervision, personal care and support;
- iii. only permit ancillary retail uses, restrict major retail, and limit the leasable floor area of ancillary retail and the maximum floor area of an ancillary retail premises;
- iv. scope the range of permitted uses to appropriate land uses within the context of the HOMUN and an employment area;
- v. limit the maximum leasable floor area of the hotel, nursing home, and retirement home (secondary employment) to encourage the development of primary employment uses such as research and development and medical offices which are supportive of the employment function of the node;
- vi. modify minimum height and density proposed and adding other zoning performance standards consistent with other nodes in the town which would have the effect of not allowing two-storey development such as retail with surface parking;
- vii. draft plan condition(s) requiring an update to the urban design brief to ensure an interesting and varied built form in conformity with the Livable by Design Manual;
- viii. site-specific zoning standards that would restrict above-grade parking structures and limit surface parking, consistent with the plans presented to Council by the applicant;
- ix. detailed zoning regulations to provide appropriate building setbacks for an urban development which would provide a strong street edge, limits on the size of floor plates and minimum separation distance between towers which, amongst other matters, would allow for adequate natural lighting for future employees;

From: Planning Services Department

Date: April 5, 2019

Subject: Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

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- x. Addition of holding provisions, including a parking justification study, to the satisfaction of the town, which would have the effect of requiring additional parking unless a parking justification is provided which demonstrates that the existing minimum parking rate in North Oakville Zoning By-law 2009-189 is appropriate;
- xi. Add provision to the site-specific zoning by-law to provide that all lands subject to the special provision be treated as one for parking purposes to allow for shared parking within the development;
- xii. Addition of site-specific permissions and regulations to permit stacked parking spaces, excluding accessible parking spaces, in excess of the minimum parking requirements;
- xiii. Standard and site-specific draft plan conditions, and holding provisions, to address town, region, and other agency comments and requirements including design, construction, securities and monitoring of the proposed modifications to the Glen Oak Stormwater Management Pond, archeological matters and environmental site assessment; and,
- xiv. Updates to the Transportation Impact Study ('TIS') to address town and regional staff and peer review comments including a sensitivity analysis to analyze whether additional trips resulting from a lower level of transit service until the Dundas Bus Rapid Transit is built could be accommodated on the road network and whether the owner would be required to fund any additional transportation system upgrades.

## CONSIDERATIONS:

### (A) PUBLIC

A Public Information Meeting was held on November 6<sup>th</sup>, 2018 and a Public Meeting was held on February 11<sup>th</sup>, 2019. A courtesy notice regarding this staff report has been provided to residents who have participated in the application process and/or requested notice of future meetings.

### (B) FINANCIAL

Staff are recommending that Council authorize up to \$75,000 plus HST be approved, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks and identify related matters that are necessary to be addressed in planning for the surrounding area.

From: Planning Services Department  
 Date: April 5, 2019  
 Subject: Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325

It is recommended that the applicant undertake a scoped financial impact analysis, to address transit capital and operating needs as well as employment density concerns, which would identify the financial impact on the town together with mitigation measures.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives.

**APPENDICES:**

- Appendix A – Whiteoaks Communications Group Limited Comments
- Appendix B – Staff and Public Agency Comments on Second Circulation
- Appendix C – Minutes of Public Information Meeting
- Appendix D – Policy Extracts
- Appendix E – MHBC Automated Parking Memo dated February 6<sup>th</sup>, 2019
- Appendix F – Sensitivity Analysis (Employee vs. ITE Vehicle Based Trips)
- Appendix G – WSP Memo RE: Tunnel Between Parking Garages

Prepared by:  
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 Current Planning – West District

Recommended by:  
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 Manager  
 Current Planning – West District

Submitted by:  
 Mark H. Simeoni, MCIP, RPP  
 Director, Planning Services

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 10, 2019

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**FROM:** Planning Services Department

**DATE:** June 5, 2019

**SUBJECT:** Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026

**LOCATION:** North of Dundas Street, East of Third Line

**WARD:** 7

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### RECOMMENDATION

1. That Zoning By-law Amendment and Draft Plan of Subdivision applications submitted by Oakville Green Development Inc. (File No. Z.1325.07, 24T-18006/1325), as revised, be approved on the basis that the applications are consistent with the Provincial Policy Statement, conform or do not conflict with all applicable Provincial plans, conform with the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 5<sup>th</sup>, 2019;
2. That By-law 2019-026, an amendment to Zoning By-law 2009-189, be passed;
3. That Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a minor variance application, within 2 years from the date By-law 2019-026 is enacted;
4. That the Director of Planning Services be authorized to grant draft plan approval based on the Draft Plan of Subdivision (24T-18006/1325) submitted by Oakville Green Development Inc. prepared by MHBC Planning Urban Design & Landscape Architecture, dated February 28<sup>th</sup>, 2019, and amended to include Blocks 4, 5 & 6 (Town Lands), subject to the conditions contained in Appendix C;

From: Planning Services Department

Date: June 5, 2019

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026

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5. That once 24T-18006/1325 has been draft approved by the Director of Planning Services, the Town enter into a Subdivision Agreement to the satisfaction of the CAO and Town Solicitor, or designates;
6. That the Subdivision Agreement be executed in accordance with By-law 2013-057;
7. That staff be authorized to transfer Blocks 4, 5 & 6 on the Draft Plan of Subdivision (24T-18006/1325), dated February 28<sup>th</sup>, 2019 to Oakville Green Development Inc. conditional upon registration of plan of subdivision 24T-18006/1325, and transfer of an equal amount of land adjacent to the Glen Oak Stormwater Management Pond to the Town, with such land swap agreement and all related documentation to be negotiated and executed by the Town Solicitor, on terms satisfactory to the CAO and Town Solicitor;
8. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed;
9. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

## KEY FACTS

A Zoning By-law Amendment application and a Plan of Subdivision application were submitted by Oakville Green Development Inc. ('Oakville Green') on December 3<sup>rd</sup>, 2018.

The purpose of the proposed Zoning By-law Amendment, as revised, is to permit phase 1 of a health science and technology district by rezoning the subject lands from Existing Development 'ED' to a site-specific Light Employment ('LE') zone. The effect of the Zoning By-law Amendment is to permit four 15 storey buildings inclusive of a hotel and conference centre, medical office, retirement home and an employment use building with ground floor retail and approximately 2,344 underground parking spaces. A maximum cumulative floor area of approximately 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>) would be permitted.

The draft Plan of Subdivision, as revised, is 5.54 ha (13.6 acres) in size and proposes to divide the land into three blocks, reshape the Glen Oak Stormwater Management Pond, and provide one new public road extending from the Hospital entrance along Third Line through the site to William Halton Parkway. In addition, internal roadway(s) within the proposed blocks are proposed to be private and utilize

From: Planning Services Department

Date: June 5, 2019

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026**

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a woonerf<sup>1</sup> style roadway. The reshaping of the pond and portions of the development would require a land swap with the town to be coordinated with the registration of the plan of subdivision.

At the April 15<sup>th</sup>, 2019 Planning and Development Council Meeting, Council: endorsed the direction contained in the report from the Planning Services department dated April 5<sup>th</sup>, 2019 (the 'Update Report'); deferred consideration of the application pending completion of: a town-initiated peer review of the information submitted by Whiteoaks Communications Group Limited ('Whiteoaks'), a transportation sensitivity analysis, and, a scoped financial impact analysis; and authorized up to \$75,000 plus HST be approved, to retain a qualified expert to review information submitted by Whiteoaks.

The town-initiated peer review, and the review of the sensitivity analysis and scoped financial impact study are complete. As such, this recommendation report completes the review of the Oakville Green application and provides a planning recommendation to Council regarding this application by:

- i. completing the review of applicable planning policy;
- ii. completing the technical review of the application by providing an analysis of the sensitivity analysis and scoped financial impact study provided by Oakville Green;
- iii. reporting the findings of the town and Region's peer review of the Whiteoaks Communications Group Limited ('Whiteoaks') and Oakville Green submissions related to the Whiteoaks AM radio operations;
- iv. identify changes made to the application since the April 15<sup>th</sup>, 2019 P&D Council meeting; and,
- v. making a recommendation on the proposed zoning by-law amendment and draft plan conditions, as revised, and related Council resolutions.

In accordance with the Council resolution from the April 15<sup>th</sup>, 2019 Planning and Development Council Meeting, a town-initiated peer review was undertaken by an expert to peer review the AM Modeling Reports (submitted by Whiteoaks, and responding documents submitted by Oakville Green and other landowners) and to provide a related assessment of planning for the surrounding area. Overall, the peer review found that, with respect to the Oakville Green development, the health risk assessment provided by Whiteoaks in terms of electrical shocks, was slightly pessimistic and capable of being managed. No concerns were identified with respect to human health and safety in terms of compliance with Safety Code 6. While interference with consumer electronics was possible for older devices, newer devices including life-supporting devices would not be affected. Further, the

<sup>1</sup> "Woonerf" is a Dutch term for "living street" where pedestrians take priority and devices for reducing or slowing the flow of traffic have been installed.



From: Planning Services Department

Date: June 5, 2019

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026**

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distortions to the pattern shapes caused by new buildings (and construction of said buildings) were not found to be severe and in the opinion of the peer reviewer, could be compensable through on-site adjustments. Restrictions on development and/or building height / placement through the zoning by-law were found to not be warranted. Mitigation measures recommended by the peer reviewer have been incorporated into the conditions of draft approval of the plan of subdivision.

Concerns regarding the transportation impact from proposed development on the transportation infrastructure in proximity to the Oakville Trafalgar Memorial Hospital have been addressed by coordinating the phasing of development with available transportation infrastructure. This would be implemented through a holding provision which would limit the amount of vehicle trips to 1,000 total peak hour two-way site vehicle trips until such time as William Halton Parkway is extended from Third Line to Neyagawa Boulevard. The holding provision also accounts for a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas Bus Rapid Transit ('BRT') is constructed and operational.

While staff do not agree with the findings of the scoped Financial Impact Study submitted by the applicant, it is proposed to coordinate phasing of development with available transportation infrastructure through a holding provision which is expected to mitigate the projected shortfalls in funding capital and operating impacts triggered by the proposed development. More specifically, the holding provision accounts for a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas BRT is constructed and operational. Under this interim period of relatively lower level of transit service, until the planned BRT is operational, the financial impact to the town could be significantly mitigated and possibly eliminated if no new busses are purchased. The decision to purchase new busses, and the resulting financial considerations, would rest with Council through the annual budget process where these matters could be considered on a more comprehensive basis.

Staff are recommending approval of the Zoning By-law amendment application and proposed draft plan of subdivision, as revised, as they are consistent with the PPS, conform to the Growth Plan, Regional Official Plan and the NOWSP since the development proposes a mix of employment land uses such as medical office, general office and research and development which are permitted within the HOMUN and would contribute to a complete community.

## **BACKGROUND**

The NOWSP was adopted by Council on May 25<sup>th</sup>, 2009 and in recognition and in support of the new hospital, provides for a Health Oriented Mixed Use Node ('HOMUN') at Third Line and Dundas Street West. On May 11<sup>th</sup>, 2015, Council

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endorsed the principles set out in the HOMUN staff report that are to guide the review and evaluation of applications to implement a *HOMUN*, as contemplated in the *NOWSP*:

*That Council endorses the principles set out in the report, that guide the review and evaluation of applications to implement a Health Oriented Mixed Use Node as contemplated in the North Oakville West Secondary Plan;*

On September 18<sup>th</sup>, 2015 an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision application was submitted in support of a proposed Health Science & Technology District on the full extent of the Oakville Green Development Inc. land holding which is generally bound by Third Line, William Halton Parkway Dundas Street and the natural heritage to the east. The development applications, at that time, included a residential component within the HOMUN. A Regional Official Plan Amendment application was also submitted concurrently in support of the proposal.

In order to implement Council endorsed principles, Region and Town staff developed a series of metrics which are detailed in a report dated July 25<sup>th</sup>, 2016. In addition, Regional and Town Staff held a number of technical meetings with the applicant and also worked with the applicant to develop a work plan, in accordance with Council endorsed principles, to guide the required study updates and review of the subject application.

On July 25<sup>th</sup>, 2016 Council endorsed the following approach set out in report PD-16-565 with respect to:

*A land use ratio of at least 3 primary jobs to up to 1 secondary job to not more than 1 resident (3.1.1) be applied to achieve primacy of employment uses.*

*Secondary jobs and number of residential units be limited by the application of the 3:1:1 land use ratio.*

*A range of employment GFA of 0.35 FSI - 3.0 FSI, as permitted in the North Oakville West Secondary Plan.*

*Cash-in-lieu of parkland at a rate of 1 hectare per 500 units based on the provisions of Bill 73 be required.*

*That independent peer reviews of the Traffic Impact Study and Financial Impact Study be undertaken at the applicant's expense*

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The development applications originally submitted on September 18<sup>th</sup>, 2015 were withdrawn by the applicant on November 26<sup>th</sup>, 2018. Since the foregoing Council endorsed objectives, principles and approach were drafted in the context of this larger mixed use development, they have not been applied to the subject development application which is proposed to be comprised of employment land use permitted by the HOMUN policies of the NOWSP.

The statutory public meeting for the current application was held on February 11<sup>th</sup>, 2019. Council considered an Update Report on April 15<sup>th</sup>, 2019 (full report in 'Appendix A') which provided an update on the Oakville Green development applications including:

- i. the applicant-initiated changes made to the application since the statutory public meeting on February 11<sup>th</sup>, 2019;
- ii. staff's review of the development application (excluding the matters raised by Whiteoaks Communications Group Limited);
- iii. a summary of issues raised through new submissions made on behalf of Whiteoaks Communications Group Limited
- iv. status of the issues identified in the public meeting report dated January 21<sup>st</sup>, 2019;
- v. anticipated resolution of those issues; and,
- vi. responses to matters raised by Council at the Statutory Public Meeting on February 11<sup>th</sup>, 2019.

At the April 15<sup>th</sup>, 2019 Planning and Development Meeting Council adopted the following resolution:

1. *That Council endorse the direction contained in the report from the Planning Services department dated April 5th, 2019 entitled Update Report, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325.*
2. *That consideration of the application be deferred pending completion of:*
  - a. *a town-initiated peer review of the information submitted by Whiteoaks Communications Group Limited, including the identification of related matters to be addressed in planning for the surrounding area;*
  - b. *sensitivity analysis, to be requested of the applicant, regarding employment projections and limited interim transit capacity; and,*
  - c. *scoped financial impact analysis, to be requested of the applicant, to address transit capital and operating needs as well as employment density concerns identifying the financial impact on the town and mitigation measures.*

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3. *That up to \$75,000 plus HST be approved, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area.*

The town-initiated peer review, and the review of the sensitivity analysis and scoped financial impact study is complete. As such, this recommendation report completes the review of the Oakville Green application and provides a planning recommendation to Council regarding this application by:

- i. completing the review applicable planning policy;
- ii. completing the technical review of the application by providing an analysis of the sensitivity analysis and scoped financial impact study provided by Oakville Green;
- iii. reporting the findings of the town and Region's peer review of the Whiteoaks Communications Group Limited ('Whiteoaks') and Oakville Green submissions related to the Whiteoaks AM radio operations;
- iv. identify changes made to the application since the April 15<sup>th</sup>, 2019 P&D Council meeting; and,
- v. making a recommendation on the proposed zoning by-law amendment and draft plan conditions, as revised, and related Council resolutions.

## Proposal

The applicant proposes to rezone the subject lands to permit four (4) fifteen (15) storey buildings inclusive of a hotel and conference centre, medical office, retirement home and an 'employment use' building with ground floor retail and 2,344 underground parking spaces. The applicant is also seeking approval to permit the use of mechanical parking stackers to increase the amount of parking above and beyond the minimum parking standard. Cumulative floor area proposed is approximately 92,903 m<sup>2</sup> (1,000,000 ft<sup>2</sup>).

The draft plan of subdivision proposes to divide a 4.98 ha portion of a 11.57 ha land holding into three blocks and swap 0.55 ha of land with the Town to reshape the Glen Oak Stormwater Management Pond and provide a more linear alignment of the proposed public road extending from the Hospital entrance at Third Line through the site to William Halton Parkway. In addition, internal roadway(s) within the proposed blocks are proposed to be private and utilize a woonerf style roadway.

The submission materials are available on the town's website at:

<https://www.oakville.ca/business/da-31481.html>

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## Location & Site Description

The subject lands consist of a smaller part of a larger land holding located north of Dundas Street West, East of Third Line immediately east of the Oakville-Trafalgar Memorial Hospital. The subject lands are 5.231 ha (12.93 acres) in size and include a 0.55 ha part of the Glen Oak Stormwater Management Pond (owned by the Town). The subject lands have approximately 280 m of frontage on Third Line and 140 m along William Halton Parkway. The site is currently vacant, aside from the existing Glen Oak Stormwater Management Pond.

## Surrounding Land Uses

The surrounding land uses are as follows:

North: William Halton Parkway ROW, then greenfield designated employment land

East: greenfield designated employment land / natural heritage system beyond which are proposed residential subdivisions then radio transmission lands owned by Whiteoaks

South: Dundas Street West then commercial / residential

West: Third Line then Oakville Trafalgar Memorial Hospital

## PLANNING POLICY & ANALYSIS

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

- The Planning Act
- Provincial Policy Statement (2014)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville West Secondary Plan
- Zoning By-law 2009-189

## Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form. The PPS provides that it is to be read in its entirety, and the relevant policies are to be applied (Appendix A). When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.

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The subject lands are located within a settlement area, and within a node, where growth and development is directed. Land use patterns within settlement areas are to be based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The subject lands are within an 'employment area'<sup>2</sup>, and the proposed development, as revised, would provide an appropriate mix and range of compact employment uses that would efficiently use municipal infrastructure, would contribute to economic development and competitiveness, be transit-supportive and contribute to achieving larger complete community objectives.

The site-specific zoning, as revised, would prohibit dwelling units. Accordingly, any occupancy within the proposed retirement home would be in the form assisted living units which would be accompanied by a high level of skilled care, supervision, personal care and support. This land use is defined as 'special needs' housing within the context of the PPS, and may be permitted as an institutional land use. Further, the D6 Land Use Compatibility Assessment submitted with the application demonstrates that sensitive land uses would be appropriately separated from other planned employment uses to prevent adverse impact on viability of the larger employment area.

Recommended mitigation measures in the AM Modeling Peer Review Report and Related Assessment of Planning of the Surrounding Area have been implemented through the conditions of draft approval as outlined in this report. It is anticipated that further mitigation measures may be considered and implemented as part of the future required site plan control application. Where matters are more appropriately addressed directly between the developer and Whiteoaks, they have been included as "Notes".

There are no significant built heritage resources or significant cultural heritage landscapes located on or adjacent to the subject lands and the review of the application has fully addressed other policy requirements such as stormwater management, functional servicing, environmental suitability of lands, archaeological potential, transportation, natural hazards and natural heritage.

Accordingly, the proposed development is consistent with the PPS.

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<sup>2</sup> **Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

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## Growth Plan (2019)

Since the Update Report (Appendix A), a new Growth Plan has been approved by the Province and is in effect as of May 16<sup>th</sup>, 2019. Relevant extracts of the 2019 Growth Plan are appended hereto as 'Appendix B'.

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment. The Growth Plan provides that it is to be read in its entirety, and the relevant policies are to be applied. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a settlement area within a "Designated Greenfield Area" and along the Dundas Street transit corridor. Pursuant to local in force policy, the subject lands are also located within the HOMUN. Accordingly, within the context of the Growth Plan, the subject lands are located within a 'strategic growth area'.<sup>3</sup> Pursuant to Policy 2.2.1 2) c) growth is to be focused in delineated built up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, and areas with existing or planned public service facilities are areas where growth is to be focused. Policy 2.2.1 4) of the Growth Plan provides that applying the policies of the Plan is to support the achievement 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;*
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

<sup>3</sup> **Strategic Growth:** Areas Within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. (Growth Plan, 2019)

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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 and mix of uses and activities (Policy 2.2.4 10))

The proposed development would provide approximately 2,636 jobs<sup>4</sup> providing in excess of 477 jobs per hectare (gross). Pursuant to the Ministry of Transportation Transit-Supportive Guidelines the suggested minimum density thresholds for areas within a 5-10-minute walk of transit capable of supporting different types and levels of transit service is 160 people / jobs combined for bus rapid transit (gross). Accordingly, the density proposed would exceed the minimum density threshold for planned transit along Dundas Street West. More detailed site design transit-supportive matters such as pedestrian connectivity and transit stops will be implemented as part of the required site plan application.

The subject lands are located within an 'employment area'<sup>5</sup>. Policy 2.2.5 (7) a) provides policy direction regarding planning for employment areas by: prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.

The site-specific zoning, as revised, would prohibit dwelling units and limit retail land use and the size of any retirement home. Accordingly, the proposed retirement home would be in the form assisted living units which would be accompanied by a high level of skilled care, supervision, personal care and support. Major retail would not be permitted. Further, the D6 Land Use Compatibility Assessment submitted with the application demonstrates that sensitive land uses would be appropriately separated from other planned employment uses to prevent adverse impact on viability of the larger employment area.

The proposed development is located in a node, and would support the employment function of the HOMUN in a compact urban form with limited surface parking, that would efficiently use municipal infrastructure, would contribute to economic development and competitiveness, be transit-supportive and contribute to achieving complete community objectives.

<sup>4</sup> Employment estimate provided by Oakville Green based off Halton Region Employment Survey data.

<sup>5</sup> **Employment Area:** Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (PPS, 2014, Growth Plan, 2019)



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There are no significant built heritage resources or significant cultural heritage landscapes located on or adjacent to the subject lands and the review of the application has fully addressed other policy requirements such as stormwater management, functional servicing, environmental suitability of lands, archaeological potential, transportation, natural hazards and natural heritage. The foregoing matters will be advanced further through registration of the plan of subdivision and the required site plan control application.

Accordingly, the proposed development conforms to the Growth Plan and would provide an important contribution to achieving broader complete community objectives.

### **Halton Region Official Plan**

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

Employment Areas are subject to the objectives and policies for the Urban Area. In addition, the objectives of the Employment Areas are:

*77.1(1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton’s and its Local Municipalities’ economic competitiveness.*

*77.1(2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*

*77.1(3) To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.*

Section 77.4(1) of the Halton Region Plan prohibits residential and other non-employment uses in the Employment Areas except to recognize uses permitted by specific policies of a Local Official Plan on December 16, 2009 (such as the North Oakville West Secondary Plan).

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*Further, Section 77.4 of the Halton Region Plan provides that it is the policy of the Region to:*

*77.4(2) Plan for, protect and preserve the Employment Areas for current and future use.*

*77.4(5) Require Local Municipalities to promote intensification and increased densities in both new and existing Employment Areas by facilitating compact, transit-supportive built form and minimizing surface parking.*

The draft plan of subdivision, as revised, proposes development of employment and institutional land uses which would be supportive of the primary employment function within the HOMUN, and would assist in achieving employment objectives for the area. Further Halton Region staff have reviewed the proposed zoning by-law amendment and draft plan of subdivision, as revised, and recommend approval of both.

## **Planning Act**

Pursuant to Section 51(24) of the *Planning Act*, in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to matters such as: the suitability of the land for the purposes for which it is to be subdivided; the dimensions and shapes of the proposed lots; and the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land. The proposed subdivision meets the criteria within Section 51(24) of the *Planning Act* for the reasons contained herein and the technical review in the Update Report appended hereto as 'Appendix A'.

## ***North Oakville West Secondary Plan***

### OP Objectives

The development objectives in Section 8.2.3 of the NOWSP which are to guide the future urban development of the Plan area is provided in Appendix A.

### Urban Structure

The Official Plan is currently undergoing a 5-year review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the

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Town. Official Plan Amendment ('OPA') 318 (NOWSP), confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 318 was approved by Halton Region on April 26<sup>th</sup>, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. There is one appeal pertaining to OPA 15 (Livable Oakville Plan).

The subject lands are identified on Schedule A1 – Urban Structure as being within a "Node and Corridor for Further Study" and front onto Dundas Street West, which is identified as a Regional Transit Priority Corridor. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of densities to support frequent transit service.

#### Land Use Policies

On May 25<sup>th</sup>, 2009 the North Oakville West Secondary Plan was approved by Council through OPA 289. OPA 289 was partially approved by the Ontario Municipal Board on December 4<sup>th</sup>, 2009 for lands including the subject lands. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

The subject lands are designated 'Employment District' on Figure NOW2. Section 8.6.5.1 of the plan provides that a HOMUN is included within the Employment District on the north side of Dundas Street West at Third Line, however, the NOWSP does not delineate the boundary of the HOMUN.

#### HOMUN Boundary

Staff report PD-6015 entitled Health Oriented Mixed Use Node, considered by Council on May 11<sup>th</sup>, 2015 interpreted the area of the node as extending east and north of the hospital and included the subject lands. Further, in a staff report dated May 18<sup>th</sup>, 2018 regarding the All Seniors Care Acquisitions Ltd. nursing home at 2135 Dundas Street West (File No. Z.1327.01) the following criteria was considered in determining whether lands are part of the HOMUN:

- i. location;
- ii. supportive land use; and,
- iii. sensitive land use / impact on employment area.

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The subject lands are located immediately adjacent to the Oakville Trafalgar Memorial Hospital, and the site-specific zoning has been tailored to include land uses that would be generally supportive of the primary employment function of the HOMUN.

In terms of land use compatibility, the HOMUN is part of a larger employment area with special policies which restrict certain employment uses such as industrial operations, transportation terminals, and waste processing stations as well as permit other land uses such as 'supportive housing'. It is necessary to properly assess the introduction of a sensitive land use within or adjacent to an employment area to ensure it is appropriately designed, buffered and/or separated from existing or planned major facilities<sup>6</sup> to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities / the employment district (policy 1.2.6.1, PPS).

The Provincial D6 Guidelines (Compatibility between Industrial Facilities) can be applied to assist in preventing or minimizing future land use problems due to the encroachment of sensitive land uses<sup>7</sup> and industrial land uses on one another. While the employment land uses proposed such as research and development and medical office are not sensitive land uses, the D6 Land Use Compatibility Assessment submitted with the application demonstrates that the proposed retirement home (sensitive land use) would be appropriately separated from other planned employment uses to prevent adverse impact on viability of the larger employment area.

Given the foregoing, the subject lands are considered to be appropriate for inclusion within the HOMUN.

#### Land Uses and Land Use Policies

Pursuant to Section 8.6.5.2 of the Plan, a range of employment uses are permitted within the Employment District designation including institutional uses such as places of worship and vocational schools and additional uses specific to the HOMUN including a hospital, and may also include research and development facilities, medical and other offices, laboratories, clinics, supportive housing, long

<sup>6</sup> **Major facilities:** means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities. (PPS, 2014)

<sup>7</sup> **Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities (PPS, 2014, Growth Plan, 2017)

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term care facilities, rehabilitation facilities, and other similar uses including retail and service commercial facilities related to the permitted uses. Certain employment land uses such as general industrial operations, transportation terminals, outside storage and operations incidental to industrial operations, waste processing and waste transfer stations including noxious uses, are restricted within and abutting the HOMUN.

Section 8.6.5.3 of the NOWSP provides that limited retail and service commercial uses permitted in Section 8.6.5.2 shall be clustered at the intersections with Arterials and Avenues.

Section 8.6.5.4 a) of the NOWSP provides that:

*It is not intended that the full range of employment uses will be permitted in all locations designated "Employment District". The precise range of uses and density of development shall be stipulated in the zoning by-law. In particular, the lands in the Employment Area designation abutting the HOMUN will be subject to a site specific zoning regulations including the use of a holding zone, and any proposed use will be carefully evaluated to ensure that it does not adversely impact on the uses in the Health Oriented Mixed Use Node.*

The zoning by-law amendment, as revised, proposes a mix of employment land uses such as medical office, general office and research and development which are permitted within the HOMUN. The ancillary retail proposed is limited to 10% of the floor area of the building and the uses are restricted to be supportive of the overall development. Dwelling units would be prohibited in the nursing / retirement home, and accordingly would provide a higher level of skilled care, supervision, personal care and support and be considered supportive housing within the NOWSP policy framework. It is estimated that together, the proposed development would generate approximately 2,636 jobs providing in excess of 477 jobs per hectare (gross). Accordingly, the proposed development would support the employment function of the HOMUN.

Section 8.6.5.4 d) of the Plan provides that development is required to conform to the following additional criteria:

- *Main buildings shall be designed and located to assist in the creation of an attractive street edge, to provide for a strong pedestrian connection to the sidewalk, and to recognize any potential future intensification of the site:*
- *The balance between the areas of the lot occupied by buildings and the service and parking areas will be designed, wherever feasible, to reduce the extent of the street frontage occupied by service and parking areas. Where*

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*street frontage is occupied by parking and service areas, enhanced landscaping shall be provided;*

- *Maximum height -15 storeys;*
- *Minimum Floor Space Index –0.25 for retail and service commercial uses; and regard shall be had for the provisions of Subsection e) below with respect to all other uses;*
- *Maximum Floor Space Index – 3 and;*
- *Service establishments shall be located in clusters at intersections with Arterials and Avenues.*

The zoning by-law amendment, as revised, provides for a maximum FSI of 3.0 and maximum building height of 15 storeys. Further, the zoning by-law amendment provides performance standards to achieve an attractive urban street edge and the urban design brief has been updated to support high quality urban design which will be implemented through the site plan control application.

Based on the analysis in this report, the proposed development conforms to the HOMUN policies of the NOWSP.

### **Zoning By-law 2009-189**

The subject lands are zoned Existing Development ('ED'). The applicant originally proposed to rezone the subject lands to a new Health Science and Technology Core zone ('HSTC'), however staff have revised the by-law to a site-specific Light Employment ('LE') zone. As identified in the Update Report, the range of land uses has been scoped to better reflect the existing and planned context of the HOMUN while permitting a range of employment and other supportive land uses. The below chart compares the uses proposed in the original 'HSTC' zone to the proposed site-specific 'LE' zone:

<b>Land Use</b>	<b>Original Proposed Site-Specific 'HSTC' Zone</b>	<b>Revised Site-Specific 'LE' Zone</b>
Private Park	•	•
Public Park	•	•
General Office Use	•	•
Medical Office	•	•
Hotel	•	•

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Parking Garage		•
Commercial Parking Garage	•	
Trade and Convention Centre		•
Information Processing		•
Research and Development	•	•
Nursing Home	•	
Nursing Home, excluding dwelling units which are prohibited		•
Retirement Home	•	
Retirement Home, excluding dwelling units which are prohibited		•
Retail Store	•	• *
Convenience Store	•	• *
Restaurant	•	• *
Café	•	• *
Service Commercial	•	• *
Commercial Fitness Centre	•	• *
Day Care	•	• *
Light Industrial	•	
Light Manufacturing	•	
Long Term Care Facility	•	
Personal Services Shop	•	
Service Establishment		• *
Financial Institution	•	• *
Community Centre	•	
Place of Amusement	•	

\* The maximum leasable floor area for ancillary uses shall be no greater than 10% of the building.

The maximum leasable floor area of a hotel would be limited to 14,000 m<sup>2</sup> (150,700 ft<sup>2</sup>), and the total leasable floor area of a nursing home and retirement home would be limited to 9,300 m<sup>2</sup> (100,100 ft<sup>2</sup>). In addition, the maximum leasable floor area for a premises for an ancillary use (uses noted with '\*' in above table) located on the first storey would be limited to 1,400 m<sup>2</sup> (15,069 ft<sup>2</sup>). The intent of these limitations are to require a greater proportion of primary employment uses such as office, research and development, medical office, and information processing land uses at full build-out.

The site-specific regulations, as revised, would require a floor space index of between 1.0 - 3.0, with a height of between 6 storeys to 15 storeys. Setbacks include a minimum front, rear, flankage and interior side yard of 0 m, and a

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maximum front and flankage yard of 3.0 m with a main wall proportionality of at least 75% located between the minimum and maximum yards. In addition, a minimum separation between towers of 25.0 m and maximum floor plate above 5 storeys of 2,500 m<sup>2</sup> would apply to provide adequate separation distance between buildings.

The Owner is no longer seeking approval for an automated mechanical parking stacker as part of this application, and the site-specific by-law, as revised, would only permit mechanical stacked parking in excess of parking requirements. As such, the development would be required to provide all required parking in conventional parking spaces, however may provide additional parking in the form of a mechanical parking stacker. Consistent with the concept plans presented by the applicant, parking in a parking garage above grade is not permitted and surface parking is limited to 5% coverage and is not permitted between a front or flankage yard and a public street. The foregoing regulations are intended to provide appropriate zoning performance standards for an urban development which would provide a basis for high quality urban design.

The site-specific by-law has also been amended to include two holding provisions. The holding zones would ensure that technical considerations are fully addressed and would coordinate the size of the overall development with the availability of planned transportation infrastructure, as explained in more detail in the technical and public comment section of this report.

Given that the detailed design of the proposed development was not provided with the development application, it is anticipated that the design of the proposed development will be advanced in accordance with the urban design brief, site-specific zoning and Livable by Design Manual through the required site plan application. As minor variance(s) may be required to Zoning By-law 2009-189 to implement the detailed design of the proposed development staff are recommending that Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a potential minor variance application, within 2 years from the date the By-law 2019-026 is enacted.

## **TECHNICAL & PUBLIC COMMENTS**

### **Summary of Changes to Application since Statutory Public Meeting**

As detailed in the staff report considered by Council on April 15<sup>th</sup>, 2019, since the statutory public meeting was held on February 11<sup>th</sup>, 2019, the applicant has revised their application as follows:

- i. The size and shape of the reconfigured Glen Oak Stormwater Management Pond has been updated, and is proposed to be based on an equal land exchange between the town and Oakville Green. Staff are supportive of



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transferring a portion of the Town's current stormwater pond to the Owner, provided the Owner transfers an equivalent piece of land back to the Town, so the Town is made whole. The land exchange would be coordinated with the subdivision approvals and occur prior to the plan registration. The Owner would be responsible for all the costs associated with the land exchange, including the reinstatement of the storm pond to the satisfaction of the Director of Development Engineering. The land exchange transaction would not result in any costs to the Town, and the Town would not lose any value in this land exchange.

- ii. The applicant revised their parking plan by providing approximately 2,344 parking spaces in three (3) levels of underground parking with the option to increase this number of parking spaces through use of a mechanical parking stackers. A total of approximately 3,014 underground parking spaces using an automated mechanical parking stacker system was originally proposed.
- iii. The applicant has revised their job figures, and provided more rationalization of the parking plan for the overall development.

The staff report considered by Council at the April 15<sup>th</sup>, 2019 Planning & Development Meeting also anticipated the following revisions to the application in order to address comments and conform / comply with applicable policy. The below chart summarizes these concerns and identifies how they have been resolved / implemented through the site-specific zoning, amendments to the application, and/or draft plan conditions:

No.	April 15 <sup>th</sup> 2019 Anticipated Solution	Resolution
i.	<i>zone the future development block Existing Development 'ED' to limit the amount of floor area to what was assessed in the supporting studies;</i>	Draft Zoning By-law revised to zone future development block 'ED'.
ii.	<i>prohibit dwelling units in retirement and nursing homes to ensure occupancy would be in the form of assisted living units which would be accompanied by an institutional level of skilled care, supervision, personal care and support;</i>	Draft Zoning By-law revised to prohibit dwelling units in retirement and nursing homes.
iii.	<i>only permit ancillary retail uses, restrict major retail, and limit the leasable floor area of ancillary retail and the maximum floor area of an ancillary retail premises;</i>	Draft Zoning By-law revised to limit retail permissions to ancillary retail uses with limited floor area thereby not permitting major retail.
iv.	<i>scope the range of permitted uses to appropriate land uses within the context of the HOMUN and an employment area;</i>	Draft Zoning By-law revised to scope range of permitted uses to appropriate land uses within

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		the context of the HOMUN and an employment area (see table in Zoning section of report).
v.	<i>limit the maximum leasable floor area of the hotel, nursing home, and retirement home (secondary employment) to encourage the development of primary employment uses such as research and development and medical offices which are supportive of the employment function of the node;</i>	Draft Zoning By-law revised to limit the maximum leasable floor area of a hotel to 14,000 m <sup>2</sup> (150,700 ft <sup>2</sup> ) and nursing / retirement home to 9,300 m <sup>2</sup> (100,100 ft <sup>2</sup> ). This would permit the hotel and nursing / retirement home currently proposed by the applicant.
vi.	<i>modify minimum height and density proposed and adding other zoning performance standards consistent with other nodes in the town which would have the effect of not allowing two-storey development such as retail with surface parking;</i>	Draft Zoning By-law revised to require a minimum height of 6 storeys (22.0 m) and a minimum floor space index of 1.0 consistent with other growth areas.
vii.	<i>draft plan condition(s) requiring an update to the urban design brief to ensure an interesting and varied built form in conformity with the Livable by Design Manual;</i>	Draft plan condition requires owner to agree to implement the town-approved Urban Design Brief dated March 2019
viii.	<i>site-specific zoning standards that would restrict above-grade parking structures and limit surface parking, consistent with the plans presented to Council by the applicant;</i>	Draft Zoning By-law revised to restrict above-grade parking structures and limit surface parking coverage to 5% of lot area.
ix.	<i>detailed zoning regulations to provide appropriate building setbacks for an urban development which would provide a strong street edge, limits on the size of floor plates and minimum separation distance between towers which, amongst other matters, would allow for adequate natural lighting for future employees;</i>	Draft Zoning By-law revised to include additional zoning performance standards for proposed development. It is anticipated that the design of the proposed buildings will be further advanced through site plan control and the design will be required to appropriately implement the zoning standards including the maximum floor plate area of 2,500 m <sup>2</sup> .

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x.	<i>Addition of holding provisions, including a parking justification study, to the satisfaction of the town, which would have the effect of requiring additional parking unless a parking justification is provided which demonstrates that the existing minimum parking rate in North Oakville Zoning By-law 2009-189 is appropriate;</i>	Draft Zoning By-law revised to require additional parking for General Office; Information Processing; Research and Development, Trade and Convention Centre, Medical Office, Nursing Home and Retirement Home uses. In addition it is recommended that Council authorize submission of a minor variance application, within 2 years from the date By-law 2019-026 is enacted to allow for reduction of parking standards through a minor variance application if supported by a parking justification report.
xi.	<i>Add provision to the site-specific zoning by-law to provide that all lands subject to the special provision be treated as one for parking purposes to allow for shared parking within the development;</i>	Revision no longer required given revised parking layout.
xii.	<i>Addition of site-specific permissions and regulations to permit stacked parking spaces, excluding accessible parking spaces, in excess of the minimum parking requirements;</i>	Revision made to Zoning By-law to permit stacked parking in excess of minimum parking requirements (all required parking spaces would be conventional parking spaces).
xiii.	<i>Standard and site-specific draft plan conditions, and holding provisions, to address town, region, and other agency comments and requirements including design, construction, securities and monitoring of the proposed modifications to the Glen Oak Stormwater Management Pond, archeological matters and environmental site assessment;</i>	Draft plans conditions addressing these matters are appended to this report as 'Appendix C' and a two stage holding provision has been added to require an updated Transportation Impact Study amongst other matters detailed further in this report.
xiv.	<i>Updates to the Transportation Impact Study ('TIS') to address town and regional staff and peer review comments including a sensitivity analysis to analyze whether</i>	A two stage holding provision is recommended which will require an update TIS and will phase development such that

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	<i>additional trips resulting from a lower level of transit service until the Dundas Bus Rapid Transit is built could be accommodated on the road network and whether the owner would be required to fund any additional transportation system upgrades.</i>	it is coordinated with planned transportation infrastructure improvements.
--	--	--

In addition, changes were made to the site-specific zoning (addition of holding provision), and the draft plan condition based on staff's review of the updated transportation sensitivity analysis and the town-initiated peer review of the AM Ratio matters. A holding provision was also added to address outstanding comments from Navigation Canada regarding the flight path of the Oakville Trafalgar Memorial Hospital helipad. The foregoing changes are detailed in the next sections of this report.

No changes to the concept plan have been made. The nature of the proposed changes is related to appropriately regulate the proposed development and to address all remaining technical and policy conformity matters. Accordingly, staff are recommending that in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

#### Transportation Sensitivity Analysis

As part of the Update Report, staff undertook an independent analysis which compared the approach used by the applicant (ITE vehicle trips) with trips generated by the number of employees (Appendix F). Based on these results, it was found that, on average, the higher density of employment could result in approximately 21% more vehicle trips than projected by the Oakville Green TIS. Further, the update report identified that the conclusions of the TIS were reliant on the addition of seven (7) busses in the 2021 and 2026 horizon years, and three (3) more in the 2031 horizon year (total of ten (10)) whereas the funding for these transit improvements is not in place, and would require Council approval through the annual budget process. Should this level of transit not be realized staff have calculated that the Oakville Green TIS may be underestimating the number of vehicle trips by up to an additional 10% (cumulative total of 31%).

Given the size of the development, existing level of service on area roadways and that the proposed development would share an intersection with the Oakville Trafalgar Memorial Hospital, a transportation sensitivity analysis was requested to ensure that the area roadways would continue to operate at adequate levels of service after the development, as proposed is built, considering existing, approved levels of transit.

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Oakville Green submitted three (3) versions of the transportation analysis, each of which were non-compliant with the terms of reference provided by staff. Accordingly, to move this application forward, staff undertook an independent analysis of the capacity of the existing and planned transportation system to determine the amount of additional vehicle trips which could be added to the transportation network while maintaining acceptable levels of service in the vicinity of the Oakville Trafalgar Memorial Hospital.

Overall, with full build out of the planned transportation infrastructure, the planned transportation network can support the development, as proposed, with relatively minor upgrades (signal timing, addition of turning lanes at congested intersections, etc...). However, until William Halton Parkway is completed between Third Line and Neyagawa Boulevard the proposed development would have one full moves intersection which would be shared with the Oakville Trafalgar Memorial Hospital. In this interim scenario the movement of vehicles attempting to travel eastbound on Dundas Street would cause intersections to fail, and create unacceptable queuing lengths which would negatively impact the western access to the hospital.

Staff are of the opinion that it is necessary to phase a portion of the development until the transportation infrastructure is built to support it. Based on staff's review of the Oakville Green Sensitivity Analysis, as submitted, and the TIS, the surrounding transportation network can sustain an additional 1,000 total peak hour two-way site vehicle trips during this interim period until William Halton Parkway is constructed between Third Line and Neyagawa Boulevard (current estimate is 2022, however Regional allocation program required to fund construction).

As part of the zoning by-law amendment, holding provisions are recommended which would limit the amount of vehicle trips to 1,000 total peak hour two-way site vehicle trips until such time as William Halton Parkway is extended from Third Line to Neyagawa Boulevard. The holding provisions account for the higher employment density provided by Oakville Green and also accounts for a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas Bus Rapid Transit ('BRT') is constructed and operational. A two-stage holding provision is proposed for this purpose to require a study demonstrating compliance with the maximum trip count.

While it is noted that the Oakville Green TIS estimates that all four (4) buildings would be open by 2021, practically, the holding provision would result in the ability to build three (3) out of four (4) buildings within this timeframe. The remaining building would be delayed until the segment of William Halton Parkway is operational between Third Line and Neyagawa Boulevard (current estimate is 2022, however Regional allocation program required to fund construction). Using this approach,

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Oakville Green would have the ability to decide their preferred phasing of development.

### Scoped Financial Impact Study

The scoped Financial Impact Study ('FIS') provides that the proposed development will generate Development Charge ('DC') revenue, based on current rates, of \$11.29 million, \$0.88 million annual revenue from property taxes and a further \$2.18 million in one-time building permit revenue. The FIS concludes that the cost of transit related capital infrastructure requirements, triggered by the proposed development, would be more than covered by the aforementioned DC's and permit revenue.

Staff do not agree with this conclusion for the following reasons:

- i. The transit component of the non-residential DC's represents 2.82% of the total charge. Further, in accordance with in force Legislation, revenue received for a service component may not be utilized for another service component. Therefore, only \$317,399 of DC's generated by the subject development could be utilized towards transit services.
- ii. Building permit fees are collected in order to cover the administrative and investigative costs of issuing a permit and are not available to fund other services such as transit.
- iii. The FIS suggests that the development will trigger the need for the town to fund twelve (12) new buses by 2031 at an estimated capital cost of \$7.2 million and annual operating cost of \$2.07 million. The operating cost estimate differs significantly from staff estimates of \$4.4 million annually. It appears that the Oakville Green submissions exclude operating costs for the buses outside of peak hours which were considered not part of "Oakville Green demand".
- iv. Of the estimated \$7.2 million in capital costs for 12 new busses, triggered by the development, only 18% of the capital costs or \$1.3 million could be funded from DC's after deduction for benefit to existing development in accordance with the town's current DC Study and By-law;
- v. With respect to internal services e.g. roads, green space etc. the FIS states that they will be the responsibility of the developer and ultimate landowners of the properties and therefore would not present a financial impact on the town. However, the annual operating impact to the town of the new public road extending from the Hospital entrance along Third Line through the site to William Halton parkway has not been addressed in the analysis;

The proposed land exchange to accommodate the relocation of the Glen Oak Stormwater Management Pond and road alignment is not expected to financially impact the town.

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Considering the above comments, staff estimate that the resulting financial impact to the town would be \$5.9 million in capital costs and \$1.2 to \$2.1 million in annual operating costs in a scenario where all 12 new busses are purchased and operating (2031). These costs would likely need to be funded from reserves and tax levy.

However, by coordinating phasing of development with available transportation infrastructure through the proposed holding provision this is expected to mitigate the projected shortfalls in funding capital and operating impacts on the town triggered by the proposed development. More specifically, the holding provision accounts for a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas Bus Rapid Transit ('BRT') is constructed and operational. Under this interim period of relatively lower level of transit service, until the planned BRT is operational, the financial impact to the town could be significantly mitigated and possibly eliminated if no new busses are purchased. The decision to purchase new busses, and the resulting financial considerations, would rest with Council through the annual budget process where these matters could be considered on a more comprehensive basis.

#### Town-Initiated Peer Review of AM Radio Matters

Whiteoaks is the owner and operator of two AM radio stations at 1303 Dundas St. W. According to Whiteoaks, each station transmits 10,000 watts and shares the same set of six 57 m (186 ft.) tall radio telecommunication towers, but emit two separate 'DA-1 radiation patterns'. In response to the Oakville Green development application, Whiteoaks submitted comments to the town dated March 14<sup>th</sup>, 2019 and April 1<sup>st</sup>, 2019 together with a number of supporting correspondence, policy references and AM modeling reports.

The Whiteoaks submissions are outlined in more detail in the Update Report in 'Appendix A', however, their key concerns relate to:

- i. interference with the CJYE and CJMR signals;
- ii. public health and safety (during construction and post construction); and,
- iii. radio interference with construction equipment and consumer electronics.

In response to the Whiteoaks submissions, Oakville Green submitted the following documents to the town:

- i. Oakville Green Development – AM Ratio RF Energy Assessment dated May 8<sup>th</sup>, 2019 by Stantec;
- ii. Letter from EllisDon dated April 18, 2019 regarding Hospital construction; and,

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- iii. A Preliminary Review Report on “Two-way impacts relative to proposed Health Sciences and Technology District urban development on the radiation patterns of CJMR and CJYE and potential hazards during construction and its use once built” from Lawrence Behr Associates (LBA) Inc. by Pr. Nezhad-Ahmadi.

Innovation, Science and Economic Development Canada issues the licence to the radio operator, but unlike Navigation Canada’s approach to aeronautic matters, does not regulate or comment on development application in proximity to AM radio operations. In the absence of guidance from the regulating authority, staff sought Council authority to retain necessary expertise to conduct a peer review. In accordance with the Council resolution from the April 15<sup>th</sup>, 2019 Planning and Development Council Meeting, a town-initiated peer review was undertaken by an expert to peer review the AM Modeling Reports (submitted by Whiteoaks, Oakville Green and other landowners) and to provide a related assessment of planning for the surrounding area. The complete independent peer review is appended hereto as ‘Appendix E’. Assessment of considerations related to other developments within the area will form part of future phases of the peer review.

Overall, the peer review found that, with respect to the Oakville Green development, the health risk assessment provided by Whiteoaks in terms of electrical shocks, was found to be slightly pessimistic and capable of being addressed through appropriate mitigation measures. Further, the distortions to the pattern shapes were not found to be severe and in the opinion of the peer reviewer, could be improved with on-site adjustments.

With respect to the related Oakville Green submissions, the AM Ratio RF Energy Assessment, dated May 8<sup>th</sup>, 2019 by Stantec was found to lack basic knowledge in AM transmission operation. The peer review did not agree with its conclusions and findings. Further, the peer review noted that the Pr. Nezhad-Ahmadi review did not propose new findings or mitigation to the Whiteoaks report, but simply commented on the non-accuracy of the simulations without saying why. Finally, the EllisDon letter supports the usage of construction cranes near AM sites, based on their experience during the Oakville Hospital construction. Although, the peer review generally agreed that the risk of electrical shock will be much less than what is anticipated by Whiteoaks, it was found that this risk should nevertheless be properly addressed.

Based on the findings of the town-initiated peer review, a response to each of the concerns raised by Whiteoaks is summarized below together mitigation measures recommended for the Oakville Green development, as necessary.



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## **1. Public health and safety matters (during construction & post-construction) & Radio interference with construction equipment and consumer electronics:**

### **Findings:**

The maximum coordination zone for Safety Code 6 protection should not extend more than 19m from the site. Therefore, the proposed developments are well outside of any potential public health impact in terms of Safety Code 6. The only potential hazard identified is a risk of electrical shock from contact current on tall metallic structures such as cranes.

The proposed development will be located entirely outside of the Electromagnetic Compatibility Advisory Bulletins – 2 (“EMCAB-2”) zone. Therefore, no problems related to equipment and consumer electronics are expected. Although unlikely, the only problem that could arise would be the potential of electrical shocks coming from induced current received by long metallic structures (cranes, tower, elevator cables).

### **Proposed Mitigation:**

#### **i. During Construction**

No mitigation is required with respect to potential public health impact in terms of Safety Code 6.

As a condition of approval of the plan of subdivision, the owner will be required to prepare, and agree to implement, a construction mitigation plan prepared by a qualified engineer which identifies potential hazards of construction near AM transition sites (such as electrical shocks from induced and contact currents) and applicable safety standards (such as Safety Code 6). The Construction Mitigation Plan will be required to include a requirement that all workers be trained to be aware of necessary precautions.

This intent of this requirement is to maintain the public health and safety during construction of the proposed development.

#### **ii. Post Construction**

No mitigation is required with respect to potential public health impact in terms of Safety Code 6.

As a condition of approval, the following warning clause will be required to be provided in all offers of purchase and sale for all lots/units and in the Town's agreements, to be registered on title:

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*"Purchasers/tenants are advised that the property is in proximity to an AM transmission site and nuisance from interference with consumer electronics and potential shocks from metallic objects may occur."*

Innovation, Science and Economic Development Canada issues the licence to the radio operator, but does not impose restrictions on surrounding land use or building heights after the radio operations are established like Navigation Canada regarding flight paths. The CJMR and CJYE radio stations have been operating at 1303 Dundas St. W. since the 1980s. The intent of this warning clause is to make new purchasers / tenants aware of the proximity to the radio station operations and possible related nuisance.

## **2. Interference with CJYE and CJMR AM radio signals:**

### **Findings:**

The town-initiated peer review analysed the Method of Moment ('MOM') modeling provided by Whiteoaks and the related peer analysis from Oakville Green, and found that although some reradiation can occur during or after the construction of the proposed development, the resulting pattern distortion would not be severe and should be compensable during a re-tuning of the antenna array. The peer review report noted that it would be prudent for the CJYE and CJMR licensee to complete a Supplementary Proof of Performance (SPOP) to ensure proper tuning upon the completion of each development. Further, it was found that it is possible that the pattern may distort during the construction phases, but it will not be possible to complete a SPOP during all the different construction steps. However, the peer review report recommended that a database of test points be established prior to any work being done, so that these reception points can be verified during and after construction.

### **Proposed Mitigation:**

The North Oakville East Secondary Plan plans for the radio station to eventually cease operations and be replaced with urban development. Nevertheless, in light of the Whiteoaks submissions, staff have considered whether interim development might impose undue impacts that may warrant changes to the height, location or timing of development of this particular site in accordance with the policies of NOWSP. Based on the information provided through the peer review confirming that anticipated impacts are within a range that could be addressed through re-tuning, staff is satisfied that development of this particular site in accordance with the NOWSP policies can occur without undue impacts or hazards. Consideration of the

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planning implications of greater potential impacts is unnecessary in the context of this application.

In the absence of clear direction from the federal regulatory authority, precedent, or policy direction, staff does not propose to assign responsibility for possible mitigation measures to either the developer or the radio station as a condition of this approval. Instead, Oakville Green is encouraged to engage in discussions with Whiteoaks to identify potential mitigation measures that may ensure that the design and construction of any buildings to limit potential impacts on the radio signal or pattern. The Owner is further encouraged to establish a set of test points to test from time to time to evaluate possible degradation of the radio signal or pattern resulting from construction of the building(s). It is noted that through site plan control, the possibility of on-site mitigation measures will be evaluated and may be required, if appropriate.

#### Navigation Canada

The design of the Oakville-Trafalgar Memorial Hospital includes a helipad located along the Dundas Street West frontage which is regulated by Canadian Aviation Regulations. While staff has confirmed that the subject lands are located outside of the flightpath for the helipad shown on the approved site plan for the Hospital, the subject development application was circulated to Navigation Canada to confirm that the operation of the Hospital's helipad will not be negatively impacted.

Staff have followed up with Navigation Canada a number of times, and were advised that comments would not be available to be considered at the June 10<sup>th</sup> Planning and Development Council Meeting. Accordingly, staff are recommending that a holding provision be added which would provide that clearance from Navigation Canada is required before the holding provision for the site can be removed.

While this is not expected to be an issue since the flightpath is not in the direction of the proposed development, Navigation Canada maintains the authority to issue such a clearance.

#### Town Council Resolution

The analysis of the matters of interest identified by the resolution adopted by Council at the February 11<sup>th</sup>, 2019 Statutory Public Meeting were analyzed in the Update Report (Appendix A) where the following resolution was adopted by Council:

1. *That Council endorse the direction contained in the report from the Planning Services department dated April 5th, 2019 entitled Update Report, Oakville*

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2. *That consideration of the application be deferred pending completion of:*
  - a. *a town-initiated peer review of the information submitted by Whiteoaks Communications Group Limited, including the identification of related matters to be addressed in planning for the surrounding area;*
  - b. *sensitivity analysis, to be requested of the applicant, regarding employment projections and limited interim transit capacity; and,*
  - c. *scoped financial impact analysis, to be requested of the applicant, to address transit capital and operating needs as well as employment density concerns identifying the financial impact on the town and mitigation measures.*
3. *That up to \$75,000 plus HST be approved, funded 90% from development charges and 10% from capital reserve, to retain a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area.*

The town-initiated peer review of the information submitted by Whiteoaks, review of the transportation sensitivity analysis and the review of the scoped financial impact study are complete and outlined in this report.

### Public Comments

A Public Information Meeting ('PIM') was held on November 6<sup>th</sup>, 2018, and was attended by two (2) members of the public. The principal concerns raised at the PIM are detailed in the meeting minutes in Update Report (Appendix A) and the questions were answered at the meeting. Aside from the Whiteoaks comments, which were reviewed by the town's peer review and addressed in this staff report, no other comments from the public have been received as of the date of this report.

### **CONCLUSION**

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed. Staff has concluded that the proposed zoning by-law amendment and plan of subdivision, as revised, conforms to the NOWSP, does not conflict with all applicable Provincial plans and conforms to the Region of Halton Official Plan. Further, the proposed development represents good planning and approval is in the public interest. More specifically, staff recommends approval of the proposed zoning by-law amendment

From: Planning Services Department

Date: June 5, 2019

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026**

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and draft plan of subdivision, as revised, as the following requirements have been satisfied:

- The proposed development would be supportive of the primary employment function of the HOMUN, and the proposed sensitive land uses would be appropriately separated from other planned employment uses to prevent adverse impact / impact on viability of larger employment area.
- The proposed development is located within a strategic growth area, would be transit-supportive, and supportive of the town's urban structure.
- The proposed development would assist in achieving healthy, liveable and safe communities objectives of the PPS and is consistent with the policies of the PPS.
- The proposed development would provide an important contribution to achieving broader complete community objectives and would conform with the policies of the Growth Plan.
- Site design matters will continue to be advanced through the required site plan approval application.
- The owner is required to enter into a development agreement with the Town where further technical considerations such as reconfiguration of the Glen Oak Stormwater Management Pond, site servicing, design of public roadways, and other matters and addressed.
- Comments from the public, including concerns raised by Whiteoaks, have been appropriately addressed.
- A holding provision is required which will coordinate the phasing of development with the construction of planned transportation improvements.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;

## IMPLEMENTATION

Should the zoning by-law amendment and draft plan of subdivision, as revised, be approved by Council, further planning approvals will be required to implement the development.

First, in order to subdivide the land and service for development, the Owner will be required to satisfy the draft plan conditions, and enter into an agreement of purchase and sale to facilitate exchanging land with the town to modify the Glen Oak Stormwater Management Pond. This will also include entering into a subdivision agreement with the town and Halton Region. As part of this process, the public road (Street A) would be built, services would be extended to the site, and the Glen Oak Stormwater Management Pond would be modified / reconstructed.

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Secondly, it is anticipated that the applicant will concurrently advance the detailed design of the proposed development. Doing so would facilitate submission of a required site plan control application where the design and related site design matters will be further advanced. It is anticipated that the matters related to the holding provision will be reviewed concurrently with the site plan application, and upon submission of a holding removal application, a staff report will be brought forward to Council for consideration regarding the lifting of the holding provision.

In absence of any parking justification for the minimum parking standard, the site-specific by-law proposes a higher minimum parking standard. The owner may elect to submit a parking justification study as part of the site plan application, once the design of the development has advanced, and then seek to reduce the minimum parking standard through a minor variance application. The foregoing application would be required to demonstrate how the four (4) tests have been met and would be considered by the Committee of Adjustment. As part of this report, staff are recommending that Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a minor variance application may be permitted, within 2 years from the date By-law 2019-026 is enacted.

Through detailed design of the development, the Owner may also elect to pursue an underground connection of the parking garages beneath 'Street A'. The detailed design of this connection could be reviewed in more detail as part of the site plan application, and it is anticipated that approval would require a subsequent staff report to Council, for consideration, which would detail the ownership, maintenance, liability, engineering and other considerations of this connection.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

A Public Information Meeting was held on November 6<sup>th</sup>, 2018 and a Public Meeting was held on February 11<sup>th</sup>, 2019. All comments from the public have been responded to in this report.

In an effort to bring this staff report to Council expeditiously, notice of this meeting was distributed twelve (12) days before the meeting whereas the public notice guidelines adopted by Council through the *Public Engagement Procedure* recommend the notice be distributed for a minimum of fourteen (14) days. However, the statutory notice requirements of the *Planning Act* have been satisfied, and to expedite distribution of the notice staff also provided notice to stakeholders that expressed an interest in this application directly by email.

From: Planning Services Department

Date: June 5, 2019

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Oakville Green Development Inc., Part of Lot 25, Concession 1, NDS, File No. Z.1325.07, 24T-18006/1325- By-law 2019-026

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**(B) FINANCIAL**

The Transportation Sensitivity Analysis and Transit Cost Estimates provided by the applicant suggests that the development will trigger the need for the town to fund 12 new buses by 2031 at an estimated capital cost of \$7.2 million and annual operating cost of \$2.07 million. The operating cost estimate differs significantly from staff estimates of \$4.4 million annually. This difference will be reviewed further but it appears that the sensitivity analysis excluded operating costs for the buses outside of peak hours which were considered not part of "Oakville Green demand". The resulting net impact to the town triggered by the proposed development is \$5.9 million in capital costs and \$1.2 to \$2.1 million in annual operating costs to be funded from reserves and tax levy.

However, by coordinating phasing of development with available transportation infrastructure through the proposed holding provision this is expected to mitigate the projected shortfalls in funding capital and operating impacts on the town triggered by the proposed development. More specifically, the holding provision accounts for a scenario where a lower level of transit service (total of 7% modal split) is provided until the planned Dundas Bus Rapid Transit ('BRT') is constructed and operational. Under this interim period of relatively lower level of transit service, until the planned BRT is operational, the financial impact to the town could be significantly mitigated and possibly eliminated if no new busses are purchased. The decision to purchase new busses, and the resulting financial considerations, would rest with Council through the annual budget process where these matters could be considered on a more comprehensive basis.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review and their comments have been included as conditions of approval, the zoning by-law amendment, as revised and/or reflected in the refinement of plan of subdivision design.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- enhance our economic environment
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposal generally complies with the sustainability goals and objectives of the NOWSP.

From: Planning Services Department

Date: June 5, 2019

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## CONCLUSION

Staff recommend approval of the Zoning By-law amendment and the draft plan of subdivision application as the proposal represents good planning and is in the public interest.

## APPENDICES:

Appendix A – Update Report and Appendices dated April 5<sup>th</sup>, 2019

Appendix B – Growth Plan for the Greater Golden Horseshoe Extracts (2019)

Appendix C – Draft Plan of Subdivision Conditions

Appendix D – Subdivision Agreement Conditions

Appendix E – AM Modeling Peer Review Report and Related Assessment of Planning for Surrounding Area

Prepared by:

Paul Barrette, MCIP, RPP

Senior Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager

Current Planning – West District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services



## Appendix D

### Provincial Policy Statement (2020)

Section 1.1 of the PPS provides policies on managing and directing land use to achieve efficient and resilient development and land use patterns which includes:

#### *1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure<sup>1</sup> 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;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

Section 1.1.3 of the PPS provides policies for settlement areas.<sup>2</sup> Policy 1.1.3.1 provides that settlement areas shall be the focus of growth and development. Other applicable policies within this section include:

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<sup>1</sup> **Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities. (PPS, 2020)

<sup>2</sup> **Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built-up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the longterm planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated. (PPS, 2020)

*1.1.3.2 Land use patterns within settlement areas shall be 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;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

*1.1.3.3 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 planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

*1.1.3.6 New development taking place 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.*

*1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:*

- a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and*
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.*

Section 1.2 of the PPS provides policies regarding coordination, which includes the following policies:

*1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a) managing and/or promoting growth and development that is integrated with infrastructure planning;*
- b) economic development strategies;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;*
- f) natural and human-made hazards;*
- g) population, housing and employment projections, based on regional market areas; and*
- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.*

*1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.*

*1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:*

- a) identify and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect provincial plans where these exist and informed by provincial guidelines;*
- b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;*
- c) identify targets for intensification and redevelopment within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of settlement areas is permitted in accordance with policy 1.1.3.8;*
- d) where major transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors and stations, including minimum targets that should be met before expansion of the boundaries of settlement areas is permitted in accordance with policy 1.1.3.8; and*
- e) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.*

### **1.3 Employment**

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and,*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

### **1.3.2 Employment Areas**

*1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

*1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area. Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.*

*1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas*

Section 1.5 of the PPS provides policies on public spaces, recreation, parks, trails and open space. Policy 1.5.1 specifically states that healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities,*

- parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*
- c) providing opportunities for public access to shorelines; and*
  - d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

Section 1.6 of the PPS provides policies on infrastructure and public service facilities which includes the following applicable policies:

*1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:*

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

*1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.*

*1.6.3 Before consideration is given to developing new infrastructure and public service facilities:*

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

*1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.*

*1.6.6.7 Planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and,*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

Section 1.6.7 of the PPS provides policies on transportation systems which includes the following applicable policies:

*1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*

*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

*1.6.7.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.*

*1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

Section 1.6.8 of the PPS provides policies on transportation and infrastructure corridors. Policy 1.6.8.1 specifically requires planning authorities to plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

Section 1.7 of the PPS provides policies on long-term economic prosperity. Policy 1.7.1 provides that long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- 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;*
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) promoting the redevelopment of brownfield sites;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) providing opportunities for sustainable tourism development;*
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing*

- opportunities to support local food, and maintaining and improving the agrifood network;*
- j) promoting energy conservation and providing opportunities for increased energy supply;*
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and*
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.*

Lastly, Section 1.8 of the PPS provides policies on energy conservation, air quality and climate change. Policy 1.8.1 requires planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
- g) maximize vegetation within settlement areas, where feasible.*

## Growth Plan for the Greater Golden Horseshoe (2019)

Guiding principles of the Growth Plan include (policy 1.2.1):

- *Support 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.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*

- *Improve 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.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

Policy 2.2 of the Growth Plan provides policies regarding where and how to grow. The subject lands are located in a ‘settlement area’ and are within a strategic growth area, where growth is to be focused. Policy 2.2.1.4 provides that applying the policies of this Plan will support the achievement of complete communities that (2.2.1.4):

- 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;*
- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
  - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. *public service facilities, co-located and integrated in community hubs;*
  - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) *integrate green infrastructure and appropriate low impact development.*

## **2.2.5 Employment**

1. *Economic development and competitiveness in the GGH will be promoted by:*

- a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) *planning to better connect areas with high employment densities to transit; and*
- d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*



*2. Major office and appropriate major institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service.*

*3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*

*4. In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

*7. Municipalities will plan for all employment areas within settlement areas by:*

- a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;*
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and*
- c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.*

*8. The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.*

*13. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will establish minimum density targets for all employment areas within settlement areas that:*

- a) are measured in jobs per hectare;*
- b) reflect the current and anticipated type and scale of employment that characterizes the employment area to which the target applies;*
- c) reflects opportunities for the intensification of employment areas on sites that support active transportation and are served by existing or planned transit; and*
- d) will be implemented through official plan policies and designations and zoning by-laws.*

*17. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, are encouraged to undertake a co-ordinated approach to planning for large areas with high concentrations of employment that cross municipal boundaries and are major trip generators, on matters such as transportation demand management and economic development. If necessary, the Minister may identify certain areas that meet these criteria and provide direction for a co-ordinated approach to planning.*

Section 3.2 of the Growth Plan provides policies for infrastructure to support growth. This includes policy 3.2.1 (1) which specifically provides that infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.

Section 3.2.2 of the Growth Plan provides policies on transportation. Policy 3.2.2(1) provides that transportation system planning, land use planning, and transportation investment will be co-ordinated to implement this Plan. Further, policy 3.2.3 (1) provides that public transit will be the first priority for transportation infrastructure planning and major transportation investments.

Section 3.2.7 of the Growth Plan provides policies on stormwater management. Policy 3.2.7(2) states that proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) is informed by a subwatershed plan or equivalent;*
- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and*
- d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.*

## **North Oakville West Secondary Plan**

### **8.2.3 GENERAL DEVELOPMENT OBJECTIVES**

The following general development objectives will guide the future urban development of the Planning Area.

#### **8.2.3.1 Environment and Open Space**

- a) To establish as a first priority of the Town, a natural heritage and open space system, within the context of an urban setting, the majority of which is in public ownership.
- b) To create a sustainable natural heritage and open space system which provides a balance between active and passive recreational needs and links to the existing open space system within the Town.
- c) To identify, protect and preserve natural heritage features within the natural heritage component of the natural heritage and open space system and ensure that their use respects their functional role as natural areas within the ecosystem.
- d) To incorporate measures intended to achieve the goals of environmental protection and enhancement including energy conservation, greenhouse gas reduction, and increased utilization of public transit.
- e) To preserve and protect ESA's, ANSI's, provincially significant wetlands and significant woodlands which form the core of the natural heritage component of the natural heritage and open space system, together with required buffers and adjacent lands intended to

protect the function of those features and ensure the long term sustainability of the natural heritage component of the system within the urban context.

#### **8.2.3.2 Employment**

- a) To create employment districts which provide for a range of employment opportunities with access to major freeways, arterial road and transit systems.
- b) To reflect the strategic land use objectives as set out within the Halton Urban Structure Plan (April, 1994) especially regarding high quality, prestigious employment type uses along the Provincial Freeways.
- c) To create employment districts which complement and integrate the existing built form elements that are intended to remain within the community, and incorporate the best community planning and urban design practices available while integrating the area's natural heritage component of the natural heritage and open space system.
- d) To minimize travel time, traffic, greenhouse gases, servicing costs and energy costs through a variety of mechanisms, and particularly by providing an efficient land use arrangement with a mix of employment uses and tenures in close relationship to residential areas.
- e) To plan for and promote higher order employment densities at appropriate locations that maximize employment opportunities, particularly in areas where higher order/frequent transit service is planned.

#### **8.2.3.3 Urban Design**

- a) To provide integrated community design that coordinates land use, the natural heritage and open space system, the street network and built form to reinforce the community vision.
- b) To integrate important views and vistas of the natural heritage and open space system within community design.
- c) To create an urban fabric characterized by a connected street system that is responsive to the natural heritage and open space system and existing land uses.
- d) To promote building design variety that promotes an active, safe pedestrian realm within the streetscape.
- e) To design street sections that promote a sense of scale and provide for pedestrian comfort.
- f) To promote building forms that address the street and minimize the impact of garages and service areas on the streetscape.
- g) To create retail and service commercial development that has a strong relationship to streetscapes and major pedestrian ways.
- h) To integrate community and institutional uses at landmark locations.
- i) To create high quality employment areas which are easily accessed by trucks and other vehicular traffic, as well as transit, bicycles and pedestrians.

#### **8.2.3.3 Transportation**

- a) To create a system of roads and transportation corridors which promotes the safe, efficient circulation of traffic, including transit and non-vehicular traffic.
- b) To establish an efficient and linked, safe pedestrian movement system (cycleways and walkways) along with an appropriate distribution of land uses so that employees do not need to rely on the automobile to meet the recreational, shopping and commuter needs of daily life.
- c) To establish a transportation system that complements and supports the existing and future urban structure and land use pattern.

- d) To promote transit opportunities through community design, including a “transit first” policy to ensure that development including the phasing of development, proceeds in a manner which will be supportive of the early provision of transit services.
- e) To explore all modes of transportation including the use of HOV lanes, express bus lanes and transit rights-of-way on the existing and future road network in Oakville, as well as other innovative approaches to transit.
- f) To promote both local and higher order transit opportunities through land use arrangements, building orientation and streetscape design.

#### **8.2.3.5 Servicing**

- a) To provide for water and wastewater services, together with storm drainage works, reflecting the requirements of the various levels of government and minimizing their impact on the natural environment.
- b) To ensure that the development industry absorbs

#### **8.2.3.6 Cultural Heritage**

- a) To encourage, where appropriate and feasible, the incorporation of cultural heritage resources, including their adaptive reuse, as part of the development of North Oakville West.

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-071

A by-law to amend the Town of Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 25, Concession 1, NDS (Oakville Green Development Inc., File No. Z.1325.08)

**COUNCIL ENACTS AS FOLLOWS:**

1. Map 12(3) of By-law 2009-189, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by deleting Subsection 8.57.4 l) and replacing it as follows:

l)	Maximum total <i>leasable floor area</i> for a <i>nursing home</i> and <i>retirement home</i>	23,226 sq.m.
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3. Part 16, Holding Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 9.3.56 as follows:

<b>H56</b>	<b>Oakville Green Development Inc.</b>	Parent Zone: LE
Map 12(3)	(Part of Lot 25, Concession 1, NDS)	(2022-071)
<b>16.3.56.1 Only Permitted Uses Prior to Removal of the "H"</b>		
Until such time as the "H- 56" Holding Provision is lifted, and subject to the removal of H-37, the lands may be used for any use permitted by the LE, Light Employment, Special Provision 57 zone except a <i>retirement home</i> or <i>nursing home</i> .		
<b>16.3.56.2 Zone Regulations Prior to Removal of the "H"</b>		
For such time as the "H" symbol is in place, the regulations of the LE, Light Employment, Special Provision 57 zone shall apply.		
<b>16.3.56.3 Conditions for Removal of the "H"</b>		
The "H" symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the <u>Planning Act</u> . The following conditions shall first be completed to the satisfaction of the Town of Oakville:		

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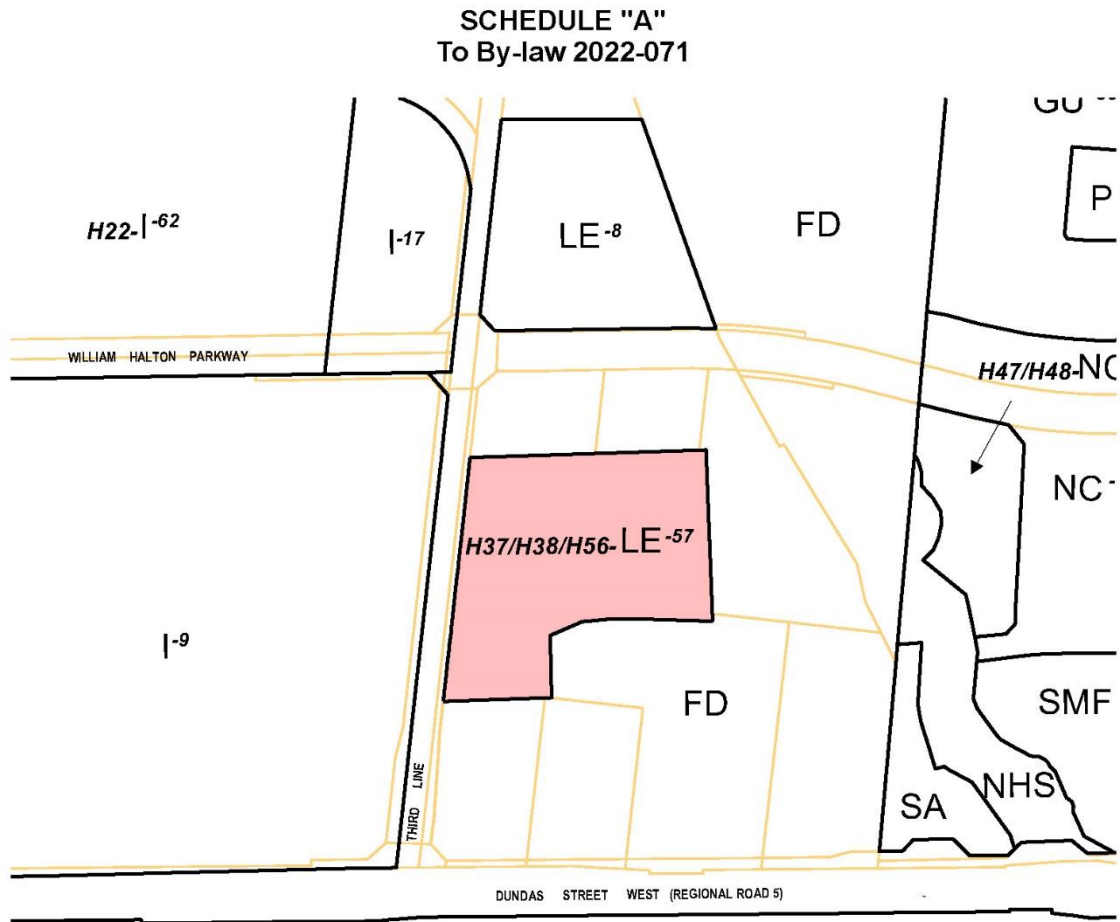
a)	The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program to the satisfaction of Halton Region.
b)	The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements to the satisfaction of Halton Region.
c)	The Owner shall have made all required payments associated with the Allocation Program to the satisfaction of Halton Region.
d)	The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice letter to the satisfaction of Halton Region.

4. This By-law comes into force in accordance with Sections 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.


PASSED this 27<sup>th</sup> day of June, 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



### AMENDMENT TO BY-LAW 2009-189

 Rezoned from Light Employment  
(H37/H38-LE sp: 57 )  
to Light Employment (H37/H38/H56-LE sp: 57 )

EXCERPT FROM MAP  
12 (3)



SCALE: 1:5,000

## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Consideration of Objection to Notice of Intention to Designate –  
G.S. Wood House at 2487 Old Bronte Road - By-law 2022-060

**LOCATION:** 2487 Old Bronte Road

**WARD:** Ward 4

Page 1

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#### RECOMMENDATION:

1. That Town Council not withdraw its Notice of Intention to designate the G.S. Wood House at 2487 Old Bronte Road under Section 29, Part IV of the *Ontario Heritage Act* despite the Notice of Objection received from the property owner; and,
2. That By-law 2022-060 to designate the G.S. Wood House at 2487 Old Bronte Road as a property of cultural heritage value or interest, attached as Appendix "B", be passed.

#### KEY FACTS:

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

- Town Council resolved to issue a notice of intention to designate the G.S. Wood House at 2487 Old Bronte Road under Part IV of the *Ontario Heritage Act* at the March 7, 2022 Planning and Development meeting.
- An objection to the notice of intention to designate was received by the Town Clerk on behalf of the property owner within the required timeframe as set out in the *Ontario Heritage Act*.
- Staff have reviewed the reasons for objection provided, and despite the objection, remain of the opinion that the property meets the criteria for determining cultural value or interest and continues to merit heritage designation.



- It is recommended that Town Council not withdraw its Notice of Intention to Designate and pass the attached by-law to designate the property under Section 29, Part IV of the *Ontario Heritage Act*.

### **BACKGROUND:**

Town Council approved a staff recommendation to issue a Notice of Intention to Designate the G.S. Wood House at 2487 Old Bronte Road at the March 7, 2022 Planning and Development Council meeting (Item 9.1- Heritage Item 4.3). This staff recommendation was previously approved on February 22, 2022 by the Heritage Oakville Advisory Committee (Heritage Oakville).

The reasons for objection to the proposed designation contained in the Notice of Objection received by the Town and under consideration in this report were also previously presented on behalf of the property owner at the February 22, 2022 Heritage Oakville meeting.

The subject property at 2487 Old Bronte Road in Palermo contains a two-and-a-half storey vernacular Edwardian brick dwelling that is associated with the family of G.S. Wood, owners of the former general store in Palermo Village, and also associated with the historical development of Palermo Village.

As the basis for the recommendation to issue the Notice of Intention to Designate, staff completed a historical research report on the subject property and determined that it met the criteria for determining cultural heritage value or interest prescribed in Ontario Regulation 9/06 (O.Reg 9/06), and therefore warranted designation under Section 29, Part IV of the *Ontario Heritage Act*. The property's heritage value and reasons for designation were described in a Statement of Cultural Heritage Value or Interest (SCHVI) that was included as part of the issued Notice of Intention To Designate.

A Notice of Objection outlining the reasons for objection to the proposed designation was served on the Town Clerk on April 14, 2022 on behalf of the property owner. The Objection was received within thirty days after the date of publication of the Notice of Intention to Designate as required by the *Ontario Heritage Act*. The Notice of Objection is included as Appendix "A" to this report.

Recent amendments to the *Ontario Heritage Act* updated the process for objecting to a proposed designation. In June 2019, *Bill 108, More Homes, More Choice Act, 2019* received Royal Assent and came into force on July 1, 2021. Schedule 11 to this Act introduced changes to the *Ontario Heritage Act* which included the requirement for any Objection to a Notice of Intention to Designate to be considered by Council for a decision as to whether or not to withdraw the Notice of Intention to Designate.

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**OPTIONS:**

According to Section 29 of the *Ontario Heritage Act*, the options for Town Council to consider in response to the Notice of Objection are to either withdraw the Notice of Intention to Designate or to not withdraw the Notice of Intention and pass the by-law designating the property.

Should Town Council elect to withdraw the Notice of Intention to Designate, it would be withdrawn by serving a Notice of Withdrawal on the property owner, any person who objected and the Ontario Heritage Trust and also by publishing the Notice of Withdrawal in the local newspaper.

Should Town Council decide to not withdraw the Notice of Intention to Designate, a Designation By-law may be passed to designate the property. Any person who objects to the by-law would then have the option to make an appeal to the Ontario Land Tribunal within thirty days of publication of the Notice of Passage of Designation By-law.

The time period for Council to make a decision on a Notice of Objection is within 90 days after the end of the 30 day objection period to the Notice of Intention to Designate. In this case, Town Council has until July 17, 2022 to make a decision on this Notice of Objection and also to pass a Designation By-law, if it chooses to proceed with designation.

**COMMENTS:**

The reasons for objection outlined in the Notice of Objection provided for the property are that the owner disputes the significance of the property's design/physical, historical/associative and contextual value as expressed in the property's SCHVI that was adopted by Town Council. The specific objections under each criteria are noted and addressed below. The SCHVI is attached as "Schedule B" to the proposed Designation By-law that is attached as Appendix "B" to this staff report.

In regards to the design/physical value of the property, the reasons for objection stated "that the Edwardian architectural influences referenced in the proposed designation statement are neither rare nor significant and as such the criteria in O.Reg 9/06 is not met."

Staff note that the design/physical value criteria in O.Reg 9/06 includes the sub-criteria that evaluates whether the property "is a rare, unique, representative or early example of a style, type, expression, material or construction method." To meet this criteria, a property does not necessarily have to be rare. Additionally, 'significance' is not specifically considered as part of the design/physical value criteria. Staff agree that the property is not rare, unique or early. The property is considered to be a

representative (serving as a portrayal or symbol) example of the Edwardian residential architecture style and therefore meets the design/physical value criteria.

In terms of the historical/associative value criteria, the reason for objection notes “that there is no evidence that this property was functionally associated with the former General Store or with the history of the Village of Palermo” and also notes that “there is no evidence that Mr. George Stanley Wood was in any way a notable member of the community.”

The historical/associative value criteria in O.Reg 9/06 includes the sub-criteria that evaluates whether the property “has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.” Staff note that the criteria does not require a ‘functional association’ to be satisfied.

It is staff’s opinion that the property has a direct association with a person that is significant to the community of Palermo in George Stanley Wood, who owned the subject property when it was built between 1926 and 1932. Along with his wife Fanny Ethel, the Woods were the proprietors of the former general store and post office during the early to mid-20<sup>th</sup> century.

Staff research of Palermo has led to the understanding that there were only two general stores and a single post office in Palermo at the time. Given this limited number of outlets, it is likely that G.S. Wood’s service-oriented profession as a merchant and postmaster would have made him notable in the community and depended upon by members of the village for their daily needs. By virtue of his essential role to the subsistence of village life, staff contend that G.S. Wood supported the ongoing development of Palermo as a functional settlement during the early-to-mid 20<sup>th</sup> century.

While the activity of the general store and its significance to the community may be secondary to the subject property, the general store had been demolished in the latter half of the 20<sup>th</sup> century. Few surviving properties in Palermo have been identified that are as closely associated and serve as a reminder to the history of the general store as the subject home.

In regards to the contextual value of the property, the reason for objection is that the owner disputes the evaluation in the SCHVI that the house is visually and physically linked to its surroundings.

While many of Palermo’s historic buildings have been lost resulting in a diminishment of the historical context, there remains a cluster of historical buildings in the immediate context on Old Bronte Road and Dundas Street West that together are formative in imparting the visual and physical cues of Palermo’s historic settlement on the existing character of the area. The other remaining historic

buildings have a shared association with the subject property through their contribution to Palermo's development as a 19<sup>th</sup> and 20<sup>th</sup> century village settlement. The historic buildings also consist of architectural styles and single-detached building forms that are materially and visually distinctive from the area's contemporary buildings built in the late 20<sup>th</sup> and early 21<sup>st</sup> century.

**CONCLUSION:**

Staff have re-examined the reasons for designation outlined in the SCHVI in light of the specific reasons of objection provided in the Notice of Objection and remain of the opinion, that despite these reasons of objection, the subject property's heritage value meets the three principal criteria prescribed in O.Reg 9/06 and is appropriately represented in the SCHVI. Therefore, the subject property continues to merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Should Town Council decide not to withdraw its Notice of Intention to Designate the G.S. Wood House at 2487 Old Bronte Road, staff recommend that the Designation By-law attached as Appendix "B" to this report be passed. According to section 29(11) of the *Ontario Heritage Act*, any person who objects to the by-law may appeal to the Ontario Land Tribunal within thirty days of publication of the Notice of Passage of the Designation By-law.

**CONSIDERATIONS:**

**(A) PUBLIC**

If the Designation By-law is passed, then Notice of the Passage of the Designation By-law will be issued for the property and notice will be given in accordance with section 29, Part IV of the *Ontario Heritage Act*.

**(B) FINANCIAL**

None

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Legal Department will be consulted on the designation as necessary.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goals to:

- enhance our cultural environment
- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon

footprints. The retention and conservation of the G.S. Wood House would contribute to the town's initiatives to reduce carbon footprints.

**APPENDICES:**

Appendix A – Notice of Objection

Appendix B – Designation By-law 2022-060

Prepared by:

Susan Schappert, CAHP, MCIP, RPP  
Heritage Planner

Recommended by:

Lesley E. Gill Woods, MCIP, RPP  
Acting Manager, Policy Planning and Heritage

Submitted by:

Gabe Charles, MCIP, RPP  
Director, Planning Services



April 14, 2022

Ms. Vicki Tytaneck  
Clerk, Town of Oakville

Dear Ms. Tytaneck:

**Re: Notice of Intention to Designate G. S. Wood house, 2487 Old Bronte Rd.**

On March 7, 2022 Oakville Town Council resolved to pass Notice of Intention to Designate 2487 Old Bronte Rd. My client, Mr. Angelo Serafini, objects to this Intention for the following reasons:

-regarding the design and physical value of the building, we submit that the Edwardian architectural influences referenced in the proposed designation statement are neither rare nor significant and as such the criteria in Ontario Regulation 9/06 is not met.

-regarding the historical and associative value of the building, we submit that there is no evidence that this property was functionally associated with the former General Store or with the history of the Village of Palermo as is suggested in the proposed designation statement, and there is no evidence that Mr. George Stanley Wood was in any way a notable member of the community as is suggested in the proposed designation statement, and as such the criteria in Ontario Regulation 9/06 is not met.

-regarding the contextual value of the building, we submit that the statement that the house is "visually and physically linked to it's surroundings" is not demonstrated in the proposed designation statement, and as such the criteria in Ontario Regulation 9/06 is not met.

**Mr. Serafini requests that Council reconsider this motion and withdraw the Notice of Intention to Designate 2487 Old Bronte Rd.**

Regards,

A handwritten signature in dark ink, appearing to read 'Rick Mateljan', with a horizontal line underneath.

Rick Mateljan Lic. Tech. OAA

## APPENDIX B

### THE CORPORATION OF THE TOWN OF OAKVILLE

#### BY-LAW NUMBER 2022-060

A by-law to designate the G.S. Wood house at 2487 Old Bronte Road as a property of cultural heritage value or interest.

**WHEREAS** pursuant to Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, the council of a municipality is authorized to enact by-laws to designate a real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

**WHEREAS** the property described in Schedule A to this By-law (“the Property”) contains the cultural heritage resource known as the G.S. Wood house;

**WHEREAS** the Council of the Corporation of the Town of Oakville, by resolution passed on March 7, 2022, caused to be served on the owner of the lands and premises at 2487 Old Bronte Road, Oakville, ON and upon the Ontario Heritage Trust, Notice of Intention to designate the G.S. Wood House at 2487 Old Bronte Road as a property of cultural heritage value or interest; and further, caused the Notice of Intention to Designate to be published in the Oakville Beaver, being a newspaper of general circulation in the municipality;

**WHEREAS** a Notice of Objection to the Notice of Intention to Designate was served on the Town Clerk on behalf of the owner of the Property within the timeline set out in the *Ontario Heritage Act*;

**WHEREAS** the Town Council considered the Notice of Objection and made the decision not to withdraw the Notice of Intention to Designate within the timeline set out in the *Ontario Heritage Act* and pass this Designation By-Law for the property concerned; and

**WHEREAS** the Town Council has described the Property, set out the Statement of Cultural Heritage Value or Interest for the Property, and described the Heritage Attributes of the Property in Schedule “B” to this By-law, which forms part of this By-law;

**COUNCIL ENACTS AS FOLLOWS:**

1. That the real property legally described in Schedule “A” to this By-law, is hereby designated to be of cultural heritage value or interest under Section 29 of the *Ontario Heritage Act*.
2. That the attached Schedules form part of the By-law.
3. And that the Town Solicitor be authorized to cause a copy of this by-law to be registered against the property described in Schedule “A” at the Land Registry Office.

PASSED this 27th day of June, 2022

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MAYOR

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CLERK



SCHEDULE "A" TO  
BY-LAW 2022-060

In the Town of Oakville in the Regional Municipality of Halton, property description as follows:

G.S. Wood House  
2487 Old Bronte Road, Oakville  
PT LT 30, CON 1 TRAF SDS, PT 1 20R6419 & PT 1 20R7258; OAKVILLE

PIN: 25071-0133

SCHEDULE "B" TO  
BY-LAW 2022-060

STATEMENT OF SIGNIFICANCE

Description of Property

The G.S. Wood property at 2487 Old Bronte Road is located on the east side of Old Bronte Road, south of Dundas Street West and north of Pine Glen Road in the Town of Oakville. The property contains a two and a half storey brick home with a cubic shape, a hip roof with hipped dormer and a simple, front entrance porch accentuating an off-centered front entrance. The house was constructed in between 1926 and 1932.

Statement of Cultural Heritage Value or Interest

*Design and Physical Value*

The home has design and physical value as a representative example of a vernacular Edwardian dwelling. The modest Edwardian style is demonstrated in the simple but formal combination of its exterior building features including its brick construction, cubic shape, hipped roof with centre dormer, narrow segmentally arched windows topped with flat brick arches and the offset front entrance accentuated by a small rectangular front porch with brick piers and squared half columns. The home's cubic shape and overall form also share characteristics of the American Foursquare type of home. The home is relatively unadorned by classical elements which is indicative of a shift in design trends towards the more modern, less historical compositions of the late Edwardian period in which the home was built.

*Historical and Associative Value*

The property has historical and associative value as the home of George Stanley and Fannie Ethel Wood who were the proprietors of the general store that was located at the northeast corner of Dundas Street West and Bronte Road (now Old Bronte Road) from approximately 1920 to 1945. The corner general store was one of two general stores in the village of Palermo, which is the oldest settlement in present day Oakville. The Woods ran the general store at the peak of Palermo's development in the early 20<sup>th</sup> century. The store played an important commercial and public function serving the needs of the local population as it included the village's post office with George Stanley Wood being the postmaster. Additionally, the store had a public telephone and a telephone switchboard that was operated by Fannie Ethel Wood.

### *Contextual Value*

The property at 2487 Old Bronte Road supports and maintains the character of the area as a historic settlement that developed and evolved in the 19<sup>th</sup> to mid-20<sup>th</sup> century through the home's location both on its original parcel and in proximity to neighbouring historic properties of Palermo, and also through its early 20<sup>th</sup> century vernacular Edwardian architectural style. The property is also historically, visually and physically linked to its surroundings. While the area has been urbanized, there remains a cluster of historical dwellings in the immediate area along Old Bronte Road that are associated with the development of Palermo. Together these dwellings with their late 19<sup>th</sup> and early 20<sup>th</sup> century architectural styles, continue to characterize the area as a historic settlement and are a reminder of the historical role that Palermo Village played as a transportation hub and in the development of agriculture in Trafalgar Township. Furthermore, the dwelling has a historic link to the commercial history of Palermo as it was home to the Wood family that ran the general store that was formerly located close-by at the corner of Dundas Street West and Old Bronte Road.

### Description of Heritage Attributes

Key attributes of the house at 2487 Old Bronte Road that exemplify its value as a representative example of a vernacular Edwardian dwelling associated with the development of Palermo, include the following:

- Form of the two and a half storey house;
- Hipped roof with hipped front central dormer (not including window);
- Brick exterior cladding;
- Fenestration pattern on the front façade including the cut stone sills and brick flat arches; and,
- Front entrance porch, including its square wood half columns with brick bases, hip roof and entrance location.

## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, Lower Fourth Development Limited and Pendent Developments Ltd, Part Lots 17- 19, Con 1 NDS, File No.: Z.1317.05, 24T-19004/1317, By-law 2022-059

**LOCATION:** East of Neyagawa Boulevard, south of Burnhamthorpe Road West

**WARD:** Ward 7 Page 1

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#### RECOMMENDATION:

1. That the Zoning By-law Amendment and Draft Plan of Subdivision application submitted by Lower Fourth Development Limited and Pendent Developments Ltd., (File No.: Z.1317.05, 24T-19004/1317), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022;
2. That By-law 2022-059, an amendment to Zoning By-law 2009-189, be passed;
3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-19004/1317) submitted by Korsiak Urban Planning dated May 9, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated June 14, 2022;
4. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those

comments have been appropriately addressed; and

5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

## **KEY FACTS:**

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

- This report recommends approval of a Zoning By-law Amendment and Draft Plan of Subdivision application submitted by Lower Fourth Development Limited and Pendent Developments Ltd.
- The proposal reflects the development of approximately 42 hectares of land for 385 dwellings, a school block, two natural heritage system block, a park block and the public road network.
- Access to the site shall be from the extensions of Carding Mill Trail, Preserve Drive and Marvin Avenue.
- Preserve Drive has been removed from the draft plan previously reviewed by Council, but was included in the Argo West Morrison and Digram draft plans of subdivision approved by Council on May 16, 2022.
- A Zoning By-law Amendment prepared by town staff for approval has been attached as Appendix “C”.
- Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as Appendix “D” to this report.
- The subject lands are designated Neighbourhood Area and Natural Heritage System Area within the North Oakville East Secondary Plan (Figure NOE2) and zoned Future Development (FD) within Zoning By-law 2009-189.

Staff recommend approval of the Zoning By-law Amendment and Draft Plan of Subdivision application as the proposed development conforms to North Oakville East Secondary Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans and the Region of Halton Official Plan. The Plans establish applicable policies to guide development including the conveyance and protection of the natural heritage system in accordance with the Town’s established urban structure and aids in the achievement of complete communities.

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## **BACKGROUND:**

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Zoning By-law Amendment and draft plan of subdivision application.

The application was received on September 6, 2019 and deemed complete on October 24, 2019. The application is beyond the appeal period timeframe, being January 4, 2020.

The statutory public meeting was hosted by Council on March 9, 2020.

## **Proposal**

The application relates to the redevelopment of approximately 42 hectares of land as follows:

- 385 dwellings (364 detached dwellings and 21 freehold townhouses);
- a school block (Block 379);
- two Natural Heritage System blocks (Blocks 373 and 374);
- a park block (Block 370); and,
- the public road network.

Access shall be from the south via the extensions of Carding Mill Trail, Preserve Drive and Marvin Avenue from the east.

The applicant's revised Zoning By-law Amendment proposes to rezone the property from Future Development (FD) to site specific Neighbourhood Centre (NC), General Urban (GU), Sub-Urban (S), Natural Heritage System (NHS), Park (P), Institutional (I) and Open Space zones with additional regulations.

The revised draft plan excerpt, Figure 1 below and contained within Appendix A2, illustrates the proposed development for the site.

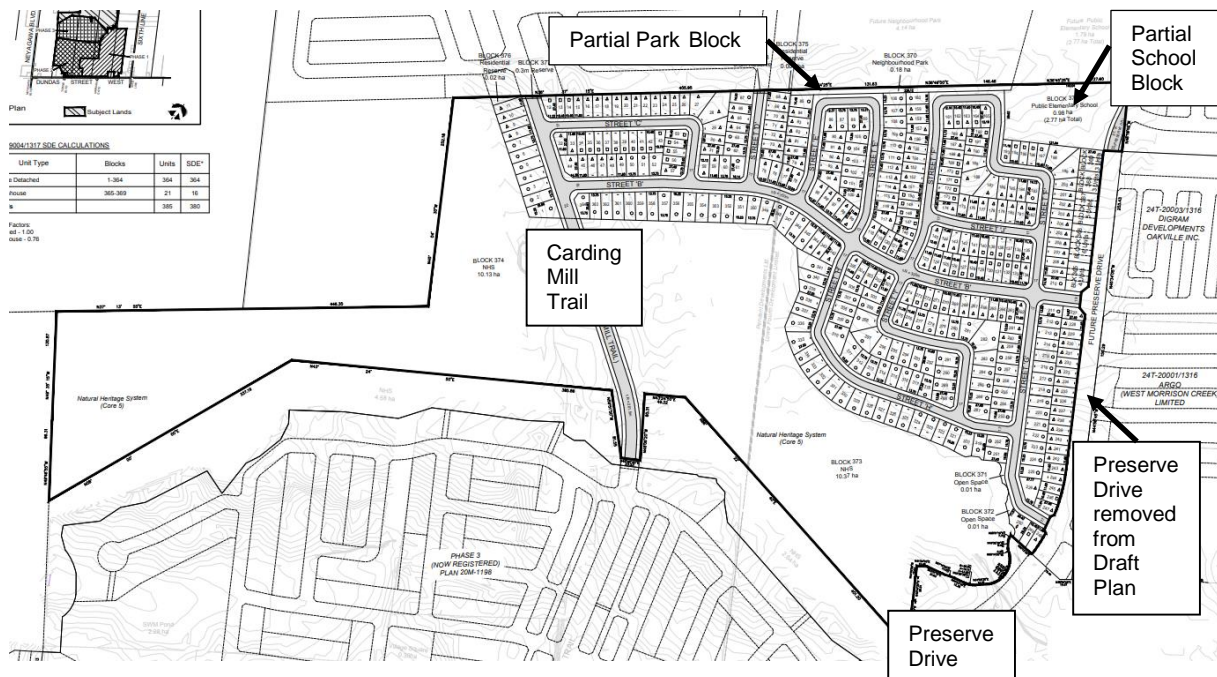


Figure 1 – Proposed Draft Plan Excerpt NTS

The revised draft plan of subdivision proposes to create lots and blocks containing a range of land uses as described below.

Draft Plan Feature	Number of Units	Area (ha)
Single Detached (20.11 m)	1	0.05
Single Detached (15.25 m)	40	1.99
Single Detached (13.75 m)	95	3.99
Single Detached (11.60 m)	166	5.84
Single Detached (10.40 m)	62	1.82
Townhouses	21	0.47
Neighbourhood Park		0.18
Open Space		0.02
NHS		20.50
Residential Reserve		0.03
0.3m reserves		0.00
Elementary School	Partial block	0.98
17 m ROW		3.90
19 m ROW		1.23
22 m ROW		1.00
<b>TOTAL</b>	<b>385</b>	<b>42.10</b>

The NHS area, as shown on the draft plan, comprises 49% of the total area of the draft plan and would substantially complete Core 5, as envisioned by the North Oakville Creeks Subwatershed Study and the North Oakville East Secondary Plan.

The housing types proposed are outlined in the table below:

<b>Proposed Unit Type</b>	<b>Total</b>
Detached Dwellings	364
Townhouses	21
<b>TOTAL</b>	<b>385</b>

Application submission material can also be found on the town's website site at <https://www.oakville.ca/business/da-34370.html>

### **Location/Site Description/Surrounding Land Uses (Figure 2)**

The subject land, being approximately 42 hectares in size, is located east of Neyagawa Boulevard, west of Sixth Line and midway between Dundas Street West and Burnhamthorpe Road West.

The southerly portion of the site is part of Core 5 (NHS), as identified in the North Oakville Creeks Subwatershed Study. The site is contained within both the Upper West Morrison Creek and Shannons Creek subwatersheds. The surrounding lands consist of vacant agricultural land.

Further to the south are residential lands, known as the Preserve Phase 3 lands, which are presently being developed.



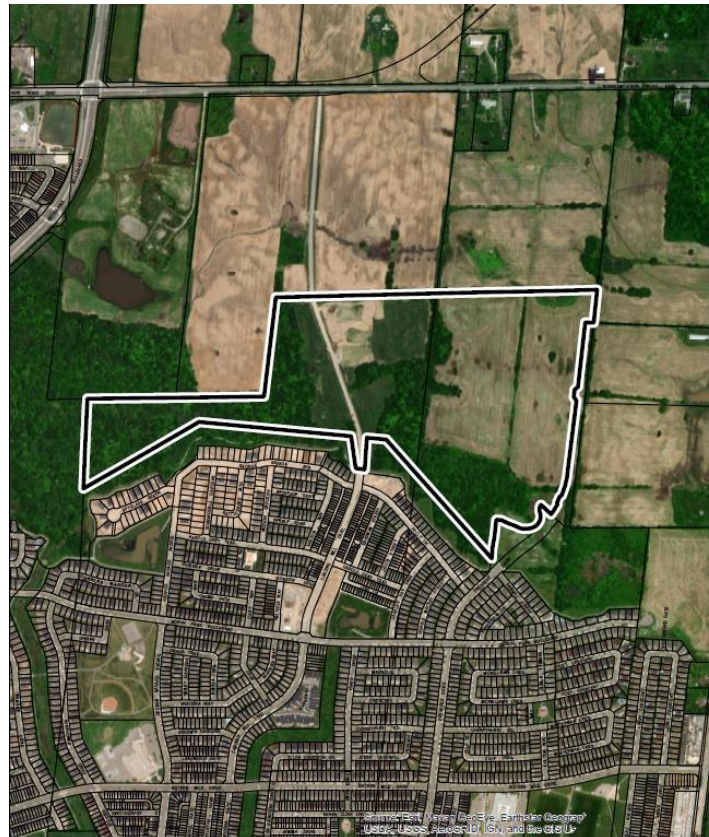


Figure 2: Air Photo NTS

## **PLANNING POLICY & ANALYSIS**

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

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended.

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) (PPS), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas, and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and 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.

On this basis, the proposed development is consistent with the PPS (2020).

### **Growth Plan (2019)**

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

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

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

On this basis, the proposed development is consistent with the Growth Plan.

### **Halton Region Official Plan**

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

The proposed development is subject to the 2020 Regional Servicing Allocation program.

Halton Region advised Town staff that they have no objection to the proposal subject to recommended conditions of draft plan approval and a holding provision. A copy of the Region's May 19, 2022 letter can be found in Appendix A.

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## North Oakville East Secondary Plan

### Urban Structure

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site as *Residential Areas* and *Natural Heritage System*. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town's existing urban structure. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

### Land Use Policies

The North Oakville East Secondary Plan provides a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and approximately the Sixteen Mile Creek valley in the west. The North Oakville Plans are not part of the Livable Oakville Plan but endure as amendments to the town's 2006 Official Plan.

The development of the North Oakville community is premised on a sustainable, design-first philosophy which promotes the protection of the natural environment, mixed use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272 and was prepared to be consistent with the 2005 PPS and in conformity with the 2006 Growth Plan.

The subject land is designated *Neighbourhood Area*, *Natural Heritage System Area* with an elementary school overlay as illustrated on Figure 3a below.

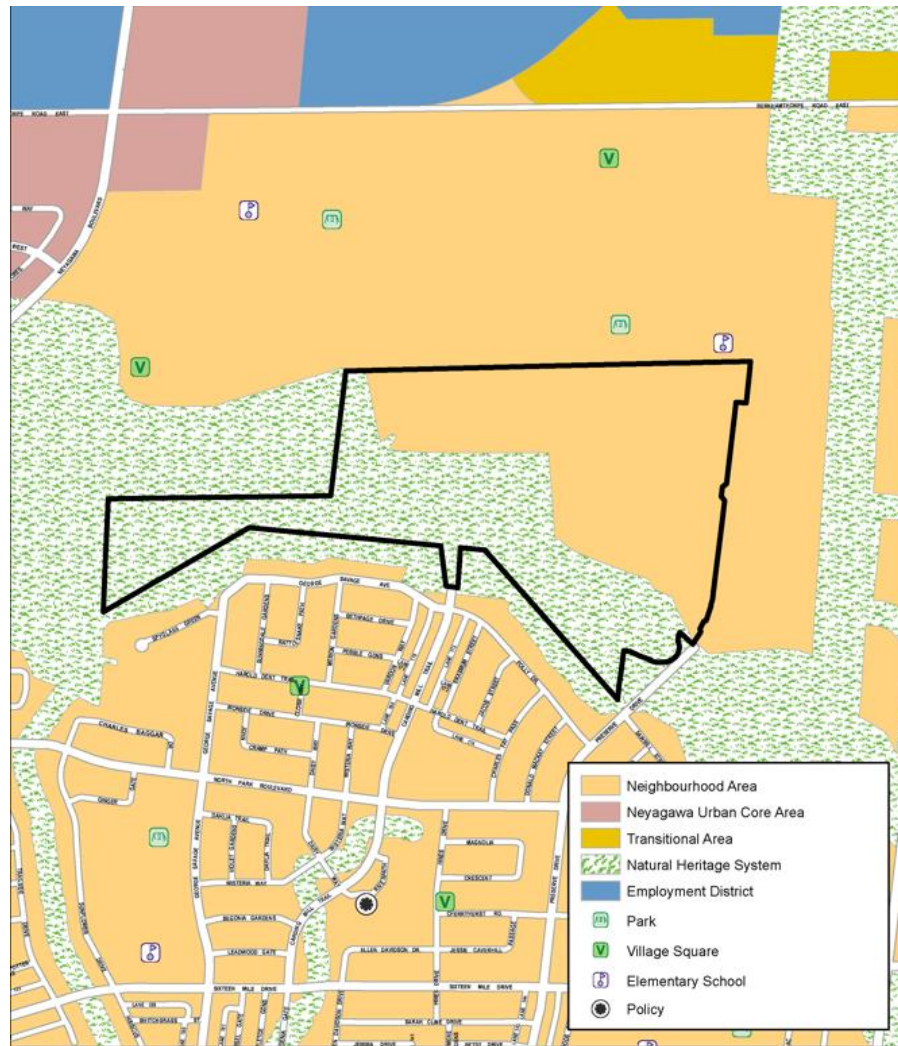


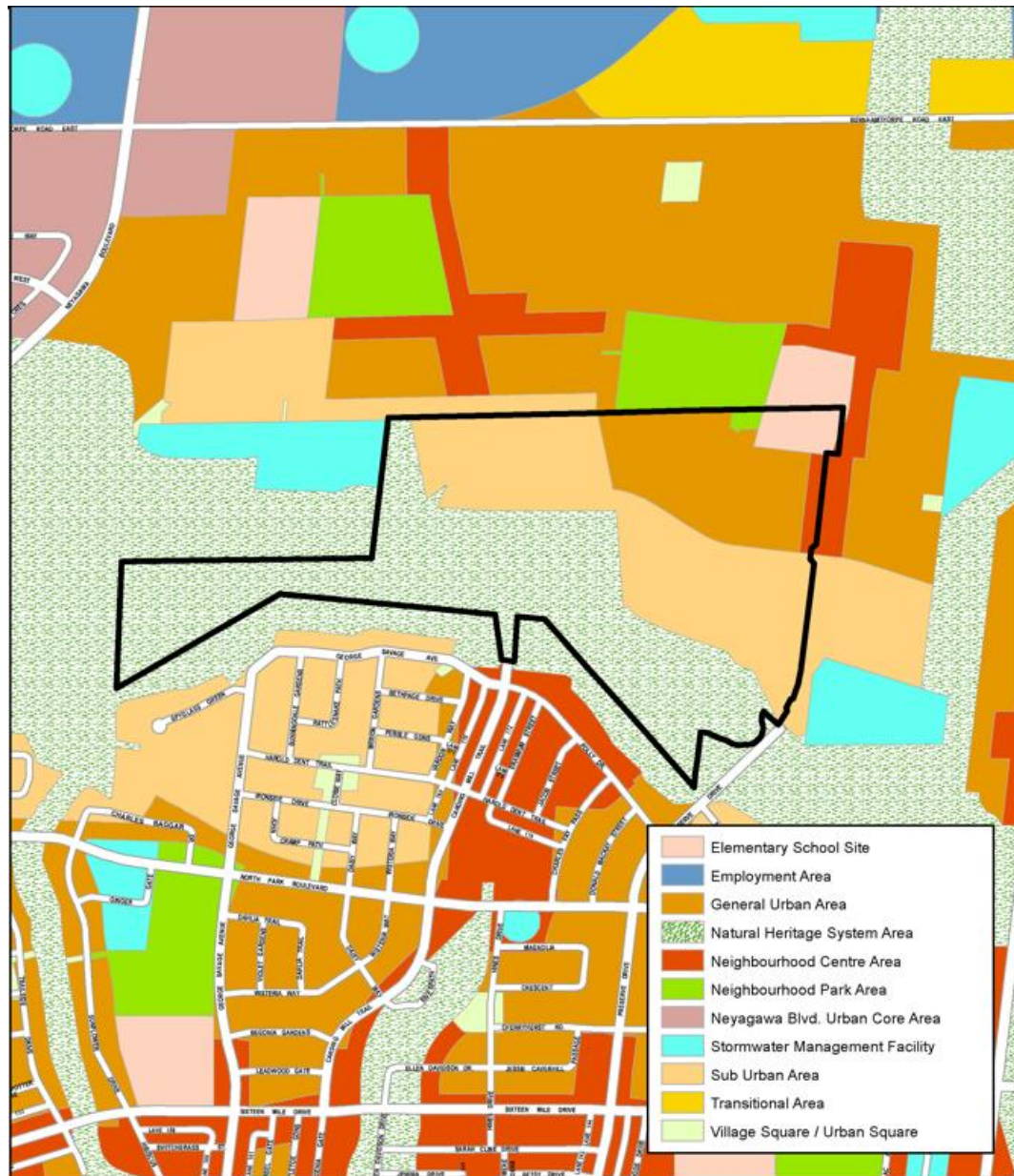
Figure 3a – North Oakville East Secondary Plan - Figure NOE2

The subject property is located within Neighbourhoods 10 and 11 (Phase 2 lands) as outlined with Section 7.9.2 d) ii), and as shown on Figure NOE1, Community Structure to the NOESP.

## Appendix 7.3 - Master Plan

The North Oakville Master Plan, Appendix 7.3 of the NOESP illustrates the conceptual design and land use categories for the North Oakville East planning area. Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan may be considered, assuming the general intent and direction of the Master Plan is maintained.





Within the North Oakville Master Plan (Figure 3b, excerpt above), the lands are further identified as *Natural Heritage System Area*, *General Urban Area*, *Sub Urban Area*, *Neighbourhood Centre Area*, *Elementary School Site* and *Neighbourhood Park*.

### OPA 321

In September 2018, Halton Region approved OPA 321, which was subsequently approved at the LPAT in July 2019, with modifications. The effect of OPA 321 was to

implement policy directions focused on areas of concern identified through the North Oakville Secondary Plans Review.

Prior to OPA 321, the Neighbourhood Centre Areas were predominately being developed for only residential uses. The vision within the NOESP was to provide for a mix of small-scale retail and service commercial uses within the neighbourhoods. This was not being achieved. OPA 321 revised the policies and Section 7.6.7.1 reinforced the vision to accommodate a range of medium density residential, mixed use, and limited commercial and civic uses to serve neighbourhood residents from a central neighbourhood activity node. An additional policy was included as part of OPA 321 that requires at least one mixed use or non-residential building at the intersection of each activity node.

Additionally, the definition of Medium Density Residential Development was revised to remove detached, semi-detached and duplex dwelling and added apartments as permitted building types.

### **Zoning By-law (By-law 2009-189)**

The North Oakville Zoning By-law (By-law 2009-189) sets zoning standards, through the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law on November 23, 2009.

The subject lands are zoned *Future Development (FD)* as illustrated on Figure 4 below. The *Future Development (FD)* zone only allows uses that legally existed on the date of the parent by-law came into effect.

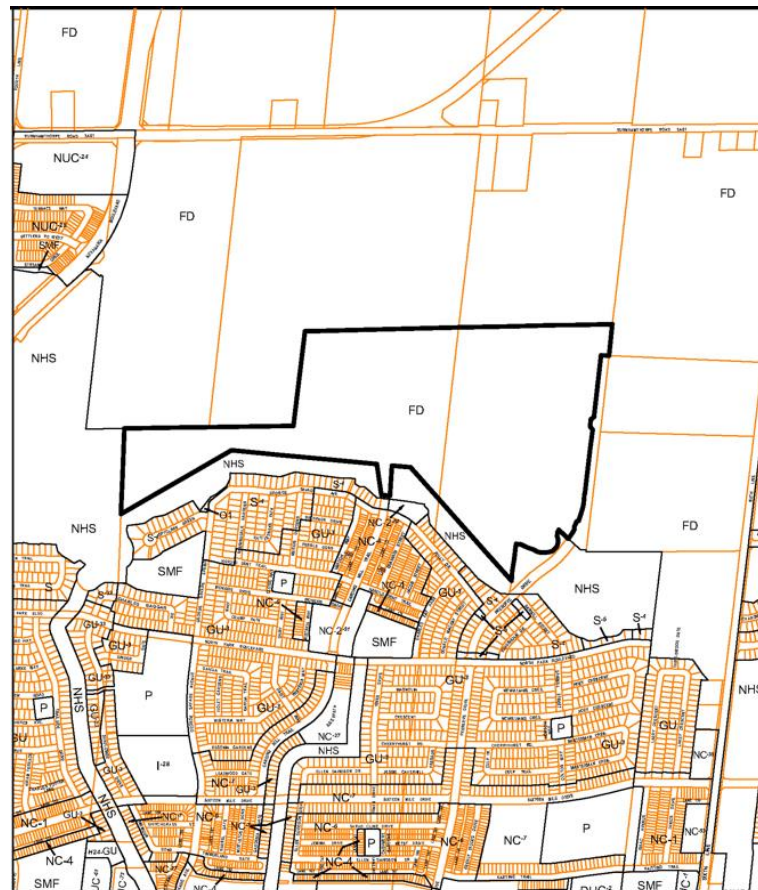


Figure 4 – Zoning By-law Excerpt

The applicant's proposed Zoning By-law Amendment was previously reviewed with Council at the March 9, 2020 Statutory Public Meeting.

### **Proposed Zoning By-law Amendment**

Staff have prepared a proposed Zoning By-law (By-law 2022-059) to rezone the lands from *Future Development (FD)* to site specific Neighbourhood Centre (NC), Sub-Urban (S), General Urban (GU), Park (P), Institutional (I) and Natural Heritage System (NHS).

In addition to the map change reflecting the parent zones, staff's Zoning By-law Amendment proposes to:

Amend the width regulation for encroachments for bay, box and bow windows from 3 to 4 metres in Section 4.21 and the percentage and vertical plan definition for porches in Section 4.27.

These are dwelling design related elements acceptable to staff.

Amend the 7 metre rear yard setback regulation for the detached dwellings in the Sub-Urban zone abutting the NHS only to 6 metre.

This only relates to a number of lots abutting the NHS. Staff consider this acceptable as appropriate separation distances between dwellings are maintained by the NHS.

Introduce regulations for the partial school block.

This school has Ministry funding. At the present time, there is no design for this school site. An architect is being retained to prepare detailed design plans. The school is targeted for opening for the 2025 - 2026 school year and requires approximately 18 - 24 months for construction. It should be noted that the zoning only applies to the Mattamy portion of the required school site. The remaining portion of the site is on the Docasa draft plan to the north. It is staff's intent to bring the Docasa draft plan to Council at the earliest opportunity. In the meantime, the zoning for the school site has been drafted reflecting this present situation. Any changes resulting from the further design of the school and review of the Docasa zoning will be addressed in the zoning by-law amendment for the Docasa site.

HDSB staff have advised that the zoning for the school site should consider the ongoing design discussions for the school site in Ward 6 (Oakville Elementary School #3). These details are as follows:

- 39 Classrooms;
- 18 portables (max); and,
- A daycare with an approximate size of 700 m<sup>2</sup> to accommodate 88 pupils.

Staff's proposed modifications to the existing zoning regulations for the school site are summarized below:

- Removal of the maximum front yard and flankage yard setbacks to allow for main wall variations abutting a public street.
- Elimination of the minimum height of the school given the grade differences across the site;
- Increased height to 18 metres to allow for a three-storey elementary school;
- Introduce a landscape buffer strip of 4.5 metres abutting the park and southerly residential area. This would allow for appropriate landscaping between the abutting uses.
- Section 1.7 (iii) shall not apply. It will provide flexibility to allow the school board to commence construction of the school concurrently with the construction of the required off site stormwater management pond, road works and municipal services;



- Section 4.13.1 shall not apply. This is included within the by-law in the unlikely event the school commences construction prior to the registration of the larger subdivision.

### School Parking

The parking regulations for public elementary schools and day care centres are as follows:

#### Elementary School Public

- 1 parking space per classroom minimum;
  - 2 parking spaces per classroom maximum.
- A portable is considered a classroom.

#### Day Care Centre

- 1 parking space per 40 m<sup>2</sup> of leasable floor area minimum;
- 1 parking space per 30 m<sup>2</sup> of leasable floor area maximum;
- 1 queued parking space per every five pupil capacity maximum.

The proposed zoning by-law has increased the maximum parking spaces per classroom consistent with the high school rate (3 parking spaces/classroom). This school will be designed to provide more physical parking spaces on site, thereby reducing the need for off-site parking passes.

The day care centre will be approximately 700 m<sup>2</sup> in size and accommodate a maximum of 88 children. As such, 18-23 parking spaces and 18 queued parking spaces are required (36 - 41 total parking spaces). Based upon recent observations, HDSB staff have advised that parents accessing the day care facility will park and walk their child into the building, thereby undermining the purpose of a queuing area. The proposed by-law includes a blended rate for a day care centre of 1 parking space per 18m<sup>2</sup> for a minimum number of 39 physical parking spaces. These spaces will be included in the proposed parking area(s).

#### Proposed Holding Provision (entire subdivision)

At the request of Halton Region, existing Holding Provision (#55) is being introduced for the entire site related to regional servicing. These services will be brought to the site through the Argo and Digram subdivisions. This is the same holding provision as previously reviewed by Council for the Digram, Argo and Timsin subdivisions approved on May 16, 2022.

The proposed Zoning By-law Amendment can be found in Appendix C.

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## **Revised Draft Plan of Subdivision**

Preserve Drive was previously shown on the Mattamy Lower Fourth Development and Pendent Developments Ltd. (Preserve North Phase 4) draft plan reviewed by Council at the March 9, 2020 Statutory Public Meeting. However, due to construction coordination matters related to the development of the Digram, Argo and Mattamy subdivisions, principally related to servicing and the Argo stormwater management pond, Mattamy's draft plan has been revised to remove Preserve Drive. Preserve Drive is now shown on the Argo and Digram draft plans of subdivision approved by Council at the May 16, 2022 Planning and Development/Council meeting.

Argo and Digram will be constructing Preserve Drive from Sawmill Street, south of Core 5 (NHS) within the Mattamy Preserve Phase 3 lands, through Core 5. The road location is already established and is reflected on the Mattamy draft plan of subdivision. Mattamy will be required to extend Carding Mill Trail through Core 5 to the northerly limits of their property. A condition of draft approval has been included to reflect this latter matter.

The proposed draft plan is in general accordance with the NOESP, has been coordinated with the adjacent subdivisions and can be appropriately implemented by the recommended conditions of Draft Plan Approval and corresponding implementing Zoning By-law Amendment.

## **TECHNICAL & PUBLIC COMMENTS**

### **Resolution of Issues**

#### Confirmation of being a member of the North Oakville East Developers Group and party to the Cost Sharing Agreement

The landowner has been confirmed as a member in good standing with the North Oakville East Development Group. A condition has also been included within the draft plan conditions to ensure that prior to registration the landowner is still a member in good standing with the landowners group.

#### Consistency with the Provincial Policy Statement, 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe, Region of Halton Official Plan, North Oakville East Secondary Plan.

The proposed development is an extension of the draft approved plans to the south and east and reflecting the uses contemplated by the NOESP. It is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan, and the NOESP.

Does the EIR/FSS appropriately implement the North Oakville Creek Subwatershed Study, and has the Natural Heritage System limits for Core 5 been adequately defined?

Both Conservation Halton and Town staff have reviewed the West Morrison Creek EIR/FSS together with the Shannons Creek EIR/FSS. The EIR/FSSs were deemed acceptable as related to the subject property and is consistent with the North Oakville Creeks Subwatershed Study.

Urban design - built form, lot sizes, transitions and compatibility with adjacent properties, interface with public realms and vehicular access.

The applicant has submitted an Urban Design Brief that complies with the Livable by Design Manual. Conditions of draft plan approval are included that requires the applicant to submit elevation drawings (all façades), typical floor plans (all levels) including garage floor plans showing vehicle spaces and storage areas and typical lotting plans for all models on lots not subject to Site Plan Approval for review by the Planning Services Urban Design staff prior to marketing or selling on any units. The applicant is also required to select a control architect who shall ensure all development that is exempt from the Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief.

Vehicular access to this subdivision will be from Carding Mill Trail to the south, Preserve Drive to the east and the future extension of Marvin Avenue.

Exploration of mechanisms to obtain the additional lands to the north to create a complete school block and potential re-alignment of proposed blocks.

Staff have drafted the zoning by-law amendment in advance of the remaining school lands to the north on the Docasa lands. As mentioned, staff will bring the Docasa Zoning By-law Amendment and Draft Plan of Subdivision to Council at the earliest opportunity. Any changes to the zoning resulting from the HDSB design exercise will be captured in the Docasa zoning reflective of the entire school site.

Justification for the proposed modifications to the parent zoning by-law ensuring the proposed zoning by-law amendment appropriately implements the vision of the North Oakville East Secondary Plan.

Staff consider that the proposed modifications to the zoning maintain the vision of the NOESP.

### Appropriate residential and on-street parking

Parking will be provided in accordance with the North Oakville Zoning By-Law requirements for various residential units.

The location and number of on-street parking stalls for the subdivision is subject to minor changes and will need to be refined as part of the detailed engineering submission once curb locations, utilities, and fire hydrants have been established. Below is Figure 5a that will assist the future engineering process on establishing on-street parking.

Units will have either 2 or 4 parking spaces per dwelling (garage and driveway). Garages will also provide for storage as seen in Figure 5b below.

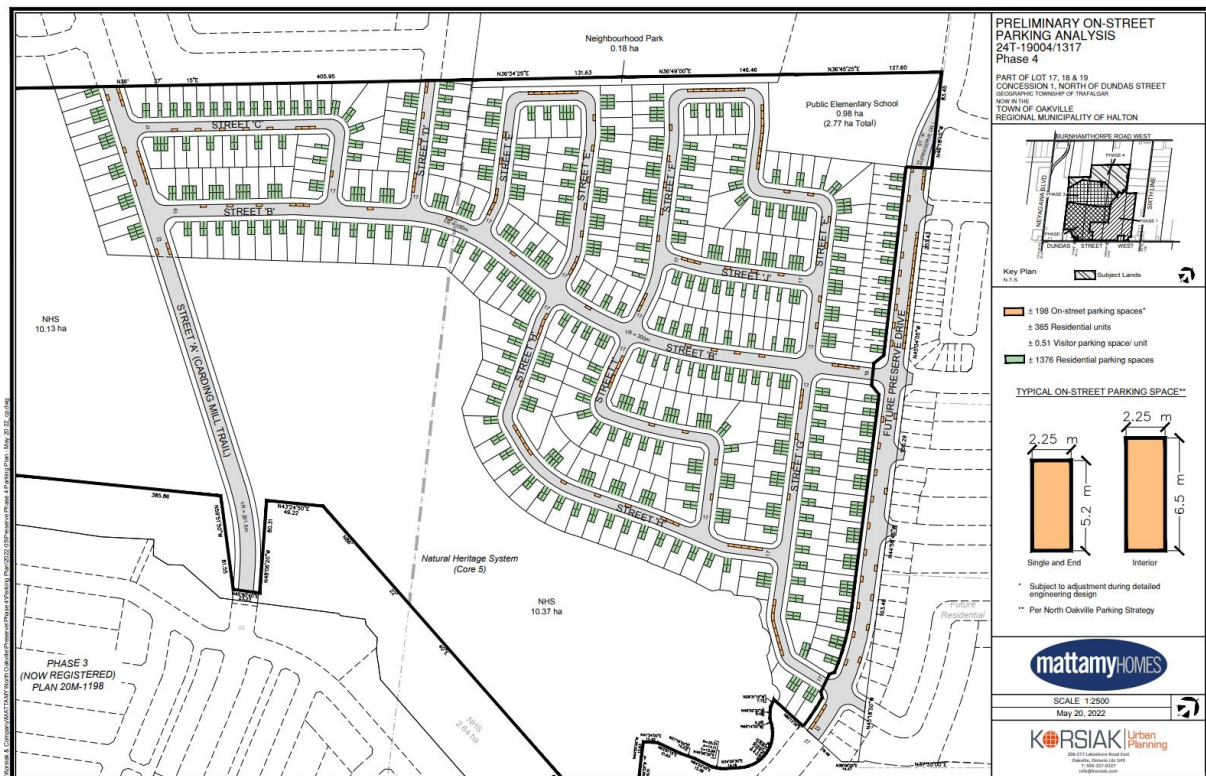


Figure 5a – Preliminary Parking concept

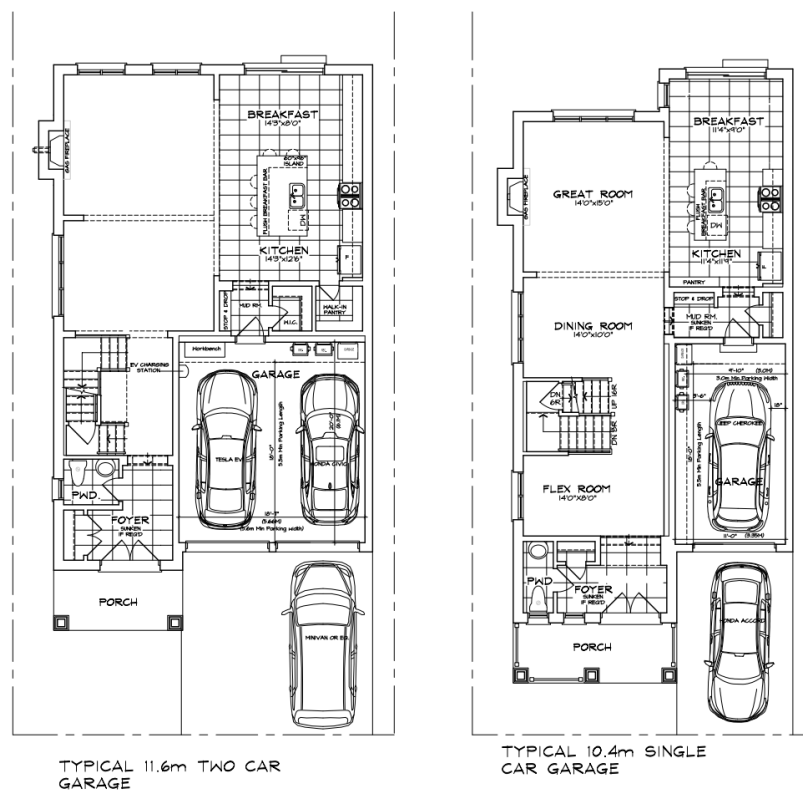


Figure 5b – Parking in Garage and Storage

Comprehensive Transportation Impact Study for Neighbourhoods 9, 10 and 11.

Concerns from Transportation Services staff have been addressed through the coordinated review of the various draft plans.

Coordination with the easterly abutting landowner with regard to stormwater management and connection to Pond 21 to the southeast of the site.

Coordination is required as part of the North Oakville Landowner Group and has occurred through the preparation of the EIR/FSSs. Development of this site can not occur without Pond 21 on the Argo lands to the east being constructed and operational.

Alignment with the Climate Emergency

The proposed subdivision provides opportunities for various non-motorized vehicle options including cycling, sidewalks, multi-purpose trails through Core 5 (NHS) with transit along Carding Mill Trail, Preserve Drive and Marvin Avenue. In addition to

trails and transit, the town will be conveyed 49% of the subdivision for inclusion into the town's Natural Heritage System.

Staff have also been advised that rough-ins for electric vehicles will be provided in the garages. All homes will be built to Energy Star standards.

Road pattern is inconsistent with the Master Plan and does this represent good planning resulting in a lack of pedestrian facilities.

As mentioned, the Master Plan is conceptual as to how to achieve the vision of the secondary plan. Policies exist within NOESP for changes to occur, provided the overall intent of the Secondary Plan is maintained. The proposed local road pattern, while different from the Master Plan, is acceptable to staff and does maintain the overall intent of the NOESP. Each roadway will have sidewalks with a trail through the NHS.

Consider opportunities to open up more access roads than just the two major roads. Provide information as to how and when the larger road pattern will be achieved in terms of timing and phasing.

Strategic locations for road crossings through Core 5 (NHS) were established by the North Oakville Secondary Plan process. The proposed roads maintain the modified grid road pattern. No new crossings through the NHS are envisioned. Additional roadways through the NHS will have negative impacts on Core 5. Development of the road system will occur following the approval of the detailed designs, being the next step of the process following conditional approval.

Is there enough greenspace within this plan to support this development, and the timelines of the parks?

Development is premised on the Natural Heritage System being conveyed to the Town. Overall in North Oakville, 900 net hectares of land from the overall North Oakville East and West planning areas are to be conveyed to the town. Blocks 373 and 374, the NHS, represent 20.5 hectares of land or 49% of this development.

As part of the Master Parkland Agreement for North Oakville, 64.5 hectares of parkland are to be conveyed to the town for active and passive recreational purposes. Block 370 on the draft plan represents this development's portion toward the parkland.

Walkability score

Development in North Oakville is based upon the OMB approved North Oakville East Secondary Plan and the principles established therein. All roads have sidewalks,

which promotes greater walkability. Trails are to be developed in the Natural Heritage System as per the North Oakville Trails Master Plan. Neighbourhoods in North Oakville are based upon a 5 minute walk to Neighbourhood Centre Activity Nodes.

### Net density of this application

Development within North Oakville is not premised on net density. Each of the designations has a specific range. The following figure sets out the density range and the proposed density as per each designation.



Figure 6 – Density Plan

The proposed densities are all within the permitted density ranges of the North Oakville East Secondary Plan.

### How this fits in to the whole

Below is a figure prepared by the applicant's planning consultant, who has coordinated the various draft plan that have been or are being reviewed by Council. The purpose of this figure is to illustrate the neighbourhoods collectively and show how each of the draft plans is coordinated. Draft Plans 2, 3 and 4 were previously reviewed and granted approval by Council on May 16, 2022. Draft Plan 5 is the subject of this report. Draft Plans 1, 6, 7 and 8, all have had their Statutory Public Meetings and remain in technical review.





Figure 7 – Community Plan

### How was the road pattern created?

The North Oakville Secondary Plan is premised on a modified grid road pattern. In this situation, Carding Mill Trail and Preserve Drive represent the major road systems. Both roads will eventually connect Dundas Street West to Burnhamthorpe Road West and intersect with Marvin Avenue and Settlers Road.

As can be seen from this excerpt of Figure NOE2 from the NOESP below, both Carding Mill Trail and Preserve Drive are in the approximate locations for each roadway.



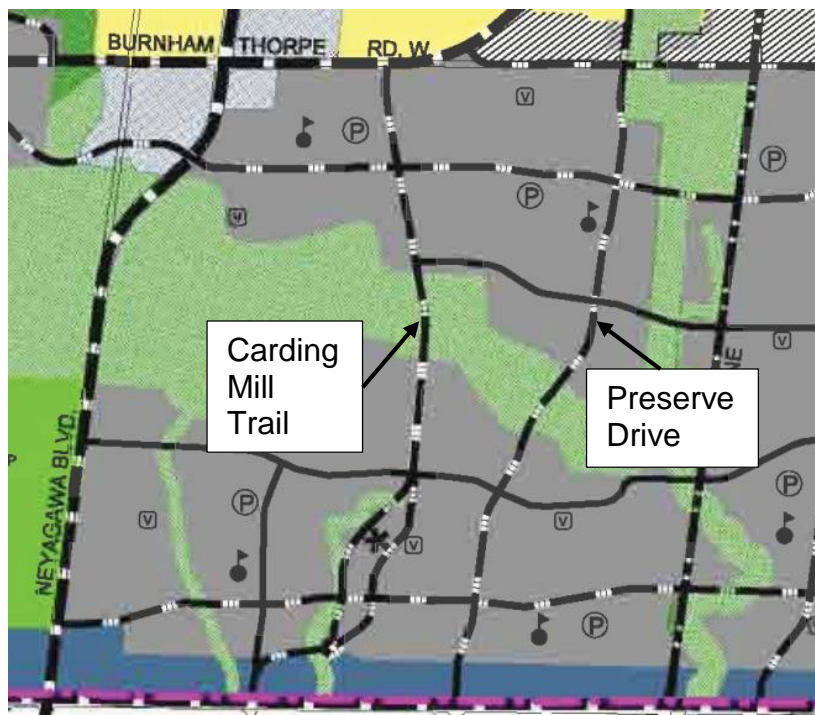


Figure 8 – Land Use Plan Excerpt

## Public Comments

At the time of writing this report, no public comments were received.

The Statutory Public Meeting was held on March 9, 2020.

## CONCLUSION

Staff recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment, which would have the effect of developing approximately 42 hectares of land for 385 residential units consisting of 364 detached dwellings, 21 townhouse units, a park block, a school block, two natural heritage system blocks and the public road network. The proposed subdivision is appropriate and compatible with the adjacent land uses and in keeping with the intent of the land use policies of the North Oakville East Secondary Plan.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application conforms to the Town's approved Urban Structure, and the principles and overall policy direction of the North Oakville East Secondary Plan.

Staff recommend approval of the Draft Plan of subdivision subject to the conditions in Appendix “D” and that By-law 2022-059 be passed as the following additional requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Matters raised by the Conservation Halton and the Region of Halton have been addressed through conditions of approval.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the North Oakville East Secondary Plan.
- The draft plan of subdivision is necessary to facilitate future land division into individual residential lots, and is appropriate for the orderly development of the lands.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the *Planning Act*.
- Comments from Council have been appropriately addressed.

By-law 2022-059 is attached as Appendix “C”.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The Public Meeting notice for March 9, 2020 meeting was mailed out to all properties within 120 metre radius of the site and placed on the sign on the property. Resident Associations were notified along with property owners in accordance with the *Planning Act* regulations and Town practices. No concerns were raised about this subdivision by the public at the Public Meeting. At the time of writing this report, no additional public comments were received.

### **(B) FINANCIAL**

Development Charges would be applicable to this development. Parkland dedication is applicable and may be satisfied following confirmation that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for comment.

Draft plan conditions have been provided in Appendix D to this report.

### **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the Town's sustainability goals and objectives of the North Oakville East Secondary Plan. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the development footprint of the proposal.

**APPENDICES:**

Appendix A – Halton Region comments

Appendix B – Revised Draft Plan of Subdivision

Appendix C – By-law 2022-059

Appendix D – Conditions of Draft Approval

Prepared by:

Robert Thun, MCIP, RPP, Senior Planner, Current Planning, West District

Recommended by:

Charles McConnell, MCIP, RPP, Manager, Current Planning, West District

Submitted by:

Gabe Charles, MCIP, RPP, Director, Planning Services

## Appendix A to the Staff Report Regional Comments

May 19, 2022

Mr. Robert Thun  
Senior Planner, Current Planning  
Planning Services Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville ON L6J 0H3

Dear Mr. Thun:

**RE: Region of Halton Comments –4<sup>th</sup> Submission.  
Draft Plan of Subdivision and Application to Amend the Zoning By-law  
24T-19004/1317 and Z.1317.05  
Preserve North Phase 4 (Lower Fourth Development Limited and Pendent  
Development Ltd.)  
Part of Lots 17, 18, 19, Concession 1, NDS**

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Regional staff forwarded updated comments on the 3<sup>rd</sup> submission circulation for these applications in a letter dated April 8, 2022. That letter provided an update in regard to comments on allocation, environmental site contamination and the Regional Natural Heritage System. It also provided conditions of draft approval.

A further revision of the plan of subdivision was circulated on April 26, 2022. This plan removed Preserve Drive from the subdivision (to be included in the adjacent Digram and Argo West Morrison Creek plans). Subsequent to this, we were informed that a portion of Preserve Drive by the school site was to remain in the plan (see diagram below). The Region has not yet received this version of the plan. Nonetheless, our comments also consider this further change.



Our comments remain unchanged with the exception of the servicing comments and conditions. For ease, the changes are indicated in italics. Please also note we are requesting a Holding be placed on the residential lots/blocks and the school block.

We understand the unit count remains unchanged. Details of the current proposal are:

- 364 single detached dwelling units;
- 21 townhouse units in five townhouse blocks;
- Four residential reserve blocks;
- One partial school block;
- One partial park block;
- Two open space blocks; and,
- Two natural heritage system blocks.

The Zoning By-law amendment proposes to change the zoning of the lands from “Existing Development (ED)” to “Sub-Urban” (S-\*)”, “General Urban (GU-\*)”, “Neighbourhood Centre (NC-\*)”, “Institutional (I-\*)”, “Open Space (O1)” and ‘Natural Heritage System (NHS)’.

#### **Provincial Policy Statement/Growth Plan:**

In this letter we provide comments in relation to matters of specific Regional interest related to:

- growth management (allocation)
- impacts on the Region’s Natural Heritage System
- archaeology
- soil contamination
- servicing
- transportation
- waste management
- finance

Subject to addressing the Region’s conditions of draft approval as set out in Schedule ‘A’ we consider the applications to be consistent with the 2020 Provincial Policy Statement and in conformity with the 2020 Growth Plan in terms of specific matters of Regional interest.

#### **Region of Halton Official Plan 2009 (based on Pre-ROPA 48 policies):**

The Region’s Official Plan provides goals, objectives and policies to direct physical development and change in Halton. The subject lands are designated as “Urban Area” and “Regional Natural Heritage System” on Map 1: Regional Structure of the Plan.

The following comments are provided in relation to Growth Management (Allocation Program), Regional Natural Heritage System, Environmental Site Contamination and Archaeology.

*Part III: Land Stewardship Policies:  
Managing Growth-Allocation Program:*

The ROP requires that the development industry absorb their share of the cost of the provision for infrastructure and that any financial impact of new development or redevelopment on existing residents be based on a financing plan communicated to the taxpayers and subsequently approved by Council (Section 77 (15)). Policy 77 (17) requires that prior to the Local Municipality approving development within any Regional phase that Regional Council approves a financial and implementation plan, including financial commitment by the private development sector to absorb its share of the cost of the provision of the necessary infrastructure and human services as permitted by applicable legislation. To this end, Halton Region has implemented Allocation Programs that require proponents of residential development applications to secure servicing allocation from Halton Region through an Allocation Agreement. The subject lands are located outside the urban built boundary, and are subject to the Regional Allocation program.

Currently the application proposes 385 residential units, comprised of:

- 364 single detached dwelling units; and,
- 21 street townhouse units;

Based on the residential units noted above, the proposed development would require 380 Single Detached Equivalents (SDE) to fully service the development. The Region does allow for draft approval with a minimum of 40% allocation which would require a minimum of 154 SDE's. The Region's records indicate that 376 SDE's of servicing allocation have been reserved for the subject lands through the 2020 Allocation Program (Law Files 2020-135 (284 SDEs) and 2020-136 (92 SDEs)). Therefore, sufficient allocation has been reserved to support the proposed development.

As there is sufficient allocation for the subdivision as a whole, the Region is in a position to support draft approval of the plan from an allocation perspective (subject to conditions).

Multi-pin Agreement:

We note that the Allocation Agreements are tied to PINS and thus to the applicable parcels in the agreement (and the corresponding SDEs are therefore also tied to specific parcels). Some lots/blocks/units on the draft plan may straddle the two agreements. Further, the distribution of lots/blocks/units may not correlate to the SDEs

set out in the agreements. In order to allow the SDEs under both agreements to be used across the entire plan, a multi-pin agreement would be required. The Owner is to advise if they wish to pursue a multi-pin agreement.

#### Residential Reserve Blocks:

Four Residential Reserve Blocks are shown on the draft plan of subdivision.

It is the Region's standard that through the registration process, should these blocks be included, appropriate allocation will be required or alternatively an agreement between both the applicant and the neighbouring landowner will be required indicating that the adjacent landowner will be securing for these lots for servicing allocation.

It is the developer's responsibility to determine how they wish to address the reserve blocks (e.g. top-up, landowner agreement) in accordance with the applicable agreement.

The developer is advised to contact the Region planner responsible for the carriage of the application at the earliest opportunity to discuss their proposed approach and the next steps/requirements for Regional approval.

There is a process involved in obtaining approval/sign-off by the Region for allocation related to reserve blocks. The developer should take this into account in their project timelines in order to prevent delays in the condition clearance and registration stage of the process.

In their resubmission response, the applicant indicated that the intent is that one reserve block (275) with the need for 2 SDEs, is currently identified to be allocated via this subdivision. The remainder will be addressed at a later stage in the process.

#### Unallocated Lots/Blocks (Holding Provision):

There are 5 unallocated units (townhouses) within the plan equating to 4 SDEs.

It is the Owner's responsibility to determine how they wish to address these unallocated units either through a top-up request, transfer (in accordance with the allocation agreements) or through the use of a holding provision.

The Owner has confirmed that they will address the unallocated units by way of a top-up request. A condition of draft approval is included to address matters related to allocation.

### *Regional Natural Heritage System:*

Policy 118 (3.1) of the ROP requires the submission of an EIA for development and site alterations including public works, that are located wholly or partially inside or within 120 metres of the Regional Natural Heritage System. The purpose of such an EIA is to demonstrate that the proposed *development or site alteration* will result in no *negative impacts* to that portion of the Regional Natural Heritage System or unmapped Key Features of the Regional Natural Heritage System.

Policy 116.2 **states that** within the North Oakville East Secondary Plan Area, the Regional Natural Heritage System will be delineated and implemented in accordance with Town of Oakville Official Plan Amendment No. 272 (North Oakville East Secondary Plan) area.

Conservation Halton (CH) provides environmental advisory and technical review services to the Region in relation to the protection of certain natural heritage features and areas and natural hazard management. We are in receipt of comments from CH dated March 24, 2022 indicating that they do not have concerns with the applications and are in a position to provide conditions of draft approval.

Those lands that are confirmed to form part of the Regional Natural Heritage System are to be conveyed to/retained in Town ownership and placed in an appropriate zone category.

### *Part IV: Healthy Community Policies* *Environmental Quality-Land:*

Section 58 (1) of the ROP provides that uses may be permitted within the various land use designations provided that a site is not considered hazardous to life or property due to conditions such as soil contamination.

Section 147(17) of the ROP and Implementing Guidelines require the Region and Local Municipalities, when considering any development proposal, to undertake appropriate assessment of the lands and undertake the steps necessary to bring the lands into a condition suitable for the intended use. Regional staff has also reviewed this application within the context of the Halton Region's "Protocol for Reviewing Development Applications with Respect to Contaminated Sites".

Two RSCs and supporting documentation (Phase 1 and 2 ESAs) were provided to the Region in May of 2021. The Region requested a Letter of Update be provided given this documentation was from 2011. A Letter of Update dated August 26, 2021 (prepared by Shad & Associates Inc.) was included with this 3<sup>rd</sup> submission. A condition of draft approval is included to confirm that this material is satisfactory.



*Part IV: Healthy Community Policies*  
*Cultural Heritage Policies-Archaeological Resources:*

The ROP also contains policies with respect to archaeological potential, and the preservation and mitigation and documentation of artifacts. Section 167.6 requires the submission of an Archeological Assessment where development is proposed in an area having archaeological potential.

Subsequent to our March letter, the applicant provided a number of Archaeological Assessments that were undertaken in relation to the previous subdivisions (24T-05012 and 24T-05013) and confirmed that those studies covered the subject property. Provincial clearance letters were also provided.

Given the above, we advise that our concerns in relation to archeological resources have been addressed.

**Note:**

- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture must be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

*Summary:*

Subject to the fulfilment of the conditions of draft approval as set out in Schedule 'A', we consider the applications to be in conformity with the Region's Official Plan.

**Other Regional Comments:**

**Water/Wastewater Servicing:**

Regional Staff note the proposed use is to connect to the Regional water and wastewater system in accordance with section 89(3) of the ROP. Section 58-1.1 (Part 3: Land Stewardship Policies –Development Criteria) states that uses are permitted as specified for each land use designation provided that an adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region.

### *Existing Services:*

#### Water:

There are no existing watermains located adjacent to the property.

#### Sanitary Sewer:

There are no existing sanitary sewers located adjacent to the property.

#### *Water and Wastewater Servicing:*

Please note that a Functional Servicing Study (FSS) was submitted with the original application as part of the Environmental Implementation Report (EIR) prepared by multiple consultants in support of the application. The EIR/FSS was submitted in support of the Phase 4 lands of this subdivision titled: "Preserve North Environmental Implementation Report and Functional Servicing Study (Shannon's and Munn's Creek Subcatchments) and is dated March 2019.

Subsequent to the above, a revised EIR/FSS, dated December 2020, was submitted with the second submission of this draft plan of subdivision. A further revised EIR/FSS, dated October 2021 was submitted with the third submission of this draft plan of subdivision.

The servicing of the North Oakville East Secondary Plan is addressed in the Area Servicing Plan (ASP) for this area. The ASP provides the overall servicing plan for the ultimate servicing and infrastructure requirements for the NOESP.

#### Wastewater Servicing:

*The FSS notes that the wastewater servicing for this phase of this development will be by a local gravity sewer system that will drain to a proposed trunk sewer that is located on an external street (Preserve Drive) on the adjacent subdivision to the east. This proposed trunk sewer then drains to the existing 525mm trunk sewer that on Preserve Drive that is located south of the proposed development and was constructed as part of Phase 1 of this development. Preserve Drive will be extended northward across the NHS and the trunk sewer will also have to be extended northward across this feature.*

#### 450mm Dia. Trunk Sewer on Street K (Preserve Drive):

*Please note that in the revised draft plan of subdivision a small portion of Preserve Drive is include in the northeast corner of the property. This section of Preserve Drive will require a trunk sanitary sewer. The FSS indicates that the proposed trunk wastewater main on Street K to be sized as a 450mm diameter sewer to service other*

*development lands to the north. This is in accordance with the Area Servicing Plan for the North Oakville East Secondary Plan.*

*Please note that this trunk sewer is considered a development charge trunk sewer. The Region's Master Servicing Plan (2011) originally identified this trunk sewer as ID #5063. In the Region's 2017 Development Charges study, this sewer was split into two sections with the north section that is located through and north of the NHS being now identified as ID #7522. The section noted as ID #7522 is being funded through the Region's 2020 Allocation Program.*

*525mm Dia. Trunk Sewer in NHS (Preserve Drive):*

*Please note that the FSS recommends that the proposed trunk wastewater main on Preserve Drive be sized as a 525mm diameter sewer to service other development lands to the north. This trunk sewer will have to be extended across the NHS lands to the south. It is unclear at this stage which developer will be constructing the section of this trunk sewer across the NHS lands.*

*Please note that this trunk sewer is considered a development charge trunk sewer. The Region's Master Servicing Plan (2011) originally identified this trunk sewer as ID #5063. In the Region's 2017 Development Charges study, this sewer was split into two sections with the north section that is located through and north of the NHS being now identified as ID #7522. The section noted as ID #7522 is being funded through the Region's 2020 Allocation Program.*

*Water Servicing:*

The FSS indicates that the Phase 4 subdivision lands will be serviced from the existing watermains that were previously constructed in the adjacent subdivisions located to the south. The FSS proposes to have two watermain feeds to the subdivision by extending the existing watermains on Carding Mill Trail and Preserve Drive northward across the NHS to the subject lands. Future connections to the adjacent subdivisions to the north and the east will eventually provide additional watermain feeds to the subdivision.

Since this subdivision will be located in the middle of the existing Zone 4 pressure zone, the water pressure will tend to be on the higher end of the pressure range. Appropriate clauses will be included in the Regional subdivision agreement that address this issue.

*Water Pressure Zone Realignment:*

The Region is currently undergoing a program to realign the water pressure zones in the Region. As part of this program, it is proposed to implement both an interim zone condition and an ultimate zone condition within the Region's water distribution system. The timing of implementing the new pressure zone boundaries may take several years

to complete. It is possible that the proposed development may be impacted by the changes to the pressure zones in both the interim and ultimate conditions depending on the timing of the implementation of these changes. Please note that minimum service levels for both water pressure and flow will be maintained throughout the Region during this process. Residents may notice changes to their water pressure when the zones are changed over from the existing zone to the interim zone and also when the interim zone is changed to the ultimate zone.

The Region requires that the FSS be revised prior to engineering drawing submission to include water modelling of the development that addresses watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment.

The FSS did not include any modelling of the proposed water system in the subdivision. The FSS notes that this will be completed at the detailed design stage. The FSS should be revised to include the modelling of the proposed water system in this subdivision.

See also Appendix 'A' for further details.

*Summary:*

*Since the site is currently not serviced and will require the extensions of both a watermain and a sanitary sewer through the adjoining developments the servicing of the development is an issue.*

*We request that a holding provision be included in the implementing zoning by-law for the residential and school block lands to accommodate the Region's concerns in regards to the lack of servicing for this site. The holding provision could be lifted at such a time that the servicing extensions have actually been constructed or possibly should an alternate arrangement be made with the Region to secure these servicing extensions to the satisfaction of the Region.*

*The following wording is recommended:*

*"That the external local watermains and sanitary sewer extensions that are proposed on the lands adjacent to the subject lands and that are required to service this property have been constructed and are operational to the satisfaction of the Region of Halton or that alternative provisions have been made by the Owner for the design and construction of the external watermain and sanitary sewer extensions to the satisfaction of the Region of Halton."*

*Conditions of draft approval in relation to the above are set out in Schedule 'A'.*

## **Transportation:**

Section 173(8) of the ROP states that the Region and the Local municipalities will work together to control access to Arterial Roads in accordance with Council adopted access management policies. In considering development applications, the ROP further requires that the proponent for any development considered to have a transportation impact to carry out a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements.

The following comments were provided in our October 31, 2020 letter and are reiterated here for convenience.

### *ROW Requirements:*

There are no land dedication requirements for the subject lands as the property has frontage along two local roadways.

### *Noise Mitigation:*

The subject lands are approximately 1000 metres from Dundas Street, 500 metres from Bunhamthorpe Road East, and 800 metres from Neyagawa Boulevard. As such, the proposal will not warrant noise mitigation from these Regional roads. 4

### *Transportation Impact Study:*

A Transportation Impact Study "Neighbourhood 9/10/11" was completed by CGH Transportation dated April 2019 and was in support of several proposed developments in North Oakville.

These proposed developments include a total of 788 single detached homes, 1003 townhouses, and 175 mid-rise units. The development is anticipated to build out over the next 5 to 10 years. As a conservative estimate, it has been assumed that the development could be complete by 2024. Therefore, the analysis horizons include 2019 existing conditions, 2024 full build out and future background conditions, and 2030 full build out and future background conditions. The phasing and timing of each phase is not known at this time, but each landowner will build out their properties individually.

The Preserve Phase 4 lands and development form a portion of the overall Neighbourhood 9/10/11 lands and consists of 46% of the single detached units, but only 2% of the townhouse units and none of the mid-rise units that are proposed for the area.

The Phase 4 lands trip generation will use a large variety of trip routes in and out of the vast study area. There will not be a significant amount of traffic impact to any one

Regional intersection. The trip generation and distribution from the Phase 4 lands is acceptable.

### **Waste Management:**

The Region of Halton will service the residential units within this subdivision for full waste collection services.

### **Finance:**

This development requires Regional Allocation for the single detached equivalents units (SDEs) proposed. The payments and contributions are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the SDEs are being reserved for the Owner.

The Owner is also required to pay all other applicable Regional Development Charges (DCs) and Front-ending Recovery Payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case a portion of the DC's and Front-ending Recovery Payment may be payable upon execution of the agreement. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

**Disclaimer:** It is the Owner's responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required by the terms and conditions of the applicable allocation program agreement.

### **Conclusion:**

In consideration of the above noted Draft Plan of Subdivision and Zoning By-law Amendment applications, Regional Staff offers no objection to the proposal subject to the Conditions of Draft Approval as set out in 'Schedule A'.

*As outlined in this letter, we request that the implementing zoning by-law include the following Holding provision related to servicing on all the residential and school lands:*

- 1. "That the external local watermains and sanitary sewer extensions that are proposed on the lands adjacent to the subject lands and that are required to service this property have been constructed and are operational to the satisfaction of the Region of Halton or that alternative provisions have been made by the Owner for the design and construction of the external*

*watermain and sanitary sewer extensions to the satisfaction of the Region of Halton.”*

I trust these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact me directly at (905) 825-6057, extension 7060.

Please send notice of the Town's decision on these applications.

Sincerely,

Bernie Steiger, MCIP RPP  
Acting Manager-South

c: Ron MacKenzie, Development Project Manager, Halton Region (via email)  
Alicia Jakaitis, Senior Project Manager, Halton Region (via email)  
Braden Fleming, Conservation Halton (via email)  
Matt Krusto, Halton Region (via email)

Attachments

SCHEDULE 'A'  
CONDITIONS OF DRAFT APPROVAL: 24T-19004/1317 (Z.1317.05)  
(Preserve North Phase 4)

The following Regional Conditions must be satisfied and/or included in any registration of draft plan/subdivision agreement.

Owner: Lower Fourth Development Limited and Pendent Development Ltd.

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**Growth Management/Allocation**

1. That the Owner has addressed all the requirements of the Allocation Program including, but not limited to, the signing of any additional agreements, provision of any required payments and the issuance of a Region of Halton Public Works Commissioner's Notice (PWCN), to the satisfaction of the Region of Halton.

Note: For more information on how to obtain a PWCN, please contact:  
Bernie Steiger, Acting-Manager South, Community Planning.

2. The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region's Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and:
  - shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and,
  - shall not seek final approval for registration of such lots or blocks or any part thereof.

**Environmental Site Contamination**

3. Prior to final approval or any site alteration or servicing, the Owner is required to submit to Halton Region a Ministry Environment Conservation and Parks of the Environment (MECP) acknowledged Record of Site Condition for the entire limits of the plan of subdivision which indicates that the environmental condition of the site is suitable for the proposed land use. All supporting environmental documentation (including, but not limited to Environmental Site Assessment - ESA Phases One & Two) shall also be submitted to the Region of Halton for review. The Owner is required to comply with Ontario Regulation 153/04 and Halton's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites. The authors of the ESA studies must extend third party reliance to the Region of Halton. All environmental reports and letters of reliance must be current (within 18 months) of submission.



## **General Planning**

4. That prior to registration the Owner is required to provide digital copies of the registered plan of subdivision in AutoCAD 2012 or later version with the following coordinate system NAD 83 / UTM Zone 17 to the Regional Municipality of Halton.
5. The Owner agrees that a phasing plan shall be submitted prior to registration of the subdivision. The phasing plan shall indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports
6. That prior to final approval, the Owner shall submit a digital copy of the final draft plan of subdivision along with the applicable Land Registry Office Appendix D form for review and sign off. Prior to submission to the Region the draft final plan shall be submitted and reviewed by the Town for acceptance.

## **Region Natural Heritage System**

7. That in regard to the implementation of Region policy for the protection and enhancement of the Region's Natural Heritage System, confirmation be received from Conservation Halton that their conditions have been addressed and that they have no further concerns with the registration of the plan of subdivision.

## **Regional Servicing**

8. The Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.
9. That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development.
10. The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development.
11. That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's

Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.

12. All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.
13. Upon draft approval Regional services within the plan of subdivision may be installed, provided the engineering drawings have been approved by the Region and Town of Oakville, the Regional subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Region, and all requisite government approvals have been obtained and notices given to all public utilities.
14. The Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.
15. The Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The owner further agrees to decommission any existing wells in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.
16. The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The owner further agrees to decommission any existing private septic systems in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.
17. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
18. The Owner shall enter into a subdivision agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.

19. The Owner agrees to provide and install individual pressure reducing valves (PRV), where required, at the residential units within the subdivision to meet the requirements of the Ontario Building Code to the satisfaction of the Region's Development Project Manager.
20. That the owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential high water pressures within the subdivision.
21. That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property that includes water modelling and that addresses secondary watermain connections, flows, pressures and dead-end watermains to Halton Region's Development Project Manager, Regional Planning and Public Works Department for review and approval.
22. That the Owner is required to submit a revised Functional Servicing Study that includes water modelling for both the interim and ultimate water pressure conditions for the Region's zone realignment that demonstrates the impact these changes will have on the development.
23. That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions.
24. *That the Owner be required to design and construct a 450 diameter trunk sanitary sewer internal to of this subdivision on Street K (Preserve Drive) and (ID #7522) as required by the Area Servicing Plan for the North Oakville East Secondary Plan and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The Owner will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.*
25. *That the Owner be required to design and construct a 525 diameter trunk sanitary sewer external (ID #7522) to this subdivision on the future Preserve Drive over Block 178, Plan 20M-1143, as required by the Area Servicing Plan for the North Oakville East Secondary Plan and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The applicant will be responsible for paying all costs associated with these works. The Region will make*

*reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.*

26. *That the Owner be required to design and construct a local watermain external to this subdivision on the future Preserve Drive right-of-way over Block 178, Plan 20M-1143, at their sole expense as per the design standards of the Region of Halton and to the satisfaction of Halton's Development Project Manager.*
27. *That a minimum 8.0m wide temporary Regional easement be provided on the future Preserve Drive right-of-way that is located over Block 178, Plan 20M-1143 in favour of the Regional Municipality of Halton for the purpose of sanitary sewer and watermain protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.*

#### **Waste Management:**

28. The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or Regional waste collection trucks can safely access the site. Until Regional collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.

#### **Closing Condition**

29. Prior to signing the final plan, the Town of Oakville shall be advised by Halton Region that all Regional conditions have been carried out to the Region's satisfaction with a brief but complete statement detailing how each condition has been satisfied.

#### **Notes:**

- A. In order to obtain a Public Works Commissioner's Notice (PWCN), please provide a formal request in an email or letter along with the following information to the Regional Planner on file containing the following:
  - The number of single detached equivalents (SDEs) that the PWCN is being requested for, the respective law file number and corresponding allocation program, including a copy of the draft plan drawing.
  - A Functional Servicing Report (FSR) OR a Design Brief rationalizing the most current FSR that was approved for the proposed development.
  - Confirmation that the Zone 3/4/5 Boundary Realignment Assessment in relation to your proposed development is deemed satisfactory by the Region's Development Project Manager (Please contact Ron MacKenzie,

Development Project Manager for more details:  
[Ronald.Mackenzie@halton.ca](mailto:Ronald.Mackenzie@halton.ca) )

A PWCN cannot be issued until all projects listed in the respective group as set out in Schedule G (Engineering and Construction projects) of the applicable Allocation Agreement(s) have been completed.

- B. This development requires Regional Allocation for the single detached equivalents units (SDEs) proposed. The payments and contributions are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the SDEs are being reserved for the Owner.
- C. The Owner is also required to pay all other applicable Regional Development Charges (DCs) and Front-ending Recovery Payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case a portion of the DC's and Front-ending Recovery Payment may be payable upon execution of the agreement. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Disclaimer: It is the Owner's responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required by the terms and conditions of the applicable allocation program agreement.

- D. The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture must be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

### **Zone 3/4/5 Boundary Assessment:**

The Region of Halton's Infrastructure Planning team provides this general guidance to complete the assessment for the Zone 3/4/5 Boundary Realignment. Please note that the Region will not prescribe the exact method for the assessment, as the complexity, built form and size of the development may impact the approach. Regional staff would be happy to discuss and assist as needed to support your consultant in this assessment. General guidance and requirements are outlined below:

#### **Modeling:**

The Zone 3/4/5 Boundary Re-alignment assessment can include the use of the Region's Hydraulic Model, which the Region will make available, but it is not a requirement for approval and may be overly complex in some instances. Any modeling exercise or theoretical calculation which can demonstrate adequate servicing under all pressure scenarios is considered suitable. In general, it is expected that the pressure boundary assessment will build on the servicing assessment done as part of the Functional Servicing Study.

#### **Required Information for Regional Approval:**

The Zone 3/4/5 Boundary Re-alignment assessment must demonstrate the following at a minimum:

- That fire flow/pressure will be suitable for all residents/buildings within the development under existing, interim and future pressure scenarios.
- That residential/employment water flow/pressure within the development (i.e., general servicing) will adhere to both Regional guidelines and Building Code guidelines under existing interim and pressure scenarios.
- If any requirement will not be met under one or more pressure scenarios, the developer must outline what provisions or mitigating measures will be put in place to address the deficiency.
- It is required that the assessment is carried out by a reputable consultant. The submission must include a covering letter with a summary of the assessment as well as results and mitigating measures (as required). The letter will be signed and stamped by a qualified professional.



[illegible]



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2022-059

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lots 17 – 19, Con. 1, NDS Lower Fourth Development Limited and Pendent Developments Ltd.,  
File No.: Z.1317.05

#### COUNCIL ENACTS AS FOLLOWS:

1. Map 12(4) of By-law 2009-189, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Sections 8.120 and 8.121 as follows:

<b>120</b>	<b>Lower Fourth Development Limited and Pendent Developments Ltd.</b>	Parent Zone: S, GU, NC
Map 12(4)	Part of Lots 17 – 19, Con. 1, NDS	(2022-059)
<b>8.120.1 Zone Provisions</b>		
The following regulations apply to all lands identified as subject to this special provision:		
a)	Notwithstanding the maximum width in Table 4.21(g), the maximum width of Bay, Box Out and Bow Windows, with or without foundations which may be a maximum of three <i>storeys</i> in height and which may include a door.	4.0 m
b)	For corner <i>lots</i> , a <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.	



c)	For interior <i>lots</i> , a <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 70% of the <i>porch</i> . Steps and other obstructions may encroach a maximum of 0.3 metres into the required depth.
d)	<i>Porches</i> shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening. The total area of the vertical plane shall be measured from the top of the <i>porch</i> slab to the underside of the <i>porch</i> ceiling.

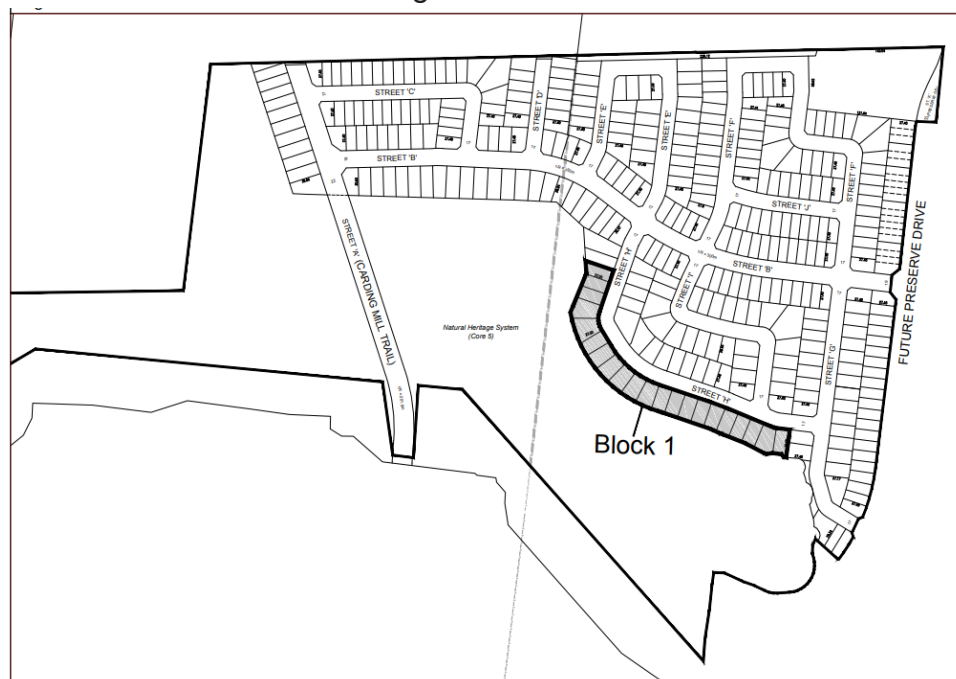
#### 8.120.2 Additional Zone Provisions for Block 1

The following additional regulations apply to Block 1 identified in Figure 8.120.1.

a)	Minimum <i>rear yard setback</i>	6 m
b)	Notwithstanding 8.120.2 a) above, the minimum <i>rear yard setback</i> may be reduced to 3.0 m for a one <i>storey</i> addition for a maximum of 45% of the dwelling width measured at the rear of the <i>main building</i> . The one <i>storey</i> addition shall have a maximum vertical distance of 4.0 m measured between the finished floor level of the <i>first storey</i> and the highest point of the roof of the one <i>storey</i> addition.	

#### 8.120.3 Special Site Figure

Figure 8.120.1



121	Lower Fourth Development Limited and Pendent Developments Ltd. Part of Lots 17 – 19, Con. 1, NDS	Parent Zone: I
Map 12(4)		(2022-059)
8.121.1 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Maximum <i>front yard</i>	Shall not apply
b)	Maximum <i>flankage yard</i>	Shall not apply
c)	Minimum <i>building height</i> for a <i>public school elementary</i>	Shall not apply
d)	Maximum <i>building height</i> for a <i>public school elementary</i>	18 m
e)	Minimum <i>landscape strip</i> width along the <i>rear lot line</i> or <i>interior lot line</i>	4.5 m
f)	Section 1.7 (iii)	Shall not apply
g)	Section 4.13.1	Shall not apply
8.121.2 Parking Regulations		
a)	Parking requirments for a <i>Public School Elementary</i>	3 <i>parking spaces</i> per classroom maximum
b)	Parking requirments for <i>Day Care Centre</i> inclusive of <i>parking spaces</i> for queuing	1 <i>parking space</i> per 18 m <sup>2</sup> of <i>leasable floor area</i> minimum; and, no maximum

3. Part 9, Holding Provisions, of By-law 2009-189, as amended, is further amended by amending the header to Holding Provision 55 as follows:

<b>H55</b>	<b>Timsin Holding Corp.</b> Part Lot 16, Concession 1, NDS	Parent Zone: S, GU, NC and I
Map 12(4)	<b>Argo (West Morrison Creek) Ltd.</b> 3270 Sixth Line	(2022-037)
	<b>Digram Developments Oakville Inc.</b> 3380 Sixth Line	(2022-039)
	<b>Lower Fourth Development Limited and Pendent Developments Ltd.</b> Part of Lots 17 – 19, Con. 1, NDS	(2022-048)
		(2022-059)

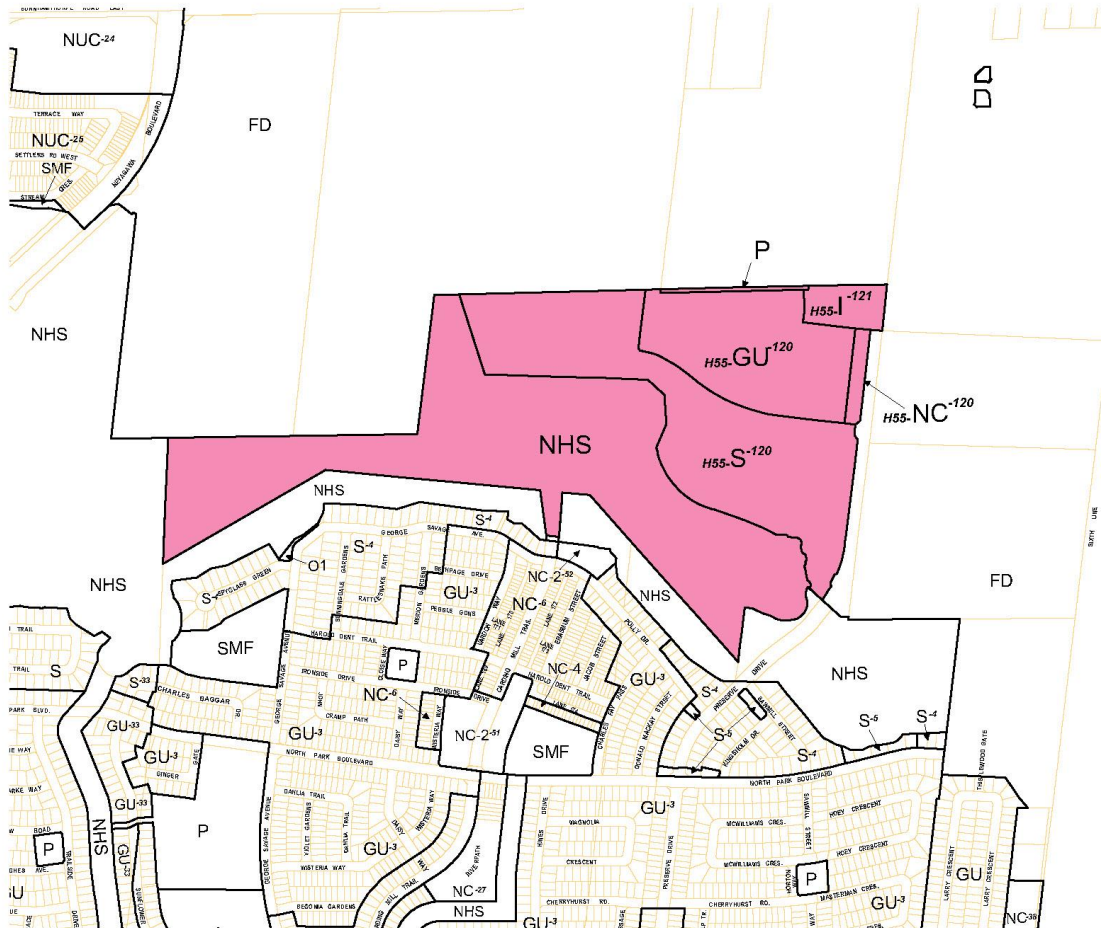
4. This By-law comes into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED this 27th day of June, 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE "A"**  
**To By-law 2022-059**



**AMENDMENT TO BY-LAW 2009-189**

Re-zoned From: Future Development (FD) to  
Suburban (H55-S sp: 120);  
Neighbourhood Centre (H55-NC sp: 120);  
General Urban (H55-GU sp: 120);  
Institutional (H55-I sp: 121);  
Park (P); and  
Natural Heritage System (NHS)

**EXCERPT FROM MAP  
12 (4)**



**SCALE: 1:10,000**

**CONDITIONS OF DRAFT PLAN APPROVAL**

**Town File No.'s: 24T-19004/1317**  
**Draft Plan dated**  
**on May 9, 2022**

**TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL AND  
FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY  
LOWER FOURTH DEVELOPMENT LIMITED AND  
PENDENT DEVELOPMENTS LTD.**

This approval applies to the draft plan of subdivision 24T-19004/1317 prepared by Korsiak Urban Planning dated May 9, 2022 illustrating 15 blocks and 364 lots. The conditions applying to the approval of the final plan for registration are as follows:

	CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE-SERVICING	CLEARANCE AGENCY
1.	That the Owner shall conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to <b>decommission any existing wells</b> in accordance with Ministry of Environment Guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
2.	That the Owner shall have an <b>Environmental Audit</b> undertaken by a qualified professional engineer to ensure that the land is suitable for the proposed use. If in the opinion of the professional engineer, the Environmental Audit indicates the land may not be suitable for the proposed uses, the engineer must so advise the Town of Oakville and Regional Municipality of Halton. The Owner undertakes to do further investigative studies and to do all work required to make the lands suitable for the proposed use and any land to be conveyed to the Town including roads, stormwater management facilities, parks and the natural heritage system.	OAK(TE)
3.	The Owner updates the SWM Pond Verification Memo in accordance with all EIR/FSS Addendum comments <b>prior to earthworks clearance</b> to the satisfaction of the Town of Oakville and Conservation Halton.	OAK(TE) CH
4.	That the Owner provide written permission from the <b>adjacent landowners</b> which demonstrates acceptance that the construction, grading and placement of fill, location of temporary cut off swales and erosion and sediment control pond may result in potential flooding on these abutting lands. If no works are proposed on adjacent properties and there are no negative impacts on the adjacent properties then no permission is required <b>prior to site alteration</b> .	OAK(TE) CH
5.	The Owner shall ensure that a sediment and erosion control pond and the associated grading and drainage works are completed and/or completed on external lands in general accordance with the EIR/FSS drainage strategy. Alternatively, the Owner will undertake additional analysis of <b>interim conditions</b> to support the diversion of drainage to a temporary location not contemplated by the EIR/FSS to the satisfaction of the Town of Oakville and Conservation Halton prior to site alteration.	OAK(TE) CH
6.	That the Owner prepares and implements a <b>Tree Preservation Plan</b> , as per Conservation Halton's Landscaping and Tree Preservation Plan Guidelines to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH
7.	That the Owner prepares and implements a report outlining <b>erosion and siltation controls measures</b> required prior to and during the construction of the subdivision to the satisfaction of Conservation Halton and the Town of Oakville. A separate sediment and erosion control plan will be required for the following three phases of construction: a) earthworks b) servicing and c) home construction.	OAK(TE) CH

8.	That the Owner erects a suitable <b>temporary barrier or work fence</b> prior to and during construction or regrading along the rear of blocks adjacent to the natural heritage system and watercourse blocks.	OAK(TE) CH
9.	<b>Grading and servicing designs</b> shall be coordinated with adjacent developments to meet the general requirements of the approved <b>Preserve North Environmental Implementation Report and Functional Servicing Study (2019, revised 2021)</b> and adjacent studies ( <b>Upper West Morrison Creek EIR/FSS</b> ), if applicable, to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE)
10.	Grade and servicing design of Street F (Preserve Drive) to be coordinated with Digram Development and the Argo (West Morrison Creek Limited) Development. Design to be confirmed in the Upper West Morrison Creek EIR/FSS and Preserve North EIR/FSS. These designs should be consistent prior to the commencement of pre-grading. Additionally, Blocks 365 to 369 and Lots 227-248 are to be frozen until this design has been completely coordinated.	OAK(TE)
11.	That the Owner submits grading plans for all lots and blocks that back onto the natural heritage system (Street A; Street G; Blocks 1-11, 250, 251, 319-341, 345-364, 371, 372, 376) to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE)
12.	That the Owner submits the required <b>monitoring plans</b> in accordance with the approved <b>Preserve North Environmental Implementation Report and Functional Servicing Study (2019, revised 2021)</b> to the satisfaction of Conservation Halton and the Town of Oakville prior to any site alteration.	OAK(TE) CH
13.	That the Owner obtains a Permit from Conservation Halton, pursuant to <b>Ontario Regulation 162/06</b> , for any site alteration within the regulated area associated with pre-grading or pre-servicing.	CH
14.	That the Owner, if additional servicing or minor grading changes are required, shall submit a preliminary design and design direction to be agreed upon with the Town of Oakville prior to the commencement of pre-grading. It should be noted that the use of retaining walls to facilitate grading will be to the discretion of the Town of Oakville.	OAK(TE)
15.	That the Owner shall not install any municipal services on the site until the Owner has entered into a <b>Preservicing Agreement</b> or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK (TE)
16.	The Owner and/or their engineering consultants, shall arrange and hold a pre-construction meeting with the Transportation and Engineering Department and the contractor to review and discuss mitigation measures for all construction related impacts, including but not limited to mud tracking, dust suppression, truck routes and contractor/trades parking, material storage, stockpile location, working hours, noise mitigation, etc, prior to the commencement of topsoil stripping and earthworks. Prior to the Earthworks Pre-construction Meeting, a Site Alteration Permit from the Town must be secured by the Owner and perimeter erosion and sediment control measures must be installed. A second pre-construction meeting is also required prior to the commencement of any servicing works. Prior to the Servicing Pre-construction Meeting, a complete set of approved Engineering Plans is required.	OAK(TE)
17.	Prior to final approval or any site alteration or servicing, the Owner is required to submit to Halton Region a Ministry Environment Conservation and Parks of the Environment (MECP) acknowledged Record of Site Condition for the entire limits of the plan of subdivision which indicates that the environmental condition of the site is suitable for the proposed land use. All supporting environmental documentation (including, but not limited to Environmental Site Assessment - ESA Phases One & Two) shall also be submitted to the Region of Halton for review. The Owner is required to comply with Ontario Regulation 153/04 and Halton's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites. The authors of the ESA studies must extend third party reliance to the Region of Halton. All environmental reports and letters of reliance must be current (within 18 months) of submission.	RMH(LPS)

	CONDITIONS TO BE MET PRIOR TO MARKETING AND SALES	
18.	That the Owner finalize and submit for approval a revised <b>Urban Design Brief</b> .	OAK (PS)
19.	The Owner shall submit elevation drawings (all facades), typical floor plans (all levels) including garage floor plans showing vehicle space and storage area and typical lotting plans for all models on lots not subject to Site Plan Approval to Planning Services Urban Design staff for review and approval. Upon acceptance, these drawings shall be added as an Appendix to the Urban Design Brief. The Owner agrees that compliance with this condition is required prior to the Owner marketing or selling any such units.	OAK (PS)
20.	<p>That the Owner shall select a <b>control architect</b> who shall ensure all development which is exempt from Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief. The Owner shall submit a letter to the Town from the selected control architect acknowledging the following:</p> <ul style="list-style-type: none"><li>i. a control architect has been retained for this subdivision and does not have any perceived or real pecuniary interests or conflicts with performing the required duties;</li><li>ii. the control architect acknowledges the final Urban Design Brief prepared for this subdivision and agrees to implement the same;</li><li>iii. the control architect is responsible for ensuring the Town-approved models, as appended to the Urban Design Brief, will be sited in accordance with the Urban Design Brief direction;</li><li>iv. the control architect will ensure that any sold units meet the design direction and criteria of the Town-approved Urban Design Brief, prior to submitting for building permit review; and,</li><li>v. the control architect will discuss with Town staff any identified issues</li><li>vi. the control architect will submit stamped/signed drawings with the building permit application in accordance with the foregoing.</li></ul>	OAK (PS)
	CONDITIONS TO BE MET PRIOR TO INITIATING SALES PROGRAMME	
	NEIGHBOURHOOD INFORMATION MAPPING	
21.	<p>The developer shall prepare a preliminary neighbourhood information map for the subdivision, to the satisfaction of the Town’s Director of Planning Services. The Map is to be posted in a prominent location in each sales office from where homes in the subdivision are being sold <u>and included within the individual purchase and sale agreements</u>. The Map shall include the location and type of parks, open space / valleyland and walkways, a general description of their proposed facilities as well as the following information:</p> <ul style="list-style-type: none"><li>a) All approved street names,</li><li>b) The proposed land uses within the subdivision based on the draft approved plan,</li><li>c) The immediately surrounding existing and proposed land uses and potential building heights,</li><li>d) For any DUC/TUC or mixed use blocks include the min/max heights permitted within the Zoning By-law including any development file numbers if applications for these blocks are under review,</li><li>e) Where applicable, a statement indicating that place of worship and school sites may be used for residential uses if they are not acquired for their original purpose within the time period specified in the subdivision agreement,</li><li>f) Those lots or blocks that have existing and potential environmental noise constraints based on the noise feasibility study. Include all relevant warning clauses on the map,</li><li>g) The approximate locations of noise attenuation walls and berms,</li></ul>	OAK (PS)

	<div><div><div>h) The approximate locations and types of other fencing within the subdivision,</div><div>i) Where parks and open space, stormwater management facilities and walkway / vista blocks / servicing blocks are located,</div><div>j) The types and locations of village squares, parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,</div><div>k) The locations of all anticipated Canada Post Community Mailboxes,</div><div>l) The anticipated Transit routes through the subdivision,</div><div>m) Garage Floor Plan for each unit type offered showing typical vehicle type accommodation, waste and yard care storage, and bicycle storage.</div><div>n) The following standard notes:<div><div>1. “This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town’s Planning Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday.”</div><div>2. “Please Note: this map is based on information available on _____ (month/year) and may be revised without notice to purchasers.”</div><div>3. “The map shows that there will be several types of proposed and potential housing and building heights in the subdivision.”</div><div>4. “Sites shown on the map for future schools, townhouses, parks, shopping etc. could have driveways anywhere along their street frontage.”</div><div>5. “Some streets in this subdivision will be extended in the future and temporary access roads may be closed.”</div><div>6. “There may be catch basins or utilities easements located on some lots in this subdivision.”</div><div>7. “Some lots and blocks will be affected by noise from adjacent roads, and warnings will apply to purchasers.”</div><div>8. “Some dwelling units are in proximity to commercial, institutional and/or school uses from which activities may at times be audible. The map shows that some of the lots affected by noise will be fitted with noise barriers and some of the homes will be provided with central air conditioning to allow bedroom windows to be closed if necessary due to the noise.”</div><div>9. “Neighbourhood Park Block(s) _____ will be developed as an active park(s) and may contain play equipment, walkways, lighting, landscaping and passive use free-play areas. Residents close to Block(s) _____ may be disturbed by noise and lighting from the park. For detailed information pertaining to park or open space issues, please call the Town’s Parks &amp; Open Space Department 905.845.6601 ”</div><div>10. “Natural Heritage System, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the NHS.”</div><div>11. “Community mailboxes will be directly beside some lots.”</div></div></div></div></div>	
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	<div><div><div>12. “Purchasers are advised that the final location of walkways in Blocks _____ may change without notice.”</div><div>13. “School sites in this subdivision may eventually be converted to residential uses.”</div><div>14. “Most streets contain on-street parking, and may be available for overnight parking, subject to parking permits.”</div><div>15. “The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings.”</div><div>16. “There may be Transit bus routes on some streets within this subdivision with stops beside some homes. Oakville Transit reserves the right to introduce transit services and facilities such as bus stops, shelters, pads and associated amenities on any municipal rights-of-way to provide effective service coverage.”</div><div>17. “Boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance.”</div><div>18. “The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures.”</div><div>19. “Gates are not permitted in fences when lots abut the Natural Heritage System, a trail, valleyland, active park, woodlot or stormwater management pond.”</div><div>20. “The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot.”</div><div>21. “Not all vehicle types can be accommodated on the proposed lots whether on the driveway or within a garage area. Check with your builder regarding the particular situation for the model and lot you intend _____ to _____ purchase.”</div><div>22. “This community is subject to Architectural Control. Models available for sale have to be pre-approved by the Control Architect and certain models may not be available for some of the lots. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”</div><div>23. “Halton Region is responsible for household garbage, recycling and green bin collection. For further information, please call 311 or visit Halton.ca”</div><div>24. “For further general information on proposed and existing land use, please call the Town’s Planning Department 905.845.6601.”</div><div>25. “For detailed grading and berming information, please call the Town’s Development Services Department 905.845.6601”</div></div><div>The developer shall ensure that each builder selling homes within the subdivision:</div><div><div>a) provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.</div></div></div>	
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	CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL / REGISTRATION	
22.	That the Owner shall provide confirmation to the satisfaction of the Town's Finance Department that <b>all outstanding property taxes</b> and outstanding debts have been paid prior to plan registration.	OAK (F)
23.	That the Owner shall provide the Town with a <b>letter from the Trustee</b> confirming that the Owner is in compliance with the Cost Sharing Agreement and s.4.7 of the North Oakville East Master Parkland Agreement prior to the release for registration of each phase of the plan of subdivision.	OAK (PS)
24.	That the Owner revises/updates the approved <b>Preserve North Environmental Implementation Report and Functional Servicing Study (2019, revised 2021)</b> to reflect all comments from the Town of Oakville, Conservation Halton and Regional Municipality of Halton and agree to implement all final recommendations contained within the approved <b>Preserve North Environmental Implementation Report and Functional Servicing Study (2019, revised 2021)</b> including any addendums to the satisfaction of the Town of Oakville, Regional Municipality of Halton and Conservation Halton.	OAK(TE) CH RMH (LPS)
25.	That the Owner ensures that the <b>stormwater management facilities, stormwater outfalls, or appropriate alternative measures</b> to be shared with adjacent lands (i.e. SWM Pond 21 to the east on Argo (West Morrison) lands) are constructed, stabilized, operational and in public ownership in accordance with Town-approved engineering drawings, approved Stormwater Management Plan, MECP Environmental Compliance Approval (ECA), and Conservation Halton permits to the satisfaction of the Town of Oakville and Conservation Halton.	OAK(TE) CH
26.	That the Owner design and construct the extension of Carding Mill Trail through Core 5 (NHS) to the satisfaction of the Town of Oakville, Halton Region and Conservation Halton	OAK(TE) RMH(LPS) CH
27.	That the Owner prepares and submits a <b>Stormwater Management Report</b> and Stormwater Management Plan in accordance with the approved <b>Preserve North Environmental Implementation Report and Functional Servicing Study (2019, revised 2021)</b> to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH
28.	That the Owner enter into a standard form <b>subdivision agreement</b> to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, , homeowner warning clauses, etc.	OAK(PS) (TE)
29.	That the Owner shall provide a <b>certificate signed by the surveyor</b> and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.	OAK (TE)
30.	That the Owner designs, constructs, stabilizes, and has in operation all stormwater management system (including clean water collection systems) and <b>stormwater outfalls (including clean water collection systems)</b> , or appropriate alternative measures, in accordance with Town-approved engineering drawings, approved Stormwater Management Plan, MECP Environmental Compliance Approval (ECA), and Conservation Halton permits (if applicable) to the satisfaction of the Town of Oakville and Conservation Halton.	OAK (TE) CH
31.	That the Owner designs, constructs, stabilizes and has in operation all <b>clean water infrastructure works</b> and <b>alterations</b> as well as any other alterations to natural hazards to the satisfaction of the Conservation Halton and the Town of Oakville.	OAK(TE) CH
32.	The Owner shall distribute in a manner satisfactory to the Town a <b>communication strategy and information package</b> to be available in the sales office and to be provided to all prospective purchasers. The homeowners' information booklet shall be supplied by the Town and entirely financed by the Owner.	OAK (TE)

33.	That the Owner shall <b>dedicate all lands to be conveyed to the Town, Regional Municipality of Halton or other authority</b> free of charge and with clear title (free and clear of encumbrances) and any necessary easements. A Certificate of Title shall be provided, in a form satisfactory to the Town, Region or other authority.	OAK (TE)
34.	That the Owner agrees <b>to phase the development</b> of the subject lands to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (PS)(TE) CH
35.	That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property that includes water modelling and that addresses secondary watermain connections, flows, pressures and dead-end watermains to Halton Region's Development Project Manager, Regional Planning and Public Works Department for review and approval.  That the Owner is required to submit a revised Functional Servicing Study that includes water modelling for both the interim and ultimate water pressure conditions for the Region's zone realignment that demonstrates the impact these changes will have on the development.	RMH (LPS)
36.	The Owner agrees that until notice from Halton Region's Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region's Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and: <ul style="list-style-type: none"> <li>• Shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and,</li> <li>• Shall not seek final approval for registration of such lots or blocks or any part thereof.</li> </ul>	RMH (LPS)
37.	That the Owner has addressed all the requirements of the Allocation Program including, but not limited to, the signing of any additional agreements, provision of any required payments and the issuance of a Region of Halton Public Works Commissioner's Notice (PWCN), to the satisfaction of the Region of Halton.  Note: For more information on how to obtain a PWCN, please contact: Bernie Steiger, Acting-Manager South, Community Planning.	RMH (LPS)
38.	Upon draft approval Regional services within the plan of subdivision may be installed, provided the engineering drawings have been approved by the Region and Town of Oakville, the Regional subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Region, and all requisite government approvals have been obtained and notices given to all public utilities to the satisfaction of Halton Region.	RMH (LPS)
39.	The Owner shall enter into a Regional Subdivision Agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands to the satisfaction of Halton Region.	RMH (LPS)
40.	That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential high water pressures within the subdivision to the satisfaction of Halton Region.	RMH (LPS)
41.	That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions to the satisfaction of Halton Region.	RMH (LPS)

42.	That the Owner be required to design and construct a 450 diameter trunk sanitary sewer internal to of this subdivision on Street K (Preserve Drive) and (ID #7522) as required by the Area Servicing Plan for the North Oakville East Secondary Plan and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The Owner will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.	RMH (LPS)
43.	That the Owner be required to design and construct a 525 diameter trunk sanitary sewer external (ID #7522) to this subdivision on the future Preserve Drive over Block 178, Plan 20M-1143, as required by the Area Servicing Plan for the North Oakville East Secondary Plan and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The applicant will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.	RMH (LPS)
44.	That the Owner be required to design and construct a local watermain external to this subdivision on the future Preserve Drive right-of-way over Block 178, Plan 20M-1143, at their sole expense as per the design standards of the Region of Halton and to the satisfaction of Halton's Development Project Manager.	RMH(LPS)
45.	That a minimum 8.0m wide temporary Regional easement be provided on the future Preserve Drive right-of-way that is located over Block 178, Plan 20M-1143 in favour of the Regional Municipality of Halton for the purpose of sanitary sewer and watermain protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.	RMH(LPS)
46.	That the Owner shall provide a <b>construction phasing and sequencing plan</b> to the satisfaction of the Town (and Region where applicable) for the purpose of ensuring an appropriate sequence of development from initial construction to assumption and which reflects all applicable studies including the EIR/FSS and Transit Facilities Plan. The Phasing Plan should identify how transit service will operate within the plan, including provisions for safe pedestrian access to designated bus stop locations, such that: <ul style="list-style-type: none"> <li>a contiguous transit service area will be maintained that does not result in lengthy transit routes or "leapfrogging"</li> <li>interim and/or permanent transit streets are to be built first</li> <li>the Owner is encouraged to construct housing on transit streets first, where practicable</li> <li>roadways to be upgraded where required to accommodate transit vehicles during initial or interim phases</li> <li>permanent or temporary pedestrian facilities to be constructed early and maintained during development for access and routing to bus stop locations.</li> </ul> Where mutually agreed upon between the Owner and the Town, a contribution may be made by the Owner to the Town's early implementation initiative relating to Transit service delivery.	OAK (TE)
47.	That the owner prepare and agree to <b>implement the following studies</b> to the satisfaction of the Town (and the Regional Municipality of Halton where applicable): <ul style="list-style-type: none"> <li>Composite Utility Plan</li> </ul>	OAK (TE)
48.	That the Owner shall provide <b>digital discs</b> in AutoCAD 2012 or later version <b>of the registered plan of subdivision</b> with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, and approved wetland delineation/stable top of bank delineation/flood plain/meander belt to Conservation Halton, prior to registration of the plan.	OAK (TE) RMH (LPS) CH
49.	That the Owner <b>provides digital copies of the registered plan of subdivision</b> including all approved natural hazard delineations (e.g., wetland boundaries, stable top of bank, flood plain, meander belt, shoreline flooding limits, dynamic beaches and karst features) to Conservation Halton, prior to registration of the plan. Digital data should be delivered in one of the following formats:	CH

	<p>a) ESRI geodatabasev10.x (or newer) feature classes</p> <p>b) ESRI shape file format.</p> <p>c) AutoCAD DWG or DXF Format, version 2019 or earlier</p> <p>If the Project Consultant utilizes ESRI products to produce maps, the matching .mxd will be provided that corresponds to the map figure. Digital data will be provided in UTM NAD 83 Zone 17 NAD 83 datum. Data referencing elevations (e.g., floodplains) shall be referenced to appropriate vertical benchmarks. The datum must be specified as one of Canadian Geodetic Vertical Datum of 1928 (CGVD28) with 1978 adjustment, or Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Vertical datums must be clearly identified in the survey documentation. Flood plain models used in the delineation of flood hazards must be provided to Conservation Halton and referenced to the above mapping standards. Questions can be directed to Conservation Halton GIS staff.</p>	
50.	That the owner obtains a <b>permit from Conservation Halton, pursuant to Ontario Regulation 162/06</b> , for any development or site alteration within the regulated area including, but not necessarily limited to, placement or excavation of fill, grading, stormwater outfalls, watercourse alterations or realignments, and watercourse crossings.	CH
51.	That the Owner shall <b>install information signs</b> , not less than 2 metres by 3 metres, on all commercial, Natural Heritage and park blocks clearly advising of the future use and function of these blocks and the facilities / amenities to be constructed within the Natural Heritage System or park block prior to registration. The Owner agrees to install signs on all frontages of the Natural Heritage or park blocks at locations to be determined by the Town. The Owners is to maintain these signs in good, readable condition until such time as the land is developed.	OAK (POS) (TE)
52.	That the Owner shall provide the Town, together with the final plan, a list of <b>lot and block widths, depths and areas</b> prepared by an Ontario Land Surveyor, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.	OAK (Z)
53.	That all <b>public streets</b> within the subdivision be named to the satisfaction of the Engineering and Construction Department and in accordance with <b>Street Names for Public Roads</b> procedure.	OAK (EC)
54.	That prior to registration of the plan, the Owner's surveyor shall submit to the Town <b>horizontal co-ordinates of all boundary monuments</b> . These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.	OAK (EC)
55.	That the Owner pays any <b>outstanding review fees</b> to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule, if time has lapsed since the initial application.	CH
56.	That the Owner submits the <b>final clearance fee</b> to Conservation Halton, pursuant to the Memorandum of Understanding, immediately prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee.	CH
57.	That the Owner shall prepare a <b>detailed engineering submission</b> to be submitted to the Region's Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement to the satisfaction of Halton Region.	RMH (LPS)
58.	<p>That the Owner acknowledges, in writing agreement to the satisfaction of Halton Region, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that:</p> <p>a) sufficient <b>Water and Wastewater Plant</b> capacity exists to accommodate this development; and,</p> <p>b) sufficient <b>storage and pumping facilities</b> and associated infrastructure relating to both water and wastewater are in place.</p>	RMH (LPS)

59.	That in regard to the implementation of Region policy for the protection and enhancement of the Region’s Natural Heritage System, confirmation be received from Conservation Halton that their conditions have been addressed and that they have no further concerns with the registration of the plan of subdivision.	RMH(LPS)
60.	Prior to registration, the Owner shall submit to the Planning Services Department digital copies of the final draft plan of subdivision along with applicable Land Registry Office J form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.	RMH(LPS) OAK (PS)
61.	That the Owner agrees that <b>should the development be phased</b> , a copy of the phasing plan shall be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.	HDSB HCDSB
62.	That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of <b>Community Mail Boxes</b> as required by Canada Post Corporation, prior to registration of the plan.	CP
63.	That the Owner shall provide Union Gas/Enbridge Gas the <b>necessary easements and/or agreements required by Union Gas/Enbridge Gas</b> for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited.	UG/Enbridge
64.	The Owner shall confirm that <b>sufficient wire-line communication / telecommunication infrastructure</b> is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).	BC Cogeco Rogers
	<b>CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/ REGISTRATION</b>  <b>NEIGHBOURHOOD INFORMATION MAPPING</b>	
65.	<p>The developer shall prepare a final neighbourhood information map, based on the final M-plan, and approved by the Town’s Director of Planning Services, to replace the preliminary neighbourhood information map in all affected sales offices. This map shall contain the following information:</p> <ul style="list-style-type: none"><li>a) all of the information required on the preliminary map,</li><li>b) the locations of all sidewalks and walkways,</li><li>c) the locations of all rear yard catch basins and utilities easements on private property where applicable,</li><li>d) the proposed locations of all above ground utilities, where known,</li><li>e) the proposed locations of all bus stops,</li><li>f) The proposed locations of all temporary mailboxes.</li></ul> <p>The developer shall ensure that each builder selling homes within the subdivision:</p> <p>provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.</p>	OAK(PS)

	CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS (Town and/or Regional Municipality of Halton)	
66.	That the Owner agrees to implement the Town final approved Urban Design Brief to the satisfaction of the Town.	OAK(PS)
67.	The Owner acknowledges that the Town may require <b>redline revisions</b> to the draft plan to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to this draft plan.	OAK (PS)
68.	That the Owner agrees to submit a revised <b>Planning Statistics Spreadsheet</b> to the satisfaction of Planning Services based upon the registration of M-Plans.	OAK (PS)
69.	That the Owner acknowledges that any eligible <b>Development Charge reimbursable</b> items identified to be reimbursed through Development Charge credits, whether repaid through Development Charge credits or other means, in a form satisfactory to the Town's Finance Department. The Owner further agrees to abide by the Town's requirements for matters dealing with Development Charge credits.	OAK (F)
70.	That the Owner acknowledges that the development is to be coordinated with the approved Draft Plans and other ongoing designs on the abutting properties.	OAK(TE)
71.	That the Owner acknowledges that: <ul style="list-style-type: none"> <li>• Lots 227 to 248 and Blocks 365 to 369 are to be frozen until suitable access can be provided.</li> <li>• Blocks 370 and 379 are to be frozen until the development to the north (Docasa) is ready to proceed. Block 379 is to be coordinated with the adjacent property owners.</li> <li>• Blocks 375 to 378 and Lots 11, 12 to 28, 67 and 68 are to be coordinated with development to the north (Eno Investments Limited &amp; Ankara Realty Limited) to ensure grading is consistent. As such, these lots are to be frozen until a grading design has been confirmed.</li> <li>• Block 369 is to be frozen until such a time as it is determined if a turnaround is required</li> <li>• Lots 10 and 11 are to be frozen as a turn around will be required until Eno Investments Limited &amp; Ankara Realty Limited is ready to connect into Street 'B'. This turn around is to be designed and constructed as per Town of Oakville Development Standards.</li> <li>• Lots 66 to 69 are to be frozen as a turn around will be required until Eno Investments Limited &amp; Ankara Realty Limited is ready to connect into Street 'D' (Carding Mill Trail). This turn around is to be designed and constructed as per Town of Oakville Development Standards.</li> </ul>	OAK(TE)
72.	That the Owner acknowledges that all the requisite Stormwater Management Facilities, storm sewers/services, sanitary sewer/services and water mains/services must be constructed, tested, and operational prior to the construction of dwelling units in the development.	OAK(TE)
73.	That the Owner acknowledges that servicing relating to the Pond 21 inlet located on Preserve Drive and Argo (West Morrison Creek Limited) Street 'B', and Pond 21 is to be designed and constructed to the satisfaction of Town prior to proceeding with servicing in the subject development and registration.	OAK(TE)
74.	That the Owner acknowledges that the configuration of all roads, blocks and lot layout is dependent on the design of neighboring developments. The development is to be coordinated with the approved Draft Plans and other ongoing designs on neighboring lands.	OAK(TE)
75.	The Owner acknowledges that <b>work completed on behalf of the Town</b> shall not exceed the estimated values contained within the subdivision agreement and that the Town will not accept any further progress certificates relating to the Schedule 'K' works and will not consider the payment of said progress certificates received after the assumption of the subdivision by the Town. The Owner further	OAK (TE)(F)

	acknowledges that work done on behalf of the Town may not be reimbursed until funded in the Town's approved capital budget.	
76.	The Owner agrees to provide notice to prospective purchasers upon the completion and approval of the <b>Composite Utility Plan</b> showing the location of all community facilities (community mail boxes, bus shelter and stops, street trees, sidewalks, street light poles, hydrants, cable boxes, transformers or any other above grade facilities) to the satisfaction of staff and that this plan be displayed in the sales office.	OAK (TE)
77.	That the Owner's engineer provide certification that all <b>Erosion and Sediment Controls</b> are in a state of good repair and Stormwater outfalls are operational to the satisfaction of the Development Services Department prior to building permit issuance.	OAK (TE)
78.	That the Owner agrees to implement their applicable <b>Minutes of Settlement/Supplementary Minutes of Settlement/Agreements</b> (i.e North Oakville Master Parkland Agreement) with the Town of Oakville and Conservation Halton to the satisfaction of the Town and Conservation Halton.	OAK (PS, POS)(TE)( F) CH
79.	That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's <b>Storm Drainage Policies and Criteria Manual</b> and to the satisfaction of the Development Services Department, in accordance with the Development Services Procedures and Guidelines Manual.	OAK (TE)
80.	The Owner agrees to pay for <b>electricity supplied to light the streets</b> in the development until such time as the first homeowners take possession. This will include the supply of power to the street lights, the commodity cost, transmission and independent electricity marketing operator charges, distribution charges and administration fees, details of which will be outlined in the subdivision agreement.	OAK (TE)
81.	The Owner shall agree to <b>deposit mylars and digital discs</b> (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town.	OAK (TE)
82.	That the Owner agrees to pay for and install all required <b>temporary signage</b> as per the approved Traffic and Parking Management Plan prior to the issuance of any building permits and agrees to ensure that these temporary signs are maintained throughout the construction phase or until the permanent signage is installed.	OAK (TE)
83.	That the Owner agrees to pay for and install all <b>permanent signage</b> within six (6) months of the first building occupancy as per the approved Traffic and Parking Management Plan. In the event that the Owner fails to install the permanent signage in the required timeframe the Town may carry out the work on behalf of the Owner, and will charge the Owner a 100% administration surcharge for all costs incurred by the Town in carrying out this work	OAK (TE)
84.	<p>That the Owner agrees within the subdivision agreement to deliver to the Town the following materials to accommodate <b>PSAB requirements</b> (hereinafter in this section referred to as the "Materials") within the times herein provided:</p> <ul style="list-style-type: none"> <li>a) Prior to registration of the Plan, a table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands to be dedicated to the Town pursuant to this agreement, including rights of way (herein after referred to as the "Dedicated Lands");</li> <li>b) Prior to acceptance of Maintenance, a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials used in the Town's Work, the dates of their respective installation, together with certification of their fair market value at installation; and</li> <li>c) Prior to assumption of the Plan, updated certification by the aforementioned Ontario Land Surveyor, Owner's Engineer or Appraiser as applicable, of the Materials and their current fair market value in form and content acceptable to the Town, together with certification in the manner and by the persons set out herein of any works to be assumed by the Town and not previously certified.</li> </ul>	OAK (TE)



85.	That the Owner agrees that all <b>roadways</b> are to be designed to Town of Oakville standards and partial roads within the draft plans are not permitted, unless other suitable arrangements are made with the Director of Development Services.	OAK (TE)
86.	In the event that required subdivision land use and <b>notice signage</b> becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.	OAK (TE)
87.	That the Owner satisfies the <b>telecommunications</b> provider with respect to their land requirements and agrees to permit all electrical and telecommunication providers who have signed the Town's access agreement to locate on the roads within the plan and that the Owner allow these services to connect to the buildings, all to the satisfaction of the Town.	OAK (TE)
88.	That the Owner shall provide in each of the sales offices a <b>large coloured map</b> , not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of Oakville Official Plan and a prominent note indicating that further information can be obtained from the Oakville Planning Services Department.	OAK (TE)
89.	That the Owner install a 1.2 metre high black vinyl coated <b>chain link fence</b> , or equivalent barrier as approved by the Town, along the common boundary line, setback 0.15 metres on Town property, between the Natural Heritage System / stormwater management facility (where applicable) and the abutting lots and/or blocks. The fence must be installed prior to Building Permit issuance on adjacent lots in order to ensure there is no encroachment by the builder or homeowner into the natural heritage system / stormwater management facility (where applicable) to the satisfaction of the Planning Services Department, Development Services Department, Conservation Halton and Parks and Open Space Department. And further that the Owner provide a legal survey, prepared and signed by an OLS), confirming the location of all fencing installed in 100% on public property and also confirming that there are no known encroachments at the time of assumption.	OAK (PS, POS, TE) CH
90.	That the Owner retain the services of a landscape architect in good standing with the OALA from a roster of prequalified landscape architectural consultants and agrees to provide for the preparation and submission of landscape plans including planting, grading, sodding, fencing and the design of park facilities together with cost estimates for the open space system including walkways, valley land / natural heritage system buffer areas and stormwater management facilities; and further, that the applicant finance the implementation of the landscape plans to the satisfaction of the Planning Department, Parks and Open Space Department and Development Services and in accordance with the Town's Development Charges By-law. Native non-invasive species shall be planted for the Natural Heritage System blocks, including swales and stormwater management facilities, and within Conservation Halton's regulated area.	OAK (PS, POS, TE) CH
91.	That the Owner agrees at their cost to implement a <b>municipal tree planting program</b> for all public roads in accordance with the approved Composite Utility Plan and/or Tree Planting Plan. The selection of species, calliper and timing of work shall be undertaken to the satisfaction of the Development Services Department and in accordance with the latest Town standards and specifications within the final and approved North Oakville Urban Forest Strategic Management Plan, where applicable.	OAK (TE, POS)
92.	That the Owner agrees to submit <b>prior to Assumption</b> an inventory of all boulevard trees planted by species, size, and x/y coordinates in a digital format acceptable to the Parks and Open Space Department and Development Services.	OAK (POS, TE)
93.	That the Owner warranty all <b>boulevard street trees</b> and trees planted in open space areas for a period of 2 years from the date of planting and agrees to maintain in a healthy condition all trees until Assumption or to the end of the warranty period, where the warranty extends beyond assumption.	OAK (TE, POS)
94.	That the Owner agrees to place <b>topsoil</b> on lots, boulevards and parkland in accordance with approved Town standards.	OAK (POS, TE)

95.	That the Owner implements a <b>monitoring program</b> to the satisfaction of the Town and Conservation Halton for Erosion and Sediment control, stormwater management facilities, modified streams and stormwater management works, municipal services and trails with the Natural Heritage System, in accordance with the Water Resources Final Mediation Reports (Ontario Municipal Board) dated 30 August, 2007.  The Owner shall submit monthly (or after significant rainfall equal or greater than 10mm or snowmelt events) sediment and erosion control reports during construction to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
96.	That the Owner agrees to <b>post acceptable securities</b> with the Town of Oakville as part of the subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved engineering plans including the rehabilitation of any Natural Heritage System block or open space areas which may be disturbed during the development of the subdivision.	OAK (TE) CH
97.	That the Owner agrees to not store <b>construction materials</b> on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.	OAK (TE, POS)
98.	That the Owner agrees to design and implement <b>cycling and trails plans</b> in accordance with the North Oakville Trails Plan, when finalized, and the enacted Development Charges By-law to the satisfaction of the Town.	OAK (POS)
99.	That the Owner provides a <b>fire break plan</b> and other fire prevention measures to the satisfaction of the Town of Oakville, where necessary.	OAK (FD)
100.	That the owner agree that <b>any exposed soil</b> within a watercourse block, either as a result of realignment or rehabilitation works, will be seeded or otherwise stabilized within 24 hours of exposure to minimize the transport of sediment downstream.	CH
101.	That the owner agree that <b>no fill from the site may be dumped on or off-site</b> in an area regulated by Conservation Halton without the prior written permission of Conservation Halton.	CH
102.	That the Owner agrees, that should it be determined through detailed design that <b>grade changes</b> are required in order to accommodate development of lots/blocks adjacent to the NHS block any grade changes must be accommodated outside of the buffer block and the lot lines must be adjusted accordingly, to the satisfaction of Conservation Halton and the Town of Oakville.	OAK(TE) CH
103.	That the Owner ensures that there are <b>no in-water works</b> undertaken during the fisheries window as defined by the Ministry of Natural Resources and Forestry (MNR) and Conservation Halton.	CH
104.	That the Owner agrees to not <b>stockpile fill</b> within 30 metres of a watercourse or stormwater management block without prior written approval on Conservation Halton.	CH
105.	That the Owner acknowledges that all works which are the responsibility of the Owner to complete, shall be subject to general construction observation by a <b>licensed Professional Engineer</b> of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must native non-provide competent full time staff on site during construction activities to obtain the required "as constructed" field information, and to ensure general compliance to the best of his/her professional knowledge with the approved drawings and the Town and Region's Current Construction and Design Standards.	RMH (LPS) OAK (TE)
106.	The Owner agrees that Halton Region will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or Regional waste collection trucks can safely access the site. Until Regional collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.	RMH (LPS)
107.	That the Owner agrees to conduct a <b>survey of the static water level</b> and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.	RMH (LPS)

108.	The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The owner further agrees to decommission any existing private septic systems in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
109.	That the Owner acknowledges that development shall be subject to full <b>municipal water and sanitary sewer services</b> to the satisfaction of the Regional Municipality of Halton.	RMH (LPS)
110.	The Owner agrees to provide and install individual pressure reducing valves (PRV) at each residential unit within the subdivision as required by the Ontario Building Code to the satisfaction of Halton Region.	RMH (LPS)
111.	The Owner agrees that should the development be phased, the Owner shall submit a <b>phasing plan</b> prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports. The phasing shall be to the satisfaction of the Regional Municipality of Halton, Conservation Halton and the Town of Oakville.	RMH (LPS) OAK (TE) CH
112.	That the Owner shall submit a copy of the <b>approved sidewalk plan</b> , prepared to the satisfaction of the Town of Oakville, to the Halton District School Board and Halton Catholic District School Board.	OAK (TE) HDSB HCDSB
113.	That the Owner agrees to erect and <b>maintain signs</b> at all major entrances into the new development advising prospective purchasers that a permanent school is not available and that alternate accommodation and/or bussing will be provided. The Owner will make these signs to the specifications of the respective School Board and erect them prior to the issuance of building permits.	HDSB HCDSB
114.	That the Owner provides the Halton District School Board a <b>geo-referenced AutoCAD file</b> of the draft M-plan once all Lot and Block numbering configuration has been finalised. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.	HDSB
115.	That the Owner agrees in accordance with the Plan of Subdivision, that the Halton District School Board requires an elementary school site as identified as <b>Block 379</b> of the draft plan of subdivision. Prior to final approval, satisfactory arrangements have been made with the Halton District School Board to transfer title to the subject lands, identified as <b>Block 379</b> for public elementary school purposes in a condition acceptable to the Board.	HDSB
116.	That the Owner agrees to submit to the satisfaction of the Halton District School Board appropriate soil and environmental investigations, site grading plans, storm water management plans, site servicing plans (sanitary, water and utilities) and archaeological investigations and pipeline details (if necessary). In the event of an identified concern, the Board may commission its own studies at the cost of the landowners. Prior to registration of the plan, the Owner shall certify that all properties to be conveyed to the Halton District School Board are free of contamination.	HDSB
117.	The Owner agrees to rough grade the school block to the satisfaction of the Halton District School Board, to ensure that it meets the grades of adjacent lots/ blocks.	HDSB
118.	That the Owner agrees to the satisfaction of the Halton District School Board to erect chain link fence, in accordance with the Board's standards. The fence shall be located along the school block boundaries as determined by the Board and shall be erected at such time as the adjacent development proceeds.	HDSB
119.	That the Owner agrees to insert a restrictive covenant in every Transfer/Deed of Land of lots adjoining the sites intended for use or actually used for a school, prohibiting the installation or use for any purposes of a gate in any boundary line fence on such school property.	HDSB

120.	That the Owner obtain written permission from the Halton District School Board prior to placing any fill on the school <b>Block 379</b> .	HDSB
121.	That the Owner take responsibility for all required signage on the various blocks which are part of this plan of subdivision and further, that in the event that the Town installs any signs on the Owner's behalf, the Owner agrees to reimburse the Town for the supply, erection, and relocation of appropriate signs which depict land uses and other information on the subject and adjacent lands including notices relating to the bussing of children until the school sites are available and developed, that portables and/or portapaks may be required for student accommodation and that construction of a school is not guaranteed.	HDSB
122.	That the Owner agrees to ensure that all new home buyers will be officially notified of the exact <b>Community Mail Box</b> locations prior to any house sales. Also that the owner shall post in a clear site a copy of the plan indicating the Community Mail Box sites at the sales office. This plan is requested to be completed and approved prior to the start of the House sales for the subdivision. Once the homeowner has closed their home sale, the developer shall notify all new homebuyers of the process to initiate Mail Delivery as well as the address of the local Post office where new homeowners can go and show their warranty documentation as well as a license for identification to begin the process of requesting mail delivery.	CP
123.	The Owner agrees to provide the location of all <b>Community Mail Boxes</b> on the approved Composite Utility Plan to the satisfaction of the Town and Canada Post.	CP
124.	The Owner agrees, prior to offering any units for sale, to display and maintain a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all <b>Community Mail Boxes</b> within the development, as approved by Canada Post. Further, the Owner agrees to inform all homebuyers of the process to initiate mail delivery for their new home address.	CP
125.	The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.	CP
126.	The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.	CP
127.	The Owner agrees to provide a suitable and safe temporary site for <b>Community Mail Box</b> locations. This temporary mail box pad will be a compacted gravel area with a minimum of a single row of patio stones for mail box placement. Temporary pad specifications will be provided to the Owner during the siting process. This location must be set up a minimum of 30 days prior to first occupancies.	CP
128.	The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.	CP
129.	That the Owner acknowledges that where multi-unit or commercial, office or similar buildings are located, one or more conduit or conduits of sufficient size will be provided from each unit to the room(s) in which the <b>telecommunication facilities</b> are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.	BC Cogeco Rogers
130.	That the Owner acknowledge its responsibility to up-front the cost of any extension to the <b>electrical distribution system</b> .	OH
131.	That the Owner agrees to place the following <b>notification in all offers of purchase and sale</b> for all lots and/or units and in the Town's subdivision agreement to be registered on title:  a) "Purchasers are advised that a fully constructed municipal right-of-way, inclusive of full municipal services and utilities may not be available at the time of purchase."  b) "Purchasers are advised that until such time as the lot/block can be accessed from a fully constructed municipal right-of-way and has been connected to full municipal services and utilities, building permits may not be issued."	OAK (PS, TE)(POS) CH HDSB HCDSB CP

	<p>c) “Purchasers are advised that the construction of the municipal right-of-way, and installation of municipal services and utilities is the responsibility of the developer, not the municipality.”</p> <p>d) “Purchasers are advised that for all lots adjacent to the Natural Heritage System block that <b>no encroachment is permitted</b>, and that <b>vegetation shall not be manicured.</b>”</p> <p>e) “Purchasers and/or tenants of lots or units adjacent to open space are advised that these open spaces, in whole or in part, may be vegetated to create a natural setting. Be advised that, in these areas, the Town may not carry out <b>routine maintenance</b> such as grass and weed cutting.”</p> <p>f) “Purchasers and/or tenants of lots or units adjacent to or near the Neighbourhood Park and servicing / walkway block are advised that these <b>open space areas</b> will be used for general active and passive public recreation and leisure uses, including but not limited to walkways (lit and unlit), bikeways, playgrounds, trails, sports field (lit or unlit), splash pad, visitor parking, and/or multi-use courts. In addition to daytime use, park facilities may be used in the evenings and on weekends.”</p> <p>g) “Purchasers and/or tenants of Lots 1 – 11, Block 376 are advised that a <b>walkway</b> may abut the subject property consistent with the North Oakville East Trails Plan. During normal use of, and activity on, the walkway, some noise could occasionally be generated that may potentially interfere with outdoor activities on the subject property.”</p> <p>h) “Purchasers and/or tenants for all lots adjacent to the <b>Natural Heritage System</b>, a statement which advises that the Town reserves the right to install a public trail connection within these blocks. Further purchasers are advised that individual gate access to these blocks from their property is prohibited. In addition, dumping of yard waste or other household materials is also prohibited.”</p> <p>i) “Purchasers are advised that the Town of Oakville’s current <b>street tree planting standards</b>, which are subject to change, are intended to have an average of one tree for every 12 metres of frontage to be considered for planting in order to accommodate future tree growth. This means that not every house is intended to receive a tree. Purchasers are also advised that the ability to accommodate the planting of a street tree within the public road allowance will be influenced by housing form, development setbacks, utilities, driveway width and location. The Town reserves the right, in its sole discretion, to determine whether a street tree will be planted at any particular location within the subdivision particularly on narrow building lots.”</p> <p>j) “Purchasers are advised that <b>winter maintenance</b> and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”</p> <p>k) “Purchasers and/or tenants are advised that the homeowner’s builder is responsible for the timing and coordination of <b>rectifying lot grading</b> matters which occur prior to grading certification.”</p> <p>l) “Purchasers and/or tenants are advised that prior to the placement of any <b>structures in side and rear yards</b>, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work.”</p> <p>m) “Purchasers and/or tenants are advised that <b>private landscaping</b> is not permitted to encroach within the Town’s road allowance, public open space or Natural Heritage System area. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption.”</p> <p>n) “Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of <b>swales and rear lot catch basins.</b>”</p>	
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	<p>o) “Purchasers are advised that any <b>unauthorized alteration of the established lot grading</b> and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots.”</p> <p>p) “Purchasers are advised that the following street(s) in the area may be designated as <b>interim or permanent bus routes</b>, and that bus stops and shelters may be installed along the street(s): Marvin Avenue, Sixth Line and Preserve Drive”</p> <p>q) “Purchasers and/or tenants are advised that home/business mail delivery will be from designated <b>Community Mail Boxes</b> and that purchasers are to be notified by the developer/owner regarding the exact centralized mail box locations prior to the closing of any home sales. “</p> <p>r) “Purchasers are advised that the <b>schools</b> on sites designated for the Halton District School Board or Halton Catholic District School Board in the community are not guaranteed. Attendance in the area is not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.”</p> <p>s) “Prospective purchasers of lot/units, fronting or adjacent to the school site designated for the Halton District School Board are advised that temporary facilities/portables may be sited on the school site in order to accommodate pupils in excess of the school building capacity.”</p> <p>t) “Purchasers are advised that <b>school buses</b> will not enter a cul-de-sac and pick-up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick-up points will not be located within the subdivision until major construction activity has been completed.”</p> <p>u) “Purchasers are advised that <b>driveway entrance widenings</b> or modifications will not be permitted where they impact on the availability of on-street parking space. Property Owners must take note of the available parking space on their own private lot and purchase homes with knowledge that additional space for more personal / family vehicles may be limited or unavailable.”</p> <p>v) “Purchasers are advised that <b>Catholic school accommodation</b> may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. Halton Catholic District School Board will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board.”</p> <p>w) “Purchasers are advised that North Oakville is founded on the principle of public transit as a priority and as such buses with varying frequencies of services are expected to operate throughout the neighbourhoods. Residents are expected to accept bus operations, with their associated impacts as a reality along roadways of this community. Transit infrastructure including <b>bus stops and bus shelters</b> may be located on municipal streets within subdivisions either as temporary and/or permanent features.”</p> <p>x) “Purchasers are advised that Public roads are expected to accommodate pedestrians, cyclists and vehicles of all types. Temporary and/or permanent <b>public parking along municipal roads</b> except laneways adjacent to any property can be made available for on-street parking by the public and is not reserved for use by the property Owner. This will be most evident in close proximity to parks, schools, laneways and commercial or mixed use districts where visitors to these locations will be encouraged to park on-street in accordance with municipal requirements as on-site parking space will be minimal or non-existent.</p> <p>y) “Purchasers are advised that there is the potential for high water pressures within the subdivision”</p> <p>In cases where offers of purchase and sale have already been executed, the Owner shall send a letter to all purchasers which includes the above statements.</p>	
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	CLOSING CONDITIONS	
1	Prior to signing the final plan the <b>Director of Planning Services</b> shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	OAK (PS)
2	Prior to signing the final plan the Director of Planning Services shall be advised by the <b>Regional Municipality of Halton</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) RMH (LPS)
3	Prior to the signing of the final plan the Director of Planning Services shall be advised by the <b>Conservation Halton</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CH
4.	Prior to signing the final plan the Director of Planning Services shall be advised by the <b>Halton District School Board</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) HDSB
5.	Prior to signing the final plan, the Director of Planning Services shall be advised by the <b>Halton Catholic District School Board</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) HCDSB
6.	Prior to signing the final plan, the Director of Planning Services shall be advised by the <b>telecommunications provider</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) BC, Cogeco, Rogers
7.	Prior to signing the final plan the Director of Planning Services shall be advised by <b>Canada Post</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CP
8.	Prior to signing the final plan, the Director of Planning Services shall be advised by <b>Oakville Hydro</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OH
9.	Prior to signing the final plan, the Director of Planning Services shall be advised by <b>Union Gas/Enbridge Gas</b> that all conditions have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	UG/Enbridge
	<b>All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being ____, ____, 20XX.</b>	OAK (PS)

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
Cogeco	Cogeco Cable
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
CH	Conservation Halton
MTCS	Ministry of Tourism, Culture and Sport
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville – Finance
OAK (L)	Town of Oakville – Legal
OAK (TE)	Town of Oakville – Transportation and Engineering Department (formerly DE)

OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
Rogers	Rogers
UG/Enbridge	Union Gas/Enbridge Gas

**NOTES:**

1. The Owner should obtain authorization from the Department of Fisheries and Oceans (DFO) for the Harmful Alteration, Disruption or Destruction of Fish Habitat, pursuant to the **Fisheries Act**, where necessary.
2. The Owner should obtain the written approval of the Ministry of Natural Resources and Forestry (MNRF) for any work within significant habitat of endangered and threatened species, as per the **Endangered Species Act**, where necessary.
3. The Owner should ensure that any vegetation removal take place outside of the nesting season, pursuant to the **Migratory Bird Convention Act**, where necessary.
4. The Owner should obtain the written approval of the Ministry of Natural Resources and Forestry (MNRF) for any work pursuant to **the Lakes and Rivers Improvement Act**, where a dam or blockage of the watercourse is proposed, where necessary.
5. The Owner should prepare and implement a **Soil Management Plan** (to be used for sites generating soil/fill material) and/or a **Fill Management Plan** (to be used for sites receiving fill material) in accordance with the document ‘*Management of Excess Soil – A Guide for Best Management Practices*’ as prepared by the Ministry of the Environment, dated January 2014, and post securities with the Town of Oakville to ensure effective implementation of the plan
6. In order to obtain a Public Works Commissioner’s Notice (PWCN), please provide a formal request in an email or letter along with the following information to the Regional Planner on file containing the following:
  - The number of single detached equivalents (SDEs) that the PWCN is being requested for, the respective law file number and corresponding allocation program, including a copy of the draft plan drawing.
  - A Functional Servicing Report (FSR) OR a Design Brief rationalizing the most current FSR that was approved for the proposed development.
  - Confirmation that the Zone 3/4/5 Boundary Realignment Assessment in relation to your proposed development is deemed satisfactory by the Region’s Development Project Manager (Please contact Ron MacKenzie, Development Project Manager for more details: [Ronald.Mackenzie@halton.ca](mailto:Ronald.Mackenzie@halton.ca) )

A PWCN cannot be issued until all projects listed in the respective group as set out in Schedule G (Engineering and Construction projects) of the applicable Allocation Agreement(s) have been completed.
7. That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilisation, grading and seeding of non-development blocks.
8. This development requires Regional Allocation for the single detached equivalents units (SDEs) proposed. The payments and contributions are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the SDEs are being reserved for the Owner.



9. The Owner is also required to pay all other applicable Regional Development Charges (DCs) and Front-ending Recovery Payments prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case a portion of the DC's and Front-ending Recovery Payment may be payable upon execution of the agreement. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.
- Disclaimer: It is the Owner's responsibility to ensure that all applicable payments and development charges for the single detached equivalents units (SDEs) being requested are paid for as required by the terms and conditions of the applicable allocation program agreement.
10. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.
11. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
- Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
  - Regional Registration fee
  - Registry Office review form
12. During any development activities, should archaeological materials be found on the property, the Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.
13. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.
14. The Owner should prepare and implement a **Soil Management Plan** (to be used for sites generating soil/fill material) and/or a **Fill Management Plan** (to be used for sites receiving fill material) in accordance with the document '*Management of Excess Soil – A Guide for Best Management Practices*' as prepared by the Ministry of the Environment, dated January 2014, and post securities with the Town of Oakville to ensure effective implementation of the plan.

## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Recommendation Report, SmartCentres (on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc.), Official Plan Amendment and Zoning By-law Amendment, Z.1413.34 and OPA 1413.34 – By-laws 2022-063 and 2022-064

**LOCATION:** 256, 260 and 294 Hays Boulevard, 271 Oak Park Boulevard

**WARD:** Ward 5

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#### RECOMMENDATION:

1. That the proposed Official Plan Amendment and Zoning By-law Amendment applications submitted by SmartCentres (on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc.), (File Nos. Z. 1413.34, OPA1413.34), be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated June 14, 2022.
2. That By-law 2022-063, a by-law to adopt an amendment to the Livable Oakville Plan, be passed.
3. That By-law 2022-064, an amendment to the Zoning By-law 2014-014, be passed.
4. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'C' to this report from the Planning Services Department dated June 14, 2022.
7. That the Chief Administrative Officer and Town Clerk be authorized to enter into a Section 37 Agreement with the applicant/owner, permitting an agreed upon exchange of height/density for appropriate community benefit in accordance with the adopted "Bonusing Under Section 37 of the *Planning Act* Procedure" and applicable town Official Plan Policies, that will be registered on title of the subject lands, to the satisfaction of the Town Solicitor.

### **KEY FACTS:**

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

- SmartCentres, the owners of the subject lands, submitted an Official Plan Amendment and Zoning By-law Amendment application to facilitate a mixed use development proposal consisting of two towers, 26 and 31 storeys, with 587 residential units, at-grade commercial space, one level of underground parking and three levels of above ground structured parking.
- The subject lands are located within the Uptown Core Growth Area at the northwest corner of Trafalgar Road and Oak Park Boulevard. This area is planned to accommodate intensification and high density growth.
- The Livable Oakville Plan height permissions for this site have a maximum height of six storeys on the southern portion of the site and twelve storeys for the northern portion. The applications exceed the heights permitted within the Main Street 2 and Urban Core land use designations as well as the Mixed Use 4 zone and therefore require amendments to the Official Plan and the Zoning By-law to permit the development of the eastern portion of a larger development block. In accordance with the Livable Oakville Plan, the subject lands are eligible for bonusing to allow for increases of up to four storeys beyond the maximum permitted (ten and sixteen storeys currently permitted through bonusing).
- A Section 37 Agreement is required between the Owner of the lands and the Town of Oakville to permit an agreed upon increase in height for a community benefit. The applicant has applied to increase the number of storeys permitted through bonusing from four storeys for each tower to 20 storeys on the southern tower and 19 on the northern tower.
- The application will be considered under Bill 108, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The application was deemed complete on April 30, 2021. The statutory timeframe for processing this application expired on October 30, 2021.
- Staff recommend approval of the Official Plan and Zoning By-law Amendment applications as the proposed development is consistent with the Provincial Policy Statement, conforms and does not conflict with the

Growth Plan, conforms to the Region of Halton Official Plan and the general intent and purpose of the Livable Oakville Plan. The application conforms to the Town's Urban Structure as the proposed development aids in achieving complete communities.

## **BACKGROUND:**

The Uptown Core has a planned development history that dates back to the mid-1980s. In 1987 Official Plan Amendment 14 provided direction for three development areas within the Uptown Business Core. The objectives for this new area included the Uptown Business Core being a commercial, cultural, institutional and recreation heart of the Town of Oakville, north of the QEW, providing locations for high and medium density residential development. A staged growth and development vision focused around the creation of a strong coherent urban plan integrating pedestrian connections, consistent streetscaping and a year round, day and night, active Town centre.

Below is the last ortho photo taken of the Uptown Core prior to the construction of the Walmart and Superstore.



Figure 1: Uptown Core Ortho Photo with planned road pattern overlaid

In 1995 *The Uptown Core – Urban Design Study* was completed adhering to the design philosophy and guidelines set out in OPA 14. The study refined the development block pattern and street network, distribution of land uses, and the provision of parking. The new land use structure identified a Business District, Central Retail Area, and locations for medium and high density residential development (see Figure 2). Heights and intensity of future development were

adjusted to acknowledge transition and permissions for growth. This study incorporated an expanded open space system.

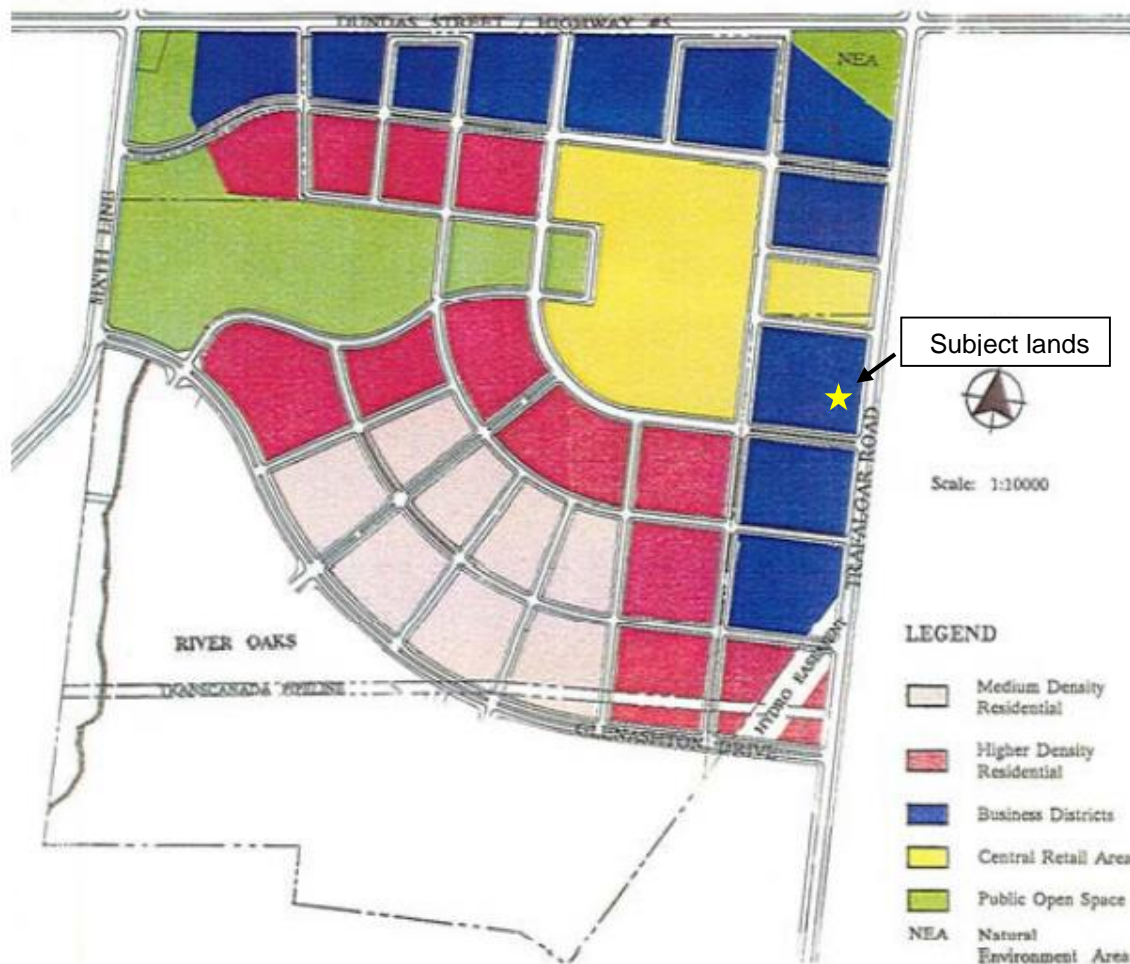


Figure 2: 1995 Proposed Concept Plan: Streets, Blocks and Land Uses

In the late 1990s, several more studies were completed to support the vision of a mixed use node and ultimate build out of the Uptown Core. These studies included the *Uptown Core Community Streetscape Master Plan* and the *Uptown Core Main Street Buildings Architectural Review*. The latter study strictly dealt with the architectural massing along Uptown's Main Street to demonstrate what the existing policies would physically translate into a built form. Recommendations from this study included reduced building setbacks to the public right-of-way, building massing and the placement of surface parking areas behind buildings that front along Oak Park Boulevard.

Building on OPA 14 in 2005, Section E: Land Use Uptown Core of the Official Plan (Figure 3) provides the development framework as a regional centre with emphasis on commercial development, a civic and public presence and mixed use



development to encourage the integration of various daily activities, thereby reducing the reliance on vehicle trips. High and medium density residential uses were again planned within the Core area versus fronting along Dundas Street and Trafalgar Road. In addition, policies were included which had the effect of eliminating large scale surface parking. The policies also recognized the need to accommodate population targets within Uptown Core to achieve the desired vision.

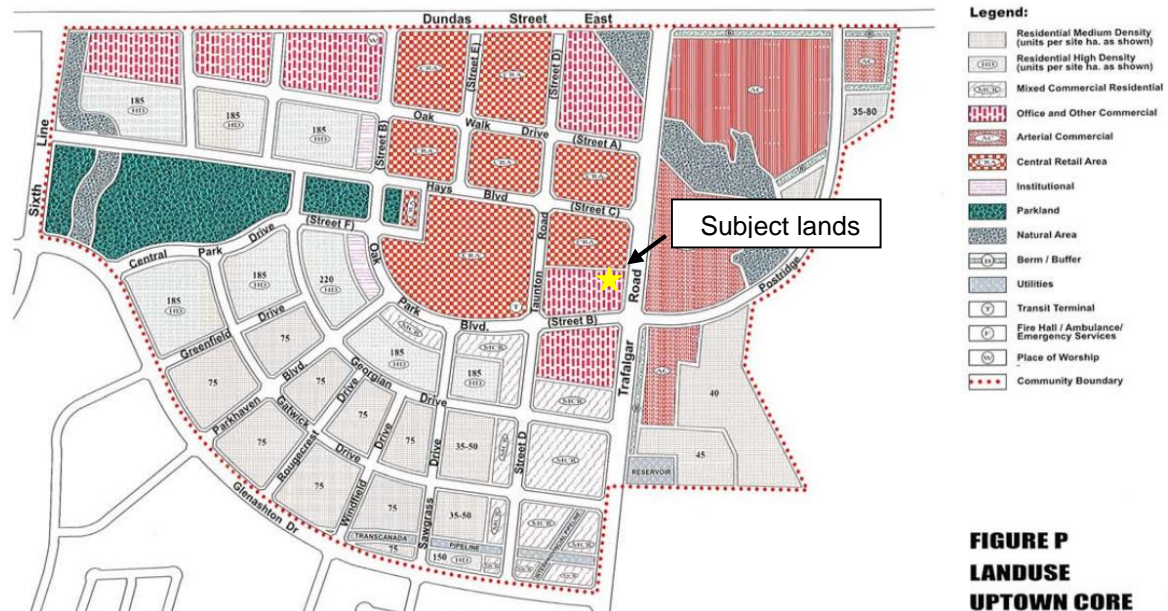


Figure 3: Official Plan, Part E – Community, District and Special Study Area Plans

During 2008 and 2009, the Town was developing the *Livable Oakville Plan* and the concept of identifying Primary and Secondary Growth Areas within the town was introduced. Growth Areas would become locations to direct intensification to, and away from established neighbourhoods. This undertaking resulted in multiple background studies to support the Uptown Core Review, including land use compatibility reviews, transportation assessments, transit strategies, and commercial inventory studies. A notable study that was completed to support the new Official Plan was the Residential Intensification study which looked at keeping intensification out of the Town's established residential neighbourhoods.

The Uptown Core Review anticipated development potential distributed among four districts, each of which had different expectations for a mix of uses and built form. The four districts for development are shown on Figure 4. Oak Park Boulevard was identified as the Main Street of the Uptown Core which was to function as the primary pedestrian destination place with retail at-grade and access to institutional, public and cultural uses to enhance the community's 'sense of place'. The districts were established to recognize appropriate transitions to existing uses within the

districts and adjacent lands to the Uptown Core while maintaining the flexibility to allow for evolving provincial intensification targets and market adjustments.



Figure 4: Uptown Core Review Land Use Districts

The outcomes of the major studies supporting the Livable Oakville Plan recommended the introduction of the Mixed Use Land Use designations within the Uptown Core and the rest of the growth areas. The Mixed Use designations were identified on lands fronting onto and within close proximity to the Uptown Core Transit Terminal, as well as Dundas Street and Trafalgar Road to support transit use along these soon to be designated Higher Order Transit Corridors (see Figure 5).





Figure 5: Potential Development Scenario identified in the 2009 Uptown Core Review

An assumption made within the 2009 Uptown Core Review work was that the network of sidewalks and cycling facilities, transit terminal, frequent transit services and future HOV/BRT lanes on Trafalgar Road and Dundas Street East would result in high non-auto mode splits for the Uptown Core. In addition, existing and future congestion levels were thought to encourage changes in behaviour resulting in a greater shift in mode splits, i.e. people leaving their cars at home and walking, cycling or taking transit. The integrated mixed use planning and transportation vision of walkable streets, cycling facilities and increased transit frequencies resulted in recommendations for the inclusion of lower parking ratios and shared parking arrangements within mixed use developments.

The Urban Structure established a position of ‘maintaining growth within the urban boundary’ in 2017, the Town looked at the best approach for managing development within the town’s existing boundaries and Council approved the town’s urban structure as shown in Figure 6. The Town’s urban structure, most recently updated through Official Plan Amendment 15, provides for nodes and corridors, and identified where higher intensity forms of mixed use growth could occur that would support frequent transit service. Nodes include the Town’s strategic growth areas, such as the Uptown Core. Corridors such as Trafalgar Road and Dundas Street are identified as Transit Priority Corridors. These areas will accommodate intensification through development and redevelopment.

At the time of approval, the town-wide urban structure was deemed to be consistent with the Provincial Policy Statement, 2014, to conform to the Regional Official Plan, 2009 and the Growth Plan, 2017.





Figure 6: Urban Structure

### Uptown Core Review

As part of the Town's Official Plan Review, the growth area reviews will examine the policies introduced through Livable Oakville that guide development related decisions. The Uptown Core Review is underway and will account for revised growth targets (existing population and employment, and the addition of residential units) to align with the PPS, Growth Plan and Halton Region's Integrated Growth Management Strategy. Work on this study was paused during the Covid-19 pandemic to focus on other priority projects within the Town and is anticipated to continue in the fall of 2022.

The Uptown Core will continue to function as a strategic growth area for mixed use development and intensification as directed by the approved urban structure.

### **Proposal**

The purpose of this report is to provide a full staff review of the applications and a recommendation for the proposed Official Plan and Zoning By-law amendment applications.

The effect of the proposed Official Plan Amendment No.46 and Zoning By-law 2022-064 is to permit a mixed use development consisting of a podium and two residential towers beyond six and twelve storeys, with at-grade retail/commercial uses oriented towards Oak Park Boulevard. The applicant is proposing a total of 587 residential

units, eight of which are two storey apartment units within the podium facing Trafalgar Road. The development will create 499 residential parking spaces within one level of underground parking and three levels of above grade, structured parking incorporated within the building. In addition, 590 bicycle parking spaces are located in the underground garage and on the first two storeys of the podium.

The property is currently eligible for an increased height of four storeys per tower subject to an exchange of community benefits with the Town. The applicant is proposing to increase the total number of storeys available for bonusing to a maximum of 39 storeys – split between the two tower elements, thereby permitting two towers of 26 and 31 storeys. The floor space index (FSI) for the site has been calculated at 4.7, which is comparable to the low end of the recently proposed Midtown Oakville FSI range of 4.0 to 10.0 north of the rail line.

The proposed height exceeds the height range permissions within the *Livable Oakville Plan* for the Uptown Core growth area. As a result, the applicant has requested an Official Plan Amendment to evaluate the appropriate heights on this site and zoning modifications to allow for the development as proposed.

The subject lands are eligible, under the Bonusing policies of the *Livable Oakville Plan*, for increased height permissions to a maximum of four additional storeys. Under the existing bonusing permissions, the maximum height of the southern tower (Tower A) could be increased to 10 storeys and the northern tower (Tower B) up to 16 storeys. The subject proposal contemplates a maximum of 20 additional storeys for Tower A and 15 additional storeys for Tower B. A Section 37 Agreement with the Town would be required to increase the maximum height of the two towers.

Table 1: Comparison of height permissions in *Livable Oakville* with the proposal

	As-of-right height permissions	With Bonusing as per <i>Livable Oakville</i>	Development Proposal
Tower A	max 6 storeys	max 10 storeys	max 26 storeys
Tower B	max 12 storeys	max 16 storeys	max 31 storeys
Total number of bonused storeys		8 additional storeys	39 additional storeys

The ability to use bonusing provisions as provided in the *Livable Oakville Plan* is subject to Bill 108 *More Homes, More Choice Act*. Bill 108 removes the existing Section 37 density/height bonus provisions in the *Planning Act* and replaces this section with a capped community benefit charge. The transition provisions of Bill 108 permit the town to continue to pass bonusing by-laws until the earlier of the Town enactment of a community benefits by-law, or September 18, 2022.

#### Site Layout:

There is an existing vehicular driveway from Taunton road which is proposed as the vehicular access to the site and the above grade parking garage. The existing

vehicular driveway from Hays Boulevard that provides access to the existing commercial uses along the northern portion of the site is expected to be a future private road. The applicant proposes to incorporate the use of the future private road into the subject land's site circulation for a drop-off area.



Figure 7: Air Photo

The western portion of the site, bounded by Oak Park Boulevard and Taunton Road, is not part of this application and is identified for future development (Figure 8).



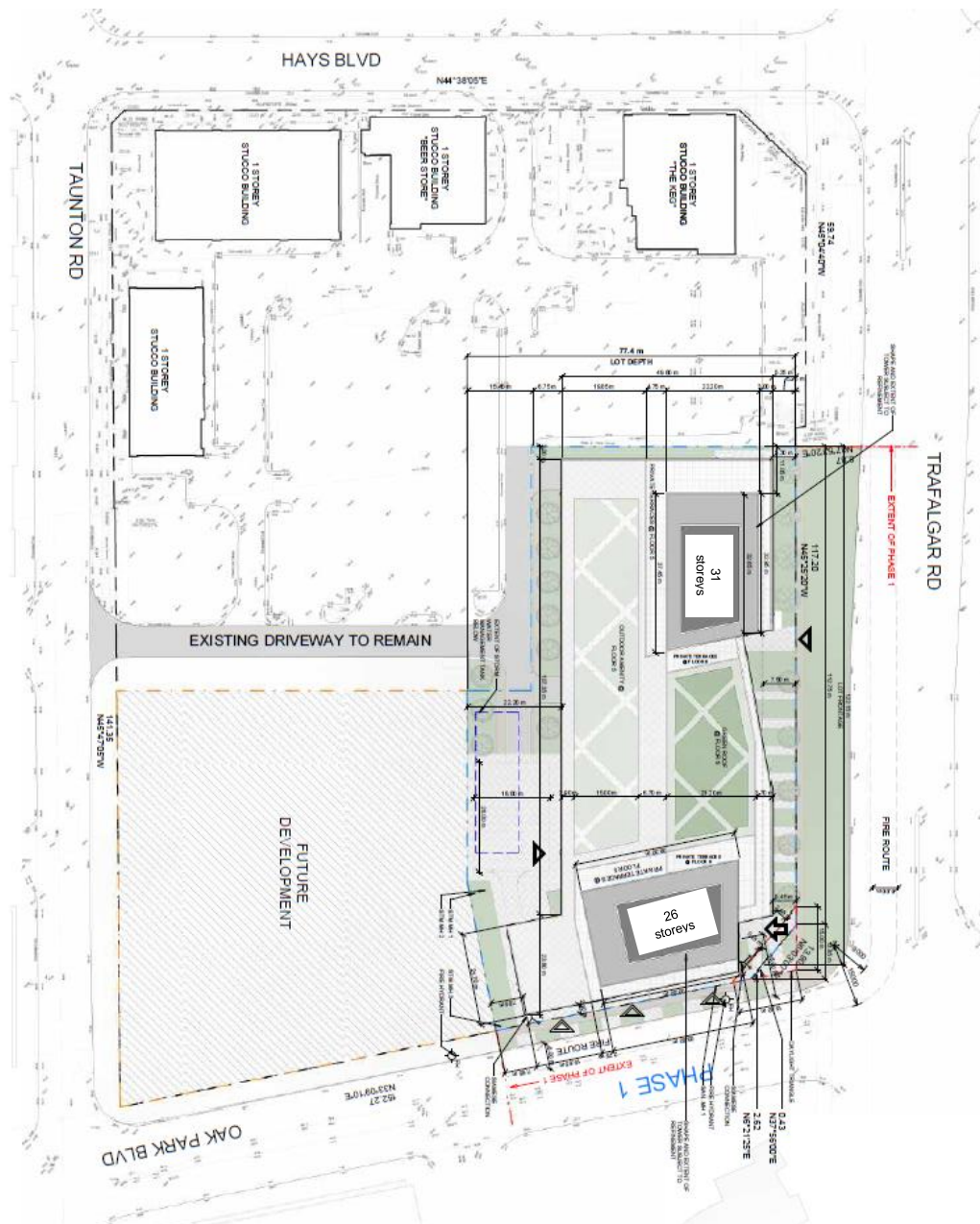


Figure 8: Site context showing entire block and lands for future development

The conceptual site plan, Figure 9, illustrates the siting of the building on the block fronting onto Trafalgar Road and Oak Park Boulevard, as well as the internal road providing access from Taunton Road. In addition, the 842 square metre green roof is visible in the plan view along with the building stepbacks from Trafalgar Road and Oak Park Boulevard.

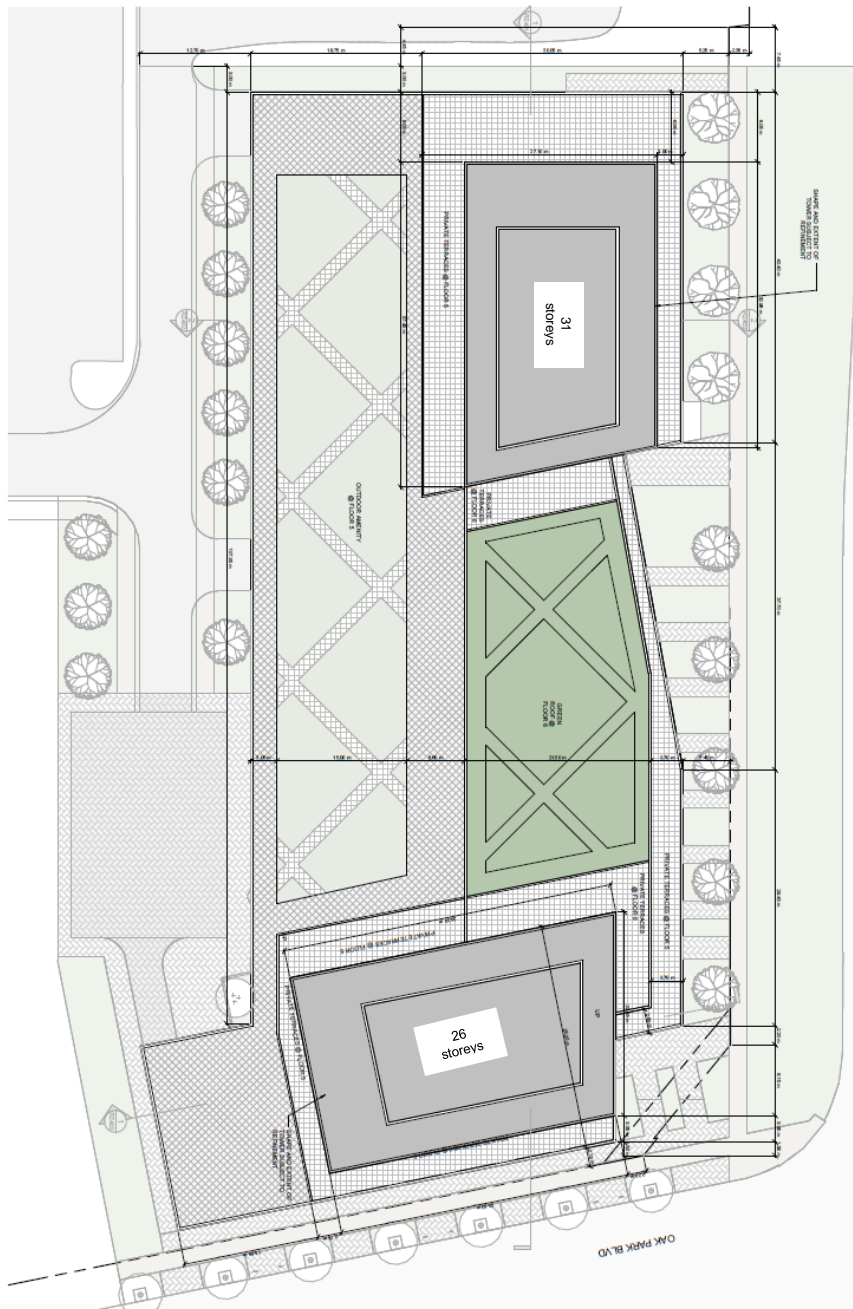


Figure 9: Conceptual Site Plan

Of the 587 total units proposed, 412 units (70%) are 1 bedroom units, 175 units (30%) are 2 bedroom units and there are eight two storey units, marketed as “townhouses” (1.5%). A requirement has been included in the By-law 2022-064 for 30% of the dwelling units to be two bedrooms or greater. Staff will continue to discuss providing larger units for families during the review of the site plan.

The following table summarizes the parking requirements in the parent by-law, what has been proposed by the applicant and the number of parking spaces included in By-law 2022-064. The specific rates applied to this site specific Special Provision are included in the Appendix F: By-law 2022-064.

Table 2: Parking rates

Use	By-law 2014-014	Proposal	By-law 2022-064
Residential Parking	514	501	499
Residential Visitor	117	30	88
Retail Parking	23	0 (proposal uses adjacent commercial site)	23 (shared with visitor)
Total Spaces	657	531	596

The proposed Zoning By-law 2022-064 provides for Holding (“H”) provisions that must be satisfied prior to building permit issuance. The ‘H’ provision would require a record of site condition, to the satisfaction of Halton Region.

Figures 10 and 11 provide street level/pedestrian perspectives of the development from the corner of Trafalgar Road and Oak Park Boulevard as well as from the internal road. These views illustrate the grade related experience from a pedestrian’s perspective. The five storey podium will have active uses at-grade in the form of two-storey apartment units and amenity space which will occupy the ground floor along Trafalgar Road. The podium steps down to 3 storeys at the rear to provide for a large outdoor amenity area. The proposed retail space along Oak Park Boulevard is consistent with the main street vision for this area.

The primary residential lobby entrance is located at the southeast corner of the podium. Two secondary entrances are provided on the east façade of the podium along Trafalgar Road and at the rear of the podium adjacent to the drop-off area. The townhouses will have direct access to Trafalgar Road and internally through the building.





Figure 10: Conceptual perspective from the corner of Trafalgar Road and Oak Park Boulevard. The design will be further reviewed as part of the current site plan application.



Figure 11: Conceptual pedestrian perspective from the corner of Trafalgar and Oak Park Boulevard

### Site Plan

Given the complexity of the site, Staff accepted the submission of a site plan application (SP 1413.053/01) in advance of the zoning approvals to ensure the site would be developed appropriately and that the proposed zoning regulations would be appropriate for the proposed development. The site plan was circulated on April 7, 2022.

Final site plan approval will not be granted until the zoning is in place for the development.

Submission materials are available at the following link on the Town's website:  
<https://www.oakville.ca/business/da-37956.html>.

### **Location & Site Description**

The subject lands are located at the northwest corner of the Trafalgar Road and Oak Park Boulevard intersection and approximately 400 metres (5 minute walk) to the Uptown Core Transit Terminal.

The subject property is vacant and has a lot area of approximately 0.9 hectares and is bounded on the west by Taunton Road and the Keg Restaurant to the north. The property has 125 metres of frontage on Trafalgar Road, and 70 metres of frontage on Oak Park Boulevard.



### **Surrounding Land Uses**

The surrounding land uses are as follows:

North: The Keg restaurant as well as other 1-storey commercial uses

East: Trafalgar Road, a wide range of 1-storey commercial uses

South: Oak Park Boulevard, Oakville Chrysler car dealership, 12 storey residential building

West: Taunton Road, four storey commercial/office use building

### **PLANNING POLICY & ANALYSIS:**

The properties are subject to the following policy and regulatory framework:

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

### **Provincial Policy Statement (2020) – Effective May 1, 2020**

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient compact development form by directing growth to settlement areas, and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS promotes the integration of land use planning, growth management and 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.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive. On this basis, the proposed Official Plan Amendment and rezoning is consistent with the PPS (2020).

Excerpts of relevant PPS policies to the application are attached as Appendix 'A'.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

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

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options.

The subject lands are located within an identified “Built-Up Area” and a “Settlement Area”, where intensification is encouraged to efficiently make use of the existing infrastructure, municipal servicing availability and convenient access to services that meet the daily needs of residents. Key principles, set out in Section 1.2.1 include prioritizing intensification and higher densities in order to make efficient use of land and infrastructure and support transit viability while at the same time consider adjacent uses, compatible built form and transitioning.

Support for the development of complete communities and transit supportive development is emphasized in Section 2.1:

*“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification ... concentrating new development in these areas provides a focus for investment in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options. It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.”*

In addition, the Growth Plan establishes intensification targets for development within “Delineated Built-Up Areas”, stating in Section 2.1 the importance:

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*“...on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.”*

The Town of Oakville is included within these areas and anticipates that a minimum of 50 percent of all residential development occurring annually is expected to be within the delineated built-up area. On this basis, the proposed Official Plan Amendment and rezoning are consistent with the Growth Plan and contributes to the achievement of complete communities.

Excerpts of relevant Growth Plan policies to the application are attached as Appendix ‘A’.

### **Metrolinx Regional Transportation Plan 2041 (2018)**

The subject lands front onto Trafalgar Road which is identified in the 2041 RTP as a Bus Rapid Transit/Light Rail Transit (BRT/LRT) route. The 2041 RTP uses the Growth Plan 2017’s planning horizon of 2041 and sets out a series of goals and strategies to complete the delivery of current regional transit projects, integrate transportation and land use and prepare for an uncertain future. One of the priority actions under Strategy 2: Connect More of the Region with Frequent Rapid Transit is to build additional LRT/BRT projects by 2041. Dundas Street East and Trafalgar Road are identified in the RTP as a proposed BRT/LRT, with transit running in an exclusive right-of-way. Several approaches are identified in the RTP for integrating transportation and land use planning for the successful delivery of the Strategy 2 projects, including among others, the planning and design of the community, including development and redevelopment sites to support the greatest possible shift in travel behaviour, as well as embedding travel demand management (TDM) into planning decisions.

Metrolinx’s *Making it Happen* paper states that the implementation of the 2041 RTP is “a shared responsibility that requires the participation of all municipal partners. Making the 2041 RTP a reality will also require the involvement of the private sector, civic organizations, universities and colleges, the traveling public, and many others.”

The Town continues to participate as an active stakeholder in the strategic planning for these facilities and will continue coordinating with Halton Region and Metrolinx towards the successful completion of these facilities for Oakville and GTA residents.

### **Housing Strategies**

On May 16, 2022 a Staff report titled “Housing Information Report and Preliminary Policy Analysis” was presented to the Planning and Development Council. The

report provided an overview of legislation, plans and policies at the federal, provincial, regional and town levels regarding housing. In addition, the report included commentary on emerging trends and themes, and identified issues and matters to be addressed in regard to housing and the Livable Oakville Plan review. The Town must ensure that its Official Plan is consistent with and conform to Provincial and Regional legislation and policies.

Notable legislation and strategies highlighting the “housing crisis” theme include:

- Federal – National Housing Strategy and the Federal Budget
- Province – Housing Services Act, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, More Homes, More Choice: Ontario’s Housing Supply Action Plan, More Homes for Everyone Plan
- Regional – Halton Comprehensive Housing Strategy, State of Housing Report, Regional Official Plan

The Town’s role in providing solutions toward housing and housing affordability rests largely in its ability to enable a diverse housing supply, provide greater housing options within its communities and ensure existing affordable and rental housing stock is protected. By way of Official Plans and Zoning By-laws, the Town can create conditions which promote and accommodate a range of housing options.

### **Integrated Growth Management Strategy (IGMS)**

A key component of Halton Region’s Municipal Comprehensive Review and Official Plan Review program conformity exercise with the Growth Plan is the Integrated Growth Management Strategy that has involved a significant amount of testing of growth concepts of “where and how the Region can grow.” The purpose is to better manage future population and employment growth in Halton Region. A Draft Preferred Growth Concept (PGC) for 2031 to 2051 was presented to the Town’s Planning and Development Council on January 18, 2022.

Regional Council directed Regional Planning Staff to look at a Land Needs Assessment option which would emphasize intensification and limit greenfield expansion. The Town has consistently supported a Growth Concept that minimizes settlement area boundary expansions, directs growth to strategic growth areas, encourages transit-supportive, compact mixed use development, and addresses the climate emergency. The PGC proposes to implement the Regional Urban Structure of strategic growth areas and higher order transit corridors, which is consistent with Oakville’s town-wide urban structure. The Town has not been supportive of proposals to expand growth beyond the current settlement area boundaries and has raised concern with concepts that include such expansions.

To be successful in protecting natural heritage systems, open space and cultural heritage as well as maintaining the character of residential areas, growth must be directed to growth areas, nodes and corridors that incorporates a ‘build up versus

build out' strategy. The Town has encouraged Halton Region to plan for growth that is supported by existing local urban structure, minimizes settlement area boundary expansions onto the agriculture land base, and supports the creation of complete communities in a compact urban form with sustainable transportation choices.

### **Oakville Urban Mobility and Transportation Strategy**

On February 15, 2022, the Urban Mobility and Transportation Strategy was presented to the Planning and Development Council. The Strategy recommended a new lens through which Staff and Council evaluate options and make decisions on the prioritization, design, operation and maintenance of town transportation infrastructure. The report warned of the negative impacts of the Town continuing to develop as an auto-dominated community. A key acknowledgement of the Strategy noted that growth directed to strategic growth areas and higher order transit corridors will:

- Accommodate the demands of the future that come from being part of a growing region;
- Adapt to an evolving transportation landscape, or
- Respond to a changing climate.

Linking transportation and land use planning decisions on where and how to grow is vital to making the Town's urban structure successful.

### **Halton Region Official Plan**

The subject lands are designated "Urban Area" in Halton Region's Official Plan (ROP). The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". The policies of the Urban Area designation (Policy 72 of Part III) support a form of growth that is compact and supportive of transit and reduces the dependence on the private automobile, and the development of vibrant and healthy mixed-use communities which afford maximum choices for housing, work and leisure. The Urban Area is intended to facilitate and promote intensification and increased densities by attracting a significant portion of population growth, and by achieving higher densities than the surrounding areas that will, in turn, support transit and active transportation for everyday activities.

The subject lands are within the identified "Built-Up Area". Regional Phasing policies require the Town of Oakville to intensify within the built boundary. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

Halton's planning vision for a healthy community is found in Policy 31(3) stating that a healthy community is physically designed to minimize the stress of daily living and meet the life-long needs of its residents where a full range of housing, social, health and recreational opportunities are present and where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system.

The subject lands front onto Trafalgar Road, a Higher Order Transit Corridor (Map 3) which is part of a regionally identified *Intensification Area*. Policy 80 provides that Higher Order Transit Corridors have a concentration of residential and employment uses with development densities and patterns supportive of public transit and pedestrian traffic. Policy 81(1) states that it is the policy of the Region to direct development with higher densities and mix of uses to Intensification Areas/Higher Order Transit Corridors and to require Local Municipalities to do the same. Figure 12 below is an image taken from the IGMS Regional Urban Structure Discussion Paper, prepared by Halton Region, illustrating the strategy behind planning for intensification and complete communities in growth areas and nodes as well as along designated corridors to support higher order transit.

## Linking Transportation & Land Use

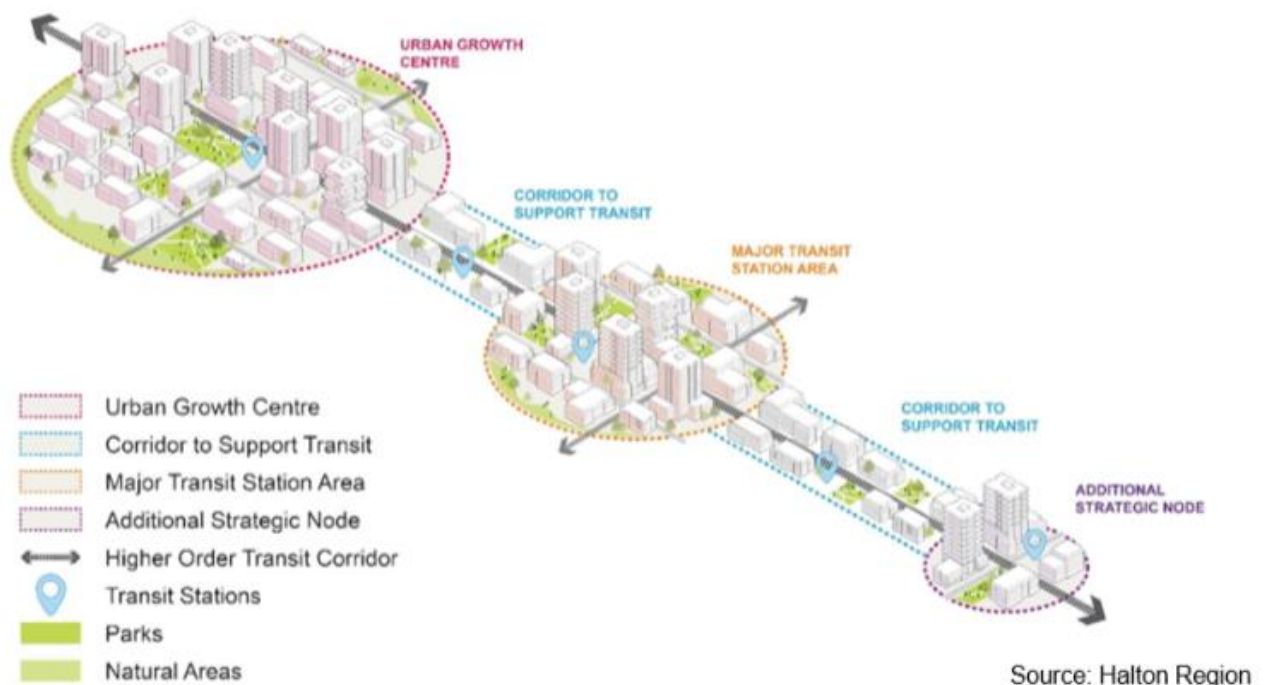


Figure 12: Hierarchy of Strategic Growth Areas

The intent behind a defined Corridor is that all forms of transit (light rail, buses, etc.) will generally operate in a dedicated right-of-way, outside of mixed traffic and therefore can achieve a frequency of service greater than what is feasible when sharing lanes. Halton Region designated Dundas Street East and Trafalgar Road as such corridors with curb lanes that are dedicated for Bus Rapid Transit (BRT) providing a facility with greater services levels that may encourage a transit supportive behavioural shift. Intensification along these corridors is required to ensure success of higher order transit.

On November 20, 2021, the Minister of Municipal Affairs and Housing approved Regional Official Plan Amendment No. 48, which updates the current Regional Structure and identifies a hierarchy of Strategic Growth Areas in the Regional Official Plan to help accommodate population and job growth to 2051, as required by the Provincial Growth Plan.

The Region of Halton have no objections to the approval of these applications subject to the inclusion of a Holding condition requiring a Record of Site Condition.

### **Livable Oakville Plan**

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011. The subject lands are located within an identified growth area that is planned to accommodate intensification and high density growth in accordance with the policies of Livable Oakville:

#### **Section 2.2.1 b) reinforce the Town's Urban Structure:**

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

#### **Section 2.2.2**

*"Providing choice throughout the Town in order to:*

- a) Enable the availability and accessibility of a wide range of housing, jobs, and community resources to meet the diverse needs of the community through all stages of life;*
- b) Providing choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,*
- c) Foster the Town's sense of place through excellence in building and community design."*

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community.

The subject lands are identified on *Schedule A1 – Urban Structure* as being within the Town's system of Nodes and Corridors and front onto Trafalgar Road, which is identified as a Regional Transit Priority Corridor. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. From a land use perspective, lands adjacent to Regional Transit Priority Corridors (within 100 metres) provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of employment and residential densities to support frequent transit service.

#### Official Plan Objectives

The subject lands are located within the Uptown Core growth area. The site is split by the Urban Core designation on the north area of the parcel and the Main Street 2 designation on the southern portion of the site on Schedule M1: Uptown Core Land Use Plan in the Livable Oakville Plan, shown in Figure 13. Policies within Part C of the Livable Oakville Plan state that the Mixed Use designations are to be:

*“primarily focused within the Growth Areas and in specified locations reflective of an area's planned function. The six Growth Areas provide for a concentration of mixed use, higher density development: Midtown Oakville (urban growth centre), Uptown Core, Palermo Village, Downtown Oakville, Bronte Village and Kerr Village.”*



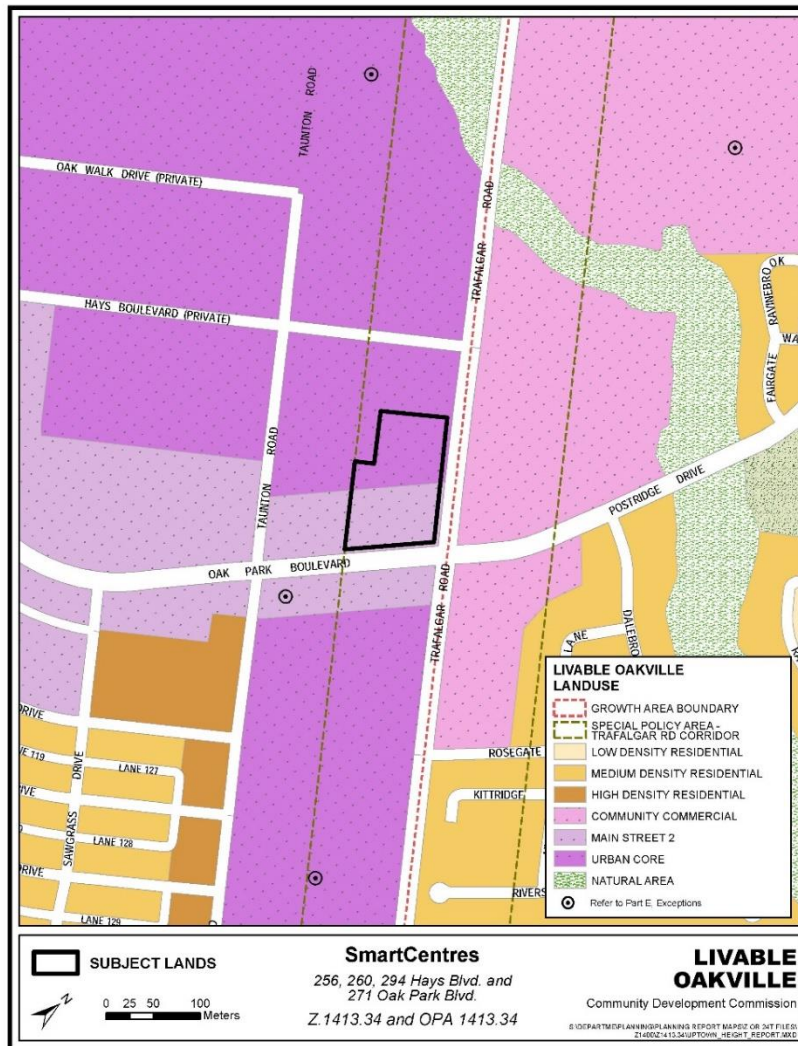


Figure 13: Official Plan Land Use Excerpt

Schedule M2: Uptown Core Building Heights identifies building heights for Main Street 2 as four to six storeys and Urban Core as twelve to sixteen storeys for the subject lands, with potential bonusing opportunities.

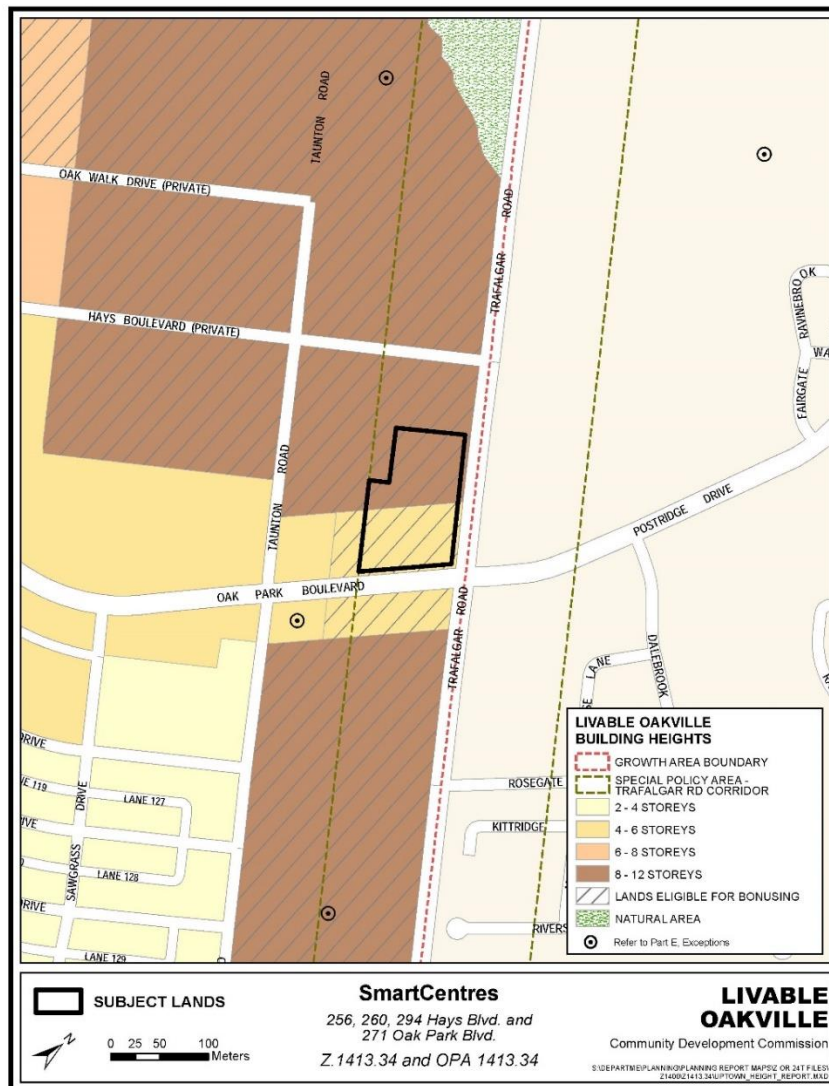


Figure 14: Official Plan Building Heights Excerpt

Section 21 of the Livable Oakville Plan states that the Uptown Core will function as an urban community with an emphasis on mixed use development that supports pedestrian-oriented and transit-supportive development and redevelopment. The policies and objectives for the Uptown Core include promoting high density forms of residential and mixed use development by coordinating land use, transportation infrastructure and urban design.

The lands are located within the Main Street District which is intended to develop as the focal point of pedestrian and community activity in the Uptown Core. Trafalgar Road is designated as a Transit Priority Corridor and the Town encourages a high

degree of transit usage that in turn attracts intensification opportunities within the Uptown Core.

Section 21.7.1d) states that the Uptown Core shall evolve and transition in such a way not to preclude or undermine the long-term vision for higher density mixed use development, and to incorporate urban design policy requirements as set out in Part C of Livable Oakville. The Uptown Core Review is underway as part of the overall Livable Oakville Plan review. Current land use policies require updating to incorporate revised growth targets (existing population and employment, and the addition of residential units) to align with the 2020 PPS, 2019 Growth Plan and Halton Region's Integrated Growth Management Strategy.

### **Community Benefits**

The Livable Oakville Plan includes bonusing policies that provide permissions for additional height on eligible lands within the Uptown Core in exchange for community benefits. The policies that establish height limits, Section 28.6 of the Livable Oakville Plan (included in Appendix 'B') set out a number of public benefits that may be acceptable in exchange for bonused development throughout the town. Section 21.7.2 (included in Appendix 'B') describes particular benefits identified as being appropriate within the Uptown Core.

The current policy framework requires that the applicant enter into a Section 37 Agreement with the Town to secure public benefits in exchange for increased height. The total height increase would be 39 storeys across the two towers, and would be subject to a Section 37 agreement.

As part of the Town's approved Bonusing Protocol the applicant will be required to conduct a market appraisal of the project to assist the Town in determining the appropriate bonused "amount" to be paid to the Town. Affordable housing is identified as a public benefit that can be exchanged for additional height and is considered an excellent opportunity within the Uptown Core due to its proximity to services, retail and transit. Other opportunities could include the sale of an agreed upon number of units to Halton Region to support affordable housing needs, investment in transit, and public art.

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

The subject lands are in an optimal location when evaluating the opportunities to increase heights and extend bonusing permissions, in exchange for community benefits, beyond what is currently included in the Livable Oakville Plan. The following summarizes a few of the site specific advantages of allowing increased height/density:

- Oakville Transit and GO Transit operate frequent transit service along Trafalgar Road and off transfer options to other routes from the nearby Uptown Core Transit Terminal.
- Metrolinx, in conjunction with Halton Region, is currently preparing an implementation strategy for BRT along Trafalgar Road and Dundas Street.
- Cycling facilities are in place along Trafalgar Road and surrounding areas.
- Access to programmed park space and green space is available within walking distance.
- The pedestrian network in, and around the Uptown Core, is complete and provides safe routes to the commercial and retail businesses in the area.
- Municipal servicing is in place.

#### Urban Design Requirements

The proposal was reviewed in context of the Livable by Design Urban Design Manual for the Town of Oakville. The Livable by Design Manual provides a comprehensive and detailed design direction for development to ensure designed and built elements are integrated with their surroundings and result in projects that are functional, support community vitality, and improve the overall livability of the area.

The location of the site within the Uptown Core plays an important role in the evaluation of the urban design principles for this site. Fronting onto Oak Park Boulevard, the site is considered the first main street block as you enter the Uptown Core from Trafalgar Road. Taking this into consideration, urban design principles to ensure the intent of the main street vision is met have been included in the Urban Design Appendix 'C'. Relevant urban design policies can be found in Section 21.4.3 – Urban Design

Livable by Design Manual Section 3.1: Tall and mid-rise buildings states, *“Successful tall and mid-rise buildings are architecturally interesting and create a cohesive design composition through their proportion, scale, massing, building materials, and architectural character. These building forms typically feature a defined base that can emphasize human scale and create a pedestrianized environment, a middle section that reduces the potential appearance of bulk, and a top section that can create an interesting Skyline.”*

*“Most mid-rise and tall buildings will typically be located within the Town’s Growth Centres and along Intensification Corridors.”*

Due to the building's multiple façades being highly visible from the public realm and residential neighbourhoods the Urban Design Requirements are included (see Appendix 'C') to ensure that the building constructed on this site will maintain a distinctive and enhanced architectural design to create a landmark building. It is important that the proposal for the new retail uses along Oak Park Boulevard complement the existing nearby commercial uses and contribute to the intent of the Main Street pedestrian destination goals. Staff are supportive of the massing of the building, floorplate size of each tower, podium height along Trafalgar Road and Oak Park Boulevard, and the podium stepbacks facing the interior of the site. Staff will continue to discuss architectural expectations and the ground floor/grade related uses through the review of the site plan application.

Staff have no objection to the amendments from an urban design perspective, subject to bonusing, and the implementation of the Livable by Design Manual and additional Urban Design Requirements (Appendix 'C'). Although the site plan application is still under review, it is appropriate to include the Urban Design Requirements should the applicant not proceed with the proposal at the current time.

#### Proposed Official Plan Amendment

Proposed OPA No. 46 will introduce a Site Exception by adding the following Section 21.6.6 to the Livable Oakville Plan:

The lands designated Main Street 2 and Urban Core at the northwest corner of Oak Park Boulevard and Trafalgar Road, known as 2380 and 2400 Trafalgar Road **respectively**, are subject to the following additional policies:

- a) *Development* shall be in the form of a mixed use building composed of a podium and two towers, and subject to the applicable *bonusing* policies of this Plan.
- b) On the lands designated Main Street 2 (2380 Trafalgar Road), a maximum height of 26 storeys is permitted, inclusive of *bonusing*.
- c) On the lands designated Urban Core (2400 Trafalgar Road), a maximum height of 31 storeys is permitted, inclusive of *bonusing*.
- d) The total number of additional storeys permitted through *bonusing* shall must not exceed 39 storeys across the site.
- e) A minimum height variation of five storeys is required between the two towers.

- f) A minimum of 520 square metres of net leasable commercial floor area shall be provided on the ground floor, oriented towards, and accessible from, Oak Park Boulevard.”

### Zoning By-law (2014-014)

The subject lands are zoned MU2-178 (Mixed Use Main Street 2), MU4-178 (Mixed Use Urban Core), and MU4-42 shown in Figure 15 below. The Mixed Use zone permits a range of residential and non-residential uses, including apartment dwellings, long term care facilities, restaurants, retail stores and business offices, as well as other uses.

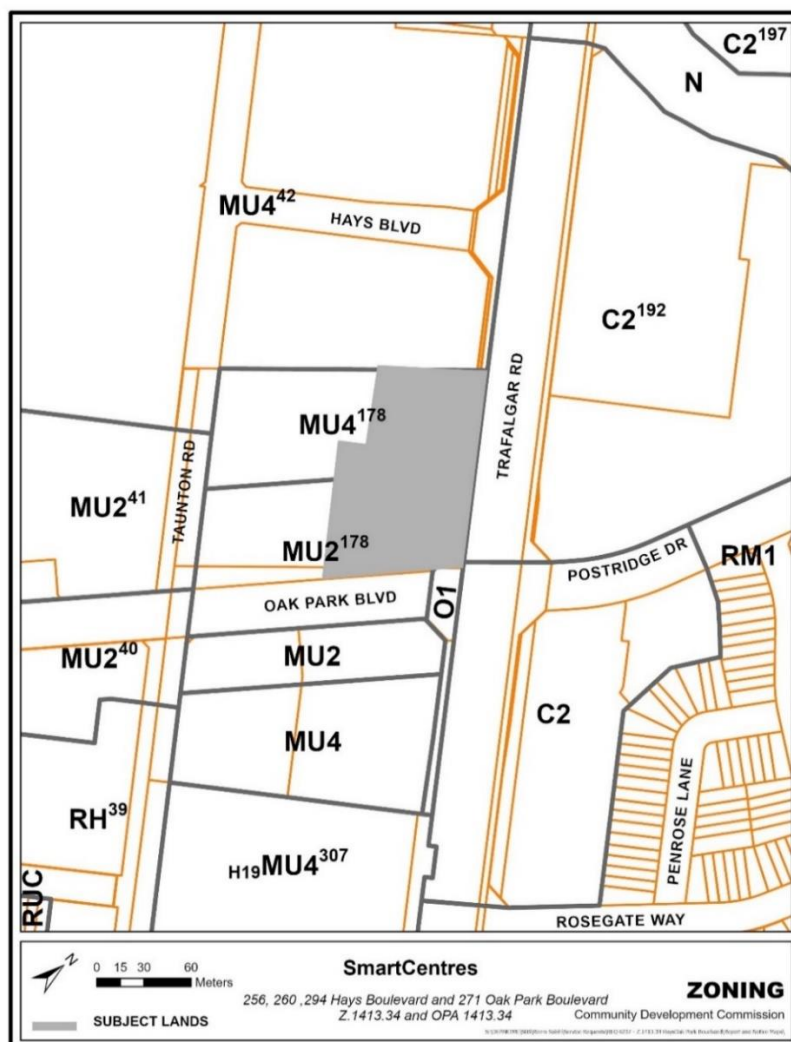


Figure 15: Zoning Excerpt



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### Proposed Zoning By-law Amendment

The following is an overview of the proposed By-law 2022-064:

- Rezoning the subject lands MU4
- Minimum and maximum yard flexibility
- Maximum height provisions for the towers subject to bonusing
- Maximum height of rooftop mechanical equipment
- Maximum floorplate size for both towers
- Requirement for at-grade retail/commercial uses fronting onto Oak Park Boulevard
- Number of parking spaces for all uses and visitors
- Shared parking permissions
- Requirement for electric vehicle charging stations
- Restricts the locations of air vents and stairs associated with the parking garage
- Minimum requirement for dwelling units with two or more bedrooms

At the request of the Region of Halton the following “H” Provision is included within By-law 2022-064:

Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review.

### **TECHNICAL & PUBLIC COMMENTS:**

The proponent has provided technical studies in support of the application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the town’s website (<https://www.oakville.ca/business/da-34287.html>):

- Planning Justification Report/ Urban Design Brief
- Transportation Study
- Conceptual Site Plan

- 
- Functional Servicing and Stormwater Management Report
  - Phase 1 Environmental Site Assessment
  - Urban Design Brief including a shadow study
  - Building Elevations/Floor Plans
  - Pedestrian and Cyclist Plan
  - Conceptual Landscape Plan
  - Noise and Vibration Study
  - Waste Management Plan
  - Summary of the developer hosted Public Information Meeting

### **Resolution of Issues Raised at the Public Meeting**

The Statutory Public Meeting hosted by Oakville Council was held on September 13, 2021, and five members of the public participated virtually. The following is an overview of the matters that were identified in the public meeting report and the analysis and resolution of the issues:

Alignment with the Climate Emergency declared by Council:

- Council passed a resolution January 18, 2022 to not sprawl beyond Halton Region's approved built boundaries and support intensification and the provision of a range of housing units, especially along a Higher Order Transit Corridor, through the Integrated Growth Management Strategy process. The subject application is consistent with this position and reduces the need for urban area expansion requests.
- Compact urban form, with its increased densities, is inherently more transit supportive as the market tends to attract residents that will utilize alternative modes of transport, thereby lessening the carbon footprint.
- Findings of the Oakville Energy Task Force show that 48% of the greenhouse gas emissions in Oakville are coming from transportation related sources (i.e. the use of personal and commercial vehicles). Intensifying sites in a designated growth area, along a Regional Transit Priority Corridor, supports the objectives of the Town's urban structure, nodes and corridors, and can have a positive impact in reducing the amount of transportation emissions measured in the town.
- Staff will continue discussions with the applicant, through the current site plan application, to encourage more sustainable construction and building practices to reduce the carbon footprint of the construction process and the operation of the building.
- The requirement to provide electric vehicle equipment is included within the by-law (see Proposed Zoning section for details).
- Transportation Demand Management (TDM) initiatives such as real-time transit information in the lobby, extended waiting area on Trafalgar Road, dedicated car and cycling share services on-site, and unbundling parking



opportunities are options to explore during the review of the current site plan application.

Consistency with the Provincial Policy Statement, 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe, Metrolinx's RTP 2041, Regional Official Plan and the Livable Oakville Plan:

- The site is located within a Settlement Area and a Built-Up Area, providing growth in an Urban Growth Centre. The Uptown Core growth area is a location that supports intensification (see Appendix 'A' for relevant policies).
- This particular site is a key location for transit supportive density as it is adjacent to a Regional Transit Priority Corridor and within walking distance to the Uptown Core Transit Terminal and numerous commercial and retail uses that will serve the residents daily needs. The proposal is consistent with achieving an urban fabric that provides a mix of residential units and sizes with commercial and retail uses, and the potential for private offices spaces, along a priority transit corridor.
- The proposed development contributes to provincial and municipal complete community objectives through the compact urban form and increased densities and commercial opportunities in the built-up area.
- The addition of housing units supports Metrolinx's planned delivery of the future higher order transit via Bus Rapid Transit along Trafalgar Road and Dundas Street in the future.
- The proposal aligns with the intensification permitted along the Trafalgar Road Corridor. This is considered an appropriate location for this form of development as it will allow for transit-supportive intensification along the Trafalgar Road corridor from Uptown to the Midtown Oakville GO Station. It is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan and the Livable Oakville Plan.

Justification for the proposed modifications to the existing Official Plan policies at this location set in the Livable Oakville Plan in 2009:

- The development proposal is consistent with, and contributes to the Provincial Policy Statement and Growth Plan for 'better growth' to 2051. Recent provincial legislation and policies that require municipalities to determine "where and how to grow" are directed towards reducing sprawl and encroachments onto agricultural and natural heritage system lands and intensity where possible.
- The mix of uses and densities proposed within this development is consistent with the Livable Oakville Plan's urban structure. The intention behind designating growth areas, nodes and corridors is to absorb a significant amount of growth in the Uptown Core by supporting complete communities, creating choices for housing and jobs, and provides transit supportive development along a Higher Order Transit Corridor.

- The development supports Metrolinx's Long Range Transportation Plan for 2041 as it provides new housing starts on Trafalgar Road.
- The subject lands are served by Oakville Transit and GO Transit with frequent service to the Oakville GO Station.
- Municipal infrastructure (water, sanitary and stormwater) has sufficient capacity to support the proposed development. The widening of Trafalgar Road to support current traffic flow and the future Bus Rapid Transit lanes is completed.
- The creation of new dwelling units, within a mixed use area served by frequent transit, responds to the identified housing crisis that the province of Ontario is experiencing and the directions coming from the Bill 108, *More Homes More Choices Act*, 2019.
- The proposal provides a five storey podium with grade-related retail uses that are minimally setback from Oak Park Boulevard creating an animated and active street edge that contributes to the planned Main Street function along Oak Park Boulevard, as well as active uses and amenity space fronting onto Trafalgar Road. The five storey podium provides an active street edge, while the towers are stepped back from the street to maintain the midrise and grade-related character of the area. The width of Trafalgar Road and the suburban setbacks of the residential neighbourhood east of Trafalgar Road allow for an appropriate transition.
- The retail/commercial uses will introduce new jobs into the area that are easily accessible using existing transit service.
- The proposed development accommodates a mix of units (one bedroom, one bedroom plus a den, two bedroom plus a den and townhouses) for different household sizes, incomes and ages within walking distance to the existing commercial services and the Uptown Core Transit Terminal.
- The provision of private office space allows for flexible work from home arrangements for the residents of the buildings.
- Residents of the proposed development are less likely to be solely dependent on vehicle ownership. The provision of daily services, transit, flexible working spaces and access to nearby park and open space will encourage walking and cycling within the area.
- Current permissions would allow the applicant to build a six and twelve storey building, however Staff are of the opinion that increased height beyond the Livable Oakville maximum heights has merit and will be considered through the on-going Uptown Core Review to coincide with provincial intensification and housing crisis directives.

Appropriateness of the proposed zoning regulation modifications:

- The proposed zoning modifications are discussed earlier in this report.

Compliance with the Livable by Design Guidelines Parts A and C, including scale, massing, appropriate existing and proposed separation distances and shadow impacts:

- The applicant submitted an Urban Design Brief to reflect the proposal and address Staff comments.
- An assessment of the proposed density and height was undertaken by Staff and concluded that the built form and density proposed is considered compatible with the surrounding context of commercial uses and surrounding residential areas, and aligns with the policies and growth objectives of the Livable Oakville Plan.
- The applicant has maintained slim tower floorplates that mitigate shadow impacts on the residential neighbourhood to the east of Trafalgar Road. The sun /shadow study demonstrates that the shadowing is minimal and within the Town's guidelines for acceptable impacts on the surrounding residential dwellings and adequate sunlight is provided on the public realm.
- The Oak Park Boulevard/Trafalgar Road and interior yard building façades and treatment of the ground floor enhances the public-private interface and will be further reviewed through the current site plan application.
- Planning and Urban Design Staff will continue to work with the applicant on the proposed design, colour palette and materials through the site plan application.

Assessment of the transportation impacts on the existing road network.

- There are typically 110,000 new residents every year moving to the Greater Toronto and Hamilton Area and it is anticipated to hit a population of over 10 million people by 2041 in the GTHA. The Dundas Street BRT and Trafalgar Road BRT aims to address the growth in communities by supporting the steady paced growth with faster, more reliable public transit and in turn reducing greenhouse gas emissions, improving connectivity and aligning investment to support a shift in travel behaviour.
- The proposal is in alignment with the thinking behind the town's Urban Mobility Strategy (received by Council on February 15, 2022). The Strategy prioritizes linking lands use and transportation decisions to support the Urban Structure by locating future growth in the appropriate areas that support alternative transportation modes.
- The site is served by an extensive road network carrying all modes of transportation and frequent transit service (four Oakville Transit routes and one GO bus route). The lands are within close proximity to bike lanes, sharrows, signed routes and multi-use trails that connect to a wider cycling network.
- It is anticipated that the forecasted trips generated by development (195 in the am peak hour and 225 in the pm peak hour), will have a negligible impact on the Dundas Street and Trafalgar Road intersection.

- The Transportation Impact Assessment recommends continued monitoring of the study intersections as increased transit service and the future BRT are brought on-line.
- The new vehicle trips, when added to the existing area traffic, will not require additional infrastructure to support this application and are anticipated to be dealt with through travel demand management strategies and multi-modal improvements.
- The site's loading area is proposed to be located in the rear courtyard area and not visible from the public realm.

Establishment of an appropriate parking standard for residential parking including visitor parking.

- Staff are in agreement with the parking conclusions outlined in the Transportation Impact Analysis that justified a lower parking standard than what is required in the parent by-law for mixed use zones. The findings take into consideration the locational context and proximity to the Uptown Core Transit Terminal, frequent transit service on Trafalgar Road and Dundas Street, commercial and retail uses, pedestrian and cycling infrastructure as well as open space and community uses.
- A Travel Demand Management (TDM) plan is being reviewed under the site plan application to look at opportunities to reduce reliance on owning and/or using a vehicle.
- Spillover parking from the subject lands can be accommodated within the existing surface parking lot at the north end of the block as an interim means of addressing any parking shortages that may occur until such time as transit service is more frequent and changes in behaviour are realized.
- The Owner is contemplating unbundling the residential parking spaces from the sale of the units. Unbundling the parking from the purchase of a condo unit can reduce the cost of a unit and allow a future resident the flexibility in choosing not to own a vehicle. Providing this opportunity to allow residents to opt out of a parking space leaves additional spaces for those interested in purchasing/renting additional spaces.
- The Owner is looking into options for a dedicated car share service to operate within the parking garage, further alleviating the need to own a vehicle. Staff will continue to discuss the details of such an arrangement and potential reduction to parking rates through the review of the site plan application.
- In discussions with active developers along the Trafalgar Road and Dundas Street East corridors, Staff have requested the submission of parking utilization studies that are reporting on current trends in parking rates and uptake of parking spaces per dwelling units. The trends in residential parking space uptake as well as retail/commercial parking spaces point to an overbuild in mixed use development parking.

- Figure 16 identifies the existing transit routes in the surrounding area. It is understood that 2021 service levels were reduced as a direct result of the COVID-19 pandemic, however, Oakville Transit anticipates increasing the existing 15-minute headways on several of the routes that serve the Uptown Core.

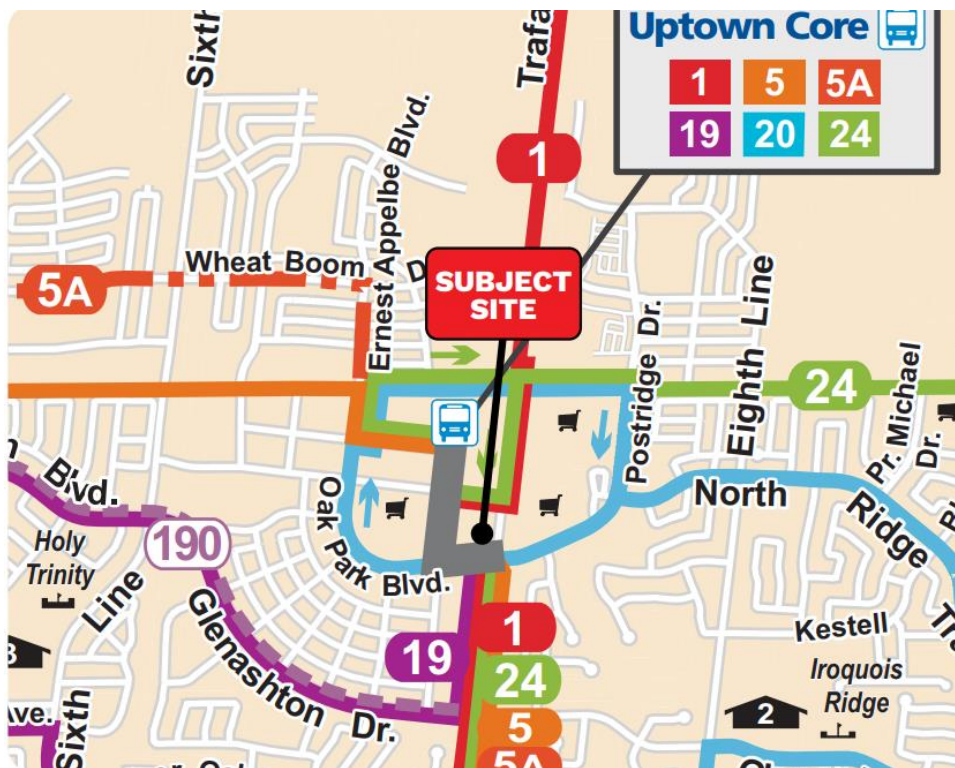


Figure 16: Existing Local Transit Service

Additional issues raised by Council at the September 13, 2021, Statutory Public Meeting:

Review the functional servicing matters (i.e. water, sanitary servicing and stormwater management):

- The Regional servicing evaluation on the demand on water and sanitary sewer infrastructure is based on an estimated commercial and residential population of the proposed development. The Region of Halton has concluded that water and sanitary sewers are sized appropriately to accommodate the development.
- The applicant has proposed a number of stormwater management measures including an underground storage tank, runoff into the Trafalgar Road storm sewer and sustainable stormwater management strategies such as green roofs. These tools are acceptable to the Town and the Region and will be further reviewed through the site plan application.

How will the proposed reduction of parking spaces for commercial zones affect the viability of commercial in the area (existing and proposed):

- The proposed reduction in commercial parking is indicative of the shift in built form that is taking shape in the Uptown Core. The utilization of the large surface parking lots supporting the big box retailers and commercial units are anticipated to experience reduced demand as a greater number of new residents move in to the area that are less dependent on a personal vehicle to run many of their daily errands. When the variety of existing uses and services within walking distance is taken into consideration (grocery stores/large format retail, day-care opportunities at the Oak and Co. site at Dundas Street and Trafalgar (southwest corner), pet care establishments, restaurants, etc.). It is likely that most daily needs can be met on foot or cycling.
- The proposed full build out of Uptown Core is developing towards the full vision of an active mixed use node slowly. The increased number of residents in the area will continue to support the viability of the existing commercial and likely encourage more businesses to look for space in the area. The demand for more commercial space opportunities will likely coincide with less demand for the existing surface parking areas and subsequent redevelopment as travel patterns change.
- The provision of private office space opportunities within the building will allow for flexibility of work from home arrangements and increase the foot and cycle traffic within the area during a typical work day that would have been less common pre-Covid.

Examine the appropriateness of transition of land uses to adjacent properties.

- Trafalgar Road is an arterial road with a right of way between 45 and 50 metres in most cases, providing a significant transition and separation from the surrounding neighbourhoods.
- The tower components of the building are setback from the edge of the podium to reduce the prominence of the built form along the public realm.
- Vehicular access to the site will be provided from Oak Park Boulevard, and through the commercial development at the north end of the block, which will provide access to the underground and structured parking garage. Surface parking may be permitted within the existing surface parking areas. The need for reciprocal agreements to allow for shared parking and access to the surface parking lots will be reviewed with the site plan application.
- Staff are of the opinion that the proposal provides for an appropriate building base height and tower setbacks to create a positive pedestrian experience at the ground level.
- The design intent incorporates active uses and transparent materials at ground level to animate and enhance the shared experience of the public realm that will be further reviewed through the site plan application.

- Vehicular and loading/servicing areas are also proposed away from public streets to minimize their impact on the pedestrian environment and nearby residents.

Review the proposal in terms of being night sky friendly:

- The photometric plan prepared by a professional electrical engineer was included as part of the site plan application. The purpose of this plan is to demonstrate the location of light fixtures and the illumination levels. The Town requires all exterior lighting fixtures are full cut-off in order to direct illumination downward and dark sky compliant to reduce light pollution, sky glare, and light trespass onto neighbouring properties. The plans will need to demonstrate illumination levels of 0.0 lux measured at all property lines and to provide readings that extend 6 m beyond the property lines of the subject site. The plans received to date comply with these requirements but will continue to be reviewed as part of the ongoing site plan process.

Review the proposal in context of potential noise increases from the proposed development to the surrounding residents:

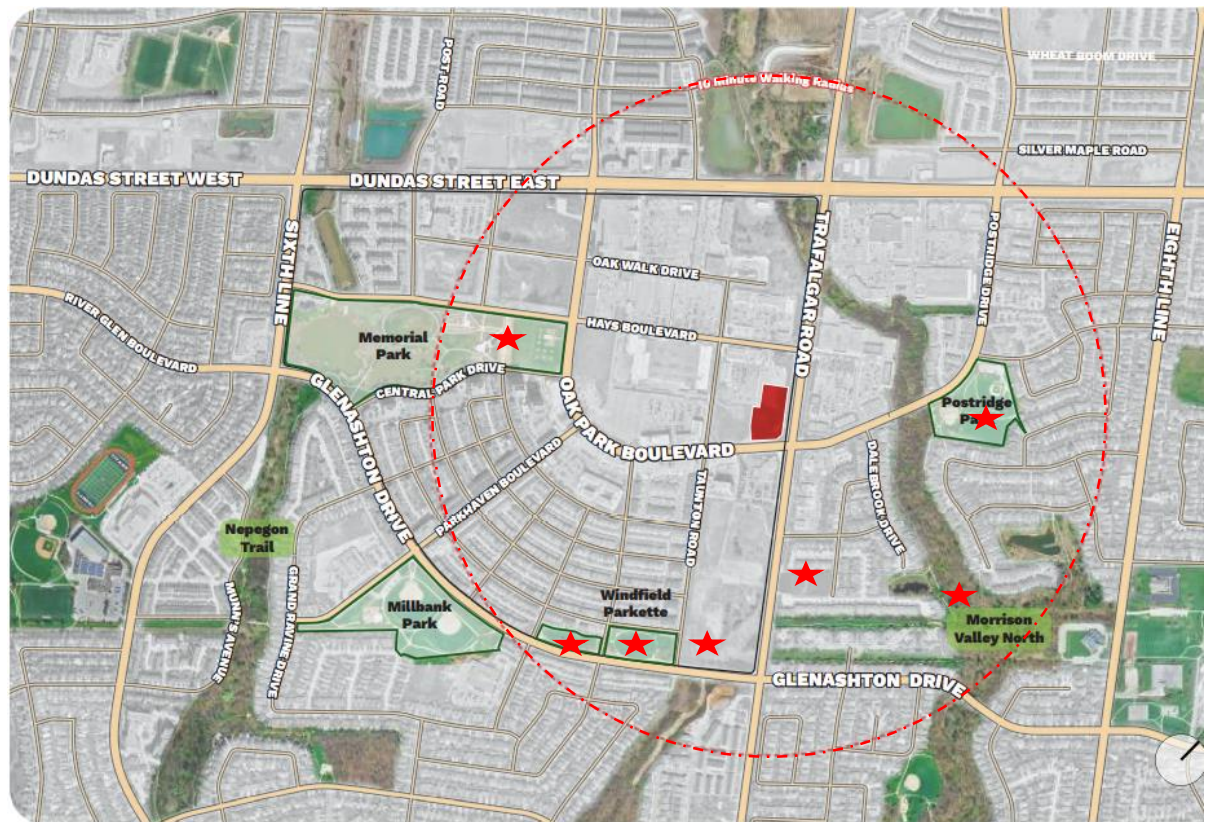
- The expected full build out of the Uptown Core has always been as a vibrant, active urban centre that will generate a certain level of noise that is different from an established neighbourhood. It is the opinion of Staff that the noise generated from this development will not be greater than that generated by Trafalgar Road vehicular traffic.

Staff note that the noise study completed to support the application reports that the proposal will not be adversely impacted by air traffic.

Determine whether there is sufficient outdoor and green space as part of the proposal:

- The Town's Parks and Open Space Department has commented that cash-in-lieu of parkland will be required at a rate to be determined at the time of building permit issuance. A lack of parkland within proximity of the development was not identified through the review of the subject applications. Figure 17 identifies a ten minute walking radius to existing and proposed (see red stars) parks and open space opportunities.





**Legend**

- Subject Site
- Parks
- 10 Minute Walking Radius

Figure 17: Existing and Future Parks and Open Space

- The applicant has shared with staff that as part of the overall development of the entire block (which includes developing further along Oak Park Boulevard and along Taunton Road) an outdoor amenity area/open space is to be programmed for the residents and will include public access easements.
- The development includes several outdoor terraces, green roofs, and indoor amenity space (still to be programmed) for the use of the residents.

Examine the potential mix of land uses and the effect that could have on the overall viability of the Uptown area:

- See the Justification for Official Plan Amendment section above.
- The design approach has been to include a four to six storey podium height to be consistent with the heights among the surrounding buildings which will enhance and animate this section of Oak Park Boulevard. The grade-related uses are intended to be active uses with retail entrances, canopies, landscaping and possible patios.
- Providing private office space within the building allows for flexible work space opportunities for the residents.



- At-grade retail/commercial uses could serve the needs of the building's residents as well as nearby neighbours.

Identify ways in which affordable housing opportunities could be incorporated into the proposal:

- The applicant is working with Town and Region Staff to determine what the needs are for affordable housing within Oakville and what types of units and programs are available to pursue as part of a bonusing exchange for increased height.
- An increase in housing choices may appeal to first time home buyers and provide opportunities for younger generations to afford to stay in Oakville.
- It is a reality that a number of units will be purchased by Owners that intend on renting out a unit. This adds private rental units to the overall rental market providing additional housing options.
- Staff are discussing with the Owner opportunities to provide a dedicated car share service on-site as well as unbundling the parking spaces from the sale of the units. Giving purchasers the option of not purchasing a parking space with their unit reduces additional costs that are typically passed on automatically to all purchasers regardless of vehicle ownership.

Ensure there is sufficient electrical infrastructure to accommodate electric vehicles:

- Electric vehicle (EV) charging stations requirements have been included as part of By-law 2022-064. Through the site plan application, the location of EV spaces in the underground garage will be reviewed.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The applicant held a Virtual Public Information Meeting on April 8, 2021. The meeting was attended by 28 members of the public.

Written correspondence received since the public meeting, held on September 13, 2021, is included as Appendix 'D'. Notice of the June 27, 2022 Planning and Development Council meeting has been provided to those who participated in the process or requested to be notified.

### **(B) FINANCIAL**

Development charges and parkland dedication are applicable to this development, net of any demolition credits, and will be payable at the building permit stage.

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**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The applications were circulated to internal and external departments and agencies for comment.

The application was considered under Bill 108, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The application was deemed complete on April 30, 2021. The statutory timeframe for processing this application expired on October 30, 2021.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada.

**(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the Town's sustainability objectives of the Livable Oakville Plan. The proposal was reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities to reduce the development footprint of the proposal.

**CONCLUSION:**

Staff recommend approval of the Official Plan Amendment and Zoning By-law Amendment which will permit a mixed use development proposal consisting of two towers, 26 and 31 storeys, with a total of 587 residential units, at-grade commercial space and structured parking.

The justification for the amendments to the Official Plan and Zoning By-law Amendment to permit the proposal is consistent with provincial and municipal policy to direct appropriate levels of growth and new housing within the built boundary in proximity to higher order transit corridors. Current Uptown Core growth objectives and policies for 'how and where to grow' were brought forward in 2009 and are not yet in conformity with the most recent provincial and municipal growth and housing strategies. Re-evaluating the land use policies through the Uptown Core Review is essential to ensuring conformity with the increased population and employment forecasts in the Growth Plan's 2051 horizon. It is Staff's opinion that despite the subject application coming forward prior to the Uptown Core Growth Area Review, there is support for this type of proposal stemming from the Integrated Growth Management Strategy, housing strategies and the Urban Mobility and Transportation Strategy to reinforce the intensification of Strategic Growth Areas, such as the Uptown Core.

The proposed mix of uses, densities, siting of the towers and inclusion of retail along Oak Park Boulevard is considered an appropriate and compatible built form within

the existing context as well as the planned future development of the Trafalgar Road corridor. An exploration of affordable housing units within this development, as a community benefit, responds to the emerging housing shortage and need for a range of housing types. The proposed Official Plan amendment and implementing zoning promotes the Town's growth management and transit supportive development policies while at the same time protecting established neighbourhoods. And finally, the site will be well-served by the existing transit system infrastructure and planned transportation network.

The Urban Design requirements (Appendix 'C') will ensure that the proposed building will maintain a distinctive and enhanced architectural design and that the design criteria and standards of the Livable By Design Manual are implemented through the site plan application. Further evaluation of the final heights will be assessed through the review of the submitted site plan application.

Staff are satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. The development reduces the need for urban area expansion requests and is in alignment with Town Council's resolution (January 18, 2022) to not sprawl beyond Halton Region's approved built boundaries by supporting intensification and the provision of a range of housing units, especially along a Higher Order Transit Corridor. Further, the application is consistent with the Town's approved Urban Structure and the principles and overall policy direction of the Livable Oakville Plan. Staff recommend that OPA No. 46 be adopted and By-law 2022-064 be passed as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding planning issues to be resolved.
- The proposal is consistent with Halton Regional policy to direct development with higher densities and mix of uses to Intensification Areas/Higher Order Transit Corridors and to require Local Municipalities to do the same.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the Livable Oakville Plan.
- Comments from Council and the public have been appropriately addressed.

By-laws 2022-063 and 2022-064 are attached as Appendix 'E' and 'F'.

Should the applicant pursue the exchange of community benefits for additional height, a recommendation has been included in this report to authorize the Chief Administrative Officer or Town Clerk to enter into a Section 37 Agreement with the applicant/owner, permitting an agreed upon exchange of height/density for appropriate community benefit.

**APPENDICES:**

Appendix “A” – PPS (2020), Growth Plan (2019) and Livable Oakville policy excerpts

Appendix “B” – Bonusing policies

Appendix “C” – Urban Design Requirements

Appendix “D” – Public Comments

Appendix “E” – By-law 2022-063

Appendix “F” – By-law 2022-064

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Recommended by:

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Submitted by:

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Director, Planning Services

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

### **Part V: Policies**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 – Healthy, liveable and safe communities are sustained by:

- a) promoting 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

#### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be 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 unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

1.1.3.3 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 planned *infrastructure* and *public service facilities* required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place 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*.

## 1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;

- b) economic development strategies;
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;
- f) natural and human-made hazards;
- g) population, housing and employment projections, based on *regional market areas*; and
- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain 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) maintain 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.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification and redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and



affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting 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;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## **1.6 Infrastructure and Public Service Facilities**

- 1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

### **1.6.7 Transportation Systems**

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity with and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation*.

## **1.6.8 Transportation and Infrastructure Corridors**

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.
- 1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

## **Growth Plan (2019)**

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

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

## **Section 2.2 – Policies for Where and How to Grow**

### **2.2.1 – Managing Growth**

2.2.1.2 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*;

2.2.1.4 Applying the policies of this plan will support the achievement 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;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development.

### 2.2.2.3 – Delineated Built-up Areas

All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

- a) encourage *intensification* generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;

- c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

#### **2.2.4 – Transit Corridors and Station Areas**

1. The *priority transit corridors* shown in Schedule 5 will be identified in official plans. Planning will be prioritized for *major transit station areas* on *priority transit corridors*, including zoning in a manner that implements the policies of this Plan.
10. 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 and mix of uses and activities.
11. In planning lands adjacent to or near *higher order transit* corridors and facilities, municipalities will identify and protect lands that may be needed for future enhancement or expansion of transit *infrastructure*, in consultation with Metrolinx, as appropriate.

#### **2.2.6.3 – Housing**

To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes

### **Section 3 – Policies for Infrastructure to Support Growth**

#### **3.2.1 – Integrated Planning**

1. *Infrastructure* planning, land use planning and *infrastructure* investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental and financial planning, and will be supported by relevant studies and should involve:
  - a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;

- b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
  - c) identifying the full life cycle of *infrastructure* and developing options to pay for these costs over the long-term; and
  - d) considering the impacts of a changing climate.
3. *Infrastructure* investment and other implementation tools and mechanisms will be used to facilitate *intensification* and higher density development in *strategic growth areas*. Priority will be given to *infrastructure* investments made by the Province that support the policies and schedules of this Plan.
  4. Municipalities will assess *infrastructure* risks and vulnerabilities, including those caused by the impacts of a changing climate, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.
  5. The Province will work with public sector partners, including Metrolinx, to identify strategic infrastructure needs to support the implementation of this Plan through multi-year infrastructure planning for the transportation system and public service facilities.

### 3.2.2 – Transportation General

1. *Transportation system* planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.
2. The *transportation system* within the *GGH* will be planned and managed to:
  - a. provide connectivity among transportation modes for moving people and for moving goods;
  - b. offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;
  - c. be sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for trip-making and supporting the use of zero- and low-emission vehicles;
  - d. offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;
  - e. accommodate agricultural vehicles and equipment, as appropriate; and
  - f. provide for the safety of system users.
4. Municipalities will develop and implement *transportation demand management* policies in official plans or other planning documents or programs to:
  - a. reduce trip distance and time;

- b. increase the *modal share* of alternatives to the automobile, which may include setting *modal share* targets;
- c. prioritize *active transportation*, transit, and goods movement over single-occupant automobiles;
- d. expand *infrastructure* to support *active transportation*; and
- e. consider the needs of *major trip generators*.

## **Livable Oakville Plan**

### **Part A**

#### **Section 1.1**

*“The Livable Oakville Plan:*

- a) establishes the desired land use pattern for lands within the Town, south of Dundas Street and north of Highway 407, to 2031;*
- b) co-ordinates land use and infrastructure requirements to ensure that the anticipated growth can be accommodated;*
- c) establishes a framework and policy context for decision making that provides certainty for the planning process; and,*
- d) conforms or does not conflict with provincial plans, has regard to matters of provincial interest, and is consistent with provincial policy statements.”*

#### **Section 1.2.8**

*“Growth Areas, Special Policy Areas and Exceptions, consists of comprehensive objectives and policies for each of the growth areas identified on Schedule A1. The growth areas are those areas to which intensification is to be directed.”*

### **Part B**

#### **Section 2**

The guiding principles, set out in Section 2 of the Livable Oakville Plan, are designed to preserve and create a livable community.

#### **Section 2.2.1 b) reinforce the Town's Urban Structure:**

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

#### **Section 2.2.2**

*“Providing choice throughout the Town in order to:*

- a) Enable the availability and accessibility of a wide range of housing, jobs, and community resources to meet the diverse needs of the community through all stages of life;*

- b) Providing choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,*
- c) Foster the Town's sense of place through excellence in building and community design."*

## **Part C**

### **Section 3.2: Mixed Use**

*"The Mixed Use designations are to be primarily focused within the Growth Areas and in specified locations reflective of an area's planned function. The six Growth Areas provide for a concentration of mixed use, higher density development: Midtown Oakville (urban growth centre), Uptown Core, Palermo Village, Downtown Oakville, Bronte Village and Kerr Village."*

### **Section 4: Managing Growth and Change**

*"The policies of this Plan relating to the management of growth and change are intended to implement the mission statement and guiding principles of Part B. May of the principles reflect those of Provincial policies and plans which provide for a significant shift to a more compact urban form and intensification within the built-up area.*

*Within the existing built boundary shown on Schedule A2, growth is to occur primarily within the defined Growth Areas in Part E ...*

*In managing growth and change, the use of existing infrastructure and public service facilities should be optimized wherever feasible before consideration is given to the development of new infrastructure. Infrastructure investment shall be cost-effective and co-ordinated to support and facilitate intensification. The Town will consider planning approval, financial and other incentives to support the development of intensification areas."*

#### **Section 4.1: Growth Areas**

The majority of intensification in the Town is to occur within the Growth Areas as defined in Part E.

*"Midtown Oakville, the Uptown Core ... are primary Growth Areas, which will accommodate the highest level of intensification. They are intended to be developed as mixed use centres with transit-supportive development focused around major transit station areas and along corridors. These areas have been the subject of detailed, comprehensive land use studies or secondary planning exercises which have resulted in objectives and policies to provide for intensification opportunities."*



#### **Section 4.4: Intensification Targets**

*“The number of [residential] units built within the built boundary by the year 2015, and each year thereafter, will be monitored to ensure conformity with the Region’s requirement under the Growth Plan.”*

#### **Section 6: Urban Design**

The proposal incorporates the following urban design policies through the orientation of the building, entrance and access from the street and continuing the Oak Park Streetscaping Master Plan recommendations along the frontage of the site.

##### **6.4 Streetscapes**

*“6.4.2 New development should contribute to the creation of a cohesive streetscape by:*

- a) Placing the principle building entrances towards the street and where applicable, towards corner intersections.*
- b) Framing the street and creating a sense of enclosure.*
- c) Connecting active uses to the public realm to enhance the liveliness and vibrancy of the street, where applicable.”*

##### **6.9 Built Form**

*“6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.*

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

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

*6.9.7 Development should be designed with variation in building mass, façade treatment and articulation to avoid sameness.”*

##### **6.11 Pedestrian Access and Circulation**

*“6.11.2 Developments should incorporate safe and direct access and circulation routes to and through the site that connect pedestrians to:*

- a) principal entrances of building(s), amenity areas and parking areas;*
- b) the public sidewalk and transit facilities.*

**6.11.5** *Walkways should provide continuous routes across driveway entrances and drive aisles and through parking areas to promote safety and signify priority over driving surfaces.”*

## **Section 8: Transportation**

**“8.9.2** *The Town will encourage transit-supportive development within major transit station areas and around transit terminal facilities.*

**8.9.5** *The Town will encourage the increased use of public transit by requiring transit supportive urban design...”*

## **8.12 Integrating Land Use and Transportation**

**“8.12.2** *Development plans shall be designed with specific regard to the safe, convenient and efficient provision of public transit as well as pedestrian and cycling facilities. In particular, to facilitate the development of a transit-supportive urban structure, the following measures will be reflected in all development proposals;*

- a) densities supportive of transit, which are commensurate with the type of frequency of transit service planned for the area and/or corridor particularly near transit stops and stations;*
- b) a road pattern and related pedestrian and cycling facilities network that provide for direct pedestrian and cycling access to transit routes and stops.”*

## **Part D**

## **Section 12: Mixed Use**

**“12.1.1** *The intent of the Mixed Use designations is to allow for a diversity of residential, commercial and office uses which are integrated in buildings to provide for the efficient use of municipal services and infrastructure.*

**12.1.2** *Mixed use development will be focused on lands located within Oakville’s Growth Areas and along identified corridors.”*

**12.5** of the Livable Oakville Plan speaks to the Urban Core designation:

*“The Urban Core designation is envisioned to have a strong urban focus and incorporate retail and service commercial, office and residential uses. Development should be oriented to the street and shall contribute to a high quality pedestrian-oriented and transit-*

*supportive environment. Midtown Oakville and the Uptown Core are the primary locations for this designation.”*

## **Part E**

### **Section 21: Uptown Core**

**“21.2.1** *Establish the Uptown Core as a vibrant community in which to live and work by:*

- a) Ensuring the opportunity for a full range and mix of medium and high density housing types, including affordable housing;*
- b) Providing a transition between the concentration, mix and massing of buildings within the Uptown Core and the lower density residential neighbourhoods adjacent to the area.”*

**“21.2.2** *Achieve a high quality level of urban design by:*

- a) Promoting high quality design of the area streetscapes, open spaces, public buildings, infrastructure and private buildings;*
- b) Creating an attractive public realm and ensuring developments are planned to support a fully accessible street related, pedestrian-oriented environment with animated main streets; and,*
- c) Ensuring that the appearance and function of the public realm and adjoining development are of consistently high quality and appropriate design.”*

**“21.2.3** *Provide for transit-supportive, accessible and sustainable development by:*

- a) promoting high density forms of residential development and by co-ordinating land use, transportation infrastructure and urban design;*
- b) developing and configuring a road network that integrates alternative travel modes; and,*
- c) providing a safe and convenient internal circulation system for transit, pedestrians, cyclists and vehicles.”*

#### **“21.3.4 Main Street District**

*The Main Street District shall become the focal point of pedestrian and community activity in the Uptown Core. It is the intention of this Plan that in the long-term the Main Street District will be developed with a mix of retail and service commercial uses on the ground floor of buildings with residential and/or office uses above.”*

## Appendix B: Bonusing Policies

### Livable Oakville

#### Part E: Section 21 – Uptown Core

##### 21.7.2 Bonusing

- a) The Town may allow increases of up to four storeys beyond the maximum permitted building height in the areas of the Uptown Core delineated on Schedule M2, without amendment to this Plan. The additional height may be allowed in exchange for the provision of public benefits as listed in section 28.8.2, and with priority given to those public benefits noted in section 21.7.2 c).
- b) Bonusing shall only be permitted within the Uptown Core if supported by a transportation impact analysis which identifies cumulative impacts and confirms that the additional *development* will not adversely impact the transportation network or, where cumulative impacts are identified, that such impacts are accommodated through transportation improvements which are to be provided through agreement by the applicant.
- c) Public benefits considered appropriate for the application of increased height and density in the Uptown Core may include, but are not limited to:
  - i) a pedestrian boardwalk along the west edge of the pond in Memorial Park, south of Wellspring;
  - ii) a trail system around the ponds in Memorial Park including a pedestrian bridge crossing;
  - iii) the completion of the Trafalgar Memorial space;
  - iv) *affordable housing*;
  - v) underground public parking;
  - vi) grade separated pedestrian/cycling facilities over Dundas Street and/or Trafalgar Road; and,
  - vii) transit (conventional and rapid transit).

#### Part F: Section 28 – Implementation

##### 28.8 Bonusing (Bonus By-laws)

28.8.1 *Development* standards may be incorporated into the Zoning By-law to permit increases in height and/or density of *development*, where such *development* provides public benefits above and beyond what would otherwise be required.

28.8.2 The public benefits may include but are not limited to:

- a) public transit *infrastructure*, facilities, services and improved pedestrian access to public transit;
- b) public parking;
- c) *affordable housing* for a wide array of socio-economic groups;
- d) conservation and preservation of *cultural heritage resources*;
- e) protection and/or enhancement of natural features and functions;
- f) community centres and/or facilities and improvements to such centres and/or facilities;
- g) parkland and improvements to parks;
- h) day care centres;
- i) public art;
- j) integration of office uses in mixed use *developments*;
- k) green buildings; and,
- l) other local improvements that contribute to the achievement of the Town's building, landscape and urban form objectives as set out in this Plan and supporting documents.

28.8.3 The public benefits should generally be provided in the area in which the bonusing is provided.

28.8.4 Bonus by-laws should only be considered where such increases can be accommodated by the existing or improved *infrastructure*. Studies supporting the increased height and/or density proposed may be required to address *infrastructure* capacity for the subject *development* as well as the impacts on the surrounding area.

28.8.5 Bonus by-laws shall only be considered where such increases are *compatible* with the surrounding area.

28.8.6 Increased height and/or density provisions enacted in the Zoning By-law as outlined above shall specify the *development* standards that would apply where increases are to be permitted in accordance with this Plan.

28.8.7 The Town shall require the execution of agreements for *development*, which include increased height and/or density in exchange for public benefits.

28.8.8 Additional bonusing policies related to individual Growth Areas are contained in Part E.

## **Appendix C: Urban Design Requirements**

In addition to the implementation of the Livable by Design Manual design direction and the final Urban Design Brief (as prepared by the applicant), the following site-specific Urban Design Requirements shall be addressed through the Site Plan process:

- Given the scale of the development, and being prominently located at a major intersection, enhanced architectural detail is required along the façades at-grade where these façades address the public realm.
- Architectural elements shall flow from the base (podium) through the tower element, and to the top of the towers to create a complete composition.
- The façades may benefit by adding architectural detailing such as layered elements, modulations (i.e. projections and recesses), and more pronounced vertical elements.
- The principal building entrance(s) requires greater prominence. This may be done through architectural treatments, canopies, accent illumination and even landscaping.
- For ground floor commercial uses and in-door amenity spaces facing a publicly-accessed street or space, a minimum first storey floor to ceiling height of 4.5m is required with a minimum of 75% vision glazing in order to provide greater transparency, visual interest and access to natural lighting.
- The tower element must be stepped back 5 metres from the main wall of the building base / podium.
- Distinguishing the difference in tower heights creates visual interest across the skyline, can mitigate wind and down drafts, and improve access to sunlight and sky views. A variation of at least 5 storeys is required.
- The back-of-house area is more utilitarian, but is still exposed to public views and the future development phases. The same effort of architectural design is required for this area as the street edge.
- Concept plans are required for the open space area internal to the block and relationship to this site as well as future development phases to the west and redevelopment potential to the north. Through the site plan application effort is required to ensure this space is available to new residents.

- Any above-grade parking structure incorporated into the building mass must be appropriately screened from public view and integrated into the architectural design of the podium.
- Locate utility installations, vents and service entrances away from public views and in discreet settings. Utility installations and vents should not be located between the building face and property line abutting a roadway where there is pedestrian access. Exit stairs for underground structured parking should be integrated into the main built form and not a stand-alone access.
- Incorporate the mechanical penthouse as an integral part of the building top's design.
- Incorporate private outdoor amenity space in common roof terrace(s) and/or as a balcony for each unit.
- Incorporate safe, convenient and predictable pedestrian connections from the municipal sidewalk and from on-site perimeter walkways to building residential and retail entrances.
- Landscaping along the Trafalgar Road frontage must complement the adjacent two storey units to allow pedestrian flow from the private to public realm.

## **Appendix D: Public Comments post September 13, 2021 Public Meeting**

September 14, 2021

Hello Mr. Knoll, "Jeff",

Thank you for your correspondence. I am reassured and heartened that as Ward 5's Town and Regional Councillor that you have such a strong sense of the character of Oak Park, by striving to maintain the area's family-friendly vision.

I sent the brief written position and opinion to you, Mr. Grant, Ms. Collingwood and the Town Clerk's office. Having spoken to a representative at the Town Clerk's office yesterday, I understand that making my position known before the meeting in writing was an important step in the process. I was able to view the meeting on the website in part last night around obligations respecting my two daughters.

I will do additional research and I am hoping to add to the discourse at the public meeting at a later date. However, having spoken to the Town Clerk's office I understood that my speaking as a delegate was premature and I needed to do additional research before I could meaningfully offer comment at the meeting.

Thank you for explaining the process to me. My neighbours have similar concerns about the proposed amendment to the by-laws requested by SmartREIT. I will continue to work towards a fair outcome for the Town of Oakville and Oak Park together with you, Mr. Grant, Ms. Collingwood and the Office of the Town Clerk.

Thank you for your reassuring and competent representation as Town and Regional Councillor, together with Mr. Grant.

Best regards, Janet Rowsell, B.A., LL.B., LL.M.

September 15, 2021

As for water:

am sending you a pic of Dalebrook Pond just behind us. After the storm last night( which did not even rank on anything... ) you will see high water levels in Pond, very close to walkway.

Great doing its job, but never seen it this high in 19 plus years have lived here. How will we cope with more runoff from Trafalgar, & the known exceeding of existing sewer infrastructure from this proposal. The more you over-develop these open lands without any green space , the more run off, pollution & flooding we get.

Will leave this for your file, & review.

Look forward to report in 2022.

Wanda





March 13, 2022

Mayor Burton, Councillors and Ms Collingwood:

Councillors you received written concerns via email from residents about this development, and this submission filed with the Town Clerk, and a delegation regarding this proposed development in September . I am forwarding a copy of the submission I made Sept. 5<sup>th</sup> then. Planners did not advise that updated reports had been submitted about this development dated Feb 2022. I have come across these and reviewed these, and note the original issues raised remain unresolved.

It is my submission this updated information does not in any way address the concerns raised in September. Nothing in the Feb 2022 reports addresses any of the concerns we originally raised, and nothing has been changed in the proposal. Let us review these again:

**1. Storm and Wastewater Management – Proposal should be denied on these grounds alone, and for many other reasons**

Per my submission of Sept 5<sup>th</sup> the original April 2021 report acknowledged that current infrastructure can only support this if lands south are vacant. This is a false assumption. Parcel 7 is slated for development, and in fact for an even larger building than Town Council had asked for ( more than 6 stories). This specific is absent from this report, but conclusion is the same.

The February 2022 more recent report again, tries to dismiss this in its conclusion by stating:

“The proposed sanitary design flow is 13.52 L/s as a result of the new development, which is 2.40 L/s higher than the sewers surrounding the site have been designed for according to the Master Sanitary Drainage Plan prepared for the Uptown Core Lands. Given the undeveloped lands remaining in the area, capacities are not a concern at this time and the proposed development can be accommodated within the existing sanitary sewer infrastructure.” •.

**This is no basis on which to approve this development. These lands will not be vacant, and large development already approved at former ,PARCEL 7. More is also proposed for lands immediately west , as an active development proposal exists for 297 Oak Park, immediately west of here. YOU CANNOT APPROVE DEVELOPMENT THAT EXCEEDS EXISTING INFRASTRUCTURE, ESPECIALLY WHERE OTHER DEVELOPMENTS ARE APPROVED, OR HAVE ACTIVE APPLICATIONS IN PROCESS. The Town is still intending to sell off lands south of this proposal.**

**1B. Use of Holding Tanks**

The concerns raised in September have not been addressed. This is dangerous. These tanks lie immediately adjacent to Morrison Creek and also likely impact Nipigon Creek. Most importantly, no one has addressed the concerns raised about the impact on adjacent residential areas both east and west of Trafalgar. The Feb 2022 report does not address this, and it also confirms the pollution levels previously identified in the April reports. Our storm water management ponds connect to Morrison Creek directly. There is no guarantee a breach of tanks would not occur, nor overflow ensue. **Per the report itself, not all waste is removed**, only somewhere between 80 and 90% in a best case scenario. **This increases pollution.**

**These pollution levels are unacceptable.**

**This is an environmental disaster waiting to happen if allowed to proceed. This is particularly egregious when it is known, the proposal already exceeds existing infrastructure.**

Can these tanks as proposed withstand a seismic event, even small, which do occur in Oakville?

How would these be constructed? Digging up Trafalgar Rd that was just refinished up to Hays Blvd?  
Another burden for residents.

**Considering the use of holding tanks, adjacent to existing residential areas and 2 creeks, and pollution levels noted are unacceptable, and development application should be denied on these grounds also. Nothing has changed.**

**1C. Building Population Estimates Under-represented in Feb 2022 Report – create even more pressure for waste and storm water management**

Page 1 of the Stormwater Management Report provides for **1216** residents. **This is again in excess of what allegedly the site can absorb which is 1071 ( see point above).** This does not take into account approved developments on Parcel 7 south and proposed on Oak Park.

I submit there is a **severe underestimation of population per unit, especially the larger ones, and further impact on water and sewage infrastructure.**

The Feb 2022 Table 1 assumes the following:

**Commercial – 5 average.** No rationale for this. If the commercial involves coffee, or food places, the impact on water and waste will be much higher than an equivalent of 5 individuals.

**Townhouses:** 8 townhouses at 2.6 people per unit. I submit is highly unlikely that there would only be 2.6 people in these units, based on the realities of today's real estate market.

I submit the average would more likely be 4. It is presumed this would represent sharing by adults and/or families. I submit, that would make it closer to **32. ( not the 21 estimated)**

**Combined 1 BR and 1BR plus Den , average of 1.68 for 337 Units for 559 people.** Another underrepresentation:

Broken out:

**I submit that it is more likely most of the 1BR plus den would have 2 occupants , and since there are: 52 of these units: that would then increase the proposed population by another approximately 50 people.**

**The developer I contend has seriously underestimated the population of the larger units:**

**The 2 bedroom and 2 bedroom plus den are given to average 2.6. I submit that this is an underrepresentation.** These units are likely to be shared by many, or families and would submit the actual average would be more likely 3 to 4 per unit for at least half or more of these units. This would increase from the projected population of 624 to I submit closer to: 700 and potentially as high as 900

**I would also submit that my estimates are just as accurate as those proffered by the developer. I submit actual occupancy would be much higher than 1216.**

**This also exceeds the infrastructure. There is no rationale as to who their target purchasers will be. If some will likely be purchased as investment properties for rental, you can guarantee that the estimates provided are low. 20% or more of purchases fall into this category per recent real estate information. Oakville has the highest rents in all Canada, so more people will share any units.**

**This will create even more excess pressure on the water and sewage infrastructure.**

**Green Roof remains insufficient mitigation.** The architectural plans provide for no meaningful green space or ways of providing any more mitigation.

**NO ONE HAS ADDRESSED OUR CONCERNS RAISED IN SEPTEMBER ABOUT POTENTIAL IMPACT ON WATER PRESSURE IN THE HOMES OF EXISTING RESIDENTS, AND WHY WATER BALANCING IS NOT A REQUIREMENT FOR THIS AND OTHER NEW PROPOSED DEVELOPMENTS IN OUR AREA.**

**The Feb 2022 reports do not change any of these facts, or address concerns raised then.**

## **2. TRAFFIC REPORT**

The February report confirms what existed in April. **The volumes exceed what is approved by the Town for the intersection of Postridge and Trafalgar.** Since these lead directly into our residential neighbourhoods, our traffic will further increase. **No one has addressed the impact on the residential streets immediately east of Trafalgar, like Dalebridge, Postridge, Rosegate Way, as we had requested. A development that exceeds existing Town traffic standards should not be approved.**

**Allowing traffic in excess of standards an intersection that leads directly to residential areas to the east, and underrepresenting future volumes by not considering the developments approved south at Parcel 7, and west proposed on Oak Park north of Memorial Park should not be accepted.**



The February report changes nothing from the April report to address residents Concerns. Traffic will exceed Town standards. The developer thinks this isn't a problem. I do. I live here.

## **2B. Parking**

As requested in Sept 2021, no one has considered the traffic impact of Ride Services, like Uber, bringing additional traffic into these buildings and area. The use will only increase. The report in Feb 2022 changes nothing from what existed in 2021. Overflow will be directed to residential streets.

**The reliance on public transit in this submission is not supported by any objective evidence of levels of use in Oakville currently, or historically.**

## **2c. CHOV Lanes and rapid Transit – inaccurate**

The Feb 2022 report is inaccurate in relying on these to address the immediate impact of the proposed development. It relies on the use of HOV Lanes and Rapid Transit. There is no indication HOV Lanes will be put in use soon, and that will only create more overflow onto adjacent streets. Even more, the report references Rapid Transit on Trafalgar and Dundas Corridor. By Town and Region's own admission in other venues, these are not imminent, and likely at minimum a decade minimum or more in the future. **To use that as a rationale to support increasing density to the level proposed is frankly misleading, as it does not address the adverse unsafe impact on existing residents and situation that will result for the foreseeable future and years.**

**This report also ignores the impact on our residential streets east of Trafalgar. We had requested this be addressed, and it has not.**

3. **AIR AND NOISE POLLUTION – Concerns raised Sept 2021 remain unanswered. See submission. The February 2022 report needs to be questioned in terms of its accuracy. For instance: page one of the Noise Impact Study reads:**

**"The subject site is not significantly affected by noise from...or air traffic, or ...". Really? The reference to air traffic is factually incorrect. Mr. Knoll, you are well aware of the many concerns about air traffic noise here in Wards 5 and 6, which you have acknowledged publicly. This has not changed. I would question the entire accuracy of any report written by a company on noise, that would make such a statement.** I live immediately adjacent, and have made many complaints to the GTAA about flight noise and height. A reprieve during the pandemic, but this is now about to change back to what we had endured previously. **The report does nothing to address the concerns we previously raised about Noise and pollution levels for adjacent neighbourhoods.**

**This particularly pertains to the above ground parking which adds 5 stories to this proposed behemoth of development, that is totally inconsistent with anything in the area, and will only add to noise and air pollution. No answer to that.**

**Why above ground parking? This question remains unanswered from months ago. Completely inconsistent with any other buildings in area.**

#### 4. SHADOW IMPACTS

The concerns raised about the impact of severe shadow on residential properties east of Trafalgar, and the tree canopy have not been addressed.

NONE OF THE CONCERNS RAISED BY CITIZENS MONTHS AGO HAVE BEEN ANSWERED OR ADDRESSED IN THESE FEB 2022 REPORTS. NOTHING HAS CHANGED. THE APPLICATION SHOULD BE DENIED FOR THESE REASONS.

All areas should be equally treated. We should have same concerns about the quality of our existing neighbourhoods being protected by Council, as do others in other Wards. We are dealing with overly massive requests here that have no place in a “Livable Oakville” .

Planners: where are the answers to the questions we raised?

Wanda Crichton

REFERENCED SEPTEMBER 5<sup>th</sup>, 2021 CORRESPONDANCE from Wanda Crichton

**Submission:** September 5 , 2021

**Regarding:**

Proposed Official Plan and Zoning by Law Amendment, 256,260 and 294 Hays Blvd, and 271 Oak Park Blvd. SMART Centres

**Meeting Date:** Sept 13<sup>th</sup>, 6:30 p.m.

**The document in Appendix B posted is not my current submission. Those were questions raised earlier. This is my current submission.**

The height and density of this development, is not in keeping with promoting a “Livable Oakville” for adjacent residents in **our established neighbourhoods of 20 to 25 years.**

I would like to note for the record, that although the documents posted now on the Town Development Application website are dated April 2021, they are not all the same as those originally posted in May 2021 that I initially reviewed. This is not noted, nor is a copy of the original version of documents available on the Town website for comparison. An example is the Functional Storm water Management Report and Traffic Studies.

This proposal should not be approved as follows:

**1. Storm water Management - exceeds capacity of infrastructure**

Greenlands have been completely destroyed in our area. This diminishes ability to properly drain what are no longer 100 year storms with climate change.

The applicant states:

**Functional Storm Management Report Signing Page Page 10 on Applications website:**

**“The proposed sanitary design flow is 13.54 L/s as a result of the new development, which is 2.42 L/s higher than the sewers surrounding the site have been designed for according to the Master Sanitary Drainage Plan prepared for the Uptown Core Lands. Given the undeveloped lands remaining in the area, capacities are not a concern at this time and the proposed development can be accommodated within the existing sanitary sewer infrastructure.”**

**The development ( and amendment to By Law) should not proceed for this reason alone because it already exceeds the existing storm water and sewage limits . There is already approved development in the now vacant lands (former Parcel 7). There is no intent by the Town to keep the lands south vacant, as they are for sale.**

Approval of this development poses an **immediate health and safety risk** to adjacent homes in the area with overflow storm water, sewage and resulting health and property damage.

**It is also unclear whether this evaluation takes into consideration the 3 Towers already under construction immediately north of this property, at the southwest corner of Trafalgar and Dundas. I suspect it does not, which makes the proposal far worse and more dangerous for existing residents with respect to storm water and sewer management.**

#### **1A. Holding Tanks - creates Environmental Hazard for homes and East Morrison Creek**

Report states:

**“Runoff from these areas and the rooftop will be directed and temporarily stored within a proposed underground storage tank located below the access route, outside of the building footprint. All flows from the underground storage are conveyed towards the existing 750 mm diameter storm sewer on Oak Park Boulevard south of the site.”**

Not being an engineer, this aspect seems even more dangerous. It appears there is some idea of using holding tanks. This is also a major health and environmental concern. ***These tanks would lie immediately adjacent to East Morrison Creek which runs under Trafalgar Road and immediately adjacent north of this property, and southwest of the property at Postridge.***

***Breach or overflow would not only provide a complete Health and Safety hazard to existing residents in the area, but also an environmental disaster for the creek.*** It is unclear whether Nipigon Creek may also be impacted.

Our storm water management ponds connect to the creek directly. There is no guarantee a breach of tanks would not occur, nor overflow ensue. **Per the report itself, not all waste is**

**removed**, only somewhere between 80 and 90% in a best case scenario per applicant's report. **This increases pollution.**

**Approving this over- development of this scope without taking into account the environmental impacts to neighbourhood properties and East Morrison Creek is another reason to deny this over-development proposal.**

No updated water study can be found by the Region since 2015, so any analysis did not include changes to building density and heights since granted by the Town in this area, and proposed here, which more than doubles heights and quantity of water to be considered for both storm and waste water.

**Region of Halton Trafalgar Corridor Study 2015 APPENDIX F, completed by AECOM**

The Region's Trafalgar Corridor study of 2015 raised these environmental concerns. Appendix F pages 5 and 6. Even that report is outdated, done in 2014 and did not include the scope of development already occurring. ( E.G. bonussing of buildings) and proposals like this. A new study should be done before any more development is approved in the Trafalgar Corridor.

**1B. Water Pressure for Existing Residents – not addressed or protected**

As resident, am very concerned at the impact on water pressure to our existing homes. It seems no regard is in place for this.

I quote from the posted report on Storm water Management page 6:

**“Water Balance The Town typically recommends that water balance be considered for every new development however, there is currently no requirements in this area.”**

The Town should not be considering development of any sort, let alone this scope, without this matter being addressed.

**1C. Lack of Mitigation**

There is no other mitigation for run off on this proposal. They talk of a green roof. This won't solve the problem, by their own admission.

This over- development proposal is simply an entirely concrete structure, with entirely concrete surroundings , and no recreational green space to absorb any additional water. It is adjacent to an entirely paved parking lot plaza, and paved arterial road. There is no adequate and safe mitigation.

**2. Traffic – exceeds standards, increased danger, pollution and noise**

The volume, scope and number of cars generated by this proposed -development has to be considered in context of what is around it. Existing, stable residential neighbourhoods of 20 to 25 years are being disregarded.

It proposes 585 units, 493 parking spots.



There is no info provided on source of this data, or assumptions used. The traffic study cited, does not indicate whether it takes into account the additional hundreds of cars in the 3 towers already under construction at the southwest corner of Trafalgar and Dundas, immediately north of this intersection, or the numerous towers already approved north of Dundas, along Trafalgar. I suspect it may not.

The developer report notes:

**Intersection of Oak Park/Postridge and Trafalgar – exceeding Town standards**

**“Under future total conditions, with the addition of site traffic, the intersection continues to operate at a busy LOS with overall v/c ratios of 0.79 and 0.99 during the weekday morning and afternoon peak hours. While this intersection is forecast to operate above the Town of Oakville’s threshold operability (v/c of 0.85), site related traffic will have a minimal impact on the operation of the intersection**

This will add hundreds of cars to the intersection of Postridge and Trafalgar. This intersection per the developer study cited, already notes traffic at this intersection exceeds town standards. The developer just dismisses this. **How adding hundreds of cars and frequent trips won’t impact this intersection significantly is beyond logic. We can’t ignore this as local residents.**

**The same conclusion is drawn for intersection of Oak Park and Dundas.**

**Our residential neighbourhoods are already over-run with traffic. Speeding through, disregarding stop signs and pedestrians and looking for shortcuts. Adding more cars to these intersections, knowingly bringing them over capacity should not be authorized.**

**Pedestrians – more danger**

**It is already completely dangerous to cross Trafalgar Road as a pedestrian in this area. This type of density will only compound the problem. It is also becoming increasingly hazardous on our residential streets with all the extra traffic.**

**Mistaken and Out-dated Assumptions on Public Transit**

Use of public transit in Oakville has diminished, was poor prior to the pandemic, and as a former commuter will not fill the gap. It does not serve where many people work. Not everyone takes the Go train to work in downtown Toronto. The BRT’s referenced here are decades away.

Post-pandemic, use of transit is over-estimated. This proposed over-development will bring even more traffic into the area I submit, with increased use of Ride Services like Uber.

**With the impact of Covid pandemic, assumptions regarding use of transit and traffic are out of date. I submit an updated traffic study traffic study, that includes the existing and proposed developments , use of Ride Services, and post-pandemic use of Public Transit is needed.**

**Developments of this type only encourage more commuters, creating more traffic. I believe the Town’s focus should be on local high quality employment development now, not the minimum wage retail proposed in this development.**

**3. Parking – overflow to residential streets**

**Where are these cars going to go? Overflow to neighbouring streets.**

The developer report notes that at least 75% of people in the area own 1 car, and over 50% own 2. Why would you think future residents would be any different? Sales of cars are up, not down since pandemic, even with supply shortages.

**4. Air and Noise Pollution – adverse impact to citizens**

It is unclear why there would be 4 stories of above ground parking. Not only is this hazardous, but increases noise and air pollution for existing residents. **Idling of cars outdoors, particularly in winter will increase air pollution and noise.**

Our health is at risk with the increasing volume of cars and traffic generating more air pollution and added noise.

**The scope of this proposal will push traffic at intersection of Trafalgar and Oak Park/Postridge even higher than recommended; this is increasing the air pollution, and endangering the health of area residents. It should be denied also for this reason also.**

Where is an updated environmental study assessing the impacts on health of local citizens of the massive development, including this proposal?

**5. Skyline and Related adverse Environmental Impacts of Light and Shadow Pollution.**

**5A. Shadow Impact**

The shadow study included clearly shows that existing properties, particularly on Penrose and parts of Rosegate Way will be in complete shadow for their backyard living areas, particularly during the times of year when most needed e.g. summer. **Citizens in neighbourhoods that have existed for decades should not lose the enjoyment of their outdoor space with excessive shadowing due to this over-development. They will also in some circumstances, now have only a view of these towers from their outdoor living space ( Penrose ). This impact needs to be addressed.**

**5B. Incompatibility with Existing Neighbourhoods**

**Approval of this proposal will fill the sky with towers, & is 2.5 times higher than the Taunton. It is also a health issue, as natural sun light is needed at all times of year. 28 and 29 story buildings are in no way compatible with 2 story town home neighbourhoods adjacent in Wards 5 and 6.**

**5C. Skyline and Light Pollution /Impact on Birds and Bird Migration**

**This will create total light pollution at night for our streets. How will night lights from this tower impact adjacent residential area who face them, along with their bedroom windows?**

There is no information available on how these proposed towers ( along with those adjacent) will impact existing bird populations ( endangered owls at night) as well as bird migration

**This tower should not proceed for these reasons and at minimum until these environmental issues are addressed**

#### **6. Green Space and Community Supports and Services - lacking**

There is no Green Space included for the thousands in this proposed By Law Amendment and development (which has to be considered in context with the 3 huge towers already under construction directly north of this site), and those proposed adjacent to Memorial Park. This brings thousands of people into this area without any more green space. Memorial Park is already operating at capacity at peak times; trails at Morrison Creek, 14 and 16 Mile Creek already show damage of over-use and experience over- crowding already during peak times.

This is not a family-friendly development, nor would children have immediate access to any outdoor play area on site. **This is simply creation of a concrete jungle.**

Schools in the area already operate with many portables and new ones are years away from being operational.

Existing recreational centres are small and dated, decades old, & not designed for this type of population increase. While a new one is planned north of Dundas, there is no timeline. That will only increase pressure on existing over-used facilities.

#### **7. Accountability to Local Residents – Council’s obligation**

For the reasons outlined, this proposed By Law change and development does not meet Town standards in key areas, and presents a clear and present danger to the health and safety and viability of adjacent neighbourhoods for reasons outlined. It is the responsibility of Town council to ensure bylaws, zoning protect the health and safety of citizens. Developments cannot endanger health and safety of citizens.

#### **Conclusion:**

**While this is called a designated growth area, this proposal is not growth. This is over-development at a scale that threatens the health and safety of nearby residents in terms of traffic, water, sewage, air light and noise pollution. It is not in any way compatible with “A Livable Oakville” for residents here. This application should not be approved.**

Wanda Crichton

■ Rosegate Way Oakville ON ■

March 27, 2022

Please note that my husband Douglas Thom and I share the concerns of many regarding this proposed development which threatens the neighbourhoods on both sides of Trafalgar Road.

We wish to participate in the planned virtual discussion of significant concerns.

Thank you,

Lyndsey Thom

Douglas Thom

April 19, 2022 – follow up conversation to document comments from Lyndsey and Douglas Thom

Hello Lyndsey and Douglas – thank you for the opportunity to speak with you today about the Smart Centres proposal and future development in Uptown. I have captured your comments below for the Councillors information.

- Residents for 25 years
- Recently moved from west Oakville – living at The Taunton
- Appreciative of what has taken place in Oakville – living in the area by choice – and for all of the good things about Oakville – the services are superior – trails/recreation, etc. however the vision for the future seems to be falling short of what makes Oakville a great place to live
- Noticing what is happening in Uptown

- Concerns with:

#### Water

- o Infrastructure is under stress
- o Where is the stormwater going to go
- o Is there enough capacity for future developments

#### Traffic

- o Parking – where will everyone park, including visitors
- o All the new residents/potential families – chances are that many will have 2 cars

#### Parks and Open space

- Where will the children play – what type of park space is planned
- Where will people take their dogs

Sun/shadow impacts

- Impacts to existing residents

Heights/densities

- Why is there height proposed at this location
- Is there a reason for it to go here
- It is too high – too dense
- Doesn't seem to be enough of a middle ground

If I missed anything please feel free to add that in.

Thank you

Tricia



**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2022-063**

**Official Plan Amendment 46**

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 46 (SmartCentres on behalf of SmartREIT (Oakville II) Inc./ SmartREIT (Oakville) Inc., File No.: OPA.1413.34)

**WHEREAS** subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that the provisions of the *Act* with respect to an official plan apply, with necessary modifications, to amendments thereto and section 17 applies to any such amendment; and,

**WHEREAS** subsection 22(1) of the *Planning Act* provides that a person or public body may request a council to amend its official plan; and,

**WHEREAS** the owner of the lands currently known as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (new addresses to be 2380 and 2400 Trafalgar Road) has requested that Council amend the Livable Oakville Plan to introduce a site-specific policy applying to the lands with respect to the maximum building height permitted within the Main Street and Urban Core land use designation.

**COUNCIL ENACTS AS FOLLOWS:**

1. The attached Official Plan Amendment Number 46 to the Livable Oakville Plan is hereby adopted.
2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.
3. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 27th day of June, 2022

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MAYOR

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CLERK

## **Official Plan Amendment Number 46 to the Town of Oakville's Livable Oakville Plan**

### **Constitutional Statement**

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 46 to the Livable Oakville Plan.

### **Part 1 – Preamble**

#### **A. Subject Land**

The subject land is located at the northwest corner of Trafalgar Road and Oak Park Boulevard, is legally described as Part 1, Lot 13, Concession 1 of Registered Plan 18817, and will be known municipally as 2380 and 2400 Trafalgar Road.

#### **B. Purpose and Effect**

The purpose of this official plan amendment (OPA) is to introduce a site-specific exception policy, as it applies to the subject land, to permit one building to have a maximum height of 31 storeys inclusive of bonusing, whereas the maximum is currently set at 12 storeys. It will also permit a second tower to have a maximum height of 26 storeys, inclusive of bonusing, whereas the maximum is currently set at 6 storeys.

#### **C. Background and Basis**

- The subject land, which is currently vacant and has an area of approximately 0.9 hectares, is about 400 metres (a 5 minute walk) from the Uptown Core Transit Terminal. It is the southeastern parcel of the larger 19 hectares SmartCentres site that includes restaurants, commercial and retail uses, including a Real Canadian Superstore and a Walmart. The SmartCentres site, bounded by Dundas Street East, Trafalgar Road and Oak Park Boulevard is intended to redevelop with high density mixed use buildings as part of the town's Uptown Core Growth Area.
- In the Region of Halton Official Plan, Trafalgar Road and Dundas Street are each identified as "Higher Order Transit Corridor," and the lands surrounding the intersection of those streets are identified as "Primary



Regional Node". The boundary of that node is proposed to be refined through Regional Official Plan Amendment Number 49 (ROPA 49) to align with the boundary of the town's existing Uptown Core Growth Area, which includes the subject land. Further intensification is being planned for in this location that will support frequent levels of transit service.

- In addition to the general policies of the Livable Oakville Plan, the policies of Section 21, Uptown Core, and the associated Schedules M1 and M2, currently apply to the subject land.
- On Schedule M1, Uptown Core Land Use, of the Livable Oakville Plan, the subject land is designated "Main Street 2" and "Urban Core." On Schedule M2, Uptown Core Building Heights, the subject land is identified as "4 - 6 storeys" and "8 - 12 storeys", as well as being eligible for bonusing (i.e., additional storeys). The associated bonusing policies are in Sections 28.8.2 and 21.7.2 of the Plan.
- The Owner of the subject land has requested relief from the applicable building height policies to enable the development of two mixed use towers of 26 and 31 storeys, with 520 square metres of commercial space and 587 residential units.
- As detailed in the staff report dated May 24, 2022, based on staff's review and analysis of the materials submitted in support of the proposed development, and the issues raised by Council and the public, the amendment will have the effect of increasing the building height limit of the towers from 6 and 12 storeys to a maximum of 26 and 31 storeys respectively, subject to a Section 37 (Bonusing) Agreement. The amendment will also include a minimum net floor area of 520 square metres for commercial and retail uses along Oak Park Boulevard.
- The corresponding zoning by-law amendment (By-law 2022-064) provides site-specific land use regulations in conformity with OPA 46. Design principles have also been established to help ensure, through the site plan approval process, that the proposed development will be constructed as intended with a well-designed built form that contributes to community image and identity.
- Planning and Development Council hosted the statutory public meeting regarding this official plan amendment on September 13, 2021.

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## **Part 2 – The Amendment**

The Livable Oakville Plan is amended as follows:

### **A. Text Changes**

Part E, Section 21.6, Uptown Core Exceptions – Schedules M1, and M2, is amended by adding a new exception policy 21.6.6 as follows:

“21.6.6 The lands designated Main Street 2 and Urban Core at the northwest corner of Oak Park Boulevard and Trafalgar Road, known as 2380 and 2400 Trafalgar Road respectively, are subject to the following additional policies:

- a) *Development* shall be in the form of a mixed use building composed of a podium and two towers, and subject to the applicable *bonusing* policies of this Plan.
- b) On the lands designated Main Street 2 (2380 Trafalgar Road), a maximum height of 26 storeys is permitted, inclusive of *bonusing*.
- c) On the lands designated Urban Core (2400 Trafalgar Road), a maximum height of 31 storeys is permitted, inclusive of *bonusing*.
- d) The total number of additional storeys permitted through *bonusing* shall not exceed 39 storeys across the site.
- e) A minimum height variation of five storeys is required between the two towers.
- f) A minimum of 520 square metres of net leasable commercial floor area shall be provided on the ground floor, oriented towards, and accessible from, Oak Park Boulevard.”

### **B. Schedule Changes**

On both Schedule M1, Uptown Core Land Use, and Schedule M2, Uptown Core Building Heights, add a “⊙” symbol in the location of the subject land to identify that a site-specific exception policy applies.



## THE CORPORATION OF THE TOWN OF OAKVILLE

## BY-LAW NUMBER 2022-064

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (SmartCentres on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc., File No.: 1413.34)

## COUNCIL ENACTS AS FOLLOWS:

1. Map 19(22a) of By-law 2014-014, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 15.414.1 as follows:

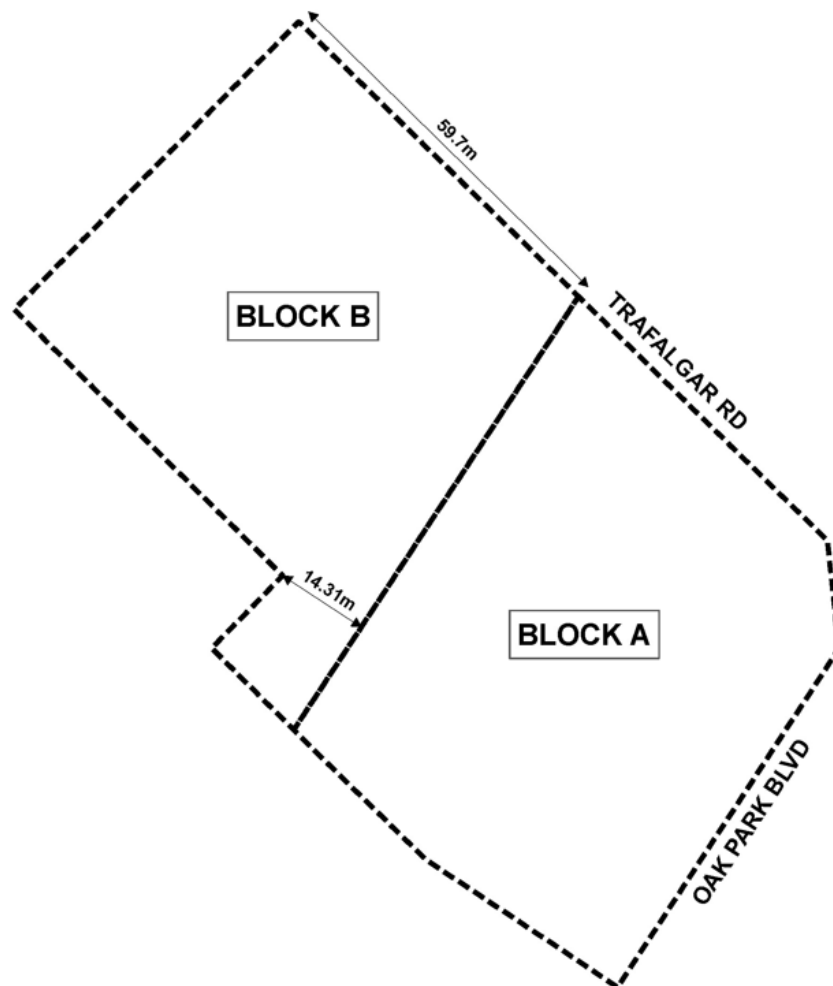
414	2380 and 2400 Trafalgar Road	Parent Zone: MU4
Map 19(22a)	Part of Lot 13, Concession 1 of Registered Plan 18817	(2009-062) (2015-018) (2022-064)
15.414.1 Regulations for Permitted Uses		
The following regulations apply:		
a)	<i>Business offices and medical offices</i> are prohibited in the first 9.0 metres of depth of the <i>building</i> , measured in from the <i>main wall</i> oriented toward the <i>flankage lot line</i> or the <i>front lot line</i> , on the <i>first storey</i>	
15.414.2 Zone Provisions		
The following regulations apply:		
a)	The <i>lot line</i> abutting Oak Park Boulevard shall be deemed the <i>front lot line</i> .	
b)	<i>Minimum front yard</i> (Oak Park Boulevard)	2.2 m
c)	<i>Maximum front yard</i> (Oak Park Boulevard)	4.0 m
d)	<i>Minimum flankage yard</i> (Trafalgar Road)	3.0 m
e)	<i>Maximum flankage yard</i> (Trafalgar Road)	5.5 m

f)	Notwithstanding Section 8.8 b), a minimum of 50% of the length of all <i>main walls</i> oriented toward the <i>flankage lot line</i> shall be located within the area on the <i>lot</i> defined by the <i>minimum</i> and <i>maximum flankage yards</i> (Trafalgar Road)	
g)	<i>Minimum rear yard</i>	3.0 m
h)	<i>Minimum rear yard setback</i> above the fifth storey	10.0 m
i)	<i>Minimum front yard setback</i> above the fifth storey	7.0 m
j)	Minimum <i>height</i> of the <i>first storey</i> for non-residential uses	4.5 m
k)	Maximum <i>height</i> of rooftop <i>mechanical equipment and mechanical penthouse</i> and stair tower	7.0 m
l)	<i>Minimum yard</i> for any portion of a <i>building</i> or <i>structure</i> that is completely underground	0.75 m
m)	Minimum <i>floor area</i> for retail or service commercial uses on the <i>first storey</i>	520 m <sup>2</sup>
n)	Maximum floorplate area of a <i>building tower</i> measured from the exterior of the outside walls, above the fifth storey. Recessed <i>balconies</i> up to the <i>main wall</i> are included in the floorplate area calculation.	770 m2
o)	<i>Balconies</i> are permitted in any <i>yard</i> and the maximum total projection beyond the <i>main wall</i> is 2.0 m.	
15.414.3 Additional Zone Provisions for Block A		
The following additional regulations apply to Block A as identified in Figure 15.414.1:		
a)	Maximum number of <i>storeys</i>	6
b)	Maximum <i>height</i>	25.0 m
c)	Maximum number of <i>storeys</i> (upon execution of a Section 37 Agreement)	26
d)	Maximum <i>height</i> (upon execution of a Section 37 Agreement)	76.0 m
15.414.4 Additional Zone Provisions for Block B		
The following additional regulations apply to Block B as identified in Figure 15.414.1:		
a)	Maximum number of <i>storeys</i>	12

b)	Maximum number of <i>storeys</i> (upon execution of a Section 37 Agreement)	31
c)	Maximum <i>height</i> (upon execution of a Section 37 Agreement)	92.0 m
<b>15.414.5 Parking Provisions</b>		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i>	1.0 per <i>dwelling unit</i> , of which 0.15 of the parking space required per <i>dwelling</i> shall be designated as visitor <i>parking spaces</i>
b)	Visitor <i>parking spaces</i> for residential <i>uses</i> may be counted toward the minimum number of <i>parking spaces</i> for non-residential <i>uses</i> to a maximum of 0.15 per <i>dwelling unit</i> .	
c)	A <i>surface parking area</i> shall not be permitted	
d)	Ventilation shafts, stairs and stairways associated with an underground <i>parking structure</i> , hydro vaults and above-ground gas meters including any appurtenances thereto are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> .	
e)	Ventilation shafts associated with an underground <i>parking structure</i> are not permitted below the first 2.5 metres of vertical distance of a <i>building wall</i> measured from the finished floor level of the <i>first storey</i> .	
f)	A minimum of 20% of the <i>parking spaces</i> in a <i>building</i> shall include the provision for the installation of electric motor vehicle supply equipment.	

#### 15.414.6 Special Site Figures

Figure 15.414.1



#### 15.414.7 Special Site Provisions

*The following additional provisions apply:*

a)	All lands identified as subject to this Special Provision shall be considered as one <i>lot</i> for the purposes of this By-law.	
b)	<i>Height</i> shall be measured from the <i>finished floor elevation</i> of the <i>first storey</i> .	
c)	Minimum number of <i>dwelling units</i> containing two or more bedrooms	30% of the total number of <i>dwelling units</i>

15.414.8 Bonusing Provisions	
In order to permit the increased height 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 <u>Planning Act</u> . The Owner of the subject lands shall provide to the satisfaction of the Town the facilities, services, and matters in the form of one or more of the following:	
a)	Contributions by the Owner of the subject property to the Corporation of the Town of Oakville to be used for eligible community benefits identified in Part F, Section 28.8 and Part E, Section 21.7.2 of the Livable Oakville Plan.
b)	Affordable housing units
c)	Uptown Core transit contributions
d)	Public art

3. Part 16, Holding Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 16.3.50 as follows:

H50	2380 and 2400 Trafalgar Road Part of Lot 13, Concession 1 of Registered Plan 18817	Parent Zone:MU4
Map 19(22a)		(2009-062) (2015-018) (2022-064)
16.3.50.1 Only Permitted Uses Prior to Removal of the “H”		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following:		
a)	Legal <i>uses</i> , <i>buildings</i> and <i>structures</i> existing on the <i>lot</i> .	
16.3.50.2 Conditions for Removal of the “H”		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		

a)	<p>Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and Record of Site Condition submitted to the Region must extend third party reliance to Halton Region. The Owner complies with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region.</p> <p>Notwithstanding subsection (1) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize:</p> <ul style="list-style-type: none"><li>i. The removal of soil, rock or fill for the purpose of making an excavation; or the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a Record of Site Condition.</li></ul>
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4. This By-law comes into force in accordance with Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

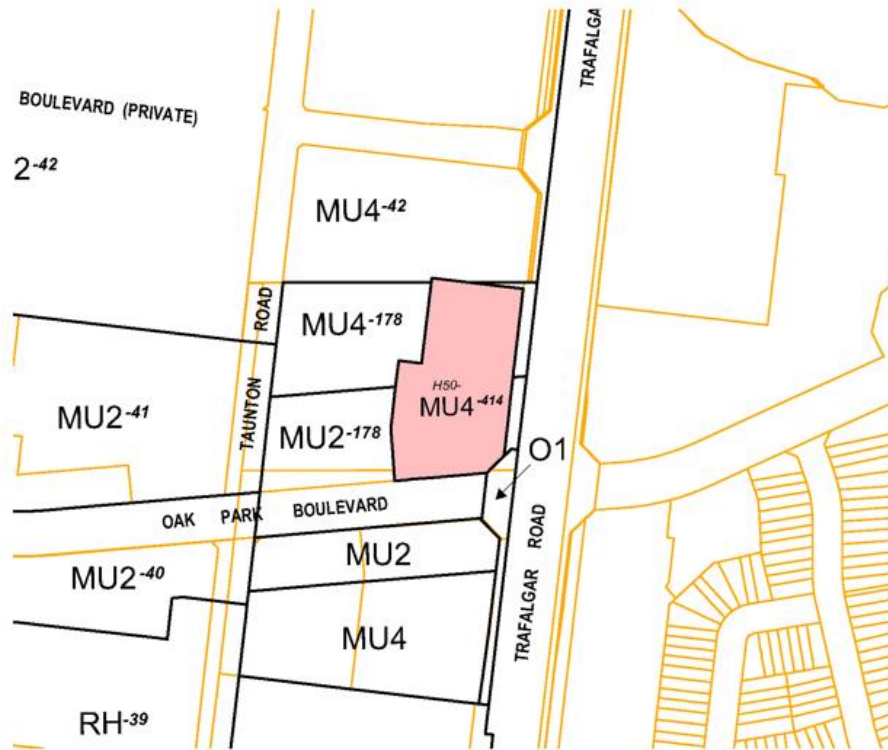
PASSED this 27<sup>th</sup> day of June, 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



SCHEDULE "A"  
To By-law 2022-064



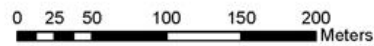
AMENDMENT TO BY-LAW 2014-014

Re-zoned From: Main Street 2 (MU2 sp: 178);  
Urban Core (MU4 sp: 178); and  
Urban Core (MU4 sp: 42) to  
Urban Core (H50-MU4 sp: 414)

EXCERPT FROM MAP  
19 (22a)



SCALE 1 : 3000



## REPORT

### Planning and Development Council

Meeting Date: June 27, 2022

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**FROM:** Planning Services Department

**DATE:** June 14, 2022

**SUBJECT:** Recommendation Report – Site Plan Applications  
SP.1601.028/01 – 560, 570 and 580 Winston Churchill Blvd. and  
SP.1601.029/01 – 700 and 750 Winston Churchill Blvd.

**LOCATION:** 560, 570, 580, 700 and 750 Winston Churchill Blvd. (formerly 772  
and 560 Winston Churchill Blvd.)

**WARD:** Ward 3

Page 1

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#### RECOMMENDATION:

1. That the revised Site Plan application, File No.: SP.1601.028/01 to allow the construction of three warehouse buildings be approved, subject to the conditions in Appendix “A” contained within the June 14, 2022, report from the Planning Services Department.
2. That the revised Site Plan application, File No.: SP.1601.029/01 to allow the construction of two warehouse buildings be approved, subject to the conditions in Appendix “B” contained within the June 14, 2022, report from the Planning Services Department.
3. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 560, 570 and 580 Winston Churchill Blvd., File No.: SP.1601.028/01.
4. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 700 and 750 Winston Churchill Blvd., File No.: SP.1601.029/01.
5. That staff be delegated authority to transfer to the Region the easement required for the Region’s preferred servicing strategy on terms satisfactory to the Town Solicitor including the applicant/landowner compensating the Town for the market value of the proposed easement as determined through the Town’s appraisal and reimbursing the Town for the associated costs.

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## **KEY FACTS:**

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

- The purpose of this report is to obtain Council's endorsement with respect to two site plan applications (SP.1601.028/01 and SP.1601.029/01) at 560, 570, 580 Winston Churchill Blvd. and 700 and 750 Winston Churchill Blvd.
- The subject properties are located on the west side of Winston Churchill Blvd. and south of the CN railway.
- Site Plan application SP.1601.028/01 for 560, 570 and 580 Winston Churchill Blvd. was submitted in July 2019.
- Site Plan application SP.1601.029/01 for 700 and 750 Winston Churchill Blvd. was submitted in June 2021.
- Pursuant to Section 9 of Site Plan Control By-law 2019-114, notwithstanding the delegation of authority to approve site plans, the Director may present site plans to Council at any time prior to final approval and shall do so if requested by Town Council.
- On February 28, 2022, Council passed a motion requiring the Director of Planning to refer both Site Plan applications to Council for review and consideration.
- On June 9, 2022, the Planning Department received a commitment from the applicants to provide various benefits for the community, which is included within Appendix "I".
- Staff recommend approval of the revised site plan applications subject to the conditions within Appendices "A" and "B".

## **BACKGROUND:**

### **Ontario Planning Legislation - Nature of Site Plan Authority**

Site plans applications may be required under section 41 of the *Planning Act* and provide municipalities with an opportunity to review and approve plans and drawings related to a proposed development. These plans and drawings show the proposed location and design of buildings, parking, landscaping and other facilities.

The general purpose of the site plan process is to manage implementation details related to a development prior to the issuance of building permits or the commencement of site works. These details generally relate to technical matters such as grading, drainage, tree preservation, landscaping, external design of buildings, the location of garbage facilities, and vehicular and pedestrian traffic movement, both within the site and in areas where there are connections to public roads and sidewalks.

**Section 41 - Subsection (4)** - The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement and layout on the property such as the location of buildings, driveways, parking areas, pedestrian sidewalks, landscaping, fences, light fixtures, waste collection areas, snow storage, stormwater drains, municipal services and similar facilities. Municipal staff and

commenting agencies review the drawings to ensure they comply with relevant development standards, regulations and policies. Unlike zoning by-laws or similar applications, there is no ability to prevent a development through the “refusal” of an application. Instead, revisions are made to the plans and drawings until approval is achieved. If the proposal cannot meet the town’s standards, the application may be appealed to the Ontario Land Tribunal (OLT) to determine the plans' details, drawings and conditions.

It should be noted that changes to matters that are regulated by the zoning by-law (such as use, height, setbacks, the number of permitted parking spaces etc.) are beyond the scope of the changes that can be sought through the site plan process.

The type of conditions that can be imposed on a site plan approval are limited to the matters set out in section 41(7) of the *Planning Act* which includes matters related to:

1. Road widenings – as required by the Official Plan of Town/Region
2. Access to/from Roads – curbs, access ramps, traffic direction signs
3. Loading and Parking Facilities – covered or uncovered, driveways, surfaces
4. Walkways / Pedestrian Access
5. Accessibility for People with Disabilities
6. Lighting
7. Landscaping – including walls, fences, hedges, trees, shrubs or other groundcover, for the landscaping of the lands or the protection of adjoining lands
8. Garbage/Waste – vaults, central storage, collection areas, enclosures
9. Municipal Easements – related to watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board
10. Grading and Drainage – including disposal of storm, surface, and waste water

Since site plan approvals deal with the provision of facilities, rather than the **use** of those facilities, conditions related to operational matters such as restrictions on the hours of operation, construction phasing and prospective tenants are beyond the scope of the site plan authority.

Although many of the comments received from the public ask Council to refuse the application and stop the proposed development that type of action is simply beyond the scope of site plan authority.

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## Appeal to the Ontario Land Tribunal (OLT)

**Section 41 – Subsection (12)** of the *Planning Act*, sets out the rights of appeal for site plan applications. Subsection 12 states that only the applicant/landowner can appeal the municipality's lack of a decision after 30 days from the date of submission of the application. The applicant/landowner can also appeal the conditions imposed by the municipality.

The application at 560, 570 and 580 Winston Churchill Blvd. (formerly 560 Winston Churchill Blvd.) was received on July 11, 2019.

The application at 700 and 750 Winston Churchill Blvd. (formerly 772 Winston Churchill Blvd.) was received on June 29, 2021.

To date, neither application has been appealed to the OLT, although both are eligible to file an appeal.

If an appeal is received, the Tribunal would determine the details of the drawings/conditions that will be approved as opposed to refusing a development. Unless the appeal is withdrawn, the OLT would make the final decision on the application instead of the town.

Third parties (such as abutting neighbours) have no right of appeal for a site plan application under the *Planning Act* since the application is not proposing a change in land use, only the technical implementation of what is already permitted in the town's Zoning By-law.

### Site Plan Control

The Livable Oakville Plan Section 28.11 states that the entire plan area is subject to site plan control and allows the Town, by by-law to identify specific types of development subject to site plan control or exempt from site plan control. The proposed development is subject to site plan control.

The Town may also require the landowner to fulfill conditions of site plan approval and enter into agreements.

### Approval of a Site Plan Application

Under the Town's Site Plan Control By-law 2019-114, the Director of Planning Services is given the authority to approve site plans. However, section 9 of By-law 2019-114 allows the option for the Planning Director to present the site plans to Council at any time before final approval and shall do so if specifically requested by Town Council.

On February 28, 2022, Council passed the following resolution:

*“WHEREAS Site Plan Control By-law 2019-114 provides that at the request of Town Council the Director of Planning shall present site plans to Council at any time prior to final approval; and*

*WHEREAS Site Plan applications for 560 and 772 Winston Churchill Blvd. border residential land uses, must be comprehensively planned and address matters outlined in s.41 (4) and (7) of the Planning Act including the D6 Guidelines related to Land Use Compatibility.*

*THEREFORE BE IT RESOLVED, THAT the Director of Planning be requested to refer these Site Plans to Council for consideration and review.”*

On June 9, 2022, the Planning Department received a commitment from the applicants to provide various benefits for the community, which is included within Appendix “I”. This offer was contingent on Planning staff bringing forward a staff report for Council’s consideration by June 27, 2022.

Effective July 1, 2022, as a result of amendments to the *Planning Act* introduced by Bill 109, decisions related to site plan matters must be made by an officer, employee or agent of the municipality as the “authorized person”, rather than Council.

### **Proposal**

The subject lands are located on the west side of Winston Churchill Blvd, south of the CN rail line and east of Town-owned Aspen Forest Park (Figure 1).





Figure 1: Location

**SP.1601.028/01 – 560, 570 and 580 Winston Churchill Blvd.** (formerly known as 560 Winston Churchill Blvd.)

The subject site plan application was received in July 2019, to permit the construction of two warehouse buildings with a total of 58,655 m<sup>2</sup> of floor area. The application was subsequently revised in March 2021 and December 2021.

The current revision (December 2021) is to permit the construction of three warehouse buildings with a total floor area of 59,078.87 m<sup>2</sup>. The proposal can be further described as follows (Figure 2):

- Building A – 16,205.91 m<sup>2</sup> – height – 11 m
- Building B – 12,790.65 m<sup>2</sup> – height – 11 m
- Building C – 30,082.31 m<sup>2</sup> – height – 13.49 m
- 399 parking spaces
- 20 bike parking spaces
- 110 loading spaces
- The loading areas are located in the centre of the site and as such the buildings act as a noise barrier to the residential uses.
- Truck traffic will be restricted to the central driveway.
- Passenger vehicles will have access to the southern driveway.

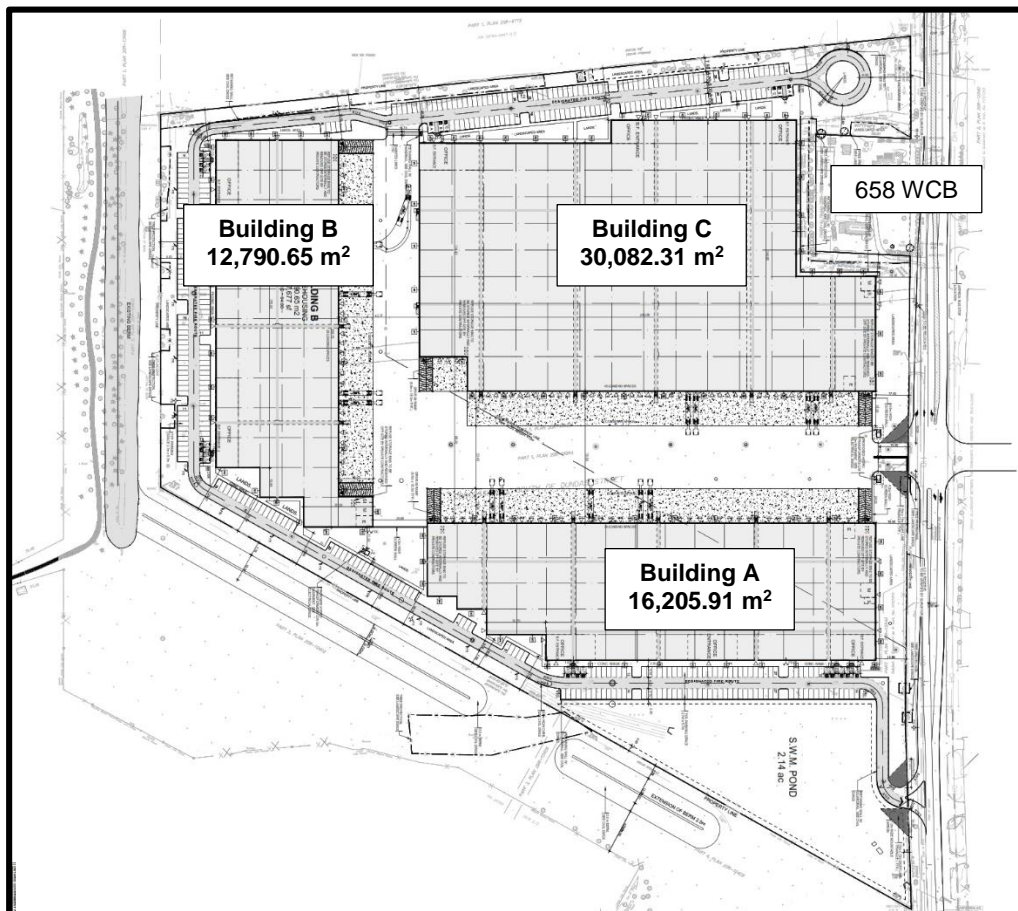


Figure 2: 560, 570, and 580 Winston Churchill Site Plan (Dec 2022)

The following studies, including revised materials and supporting documentation, are also accessible on the town's website

<https://www.oakville.ca/business/33916.html>.

- Site Plan



- 
- Elevations and Roof Plan
  - Landscape Plans/Details
  - Tree Protection Plans
  - Canopy Coverage Plan
  - Site Grading Plans
  - Site Servicing and stormwater management Plans
  - Erosion and Sediment Control Plan
  - Lighting Plan
  - Arborist Report
  - Transportation Impact Study
  - Stormwater Management and Functional Servicing Report
  - Noise Feasibility Study
  - Land Use Compatibility Report
  - Significant woodlands Assessment

#### Site Description

The subject property is approximately 12.9 ha in size and is currently vacant.

The surrounding land uses can be described as follows:

North: Clearview watercourse and land subject to site plan application  
SP.1601.029/01 for two warehouse buildings.

East: Residential use (658 Winston Churchill Blvd.) and employment uses within  
the City of Mississauga.

South: Aspen Forest Park beyond which are residential uses.

West: Aspen Forest Park including a landscaped berm beyond which are residential  
uses.

Figure 3 illustrates the location of the proposed buildings with setbacks to Aspen  
Forest Park and the surrounding residential uses.

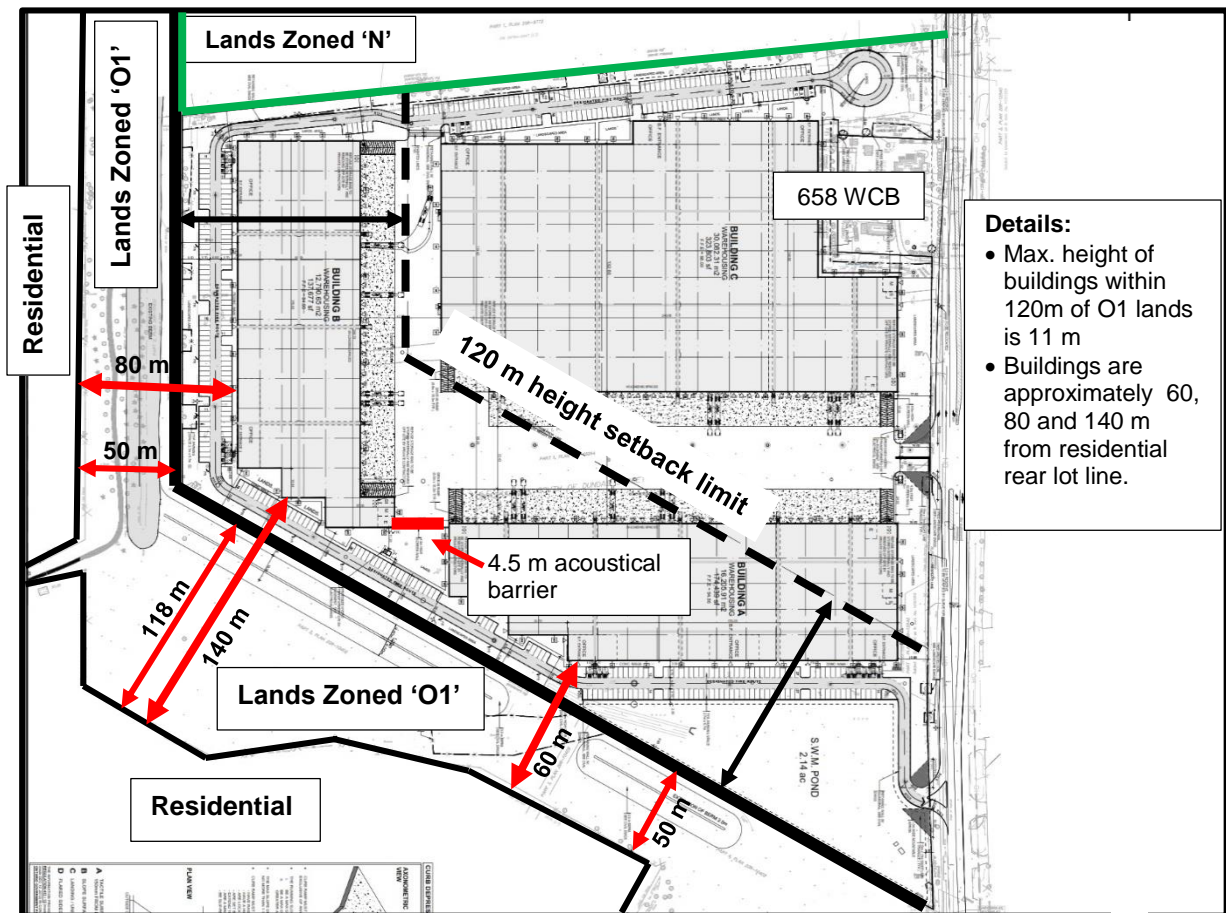


Figure 3: Separation distances between proposed buildings and lands zoned for residential uses

#### Heritage Resources – 658 Winston Churchill Blvd.:

The subject property (560/570/580 WCB) is located directly adjacent to the property at 658 Winston Churchill Boulevard which is listed on the Oakville Register of Properties of Cultural Heritage or Interest. This property has also been identified as having potential as a cultural heritage landscape.

In order to protect the cultural heritage character of the property at 658 Winston Churchill Boulevard, a landscape buffer is required around the north, west and south boundaries of this lot. The landscape buffer will need to include a sufficient amount of plantings to provide a 'wall' of greenery that offers the heritage property visual and physical separation from the subject property. The goal must be to retain the rural setting of the heritage property as much as possible by screening the new development from it. Heritage staff have no concerns with the application as revised.

It is noted that this property has also maintained the employment zoning as the abutting developments.

**SP.1601.029/01 – 700 and 750 Winston Churchill Blvd.** (formerly known as 772 Winston Churchill Blvd.)

The subject site plan application was received in June 2021, to permit the construction of two warehouse buildings with a total of 61,462 m<sup>2</sup> of floor area. The application was subsequently revised in January 2022.

The current revision (January 2022) is to permit the construction of two warehouse buildings with a total floor area of 60,108.45 m<sup>2</sup>. The proposal can be further described as follows (Figure 4):

- Building A – 30,905.87 m<sup>2</sup> – height - 13.19 m
- Building B – 29,202.58 m<sup>2</sup> – height – 11.00 m
- 340 parking spaces
- 18 bike parking spaces
- 116 loading spaces
- The loading areas are located in the centre of the site and as such the buildings act as a noise barrier to the residential uses.
- The existing channel (zoned N-Natural) provides an additional buffer to the residential uses to the west.

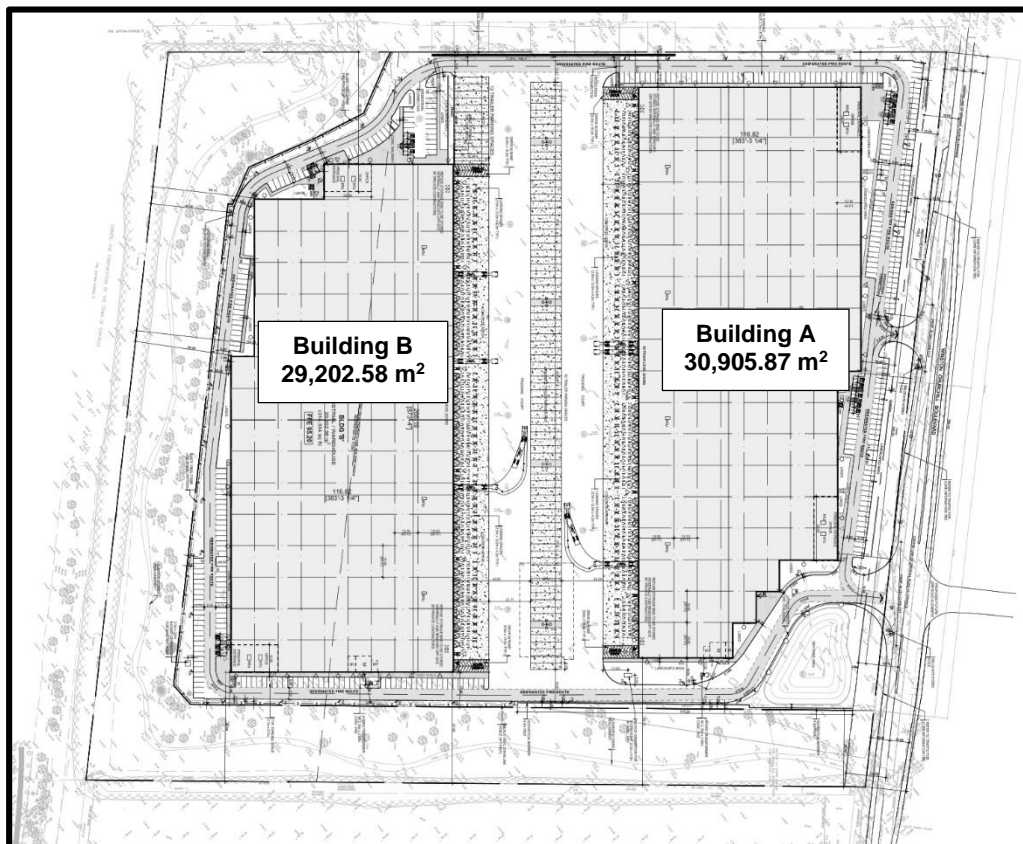


Figure 4: 700 and 750 Winston Churchill Site Plan (Jan 2022)

The following studies, including revised materials and supporting documentation, are also accessible on the town's website <https://www.oakville.ca/business/sp-38512.html>.

- Site Plan
- Elevations and Roof Plan
- Landscape Plans/Details
- Tree Protection Plans
- Canopy Coverage Plan
- Site Grading Plans
- Site Servicing and stormwater management Plans
- Erosion and Sediment Control Plan
- Lighting Plan
- Arborist Report
- Transportation Impact Study
- Stormwater Management and Functional Servicing Report
- Noise Feasibility Study
- Land Use Compatibility Report
- Environmental Site Assessment
- Fisheries Impact Assessment

#### Site Description

The subject property is approximately 15.5 ha in size and is currently vacant.

The surrounding land uses can be described as follows:

North: CN railway and employment uses.

East: Winston Churchill Blvd. and employment uses within the City of Mississauga.

South: Clearview watercourse and land subject to site plan application  
SP.1601.028/01 for three warehouse buildings.

West: Clearview watercourse, Aspen Forest Park including a landscaped berm  
beyond which are residential uses.

Figure 5 illustrates the location of the proposed buildings with setbacks to the Clearview watercourse, Aspen Forest Park and the surrounding residential uses.

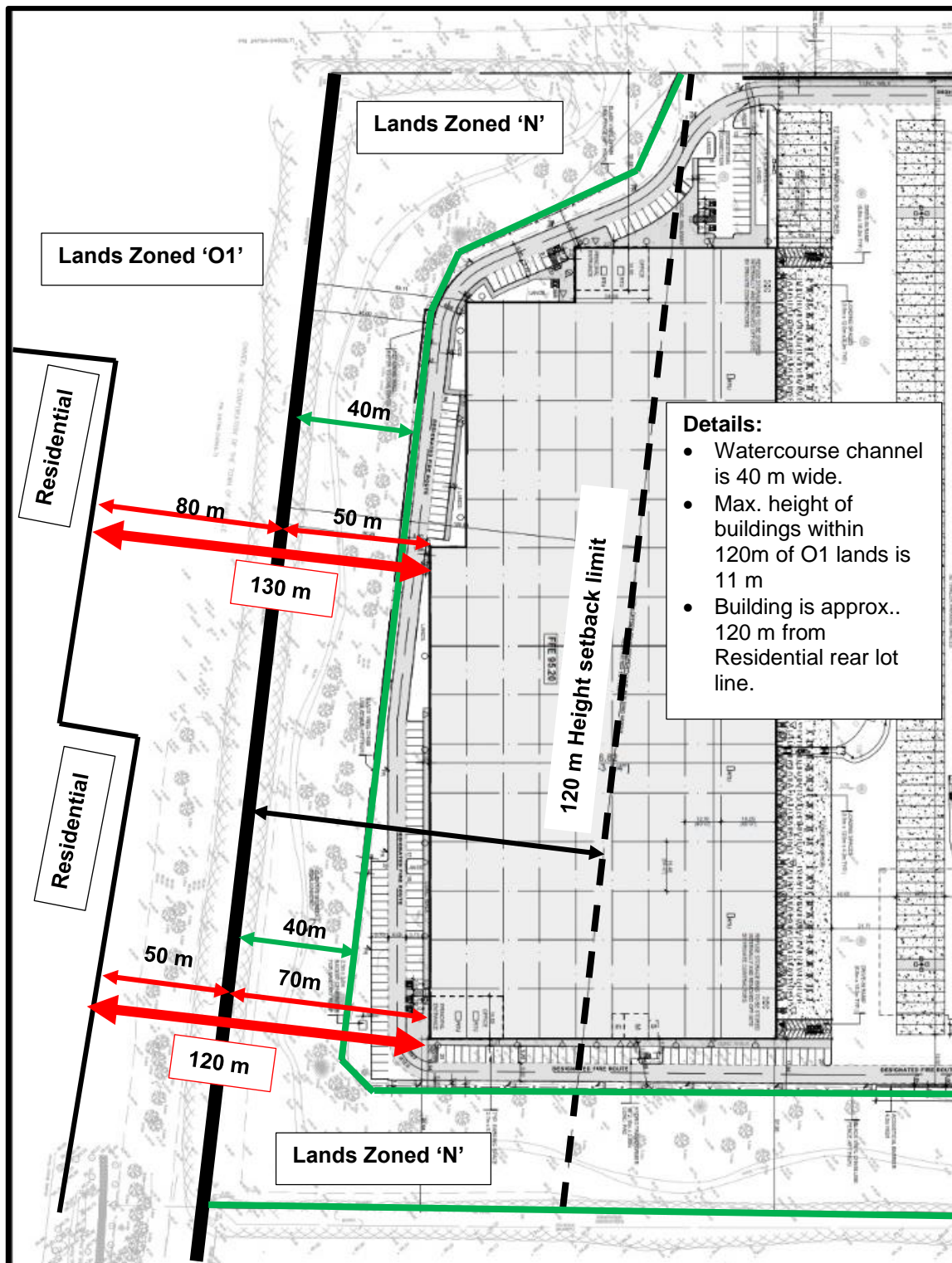


Figure 5: Separation distances between proposed buildings and lands zoned for residential uses



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**SP.1601.028/01 and SP.1601.029/01 Commitment Letter:**

On June 9, 2022, the Planning Department received a joint commitment letter from WeirFoulds LLP and Borden Ladner Gervais the solicitors for both applicants outlining various commitments (Appendix “I”).

In summary, the landowners jointly commit to the following:

- A contribution of \$250,000 to be used to construct a trail within the lands to be conveyed to the Town between the existing Town owned lands and Winston Churchill Blvd., the construction of a splash pad within Aspen Forest Park and additional tree plantings;
- The finish of the buildings to be in a neutral palette;
- Following clauses to be included within the future site plan agreements:
  - “The Owner will undertake to insert a provision in any lease agreement with respect to a reduction in the usage of loading docks after 11:00 pm”
  - “The Owner will undertake not to occupy the buildings on the easterly portions of the Properties, which abut Winston Churchill Blvd. in advance of the commencement of the exterior construction of the buildings located on the westerly portion of the properties closest to the residentially zoned lands.”

These commitments are offered on the basis that a Planning report was brought forward for Council’s consideration at the June 27, 2022, Planning and Development Council Meeting.

**PLANNING POLICY & ANALYSIS:**

**Provincially Significant Employment Zones**

The Province has identified employment lands within the Greater Golden Horseshoe to be protected to provide “...*stable, reliable employment across the Region*”. The subject lands have been identified by the Province as part of a Provincially significant employment area (<https://www.ontario.ca/page/provincially-significant-employment-zones>).

**Halton Region Official Plan**

The subject lands are designated “Urban Area” in the Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The subject lands are also located within an “Employment Area” (Regional Map 1).

The objectives of employment areas are:

- (1) *“To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton’s and its Local Municipalities’ economic competitiveness.*
- (2) *To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*
- (3) *To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.”*

The Region of Halton has no objection to the approval of the applications subject to conditions of approval. Region of Halton comments dated May 25, 2022, are included as Appendices “C” and “D”.

### **Livable Oakville Plan**

The Town’s Official Plan provides a framework for how land in the community should be used/developed. It is the long-term vision of the community. The guiding principles for the Town’s Livable Oakville Plan are to preserve and create a liveable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

The subject lands are designated as *Business Employment* on Schedule G – South East Land Use (Figure 6). Lands designated as *Business Employment* are intended to provide a wide range of businesses and industrial uses within enclosed buildings and provide for office uses and light and service industrial operations with minimal impacts on the surrounding areas. Limited outdoor storage and display areas within lands designated *Business Employment* shall be adequately screened.

A portion of 700/750 is designated “Natural Area” which contains Clearview Creek.

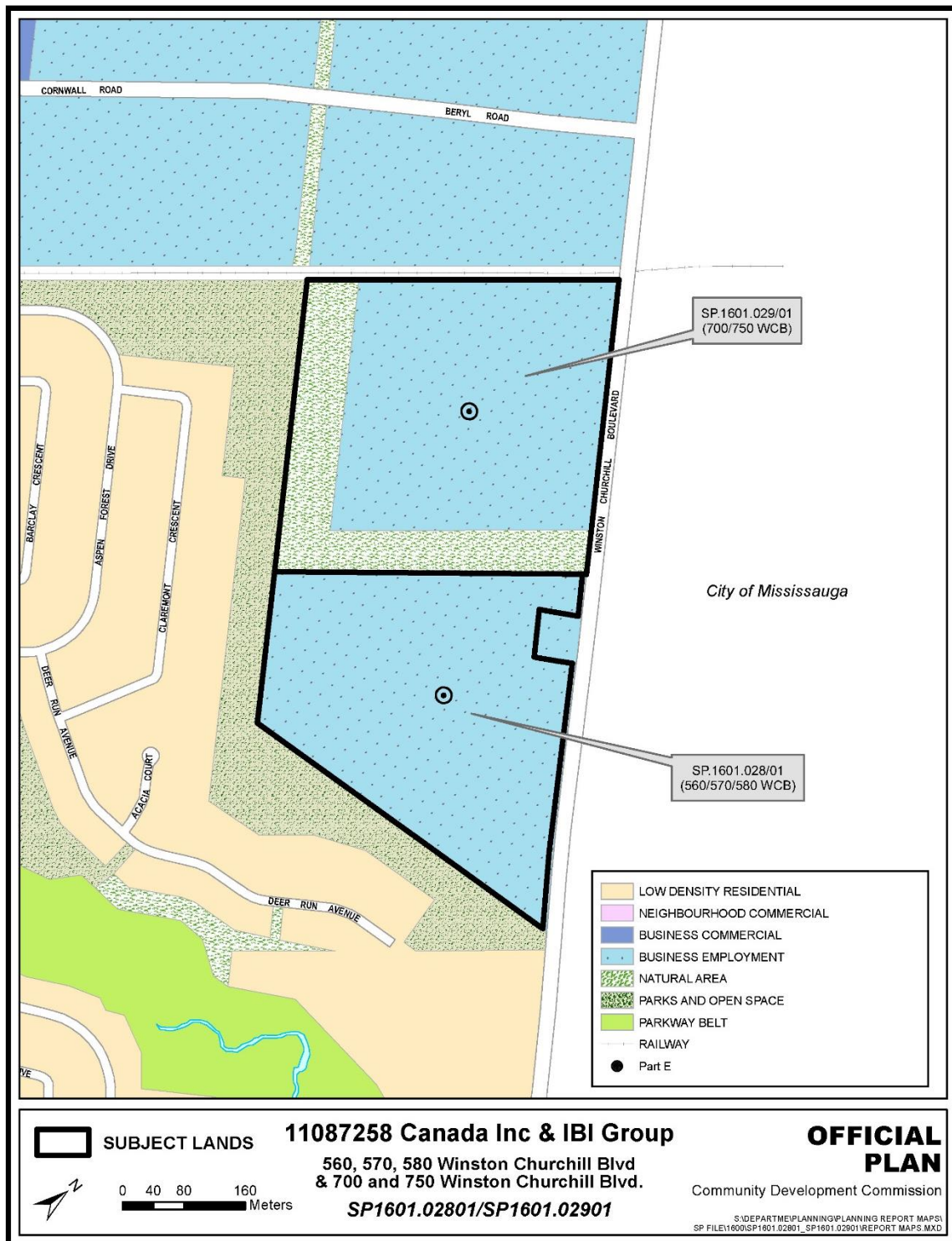


Figure 6: Official Plan - Schedule G - extract



Permitted uses for lands designated as *Business Employment* include:

a) *offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls, indoor sports facilities, and training facilities and commercial schools may also be permitted.*

d) *New service commercial uses, limited to restaurants, financial institutions and drive-through facilities, may also be permitted on the same lot as uses listed in subsection a), above.*

Accessory uses may be permitted in conjunction with permitted light industrial uses. Accessory uses shall be on the same lot and clearly subordinate, and directly related, to the functions of the permitted use.

Policy 27.2.2 also states: “*On the lands designated Business Employment on the west side of Winston Churchill Boulevard, north of Deer Run Avenue and south of the railway spur line, outside storage may also be permitted provided that it is not adjacent to the open space corridor and is appropriately buffered from the Residential Area to the west.*”

Lands designated as *Business Employment* are intended to provide for a transition between more sensitive land uses (residential) and more ‘heavy’ industrial uses (east side of Winston Churchill Boulevard).

Both properties abut the former Hydro lands which are designated as *Parks and Open Space*. The *Parks and Open Space* lands provide an additional buffer between the residential community and the *Business Employment* lands.

Neither the Town’s Official Plan or Zoning By-law, can regulate the types of goods stored in the warehouse or the end users/tenants.

Both applications for warehouse uses comply with the Town’s Livable Oakville Plan.

#### Zoning By-law

Zoning By-laws regulate such matters as the use of land, where buildings/structures can be located on the site, lot sizes/dimensions, parking requirements, building heights and setbacks among others. The Town’s Zoning by-law cannot regulate the tenants or operations. The applications before the Town are not to change the zoning on the land, but rather to review the detailed drawings that illustrate the properties’ physical arrangement and layout for a use that is currently permitted.

The subject lands have been zoned for industrial/employment uses for several decades. The Town’s former by-law 1965-136 zoned the lands fronting onto Winston Churchill Blvd as *M1 – Light industrial* (Figure 7) which permitted

The Town's former Zoning By-law (1984-063) zoned these lands as "E1" and although the by-law did not list "*warehousing*" as a separately defined permitted use on these lands, "*Light Industrial Operations*" was permitted and were defined as:

- a) Light manufacturing, fabricating, processing, repair, servicing, packaging and warehousing of products or materials; and*  
*b) Propane transfer facility for the use of the owner or tenant of the lands"*

Currently, the property at 560, 570 and 580 Winston Churchill Blvd. is zoned *E2 - Business Employment* subject to special provision 201. The property at 700 and 750 Winston Churchill Blvd. is zoned *E2 – Business Employment* subject to special

To provide an additional buffer to the residential community to the west and south, the former Hydro corridor was rezoned from *M1 – Light Industrial* to *O1 – Park* and is under the ownership of the Town.

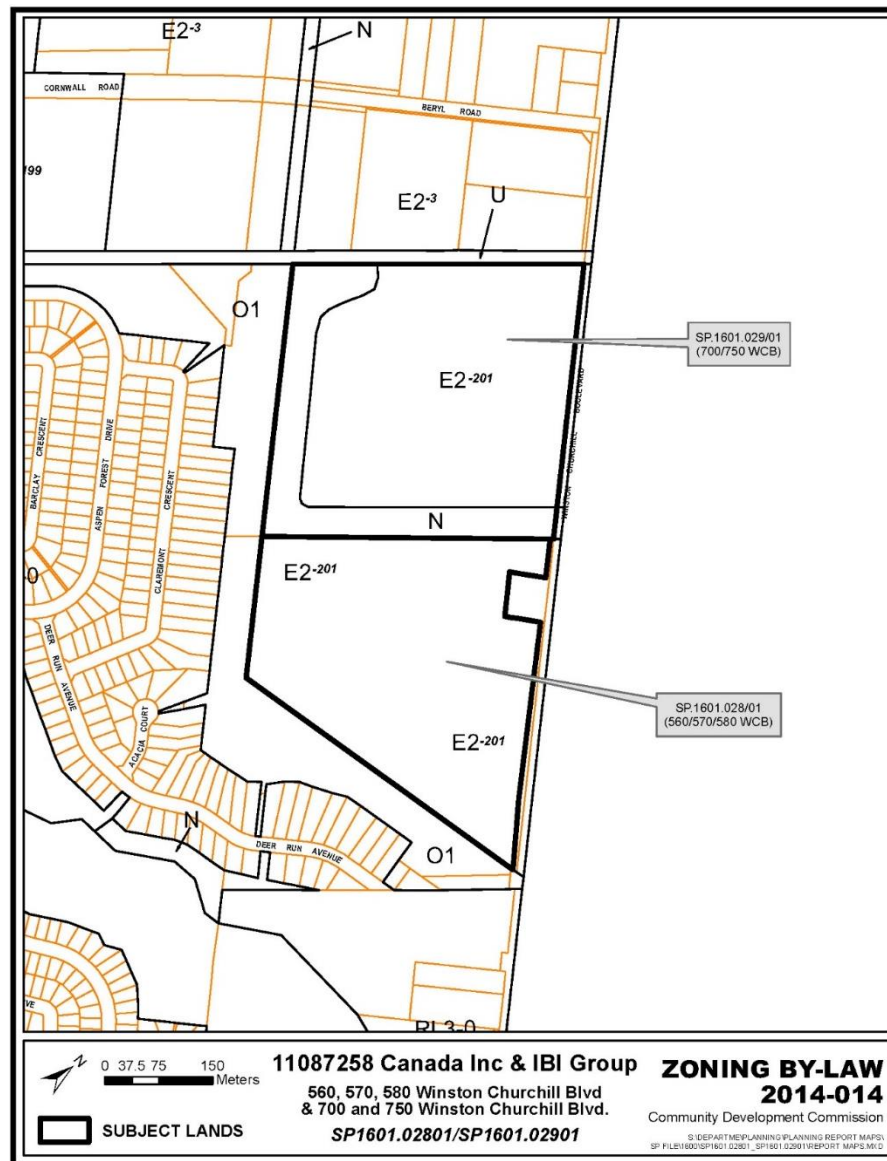


Figure 8: Existing Zoning By-law

The as-of-right permitted uses within the *E2 - Business Employment* zone include:

<ul style="list-style-type: none"><li>• art gallery</li><li>• commercial school</li><li>• conservation use</li><li>• daycare</li><li>• dry cleaning/laundry establishment</li><li>• financial institution</li><li>• food production</li><li>• manufacturing</li><li>• outside display and sales area</li><li>• public works yard</li><li>• repair shop</li><li>• retail store - accessory and showroom</li><li>• sports facility</li><li>• taxi dispatch</li><li>• veterinary clinic</li><li>• training facility</li><li>• stormwater management facility</li><li>• warehousing</li></ul>	<ul style="list-style-type: none"><li>• business office</li><li>• commercial self-storage</li><li>• contractors establishment</li><li>• drive-through facility</li><li>• emergency service facility</li><li>• foodbank</li><li>• hotel</li><li>• medical office</li><li>• outside storage associated with a permitted use</li><li>• parking area - heavy vehicle associated with a permitted use</li><li>• public hall</li><li>• rental establishment</li><li>• restaurant</li><li>• private school</li><li>• wholesaling</li></ul>
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Vehicle storage is permitted in conjunction with a permitted use.

Within the parent E2 zone category, there are no maximum height or maximum floor area regulations. However, Special Provision 201 (Figure 9) was applied on these lands and included additional regulations that are intended to minimize the impact of as-of-right employment uses on the residential properties in the vicinity.

As mentioned earlier, warehousing and heavy vehicle parking are permitted uses within the E2 zone and given the nature of warehousing operations, it is not unusual for tractor-trailers to be parked on a site. The inclusion of site-specific zoning (Special Provision 201) on these lands was to minimize the impact on the residents by restricting the location of loading areas, restricting the location of outdoor storage and applying a maximum height when a maximum is not included as part of the standard E2 zone regulations.

Special Provision 201 can be summarized as follows:

- a height maximum of 11 m for any buildings within 120 m of the Park zone (O1) whereas the parent E2 zone does not include a maximum height.

- does not permit loading docks to be located between a building and the Park zone (O1) (*Note: the purpose of this regulation allows the building to act as a noise barrier for the loading areas*)
- restricts the location of as-of-right outdoor storage, whereas the parent E2 zone does not provide a restriction

Since Special Provision 201 does not permit the loading docks between the building and the O1 zone the loading areas will be screened/hidden from view from the abutting residential uses.


201	560-772 Winston Churchill Boulevard	Parent Zone: E2
Map 19(10)	(Part of Lot 1, Concession 3 S.D.S.)	(2002-189) (2006-002) (2008-074) PL140317
15.201.1 Zone Provisions		
The following regulations apply:		
a)	Maximum <i>height</i> within 120.0 metres of the Park (O1) Zone	11.0 m
b)	A loading dock shall not be located between a <i>building</i> and any <i>lot line</i> abutting the Park (O1) Zone.	
c)	All lands identified as Block 1 in Figure 15.201.1, below, shall be considered as one <i>lot</i> for the purposes of applying footnote 6 of Table 10.2, related to maximum <i>net floor area</i> for applicable uses.	
15.201.2 Special Provisions for Outside Storage		
The following additional regulations apply for <i>outside storage</i> :		
a)	<i>Outside storage</i> is permitted anywhere on a <i>lot</i> except within 120 metres of the Park (O1) Zone, in a <i>front yard</i> , or any yard abutting Winston Churchill Boulevard.	
b)	Notwithstanding subsection (a) above, <i>outside storage</i> is not permitted within 80.0 metres of the Park (O1) Zone on lands within 150.0 metres south of the northwest limit of lands subject to this Special Provision.	
c)	<i>Outside storage</i> exceeding 1.8 metres in height is permitted only in a rear yard.	
d)	<i>Outside storage</i> shall not exceed the <i>height</i> of the <i>building</i> .	
15.201.3 Special Site Figures		
Figure 15.201.1		
Special Provision 201		
		

Figure 9: Special Provision 201

Both applications have been reviewed against the in-effect zoning by-law and comply with the E2 regulations and Special Provision 201, specifically with respect to height, location of loading doors, and setbacks.

Part 4 - General Provision - Section 4.14 *Municipal Services Required* states:

- a) *“On lands subject to this By-law south of Dundas Street, no building may be erected or enlarged unless the land is serviced by municipal water and sewage systems.”*

Servicing of these lands is discussed later within this report. However, final site plan approval will not be issued until the applicant designs and constructs the servicing to the lands. A condition of approval requires the owners to *“Provide confirmation that the final Approved Site Plan complies with By-law 2014-014, as amended, specifically with respect to Section 4.14 a).”*

#### **ABUTTING MUNICIPALITY/REGION OF PEEL/CONSERVATION AUTHORITY:**

##### **Region of Peel**

The site plan applications were circulated to the Region of Peel for comments. The Region of Peel has no objections to the approval of these applications, subject to conditions of approval. Region of Peel comments dated May 2, 2022, are included as Appendices “E” and “F”. Region of Peel conditions of approval are included within Appendices “A” and “B”.

##### **City of Mississauga**

The site plan applications were also circulated to the City of Mississauga for comments. The following email correspondence was received.

SP.1601.028/01:

*“The City of Mississauga has no concerns with this application but our Transportation & Works department note to consult the Region of Peel as Winston Churchill Boulevard (Lakeshore Road West to Dundas Street) falls under the jurisdiction of the Region of Peel. They also noted that the applicant should also mitigate any flooding issues as dictated by CVC.”*

SP.1601.029/01:

*“We understand this is a SP application within the current zoning permissions. Accordingly, the City of Mississauga will not be providing comment.”*

##### **Credit Valley Conservation Authority (CVC)**

The site plan applications were circulated to CVC for comments. CVC has no objections to the approval of these applications, subject to conditions of approval. CVC conditions of approval are included within Appendices “A” and “B”.

## TECHNICAL & PUBLIC COMMENTS:

Through the review of the applications, the residents have raised various concerns, some of which can be reviewed under section 41 of the *Planning Act* and other concerns that are outside of the scope of a site plan application (i.e. operational issues). Below is a summary of the concerns raised to date.

### Traffic Concerns

As part of any site plan application submission, the Town may request an applicant to prepare a Transportation Impact Study. A Transportation Impact study evaluates the effects a proposed development is expected to have on an existing road system and is based on established transportation planning and traffic engineering principles.

These principles include but are not limited to:

- study assumptions such as horizon years and analysis periods, traffic data collections;
- existing conditions such as a site and area description, study area description, road network, traffic volumes, transit service, bicycle and pedestrian facilities, traffic intersection operations;
- future background traffic conditions including planned road network improvements, existing traffic, background traffic growth, background development traffic, future background intersection operations;
- details regarding the proposed development including a site concept plan, site access;
- future total conditions with development including vehicular trip generation, trip distribution, future total traffic intersection operations, queuing analysis, etc.;
- site traffic impacts;
- preliminary design review; and
- conclusions and recommendations

The scope or terms of reference for a Traffic Impact Study is usually discussed with the Town's transportation engineers and Regional transportation engineers if the site abuts a Regional road. The terms of reference for a typical traffic study are outlined in the Halton Region TIA Guidelines. These studies are reflective of what is forecasted based on the methodology used in North America for the proposed developments' trip generation. The methodology is a combination of different land uses with trip generation rates based on surveys collected by the Institute of Transportation Engineers (ITE). The total future traffic volumes are determined by adding the site-generated traffic to future background traffic, which is the sum of existing background traffic factored up for growth and traffic generated by other

known area developments and in this case, this would also include known developments in Mississauga, east of Winston Churchill Boulevard.

The future traffic level of service is determined by calculating volume to capacity ratios for all movements at key intersections. Capacity is a theoretical measure of the amount of volume an intersection can process in a given time frame based on the future lane configurations and signal timing. The future volume is compared to the capacity to calculate a volume to capacity ratio. Typically any ratio < 0.90 is acceptable, anything 0.90 and greater is considered critical and requires mitigation measures for improvement. These improvements may include but are not limited to recommendations to adjust signal timing plans, upgrading traffic control devices, upgrading the road configurations and widening roadways or adjustments to the location of site access points. Traffic concerns identified through site plan do not provide an opportunity for preventing the development through a refusal of the application.

The Town requested the submission of Transportation Impact Studies (TIS) as part of the two site plan applications under consideration. The transportation reports were circulated to the Town's Transportation engineers, the Transportation engineers of the Region's of Halton and Peel, the City of Mississauga and the Ministry of Transportation for review and comment. In addition, the TIS was reviewed by the Town's peer reviewer (Paradigm).

The following reports were submitted in support of the applications:

SP.1601.028/01:

- Transportation Impact Study dated November 2021, and prepared by C.F. Crozier & Associates.

SP.1601.029/01:

- Transportation Impact Study dated September 2021, and prepared by IBI Group.

Peer Review Conclusions and Recommendations:

SP.1601.028/01:

The peer reviewer concludes that the study follows a typical technical approach and does well to address the key concern of traffic operations on the road network surrounding the subject site. In addition the following conclusions were identified:

*Traffic Operations – “A number of vehicle movements and study intersections have been identified to have poor measures of effectiveness (MOEs) during the AM*



*and/or PM peak hour over various study scenarios. The cause of the critical conditions is largely attributable to background conditions, not site trips. Recommendations for traffic signal timing optimization and monitoring of operations have been recommended in the study.”*

*Signal Timing – “Some signal timings could be adjusted to reflect study conditions. Updates or clarification on reduced pedestrian walk times and lost time adjustment factors could help confirm study details, but may not impact study results to a significant extent.”*

*Transportation Demand Management – “A review of TDM aspects indicates single-occupant vehicle trips generated by the site could be decreased through a number of initiatives. Further efforts could be investigated to reduce single-occupant vehicle trips generated by the site. Efforts could include the installation or protection of right-of-way for future sidewalk, MUP [multi-use path] and/or bus stop needs. Strong connections (i.e. sidewalks) from the right-of-way to the site may be beneficial as well.”*

*Site Access – “There are no significant issues with the site accesses as proposed. A review of sight distances and other potential safety issues at the access could be provided in the study.”*

*Site Plan and Functional Design – “The site plan and functional design contain minor discrepancies related to transportation operations. It is likely that these minor issues will not impact future detailed design efforts to a significant extent.”*

*Parking – “The proposed parking supply is adequate to serve site operations.”*

*Site Circulation – “No vehicle movement conflicts were identified through the swept path analysis.”*

*“Updates to the identified issues can be made to better reflect existing and projected conditions. However, such updates would likely not impact the conclusions of the report to a significant extent. The following recommendations are suggested to ensure that project stakeholders can accommodate development plans:*

- Monitor traffic signals for future signal timing optimization needs;*
- Explore opportunities to improve TDM efforts;*
- Provide an analysis of site access sightlines;*
- Clarify site trip assignment details;*
- Consider design aspects in future detailed design; and*
- Update other study details as needed.”*

SP.1601.029/01:

The peer reviewer concludes that the study follows a typical technical approach and does well to address the key concern of traffic operations on the road network surrounding the subject site. In addition the following conclusions were identified:

*Traffic Operations – “The eastbound through/right turn movement at the intersection of Winston Churchill Boulevard and Royal Windsor Drive has been identified to have poor measures of effectiveness (MOEs) during the AM peak hour over various study scenarios. The cause of the critical conditions is largely attributable to background conditions, not site trips. The report contains traffic signal timing optimization analysis that mitigates the poor conditions.”*

*Signal Timing – “Some signal timings could be adjusted to reflect study conditions. It is not anticipated that updates to the signal timings will impact results to a significant extent.”*

*Transportation Demand Management – “A TDM section is not included in the study. A TDM section may wish to be included to reduce single-occupant vehicle trips generated by the site. Efforts could include the installation or protection of right-of-way along the site frontage for future sidewalk, MUP [multi-use path] and/or bus stop needs. Strong connections (i.e. sidewalks) from the right-of-way to the site may be beneficial as well.”*

*Site Access – “There are no significant issues with the site accesses as proposed.”*

*Site Plan – “The site plan contain minor discrepancies related to transportation operations. It is likely that these minor issues will not impact future detailed design efforts to a significant extent.”*

*Parking – “The proposed parking supply is adequate to serve site operations.”*

*Site Circulation – “The site circulation analysis indicates that there are no vehicle conflicts for the observed vehicle types and turns. The analysis does not include all vehicle types and potential turning conflict locations on site.”*

*“Updates to the identified issues can be made to better reflect existing and projected conditions. However, such updates would likely not impact the conclusions of the report to a significant extent. The following recommendations are suggested to ensure that project stakeholders can accommodate development plans:*

- Monitor traffic signals for future signal timing optimization needs;*
- Explore opportunities to improve TDM efforts;*
- Clarify the setback distance for the site access sightlines;*
- Clarify site trip assignment details;*

- *Provide further site circulation details;*
- *Consider design aspects in future detailed design; and*
- *Update other study details as needed.”*

The Paradigm peer review reports can be found on the Town’s website.

### **Additional Clarification Required:**

An issue has been raised concerning the noise generated by the truck traffic on the site if all the buildings on the two properties are operating at maximum capacity. In discussions with the Town’s peer reviewer they have indicated that it is very unlikely that the 226 loading bays on the site would be in use simultaneously (eg. trucks backing into spaces, coupling or uncoupling). However, Transportation and Engineering staff have asked the Town’s transportation peer reviewer to confirm the following:

1. Whether the number of truck trips entering and exiting the site as described within the Transportation Impact Studies seems reasonable given the proposed use (warehousing) and considering the 226 loading bays across both sites.
2. Confirmation that the Transportation Impact Studies accurately take into consideration the number of trucks within the peak hours and on a daily basis given the proposed 226 loading bays over both properties.
3. Confirmation that the Transportation Impact Studies analysis has accounted for the truck volumes correctly.

It is expected that the Town’s Transportation peer reviewer can provide this analysis before the June 27<sup>th</sup> Planning and Development Council Meeting.

### **Road Capacity**

Winston Churchill Boulevard Classification: The Town’s Official Plan - Schedule C – Transportation Plan identifies Winston Churchill Boulevard as a “Major Arterial” road. The purpose of Major Arterial roads is to accommodate high volumes of traffic moving between communities travelling to activity centres and traffic on route to the Provincial Highway system. Major Arterial roads are 4-6 lanes in width (35m-50m) and are designed to accommodate 40,000 to 60,000 vehicles per day. The Region of Peel undertakes traffic counts on Winston Churchill Boulevard and provided the following traffic counts:

2019 – 5369 vehicles/day  
2020 – 4092 vehicles/day  
2021 – 4759 vehicles/day

Winston Churchill Boulevard is a 4-lane cross-section in the vicinity of the site, and it is not expected to reach 60,000 vehicles per day on this road. If volumes increase because of this use or any other use, it is expected that Winston Churchill Boulevard can handle the volumes safely.

Lastly, the existing road has a right-of-way width of 41.5 m (20.75 m from the centreline of the road) and both the Region of Halton and the Region of Peel have advised that a road widening will be required. Conditions of approval have been included requiring a road widening along the frontage of the sites.

### **Land Use Compatibility/ Noise Concerns**

The Region of Halton requested both landowners to prepare a Land Use Compatibility report (LUC). The LUC reports provide an assessment on noise, vibration, odour and air pollution effects to provide better clarity on the impacts of the proposed warehouse development on the surrounding sensitive land uses and to demonstrate if the proposal is in accordance with the D-6 guidelines, including potential mitigation measures. Typically the submission of a LUC study is required when an application for an Official Plan Amendment and/or Zoning By-law Amendment is proposed as these applications would be introducing a use in an area that is not already permitted. In the case of the two site plans under review warehousing is permitted within the Official Plan and the Zoning By-law.

Noise studies are prepared in accordance with the Ministry of Environment document referenced as *“Environmental Noise Guidelines Stationary and Transportation Sources – Approval and Planning, Publication NPC-300”*. The Ministry guidelines set out acceptable sound levels for various times of day (7am-11pm and 11pm-7am) and recognize that backup beepers are safety devices and as such do not provide any specific guidelines for these sources of noise. The Ministry guidelines also do not require that noise is inaudible but that the noise levels fall within the acceptable limits.

The following reports were submitted in support of the applications:

SP.1601.028/01:

- Land Use Compatibility, Environmental Air Quality, Noise and Vibration dated July 16, 2019, and prepared by Novus Environmental
- Addendum to Compatibility & Mitigation Study Air Quality, Dust, Odour”, dated November 2021, and prepared by SLR Consulting Limited
- Noise Feasibility Study dated September 2021, and prepared by HGC Consulting

SP.1601.029/01:

- Land Use Compatibility Assessment (Air), dated December 2021, and prepared by Ortech.
- Preliminary Environmental Noise Report and Land Use Compatibility Report, dated December 2021, and prepared by Jade Acoustics.

The above Land Use Compatibility Studies (LUC)/Noise Studies were reviewed by the Region of Halton's peer reviewer (Dillion Consulting).

Peer Review Conclusions and Recommendations:

The peer reviewer provides the following comments with respect to air quality:

*"Both studies characterize the potential for air quality impacts from the respective proposed facility as minor and insignificant at nearby sensitive receptors. Additionally, the significant sources at both facilities are vehicle emissions and combustion equipment for comfort heat. Dillon recommends that the addition of minor facilities with vehicular and combustion emissions is unlikely to significantly change the composition (i.e. which chemical species are emitted) or quantity of air emissions to the Airshed. Dillon recommends that these proposed facilities are not significant when considered in the context of the Clarkson Airshed Study.*

*Dillon was also asked to comment on the potential for cumulative impacts as a result of both facilities being operational. The two studies did not present results in a way which is easily compared: the Addendum Report for 560 Winston Churchill uses the significance of the emission sources to justify compatibility while the Air Quality Report for 772 Winston Churchill uses dispersion modelling to quantify the impacts to justify compatibility. This difference in the methods used makes it difficult to comment on the cumulative nature of the two facilities; however, Dillon recommends that when considering the nature of the proposed facilities and the expected emissions, the potential for cumulative impacts is low."*

The peer reviewer provides the following comments with respect to noise:

*"Through reviewing the Noise Feasibility Study completed by HGC Engineering (560 Winston Churchill Boulevard) and the Noise Report completed by Jade Acoustics Inc. (772 Winston Churchill Boulevard), the surrounding sensitive receptors with the greatest potential to experience cumulative noise impacts were identified to be residential houses located at 658 Winston Churchill Boulevard and 645 Winston Churchill Boulevard.*

*Based on the predicted worst-case noise impacts presented in both noise assessments, there is the likelihood that both 658 Winston Churchill Boulevard and 645 Winston Churchill Boulevard would experience cumulative noise impacts. However, the worst-case cumulative impacts would likely only be a marginal exceedance of the noise criteria, less than 3 dB, which is typically imperceptible.*

*To fully understand the potential quantitative cumulative noise impacts from both industrial uses on the surrounding sensitive receptors, a stationary noise assessment should be completed by a Qualified Acoustic Consultant encompassing the operations of both 560 Winston Churchill Boulevard and 772 Winston Churchill Boulevard proposed developments.”*

The Dillon peer review reports can be found on the Town’s website.

### **Water and Wastewater Servicing**

Currently, there is not a watermain or a sanitary sewer located adjacent to either property.

As a submission requirement, a Functional Servicing Report (FSR) was prepared by A. M. Candaras Associates Inc. and dated August 31, 2020. This FSR was a comprehensive study that addressed the servicing for both properties, including 658 Winston Churchill Blvd.

The Region of Halton has reviewed the FSR to establish a preferred servicing scenario for the subject lands.

The Region’s preferred servicing of the subject lands would be as follows:

- Water servicing would be by constructing a minimum 300mm dia. watermain on Winston Churchill Boulevard from Deer Run Avenue northward to Beryl Road.
- Wastewater servicing would be constructing a gravity sanitary sewer to be located within the Town of Oakville’s open space block/park, walkway block with a connection to the existing sewer on Acacia Court. The existing sewer on Acacia Court has to be upgraded to a larger size to accommodate the flows from these developments.
- Accommodating the sanitary servicing for the future development of 658 Winston Churchill Boulevard (the small parcel surrounded by 560 WCB) through the approvals for these files.

All costs associated with the construction of these services would be borne by the developers.

The Region has advised that the developer would be responsible to design, construct, fund and coordinate the extension of the watermain under the CN railway line and along Winston Churchill Blvd.

The Region of Halton has provided servicing conditions to reflect the above servicing strategy and on the assumption Town Council will approve the granting of an easement to the Region through the Town parkland to support the preferred servicing strategy.

Regional comments for both applications are located within Appendices “C” and “D”. A comprehensive set of conditions for each application are located within Appendices “A” and “B”.

Conditions of approval have been included dealing with construction impacts and are summarized below:

- the submission of a work plan to address the timing of the construction operations, details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer
- a pre-condition survey of any existing buildings, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could be affected by its construction
- a construction vibration study with recommendations related to reducing/minimizing vibration impacts from construction activities
- a landscape plan to address restoration of disturbed areas (including the Town's park and walkway)
- the requirement to restore the Acacia Court right-of-way where it has been impacted by development, including fully repaving the road (as opposed to patching); repairing curbs and boulevards, driveway repairs and landscaping of boulevards .

### **Aspen Forest Park Easement**

As discussed above, the Region of Halton's preferred servicing scenario is for the construction of a 250mm gravity sanitary sewer extending through the Town's lands (Aspen Forest Park), connecting to an existing sewer on Acacia Court and Deer Run Avenue (Figure 10). The area of this easement will be approximately 0.843 acres.

The easement will restrict what can be built on top of it, but the infrastructure will be below ground, so the surface can still be used as open space.

The Town has initiated an appraisal to determine the market value of the easement through the Town's park. If Council approves the granting of this easement, the

applicant/landowner will be required to pay all costs required to transfer the easement to the Region and pay the Town the market value of the easement as determined by the Town's appraisal.

**Draft R-Plan**

**Context Plan**

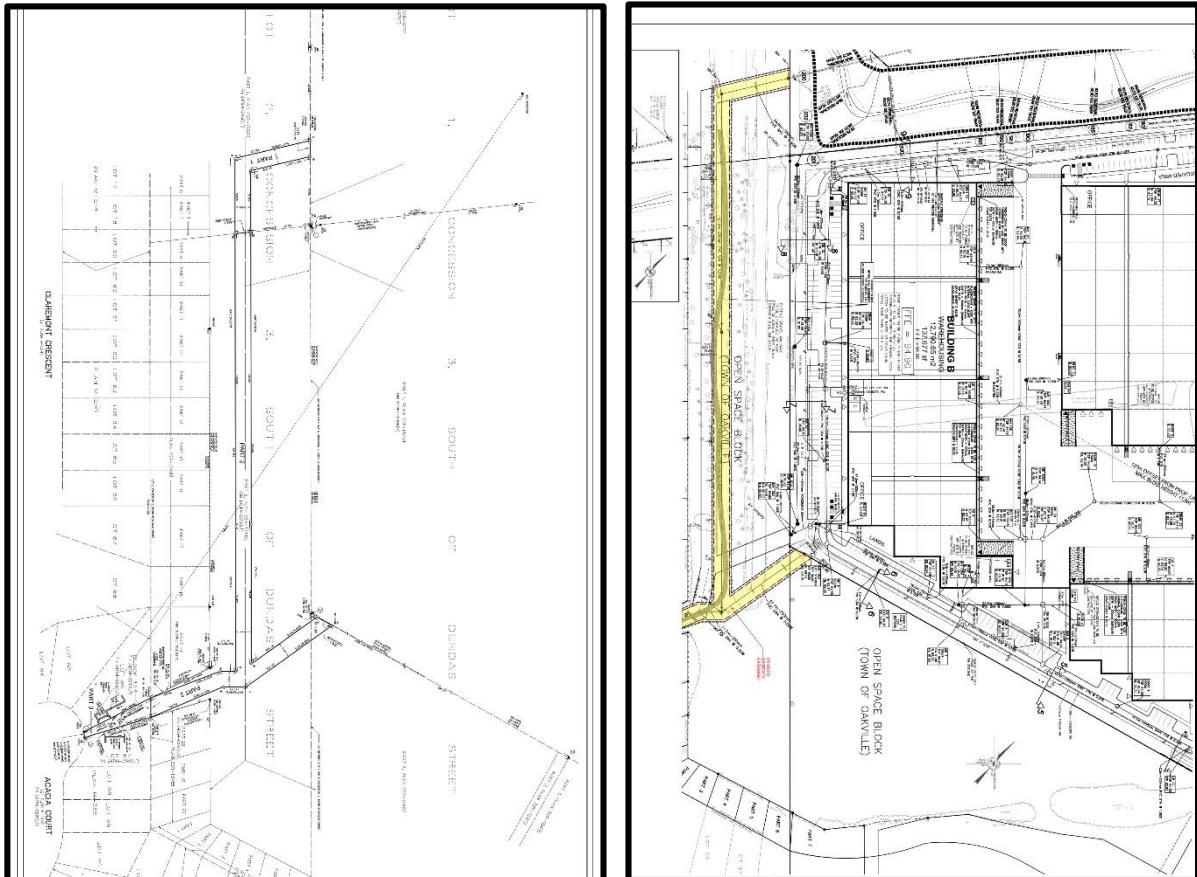


Figure 10: Proposed easement location

### **Flooding Concerns**

The Stormwater Management (SWM) criteria for both of these developments were based on the previously approved Subwatershed Study (SWS) for Clearview Creek. Both applications were reviewed by the Credit Valley Conservation Authority (CVC) and the Town's Stormwater Engineer. The CVC has indicated that they have no objection to the approval of the applications subject to conditions which have been included with Appendices "A" and "B".

### **Berm/Landscaping/Fencing/Lighting Concerns**

As mentioned earlier Section 41, subsection 7 of the *Planning Act* outlines the types of items the municipality can review as part of the site plan process. The Town's Urban Design and Parks staff have reviewed the on-site landscaping requirements, as well as the berm location, fencing and landscaping.



An existing berm is located west of 700/750 Winston Churchill Blvd. and is proposed to be extended along the southern property limit of 560/570 and 580 Winston Churchill Blvd (Figure 11).

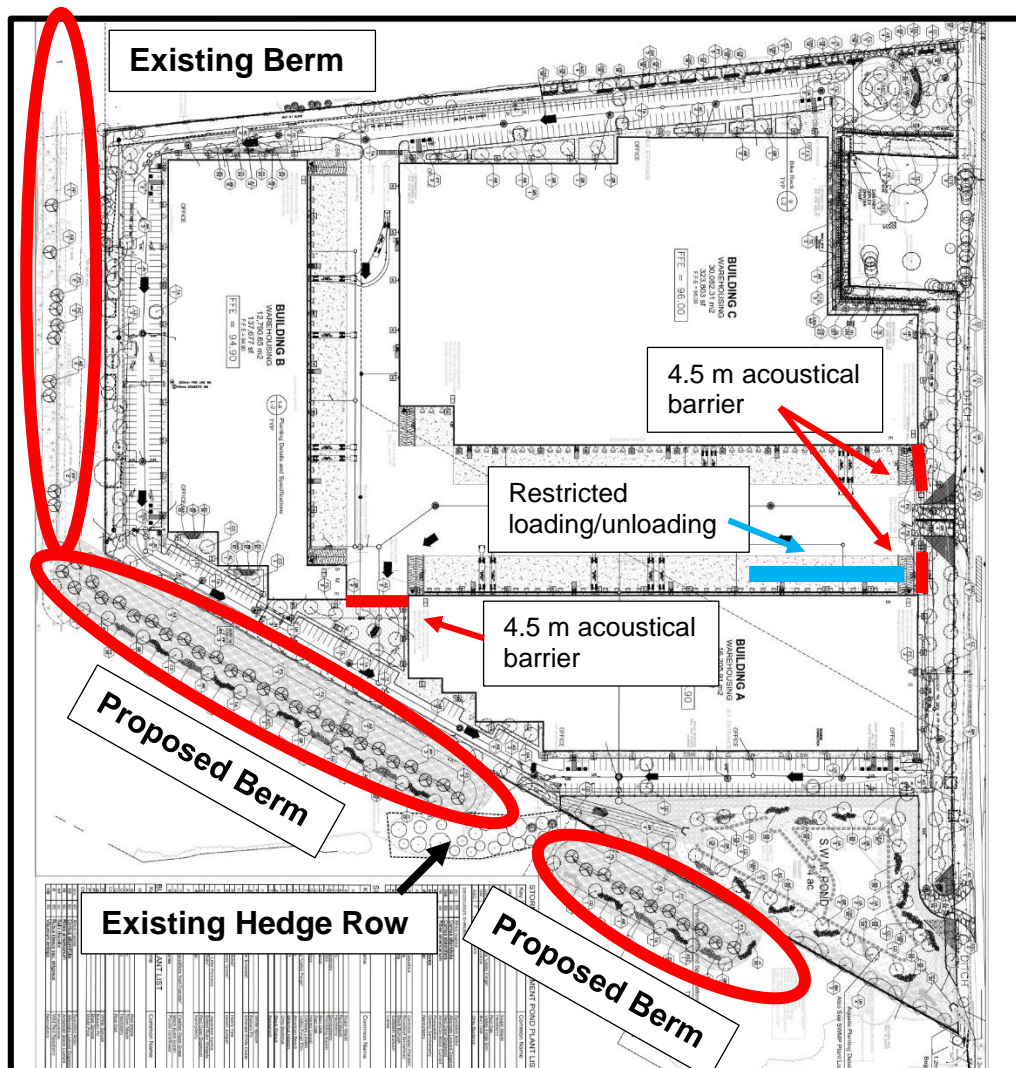


Figure 11: Landscape Plan 560/570/580 Winston Churchill Blvd.

The new berm is proposed to be 3 m in height plus tree plantings and 19 m wide at the base. The berm would have a minimum 3:1 slope which would allow for the berm to be landscaped. A condition of approval is included that requires the submission of a drawing package that will provide additional details with respect to the proposed grades for the new berm including the proposed planting and general construction methods, materials, haul routes and final plantings.

**Landscaping – 560/570/580 Winston Churchill Blvd.:**

As part of the site plan application the applicant was required to provide a landscape plan (Figure 11). Landscaping is proposed on both sides of the drive aisle around the site including along the common property lot line with the lands Zoned “O1”, around the proposed stormwater management pond and between the buildings and Winston Churchill Blvd. The proposed landscape plan can be further described as follows:

- Stormwater Management Pond
  - Deciduous trees – 37
  - Deciduous shrubs – 320
  - Aquatics Plants – 640
- On Site Planting
  - Deciduous trees – 210
  - Coniferous trees - 21
  - Deciduous shrubs – 556
  - Coniferous shrubs - 213
  - Perennials and Grasses – 243
- Berm Plant list (off-site)
  - Deciduous trees – 14
  - Coniferous trees - 50
  - Deciduous shrubs – 320

The proposed canopy coverage plan/calculation is 20% for the site.

**Landscaping – 700/750 Winston Churchill Blvd.:**

As part of the site plan application the applicant was required to provide a landscape plan (Figure 12). Landscaping is proposed on both sides of the drive aisle around the site including along the common property lot line with the lands Zoned “N”, around the proposed dry pond and between the buildings and Winston Churchill Blvd. The proposed landscape plan can be further described as follows:

- Trees – 160
- Deciduous shrubs – 649
- Coniferous shrubs - 362
- Perennials and grasses – 127

The proposed canopy coverage plan/calculation is 20.3% for the site which includes the proposed planting and the existing planting with the Clearview channel owned by the applicant.

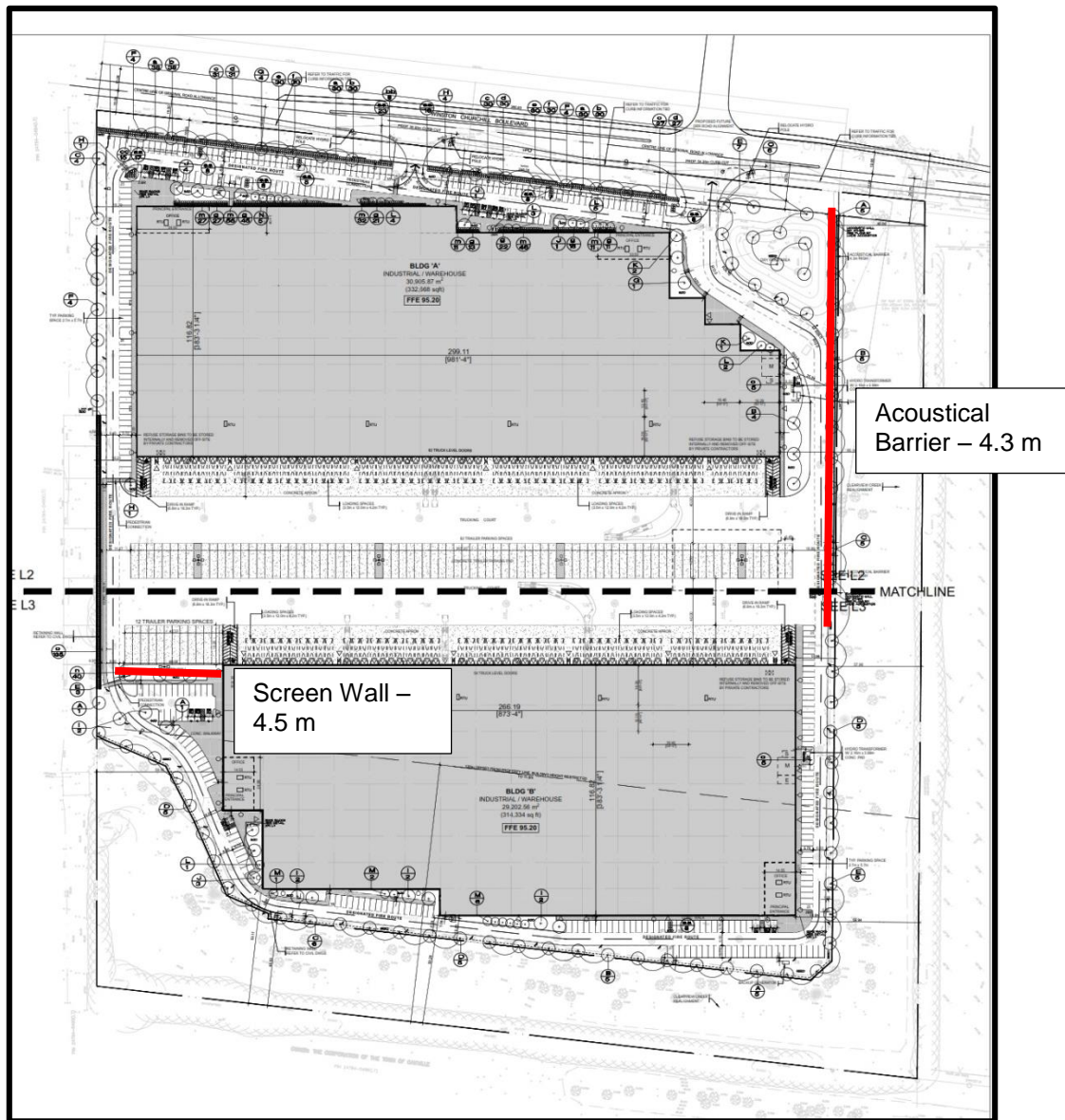


Figure 12: Landscape Plan 700/750 Winston Churchill Blvd.

#### Fencing:

Fencing was reviewed as part of the site plan applications and a condition of approval has been included that requires the site plan and landscape plans be revised to include a 1.2m black vinyl chain link fence. The Noise walls and screen walls are included within Figures 11 and 12.

#### Site Lighting:

The applicants were also required to submit a photometric plan prepared by a professional electrical engineer. The purpose of this plan is to demonstrate the location of light fixtures and the illumination levels. The Town requires all exterior

lighting fixtures are full cut-off in order to direct illumination downward and dark sky compliant to reduce light pollution, sky glare, and light trespass onto neighbouring properties. The plans will need to demonstrate illumination levels of 0.0 lux measured at all property lines and to provide readings that extend 6 m beyond the property lines of the subject site. The plans received to date comply with these requirements.

### **General Operational Issues**

The current E2 zoning permits warehousing operation and heavy vehicle parking. Given the nature of warehousing operations, it is not unusual for tractor trailers to be parked on a site. The site-specific zoning was placed on these lands to minimize impact on the residents by restricting the location of loading areas and by placing the buildings between the residential uses and the loading areas, the loading area will not be visible from the residential uses in the vicinity. In discussions with the Town's peer reviewer they have indicated that it is very unlikely that the 226 loading bays on the site would be in use simultaneously (eg. trucks backing into spaces, coupling or uncoupling).

Since site plan approvals deal with the provision of facilities, rather than the use of those facilities, conditions related to operational matters such as restrictions on the hours of operation, construction phasing and prospective tenants are beyond the scope of the site plan authority.

### **Enforcement Issues**

The Municipal Enforcement Services Department has officers that enforce the Town's by-laws, rules, laws, codes or regulations. If there are concerns, residents can lodge a complaint with Municipal Enforcement Services Department and they will investigate and determine if there is an infraction.

Relevant nuisance by-laws:

Noise - The Town has a Noise By-law (2008-098 as amended). The Noise by-law is administered and enforced by the Municipal Enforcement Section and is based on provincial standards.

Idling – Idling is an operational issue and falls outside of the scope of Section 41 of the *Planning Act*, however, the Town has an Anti-Idling By-law (2002-153 as amended by 2017-011 and 2019-050). The Anti-Idling by-law is enforced by the Municipal Enforcement Services.

Halton Regional Police may be contacted to request enforcement for speeding or *Highway Traffic Act* violations.

Some resident concerns have been raised regarding coyote displacement with the construction of the proposed warehouse buildings. The Municipal Enforcement

Services Department has coyote information and an education/response procedure including a response strategy available online. Residents are encouraged to report coyote sightings and encounters through our coyote reporting form as this assists staff with our coyote response and educational programs including installation of signs.

### **General Comments**

The subject lands are unique in Oakville, south of Dundas Street, as they are the largest individual employment blocks currently undeveloped. Other large employment areas in Oakville (i.e. Winston Park) have smaller individual employment blocks but cumulatively would have more employment floor area and more loading bays. Unlike the subject lands, the Winston Park employment area does not provide a cap on height or has specific regulations about the location of loading areas. The site-specific regulations for the subject lands relating to the height and location of loading areas are intended to mitigate impacts of the employment uses to the residential properties in the vicinity.

### **Public Input**

Through the processing of these applications the Planning Department has received some letters of concern (Appendix G).

Issues raised include:

- Scale of the development (number of buildings, height of buildings, number of loading bays/vehicle parking spaces)
- Impact of the proposed development on the residential neighbourhood
- Definition of minimal impact
- Traffic, including road capacity/cumulative impact
- Truck routes
- Noise including noise from vehicles entering and exiting the site, back up beepers and rooftop mechanicals, coupling and uncoupling of tractor trailers and the need for berms or noise walls.
- Landscaping including the need to increase the height of the proposed berm/additional landscaping
- Clarification around zoning and when 'warehousing' uses were permitted on the lands
- Need for fencing/sound barrier
- Light spill onto residential areas
- Air Quality and Emissions
- D6 guidelines
- Timing of transportation and LUC/Noise peer reviews

- Nuisances created by the construction to the servicing through the Town's park to Acacia Court
- Operational issues such as control over which types of companies and lease the buildings, hours of operation, idling vehicles, garbage/recycling
- Impacts to wildlife

The manner in which above issues have been addressed is described in the body of the report. To the extent that these issues are related to matters of site plan authority, changes to the plans and drawings have been achieved, and conditions imposed.

### **Commitment Letter**

The solicitors for the applicant have provided a commitment letter attached as Appendix "I" for Council's consideration. These commitments can be captured within the future Site Plan agreement.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

A joint developer-initiated Public Information Meeting/video conference was held on September 27, 2021, where 60 members of the public and the Ward Councillors attended. Minutes from the video conference are attached within Appendix "H".

Notice for the meeting regarding these site plan applications was provided through a mailing of all properties abutting the subject lands, residents who submitted comments, and attended the developer-initiated Public Information meeting, the Resident Associations, agencies including the abutting Region/municipality.

#### **(B) FINANCIAL**

Development Charges would apply to this development. Parkland dedication is applicable. The compensation for the Region easement will be deposited in the Parks administrative external revenue account and all costs involved in the transfer of the easement will be covered by the owner.

#### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for comment. The Parks and Open Space, Engineering and Transportation, Planning and Legal departments were consulted in the preparation of this report

Conditions of approval have been included as requested by the commenting agencies and departments.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- *be the most livable town in Canada*

**(E) CLIMATE CHANGE/ACTION**

Managing potential impacts of development is important in achieving environmental sustainability.

**CONCLUSION:**

Staff acknowledge that while not all issues have been resolved yet, conditions of approval have been imposed that will require the completion of the various studies to the Town and Region's satisfaction, and incorporated into the sites' designs and plans prior to final approval.

In addition, the site plan agreement will include the following clause:

*"The Owner agrees to implement the recommendations outlined in all studies forming part of the Approved Site Plan, including transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise feasibility study, significant woodlands assessment or arborist's report. Further the Owner agrees to modify the site plan as required to reflect the final approved studies."*

Based on the above staff recommends approval of Site Plan application, File No.: SP.1601.028/01 subject to the conditions in Appendix "A" and Site Plan application, File No.: SP.1601.029/01 subject to the conditions in Appendix "B"

**APPENDICES:**

Appendix "A" – Conditions of approval – SP.1601.028/01

Appendix "B" – Conditions of approval – SP.1601.029/01

Appendix "C" – Halton Region comments - dated May 25, 2022 – SP.1601.028/01

Appendix "D" – Halton Region comments - dated May 25, 2022 – SP.1601.029/01

Appendix "E" – Peel Region comments - dated May 2, 2022 – SP.1601.028/01

Appendix "F" – Peel Region comments - dated May 2, 2022 – SP.1601.029/01

Appendix "G" – Written Submissions

Appendix "H" – Development Public Information Meeting Minutes

Appendix "I" – Commitment Letter

Prepared and Recommended by:

Leigh Musson, MCIP, RPP  
Manager, Current Planning

Submitted by:

Gabe Charles, MCIP, RPP  
Director of Planning



**APPENDIX A: Conditions of Approval SP.1601.028/01 – June 11,22**

<b>Conditions of Site Plan Approval (560, 570 and 580 Winston Churchill Blvd. formerly 560 WCB)</b> Please note that the status of the conditions may be subject to change as revisions to satisfy one condition may trigger further revisions in other areas to maintain compliance. Clearance on any one plan does not imply that the plans are approved. Drawings can only be considered approved once a coordinated site plan package is received, compliant with all conditions, and final site plan approval is granted.	
<b>A.</b>	The following conditions must be satisfied prior to final site plan approval. Read these conditions in conjunction with the most current Comments Report.
<b>1.</b>	<b>Planning Services</b> – That the Owner submits the following, to the satisfaction of the Planning Services Department:
a)	<b>Final Drawings</b> - That the Owner submits coordinated final drawings, to the satisfaction of the Planning Services Department.
b)	<b>Final Reports</b> – That the Owner submit final stamped versions of the technical reports listed in Schedule “B” to these conditions, including any appendices/updates, to the satisfaction of the Planning Services Department.
c)	<b>Site Plan</b> - That the applicant revise the site plan to the satisfaction of the Planning Services Department.
d)	<b>Landscape Plan</b> - That the applicant revise the Landscape plan to the satisfaction of the Planning Services Department.
e)	<b>Tree Canopy Plan and Canopy Calculation Chart</b> - That the applicant revise the site tree canopy plan and canopy calculation chart to the satisfaction of the Planning Services Department.
<b>2.</b>	<b>Site Plan Agreement:</b> That the Owner enter into a standard form Site Plan Agreement with the Town, to be registered on title, containing clauses satisfactory to the Director of Planning, Director of Transportation and Engineering, Parks and Open Space and the Town Solicitor, securing the implementation of the approved drawings and reports and compliance with the conditions of site plan approval, including but not limited to the matters listed in Schedule “A” to these conditions.
<b>3.</b>	<b>Cost Estimate:</b> That the Owner provides a detailed written estimate of costs for any Off-Site Works associated with the servicing through the Towns Park, including but not limited to construction of the services, landscaping, and restoration of the existing berm, walkway, extension of the existing berm and associated landscaping. This estimate is to be reviewed and approved by the Planning Services, Parks and Open Space, and Legal prior to final approval.
<b>4.</b>	<b>Securities:</b> That the Owner deposit securities with the Finance Department, in a form meeting the Finance Department's requirements, covering the full costs of the items specifically noted in these conditions in addition to the Town's standard lump sum security requirements. The reference to specific items in this condition is for the purpose of calculating the total amount of security required and shall not affect the ability of the Town to treat the securities as a single lump sum securing compliance with site plan conditions.
<b>5.</b>	<b>Zoning:</b> That the Owner submits or obtains the following, to the satisfaction of the Building Services Department.
a)	Provide confirmation that the final Approved Site Plan complies with By-law 2014-014, as amended, specifically with respect to Section 4.14 a).

6.	<b>Transportation and Engineering:</b> That the Owner submits or obtains the following, to the satisfaction of the Transportation and Engineering department:
a)	<b>Stormwater Management Plan and Report</b> - That the Owner submit a revised and final Stormwater Management Report, addressing the detailed comments provided by the Transportation and Engineering Department.
b)	<b>Grading, Drainage and Servicing Plans</b> - That the Owner submit a revised and final grading, drainage and servicing plans, addressing the detailed comments provided by the Transportation and Engineering Department.
c)	That the Owner prepares and implements a report outlining <b>erosion and siltation controls measures</b> required prior to and during the construction of the subject development to the satisfaction of Credit Valley Conservation Authority and the Town of Oakville.
d)	<b>Tree Removal</b> - The owner shall provide written confirmation from the abutting land owner for the removal of trees #3, 8, 37, 40, 53, 1401, 1402, 1404, 1407, 1410 and 1421 or in the alternative provide proof that these are not boundary trees.
e)	<b>Tree Protection Plan</b> - That the Owner submit a revised and final tree protection plan, addressing the detailed comments provided by the Transportation and Engineering Department.
f)	<b>Tree Protection</b> - The Owner shall install tree protection for any retained trees and/or municipal trees in accordance with Town standards.
g)	<b>Transportation Impact Assessment</b> - That a final and revised Transportation Impact Analysis be submitted addressing the transportation requirements outlined by the Town of Oakville Peer review team as well and the Regions of Halton and Peel requirements.
h)	<b>Site Plan/Landscape Plan</b> –That the Owner revises the site plan/landscape plan to include: <ul style="list-style-type: none"> <li>• Pedestrian connections to the future sidewalk, future controlled intersections (traffic signals, stop controls) and/or future transit facilities (bus stops).</li> <li>• Connections to future active transportation facilities (bike lanes/routes) where applicable.</li> <li>• Formal enclosure separating heavy vehicle loading traffic from other private vehicle traffic with the exception for emergency vehicle traffic.</li> </ul>
i)	<b>Traffic Peer Review</b> – That the Owner reimburses the Town for the cost of the Town's Traffic peer review.
7.	<b>Legal:</b> That the Owner submits, obtains or completes the following, to the satisfaction of the legal department:
a)	<b>Easement:</b> The Owner shall compensate the Town the market value of any easement being granted to the Region through the Town's park lands as determined by the Town's appraisal and reimburse the Town for all associated costs required to convey the easement including appraisal and legal costs.
8.	<b>Parks and Open Space:</b> That the Owner submits, obtains or completes the following, to the satisfaction of the Parks and Open Space department:
a)	<b>Arborist Report/Tree Preservation Plan</b> - That the Owner submit a revised and final Arborist report/Tree Preservation Plan to reflect any municipal trees being removed to accommodate the servicing and future berm construction within Aspen Forest Park.
b)	<b>Reference Plan</b> – That the Owner provide a draft reference plan depicting the location of both the permanent and construction servicing easements.

	c) <b>Tree Compensation</b> - The Owner provide the Town compensation for the removal of any municipal trees or vegetation as a result of providing any servicing and future berm construction through Aspen Forest Park in accordance with By-law 2009-025 and the Town's "Tree Protection During Construction" procedure. In the alternative, the Owner will prepare and implement a replacement planting plan to compensate for any vegetation removed or injured.
	d) <b>Tree Securities</b> - The Owner shall provide securities to the satisfaction of the Town for the construction taking place in the Town's park.
	e) <b>Tree Protection</b> - The Owner shall install tree protection within Aspen Forest Park in accordance with the approved Tree Protection Plan and Town standards.
	f) <b>Landscape Berm</b> – The Owner shall submit a drawing package to be included in the approved drawings showing the proposed grades and planting of a landscape berm. Drawings shall depict general construction methods, materials, haul routes and final plantings.
	g) <b>Fencing</b> – The Owner revise the site plan/landscape plan to include a 1.2 m black vinyl chain link fence.
9.	<b>Oakville Fire:</b> The Owner shall submit a fire route application package with fee that meets the Town By-law requirements for drawing specification and be acceptable for inclusion onto the Town's By-law.
10.	<b>Oakville Hydro:</b> That the Owner satisfies all of Oakville Hydro requirements as outlined in the comments report.
11.	<b>Region of Halton:</b> That the Owner receives written approval from the Region of Halton. Items to be addressed include, but are not limited to, the following:
	a) That confirmation be received from Credit Valley Conservation that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.
	b) That correspondence from the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTC) be provided indicating that they have reviewed the Stage 1 and 2 Archaeological Assessments, are satisfied that the reports were prepared in accordance with Provincial requirements and that they have been entered into the Provincial Registry
	c) That a Land Use Compatibility Study/Studies be submitted to the satisfaction of Halton Region and the Owner confirm/demonstrate that all recommendations have/will be implemented.
	d) The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
	e) As part of the Services Permit Review, the Owner will be required to comply with Halton Region's multi unit servicing policy as set out in report PPW01-96, specifically Section 3.3
	f) That the Owner acknowledges and agrees that of all or part of this development may not take place before all external water and wastewater infrastructure necessary to service the development are secured and/or are in place to the satisfaction of Halton's Development Project Manager.
	g) That the Owner is required to design and construct at their sole expense a minimum 300mm diameter watermain as per the design standards of the Region of Halton along Winston Churchill Boulevard from approximately 650m north of Lakeshore Road (Deer Run Avenue) northerly to Beryl Road.

h)	That the Owner is required to design and construct at their sole expense a minimum 300mm diameter sanitary sewer as per the design standards of Region of Halton within the Town of Oakville's open space block located west of the subject property and walkway block (Block 124A) extending southward to Acacia Court.
i)	That the Owner is required to design and construct a proposed 300mm diameter replacement sanitary sewer on Acacia Court at their sole expense as per the design standards of the Region of Halton.
j)	That a minimum 8.0m wide Regional easement be provided on the Town of Oakville open space block and walkway block (Block 124A) and to be located along the horizontal alignment of the proposed sanitary sewer in favour of the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.
k)	That the Owner is required to provide a comprehensive written work plan for the construction of the proposed sanitary sewer to be located in the Town of Oakville's open space block, walkway block (Block 124A) and on Acacia Court and submit it to the Town of Oakville and the Region of Halton for review and approval prior to the start of construction. This work plan is to address timing of the construction operations for this sewer and it shall include details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer. The proposed construction methods should also take into account sub surface soil conditions in the area to ensure that the proposed methods are feasible.
l)	That the Owner is to undertake a pre-condition survey of any existing buildings, houses, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could possibly be affected by its construction. This survey is to be completed prior to the construction of the proposed sanitary sewer.
m)	The Owner shall prepare a Vibration Impact Report to the satisfaction of the Town of Oakville and the Region of Halton, to address potential vibration impact and/or vibration emissions adjacent to the portion of the sanitary sewer alignment that is located within the Town's walkway block (Block 124A) that may be the result of sub surface tunnel construction, heavy equipment and/or other construction operations in this area. The report shall address any impacts and the means of reducing the impact, and to implement, at the owner's expense, any controls and/or measures recommended in the approved report.
n)	That the Owner prepare and implement at their sole cost a landscape plan that address the restoration of areas disturbed and/or removed as a result of construction activities relating to the proposed sanitary sewer through the Town of Oakville's open space block, walkway block (Block 124A) and Acacia Court to the satisfaction of the Town of Oakville and the Region of Halton.
o)	That the Owner is responsible at their sole cost the restoration of Acacia Court that will be required as a result of construction activities for the proposed sanitary sewer replacement and will include the placement of full top course of asphalt pavement over the full width of the roadway, curb repairs, driveway repairs and landscaping of boulevards to the satisfaction of the Town of Oakville and the Region of Halton.
p)	That the Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard prior to the preparation of the Regional servicing agreement.

q)	That the Owner is required to enter into a Servicing Agreement with the Region of Halton for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard.
r)	The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of Halton Region
s)	That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan prior to the commencement of any development of the site. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project manager.
t)	That the Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with MOE guidelines and Region of Halton standards prior to commencing the development of these lands to the satisfaction of Halton's Development Project Manager.
u)	The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Winston Churchill Boulevard (Regional Road 19) are maintained both during and after construction, such that there are no adverse impacts to the existing drainage system on Winston Churchill Boulevard (Regional Road 19), to the satisfaction of Halton Region's Development Project Manager.
v)	That the Owner is responsible for all costs involved in transferring any proposed Regional easements required for sanitary sewer protection and that these costs are to include any compensation required by the Town of Oakville for and easements located on Town lands.
w)	That the Owner is required to design and construct a maintenance roadway/pathway as required within the Town's open space block, park land and walkway block (Block 124A) that will provide maintenance vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
x)	That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the Town of Oakville for the Region of Halton to obtain access within the Town's open space block, park land and walkway block (Block 124A) that will provide vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
y)	That the Owner obtains all approvals from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
z)	That the Owner is responsible for implementing all the design and construction requirements of the Canadian National Railway for the proposed watermain crossing of the Canadian National Railway lands in relation to supporting, monitoring, surveying and coordinating all works and their impact on the existing railway line.
aa)	That a private easement be provided on the subject lands of 560/570/580 Winston Churchill Boulevard for the purpose of servicing the property known as 658 Winston Churchill Boulevard for a proposed private sanitary sewer forcemain to be located in the private easement.

bb)	That the Owner is required to design and construct at their sole expense a private sanitary sewer forcemain on the subject property in order to service the property at 658 Winston Churchill Boulevard.
cc)	The Owner must demonstrate, to the satisfaction of the Region's Development Project Manager that a permanent mutual private domestic sewer easement is to be provided that will ensure that access rights to and the maintenance of the private sanitary sewer forcemain on the subject property are addressed between the properties at 560/570/580 and 658 Winston Churchill Boulevard. The easement will be required to be described as parts on a reference plan. The transfer documents and/or mutual service agreement for the private sanitary sewer forcemain will be required to stand solely on their own, and not part of any other easement or agreement.
dd)	That any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.
ee)	A 0.3m reserve shall be dedicated to the Regional Municipality of Halton across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19) except at approved access points.
ff)	All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or designate.
gg)	That the site plan be revised to depict all access locations on the east side of Winston Churchill and further shall demonstrate that the north access is aligned with the access locations on the east side, to the satisfaction of the Region of Halton.
hh)	That a survey sketch confirming the widening requirement, daylight triangle and 0.3metre reserve shall be submitted to the satisfaction of the Region. Any required road widening daylight triangle and the 0.3 metre reserve shall be depicted on the site plan to the satisfaction of the Region.
ii)	<p>That the Owner enter into a Servicing Agreement (with Peel Region) for the completion of required Works (road improvements) and all associated development construction processes and impacts. Road improvements will be determined after the review and approval of the final transportation impact study. The Owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates. Detailed design drawings are required for review and approval, by Halton Region and Peel Region, for all proposed/approved intersection/access road improvements, based on the approved Transportation Impact Study.</p> <p>In this regard, Halton Region requests confirmation that any Region of Peel requirements related to access locations and development-related road improvements have been addressed and that they have no concerns with the approval of the site plan.</p>
jj)	That confirmation be received from Peel Region that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.
kk)	<p>The owner shall demonstrate:</p> <p>a) that landscaping, stairs, grading/grades, etc., from the proposed development is not located within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.,) are contained within the development lands</p>

	<p>b) that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).</p> <p>In this regard, submission of a satisfactory landscape plan and grading plan with supporting letter is required confirming that this has been addressed is required.</p>
ll)	The owner shall submit plans of proposed construction methods, for review and approval by Halton Region and prior to proceeding with construction. These plans shall be provided through the Servicing Agreement/detailed design drawing submission.
mm)	<p>The owner will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).</p> <p>In this regard, the owner shall submit shoring and other plans demonstrating that the above-noted requirement has been satisfied, to the satisfaction of Halton Region.</p>
nn)	The Owner shall submit a construction management plan to the satisfaction of Halton Region.
oo)	If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.
12.	<b>Region of Peel</b> - That the Owner receives written approval from the Peel Region. Items to be addressed include, but are not limited to, the following:
a)	The Owner shall address all requirements of the Region of Peel's Site Servicing department including submission of a satisfactory Stormwater Management Report, grading drawings, and servicing drawings which address staff comments, and pay all necessary fees.
b)	The Owner shall agree that is the Region of Peel's mandate that no connections are made to the Region's stormwater infrastructure, no additional flow added to the Region's storm infrastructure, and no additional overland flow shall be directed to the right of way of Regional Road 19 (Winston Churchill Boulevard). The Grading Plan must demonstrate that high point is being maintained at the property line to ensure that there will be no spills and no sheet flow run-off from the private side to the Regional right of way
c)	The Owner shall address all requirements of the Region of Peel's Traffic Development department, including submission of a satisfactory Traffic Impact Study (TIS), satisfactory access requirements, property dedication requirements, and engineering requirements. All submitted documents must address staff comments, and all necessary fees shall be paid
d)	The Owner shall provide a gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, equivalent to 20.75 metres from the centreline of the road allowance. The Region also requires the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access and a 0.3 metre reserve along the frontage of

	Winston Churchill Boulevard behind the property line and daylight triangles except at any approved access points. The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. The applicant must provide the Region with any necessary easements, title documents, and draft reference plan(s) for review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant
e)	The Owner shall agree that landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or right of way limits. Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted
f)	The Owner shall submit a detailed traffic engineering submission of road and access works, designed, stamped, and signed by a Licensed Ontario Professional Engineer. The engineering submission must include the removals, new construction and grading, typical sections and pavement markings and signing drawings. A functional design is to be submitted as part of the engineering submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off Winston Churchill Boulevard, including all dimensions. All works within Region of Peel's right of way must be designed in accordance with the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual".
g)	The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way. Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Winston Churchill Boulevard. A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41). All costs associated with the design and construction of road and access works will be 100 percent paid by the Owner
h)	The Owner shall note that prior to commencement of works within the Region's right-of-way, the following is required to be submitted to the Region: <ul style="list-style-type: none"> <li>a. Completed <u>Road Occupancy Permit</u> and a permit fee as per the Region's user fees and charges By-law;</li> <li>b. Completed <u>Notice to Commence Work</u> ;</li> <li>c. Provide proof of insurance with the Region of Peel added to the <u>certificate</u> as an additional insured with \$5 million minimum from the Contractor.</li> </ul>
i)	The Owner shall note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process).
j)	The Region of Peel requires confirmation from Halton Region that their requirements/conditions in relation to this application have been addressed and there are no concerns with the approval of the site plan.
13.	<b>Credit Valley Conservation (CVC):</b> That the Owner receives written approval from the CVC. Items to be addressed include, but are not limited to, the following:
a)	Provide final detailed engineering/civil drawings prepared by a professional engineer, to the satisfaction of the Town and CVC, including but not limited to the following information:



	<ul style="list-style-type: none"> <li>i. Any associated proposed grading required for this proposed development extending past the subject property onto the adjacent northern property (i.e., 700 &amp; 750 Winston Churchill Boulevard) to be accurately delineated on the grading plans.</li> <li>ii. Accurate delineation of the floodplain hazard limit on the grading plans including any overtopping/impacts to Winston Churchill Blvd.</li> <li>iii. Any proposed grading to be located outside of the existing erosion hazard of the Clearview Creek watercourse and/or confirmation the works would not negatively impact the existing erosion hazard to be satisfactorily addressed.</li> <li>iv. Satisfactory erosion and sediment control measures including any staging and phasing drawings.</li> </ul>
b)	<p>Provide final technical floodplain memo(s)/report(s) and hydraulic model prepared by a qualified professional, to the satisfaction of the Town and CVC including but not limited to the following information:</p> <ul style="list-style-type: none"> <li>i. The differences in water surface elevation and velocity from the proposed works within the floodplain to be satisfactorily addressed.</li> <li>ii. The model is to follow the CVC Standard Parameters, unless otherwise directed or justified.</li> <li>iii. The inclusion of the stormwater management pond discharge to be included in the model and confirmation whether there are any resulting changes in water surface elevation from the existing to future conditions.</li> <li>iv. Any potential impacts resulting from the proposed grading to erosion potential to be satisfactorily addressed.</li> <li>v. Any potential impacts resulting from the proposed grading on the conveyance or design of the existing low flow channel to be satisfactorily addressed.</li> <li>vi. Any potential impacts to flood loss storage from the existing to proposed conditions from the 2-year to the 100-year and regional storms to be satisfactorily addressed.</li> <li>vii. Any potential impacts on the changes to the velocity from existing to proposed conditions from the 2-year to the 100 year and regional storm events to be satisfactorily addressed.</li> </ul>
c)	<p>Provide a final stormwater management report prepared by a qualified professional, to the satisfaction of the Town and CVC, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>i. Identification of the flow path for uncontrolled runoff to Clearview Creek.</li> <li>ii. Combined flows discharging to Clearview Creek in the post-construction condition to follow CVC's guidelines.</li> </ul>
d)	<p>Provide final detailed landscape plans to the satisfaction of the Town and CVC, including but not limited to the following information:</p> <ul style="list-style-type: none"> <li>i. The inclusion of relevant timing windows for proposed tree removal.</li> <li>ii. Details on the design and installation of the proposed bat boxes.</li> </ul>

14.	<b>CN Rail (CNR):</b> That the Owner receives written approval from the CNR. Items to be addressed include, but are not limited to, the following:
a)	<b>Approvals</b> - That the Owner obtains all approvals (including a Utility Crossing Agreement) from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
15.	<b>Rogers:</b> That the Owner will, in consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation.
16.	<b>Canada Post:</b> That the Owner satisfies all of Canada Post requirements as outlined in the comments report.
<b>B.</b>	<p>Notes to the Owner:</p> <ol style="list-style-type: none"> <li>1. Site Plan approval does not include approvals of any proposed signage regulated by the Town of Oakville Sign By-law 2018-153, as amended. The Owner has been advised that all proposed signage must comply with the sign by-law or seek a variance to the by-law.</li> <li>2. Upon site plan approval, a CVC permit is required prior to the commencement of construction on the subject property and prior to the issuance of municipal building permits. Landowner authorization for all properties where the proposed works, including any proposed grading/site alteration works, is required as part of the CVC permit application. A separate CVC permit fee would apply.</li> <li>3. The Owner is to enter into satisfactory arrangements with the Town related to the payment of cash in lieu of parkland in accordance Section 42 of the Planning Act and the Town By-law 2008-105 and contact the Towns Manager of Realty Services no later than 90 days prior to their intended date to draw the first building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.</li> </ol>

## SCHEDULE "A"

### Site Plan Agreement Clauses

#### General:

1. *"For the purposes of this agreement:*
  - a. *Approved Site Plan – refers to the final versions of the approved or accepted versions of the plans and drawings forming part of the site plan under section 41 of the Planning Act and any additional plans, drawings and reports referred to or required as part of the conditions of such approval.*
  - b. *Required Site Works – refers to all facilities, works, and landscaping identified on the Approved Site Plan located within the limits of the Owner's property.*
  - c. *Off-Site Works – refers to all facilities, works and landscaping identified within the Approved Site Plan, located beyond the limits of the Owner's property.*
2. *"This agreement will be registered against title to the property, and upon registration the municipality is entitled to enforce the provisions of the agreement against the Owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land."*

3. *"The obligations of the Owner, and any future owners of the property are joint and several. The Town reserves the right to enforce the obligations against either the original or any future Owners."*
4. *"Subject to any extensions that may be granted, the site plan approval shall lapse:
  - a. if the conditions of approval required for the granting of final approval have not been satisfied within two years of the date of approval of the site plan;
  - b. If a building permit has not been issued within 2 years of the date of final site plan approval; or
  - c. If a building permit issued for the development is revoked."*
5. *"The Owner agrees to develop the property in accordance with the Approved Site Plan and shall provide all Required Site Works and Off-Site Works identified on the approved site plan drawings or required by the conditions of approval to the satisfaction of the Town at the Owners expense. This includes any and all items secured under Schedule "C" – The Financial Obligations."*
6. *"All works associated with this Site Plan approval shall have been completed prior to the 30th of June in the second year following the issuance of the building permit failing which Town staff may proceed to draw on the securities to complete all outstanding site plan conditions, and if the securities are insufficient, exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
7. *"All technical documents, such as the transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise feasibility study, significant woodlands assessment or arborist's report, must be signed and sealed by a professional engineer or certified arborist, respectively."*
8. *"The Owner shall prepare and implement an erosion and sediment control monitoring program prior to, during the construction and post construction of the subject development to the satisfaction of CVCA and the Town of Oakville. The erosion and sediment control monitoring program is to be completed in accordance with the approved Stormwater Management Report completed for the subject development."*
9. *"The Owner agrees to implement the recommendations outlined in all studies forming part of the Approved Site Plan, including transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise feasibility study, significant woodlands assessment or arborist's report. Further the Owner agrees to modify the site plan as required to reflect the final approved studies."*
10. *"The Owner will maintain a minimum tree canopy cover or potential canopy cover of at least 20% over the site area. Any tree removals authorized by way of Town permits will require the replanting of trees so as to maintain this minimum tree canopy cover target to the satisfaction of the Town."*
11. *"All owners and tenants / future purchasers are required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development, and as there is insufficient on site snow storage, all snow cleared from the access ramps and driveways, parking and loading areas, and walkways shall be removed from the site. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow removal from the site shall remain the sole responsibility of the owners and tenants / future purchasers."*

12. *The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."*
13. *"The Owner agrees to provide an easement, registered in the name of "Oakville Hydro Electricity Distribution Inc. for a pad-mounted transformer."*
14. *"The Owner agrees that any required pole relocations on Winston Churchill Blvd to be completed by Oakville Hydro at the expense of the owner/applicant."*
15. *"The Owner agrees to grant all necessary easements and maintenance agreement required by CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the "Communications Service Providers") at the owners cost. Immediately following the registration of the Site Plan, the Owner will cause these documents to be registered on title."*[Rogers]
16. *"The Owner agrees to be responsible for the cost of the traffic sign required to prohibit any truck traffic from using the south driveway to the satisfaction of Transportation and Engineering."*
17. *"The Owner agrees to restrict the loading and unloading of the loading bays closest to Winston Churchill Blvd in Building "A" in accordance with the recommendations of the Noise Feasibility Study."*
18. *The Owner agrees not to occupy the building on the north easterly portion of the property (Building C) until the westerly and southerly buildings are substantially complete and the acoustical walls are constructed. Further Owner agrees not to occupy the building on the southerly portion of the property (Building A) until the westerly building is substantially complete and the acoustical walls are constructed."*

Prior to Construction:

19. *Prior to construction or site alteration, the Owner is required to obtain a CVC and pay any necessary fees.*
20. *Prior to construction , the Owner shall contact Development Engineering Section to inquire about and obtain any permits or other approvals that may be required such as the following:*
  - a. *Driveway Permit*
  - b. *Excavation Permit*
  - c. *Sidewalk/Street Occupancy Permit*
  - d. *Boulevard (Streetscape) Permit*
  - e. *Construction Staging and Parking Plan*
  - f. *Any Boulevard & Road Restoration Details to be provided on civil drawings.*
  - g. *Any Major road improvements (pavement widening and storm sewers) shall be provided on standard Town drawing sheets and stamped by the Engineer.*
21. *"The Owner shall prepare a construction schedule for all Off-Site Works and submit it to the town in conjunction with the required pre-construction meeting."*
22. *"The Owner and/or their engineering consultant, shall arrange and hold a pre-construction meeting with the appropriate Town staff and the contractor to review construction staging, traffic control, material delivery routing, trades parking management, etc., prior to the commencement of any works, beyond that of the works approved prior to the date of this agreement."*

23. *"The Owner understands and acknowledges the construction challenges associated with developing this site including the construction of servicing and agrees to undertake all reasonable efforts to minimize disruption to the roads in the vicinity, Aspen Forest park uses and abutting residents vicinity of this development."*
24. *"The Owner understands and acknowledges that any use of the public road allowance, or Aspen Forest Park (for access, staging, storage, temporary parking, etc) abutting or near to the development is strictly prohibited without the approval of the Town of Oakville by way of permits."*
25. *"The Owner shall appoint a community liaison officer to this project. Community liaison officers are used to establish and maintain cooperative and communicative relationships with abutting property owners. The officer shall be an identified person whom is responsible for providing advance information to affected parties/persons of work operations that may cause temporary disruption to normal area activities and to ensure proper approvals are sought and secured before such works operations proceed. In the absence of a community liaison officer, the site-supervisor shall perform these tasks."*
26. *"All erosion and siltation control measures must be installed by the Owner and inspected by the Town's Transportation and Engineering Department prior to any site works being undertaken."*
27. *"The Owner agrees that all drawings for Off-Site Works relating to this project shall be approved by the Town prior to construction to the satisfaction of the Town's Director of Parks and Open Space."*
28. *"The Owner agrees that the following Off-Site Works are to be completed and operational prior to on-site operation commencing. These improvements include:*
  - *Sanitary Servicing through Aspen Forest Park*
  - *Watermain extension along Winston Churchill Blvd."*

Following Construction:

29. *"The Owner agrees to restore Aspen Forest Park to Town standards. All restoration works must be to the satisfaction of the Parks and Open Space Department and completed within a timeframe to the satisfaction of Director of the Parks and Open Space or designate, acting reasonably."*
30. *"The Owner shall not remove or alter or permit the removal or alteration of Required Site Works in a manner that would not comply with the Approved Site Plan without the consent of the Town."*
31. *"The Owner shall maintain all Required Site Works ensuring the Required Site Works function and perform as designed and/or intended. Should any Required Site Works fail to function or perform for any reason, the Owner shall promptly cause them to be repaired and/or replaced."*
32. *"The Town has the right to enter the property to install, inspect and repair at the Owners expense, if necessary, any Required Site Works."*
33. *"The Owner acknowledges and agrees to provide within 30 days of receiving a written request by the Town to do so, confirmation by a Professional Engineer licensed by the Province of Ontario, that the stormwater management components/facilities on and within the property are in-place and functioning as approved for the property."*
34. *"Should the Owner fail to provide the requested performance certification within 30 days due to identified issues with the stormwater management components/facilities, the*

*Owner agrees to cause their repair within a period of time deemed reasonable by the Director of Transportation and Engineering. Follow the completion of repair works, the Owner will have seven (7) days to provide the required Performance Certification."*

- 35. "Should the Owner fail to provide the requested performance certification for any other reason than that set out above, the Town may cause the review of the stormwater management components/facilities and all costs for review, remediation, repairs, etc. shall be at the expense of the Owners. If the Owners fail to pay the costs within 30 days of being advised of the amount by the Town, the Town may draw upon the securities and, if the securities are insufficient, may exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
- 36. "The Owner shall provide the Town of Oakville with confirmation from the land use compatibility/noise consultant that the recommendations from the final study(ies) have been implemented."*
- 37. "The Owner is required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow clearance/removal from the site shall remain the sole responsibility of the Owners and any tenants or future purchasers."*
- 38. "The Owner shall provide a 2-year warranty/guarantee period as it relates to on-site and municipal trees to the satisfaction of the Transportation and Engineering department and the Parks and Open Space department."*
- 39. "The Owner agrees to submit an inventory of all public trees planted by species, size, x/y coordinates and tree attributes in a digital format acceptable to Transportation and Engineering and Parks and Open Space prior to Site Plan security reduction"*

## Future Site Plan Agreement “Schedule I – Additional Items”

Barristers & Solicitors

WeirFoulds LLP

June 9, 2022

*Via Email*

Mr. Gabe Charles  
Director of Planning  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Denise Baker  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 22378.00001

Dear Gabe:

**RE: ONE Properties and 772 Winston Churchill LP- Site Plan Application for 772 Winston Churchill Blvd., Town File No. 1601.028/01 and 11087258 Canada Inc. – Site Plan Application for 560 Winston Churchill Blvd. Town File No. 1601.028/01**

WeirFoulds LLP are solicitors for ONE Properties and 772 Winston Churchill LP, (collectively “ONE Properties”) regarding the redevelopment of its property located at 772 Winston Churchill Boulevard, in the Town of Oakville.

We are writing together with BLG, the solicitors for 11087258 Canada Inc. with respect to their property at 560 Winston Churchill Blvd., in the Town of Oakville. 11087258 Canada Inc. is represented in this capacity by Mr. Pitman Patterson of BLG, who is cc'd on this correspondence.

772 Winston Churchill Blvd. and 560 Winston Churchill Blvd. (collectively the “Properties”) abut one another, and both have site plan applications (the “Applications”) submitted with the Town. Both ONE Properties and 11087258 Canada Inc. are committed to ensuring that the redevelopment of their Properties is done in accordance with the Town’s zoning by-law, the designation by the Province as a provincially significant employment zone and the conditions imposed by the Town and based upon the servicing of the Properties through an easement in favour of the Region of Halton from Acacia Court, as shown in the site plan drawing packages which form part of the Applications.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada. L6J 0B2

T: 905-829-8600 F: 905-829-2035

[www.weirfoulds.com](http://www.weirfoulds.com)

In addition, on the basis that the Town approves the Applications on or before June 27, 2022 ONE Properties and 11087258 Canada Inc. jointly commit to the following:

1. A total contribution of \$250,000 payable prior to first building permit issuance for purposes such as of the installation of a trail on the Town owned lands, out to Winston Churchill Blvd, the construction of a splash pad within Aspen Forest Park and tree plantings at various locations in the vicinity of the Properties as required by the Town;
2. Finish any buildings on the Properties in a neutral palette;
3. Include the following provision in each of the site plan agreements pertaining to the Properties which states: "the Owner will undertake to insert a provision in any lease with respect to a reduction in the usage of loading docks after 11:00pm";
4. Include the following provision in each of the site plan agreements pertaining to the Properties which states: the Owner will undertake not to occupy the buildings on the easterly portions of the Properties, which abut Winston Churchill Blvd, in advance of the commencement of the exterior construction of the buildings located on the westerly portion of the Properties closest to the residentially zoned lands".

It is proposed that each of these commitments be secured through relevant clauses within each of the site plan agreements for the Properties, which is required to be executed prior to final site plan approval being granted.

Further comments on the conditions of site plan approval which have been provided by the Town will be forthcoming.

We look forward to hearing from you as soon as possible.



Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", written in a cursive style.

Per: Denise Baker  
Partner

DB/mw

Cc: J. Pittman Patterson, Borden Ladner Gervais

**SCHEDULE “B”  
Technical Reports**

<b>Report/Study</b>	<b>Revision/Date*</b>		<b>Consultant</b>
Arborist Report	2	Nov 17/21	MHBC
Stormwater Management and Functional Servicing Report	2	Nov 25/21	A.M Candaras
Noise Feasibility Study	-	Sept 9/21	HGC Engineering
Transportation Impact Study	5	Nov 11/21	Crozier
Significant Woodlands Assessment	1	Nov 19/21	MTE
Land Use Compatibility Report	-	Nov 12/21	SLR Consulting
Archaeological Assessment-Stage 1 & 2		July 12/2019	The Archaeologists Inc.

\* Note: The revision/date of the above reports may be updated to reflect future revisions to address staff/peer review comments.

**APPENDIX B: Conditions of Approval SP.1601.029/01 (June 11/22)**

**Conditions of Site Plan Approval (700 and 750 Winston Churchill Blvd. formerly 772 WCB)**

Please note that the status of the conditions may be subject to change as revisions to satisfy one condition may trigger further revisions in other areas to maintain compliance. Clearance on any one plan does not imply that the plans are approved. Drawings can only be considered approved once a coordinated site plan package is received, compliant with all conditions, and final site plan approval is granted.

- |    |  |
|----|--|
| A. | The following conditions must be satisfied prior to final site plan approval. Read these conditions in conjunction with the most current Comments Report.  |
| 1. | <p><b>Planning Services</b> – That the Owner submits the following, to the satisfaction of the Planning Services Department:</p> <ul style="list-style-type: none"> <li>a) <b>Final Drawings</b> - That the Owner submits coordinated final drawings, to the satisfaction of the Planning Services Department.</li> <li>b) <b>Final Reports</b> – That the Owner submit final stamped versions of the technical reports listed in Schedule “B” to these conditions, including any appendices/updates, to the satisfaction of the Planning Services Department.</li> </ul>  |
| 2. | <p><b>Site Plan Agreement:</b> That the Owner enter into a standard form Site Plan Agreement with the Town, to be registered on title, containing clauses satisfactory to the Director of Planning, Director of Transportation and Engineering, Parks and Open Space and the Town Solicitor, securing the implementation of the approved drawings and reports and compliance with the conditions of site plan approval, including but not limited to the matters listed in Schedule “A” to these conditions.</p>   |
| 3. | <p><b>Cost Estimate:</b> That the Owner provides a detailed written estimate of costs for any Off-Site Works associated with the servicing through the Towns Park, including but not limited to construction of the services, landscaping, and restoration of the existing berm, walkway. This estimate is to be reviewed and approved by the Planning Services, Parks and Open Space, and Legal prior to final approval.</p>  |
| 4. | <p><b>Securities:</b> That the Owner deposit securities with the Finance Department, in a form meeting the Finance Department's requirements, covering the full costs of the items specifically noted in these conditions in addition to the Town's standard lump sum security requirements. The reference to specific items in this condition is for the purpose of calculating the total amount of security required and shall not affect the ability of the Town to treat the securities as a single lump sum securing compliance with site plan conditions.</p>  |
| 5. | <p><b>Zoning:</b> That the Owner submits or obtains the following, to the satisfaction of the Building Services Department.</p> <ul style="list-style-type: none"> <li>a) Provide confirmation that the final Approved Site Plan complies with By-law 2014-014, as amended, specifically with respect to Section 4.14 a).</li> </ul>   |
| 6. | <p><b>Transportation and Engineering:</b> That the Owner submits or obtains the following, to the satisfaction of the Transportation and Engineering department:</p> <ul style="list-style-type: none"> <li>a) <b>Stormwater Management Plan and Report</b> - That the Owner submit a revised and final Stormwater Management Report, addressing the detailed comments provided by the Transportation and Engineering Department.</li> <li>b) <b>Grading, Drainage and Servicing Plans</b> - That the Owner submit a revised and final grading, drainage and servicing plans, addressing the detailed comments provided by the Transportation and Engineering Department.</li> </ul> |

	c) That the Owner prepares and implements a report outlining <b>erosion and siltation controls measures</b> required prior to and during the construction of the subject development to the satisfaction of Credit Valley Conservation Authority and the Town of Oakville.
	d) <b>Tree Removal</b> - The owner shall provide written confirmation from the land owner to the north for the removal of the existing boundary trees #1000-1010 or in the alternative provide proof that these are not boundary trees.
	e) <b>Tree Protection</b> - The Owner shall install tree protection for any retained trees and/or municipal trees in accordance with Town standards.
	f) <b>Transportation Impact Assessment</b> - That a final and revised Transportation Impact Analysis be submitted addressing the transportation requirements outlined by the Town of Oakville Peer review team as well and the Regions of Halton and Peel requirements.
	g) <b>Site Plan/Landscape Plan</b> –That the Owner revises the site plan/landscape plan to include: <ul style="list-style-type: none"> <li>• Pedestrian connections to the future sidewalk, future controlled intersections (traffic signals, stop controls) and/or future transit facilities (bus stops).</li> <li>• Connections to future active transportation facilities (bike lanes/routes) where applicable.</li> </ul>
	h) <b>Traffic Peer Review</b> – That the Owner reimburses the Town for the cost of the Town’s Traffic peer review.
7.	<b>Legal:</b> That the Owner submits, obtains or completes the following, to the satisfaction of the legal department:
	a) <b>Easement:</b> The Owner shall compensate the Town the market value of any easement being granted to the Region through the Town’s park lands as determined by the Town’s appraisal and reimburse the Town for all associated costs required to convey the easement including appraisal and legal costs.
8.	<b>Parks and Open Space:</b> That the Owner submits, obtains or completes the following, to the satisfaction of the Parks and Open Space department:
	a) <b>Arborist Report/Tree Preservation Plan</b> - That the Owner submit a revised and final Arborist report/Tree Preservation Plan to reflect any municipal trees being removed to accommodate the servicing within Aspen Forest Park.
	b) <b>Reference Plan</b> – That the Owner provide a draft reference plan depicting the location of both the permanent and construction servicing easements.
	c) <b>Tree Compensation</b> - The Owner provide the Town compensation for the removal of any municipal trees or vegetation as a result of providing any servicing through Aspen Forest Park in accordance with By-law 2009-025 and the Town’s “Tree Protection During Construction” procedure. In the alternative, the Owner will prepare and implement a replacement planting plan to compensate for any vegetation removed or injured.
	d) <b>Tree Securities</b> - The Owner shall provide securities to the satisfaction of the Town for the construction taking place in the Town’s park.
	e) <b>Tree Protection</b> - The Owner shall install tree protection within Aspen Forest Park in accordance with the approved Tree Protection Plan and Town standards.
	f) <b>Landscape Berm</b> –The Owner shall submit a drawing package to be included in the approved drawings showing the proposed grades and planting of the restored landscape berm in the locations where the berm is disturbed from the installation of servicing. Drawings shall depict general construction methods, materials, haul routes and final plantings

9.	<b>Oakville Fire:</b> The Owner shall submit a fire route application package with fee that meets the Town By-law requirements for drawing specification and be acceptable for inclusion onto the Town's By-law.																				
10.	<b>Oakville Hydro:</b> That the Owner satisfies all of Oakville Hydro requirements as outlined in the comments report																				
11.	<p><b>Region of Halton:</b> That the Owner receives written approval from the Region of Halton. Items to be addressed include, but are not limited to, the following:</p> <table border="1"> <tr> <td>a)</td><td>That confirmation be received from Credit Valley Conservation that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.</td></tr> <tr> <td>b)</td><td>That an update to the Land Use Compatibility Study be submitted, if required, to demonstrate that the applicable MECP and Region of Halton guidelines have/will be implemented. (revised as per Region June 11/22)</td></tr> <tr> <td>c)</td><td>The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.</td></tr> <tr> <td>d)</td><td>As part of the Services Permit Review, the Owner will be required to comply with Halton Region's multi unit servicing policy as set out in report PPW01-96, specifically Section 3.3</td></tr> <tr> <td>e)</td><td>That the Owner acknowledges and agrees that of all or part of this development may not take place before all external water and wastewater infrastructure necessary to service the development are secured and/or are in place to the satisfaction of Halton's Development Project Manager.</td></tr> <tr> <td>f)</td><td>That the Owner is required to design and construct at their sole expense a minimum 300mm diameter watermain as per the design standards of the Region of Halton along Winston Churchill Boulevard from approximately 650m north of Lakeshore Road (Deer Run Avenue) northerly to Beryl Road.</td></tr> <tr> <td>g)</td><td>That the Owner is required to design and construct at their sole expense a minimum 300mm diameter sanitary sewer as per the design standards of Region of Halton within the Town of Oakville's open space block located west of the subject property and walkway block (Block 124A) extending southward to Acacia Court.</td></tr> <tr> <td>h)</td><td>That the Owner is required to design and construct a proposed 300mm diameter replacement sanitary sewer on Acacia Court at their sole expense as per the design standards of the Region of Halton.</td></tr> <tr> <td>i)</td><td>That a minimum 8.0m wide Regional easement be provided on the Town of Oakville open space block and walkway block (Block 124A) and to be located along the horizontal alignment of the proposed sanitary sewer in favour of the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.</td></tr> <tr> <td>j)</td><td>That the Owner is required to provide a comprehensive written work plan for the construction of the proposed sanitary sewer to be located in the Town of Oakville's open space block, walkway block (Block 124A) and on Acacia Court and submit it to the Town of Oakville and the Region of Halton for review and approval prior to the start of construction. This work plan is to address timing of the construction operations for this sewer and it shall include details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer. 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	construction methods should also take into account sub surface soil conditions in the area to ensure that the proposed methods are feasible.
k)	That the Owner is to undertake a pre-condition survey of any existing buildings, houses, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could possibly be affected by its construction. This survey is to be completed prior to the construction of the proposed sanitary sewer.
l)	The Owner shall prepare a Vibration Impact Report to the satisfaction of the Town of Oakville and the Region of Halton, to address potential vibration impact and/or vibration emissions adjacent to the portion of the sanitary sewer alignment that is located within the Town's walkway block (Block 124A) that may be the result of sub surface tunnel construction, heavy equipment and/or other construction operations in this area. The report shall address any impacts and the means of reducing the impact, and to implement, at the owner's expense, any controls and/or measures recommended in the approved report.
m)	That the Owner prepare and implement at their sole cost a landscape plan that address the restoration of areas disturbed and/or removed as a result of construction activities relating to the proposed sanitary sewer through the Town of Oakville's open space block, walkway block (Block 124A) and Acacia Court to the satisfaction of the Town of Oakville and the Region of Halton.
n)	That the Owner is responsible at their sole cost the restoration of Acacia Court that will be required as a result of construction activities for the proposed sanitary sewer replacement and will include the placement of full top course of asphalt pavement over the full width of the roadway, curb repairs, driveway repairs and landscaping of boulevards to the satisfaction of the Town of Oakville and the Region of Halton.
o)	That the Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard prior to the preparation of the Regional servicing agreement.
p)	That the Owner is required to enter into a Servicing Agreement with the Region of Halton for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard.
q)	The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of Halton Region
r)	That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan prior to the commencement of any development of the site. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project manager.
s)	That the Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with MOE guidelines and Region of Halton standards prior to commencing the development of these lands to the satisfaction of Halton's Development Project Manager.
t)	The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Winston Churchill Boulevard (Regional Road 19) are maintained both during and after construction, such that there are no adverse impacts to the existing drainage system on Winston Churchill Boulevard (Regional Road 19), to the satisfaction of Halton Region's Development Project Manager.

u)	That the Owner is responsible for all costs involved in transferring any proposed Regional easements required for sanitary sewer protection and that these costs are to include any compensation required by the Town of Oakville for and easements located on Town lands.
v)	That the Owner is required to design and construct a maintenance roadway/pathway as required within the Town's open space block, park land and walkway block (Block 124A) that will provide maintenance vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
w)	That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the Town of Oakville for the Region of Halton to obtain access within the Town's open space block, park land and walkway block (Block 124A) that will provide vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
x)	That the Owner obtains all approvals from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
y)	That the Owner is responsible for implementing all the design and construction requirements of the Canadian National Railway for the proposed watermain crossing of the Canadian National Railway lands in relation to supporting, monitoring, surveying and coordinating all works and their impact on the existing railway line.
z)	<p>a) Any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) starting at the daylight triangle (at Future Orr Road) and tapering to <b>18m</b> for a distance of 245m northerly (measured from the centreline) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.</p> <p>b) For the remaining frontage, any lands within 18m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.</p>
aa)	A daylight triangle measuring 15m along Winston Churchill Boulevard (Regional Road 19) and 15m along the development South access (northwest and southwest corners) shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.
bb)	A 0.3m reserve shall be dedicated to the Region of Halton across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19), including the daylight triangle but excluding the approved entrance location, to the Region of Halton.
cc)	All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or designate.
dd)	That a survey sketch confirming the widening requirement, daylight triangle and 0.3metre reserve shall be submitted to the satisfaction of the Region. Any required road widening daylight triangle and the 0.3 metre reserve shall be depicted on the site plan to the satisfaction of the Region.

	<p>ee) That the Owner enter into a Servicing Agreement (with Peel Region) for the completion of required Works (road improvements) and all associated development construction processes and impacts. Road improvements will be determined after the review and approval of the final transportation impact study. The Owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates. Detailed design drawings are required for review and approval, by Halton Region and Peel Region, for all proposed/approved intersection/access road improvements, based on the approved Transportation Impact Study.</p> <p>In this regard, Halton Region requests confirmation that any Region of Peel requirements related to access locations and development-related road improvements have been addressed and that they have no concerns with the approval of the site plan.</p>
	<p>ff) That confirmation be received from Peel Region that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.</p>
	<p>gg) The owner shall demonstrate:</p> <ul style="list-style-type: none"> <li>a) that landscaping, stairs, grading/grades, etc., from the proposed development is not located within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.,) are contained within the development lands</li> <li>b) that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).</li> </ul> <p>In this regard, submission of a satisfactory landscape plan and grading plan with supporting letter is required confirming that this has been addressed is required.</p>
	<p>hh) The owner shall submit plans of proposed construction methods, for review and approval by Halton Region and prior to proceeding with construction. These plans shall be provided through the Servicing Agreement/detailed design drawing submission.</p>
	<p>ii) The owner will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.,) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).</p> <p>In this regard, the owner shall submit shoring and other plans demonstrating that the above-noted requirement has been satisfied, to the satisfaction of Halton Region.</p>
	<p>jj) The Owner shall submit a construction management plan to the satisfaction of Halton Region.</p>
	<p>kk) If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff &amp; departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.</p>
12.	<p><b>Region of Peel</b> - That the Owner receives written approval from the Peel Region. Items to be addressed include, but are not limited to, the following</p>



a)	The Owner shall address all requirements of the Region of Peel's Site Servicing department including submission of a satisfactory Stormwater Management Report, grading drawings, and servicing drawings which address staff comments, and pay all necessary fees
b)	The Owner shall agree that is the Region of Peel's mandate that no connections are made to the Region's stormwater infrastructure, no additional flow added to the Region's storm infrastructure, and no additional overland flow shall be directed to the right of way of Regional Road 19 (Winston Churchill Boulevard). The Grading Plan must demonstrate that high point is being maintained at the property line to ensure that there will be no spills and no sheet flow run-off from the private side to the Regional right of way
c)	The Owner shall address all requirements of the Region of Peel's Traffic Development department, including submission of a satisfactory Traffic Impact Study (TIS), satisfactory access requirements, property dedication requirements, and engineering requirements. All submitted documents must address staff comments, and all necessary fees shall be paid
d)	The Owner shall provide a gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, equivalent to 20.75 metres from the centreline of the road allowance. The Region also requires the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access and a 0.3 metre reserve along the frontage of Winston Churchill Boulevard behind the property line and daylight triangles except at any approved access points. The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. The applicant must provide the Region with the necessary title documents, and draft reference plan(s) for review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.
e)	The Owner shall agree that landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or right of way limits. Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted
f)	The Owner shall submit a detailed traffic engineering submission of road and access works, designed, stamped, and signed by a Licensed Ontario Professional Engineer. The engineering submission must include the removals, new construction and grading, typical sections and pavement markings and signing drawings. A functional design is to be submitted as part of the engineering submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off Winston Churchill Boulevard, including all dimensions. All works within Region of Peel's right of way must be designed in accordance with the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual".
g)	The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way. Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Winston Churchill Boulevard. A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41). All costs associated with the design and construction of road and access works will be 100 percent paid by the Owner
h)	The Owner shall note that prior to commencement of works within the Region's right-of-way, the following is required to be submitted to the Region:

	<ul style="list-style-type: none"> <li>a. Completed <u>Road Occupancy Permit</u> and a permit fee as per the Region's user fees and charges By-law;</li> <li>b. Completed <u>Notice to Commence Work</u> ;</li> <li>c. Provide proof of insurance with the Region of Peel added to the <u>certificate</u> as an additional insured with \$5 million minimum from the Contractor.</li> </ul>
i)	The Owner shall note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process).
j)	The Region of Peel requires confirmation from Halton Region that their requirements/conditions in relation to this application have been addressed and there are no concerns with the approval of the site plan.
13.	<b>Credit Valley Conservation (CVC):</b> That the Owner receives written approval from the CVC. Items to be addressed include, but are not limited to, the following:
a)	<p>Provide final detailed engineering/civil drawings prepared by a professional engineer, to the satisfaction of the Town and CVC, including but not limited to the following information:</p> <ul style="list-style-type: none"> <li>i. The proposed storm outfall and its relationship to the existing erosion hazard of Clearview Creek (i.e. that the proposed storm outfall does not interfere with the existing erosion hazard).</li> <li>ii. Accurate delineation of the floodplain hazard limit on the adjacent southerly property and Winston Churchill Blvd. on the grading plans.</li> <li>iii. Adequate erosion and sediment control measures including incorporating all recommendations from a final Fisheries Impact Assessment memo and isolation of works within the creek corridor.</li> </ul>
b)	<p>Provide final technical memo(s)/report(s) and hydraulic model prepared by a qualified professional, to the satisfaction of the Town and CVC to confirm the following:</p> <ul style="list-style-type: none"> <li>i. The proposed storm outfall and its relationship to the existing erosion hazard of Clearview Creek (i.e. that the proposed storm outfall does not interfere with the existing erosion hazard).</li> <li>ii. Confirmation that the proposed fill within the regulatory floodplain does not impact the existing flood hazard.</li> </ul>
c)	<p>Provide final detailed landscape plans to the satisfaction of the Town and CVC, including but not limited to the following information:</p> <ul style="list-style-type: none"> <li>i. A continuous combination of chain link fence or acoustic wall along the creek corridor noted in the Fisheries Impact Assessment.</li> <li>ii. Details for the storm outfall including satisfactory erosion and sediment controls and restoration plantings</li> <li>iii. All required notes and details related to fish and wildlife capture for the proposed site pond feature removal including timing windows.</li> </ul>
d)	Provide a final Fisheries Impact Assessment to be prepared by a qualified professional to the satisfaction of the Town and CVC, including but not limited to the following:

	<ul style="list-style-type: none"> <li>i. Sufficient surveys to confirm of the absence of fish and wildlife using the on-site pond feature and/or a precautionary approach be taken including any proper mitigations and/or permits from the Ministry of Northern Development, Mines, Natural Resources and Forestry as required.</li> <li>ii. A detailed dewatering plan for the proposed on-site pond removal.</li> </ul>
14.	<b>CN Rail (CNR):</b> That the Owner receives written approval from the CNR. Items to be addressed include, but are not limited to, the following:
a)	<b>Approvals</b> - That the Owner obtains all approvals (including a Utility Crossing Agreement) from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
b)	<b>Site Plan</b> – That the Owner revises the site plan to include a minimum 1.83 m high chain link fence to be installed along the mutual property line.
c)	<b>Functional Servicing/Stormwater Management</b> - That the Owner submit a revised and final Functional Servicing report including Stormwater Management, to ensure that the proposed development does not adversely impact on the function, operation, or maintenance of the corridor.
d)	<b>Grading and Drainage Plans</b> - That the Owner submit a revised and final grading, and drainage plans, to the satisfaction of CNR.
15.	<b>Rogers:</b> That the Owner will, in consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation.
16.	<b>Canada Post:</b> That the Owner satisfies all of Canada Post requirements as outlined in the comments report.
<b>B.</b>	Notes to the Owner:
1.	Site Plan approval does not include approvals of any proposed signage regulated by the Town of Oakville Sign By-law 2018-153, as amended. The Owner has been advised that all proposed signage must comply with the sign by-law or seek a variance to the by-law.
2.	Upon site plan approval, a CVC permit is required prior to the commencement of construction on the subject property and prior to the issuance of municipal building permits. A separate CVC permit fee would apply.
3.	The Owner is to enter into satisfactory arrangements with the Town related to the payment of cash in lieu of parkland in accordance Section 42 of the Planning Act and the Town By-law 2008-105 and contact the Towns Manager of Realty Services no later than 90 days prior to their intended date to draw the first building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.
4.	A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
5.	A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.

6. A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the CN Rail property line abutting the site. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
7. Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
8. While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.

## Schedule "A"

### Site Plan Agreement Clauses

#### General:

1. *"For the purposes of this agreement:*
  - a. *Approved Site Plan – refers to the final versions of the approved or accepted versions of the plans and drawings forming part of the site plan under section 41 of the Planning Act and any additional plans, drawings and reports referred to or required as part of the conditions of such approval.*
  - b. *Required Site Works – refers to all facilities, works, and landscaping identified on the Approved Site Plan located within the limits of the Owner's property.*
  - c. *Off-Site Works – refers to all facilities, works and landscaping identified within the Approved Site Plan, located beyond the limits of the Owner's property.*
2. *"This agreement will be registered against title to the property, and upon registration the municipality is entitled to enforce the provisions of the agreement against the Owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land."*
3. *"The obligations of the Owner, and any future owners of the property are joint and several. The Town reserves the right to enforce the obligations against either the original or any future Owners."*
4. *"Subject to any extensions that may be granted, the site plan approval shall lapse:*
  - a. *if the conditions of approval required for the granting of final approval have not been satisfied within two years of the date of approval of the site plan;*
  - b. *If a building permit has not been issued within 2 years of the date of final site plan approval; or*
  - c. *If a building permit issued for the development is revoked."*
5. *"The Owner agrees to develop the property in accordance with the Approved Site Plan and shall provide all Required Site Works and Off-Site Works identified on the approved site plan drawings or required by the conditions of approval to the satisfaction of the Town at the Owners expense. This includes any and all items secured under Schedule "C" – The Financial Obligations."*
6. *"All works associated with this Site Plan approval shall have been completed prior to the 30th of June in the second year following the issuance of the building permit failing which Town staff may proceed to draw on the securities to complete all outstanding site plan conditions, and if the securities are insufficient, exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
7. *"All internal services to be constructed by the Developer shall be completed under the direction and supervision of a practicing professional engineer retained by the Developer, who will certify construction to the satisfaction of the Town engineer and the inspectors and all other authorities, as applicable."*
8. *"The Owner shall provide the Town with a certification letter signed and sealed by a practicing professional engineer stating that the permanent Stormwater Management measures (proposed underground storage facility, rooftop controls, surface storage and dry pond) are operational and has been built as per approved design. As-built confirmation of the proposed parking lot storage volumes and ponding extent are also required. Should there be discrepancies between the proposed and as-built works; additional engineering and/or on-site works may be required. As-constructed drawings*

are to be submitted upon the construction of the SWM facility. The following criteria must be met in order for the facility to be considered operational:

- i. The SWM facility must be at final grade.
  - ii. Capacity of SWM facility must be confirmed to meet design detention volumes.
  - iii. All SWM facility liners are to be certified by a practicing geotechnical engineer.
  - iv. Outlet structures must be constructed and conform to the approved plans.
  - v. The as-built parking lot storage area is to be included within the confirmation letter.
  - vi. Rooftop quantity controls are constructed in conformance to the approved plans.
9. "All technical documents, such as the transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise report, fisheries impact assessment or arborist's report, must be signed and sealed by a professional engineer or certified arborist, respectively."
10. "The Owner shall prepare and implement an erosion and sediment control monitoring program prior to, during the construction and post construction of the subject development to the satisfaction of CVCA and the Town of Oakville. The erosion and sediment control monitoring program is to be completed in accordance with the approved Stormwater Management Report completed for the subject development."
11. "The Owner agrees to implement the recommendations outlined in all studies forming part of the Approved Site Plan, including the transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise report, fisheries impact assessment or arborist's report. Further the Owner agrees to modify the site plan as required to reflect the final approved studies."
12. "The Owner will maintain a minimum tree canopy cover or potential canopy cover of at least 20% over the site area. Any tree removals authorized by way of Town permits will require the replanting of trees so as to maintain this minimum tree canopy cover target to the satisfaction of the Town."
13. "All owners and tenants / future purchasers are required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development, and as there is insufficient on site snow storage, all snow cleared from the access ramps and driveways, parking and loading areas, and walkways shall be removed from the site. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow removal from the site shall remain the sole responsibility of the owners and tenants / future purchasers."
14. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."
15. "The Owner agrees to provide an easement, registered in the name of "Oakville Hydro Electricity Distribution Inc. for a pad-mounted transformer."
16. "The Owner agrees that any required pole relocations on Winston Churchill Blvd to be completed by Oakville Hydro at the expense of the owner/applicant."
17. "The Owner agrees to grant all necessary easements and maintenance agreement required by CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the "Communications Service Providers") at the owners cost. Immediately following the registration of the Site Plan, the Owner will cause these documents to be registered on title."[Rogers]

18. *"The Owner agrees not to occupy the building on the easterly portion of the property (abutting Winston Churchill Blvd.) until the westerly building is substantially complete and the acoustical wall is constructed."*

Prior to Construction:

19. *Prior to construction or site alteration, the Owner is required to obtain a CVC and pay any necessary fees.*
20. *Prior to construction , the Owner shall contact Development Engineering Section to inquire about and obtain any permits or other approvals that may be required such as the following:*
- a. *Driveway Permit*
  - b. *Excavation Permit*
  - c. *Sidewalk/Street Occupancy Permit*
  - d. *Boulevard (Streetscape) Permit*
  - e. *Construction Staging and Parking Plan*
  - f. *Any Boulevard & Road Restoration Details to be provided on civil drawings.*
  - g. *Any Major road improvements (pavement widening and storm sewers) shall be provided on standard Town drawing sheets and stamped by the Engineer.*
21. *"The Owner shall prepare a construction schedule for all Off-Site Works and submit it to the town in conjunction with the required pre-construction meeting."*
22. *"The Owner and/or their engineering consultant, shall arrange and hold a pre-construction meeting with the appropriate Town staff and the contractor to review construction staging, traffic control, material delivery routing, trades parking management, etc., prior to the commencement of any works, beyond that of the works approved prior to the date of this agreement."*
23. *"The Owner understands and acknowledges the construction challenges associated with developing this site including the construction of servicing and agrees to undertake all reasonable efforts to minimize disruption to the roads in the vicinity, Aspen Forest park uses and abutting residents vicinity of this development."*
24. *"The Owner understands and acknowledges that any use of the public road allowance, or Aspen Forest Park (for access, staging, storage, temporary parking, etc) abutting or near to the development is strictly prohibited without the approval of the Town of Oakville by way of permits."*
25. *"The Owner shall appoint a community liaison officer to this project. Community liaison officers are used to establish and maintain cooperative and communicative relationships with abutting property owners. The officer shall be an identified person whom is responsible for providing advance information to affected parties/persons of work operations that may cause temporary disruption to normal area activities and to ensure proper approvals are sought and secured before such works operations proceed. In the absence of a community liaison officer, the site-supervisor shall perform these tasks."*
26. *"All erosion and siltation control measures must be installed by the Owner and inspected by the Town's Transportation and Engineering Department prior to any site works being undertaken."*
27. *"The Owner agrees that all drawings for Off-Site Works relating to this project shall be approved by the Town prior to construction to the satisfaction of the Town's Director of Parks and Open Space."*

28. *"The Owner agrees that the following Off-Site Works are to be completed and operational prior to on-site operation commencing. These improvements include:*
- *Sanitary Servicing through Aspen Forest Park*
  - *Watermain extension along Winston Churchill Blvd."*

*Following Construction:*

29. *"The Owner agrees to restore Aspen Forest Park to Town standards. All restoration works must be to the satisfaction of the Parks and Open Space Department and completed within a timeframe to the satisfaction of Director of the Parks and Open Space or designate, acting reasonably.*
30. *"The Owner shall not remove or alter or permit the removal or alteration of Required Site Works in a manner that would not comply with the Approved Site Plan without the consent of the Town."*
31. *"The Owner shall maintain all Required Site Works ensuring the Required Site Works function and perform as designed and/or intended. Should any Required Site Works fail to function or perform for any reason, the Owner shall promptly cause them to be repaired and/or replaced."*
32. *"The Town has the right to enter the property to install, inspect and repair at the Owners expense, if necessary, any Required Site Works."*
33. *"The Owner acknowledges and agrees to provide within 30 days of receiving a written request by the Town to do so, confirmation by a Professional Engineer licensed by the Province of Ontario, that the stormwater management components/facilities on and within the property are in-place and functioning as approved for the property."*
34. *"Should the Owner fail to provide the requested performance certification within 30 days due to identified issues with the stormwater management components/facilities, the Owner agrees to cause their repair within a period of time deemed reasonable by the Director of Transportation and Engineering. Follow the completion of repair works, the Owner will have seven (7) days to provide the required Performance Certification."*
35. *"Should the Owner fail to provide the requested performance certification for any other reason than that set out above, the Town may cause the review of the stormwater management components/facilities and all costs for review, remediation, repairs, etc. shall be at the expense of the Owners. If the Owners fail to pay the costs within 30 days of being advised of the amount by the Town, the Town may draw upon the securities and, if the securities are insufficient, may exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
36. *"The Owner shall provide the Town of Oakville with confirmation from the land use compatibility/noise consultant that the recommendations from the final study(ies) have been implemented."*
37. *"The Owner is required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow clearance/removal from the site shall remain the sole responsibility of the Owners and any tenants or future purchasers."*



38. *"The Owner shall provide a 2-year warranty/guarantee period as it relates to on-site and municipal trees to the satisfaction of the Transportation and Engineering department and the Parks and Open Space department."*
39. *"The Owner agrees to submit an inventory of all public trees planted by species, size, x/y coordinates and tree attributes in a digital format acceptable to Transportation and Engineering and Parks and Open Space prior to Site Plan security reduction"*

## Future Site Plan Agreement “Schedule I – Additional Items”

Barristers & Solicitors

**WeirFoulds** LLP

June 9, 2022

*Via Email*

Mr. Gabe Charles  
Director of Planning  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Denise Baker**  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 22378.00001

Dear Gabe:

**RE: ONE Properties and 772 Winston Churchill LP- Site Plan Application for 772 Winston Churchill Blvd., Town File No. 1601.028/01 and 11087258 Canada Inc. – Site Plan Application for 560 Winston Churchill Blvd. Town File No. 1601.028/01**

WeirFoulds LLP are solicitors for ONE Properties and 772 Winston Churchill LP, (collectively “ONE Properties”) regarding the redevelopment of its property located at 772 Winston Churchill Boulevard, in the Town of Oakville.

We are writing together with BLG, the solicitors for 11087258 Canada Inc. with respect to their property at 560 Winston Churchill Blvd., in the Town of Oakville. 11087258 Canada Inc. is represented in this capacity by Mr. Pitman Patterson of BLG, who is cc'd on this correspondence.

772 Winston Churchill Blvd. and 560 Winston Churchill Blvd. (collectively the “Properties”) abut one another, and both have site plan applications (the “Applications”) submitted with the Town. Both ONE Properties and 11087258 Canada Inc. are committed to ensuring that the redevelopment of their Properties is done in accordance with the Town’s zoning by-law, the designation by the Province as a provincially significant employment zone and the conditions imposed by the Town and based upon the servicing of the Properties through an easement in favour of the Region of Halton from Acacia Court, as shown in the site plan drawing packages which form part of the Applications.

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[www.weirfoulds.com](http://www.weirfoulds.com)

In addition, on the basis that the Town approves the Applications on or before June 27, 2022 ONE Properties and 11087258 Canada Inc. jointly commit to the following:

1. A total contribution of \$250,000 payable prior to first building permit issuance for purposes such as of the installation of a trail on the Town owned lands, out to Winston Churchill Blvd, the construction of a splash pad within Aspen Forest Park and tree plantings at various locations in the vicinity of the Properties as required by the Town;
2. Finish any buildings on the Properties in a neutral palette;
3. Include the following provision in each of the site plan agreements pertaining to the Properties which states: "the Owner will undertake to insert a provision in any lease with respect to a reduction in the usage of loading docks after 11:00pm";
4. Include the following provision in each of the site plan agreements pertaining to the Properties which states: the Owner will undertake not to occupy the buildings on the easterly portions of the Properties, which abut Winston Churchill Blvd, in advance of the commencement of the exterior construction of the buildings located on the westerly portion of the Properties closest to the residentially zoned lands".

It is proposed that each of these commitments be secured through relevant clauses within each of the site plan agreements for the Properties, which is required to be executed prior to final site plan approval being granted.

Further comments on the conditions of site plan approval which have been provided by the Town will be forthcoming.

We look forward to hearing from you as soon as possible.

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", written in a cursive style.

Per: Denise Baker  
Partner

DB/mw

Cc: J. Pittman Patterson, Borden Ladner Gervais

**Schedule “B”  
Technical Reports**

<b>Report/Study</b>	<b>Revision/Date*</b>		<b>Consultant</b>
Stormwater Management and Function Servicing Report	2	2021-12-15	AM Candaras Associates Inc.
SWM Operations and Maintenance Manual	1	2021-12-15	AM Candaras Associates Inc.
Transportation Impact Study	5	2021-09-29	IBI Group
Phase 2 Environmental Site Assessment		2021-11-24	EXP Services Inc.
Arborist Report & TPP		2021-12-03	IBI Group
Land Use Compatibility Study		2021-12-21	Ortech
Noise Report and Land Use Compatibility Report		2021-12-15	Jade Acoustics
Fisheries Impact Assessment		Dec 2021	Azimuth Environmental
Stage 1 Archaeological Assessment		2021-10-29	Wood Environment & Infrastructure Solutions

\* Note: The revision/date of the above reports may be updated to reflect future revisions to address staff/peer review comments.

## APPENDIX C: Halton Region comments – May 25, 2022 - SP.1601.028/01



May 25, 2022

Legislative and Planning  
Services  
Planning Services  
1151 Bronte Road  
Oakville ON L6M 3L1

Ms. Leigh Musson, Manager-East  
Current Planning  
Planning Services Department  
Town of Oakville  
1225 Trafalgar Rd  
Oakville, ON L6H 0H3

Dear Ms. Musson:

**RE:           Region of Halton Comments –3<sup>rd</sup> Submission-Updated  
Proposed Site Plan  
File: S.P.1601.028/01  
11087258 Canada Inc.  
560/570/580 Winston Churchill Boulevard**

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Regional staff forwarded comments in response to the circulation of a 3rd submission on December 17, 2021 in a letter dated March 9, 2022. This further letter provides updated comments with regard to land use compatibility and transportation (dedication of lands to Halton, comment on draft r-plan). Changes to these sections/conditions are highlighted in italics and red colour for ease of reference. This replaces our March letter.

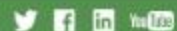
Three warehouse buildings continue to be proposed, however the floor area is revised (slightly increased) to 59,078.87 m<sup>2</sup>.

The Region provided comments on the previous submission in a letter dated July 21, 2021. The comments identified concerns for matters of Regional interest in relation to:

- land use compatibility
- natural heritage system
- archaeology
- water and wastewater servicing
- transportation

Regional Municipality of Halton  
HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1  
905-825-6000 | Toll free: 1-866-442-5866

halton.ca 311



**Provincial Policy:**

The 2020 Provincial Policy Statement (PPS) and 2020 Growth Plan (GP) promote within settlement areas, development that will include commercial, industrial, and manufacturing uses that create employment and serve the operational function and economic viability of the planned uses within employment areas.

Once in receipt of a revised site plan submission that satisfactorily addresses our technical comments/concerns identified in this letter, and the fulfillment of all conditions we would consider the application to be consistent with the PPS and conform to the GP, with regard to matters of Regional interest as it relates to site plan applications.

**Region of Halton Official Plan:**

*Part III: Land Stewardship Policies:*

*Land Use:*

The subject lands are designated 'Urban Area' within the 2009 Regional Official Plan (ROP). The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant the policies of the Regional Plan.

The subject lands also within an "Employment Area" per the ROP. The related policies within the ROP contemplates a balance of employment uses within urban areas that include industrial and commercial uses to meet long-term needs.

*Part III: Land Stewardship Policies:*

*Regional Natural Heritage System:*

As noted in previous comments (dated July 27, 2021), Regional staff are satisfied that the woodlands do not meet the Region's definition of Significant Woodlands in accordance with Section 277 of the ROP.

Additionally, in our previous comments Regional staff requested that 'Figure 2 (Vegetation Communities)' be revised to ensure that ELC polygons were closed polygons instead of open and/or attached polygons and that a cover letter be provided to demonstrate how this comment has been addressed. Additional information has been provided in this regard and Regional staff are satisfied that these comments have been addressed.



#### Credit Valley Conservation

Credit Valley Conservation (CVC) staff provide environmental advisory and technical review services to the Region in relation to the protection of certain natural heritage features and areas and natural hazard management.

We are receipt of comments from CVC dated February 22, 2022. They set out a number of concerns including delineation of floodplain limits and impacts. As condition of approval we will require receipt of comments from the CVC indicating that their concerns have been addressed.

#### *Land Use Compatibility:*

A "Land Use Compatibility, Environmental Air Quality, Noise and Vibration" report for 560 Winston Churchill Boulevard Commercial Development dated July 16, 2019 by Novus Environmental was submitted with the application. A further study entitled, "Addendum to Compatibility & Mitigation Study Air Quality, Dust, Odour", dated November 2021 and prepared by SLR Consulting Limited was included with the third submission. A report entitled "Noise Feasibility Study" dated September 2021 and prepared by HGC Consulting was also provided with this latest submission. The Region has engaged the services of a consultant to undertake a peer review of these studies.

*Peer review comments were provided by Dillon Consulting in a letter dated April 18, 2022. Under the section on Air Quality review comments it makes five points and supports the conclusions of the studies in relation to air quality. Point 3 notes a reference to townhouses and questions whether this was made in error. We request that this be clarified; beyond this, the Region has no further comments on this aspect of land use compatibility.*

*With regard to the Noise Review, six points are provided. We request that the applicant provide an updated report/letter to address these points. We note that with regard to items 4 and 5, from the Region's perspective we are satisfied that our requirements are met, however Town noise by-laws should be addressed to their satisfaction.*

*We also note that noise mitigation in the form of a 4.5-metre tall noise wall is identified for the property on the east side of Winston Churchill Boulevard (645 Winston Churchill). This may not be practical from an implementation standpoint and suggest that other physical mitigation measures be explored.*

*The 2019 SLR report states in the conclusion:*

*"An assessment of potential air quality and noise impacts from surrounding commercial and industrial land uses on the proposed 1856 Notion Road residential development has been conducted.*



*The following conclusions and recommendations have been reached:"*

*We assume this is in error.*

#### *Cumulative Impacts-Air Quality*

*The Peer Review letter provided an opinion in relation to cumulative impacts for air/noise from the subject application and that of the neighbouring proposal (772 Winston Churchill, S.P.1601.029/01). With regard to air quality it notes that given the differing methodologies used between the reports prepared for each file it was too difficult to comment on the cumulative impacts from the two projects. However, it also states: "Dillon recommends that when considering the nature of the proposed facilities and the expected emissions, the potential for cumulative impacts is low." In consideration of this, from the Region's perspective we have no further concerns in this regard.*

#### *Cumulative Impacts-Noise*

*With respect to Noise impacts, the peer review notes that the properties with the greatest potential to experience cumulative noise impacts were identified to be residential houses located at 658 Winston Churchill Boulevard and 645 Winston Churchill Boulevard (east side of Winston Churchill).*

*While the peer review believes that the cumulative noise impact would likely be less than 3dBA and thus typically imperceptible, it goes on to state:*

*"To fully understand the potential quantitative cumulative noise impacts from both industrial uses on the surrounding sensitive receptors, a stationary noise assessment should be completed by a Qualified Acoustic Consultant encompassing the operations of both 560 Winston Churchill Boulevard and 772 Winston Churchill Boulevard proposed facilities."*

*We request that the noise report be updated to assess the cumulative noise impact, in particular as it relates to the above-noted two properties.*

#### *Part IV: Healthy Community Policies*

##### *Cultural Heritage Policies-Archaeological Resources:*

*The ROP also contains policies with respect to archaeological potential, and the preservation and mitigation and documentation of artifacts. Section 167.6 requires the submission of an Archeological Assessment where development is proposed in an area having archaeological potential.*

A Stage 1 & 2 Archeological Assessment (by The Archeologists Inc. - July 2019) was undertaken for the subject lands. The Stage 2 study results advised that no archaeological resources were found on the subject lands and no further investigation is warranted. However, a clearance letter from the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) remains an outstanding requirement by the Region.

Note:

- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture must be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

#### **Other Regional Comments:**

#### **Water and Wastewater Servicing:**

Regional Staff note the proposed use is to connect to the Regional water and wastewater system in accordance with section 89(3) of the ROP. Section 58-1.1 (Part 3: Land Stewardship Policies –Development Criteria) states that uses are permitted as specified for each land use designation provided that an adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region.

#### *Existing Services:*

##### **Watermain:**

There is no watermain located adjacent to the property.

Please note that the applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection.

##### **Sanitary Sewer:**

There is no sanitary sewer located adjacent to the property.

#### *Water and Wastewater Servicing*

Prior to submission of this site plan application the Owner for 772 Winston Churchill Boulevard had their engineering consultant prepare an updated Functional Servicing Report. This FSR was prepared by A. M. Candaras Associates Inc. and dated August 31, 2020. This FSR was a comprehensive study that addressed the servicing at 772, 560/570/580 and 568 Winston Churchill Boulevard.

Regional staff has reviewed this report and have indicated that the preferred servicing option to service this site is to construct a gravity sanitary sewer through the Town of Oakville's open space block to the west of the property and to extend a new watermain on Winston Churchill Boulevard. The Region's servicing conditions reflect this servicing strategy. However, for the sanitary sewer servicing, the conditions are based on the assumption that a Regional easement can be obtained from the Town of Oakville over their open space block, etc. Should the Town not allow a Regional easement over these lands then the proposed servicing of this site will have to be re-evaluated and another servicing alternative selected.

#### Servicing of 568 Winston Churchill:

The Region also has a concern about servicing the property located at 568 Winston Churchill Boulevard. Since the sanitary sewer servicing of the subject lands will be through the Town of Oakville's open space block the property at 568 WCB will not have access to the proposed sewer. The FSR addressed this issue by recommending a private sanitary sewer forcemain be extended from 568 WCB through the property at 560 Winston Churchill Boulevard. This private forcemain would be located in a private easement on the subject lands and the necessary mutual servicing agreement for this would also have to be in place to ensure the forcemain is accessible for maintenance purposes by the owners at 568 Winston Churchill Boulevard. The Region accepts the proposed method to service the property at 568 Winston Churchill Boulevard.

#### Water Pressures:

Please note that the FSR notes that the proposed static water pressures in this area are estimated to be 44 psi. The proposed static pressure for this area is within Regional standards but is on the lower end of the pressure range. This is a concern since the Region will require that backflow prevention devices to be installed in the proposed buildings within this development which can result in a pressure reduction at the building. This along with other friction losses in the water system for this development could result in the water pressure falling below what is allowed by the Building Code in the proposed buildings on this site. Due to this, there may be a need for a private pressure boosting pumps to be installed in the buildings as part of the plumbing system for this development.



Watermain Extension:

The extension of the watermain on Winston Churchill Boulevard will require the crossing of this watermain under the existing Canadian National Railway line located north of the site. The Owner is responsible for the design, construction, coordination, approval from Canadian National Railway and funding of all works required to work in the vicinity of the Canadian National Railway's lands and infrastructure.

**Transportation:**

The following information is a review of the Regional transportation matters as they relate to the proposed development

Winston Churchill Boulevard is a boundary road between Halton and Peel Regions, and is operated and maintained by Peel Region.

**As per the Halton/Peel maintenance agreement, Halton comments are to be provided for the consideration of Peel Region, and are subject to change to align with comments with Peel Region.** Peel Region's review and approval will also be required for any development application (including but not limited to: transportation study, access, right-of-way, etc.,).

Access:

The North site access (mid-block along the development lands) is proposed as a full movement stop controlled entrance, and the South site access as a right-in/right-out. Spacing between the north and south accesses is approximately 185m and sight lines are good at both accesses.

The north access is approximately 500 metres from the rail crossing on Winston Churchill Boulevard to the north. It is not clear from the drawings how the proposed North access will align with what is existing on the east side. **Therefore, the North access location is subject to change, should it not safely align with any existing east side access. All existing east side driveways must be accurately shown on the site plan.**

Additional and more detailed access features will be commented on further through additional site plan submissions.

All design details as outlined by the Region of Peel must also be incorporated into any updated plans.

Transportation Impact Study:

A Transportation Impact Study was completed by Crozier dated March 2021. The March 2021 Study was found to be acceptable. An updated study was completed dated November 11, 2021 based on comments required to be addressed by Peel Region.

- The November 2021 updated Study outlines the following items, based on the development proposal and discussions with Peel Region on design features.
- The Study recommends the proposed north site access be approved as a full movement stop-controlled access and the south site access as a right-in right-out.
- The proposed development is expected to generate approximately 86 and 96 total two-way passenger car trips during the weekday a.m. and p.m. peak hours, respectively, and approximately 22 and 25 total two-way heavy truck trips during the weekday a.m. and p.m. peak hours, respectively. Horizon years 2022, 2027 and 2032 were analyzed for the study.
- The un-signalized intersection of Winston Churchill Boulevard at the North Site Access (full movement) is anticipated to operate with a level of service "B" during the weekday a.m. and weekday p.m. peak period (2022, 2027, 2032). The un-signalized intersection of Winston Churchill Boulevard at the South Site Access (right-in/right-out movements) is anticipated to operate with Level of Service "A" during the weekday a.m. and weekday p.m. peak periods (2022, 2027, 2032).
- The North entrance to Winston Churchill Boulevard, due to the rural area and operating speeds of the roadway, requires a northbound left-turn lane and southbound right-turn taper lane, and a Servicing Agreement through Peel Region. These road improvements are shown on the proposed site plan.

*Right-of-Way:*

Based on the requirements of the Region of Peel for Winston Churchill Boulevard (boundary road, 41.5m right-of-way), the following is required.

Any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Regional Municipality of *Halton* for the purpose of road right-of-way widening and future road improvements.

A 0.3m reserve is required across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19) *except at approved access points* (dedicated to the Region of *Halton*).

*All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or his designate.*

*Both Halton and Peel Region are to review and confirm the above noted right-of-way requirements as part of their review.*

The applicant *provided* a survey sketch confirming the widening requirement and 0.3 metre reserve. These are to be reflected on the site plan.

*We are satisfied with the widening as shown, however do not require the daylight triangle area. Given the north access may change if it is not appropriately aligned with access on the east side per our comments above, we request confirmation from Peel that they are satisfied with its location. We also note that the 0.3 metre reserve should not be provided in the location of the southerly access point.*

Any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property) to *Halton* Region's satisfaction.

*Conditions in relation to the above are included in Schedule 'A'.*

*Servicing Agreement:*

The owner must enter into a Servicing Agreement (through Peel Region) for the completion of required Works for all development associated road improvements (including but not limited to, North Access - northbound left-turn lane, southbound right-turn taper lane, accesses construction, ditch/boulevard works & restoration, utility pole relocations, etc., South Access – right-in/right-out construction), through the submission of detail design drawings. The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

*Set-Backs & Zero Lot Lines:*

With respect to the development frontages, Halton Region requests that a setback be implemented/maintained from roadway right-of-way limits (i.e.: Winston Churchill Boulevard) as per the Town of Oakville Zoning By-law requirements.

*Additionally, the applicant will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc..) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).*



*The location of development infrastructure (including but not limited to - underground/above ground parking structure, building, SWM storage tank, etc..) 0.0 m from the property line would limit or potentially preclude the Region's ability to locate infrastructure, such as utilities, AND will limit any future Regional Capital Project's grading flexibility, within the Regional right of way in close proximity to the right of way limit, i.e. within the zone of influence. Transportation Planning does not support set-backs of 0m from property line.*

*A condition is included in this regard.*

**Construction Activities:**

*The following matters are to be addressed to our satisfaction. Conditions of approval have been included in this regard.*

**Construction Methods - Shoring/Tiebacks, Open Excavation, etc.:**

*A detailed submission of construction methods is required for internal review by various Regional groups prior to proceeding with plans for construction through the Servicing Agreement/detailed design drawings.*

**Construction – Crane Swing:**

*If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.*

**Construction – Access:**

Construction access, traffic management plan and any proposed use of the Regional right-of-way, is subject to review and approval by *Halton* Region.

**Waste Management:**

Based on the Region's Development Design Guidelines for Source Separation of Solid Waste, the Region will not provide the site waste collection services. The Owner must be on private waste collection.

**Finance:**

1. The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charge By-law(s), as amended.
2. To obtain the most current information which is subject to change, please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment>

**Conclusion:**

The Region has no objections to this application subject to the conditions attached as Schedule A. *We request that the peer review comments be addressed as outlined in this letter.*

**The applicant is encouraged to address the conditions in an expeditious manner to avoid delays in the Town's ability to issue final site plan approval. Further, it is recommended that the requirements for clearance of the conditions be provided as a complete package and not in a piecemeal manner. Submission for permits and agreements are done separately and not through the Region Planner but should be underway when the materials to clear the balance of the conditions are provided to the Region Planner.**

Note: The applicant is advised that some of the comments/conditions and provided in this letter may impact the layout and other design elements of the plan.

Should you require any additional information or have any questions in this regard, please do not hesitate to contact me at (905) 825-6057, Ext. 7060.

Sincerely,

**Bernie  
Steiger**

Digitally signed by  
Bernie Steiger  
Date: 2022.05.25  
14:08:34 -04'00'

Bernie Steiger, MCIP RPP  
Acting Manager-South

- c: Ron MacKenzie, Halton Region (via email)  
Matt Krusto, Halton Region (via email)  
Annie Li, Credit Valley Conservation (via email)  
Diana Guida, Region of Peel (via email)



SCHEDULE "A"  
CONDITIONS – S.P.1601.028/01

The following Regional Conditions must be satisfied and/or included in any site plan/servicing agreement.

Owner: 11087258 Canada Inc.  
S.P.1601.028/01

The Region has no objection to the approval of the above noted application, subject to the following conditions:

1. That confirmation be received from Credit Valley Conservation that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.
2. That correspondence from the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTC) be provided indicating that they have reviewed the Stage 1 and 2 Archaeological Assessments, are satisfied that the reports were prepared in accordance with Provincial requirements and that they have been entered into the Provincial Registry.
3. That a Land Use Compatibility Study/Studies be submitted to the satisfaction of Halton Region and the applicant confirm/demonstrate that all recommendations have/will be implemented.
4. The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
5. As part of the Services Permit Review, the Owner will be required to comply with Halton Region's multi unit servicing policy as set out in report PPW01-96, specifically Section 3.3.
6. That the Owner acknowledges and agrees that of all or part of this development may not take place before all external water and wastewater infrastructure necessary to service the development are secured and/or are in place to the satisfaction of Halton's Development Project Manager.
7. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter watermain as per the design standards of the Region of Halton along Winston Churchill Boulevard from approximately 650m north of Lakeshore Road (Deer Run Avenue) northerly to Beryl Road.
8. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter sanitary sewer as per the design standards of Region of Halton within the Town of Oakville's open space block located west of the

subject property and walkway block (Block 124A) extending southward to Acacia Court.

9. That the Owner is required to design and construct a proposed 300mm diameter replacement sanitary sewer on Acacia Court at their sole expense as per the design standards of the Region of Halton.
10. That a minimum 8.0m wide Regional easement be provided on the Town of Oakville open space block and walkway block (Block 124A) and to be located along the horizontal alignment of the proposed sanitary sewer in favour of the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.
11. That the Owner is required to provide a comprehensive written work plan for the construction of the proposed sanitary sewer to be located in the Town of Oakville's open space block, walkway block (Block 124A) and on Acacia Court and submit it to the Town of Oakville and the Region of Halton for review and approval prior to the start of construction. This work plan is to address timing of the construction operations for this sewer shall include details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer. The proposed construction methods should also take into account sub surface soil conditions in the area to ensure that the proposed methods are feasible.
12. That the Owner is to undertake a pre-condition survey of any existing buildings, houses, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could possibly be affected by its construction. This survey is to be completed prior to the construction of the proposed sanitary sewer.
13. The Owner shall prepare a Vibration Impact Report to the satisfaction of the Town of Oakville and the Region of Halton, to address potential vibration impact and/or vibration emissions adjacent to the portion of the sanitary sewer alignment that is located within the Town's walkway block (Block 124A) that may be the result of sub surface tunnel construction, heavy equipment and/or other construction operations in this area. The report shall address any impacts and the means of reducing the impact, and to implement, at the owner's expense, any controls and/or measures recommended in the approved report.
14. That the Owner prepare and implement at their sole cost a landscape plan that address the restoration of areas disturbed and/or removed as a result of construction activities relating to the proposed sanitary sewer through the Town

of Oakville's open space block, walkway block (Block 124A) and Acacia Court to the satisfaction of the Town of Oakville and the Region of Halton.

15. That the Owner is responsible at their sole cost the restoration of Acacia Court that will be required as a result of construction activities for the proposed sanitary sewer replacement and will include the placement of full top course of asphalt pavement over the full width of the roadway, curb repairs, driveway repairs and landscaping of boulevards to the satisfaction of the Town of Oakville and the Region of Halton.
16. That the Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard prior to the preparation of the Regional servicing agreement.
17. That the Owner is required to enter into a Servicing Agreement with the Region of Halton for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard.
18. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of Halton Region.
19. That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan prior to the commencement of any development of the site. The owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project manager.
20. That the Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The owner further agrees to decommission any existing wells in accordance with MOE guidelines and Region of Halton standards prior to commencing the development of these lands to the satisfaction of Halton's Development Project Manager.
21. The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Winston Churchill Boulevard (Regional Road 19) are maintained both during and after construction, such that there are no adverse impacts to the existing drainage system on Winston Churchill Boulevard (Regional Road 19), to the satisfaction of Halton Region's Development Project Manager.



22. That the Owner is responsible for all costs involved in transferring any proposed Regional easements required for sanitary sewer protection and that these costs are to include any compensation required by the Town of Oakville for and easements located on Town lands.
23. That the Owner is required to design and construct a maintenance roadway/pathway as required within the Town's open space block, park land and walkway block (Block 124A) that will provide maintenance vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
24. That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the Town of Oakville for the Region of Halton to obtain access within the Town's open space block, park land and walkway block (Block 124A) that will provide vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
25. That the Owner obtains all approvals from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
26. That the Owner is responsible for implementing all the design and construction requirements of the Canadian National Railway for the proposed watermain crossing of the Canadian National Railway lands in relation to supporting, monitoring, surveying and coordinating all works and their impact on the existing railway line.
27. That a private easement be provided on the subject lands of 560 Winston Churchill Boulevard for the purpose of servicing the property known as 568 Winston Churchill Boulevard for a proposed private sanitary sewer forcemain to be located in the private easement.
28. That the Owner is required to design and construct at their sole expense a private sanitary sewer forcemain on the subject property in order to service the property at 568 Winston Churchill Boulevard.
29. The Owner must demonstrate, to the satisfaction of the Region's Development Project Manager that a permanent mutual private domestic sewer easement is to be provided that will ensure that access rights to and the maintenance of the private sanitary sewer forcemain on the subject property are addressed between the properties at 560 and 568 Winston Churchill Boulevard. The easement will be required to be described as parts on a reference plan. The transfer

documents and/or mutual service agreement for the private sanitary sewer forcemain will be required to stand solely on their own, and not part of any other easement or agreement.

30. *That any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.*
31. *A 0.3m reserve shall be dedicated to the Regional Municipality of Halton across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19) except at approved access points.*
32. *All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or designate.*
33. That the site plan be revised to depict all access locations on the east side of Winston Churchill and further shall demonstrate that the north access is aligned with the access locations on the east side, to the satisfaction of the Region of Halton.
34. That a survey sketch confirming the widening requirement and 0.3metre reserve shall be submitted to the satisfaction of the Region. Any required road widening and the 0.3 metre reserve shall be depicted on the site plan to the satisfaction of the Region.
35. That the Owner enter into a Servicing Agreement (through Peel Region) for the completion of required works for all development associated road improvements (including but not limited to, North Access - northbound left-turn lane, southbound right-turn taper lane, accesses construction, ditch/boulevard works & restoration, utility pole relocations, etc., South Access – right-in/right-out construction), through the submission of detail design drawings. The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

In this regard, Halton Region requests confirmation that any Region of Peel requirements related to access locations and development-related road improvements have been addressed and that they have no concerns with the approval of the site plan.

36. That confirmation be received from Peel Region that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.

37. The owner shall demonstrate:
- a) that landscaping, stairs, grading/grades, etc., from the proposed development is not located within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.) are contained within the development lands
  - b) that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).

*In this regard, submission of a satisfactory landscape plan and grading plan with supporting letter is required confirming that this has been addressed is required.*

38. The owner shall submit plans of proposed construction methods, for review and approval by Halton Region and prior to proceeding with construction. These plans shall be provided through the Servicing Agreement/detailed design drawing submission.

39. The owner will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).

*In this regard, the owner shall submit shoring and other plans demonstrating that the above-noted requirement has been satisfied, to the satisfaction of Halton Region.*

40. The Owner shall submit a construction management plan to the satisfaction of Halton Region.

41. If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.



## APPENDIX D: Halton Region comments – May 25, 2022 - SP.1601.029/01



May 25, 2022

Legislative and Planning  
Services  
Planning Services  
1151 Bronte Road  
Oakville ON L6M 3L1

Ms. Leigh Musson, Manager-East  
Current Planning  
Planning Services Department  
Town of Oakville  
1225 Trafalgar Rd  
Oakville, ON L6H 0H3

Dear Ms. Musson:

**RE:           Region of Halton Comments –2<sup>nd</sup> Submission-Updated  
Proposed Site Plan  
File: S.P.1601.029/01  
772 Winston Churchill Limited Partnerships  
772 Winston Churchill Boulevard**

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Regional staff forwarded comments dated March 9, 2022 in response to the circulation of a 2nd submission on January 7, 2022 in relation to the above-noted application. This further letter provides updated comments with regard to land use compatibility and transportation (dedication of lands to Halton). Changes to these sections/conditions are highlighted in italics and red colour for ease of reference. This replaces our March letter.

Two warehouse buildings continue to be proposed, however the floor area is revised (now 30,906 m<sup>2</sup> and 29,203 m<sup>2</sup>).

The Region provided comments on the previous submission in a letter dated August 19, 2021. The comments identified concerns for matters of Regional interest in relation to:

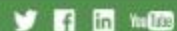
- land use compatibility
- natural heritage system
- archaeology
- environmental site contamination
- water and wastewater servicing
- transportation

### **Provincial Policy:**

The 2020 Provincial Policy Statement (PPS) and 2020 Growth Plan (GP) promote within settlement areas, development that will include commercial, industrial, and

Regional Municipality of Halton  
HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1  
905-825-6000 | Toll free: 1-866-442-5866

halton.ca 311



manufacturing uses that create employment and serve the operational function and economic viability of the planned uses within employment areas.

Once in receipt of revised site plan submission that satisfactorily addresses our technical comments/concerns identified in this letter, and the fulfillment of all conditions, we would consider the application to be consistent with the PPS and conform to the GP, with regard to matters of Regional interest as it relates to site plan applications.

**Region of Halton Official Plan:**

*Part III: Land Stewardship Policies:  
Land Use:*

The subject lands are designated 'Urban Area' within the 2009 Regional Official Plan (ROP). The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant the policies of the Regional Plan.

The subject lands also within an "Employment Area" per the ROP. The related policies within the ROP contemplates a balance of employment uses within urban areas that include industrial and commercial uses to meet long-term needs.

*Part III: Land Stewardship Policies:  
Regional Natural Heritage System:*

A watercourse (Clearview Creek) that is within the Credit Valley Conservation (CVC) Authority's regulatory area traverses the subject lands.

Credit Valley Conservation (CVC) staff provide environmental advisory and technical review services to the Region in relation to the protection of certain natural heritage features and areas and natural hazard management.

As condition of approval we will require receipt of comments from the CVC indicating that their concerns in relation to this application have been addressed.

*Land Use Compatibility*

A "Land Use Compatibility Assessment (Air), dated December 2021 and prepared by Ortech, was submitted with this revised submission. A "Preliminary Environmental Noise Report and Land Use Compatibility Report", dated December 2021 and prepared by Jade Acoustics was also submitted. The Region has engaged the services of a



consultant to undertake a peer review of these studies. Further comments in relation to land use compatibility will be forwarded once received. The applicant will be required to cover the cost of the peer review.

*Peer review comments were provided by Dillon Consulting in a letter dated April 18, 2022. Under the section on Air Quality review comments it makes four points and supports the conclusions of the study, however recommends the report be updated to appropriately reflect the potential impact from idling vehicles. We request an update be provided in this regard.*

*With regard to Noise Impacts, three points are provided. We request that the applicant provide an updated report/letter to address these points. We note that with regard to item 3, from the Region's perspective we are satisfied that our requirements are met, however Town noise by-laws should be addressed to their satisfaction.*

#### Cumulative Impacts-Air Quality

*The Peer Review letter provided an opinion in relation to cumulative impacts for air/noise from the subject application and that of the neighbouring proposal (560 Winston Churchill, S.P.1601.028/01). With regard to air quality it notes that given the differing methodologies used between the reports prepared for each file it was difficult to comment on the cumulative impacts from the two projects. However, it also states: "Dillon recommends that when considering the nature of the proposed facilities and the expected emissions, the potential for cumulative impacts is low." In consideration of this, from the Region's perspective we have no further concerns in this regard.*

#### Cumulative Impacts-Noise

*With respect to Noise impacts, the peer review notes that the properties with the greatest potential to experience cumulative noise impacts were identified to be residential houses located at 658 Winston Churchill Boulevard and 645 Winston Churchill Boulevard (east side of Winston Churchill).*

*While the peer review believes that the cumulative noise impact would likely be less than 3dBA and thus typically imperceptible, it goes on to state:*

*"To fully understand the potential quantitative cumulative noise impacts from both industrial uses on the surrounding sensitive receptors, a stationary noise assessment should be completed by a Qualified Acoustic Consultant encompassing the operations of both 560 Winston Churchill Boulevard and 772 Winston Churchill Boulevard proposed facilities."*

We request that the noise report be updated to assess the cumulative noise impact, in particular as it relates to the above-noted two properties.

*Part IV: Healthy Community Policies  
Environmental Quality-Land:*

Section 147(17) of the Regional Official Plan requires the proponent of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The Region further expects that the proponent will follow the processes outlined in O. Reg. 153/04 in the preparation of supporting documentation.

A Phase II Environmental Site Assessment (ESA) prepared by EXP (April 22, 2020) was submitted with the initial application.

In our August 19, 2021 comments we requested that a Phase II ESA report to O.Reg 153/04 standards be submitted. Included in the 2<sup>nd</sup> submission was a Phase II ESA report, prepared by EXP and dated December 2021. This report was prepared in accordance with O.Reg 153/04. The report indicates that no unacceptable risks are anticipated to human and ecological receptors that be present on the site. As such, the Region has no further concerns in this regard.

*Part IV: Healthy Community Policies  
Cultural Heritage Policies-Archaeological Resources:*

The ROP also contains policies with respect to archaeological potential, and the preservation and mitigation and documentation of artifacts. Section 167.6 requires the submission of an Archeological Assessment where development is proposed in an area having archaeological potential.

A Stage 1 Archaeological Assessment dated October 2021 prepared by Wood, was provided with the revised submission. This report notes that a Stage 2 Archaeological Assessment is not warranted. We require that a clearance letter from the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) be provided as a condition of site plan approval.

**Note:**

- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture must be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are

encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

**Other Regional Comments:**

**Water and Wastewater Servicing:**

Regional Staff note the proposed use is to connect to the Regional water and wastewater system in accordance with section 89(3) of the ROP. Section 58-1.1 (Part 3: Land Stewardship Policies –Development Criteria) states that uses are permitted as specified for each land use designation provided that an adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region.

*Existing Services:*

**Watermain:**

There is no watermain located adjacent to the property.

Please note that the applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection.

**Sanitary Sewer:**

There is no sanitary sewer located adjacent to the property.

*Water and Wastewater Servicing:*

Prior to submission of this site plan application the Owner for 772 Winston Churchill Boulevard had their engineering consultant prepare an updated Functional Servicing Report. This FSR was prepared by A. M. Candaras Associates Inc. and dated August 31, 2020. This FSR was a comprehensive study that addressed the servicing at 772, 560/570/580 and 568 Winston Churchill Boulevard.

Regional staff has reviewed this report and have indicated that the preferred servicing option to service this site is to construct a gravity sanitary sewer through the Town of Oakville's open space block to the west of the property and to extend a new watermain on Winston Churchill Boulevard. The Region's servicing conditions reflect this servicing strategy. However, for the sanitary sewer servicing, the conditions are based on the assumption that a Regional easement can be obtained from the Town of Oakville over



their open space block, etc. Should the Town not allow a Regional easement over these lands then the proposed servicing of this site will have to be re-evaluated and another servicing alternative selected.

Servicing of 568 Winston Churchill:

The Region also has a concern about servicing the property located at 568 Winston Churchill Boulevard. Since the sanitary sewer servicing of the subject lands will be through the Town of Oakville's open space block the property at 568 WCB will not have access to the proposed sewer. The FSR addressed this issue by recommending a private sanitary sewer forcemain be extended from 568 WCB through the property at 560 Winston Churchill Boulevard. This private forcemain would be located in a private easement on the subject lands and the necessary mutual servicing agreement for this would also have to be in place to ensure the forcemain is accessible for maintenance purposes by the owners at 568 Winston Churchill Boulevard. The Region is acceptable with the proposed method to service the property at 568 Winston Churchill Boulevard.

Water Pressures:

Please note that the FSR notes that the proposed static water pressures in this area are estimated to be 44 psi. The proposed static pressure for this area is within Regional standards but is on the lower end of the pressure range. This is a concern since the Region will require that backflow prevention devices to be installed in the proposed buildings within this development which can result in a pressure reduction at the building. This along with other friction losses in the water system for this development could result in the water pressure falling below what is allowed by the Building Code in the proposed buildings on this site. Due to this, there may be a need for a private pressure boosting pumps to be installed in the buildings as part of the plumbing system for this development.

Watermain Extension:

The extension of the watermain on Winston Churchill Boulevard will require the crossing of this watermain under the existing Canadian National Railway line located north of the site. The Owner is responsible for the design, construction, coordination, approval from Canadian National Railway and funding of all works required to work in the vicinity of the Canadian National Railway's lands and infrastructure.

**Transportation:**

The following information is a review of the Regional transportation matters as they relate to the proposed development

Winston Churchill Boulevard is a boundary road between Halton and Peel Regions, and is operated and maintained by Peel Region.

**As per the Halton/Peel maintenance agreement, Halton comments are to be provided for the consideration of Peel Region, and are subject to change to align with comments with Peel Region.** Peel Region's review and approval will also be required for any development application (including but not limited to: transportation study, access, right-of-way, etc.,).

*Transportation Study:*

A transportation study was completed by IBI Group dated April 2021 and required resubmission. The updated Study is dated September 2021 and is part of the January 2022 circulation package.

A function design plan with preliminary road improvements and design features, has been provided to show the proposed road improvements are feasible. This includes the traffic signal design, recommended northbound left-turn and southbound right-turn lane (storage plus tapers) at the South Access, as well as the North access design (restricted to right-in/right-out movements by the proposed centre median). The functional design plan is acceptable. The functional design plan must also be reviewed and approved by Peel Region.

The updated transportation study also reviewed the following additional items, as requested by Halton Region and Peel Region:

- North and South Access analysis, including stopping sight distance review
- Review of at-grade railway crossing standards
- Safety factors review
- Corridor review, including stopping & departure sight line analysis for driveways 759-805 (proposed), 663, 655, 645, 595, 568, 560, 555, 535 Winston Churchill Blvd, at Future Orr Road and at existing Deer Run.
- Vehicle sweep path analysis

The overall Study and corridor review findings included:

- Based on the larger previous development concept, a total of 113 and 116 two-way trips are anticipated to be produced during the Weekday AM and PM peak hours, respectively. This takes into account no trip reduction due to non-auto trips such as transit and carpooling.
- The study area intersections are anticipated to operate with sufficient reserve capacity under the 2026 Future Background and 2026 Future Total Conditions during the Weekday AM and PM Peak Hours, with the exception of the shared eastbound through / right-turn movement at the Winston Churchill Boulevard and Royal Windsor Drive intersection during the Weekday AM Peak Hour, as

identified under 2020 Existing Conditions. The identified capacity constraint may be mitigated through signal timing adjustments. Overall, the traffic generated by the proposed development is anticipated to not have a significant impact on traffic operations within the study area. No new capacity or queuing concerns are anticipated as a result of the addition of site traffic, and increases to delays are minimal.

- All known existing and proposed access and intersections along Winston Churchill Boulevard were observed to have sufficient sight line distances to accommodate vehicles movements, including heavy vehicles which require larger departure gaps.
- No major weaving, merging, pedestrian conflicts, cyclist conflicts, and heavy-vehicle conflicts are anticipated under present traffic volumes.
- Access consolidation may be considered if low-volume residential properties redevelop into uses which generate higher volumes of traffic.
- Replacement cycling facilities may be considered if Winston Churchill Boulevard is rebuilt to an urban cross-section.

The Study has been updated to address the previous comments by Halton Region and Peel Region. The Study is acceptable.

**Access:**

The North access, with spacing of approximately 185m north of the South access, can be supported as a right-in/right-out access. A centre median is proposed along Winston Churchill in order to restrict turns (final design approval by Peel Region) and turn restriction signage for entering & exiting vehicles. Peel Region must also support the North access as a restricted right-in/right-out access.

The South access will be a full movement signalized intersection with left and right-turn lanes. Due to the existing features existing on Winston Churchill Boulevard, such as the hydro poles/lines along both sides and the guardrail in the area of the south access (full movement, signalized), the developer will be required to design the accesses to the site based on acceptable infrastructure relocations.

Final access/intersection approvals are subject to the review and approval of the transportation impact study. Access to a Regional road must comply with the Region's By-law No. 32-17, a By-law to prohibit, restrict and regulate access to the Regional road system and the Region's Access Management Guideline (2015). Peel Region must also support and approve the accesses to the site, specifically the north access.



*Right-of-Way:*

Any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) starting at the daylight triangle (at Future Orr Road) and tapering to **18m** for a distance of 245m northerly (measured from the centreline) that are part of the subject property shall be dedicated to the Region of *Halton* for the purpose of road right-of-way widening and future road improvements.

For the remaining frontage, any lands within 18m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Region of *Halton* for the purpose of road right-of-way widening and future road improvements.

A daylight triangle measuring 15m along Winston Churchill Boulevard (Regional Road 19) and 15m along the development South access (northwest and southwest corners) shall be dedicated to the Region of *Halton* for the purpose of road right-of-way widening and future road improvements.

A 0.3m reserve is required across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19), including the daylight triangle but excluding the approved entrance location, to the Region of *Halton* (dedicated to the Region of Peel).

*All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or his designate.*

*Both Halton and Peel Regions are* to review and confirm the above noted right-of-way requirements as part of their review.

The applicant is to provide a survey sketch confirming the widening and daylight triangle requirement and 0.3metre reserve. These are to be reflected on the site plan.

Any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property) to *Halton* Region's satisfaction.

*Conditions in relation to the above are included in Schedule 'A'.*

*Servicing Agreement:*

The owner must enter into a Servicing Agreement (through Peel Region) for the completion of required Works for all development associated road improvements (including but not limited to, North Access - northbound left-turn lane, southbound right-turn taper lane, accesses construction, ditch/boulevard works & restoration, utility pole

relocations, etc., South Access – right-in/right-out construction), through the submission of detail design drawings. The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

*Set-Backs & Zero Lot Lines:*

With respect to the development frontages, Halton Region requests that a setback be implemented/maintained from roadway right-of-way limits (i.e.: Winston Churchill Boulevard) as per the Town of Oakville Zoning By-law requirements.

*Additionally, the applicant will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.,) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).*

*The location of development infrastructure (including but not limited to - underground/above ground parking structure, building, SWM storage tank, etc.,) 0.0 m from the property line would limit or potentially preclude the Region's ability to locate infrastructure, such as utilities, AND will limit any future Regional Capital Project's grading flexibility, within the Regional right of way in close proximity to the right of way limit, i.e. within the zone of influence. Transportation Planning does not support set-backs of 0m from property line.*

*A condition is included in this regard.*

*Construction Activities:*

*The following matters are to be addressed to our satisfaction. Conditions of approval have been included in this regard.*

Construction Methods - Shoring/Tiebacks, Open Excavation, etc.:

*A detailed submission of construction methods is required for internal review by various Regional groups prior to proceeding with plans for construction through the Servicing Agreement/detailed design drawings.*



#### Construction – Crane Swing:

*If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.*

#### Construction – Access:

Construction access, traffic management plan and any proposed use of the Regional right-of-way, is subject to review and approval by *Halton* Region.

#### **Waste Management:**

Based on the Region's Development Design Guidelines for Source Separation of Solid Waste, the Region will not provide the site waste collection services. The Owner must be on private waste collection.

#### **Finance:**

1. The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charge By-law(s), as amended.
2. To obtain the most current information which is subject to change, please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment>

#### **Conclusion:**

The Region has no objections to this application subject to the conditions attached as Schedule A. *We request that the peer review comments be addressed as outlined in this letter.*

**The applicant is encouraged to address the conditions in an expeditious manner to avoid delays in the Town's ability to issue final site plan approval. Further, it is recommended that the requirements for clearance of the conditions be provided**

**as a complete package and not in a piecemeal manner. Submission for permits and agreements are done separately and not through the Region Planner but should be underway when the materials to clear the balance of the conditions are provided to the Region Planner.**

Note: The applicant is advised that some of the comments/conditions and provided in this letter may impact the layout and other design elements of the plan.

Should you require any additional information or have any questions in this regard, please do not hesitate to contact me at (905) 825-6057, Ext. 7060.

Sincerely,

**Bernie  
Steiger**

 Digitally signed by Bernie  
Steiger  
Date: 2022.05.25 14:53:33  
-04'00'

Bernie Steiger, MCIP RPP  
Acting Manager-South

c: Ron MacKenzie, Halton Region (via email)  
Matt Krusto, Halton Region (via email)  
Annie Li, Credit Valley Conservation (via email)  
Diana Guida, Region of Peel (via email)

SCHEDULE "A"  
CONDITIONS – S.P.1601.029/01

The following Regional Conditions must be satisfied and/or included in any site plan/servicing agreement.

Owner: 772 Winston Churchill LLP.  
S.P.1601.029/01

The Region has no objection to the approval of the above noted application, subject to the following conditions:

1. That confirmation be received from Credit Valley Conservation that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.
2. That a Land Use Compatibility Study/Studies be submitted to the satisfaction of Halton Region and the applicant confirm/demonstrate that all recommendations have/will be implemented.
3. The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
4. As part of the Services Permit Review, the Owner will be required to comply with Halton Region's multi unit servicing policy as set out in report PPW01-96, specifically Section 3.3.
5. That the Owner acknowledges and agrees that of all or part of this development may not take place before all external water and wastewater infrastructure necessary to service the development are secured and/or are in place to the satisfaction of Halton's Development Project Manager.
6. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter watermain as per the design standards of the Region of Halton along Winston Churchill Boulevard from approximately 650m north of Lakeshore Road (Deer Run Avenue) northerly to Beryl Road.
7. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter sanitary sewer as per the design standards of Region of Halton within the Town of Oakville's open space block located west of the subject property and walkway block (Block 124A) extending southward to Acacia Court.
8. That the Owner is required to design and construct a proposed 300mm diameter replacement sanitary sewer on Acacia Court at their sole expense as per the design standards of the Region of Halton.

9. That a minimum 8.0m wide Regional easement be provided on the Town of Oakville open space block and walkway block (Block 124A) and to be located along the horizontal alignment of the proposed sanitary sewer in favour of the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.
10. That the Owner is required to provide a comprehensive written work plan for the construction of the proposed sanitary sewer to be located in the Town of Oakville's open space block, walkway block (Block 124A) and on Acacia Court and submit it to the Town of Oakville and the Region of Halton for review and approval prior to the start of construction. This work plan is to address timing of the construction operations for this sewer and it shall include details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer. The proposed construction methods should also take into account sub surface soil conditions in the area to ensure that the proposed methods are feasible.
11. That the Owner is to undertake a pre-condition survey of any existing buildings, houses, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could possibly be affected by its construction. This survey is to be completed prior to the construction of the proposed sanitary sewer.
12. The Owner shall prepare a Vibration Impact Report to the satisfaction of the Town of Oakville and the Region of Halton, to address potential vibration impact and/or vibration emissions adjacent to the portion of the sanitary sewer alignment that is located within the Town's walkway block (Block 124A) that may be the result of sub surface tunnel construction, heavy equipment and/or other construction operations in this area. The report shall address any impacts and the means of reducing the impact, and to implement, at the owner's expense, any controls and/or measures recommended in the approved report.
13. That the Owner prepare and implement at their sole cost a landscape plan that address the restoration of areas disturbed and/or removed as a result of construction activities relating to the proposed sanitary sewer through the Town of Oakville's open space block, walkway block (Block 124A) and Acacia Court to the satisfaction of the Town of Oakville and the Region of Halton.
14. That the Owner is responsible at their sole cost the restoration of Acacia Court that will be required as a result of construction activities for the proposed sanitary sewer replacement and will include the placement of full top course of asphalt pavement over the full width of the roadway, curb repairs, driveway repairs and



landscaping of boulevards to the satisfaction of the Town of Oakville and the Region of Halton.

15. That the Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard prior to the preparation of the Regional servicing agreement.
16. That the Owner is required to enter into a Servicing Agreement with the Region of Halton for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard.
17. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of Halton Region.
18. That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan prior to the commencement of any development of the site. The owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project manager.
19. That the Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The owner further agrees to decommission any existing wells in accordance with MOE guidelines and Region of Halton standards prior to commencing the development of these lands to the satisfaction of Halton's Development Project Manager.
20. The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Winston Churchill Boulevard (Regional Road 19) are maintained both during and after construction, such that there are no adverse impacts to the existing drainage system on Winston Churchill Boulevard (Regional Road 19), to the satisfaction of Halton Region's Development Project Manager.
21. That the Owner is responsible for all costs involved in transferring any proposed Regional easements required for sanitary sewer protection and that these costs are to include any compensation required by the Town of Oakville for and easements located on Town lands.
22. That the Owner is required to design and construct a maintenance roadway/pathway as required within the Town's open space block, park land and walkway block (Block 124A) that will provide maintenance vehicle access to the

proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.

23. That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the Town of Oakville for the Region of Halton to obtain access within the Town's open space block, park land and walkway block (Block 124A) that will provide vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
24. That the Owner obtains all approvals from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
25. That the Owner is responsible for implementing all the design and construction requirements of the Canadian National Railway for the proposed watermain crossing of the Canadian National Railway lands in relation to supporting, monitoring, surveying and coordinating all works and their impact on the existing railway line.
26.
  - a) *Any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) starting at the daylight triangle (at Future Orr Road) and tapering to 18m for a distance of 245m northerly (measured from the centreline) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.*
  - b) *For the remaining frontage, any lands within 18m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.*
27. *A daylight triangle measuring 15m along Winston Churchill Boulevard (Regional Road 19) and 15m along the development South access (northwest and southwest corners) shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.*
28. *A 0.3m reserve shall be dedicated to the Region of Halton across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19), including the daylight triangle but excluding the approved entrance location, to the Region of Halton.*

29. *All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or designate.*

30. That a survey sketch confirming the widening requirement, daylight triangle and 0.3metre reserve shall be submitted to the satisfaction of the Region. Any required road widening daylight triangle and the 0.3 metre reserve shall be depicted on the site plan to the satisfaction of the Region.

31. That the Owner enter into a Servicing Agreement (with Peel Region) for the completion of required Works (road improvements) and all associated development construction processes and impacts. Road improvements will be determined after the review and approval of the final transportation impact study. The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates. Detailed design drawings are required for review and approval, by Halton Region and Peel Region, for all proposed/approved intersection/access road improvements, based on the approved Transportation Impact Study.

In this regard, Halton Region requests confirmation that any Region of Peel requirements related to access locations and development-related road improvements have been addressed and that they have no concerns with the approval of the site plan.

32. That confirmation be received from Peel Region that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.

33. *The owner shall demonstrate:*

- a) *that landscaping, stairs, grading/grades, etc., from the proposed development is not located within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.,) are contained within the development lands*
- b) *that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).*

*In this regard, submission of a satisfactory landscape plan and grading plan with supporting letter is required confirming that this has been addressed is required.*

34. *The owner shall submit plans of proposed construction methods, for review and approval by Halton Region and prior to proceeding with construction. These plans shall be provided through the Servicing Agreement/detailed design drawing submission.*



35. *The owner will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc..) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).*

*In this regard, the owner shall submit shoring and other plans demonstrating that the above-noted requirement has been satisfied, to the satisfaction of Halton Region.*

36. *The Owner shall submit a construction management plan to the satisfaction of Halton Region.*
37. *If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.*



## APPENDIX E: Peel Region comments – May 2, 2022 - SP.1601.028/01



### Public Works

10 Peel Centre Dr.  
Suite B  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

[peelregion.ca](http://peelregion.ca)

May 2, 2022

Leigh Musson  
Planning Services Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**RE: Site Plan Application**  
**560 Winston Churchill Bouvard**  
**Town of Oakville**  
**Town File: 1601.028/01**  
**Region File: SP-1601.028/01**

Dear L. Musson,

Region of Peel staff have reviewed the above-noted site plan application (S.3 - Circulation) and offer the following comments below.

### Development Servicing and Engineering

#### **Stormwater Management Report & Grading Drawings**

- The Region has reviewed the Stormwater Management Report dated November 25, 2021 and grading drawings. The documents are to be updated to address redlined comments provided directly to the engineering consultant, including:
  - Add a comparison table for 2-100y pre to post development peak flows.
  - Are Peel IDF curves used for peak flow calculations. Advise in report and confirm if the intensity used to estimate peak flows are equal to or greater than specified in Peels criteria. See section 6.2 of Region of Peels storm water management criteria.
  - Orifice control is mentioned in the report. Please revise to Orifice pipe.
  - Specify the TSS reduction.

#### **Servicing Drawings**

- Servicing drawings to be updated to specify the ownership of the public water and sanitary mains (ie. Region of Halton? Region of Peel?)

Once revised Drawings and SWMR are received, additional comments may follow from a detailed review from the Region of Peel IP&S team.

#### **First Submission Fee**

- The first submission fee of \$410 is outstanding. Payment can be made by EFT or Visa by contacting [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca). Please reference file no. C602496.

## Public Works

10 Peel Centre Dr.  
Suite B  
Brampton, ON  
L6T 4B9  
tel: 905-791-7800

peelregion.ca

## Traffic Engineering

### Site Plan

- Most of the Region's previous comments remain unchanged;
- All comments provided should be reflected on the site plan, including:
  - Centreline of roadway with property dedication shown correctly;
  - 0.3 metre reserve behind property line, lifted over the approved accesses;
  - Auxiliary turn lanes for all accesses on Winston Churchill Blvd with dimensions to be incorporated in the Site Plan after all details are reviewed through the Engineering Submission;
  - In addition, the turn lane (taper) should be distributed equally along the centreline of Winston Churchill, and not only from one side of the road. If you can also please depict the centreline more clearly that would be helpful.
- Please note this section of WCB does not have sidewalks at this time, the Town should be consulted in regards to future plans - this is in reflection of the sidewalk connection shown on the site plan.
- Please provide any and all consultations between the applicant and the Town in regards to sidewalk future plans.

### Property Requirements

- The Region requests the gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, 20.75 metres from the centreline of the road allowance, within 245 metres of intersections to protect for the provision of but not limited to: utilities, sidewalks, multiuse pathways and transit bay/shelters;
- The Region will require the gratuitous dedication of a 0.3 metre reserve along the frontage Regional Road 19 (Winston Churchill Boulevard) behind the property line except at any approved access point;
- The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. All costs associated with the transfer are the responsibility of the applicant. The applicant must provide the Region with the necessary easements, title documents, and reference plan(s) to confirm the Regions right-of-way;
- A draft reference plan will be required for our review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.

### Access/Study Requirements

- The Region is in receipt of a TIS; and will provide comments under a separate cover;
- The Region is in support of the central full moves access and the southerly right-in/right-out access; finer details will be dealt with through the Engineering Submission;
- The Region requests that a functional design be included as part of the Engineering Submission which addresses auxiliary turn lane requirements and geometrics for any and all accesses proposed off a Regional Road, including all dimensions. This is to be part of the Engineering Submission.

### Truck Turning Analysis

- Truck turning templates should be provided for all accesses and incorporate all turning movements of the largest vehicle to utilize the site.

## Public Works

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tel: 905-791-7800

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### Landscaping/Encroachments

- Landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or Right of Way limits.
- Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted.

### Engineering Requirements

- A detailed engineering submission of road and access works will be required for our review and comment, designed, stamped and signed by a Licensed Ontario Professional Engineer. The engineering submission **MUST** include the removals, new construction and grading, typical sections and pavement markings and signing drawings. All works within Region of Peel's right of way must be designed in accordance to the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual";
- The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way;
- Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Regional Road 19 (Winston Churchill Boulevard);
- Securities shall be submitted in the form of either a letter of credit or certified cheque, for signal securities and maintenance fees for the central full moves access.
- A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41);
- The Owner will be required to submit the following prior to commencement of works within the Region's right-of-way:
  - a. Completed [Road Occupancy Permit](#) and a permit fee as per the Region's user fees and charges By-law;
  - b. Completed [Notice to Commence Work](#) ;
  - c. Provide proof of insurance with the Region of Peel added to the [certificate](#) as an additional insured with \$5 million minimum from the Contractor;
  - d. Please note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process). Please note that PUCC circulation requirements have recently changed. We require PDF version of the full drawing set it is to be sent via email, and cannot exceed 10MB per email.
- All costs associated with the design and construction of road and access works will be 100% paid by the Owner.

### Waste Management

- The applicant is not eligible for Region of Peel Waste Collection.



#### **Public Works**

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The Region of Peel has no objections to this site plan application subject to the conditions attached as 'Schedule A'. If you have any questions or concerns, please contact the undersigned at [diana.guida@peelregion.ca](mailto:diana.guida@peelregion.ca)

Thank you,

Diana Guida  
Junior Planner  
Planning & Development Services





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#### SCHEDULE A

The Region of Peel has no objection to the approval of the above noted application, subject to the following conditions being addressed to the Region's satisfaction:

1. The Owner shall address all requirements of the Region of Peel's Site Servicing department including submission of a satisfactory Stormwater Management Report, grading drawings, and servicing drawings which address staff comments, and pay all necessary fees.
2. The Owner shall agree that is the Region of Peel's mandate that no connections are made to the Region's stormwater infrastructure, no additional flow added to the Region's storm infrastructure, and no additional overland flow shall be directed to the right of way of Regional Road 19 (Winston Churchill Boulevard). The Grading Plan must demonstrate that high point is being maintained at the property line to ensure that there will be no spills and no sheet flow run-off from the private side to the Regional right of way.
3. The Owner shall address all requirements of the Region of Peel's Traffic Development department, including submission of a satisfactory Traffic Impact Study (TIS), satisfactory access requirements, property dedication requirements, and engineering requirements. All submitted documents must address staff comments, and all necessary fees shall be paid.
4. The Owner shall provide a gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, equivalent to 20.75 metres from the centreline of the road allowance. The Region also requires the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access and a 0.3 metre reserve along the frontage of Winston Churchill Boulevard behind the property line and daylight triangles except at any approved access points. The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. The applicant must provide the Region with any necessary easements, title documents, and draft reference plan(s) for review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.
5. The Owner shall agree that landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or right of way limits. Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted.
6. The Owner shall submit a detailed traffic engineering submission of road and access works, designed, stamped, and signed by a Licensed Ontario Professional Engineer. The engineering submission must include the removals, new construction and grading, typical sections and pavement markings and signing drawings. A functional

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design is to be submitted as part of the engineering submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off Winston Churchill Boulevard, including all dimensions. All works within Region of Peel's right of way must be designed in accordance with the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual".

7. The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way. Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Winston Churchill Boulevard. A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41). All costs associated with the design and construction of road and access works will be 100 percent paid by the Owner.
8. The Owner shall note that prior to commencement of works within the Region's right-of-way, the following is required to be submitted to the Region:
  - a. Completed [Road Occupancy Permit](#) and a permit fee as per the Region's user fees and charges By-law;
  - b. Completed [Notice to Commence Work](#);
  - c. Provide proof of insurance with the Region of Peel added to the [certificate](#) as an additional insured with \$5 million minimum from the Contractor.
9. The Owner shall note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process).
10. The Region of Peel requires confirmation from Halton Region that their requirements/conditions in relation to this application have been addressed and there are no concerns with the approval of the site plan.

## APPENDIX F: Peel Region comments – May 2, 2022 - SP.1601.029/01



### Public Works

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May 2, 2022

Leigh Musson  
Planning Services  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

**RE: Site Plan Application  
700 and 750 Winston Churchill Boulevard  
(Formerly 772 Winston Churchill Boulevard)  
Town of Oakville  
Town File: 1601.029/01  
Region File: SP-1601.029/01**

Dear L. Musson,

Region of Peel staff have reviewed the above-noted site plan application (S.2 - Circulation) and offer the following comments below.

### Development Servicing and Engineering

#### **Stormwater Management Report & Grading Drawings**

- The Region has reviewed the Stormwater Management Report dated December 15, 2021 and grading drawings. The documents are to be updated to address redlined comments provided directly to the engineering consultant, including:
  - Provide a revised Stormwater Management Brief demonstrating that the high point will be maintained at the property line and there will be no spills and no sheet flow run-off from the private side to the Region of Peel Road.
  - It is the Region's mandate that no connections are made to Regional Storm infrastructure; no additional flow added to Regional Storm infrastructure and no additional overland flow shall be directed to the Regional Right of Way.
  - Region of Peel storm sewers are generally designed to convey run-off from the Right-of Way of a Regional Road only. Where possible, flows from outside the Regional road allowance are to be directed to the local municipality's storm sewer system.
  - All flows to the Regional Road must be eliminated. Provide cross section details along Winston Churchill Blvd frontage for sections A:A / B:B / C:C / D:D / E:E / F:F / G:G illustrated on the drawing in red arrows to demonstrate that the high point will be maintained at the property line and there will be no overland flow from the site to the Regional Road.
  - Refer to the following link for the Region of Peel Stormwater Management Report Requirements: <https://www.peelregion.ca/public-works/design-standards/pdf/swm-fsr-final-july2009.pdf>



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- Show the ponding envelope and highwater 100-year level
- Show the update the Revision No. and date, and update the P.Eng. stamp date
- Show the Region of Peel Connection File No. C602647 in the title block
- Show the Site Plan Application No. assigned by the local municipality 1601.029/01 in the title block

### Servicing Drawings

- Servicing drawings to be updated to address redlined comments provided directly to the engineering consultant, including:
  - Specify the ownership of the public water and sanitary mains (ie. Region of Halton, Region of Peel)
  - Show the Region of Peel Notes on the Servicing Plan (see attachment provided to consultant for notes)
  - Update the Revision No. and date, and update the P.Eng. stamp date
  - Show the Region of Peel Connection File No. C602647 in the title block
  - Show the Site Plan Application No. assigned by the local municipality 1601.029/01 in the title block

Once revised Drawings and SWMR are received, additional comments may follow from a detailed review from the Region of Peel IP&S team.

### First Submission Fee & SWMR Review Fee

- The first submission fee of \$410.00 and SWMR review fee of \$515.00 is outstanding. Payment can be made by EFT or Visa by contacting [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca). Please reference file no. C602647.

### Traffic Engineering

#### Study Requirements

- The Region is in receipt of a Traffic Impact Study (TIS); full comments will be provided under a separate cover, quick comments on the TIS initial review below;
- Please note that the TIS did not show 805 Winston Churchill Boulevard as a future development, this is important as consultation with the development across the road for proper alignment of Orr Road and the full moves intersection is crucial. These numbers are also important to take into consideration for traffic volumes etc.

#### Access

- The Region is in support of the central right-in/right-out access; the access will need to be physically restricted by a centre median, finer details will be dealt with through next submissions and the Engineering Submission;
- Both access will need to be equipped with right turn lanes; the Region requests that a functional design be included as part of the next submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off of Winston Churchill Boulevard, including all dimensions.
- The Region is in support of the southerly full moves access across from the future Orr Road, the Owner's consultant is to work with the developer across the road and the City to ensure the proper alignment of the access.
- Consultation with the developer across the street and the city in regards to the Orr Road extension is necessary.

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### Site Plan

- Correct property dedications to be shown on site plan. Property requirements not shown correctly.
- Finer details, including turn lanes geometrics for both accesses will be dealt with through the engineering submission.
- Centre median should extend 45m on either side of the access, to be shown in detail through the engineering submission. Should be shown on the site plan also.
- Finer details will be dealt with through the Engineering Submission.

### Property Requirements

- The Region requests the gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, 20.75 metres from the centreline of the road allowance, within 245 metres of intersections to protect for the provision of but not limited to: utilities, sidewalks, multiuse pathways and transit bay/shelters;
- The Region will require the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access;
- The Region will require the gratuitous dedication of a 0.3 metre reserve along the frontage Regional Road 19 (Winston Churchill Boulevard) behind the property line and daylight triangles except at any approved access points;
- The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. All costs associated with the transfer are the responsibility of the applicant. The applicant must provide the Region with the necessary title documents and reference plan(s) to confirm the Region's right-of-way;
- A draft reference plan will be required for our review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant

### Landscaping/Encroachments

- Landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or Right of Way limits.
- Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted.

### Engineering Requirements

- A detailed engineering submission of road and access works will be required for our review and comment, designed, stamped and signed by a Licensed Ontario Professional Engineer. The engineering submission **MUST** include the removals, new construction and grading, typical sections and pavement markings and signing drawings. All works within Region of Peel's right of way must be designed in accordance to the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual";
- The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way;
- Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Regional Road 19 (Winston Churchill Boulevard);

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- A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41);
- The Owner will be required to submit the following prior to commencement of works within the Region's right-of-way:
  - a. Completed [Road Occupancy Permit](#) and a permit fee as per the Region's user fees and charges By-law;
  - b. Completed [Notice to Commence Work](#);
  - c. Provide proof of insurance with the Region of Peel added to the [certificate](#) as an additional insured with \$5 million minimum from the Contractor;
  - d. Please note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process). Please note that PUCC circulation requirements have recently changed. We require PDF version of the full drawing set it is to be sent via email, and cannot exceed 10MB per email.
- All costs associated with the design and construction of road and access works will be 100% paid by the Owner;

#### Waste Management

- This property is within the vicinity of St. Lawrence Cement landfill site. It is an inactive, private landfill located between Winston Churchill and Southdown Rd, at Lakeshore Blvd. The exact boundaries are unknown. No further information is available.
- Waste collection will be required through a private waste hauler.

The Region of Peel has no objections to this site plan application subject to the conditions attached as 'Schedule A'. If you have any questions or concerns, please contact the undersigned at [diana.guida@peelregion.ca](mailto:diana.guida@peelregion.ca)

Thank you,

Diana Guida  
Junior Planner  
Planning & Development Services



#### Public Works

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#### SCHEDULE A

The Region of Peel has no objection to the approval of the above noted application, subject to the following conditions being addressed to the Region's satisfaction:

1. The Owner shall address all requirements of the Region of Peel's Site Servicing department including submission of a satisfactory Stormwater Management Report, grading drawings, and servicing drawings which address staff comments, and pay all necessary fees.
2. The Owner shall agree that is the Region of Peel's mandate that no connections are made to the Region's stormwater infrastructure, no additional flow added to the Region's storm infrastructure, and no additional overland flow shall be directed to the right of way of Regional Road 19 (Winston Churchill Boulevard). The Grading Plan must demonstrate that high point is being maintained at the property line to ensure that there will be no spills and no sheet flow run-off from the private side to the Regional right of way.
3. The Owner shall address all requirements of the Region of Peel's Traffic Development department, including submission of a satisfactory Traffic Impact Study (TIS), satisfactory access requirements, property dedication requirements, and engineering requirements. All submitted documents must address staff comments, and all necessary fees shall be paid.
4. The Owner shall provide a gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, equivalent to 20.75 metres from the centreline of the road allowance. The Region also requires the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access and a 0.3 metre reserve along the frontage of Winston Churchill Boulevard behind the property line and daylight triangles except at any approved access points. The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. The applicant must provide the Region with the necessary title documents, and draft reference plan(s) for review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.
5. The Owner shall agree that landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or right of way limits. Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted.
6. The Owner shall submit a detailed traffic engineering submission of road and access works, designed, stamped, and signed by a Licensed Ontario Professional Engineer. The engineering submission must include the removals, new construction and grading, typical sections and pavement markings and signing drawings. A functional

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design is to be submitted as part of the engineering submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off Winston Churchill Boulevard, including all dimensions. All works within Region of Peel's right of way must be designed in accordance with the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual".

7. The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way. Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Winston Churchill Boulevard. A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41). All costs associated with the design and construction of road and access works will be 100 percent paid by the Owner.
8. The Owner shall note that prior to commencement of works within the Region's right-of-way, the following is required to be submitted to the Region:
  - a. Completed [Road Occupancy Permit](#) and a permit fee as per the Region's user fees and charges By-law;
  - b. Completed [Notice to Commence Work](#) ;
  - c. Provide proof of insurance with the Region of Peel added to the [certificate](#) as an additional insured with \$5 million minimum from the Contractor.
9. The Owner shall note that any proposed construction within the Region of Peel's right of way is pending PUCC approval (minimum six week process).
10. The Region of Peel requires confirmation from Halton Region that their requirements/conditions in relation to this application have been addressed and there are no concerns with the approval of the site plan.

## APPENDIX G: Written Submissions

P. Rourke– email April 11, 2022

Thank you for the call, and the email below. I will encourage the residents to read this in the interest of getting the facts on the application. From my perspective, this seems like good planning, but of course the real issue is "NIMBY"

Youtube Video – email February 23, 2022

<https://youtu.be/uSr3yOVI2Z0>

JCRA – email February 8, 2022

Other questions:

1. Is the Region or the Town responsible for the Land Compatibility studies and adherence to the D-6 guidelines?
2. The characteristic of the D-6 Guidelines for Light Industry are not aligned with the Town's characteristics for E2 – Light Industrial with respect to timeframe of operations and movements of trucks – why?
3. Can we see the Region's report, including the options and respective costs, for sanitary services on these two pieces of land?
4. Can the Town (Planning or Economic Development) provide information on the size of existing warehouses?

General

- The proposed scale of both developments (number and height of buildings, number of truck bays and vehicle parking spaces) combined with permitted 24/7 operations mean they are incompatible within the proximity to residential properties.
- E2 Zoning, defined as Business Employment, permits warehousing; Livable Oakville defines Business Employment as Light Industrial with minimal impact on surrounding areas.
- Reductions to the scale of the developments are required to meet the definition of 'minimal'.
- Purpose of the 3<sup>rd</sup> party studies is to understand impacts on residents, not b/c there is an expectation that either development is responsible for the other.
- What is the purpose/use/occupancy? Why the need for this scale (truck bays, parking, height)?

Noise

- A combined 3<sup>rd</sup> party noise study covering 772 and 560 analyzing the combined impact of noise from the proposed developments on nearby residential properties. Noise levels are additive so the noise from both developments will overlap and impact homes more than each property on its own.
- Study must assume 100% use of the property per the SPA documents.

- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.
- Back up beepers are part of the noise issue and must be considered. The Town cannot approve a development knowing it will violate the noise by-laws.

#### Traffic

- A combined 3<sup>rd</sup> party traffic study to assess the impact of increased traffic on Winston Churchill from 772, 560, 759. Also, to include Avonhead facilities given the Amazon station and proposed developments at 551 Avonhead.
- Study must assume 100% use of the property per the SPA documents.
- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.
- Require an analysis of the peak operation hours of each development combined. The peak hours will be similar for all the new projects since they are the same employment type (warehouse) with the same traffic assumptions.
- Since there are no warehouses on WCB at this time, these two developments will be responsible for the significant WCB traffic increase.
- Issues with the existing traffic studies that must be addressed in a 3<sup>rd</sup> party study:
  - a. They are based on a technical assumption that the background traffic increases over the study horizon will only be 2% where we know there are major developments underway that will dramatically increase truck and vehicle traffic in the area bounded by WC and Ford Dr. between Lakeshore and Royal Windsor and up to the QEW.
  - b. The current traffic studies look at the impact of each development (in isolation) at the peak traffic hour at each intersection which is a separate issue related to timing of lights, not WC road capacity. Do not confuse timing with capacity.
  - c. These studies do not speak to increased traffic volumes from the developments on Winston Churchill and the scope of the road widening required to accommodate the increase. Below Royal Windsor, WCB is not an arterial road with capacity of 40K – 60K vehicles.
  - d. The analysis also needs to include existing transport trucks going south on WC to the cargo terminal on Southdown Rd. where there are daily lineups and new developments on Avonhead and redevelopments on Royal Windsor e.g., demolition at the NE corner of WC and Royal Windsor making way for another large development nearby.
  - e. Improvements will be required on Ford Dr. to accommodate trucks driving south on Ford to Beryl to go over to WC and in the reverse when leaving. This may include dedicated left and right turn lanes and increased tail backs at Ford and Royal Windsor and Ford and Beryl/Cornwall.



### Building Height

- Confirm that Open Space and Park Space are the same.
- The special provisions put in place by the OMB restrict building height to 11 meters (36'). Presumably, the purpose was to minimize intrusiveness of property use on residential neighbourhood.
- Putting multiple buildings, with at least one exceeding this height restriction does not align with the intent of the height restriction, which was implemented when warehouse buildings were typically 28 – 36'. At that time, warehouses of 15M (50') were not contemplated, nor did the technology that enabled such height on the property with to have Scale and intensity of operations next to residents.
- Is there a way to restrict all building to the 11 meters which was the intention of the special provision? Furthermore, 15 M building seems too reasonable exceed minimal impacts.

### Remediation

- Residents have voiced concern with the adequacy of the existing berm and its proposed extension because large-scale fifty foot buildings were not anticipated in its original design; nor was the scale (5 buildings, 250 loading bays, 800 vehicle parking) as proposed here.
- Accordingly, a taller berm (and yes, the base needs to be widened) needs to be built.
- A high percentage of evergreen trees should be planted to provide year-round visual screening of the buildings.
- Fencing to create a physical barrier between employment land and residential should also be built on the employment side of the berm. Fence to be both aesthetically pleasing and can act as a sound barrier.

### Sewage services

- There is considerable anger and resentment among residents that a sanitary sewer would be routed through Acacia Court, disrupting residents, for unwelcome employment developments.
- There is genuine concern about the impact from underground digging and drilling on residents, both while it is happening and over the long term. Will there be any drilling close to homes or underneath homes?
- Is there any other place the new sewer can be connected to Town services e.g., commercial facilities on Beryl Rd or by Ice Sports?
- The Town, who says these are significant employment lands that will benefit all of Oakville, should absorb costs for another location for sanitary sewers, or the property owners should do that. There is no benefit to near-by residents so why does the Town (and Region) expect a small group of residents to take on the negative impacts of servicing for these employment lands.

#### Air Quality

- A 3<sup>rd</sup> party study that reviews the combined impact on air quality of these developments. Residents have voiced concerns regarding impacts to wildlife and to air quality.
- Study must assume 100% use of the property per the SPA documents.
- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.

#### Additional Questions

Is there a definition of minimal impact? What would be considered adverse impact that could impact the approvals?

Can we do a public meeting to answer questions?

#### Received Feb 7

In the email below, the link to the Employment zones lists permitted uses and warehousing is not included under E1 or E2 or T1. The link to the zoning maps shows the WCB lands as zoned E1.

I read this to say warehousing is not permitted in an E1 zone.

At some point the land zoning was changed to E2, which specifies Warehousing as a permitted use.

When and why was the zoning of the land changed and why were new employment uses permitted on the land.

Residents have been repeatedly advised that zoning changes cannot be applied retroactively ie after an owner has purchased land. However, it appears this was done for these 2 properties to permit additional employment uses that were not permitted under the E1 zoning.

A direct answer from the Planning department is needed on this specific question b/c the consequences of these zoning changes have a material negative impact on residents. It is needed before any additional analysis and resources are placed on these site plan applications b/c it is a fundamental question.

#### Received Feb 8

Some additional comments and questions on these proposed developments, not specific to 560 only, applicable to both.

1. Has the planning department agreed to 3<sup>rd</sup> party studies for traffic and noise?
2. What is the time line for initiating the studies and the completion of them?

Some additional comments about the studies:

- A 3<sup>rd</sup> party traffic study must include the volume of predicted vehicles on Winston Churchill between Royal Windsor and Lakeshore. WCB is a 4-lane arterial road north of Royal Windsor so the impacted area is to the current two lane section, where three massive warehouses are being proposed.
- The extension of Orr Rd through to WCB will have a huge impact on the traffic since it will facilitate traffic from Southdown and Avonhead to flow to Winston Churchill as well

as Royal Windsor, Beryl and Ford Drive. Accordingly, it much be acknowledged in traffic studies, as well as the proposed new developments at 551 Avonhead.

- The peak hours used in the current traffic studies are insufficient given the scale of the proposed warehouses will create peak hours. Modelling for the strong likelihood of multiple peak hours in a 24-hour period given we have no information about these warehouses except the number of vehicles and truck bays planned for each site and the permitted 24/7 operations needs to included.
- Averaging the number of vehicles over an extended period of time minimizes the impact of the traffic volumes that occur in a shift work and 24/7 work environment.
- The noise from mandatory back-up beepers needs to be measured and assessed against the town's noise by-law and the number of truck bays reduced until the noise levels from the 120 trucks that are permitted to be there is under the Town threshold for both day and night.

Other questions:

1. Is the Region or the Town responsible for the Land Compatibility studies and adherence to the D-6 guidelines?
2. The characteristic of of the D-6 Guidelines for Light Industry are not aligned with the Town's characteristics for E2 – Light Industrial with respect to timeframe of operations and movements of trucks – why?
3. Can we see the Region's report, including the options and respective costs, for sanitary services on these two pieces of land?
4. Can the Town (Planning or Economic Development) provide information on the size of existing warehouses?

JCRA – email February 8, 2022

Hi again,

Some additional comments and questions on these proposed developments, not specific to 560 only, applicable to both.

1. Has the planning department agreed to 3<sup>rd</sup> party studies for traffic and noise?
2. What is the time line for initiating the studies and the completion of them?

Some additional comments about the studies:

- A 3<sup>rd</sup> party traffic study must include the volume of predicted vehicles on Winston Churchill between Royal Windsor and Lakeshore. WCB is a 4-lane arterial road north of Royal Windsor so the impacted area is to the current two lane section, where three massive warehouses are being proposed.
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3. Can we see the Region's report, including the options and respective costs, for sanitary services on these two pieces of land?
4. Can the Town (Planning or Economic Development) provide information on the size of existing warehouses?

JCRA – email February 7, 2022

Hi again,

In the email below, the link to the Employment zones lists permitted uses and warehousing is not included under E1 or E2 or T1. The link to the zoning maps shows the WCB lands as zoned E1.

I read this to say warehousing is not permitted in an E1 zone.

At some point the land zoning was changed to E2, which specifies Warehousing as a permitted use.

When and why was the zoning of the land changed and why were new employment uses permitted on the land.

Residents have been repeatedly advised that zoning changes cannot be applied retroactively ie after an owner has purchased land. However, it appears this was done for these 2 properties to permit additional employment uses that were not permitted under the E1 zoning.

A direct answer from the Planning department is needed on this specific question b/c the consequences of these zoning changes have a material negative impact on residents. It is needed before any additional analysis and resources are placed on these site plan applications b/c it is a fundamental question.

Also, attached is a copy of the flyer that was dropped at all homes in the Aspen Forest neighbourhood, as well as several streets west of Ford Drive, in the Dunedin-Dorland-Carol Roads area.

Thank you

Elizabeth

# Residents' Voices Are Needed To PROTECT OUR NEIGHBOURHOOD

Joshua  
Creek  
Residents  
Association

January 2022

Two mega warehouse proposals for the Oakville side of Winston Churchill Blvd have been submitted to the Town of Oakville for approval.

The scale and intensity of these proposed developments are so great that, if approved, they will diminish the quality of life in our neighbourhood and substantially reduce our right to quiet enjoyment of our properties.

Combined, these developments will bring:

- five warehouse buildings (two at 50' height),
- 250 tractor trailer truck bays
- 800 vehicle parking spaces.

The land's E2 – Business Employment zoning permits operations 24/7 so the noise, traffic and emissions will affect all of us, now and endlessly.

Negative impacts include:

- Noise 24/7 from diesel tractor trailers and back-up beepers
- Visual impact of 50' high buildings
- Increased traffic congestion on nearby roads and intersections
- Reduced air quality
- Increased pressure on wildlife
- Night lighting

The Town's Livable Oakville plan defines E2 - Business Employment as "light industrial with minimal impacts on the surrounding areas".

There are many permitted uses which could be compatible with a residential neighbourhood, but industrial-scale warehousing is the most hostile and intrusive land use permitted under this zoning. It is **NOT** "minimal impact."

As concerned residents, we can join together and push back against these intrusive developments. We are most effective when we work together.

CONTINUED OVER...



In Oakville, concerned and engaged citizens have a track record of success when speaking with a united voice, and in our area have successfully mobilized to stop or relocate several harmful developments including the Mississauga and Oakville power plants, and most recently the Amazon distribution facility on Cornwall Road. We need ALL our voices to be heard!

## WHAT CAN YOU DO?

1. Get informed: join the Joshua Creek Residents Association and sign up for their newsletter by emailing [memberjoshuacreek@gmail.com](mailto:memberjoshuacreek@gmail.com)
2. The JCRA's website has information about the developments, and it is frequently updated.
3. Talk to your neighbours - ensure that everyone in the community is aware of these developments and engaged on the issues.
4. Contact our elected representatives and tell them these development proposals are unacceptable and must be modified so residents can continue to enjoy their properties.  
Email to:
  - Mayor Burton: [mayor@oakville.ca](mailto:mayor@oakville.ca)
  - Councilor David Gittings: [david.gittings@oakville.ca](mailto:david.gittings@oakville.ca)
  - Councilor Haslett-Theall: [janet.haslett-theall@oakville.ca](mailto:janet.haslett-theall@oakville.ca)
  - MPP Stephen Crawford: [stephen.crawfordco@pc.ola.org](mailto:stephen.crawfordco@pc.ola.org)
5. Attend upcoming community information meetings and public meetings with our elected representatives.
6. Volunteer - Street captains are needed to help engage residents and distribute flyers in their immediate area. We are also looking for concerned residents with expertise in logistics, urban planning, traffic engineering and acoustical studies. This will help us be specific and factual as we analyze current planning documents and approach municipal and other officials re mitigating and minimizing the impact of the proposed developments.
7. If you would like to volunteer, please email to JCRA board member and Claremont Crescent Street Captain Brian Mounce: [brian2play@gmail.com](mailto:brian2play@gmail.com)



### ABOUT JCRA

Joshua Creek Residents Association (JCRA) was created in 1974 as a not-for-profit community organization. Comprised of volunteers, JCRA promotes the exchange of information on issues that impact the quality of life in our community and our Town. JCRA disseminates information on these issues through our website, emails, Facebook page and our Annual General Meeting. We actively seek resident feedback through these same channels so we can represent our community's concerns and viewpoints to our municipal representatives, Town and Region staff, and other community organizations.

Please visit <https://joshuacreek.org> for more information

#### JCRA – email January 26, 2022

1. E1 permits warehousing for properties that were zoned for warehousing prior to the 2014 zoning by-law so why was the zoning designation changed? It could have stayed as E1.
2. We are also trying to understand how warehousing went from E1 to E2 and E3 at the same time. Was it in more than one employment zone prior to 2014?
3. The E2 Business employment also refers to light industrial so a similar description as E1. Currently, Business Employment also notes minimal impact on surrounding areas, and use is predominantly enclosed. Neither of these 2 proposed developments could be described as having minimal impacts.
4. One other question on zoning: a 2010 Town map shows the land abutting these properties zoned as Open Space but currently there is a portion at the north end that is zoned as Park space? Did planning staff changed the zoning designation of that land, and did that change result in the land no longer falling under the special provisions which limits building heights on those properties.

#### JCRA – email January 26, 2022

##### General

- The proposed scale of both developments (number and height of buildings, number of truck bays and vehicle parking spaces) combined with permitted 24/7 operations mean they are incompatible within the proximity to residential properties.
- E2 Zoning, defined as Business Employment, permits warehousing; Livable Oakville defines Business Employment as Light Industrial with minimal impact on surrounding areas.
- Reductions to the scale of the developments are required to meet the definition of 'minimal'.
- Purpose of the 3<sup>rd</sup> party studies is to understand impacts on residents, not b/c there is an expectation that either development is responsible for the other.
- What is the purpose/use/occupancy? Why the need for this scale (truck bays, parking, height)?

##### Noise

- A combined 3<sup>rd</sup> party noise study covering 772 and 560 analyzing the combined impact of noise from the proposed developments on nearby residential properties. Noise levels are additive so the noise from both developments will overlap and impact homes more than each property on its own.



- Study must assume 100% use of the property per the SPA documents.
- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.
- Back up beepers are part of the noise issue and must be considered. The Town cannot approve a development knowing it will violate the noise by-laws.

#### Traffic

- A combined 3rd party traffic study to assess the impact of increased traffic on Winston Churchill from 772, 560, 759. Also, to include Avonhead facilities given the Amazon station and proposed developments at 551 Avonhead.
- Study must assume 100% use of the property per the SPA documents.
- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.
- Require an analysis of the peak operation hours of each development combined. The peak hours will be similar for all the new projects since they are the same employment type (warehouse) with the same traffic assumptions.
- Since there are no warehouses on WCB at this time, these two developments will be responsible for the significant WCB traffic increase.
- Issues with the existing traffic studies that must be addressed in a 3<sup>rd</sup> party study:
  - a. They are based on a technical assumption that the background traffic increases over the study horizon will only be 2% where we know there are major developments underway that will dramatically increase truck and vehicle traffic in the area bounded by WC and Ford Dr. between Lakeshore and Royal Windsor and up to the QEW.
  - b. The current traffic studies look at the impact of each development (in isolation) at the peak traffic hour at each intersection which is a separate issue related to timing of lights, not WC road capacity. Do not confuse timing with capacity.
  - c. These studies do not speak to increased traffic volumes from the developments on Winston Churchill and the scope of the road widening required to accommodate the increase. Below Royal Windsor, WCB is not an arterial road with capacity of 40K – 60K vehicles.

- d. The analysis also needs to include existing transport trucks going south on WC to the cargo terminal on Southdown Rd. where there are daily lineups and new developments on Avonhead and redevelopments on Royal Windsor e.g., demolition at the NE corner of WC and Royal Windsor making way for another large development nearby.
- e. Improvements will be required on Ford Dr. to accommodate trucks driving south on Ford to Beryl to go over to WC and in the reverse when leaving. This may include dedicated left and right turn lanes and increased tail backs at Ford and Royal Windsor and Ford and Beryl/Cornwall.

#### Building Height

- Confirm that Open Space and Park Space are the same.
- The special provisions put in place by the OMB restrict building height to 11 meters (36'). Presumably, the purpose was to minimize intrusiveness of property use on residential neighbourhood.
- Putting multiple buildings, with at least one exceeding this height restriction does not align with the intent of the height restriction, which was implemented when warehouse buildings were typically 28 – 36'. At that time, warehouses of 15M (50') were not contemplated, nor did the technology that enabled such height on the property with to have Scale and intensity of operations next to residents.
- Is there a way to restrict all building to the 11 meters which was the intention of the special provision? Furthermore, 15 M building seems too reasonable exceed minimal impacts.

#### Remediation

- Residents have voiced concern with the adequacy of the existing berm and its proposed extension because large-scale fifty foot buildings were not anticipated in its original design; nor was the scale (5 buildings, 250 loading bays, 800 vehicle parking) as proposed here.
- Accordingly, a taller berm (and yes, the base needs to be widened) needs to be built.
- A high percentage of evergreen trees should be planted to provide year-round visual screening of the buildings.
- Fencing to create a physical barrier between employment land and residential should also be built on the employment side of the berm. Fence to be both aesthetically pleasing and can act as a sound barrier.

## Sewage services

- There is considerable anger and resentment among residents that a sanitary sewer would be routed through Acacia Court, disrupting residents, for unwelcome employment developments.
- There is genuine concern about the impact from underground digging and drilling on residents, both while it is happening and over the long term. Will there be any drilling close to homes or underneath homes?
- Is there any other place the new sewer can be connected to Town services e.g., commercial facilities on Beryl Rd or by Ice Sports?
- The Town, who says these are significant employment lands that will benefit all of Oakville, should absorb costs for another location for sanitary sewers, or the property owners should do that. There is no benefit to near-by residents so why does the Town (and Region) expect a small group of residents to take on the negative impacts of servicing for these employment lands.

## Air Quality

- A 3<sup>rd</sup> party study that reviews the combined impact on air quality of these developments. Residents have voiced concerns regarding impacts to wildlife and to air quality.
- Study must assume 100% use of the property per the SPA documents.
- Timing of the 3<sup>rd</sup> party study – owner agrees to wait on those studies.

## JCRA – email December 10, 2021

Hi Leigh,

Thank you for the detailed response.

Your thoroughness is much appreciated.

I will forward to the rest of the board, as well as the individual residents who sent queries and concerns to JCRA, and we will take some time to review the Town's responses.

We will also post the response document on the JCRA website.

Regards,

Elizabeth Chalmers

President, Joshua Creek Residents Association

JCRA – email October 28, 2021

JCRA has reviewed the Site Plan Application documents for 772 and 560 Winston Churchill Blvd. We also attended the public meeting hosted by the property owners of these two sites.

We are deeply concerned by the massive scale and size of these proposed developments that are in such close proximity to a residential neighbourhood.

The noise, traffic and emissions that will occur with the vehicle movements resulting from the combined 240 truck bays and the 762 parking spaces and the mechanical equipment required to operate five buildings totalling 1.3 million square feet appears to exceed all similar facilities in Oakville.

Simply stated these proposed sites are incompatible with the surrounding neighbourhood.

Attached are a number of questions and concerns stemming from our analysis of the supporting SPA documents currently posted on the Town's website.

We appreciate that the resources needed to undertake a comprehensive and integrated review of these SPA's is significant, and respectfully request that the questions and concerns put forward by JCRA are addressed and resolved as part of the Town's SPA review.

We would be pleased to discuss the attached in more detail.

Thank you

Elizabeth Chalmers

Marion Richardson

Neil Westoll

President, JCRA

Director, JCRA

Director, JCRA

October 27, 2021

Based on our Community Impact Analysis of the proposed developments at 772 and 560 WCB in Appendix 1, JCRA's feedback and questions at this time include:

1. Traffic and noise studies must be current (2021) and reflect 100% operational capacity i.e., 100 % use of tractor trailer bays and available parking spots.
2. Terms of reference for traffic studies to include at a minimum:
  - Egress and ingress, at the site in both directions
  - Capacity of tailbacks
  - Definition of peak hours
  - Vehicle counts at all intersections within a specified proximity to the site that are likely to be used for access to the site
  - Peak hour vehicle counts resulting from the sites' operations
  - Supporting evidence for predicted traffic patterns
3. Terms of reference from noise studies to include at a minimum noise from:
  - Mandatory and/or warning back up beepers on vehicles required to have them or planning to have them

- Noise level comparison based on municipal standards as well as provincial standards
  - Coupling and uncoupling of tractor trailers
  - Loading and unloading of tractor trailers
  - Idling of vehicles
  - Vehicle movements on the site
  - Garbage and recycling
  - All mechanical equipment on roof top, adjacent to buildings and/or other locations on the property
  - Any anticipated loudspeakers or external (to building) communication systems
  - Vibrations from all on-site activities
4. Can an acoustic map be created that indicates the noise levels on individual near-by residents' properties from different sounds to ensure noise levels are not underreported because of 'averaging'?
  5. Will the Town ensure an integrated, external traffic study is undertaken that includes both WCB sites on the Oakville side, 759 WCB site on the Mississauga side, and the Amazon Fulfillment Centre on Avonhead Rd, as well as the container facility on Southdown Road because these tractor trailers also use the same road network?
  6. Will the Town ensure an Integrated, external Noise study is completed that includes all the above-noted commercial sites on Winston Churchill?
  7. Mitigation of traffic and noise should include reducing the capacity of these sites, including any or all of fewer buildings, fewer tractor trailer bays, and fewer vehicle parking spots
  8. Why is storage of tractor trailers permitted on an E2 site?
  9. Please identify all acceptable types of goods that can be stored in warehouses permitted by Town E2 zoning and further confirm that no dangerous goods will be stored on-site or transported therein.
  10. A physical privacy barrier between commercial sites and the nearby residential properties to ensure permanent separation needs to be built as part of these Site Plan Applications.
  11. A pumping station to provide required sewage and sanitary service that is dedicated to all commercial uses on WCB, and any new Beryl Rd sites should be required, NOT a pipe under residential properties. It is unacceptable to expect residents to bear the burden of providing services required for commercial sites. Applicants can absorb costs and provide resources required to put in needed services. As well, Halton and Peel can share maintenance costs if the pumping station services sites in each Region.
  12. While pollution levels are a provincial responsibility, the Town of Oakville must join with and support residents to obtain an updated Clarkson Airshed Study that includes

analysis of anticipated and combined emissions from operations, including diesel emissions from truck traffic, at these new commercial and industrial sites and identifies appropriate mitigation.

13. The Town of Oakville needs to engage with the City of Mississauga to ensure that a holistic and fulsome analysis of traffic, noise, and emissions from all sites is undertaken. Such a study must include road capacity between Lakeshore and the QEW on Winston Churchill, Ford Drive, Beryl, Cornwall and Royal Windsor, Lakeshore Road East/Southdown Rd, all intersections on these streets, and all accessible QEW exit & entry ramps.
14. What consequences are imposed on commercial businesses that violate municipal by-laws, such as noise and traffic restrictions, including speed and types of vehicles? We expect suspension and/or removal of occupancy permits must be included as a consequence to ensure businesses do not ignore municipal by-laws and/or treat financial penalties as a cost of doing business.
15. Are there any similar size warehouse facilities in Oakville or Halton adjacent to R1 residential that can be identified and provide a comparison with respect to noise and traffic generated by these sites, including any other warehouses that are five storeys high and warehouse operations with over 120 tractor trailer bays?
16. 772 Winston Churchill's 50' building height is too high for its proximity to a residential neighbourhood and should be reduced for improved compatibility with the nearby residential area.
17. 772 Winston Churchill's 50' building height is equivalent to a five-storey building. On-line research indicates 36 ft. heights are the norm with some movement to 42 ft. and occasionally 50 ft. However, 50 ft. warehouses are unlikely to be built on spec as they require specialized, high-capacity utilities including power and water for enhanced sprinklers for fire prevention as well as advanced automation and building specifications. It seems likely this is being designed with a specific tenant in mind that is not being disclosed. The Town should require full transparency of potential tenants to ensure accuracy and relevance of SPA supporting documents.  
  
<https://methodarchitecture.com/industrial-clear-height-36/>  
  
<https://renx.ca/demand-technology-fuel-todays-cre-industrial-revolution/>
18. Landscaping that enhances privacy and reduces noise for near-by residents is critical, so this needs to be taken into consideration on landscaping designs.
19. How will these developments impact the Clearview Creek Watershed? Converting natural vegetation to 75% coverage by buildings and pavement will cause increased flooding that will be exacerbated by climate change. We note that a shared storm water management pond is included in the 560 WCB site plan application. However, a comprehensive and integrated storm water management plan must be undertaken for both properties, posted on the Town website and reviewed and approved by Halton

Conservation to ensure the rising risks from flooding that results from the increased frequency of 100-year storms are mitigated. The combination of a storm water receptor and a storm water management pond together with other needed flood mitigation controls, such as non asphalt, drainage friendly ground cover in parking areas, are required on the proposed Winston Churchill sites due to the elimination of natural vegetation and drainage and the increased incidence of the 100-year storms and flood levels due to climate change.

20. How will these developments affect Joshua Creek, and will they be incorporated in the current Joshua Creek Flood Mitigation Study? Will changes to the Clearview Creek have an impact on Joshua Creek. Flood risk mitigation must be reviewed with holistic perspective, not as individual water systems.
21. How will the Town address the expected increase in coyotes in near-by residential areas resulting from building massive commercial sites on land that is part of the coyotes' natural habitat?
22. Will these Site Plan Applications be decided at Town Council to ensure residents have an opportunity to delegate their feedback on the applications?



## Appendix 1

Site Plan applications for 772 Winston Churchill Blvd., 560 Winston Churchill Blvd.

### JCRA's Community Impact Analysis

The JCRA analysis includes the new development at 759 Winston Churchill Blvd (east side). Furthermore, we have included 2175 Cornwall Rd. details for comparison purposes only, to better understand the scale of the proposed developments on Winston Churchill.

Our analysis is based upon the full operating capacity for these sites per the Site Plan applications. Analysis that uses less than 100 % of available capacity would result in false or inaccurate information.

NB: This analysis does not include the new Amazon Delivery facility on Avonhead Rd. in Mississauga (located east between Winston Churchill and Southdown Rd. and south of Royal Windsor). It is expected this newly opened facility will also significantly increase tractor trailer truck traffic, delivery truck traffic and employee vehicle traffic on Avonhead, Royal Windsor, Winston Churchill, and Southdown Road.

Summary of Key Elements of the 3 newly proposed warehouse developments on Winston Churchill Boulevard south of Royal Windsor Dr.					
	772 Winston Churchill	560 Winston Churchill	759 Winston Churchill	Total	2175 Cornwall Rd. Comparison
Municipality	Oakville/Halton	Oakville/Halton	Mississauga/Peel		Oakville/Halton
Owner	Winston Churchill Properties Inc. (ONE Properties - oneproperties.com)	11087258 Canada Inc. (developed by Blackwood Partners on behalf of a major pension fund)	Avison Young Leasing Agent - owner unknown		H & R Reit
Consultants	IBI Group	Crozier Consulting Engineers/Baldassara Architects	unknown		McIntosh Perry
Tenants	unknown	unknown	1 of 3 buildings leased - tenant unknown		Amazon
Number of Buildings	2 buildings	3 buildings	3 buildings	8 buildings	1 building
Building Height	49 Ft.	36 Ft.	36 Ft.		31 ft.
Building Stories	1	1	1		1
Acres	38.53	31.95	47.32	117.8	197.07
Total Square Ft.	662,000	640,000	744,900	2,046,900	308,000
Tracker Trailer Loading Bays	117	124	120	361	42
Trailer Parking Spaces	86	0	unknown	86	unknown
Employee (Van) Parking Spaces	345	417	450	1212	689
Storm Water Management Pond acres	none	2.32 acres	unknown	2.32	unknown
Features	Clearview Creek runs behind 772 WC and then between 772 and 560 and then flows out under WC to the east	Clearview Creek runs on the north side of the property next to 772 WC.	Clearview creek runs along the southern boundary		
Notes:					
Truck bays for 759 Winston Churchill unknown - 120 estimated based on 40 per building x 3 buildings = 120					
Employee parking spaces for 759 Winston Churchill unknown - 450 estimated based on estimate of 150/building x 3 - 450					

Summary of Estimated Vehicle Movements at 3 newly proposed warehouse developments on Winston Churchill Boulevard				
	772 Winston Churchill	560 Winston Churchill	759 Winston Churchill	Total
<b>Total Square Ft.</b>	<b>662,000</b>	<b>640,000</b>	<b>744,900</b>	<b>2,046,900</b>
<b>Tractor Trailer Movements</b>				
Tractor Trailer Loading Bays	117	124	120	361
Total 7 am - 7 pm transport truck round trips based on 5 entrances and 5 exits per truck bay in daytime 12 hours (2 hr. turnaround time)	1,170	1,240	1,200	3,610
Daytime tractor trailer trips per hour	98	103	100	301
Total 7 pm - 7 am transport truck round trips based on 4 entrances and 4 exits per truck bay in nighttime 12 hours (3 hr turnaround time)	936	992	960	2,888
Nighttime Trips per hour	78	83	80	662
Total tractor trailer truck movements per 24 hours	2,106	2,232	2,160	6,498
<b>Employee Vehicle Movements</b>				
Employee Parking Spaces	345	417	450	1,212
Trips in and out per shift during one hour shift change	690	834	900	2,424
Total trips 3 x 8 hr. shifts = 24 hours	2,070	2,502	2,700	7,272
<b>Combined Vehicle Movements</b>				
Total Vehicle trips per hour (Truck + employee) during peak employee shift change hour	788	937	1,000	2,725
Total Vehicle trips per hour (Truck + employee) during peak employee shift change hour every 15 minutes	197	234	250	681
Total Vehicle trips per day (Truck + employee)	5,346	5,974	6,060	13,770
<b>Other</b>				
Trailer Parking Spaces - additional on-site movements e.g. back-up beepers, coupling and uncoupling	86	-	unknown	86
Notes:				
Truck bays for 759 Winston Churchill unknown - 120 estimated based on 40 per building x 3 buildings = 120				
Employee parking spaces for 759 Winston Churchill unknown - 450 estimated based on estimate of 150/building x 3 = 450				

Comments: 772 Winston Churchill & 560 Winston Churchill Blvd.

1. Building size, height and lot coverage are out of proportion for the area adjacent to residential R1
2. Buildings are more that double the size of the very large warehouse at 2175 Cornwall Rd.
3. The number of transport truck loading bays for both 772 and 560 Winston Churchill applications is triple the number at 2175 Cornwall Rd. e.g., 117 and 124, respectively vs. 42 at 2175 Cornwall Rd.
4. There is another new, massive warehouse development on the Mississauga side at 759 Winston Churchill Blvd. that is even larger in size at 640M SF in 3 buildings; 772 WC is 662,000 SF and 560 WC is 745,000 SF.

5. A new Amazon delivery facility has just opened on Avonhead Rd, east of Winston Churchill and south of Royal Windsor. Given its proximity and size, the expectation is that its vehicle traffic will be using the same roads.
6. The JCRA and east Oakville routes to the QEW and to the Clarkson Go Station will be clogged with transport trucks and delivery vans and increased employee vehicle traffic.
7. Our estimates above indicate 13,770 vehicle trips per day with 6,498 total truck trips and 7,272 employee vehicle trips per each 24-hour day, 7 days per week, 365 days per year. These numbers do not include the increase in vehicle trips from the new Amazon facility on Avonhead Rd. and new vehicle trips from the property at the NE corner of Winston Churchill and Royal Windsor where an existing factory has been demolished and the property is for sale for redevelopment.
8. Finally, coyotes will relocate from this area into the nearby residential areas or south to the Lakeshore Rd. Park in Mississauga.

#### Traffic Studies

1. Currently, Winston Churchill is classified as a rural road that cannot accommodate the increased traffic from these new facilities. Even with turning lanes added, tailbacks due to the estimated traffic volumes would completely block the road to other through traffic.
2. Transport truck traffic is not permitted Lakeshore Rd. East between Winston Churchill and Allan.
3. There are already bottlenecks on Southdown Rd. at the container facility, and also at the Ford plant on Ford Dr. A study needs to be undertaken to determine if the transport trucks lined up in the northbound lane on Southdown Rd. to go into the container facility are using Winston Churchill or Avonhead to travel southbound to Lakeshore Rd. East/Southdown Rd.
4. Peel and Halton must commission a combined traffic study to determine whether the existing roadways can accommodate the increased truck and vehicle traffic, including at a minimum analysis of:
  - a. All area intersections to be examined must include increased traffic from these four new development sites, 560 WC, 772 WC, 759 WC, and Amazon on Avonhead.
  - b. Road capacity on Winston Churchill, Beryl, Ford Drive, Royal Windsor, Lakeshore Road East/Southdown Rd. must be determined.
  - c. Examine road capacity, intersections, traffic controls, and turning lanes:
    - i. Winston Churchill and Royal Windsor, as well as northbound on Winston Churchill to the QEW and all entrances and exits on the QEW.
    - ii. Ford and Royal Windsor, as well as northbound on Ford to the QEW and all entrances and exits onto the QEW.
    - iii. Ford and Upper Middle Road route to the HWY 403 eastbound.
    - iv. Both Royal Windsor westbound onto the QEW westbound and Royal Windsor eastbound from the eastbound QEW (should also be considered in the context of expected midtown road construction plans).
    - v. Winston Churchill and Beryl, and Beryl/Cornwall and Ford intersection.
    - vi. Determine the impact on traffic, noise and the airshed. Should Amazon become a tenant of one or both of the proposed new warehouse sites on Winston Churchill, it will create a cluster of warehouses and a delivery station all within this area. Amazon is known to create such clusters elsewhere.
5. Reconfirm to developers and future tenants that truck traffic is prohibited on Lakeshore Rd. East into Oakville from Winston Churchill and on Ford Drive between Lakeshore Rd. East

and Cornwall. Require that they provide predicted road use patterns for all vehicles entering and exiting their commercial sites.

6. Standalone traffic studies required for each SPA are insufficient for determining what restrictions or reductions are required by each site. Integrated traffic and noise studies for 772 and 560 WCB, 759 Winston Churchill, Amazon on Avonhead, the container facility on Southdown Rd. and other nearby commercial activities must be undertaken and included in the Town of Oakville responses.
7. Ensure all traffic studies include total 24 hour and peak trips by transport truck, delivery vehicles, and employees' vehicles into and out of all of the proposed new facilities plus existing truck, car, bike and pedestrian traffic on the area road network.

#### Air Quality – Clarkson Airshed:

1. The Clarkson Airshed is already overtaxed by the cement plant, the lubricants plant, and other industrial uses in the area. Significant increases in transport truck traffic will increase the particulates from diesel fuel in the air impacting the health of residents in east Oakville and west Mississauga.

#### Noise:

1. Tenants are unknown at this time, so no operational information is available
2. Size & Operations – a noise study is neither complete nor accurate without knowledge of operations
3. Hours of operation – 24hrs
4. Back-up beepers – have not been included in noise study for 772 WCB per the study comment that “provincial guideline and criteria do not exist for these sounds”. In the absence of provincial guideline, municipal standards apply. Are there varying sound levels on back up beepers?
5. Sound sources to be included at a minimum:
  - a. Back up beepers
  - b. Rooftop mechanical
  - c. Loading and unloading operations
  - d. Coupling and uncoupling
  - e. Garbage collection at rear of buildings
  - f. Idling of vehicles (How can the 772 Winston Churchill Traffic Study assume that trucks don't idle on property?)
  - g. Vibrations are ignored in the Noise study, but the tenant is not known so this assumption cannot be made at this time.
6. Without tenants, these new buildings need to be designed to the highest level of noise mitigation including very high noise walls that meet the highest levels of noise mitigation especially back-up beepers and as well as vibration mitigation.

#### Landscaping:

1. The 772 Winston Churchill 50' building height is too high. It is equivalent to a 5-storey building. This may be designed with a specific tenant in mind that is not being disclosed. Most warehouses are below 36 ft. high. What tenants require 50' ceiling heights?

On-line research indicates 36 ft. heights are the norm with some movement to 42 ft. and occasionally 50 ft. However, 50 ft. warehouses are unlikely to be built on spec as they

require specialized, high-capacity utilities including power and water for enhanced sprinklers for fire prevention as well as advanced automation and building specifications.

<https://methodarchitecture.com/industrial-clear-height-36/>

<https://renx.ca/demand-technology-fuel-todays-cre-industrial-revolution/>

2. What is the maximum size and height permitted building height for an E2 warehouse adjacent to R1 residential?
3. Landscaping should include evergreen trees to the west to provide a year-round screening of the facility including a secure noise wall to prevent employees from exiting into Aspen Forest Park or local residential areas.
4. Building heights should be reduced to be more compatible to the adjacent residential area.

#### Climate Change:

1. The proposed developments should also be viewed through a climate change lens
2. Lot coverage including paved spaces is about 75%. The asphalt parking and driveway areas plus large, oversized building are not environmentally friendly.
3. The reduction in green space will contribute to increased carbon in the atmosphere, rising temperatures, increased pollution in the Clarkson airshed and potentially local flooding and changes to the watershed.
4. Driveways should be permeable to allow water to drain through. The sites have been open grassland areas that have absorbed water run-off into the area watershed.

#### Conclusion

1. There are too many unknowns at this time to proceed with SPA approval.
2. Area traffic study must include all of the proposed new facilities and future developments or redevelopments in the area.
3. Future tenants are unknown, so traffic studies need to meet very high standards to protect area residents and existing businesses from road networks inadequately designed to accommodate a significant increase in traffic. Winston Churchill will not be useable if transport trucks are backed up on this two-lane road to enter the new warehouses.
4. It is imperative that Winston Churchill Rd. south of Beryl be upgraded to a 4-lane municipal road. Ideally an internal two-lane road should be built within the property lines of these facilities and routed to a signalized light to control left hand turns onto Winston Churchill. Southbound right hand turns into the facilities would also utilize a 2-way road within the property lines to move traffic off Winston Churchill. The extra lane on the 4-lane road could then function as a buffer for tailbacks from the entrance to the warehouse property, with the other lane open to through traffic. Northbound left turns into the facilities would also need the extra lane for the same reason.
5. Redevelopment of Winston Churchill must also include a new pumping station and sanitary sewer to accommodate these new facilities. The cost would be shared between Halton and Mississauga, and it would be designed to accommodate future developments in the area.
6. Similarly, without tenant operational information noise studies must meet very high standards to protect nearby residents including noise walls and security to fully separate these industrial facilities from the surrounding residential area.
7. Building heights must be reduced due to proximity to residential neighbourhoods and landscaping plans must include site screening features.

8. Lot coverage must be reduced to allow more water to enter the watershed naturally and allow landscaped vegetation to continue to co-exist with these new facilities.
9. The Clarkson Airshed study must be updated to assess the impact of the new developments and mitigation solutions identified and/or the projects scaled back.

Jill Wang – email October 27, 2021

As a resident of our lovely southeast Oakville, I have a very common concern as my dear neighbours on the recent warehouse development matters.

I will need your help to understand the legal process of the Zoning By-law Amendment.

"Any appeals to the proposed zoning by-law amendment must be filed with the Town Clerk at 1225 Trafalgar Road, Oakville, ON, L6H 0H3; must set out the reasons for the appeal; and must be accompanied by the fee required by the Ontario Land Tribunal. A copy of the appeal form is available from the [Ontario Land Tribunal](#) website."

1) Can any public body request an amendment or appeal the decision? (we are not the land owner, no municipal gov.)

2) For Appeal case, any deadline to submit the appeal?

J Cistrone – email October 4, 2021

I spoke with you last week regarding the proposed building of the 2 commercial properties behind our home on Claremont Cres.

We were not able to attend the zoom call so not sure how it went but if there were published minutes would appreciate a copy or an overview of how it went.

As I mentioned we were preparing to put an addition on our home and have a permit to start however after receiving a neighbourhood letter and seeing the scale of the 2 properties it has caused us to rethink the addition.

We have spent a lot of time and money on our plans and to say we were disappointed to learn of these proposed buildings this way is an understatement.

We are currently putting this plan on hold until we can learn more about a timeline and when this may be approved.

In the summer when windows are closed the commercial activity is more muffled however I have on purpose this past week had a second floor window open. From what we heard the noise of shunting and trucks backing up with their beepers starts at around 5AM and is loud enough, I really cannot even imagine adding these buildings to the back of us and the noise and pollution this will create.

We knew this was an industrial area when we purchased this house but adding these spaces to the area is a game changer for us.

Tim Kennedy – email September 27, 2021

Tonight's zoom meeting requires a passcode. I was sent a notice in the mail without a password. My suggestion is if everyone is having these issues this should be rescheduled as I'm sure a few people are unable to get in.

I own two parcels along Deer Run and would very much like to hear what the developer and their team has to say.

D. Browne – email – March 30, 2021

I am hoping you can confirm the intent of this warehousing complex which is being proposed at this location.

Some residents on our street are suggesting that it will be for "self storage" others are suggesting tractor trailer traffic, in and out, and potentially 24/7 operations.

B. McCreery – Email – March 24, 2021

When will the traffic study be posted on the town website.

H & E Elsie – Email – March 20, 2021

Good morning Leigh – my enquiry is to request a more definitive indication as to where this location is on Winston Churchill Blvd – the 560 is not a number identified on the street. From past correspondence with residents of this area (Deer Run Ave) it was agreed all future development would be surrounded with a "Berm" – just want to confirm that this has been taken into account and will take place if the development proceeds.



## **APPENDIX H: Developer Public Information Meeting Minutes**

### **Developer Lead Public Information Meeting – Sept 27, 2021**

#### **772 Winston Churchill – 7-8 pm – Scott Arbuckle**

- Applicant presentation
  - Proposal
  - Site details/studies
  - Next steps
  - Q&A
- Provided history going back 12 years (Giffels) – 4 building concept
- Data Centre concept
- Neither project progressed
- Current application
- No variances required
- Warehousing
- Site plan only – site arrangement
- WCB upgrades - r-in-r-out and full moves
- 367 parking (required 345 parking)
- 121 loading
- Existing Walkway/berm and landscaping images
- Noise study consultant - provided an overview, considered truck movements, loading, rooftops and truck coupling.
- 24-hour operation considered
- Sound levels exceed at some locations without any mitigation
- Acoustical screen at n/e corner and the southwest 3-4.2 m (for heritage house) then comply at all receptacles
- IBI consultant – provided an overview of traffic report
- Generate 100 trips in am and pm peak hours – access to QEW 30% truck 70% auto
- Traffic can be accommodated on the easting road network.
- Servicing – easement to Acacia court
- Described the sleeve, along the walkway to court
- Will have another construction management meeting with the Acacia court residents (spring 2022)
- Will make sure driveway access will be maintained
- Said servicing was approved by Region (?)
- Next Steps – 2<sup>nd</sup> submission, JCRA comments are expected
- Will take into consideration any comments from the public or JCRA.

#### **Resident Discussion**

- Noise - how to predict noise with no tenant known.
- Modelling is based on info know at this time, based on traffic and mechanical equipment
- Can put together a worst-case scenario

- Sani pipe – behind our house – no different than the pipe in front of your house, to Region standards.
- Light study – there was a study completed to show - 0 light level
- Would like a copy of the presentation. – SA to provide to Councilors/staff (staff to post on website)
- Air pollution – impacts on children – Region made the request and it is in progress. It will be submitted with the second submission
- Noises – all vehicles – predicated on the activity on the site
- Do you have a building as a comparable?
- Designing for a worse case – all activity in 1 hour – test is to meet the guidelines
- Don't think meeting the guidelines is enough.
- The building provides the screen. Gaps between the buildings have a noise wall
- Light – direct or indirect – shields on light
- 3-4 m noise wall - not mitigating the building or rooftop (shields) – vehicles coming and going on trucks and activity in the courtyard
- Rooftop – screening
- 24/7 operation concerns – nighttime guidelines more restrictive
- JCRA – site permitted to operate 24/7 so it is important to work on the worst-case scenario
- Without knowing the tenant – it is hard to know how much noise
- JCRA – traffic – what are the am/pm hours, was the traffic study only in the context of this site only or did you look at 560 WCB as well and others in the area (Amazon), the cumulative impact should be considered.
- Noise/traffic 2 big concerns
- Traffic study looks at other sites – take a look at the future scenario and looks at the growth in the vicinity and then add on their site – not looked at in isolation – will need for minor signal timing – their study also forecasts into the future
- Main access the signal – full moves, can go north or south, but they anticipate it going north.
- Right-in, right-out for cars
- Truck routes? Assigned trips to various roads, but shows capacity is available
- What type of barriers – could be wood, or concrete, most likely concrete
- Construction traffic to deer run – overflow traffic – construction window – 3 weeks
- Canopy coverage 20% -requirement – will be met
- Concrete barriers are ugly - Barriers can be designed so that they are pleasing.
- Outdoor storage – no outdoor storage around the limits of the site
- Uses? – no tenants designed with warehousing in mind.
- Will WCB need to be widened? 2 lanes each direction with turn lanes.
- Will the buildings be leased out to multiple tenants or 1 tenant? Not know at this time.
- Comparable facility? Want to talk to the neighbours. – Site not modelled after any particular site – this site also has a park/creek unlike.
- Councillor Gittings – Timing? – Spring 2022 - Region of Peel road – warehouse or road first? Construction window will be at the same time – turn lanes would be in place at the same time as the opening of the building
- Am/pm 100 – in and out at peak hours – assumes full operation and during a shift change.

- Off-peak hours – traffic is low
- Next steps – feedback and written comments – to be factored into a resubmission – revised site plan submission
- Why pipe in Acacia court and not out to WCB – no pipe in WCB
- Food manufacturing – rats – no tenants (Food health and safety – federally regulations)

#### **560 Winston Churchill – 8-9 pm – Oz Kemal**

- Applicant presentation
  - Policy framework
  - Proposal
  - Site details
  - Next steps
  - Q&A
- OP/Zoning
- No tenants – marketing them
- 8 different users sharing the buildings
- Berm – 2.5m to be extended
- Parking 410 parking required -417 proposed
- Images of berm/landscaping with buildings shown
- Traffic study – 121 trips at peak times
- Small noise walls on WCB – 4.5 m high at the main entrance – if these are provided then noise will meet standards
- Servicing – connect into the future pipe
- 2<sup>nd</sup> meeting with Acacia Court
- Next steps – resubmission addressing comments

#### **Resident Discussion**

- Hedgerow results in breaks in the berm
- Peak hour – when most vehicles are on the roadway – am hour most arriving, pm hour most leaving
- Traffic study took into consideration 772 and other developments as background developments
- What are the peak hours? Am peak hours 6 am-10 am – peak 7:30 am-8:30 am – pm 4:45-5:45  
peak hour – typically weekday activity – most development is on weekdays – could have weekend traffic.
- Types of tenants – types of goods? Any restrictions? Explosive devices? Reduce threats?
- Explosives – general prohibition in proximity to residents, need approvals, business licences etc
- Timing 2022
- JCRA – zoned E2 – permits certain activities – eg warehousing – see definitions on Town website
- JCRA – not supportive of warehousing – have asked that the definitions be revised
- Traffic studies are not realistic because no end-users – significant traffic increase = tractor-trailer increase – 200 bays and 700 parking spaces over 2 sites
- Peer review – traffic and noise
- Signal light optimisation is not enough

- Physical safety with kids/homes – no access from sites to path and park – not likely to go over the berm – not proposing a fence – can talk to Town staff about fence – neighbours want to reduce foot access to trail and park
- 111 truck bays – what is the turn around time? They use info for general trip generations traffic standards
- Would like to see the big picture from a Traffic perspective – instead of 2 separate studies. Town did ask for them to look at different intersections – Town and Region looks at overall traffic
- Traffic/noise – air shed issues – cumulative when looks at everything – don't look at the small pieces
- Trees in the hedge, will they remain or will they be removed? Hedgerow to be maintained.
- JCRA – Can WBC be upgraded with the sani to connect instead of through the residential community. No sewer to connect, and not feasible to connect.
- Peel – the only discussion is about turn lanes not increasing the number of lanes.
- When were the traffic counts done? Covid? Traffic counts Aug 2021 with growth factors to increase them because of COVID
- Applicant assumed everyone comes by vehicle and not transit
- OMB settlement assumes 2.5 m and they will maintain the 2.5 m
- Ron Mackenzie – Region of Halton – WCB – topography can't get a gravity sewer option, would be not supportive of a pumping station
- Councillor JHT – tenants – can the owners look for tenants that have fewer cars and less noise
- Owners – own for the long haul – client base are AAA clients – not fly by night operators – look for top tier tenants, they will do their best to ensure noise is within the guidelines or less.
- Councillor JHT – in E2 there are other uses that are better, tractor-trailers don't make for good neighbours. She will be asking for the site plan approval to be delegated to Council and will ask Town staff to provide written responses.
- Why are you only looking at the minimums why only a 2.5 m berm why not bigger. Would need to be wider and at a slope to plant on it.
- Would like to see the minimums being exceeded.
- Would like to see daily or weekly basis traffic numbers, it would be a big picture. Tenants may have different peak hours and different shift changes.
- Sani – line – repairs – typically 50 years before repairs – installed to town standards and inspections. –
- Ron Mackenzie – Region maintains it, becomes part of the Regional infrastructure.

#### Phone Call with Councilor JHT – Sept 27, 2021

##### Issues:

- too much gfa
- too many loading docks
- why can't they build offices
- there are other warehouse buildings in the area, don't need more

- concerned with noise – I explained the site-specific zoning regulations that will assist in mitigation (i.e. location of loading doors, height cap)
- JCRA will be asking for peer reviews of the traffic and noise reports
- JCRA would like to the Town to work with the City of Mississauga concerning air quality (Clarkson air shed)
- Too much truck traffic for the roads

## APPENDIX I: Commitment Letter

Barristers & Solicitors

**WeirFoulds** LLP

June 9, 2022

*Via Email*

Mr. Gabe Charles  
Director of Planning  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Denise Baker**  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 22378.00001

Dear Gabe:

**RE: ONE Properties and 772 Winston Churchill LP- Site Plan Application for 772 Winston Churchill Blvd., Town File No. 1601.028/01 and 11087258 Canada Inc. – Site Plan Application for 560 Winston Churchill Blvd. Town File No. 1601.028/01**

WeirFoulds LLP are solicitors for ONE Properties and 772 Winston Churchill LP, (collectively "ONE Properties") regarding the redevelopment of its property located at 772 Winston Churchill Boulevard, in the Town of Oakville.

We are writing together with BLG, the solicitors for 11087258 Canada Inc. with respect to their property at 560 Winston Churchill Blvd., in the Town of Oakville. 11087258 Canada Inc. is represented in this capacity by Mr. Pitman Patterson of BLG, who is cc'd on this correspondence.

772 Winston Churchill Blvd. and 560 Winston Churchill Blvd. (collectively the "Properties") abut one another, and both have site plan applications (the "Applications") submitted with the Town. Both ONE Properties and 11087258 Canada Inc. are committed to ensuring that the redevelopment of their Properties is done in accordance with the Town's zoning by-law, the designation by the Province as a provincially significant employment zone and the conditions imposed by the Town and based upon the servicing of the Properties through an easement in favour of the Region of Halton from Acacia Court, as shown in the site plan drawing packages which form part of the Applications.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada. L6J 0B2

T: 905-829-8600 F: 905-829-2035

[www.weirfoulds.com](http://www.weirfoulds.com)

In addition, on the basis that the Town approves the Applications on or before June 27, 2022 ONE Properties and 11087258 Canada Inc. jointly commit to the following:

1. A total contribution of \$250,000 payable prior to first building permit issuance for purposes such as of the installation of a trail on the Town owned lands, out to Winston Churchill Blvd, the construction of a splash pad within Aspen Forest Park and tree plantings at various locations in the vicinity of the Properties as required by the Town;
2. Finish any buildings on the Properties in a neutral palette;
3. Include the following provision in each of the site plan agreements pertaining to the Properties which states: "the Owner will undertake to insert a provision in any lease with respect to a reduction in the usage of loading docks after 11:00pm";
4. Include the following provision in each of the site plan agreements pertaining to the Properties which states: the Owner will undertake not to occupy the buildings on the easterly portions of the Properties, which abut Winston Churchill Blvd, in advance of the commencement of the exterior construction of the buildings located on the westerly portion of the Properties closest to the residentially zoned lands".

It is proposed that each of these commitments be secured through relevant clauses within each of the site plan agreements for the Properties, which is required to be executed prior to final site plan approval being granted.

Further comments on the conditions of site plan approval which have been provided by the Town will be forthcoming.

We look forward to hearing from you as soon as possible.



Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", written over a horizontal line.

Per: Denise Baker  
Partner

DB/mw

Cc: J. Pittman Patterson, Borden Ladner Gervais



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2022-086

A by-law to confirm the proceedings of a meeting of Council.

#### **COUNCIL ENACTS AS FOLLOWS:**

1. Subject to Section 3 of this by-law, every decision of Council taken at the meeting at which this by-law is passed and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
2. The execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized.
3. Nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.

PASSED this 27th day of June, 2022.

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Rob Burton

Mayor

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Kathy Patrick

Acting Town Clerk