



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 12, 2021

FROM: Planning Services Department

DATE: April 6, 2021

SUBJECT: Recommendation Report, 3064 Trafalgar Road Holdings Inc. (Distrikt), Zoning By-law Amendment Z.1313.09 – By-law 2021-032

LOCATION: West side of Trafalgar Road, north of Dundas Street East

WARD: Ward 7

Page 1

RECOMMENDATION:

1. That the proposed Zoning By-law Amendment application submitted by 3064 Trafalgar Road Holdings Inc. (Distrikt) (File No. Z. 1313.09), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms with all applicable Provincial plans, the Region of Halton Official Plan, the 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 April 12, 2021.
2. That By-law 2021-032, an amendment to Zoning By-law 2009-189, be passed.
3. That Staff be authorized to accept the conveyance of the Natural Heritage System block subject to an easement for the construction of a low impact development feature to be designed through the site plan process.
4. That the notice of Council's decision reflects that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary; and,

6. That the site plan for the proposed development be designed in accordance with the urban design requirements in Appendix 'A' to this report from the Planning Services Department dated April 12, 2021.
7. That the Section 37 Agreement, permitting the agreed upon exchange of height for appropriate community benefit, be brought to a future Planning and Development Council meeting prior to registration of the agreement on title of the subject lands.

KEY FACTS:

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

- This report recommends approval of a zoning by-law amendment that would have the effect of rezoning the subject lands from Existing Development (ED) to Trafalgar Urban Core (TUC) to permit the development of two 20 storey residential buildings. In accordance with the North Oakville East Secondary Plan (NOESP), the subject lands are eligible for bonusing to a maximum height of 30 storeys. A Section 37 Agreement is required between the Owner of the lands and the Town of Oakville to bonus the additional ten storeys of height for each tower.
- The subject lands are designated Trafalgar Urban Core (TUC) Area in the NOESP which is intended to accommodate intensification and high density development. Lands within proximity to major intersections where transit supportive densities are required may have a maximum permitted height of 20 storeys.
- The statutory public meeting was held on November 23, 2020, comments raised at that meeting have been addressed in this report.
- Staff recommend approval of the zoning by-law amendment application 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 NOESP. The application conforms to the Town's Urban Structure as the proposed development aids in the achievement of complete communities.

BACKGROUND:

Proposal

The zoning amendment application was deemed complete on September 27, 2019. Bill 108 and Bill 197 provide for 120-day timeline before an appeal can be filed for lack of decision, which ended on January 27, 2020.

The zoning by-law amendment would have the effect of rezoning the lands from Existing Development (ED) to site specific Trafalgar Urban Core (TUC) and permit the development of two 20 storey residential buildings with a podium and underground parking. The subject lands are eligible, under the Bonusing policies of the NOESP, for increased height permissions to a maximum of 30 storeys. A Section 37 Agreement with the Town would be required to increase the maximum height of the two towers from 20 storeys up to a maximum of 30 storeys, potentially accommodating up to 678 residential units and 738 parking spaces within an underground parking garage.

The ability to use bonusing provisions as provided in the 2006 Official Plan (1984-063) is subject to Bill 108 *More Homes, More Choice Act*. It is noted that 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.

The proposed zoning By-law 2021-032, introduces a site specific provision for the subject lands to reflect the proposed configuration of the development as well as provides for Holding (“H”) provisions (listed below in the Proposed Zoning section) that must be satisfied prior to building permit issuance.

The H provision would require the owner to convey to the Town a portion of the Natural Heritage System (NHS) that is located on the subject lands as well as require conveyance to the Region of Halton of a road widening on Trafalgar Road, shown below in Figure 1.

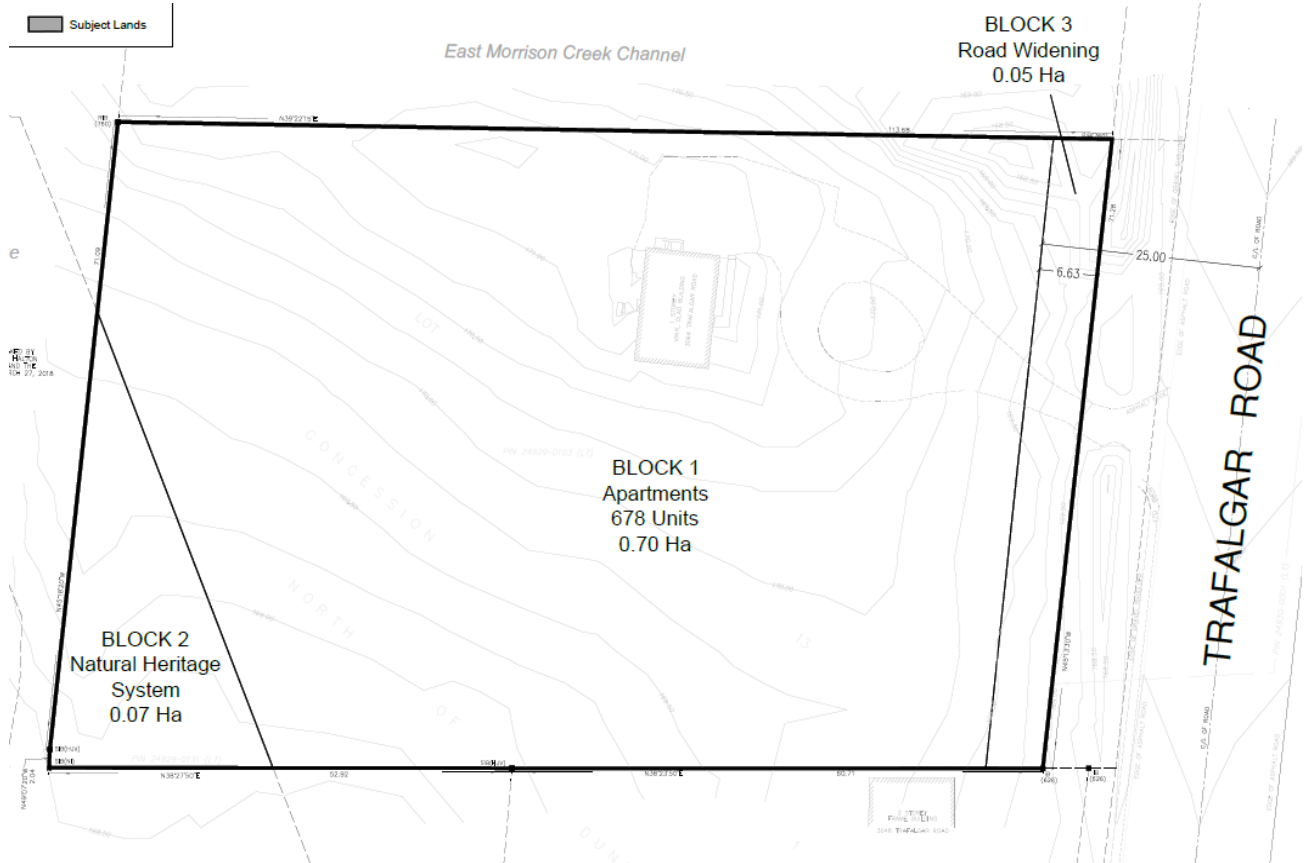


Figure 1: Block Plan identifying Block 2 and 3 to be conveyed

Location and Site Description

The site is located approximately 200 metres north of Dundas Street and fronts onto the west side of Trafalgar Road. The subject lands are 0.82 hectares in size and has a frontage of 71 metres along Trafalgar Road.



Figure 2: Air Photo

The property is generally rectangular in shape with a detached dwelling on the property that will be demolished prior to development. The site is bounded on two sides by the East Morrison Creek and NHS lands. There are floodplain constraints on the site currently that will be resolved through the Region of Halton's future culvert improvements south of the Dundas Street East / Trafalgar Road intersection. Lands along the frontage of the property were identified as part of Halton Region's Trafalgar Road widening project and will be conveyed to the Region as required by

the H provision to assist in the timing of the Region’s Trafalgar Road widening project.

The site is within proximity of a Linkage Preserve Area (LPA) as noted in the NOESP. The development limit buffer required to protect the function of the LPA and NHS extends into the site slightly thereby requiring a triangular shaped parcel at the southwest corner of the site to be dedicated to the Town.

The conceptual site plan, Figure 3, illustrates the proposed development concept for the subject lands. The applicant’s concept rendering is included as Figure 4.

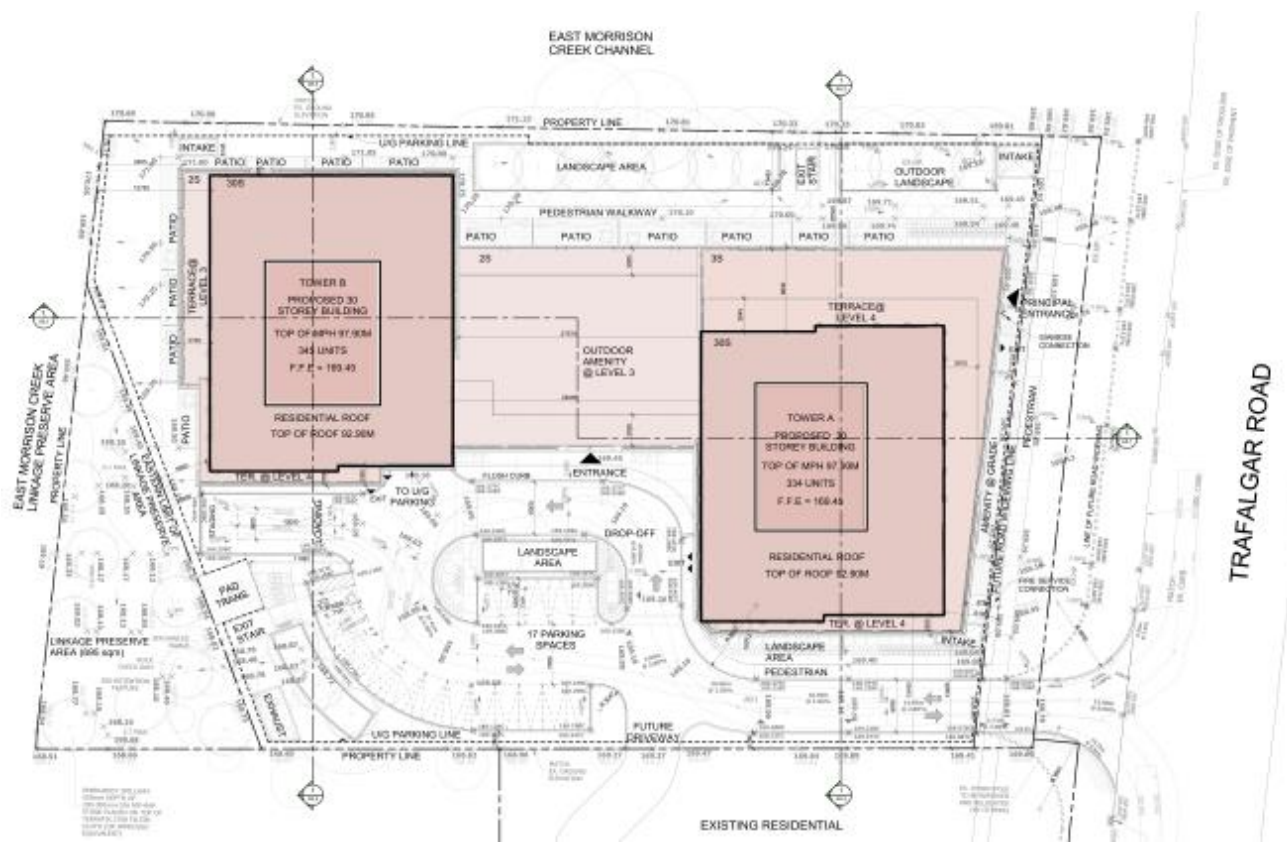


Figure 3: Conceptual Site Plan



Figure 4: Conceptual Rendering

Surrounding Land Uses

- North: East Morrison Creek Channel constructed as part of the Minto Subdivision east of Trafalgar Road. Beyond the channel is the proposed Green Ginger Developments Phase 2 subdivision Trafalgar Urban Core blocks (maximum height limit of 30 storeys with bonusing).
- East: Trafalgar Road, intended to have a 50 metre right of way, and the Minto Subdivision Trafalgar Urban Core blocks (maximum height limit of 30 storeys with bonusing).
- South: 3048 and 3040 Trafalgar Road with detached dwellings that are listed on the Town of Oakville Heritage Register.
- West: NHS / East Morrison Creek. Beyond the NHS is Green Ginger Developments Phase 1 containing low to medium density residential uses, stormwater pond and NHS lands.

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; and,
Zoning By-law 2009-189

Policy excerpts are included as Appendix 'B'.

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, promoting a compact development form, and the long term protection of natural features.

The subject lands are located within the "Settlement Area", which are to be the focus of growth and development. 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. On this basis, the proposed rezoning is consistent with the PPS (2020).

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 subject lands are located within the "Settlement Area" and are within a "Designated Greenfield Area."

The importance of the Growth Plan policies are the support for complete communities that improves social equity by encouraging a diverse mix of land uses and housing options (including affordable housing), located on higher order transit corridors, with convenient access to local stores, services, and public service facilities. 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. On this basis, the proposed rezoning is consistent with the Growth Plan and contributes to the achievement of complete communities.

Halton Region Official Plan

The subject lands are designated as 'Urban Area' and 'Regional Natural Heritage System' within the 2009 Regional Official Plan (ROP). The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". The subject lands are also located within the 'Greenfield Area', and are located adjacent to a Higher Order Transit Corridor (Map 3), which is part of a Regional identified Intensification Area. 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 housing, work and leisure.

The Regional Official Plan, 2009 (ROP) requires that the development industry absorb their share of the cost of the provision for infrastructure. This policy direction is supported by both the Provincial Policy Statement (2014) and the 2019 Growth Plan. To this end, Halton Region requires proponents of residential development applications within the 'Greenfield Area' to secure servicing allocation via the Region's 2020 Allocation Program and confirmed through an Allocation Agreement.

One of the objectives of the Urban Area (Policy 72(1)) is to "accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The Region has no objection to the proposed rezoning, subject to the Holding Provisions included as part of By-law 2021-032.

Livable Oakville Plan - Urban Structure

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011 and is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the latest Provincial and Regional policies, supports 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. On September 27, 2017, Council adopted Official Plan Amendment 317 (OPA 317) to the NOESP, which 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. The purpose of the amendment, in part, was to promote height increases along the Trafalgar and Dundas Street corridors. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and be consistent with the PPS.

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.

North Oakville East Secondary Plan (NOESP)

The North Oakville East and West Secondary Plans (North Oakville Plans) provide a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and Tremaine Road 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 North Oakville Plans, which are subject to review as part of the on-going Official Plan Review, are intended to guide development in North Oakville to the year 2021.

In 2018 Council adopted OPA 321 that brought NOESP into conformity with the Provincial and Regional policies. Floor Space Index requirements and maximum density policies and permissions were removed from the plan through OPA 321 to achieve greater intensification and compact urban form that will support future transit service routes and increased frequency of service (i.e. five to ten minutes between buses).

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.

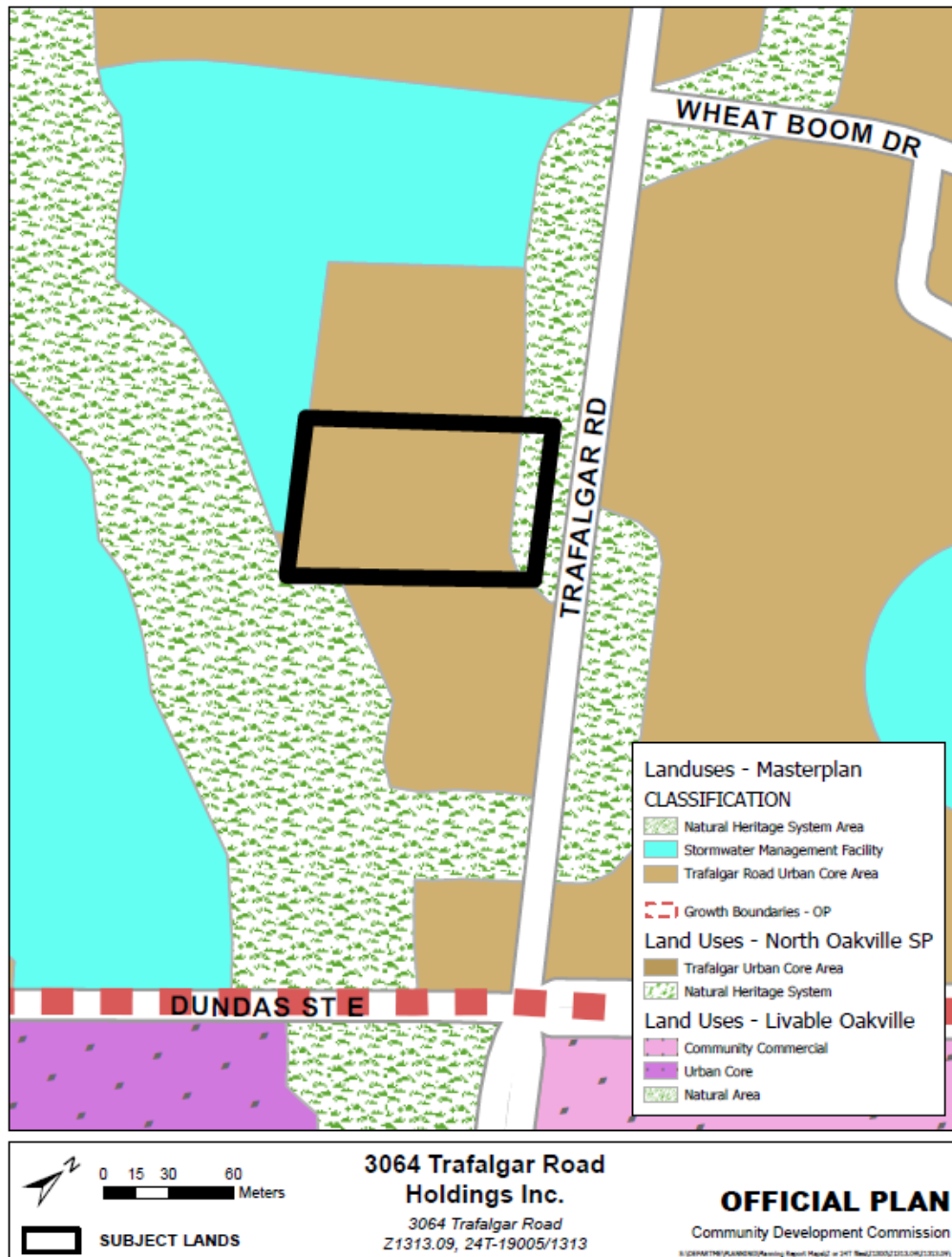


Figure 5: North Oakville East Secondary Plan Excerpt (NOTE: the lands within the property identified as NHS lands were included in the NOESP mapping to indicate floodplain constraints.

Figure NOE2 of the NOESP designates the subject property as Trafalgar Urban Core (TUC). The Trafalgar Road corridor is significant in the development of North Oakville due to the permitted level of intensity, mix of uses and form of development along a major corridor, as identified in the Town’s urban structure. The intent of the TUC land use designation is to allow for a broad range of uses including residential,

employment, service commercial, retail, institutional and cultural uses. Mixed use buildings are encouraged at the signalized intersections along Trafalgar Road to provide convenient access to transit and safe ingress and egress into the development, while stand-alone residential buildings are more desirable where not located at an intersection.

Figure NOE4 identifies Trafalgar Road as a Major Arterial/Transit Corridor, Bus Corridor and plays a major link to the Uptown Core and Midtown areas.

Within NOESP policy 7.6.4.8 Land Use Policies for all Core Areas 1 to 4, states that the highest densities will be focused along Trafalgar Road with maximum building heights being fifteen storeys. Exceptions to this policy include properties that are within proximity of the intersections of Major Arterial/Transit Corridors and Avenue/Transit Corridors with Trafalgar Road. In those cases, the maximum permitted height is potentially 20 storeys. The subject lands are located between two such intersections – Dundas Street and Trafalgar Road, and Wheatboom Drive and Trafalgar Road, as is shown on Figure 6.

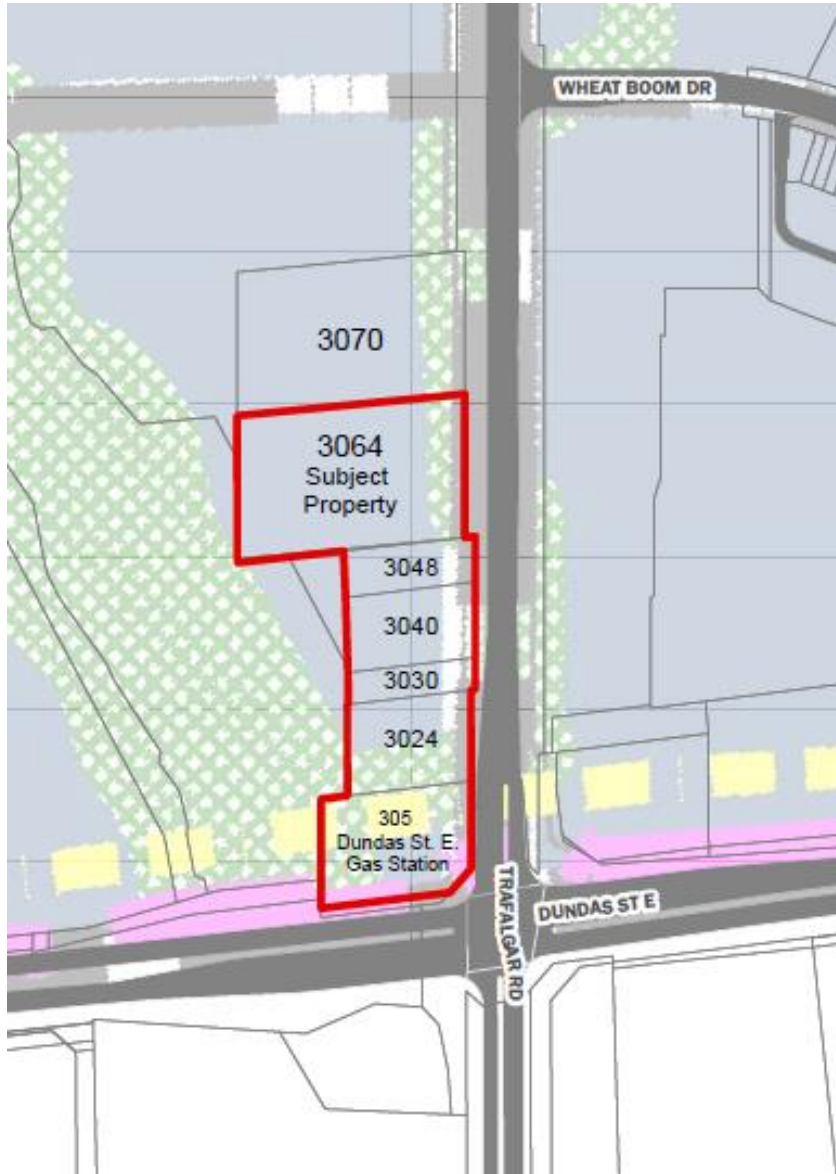


Figure 6: Surrounding context and significance of subject lands within the Trafalgar Urban Core

The ability to achieve a significant level of density between Dundas Street East and Wheatboom Drive, on the west side of Trafalgar, is difficult due to the relocated East Morrison Creek channel to the north of the property, the NHS to the west, the limited development footprint of the smaller parcels to the south, and the existing gas station at a Major Arterial/Transit Corridor intersection. The fragmented ownership and physical constraints along the west side of Trafalgar Road between Wheatboom Drive and Dundas Street East limit opportunities to achieve the required transit supportive densities in this section of the corridor. To recoup some of the density loss within this block, and achieve the urban vision of the corridor, the proximity of the subject lands to both Wheatboom Drive and Dundas Street East was evaluated

and generally meets the intent of Policy 7.6.4.8, thereby permitting a maximum height of 20 storeys.

The North Oakville Master Plan, identified in Appendix 7.3 of the NOESP illustrates the conceptual design for the North Oakville East Planning area. Development applications are reviewed in the context of the Master Plan in order to ensure the coordination of adjacent developments. Minor variations from the Master Plan may be considered so long as the general intent and direction of the Master Plan is maintained.

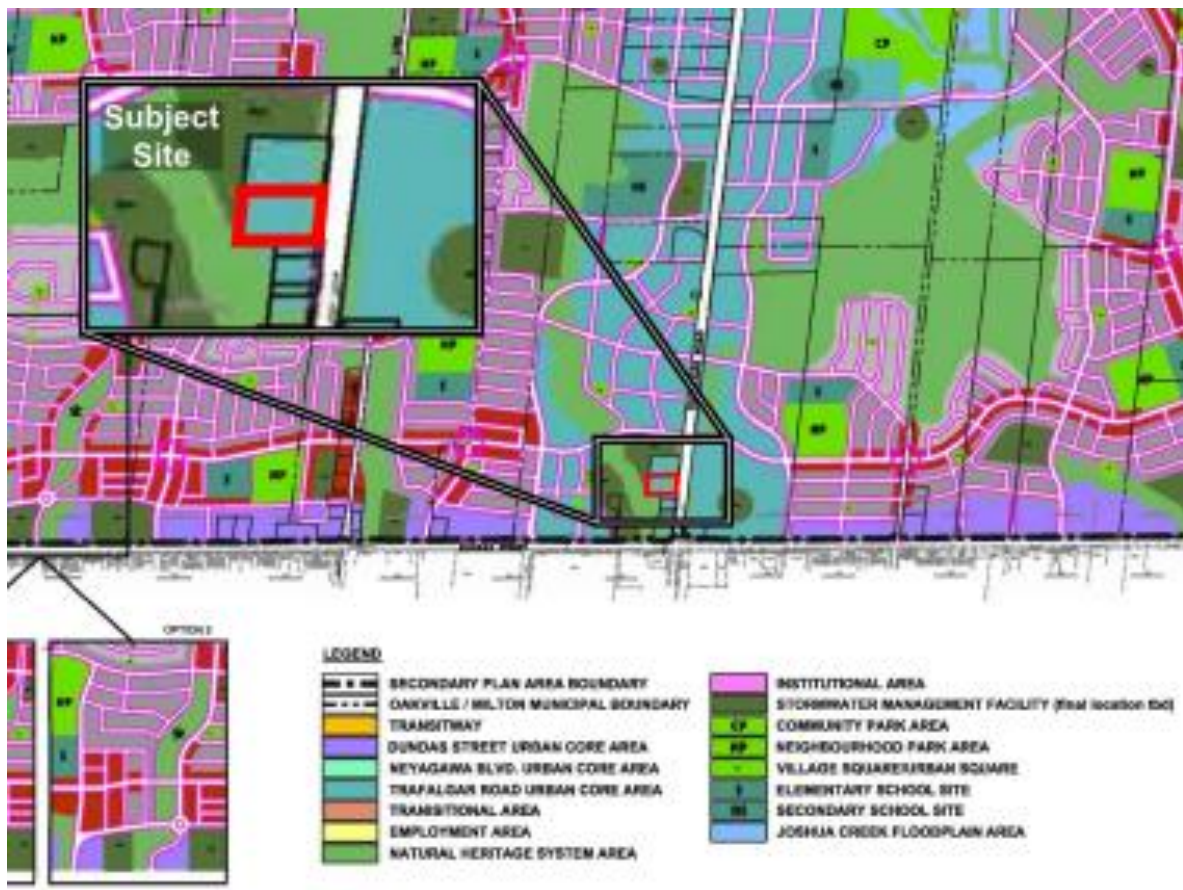


Figure 7: North Oakville Master Plan Excerpt

The proposed land use, density, siting of the buildings, height limits, inclusion of underground parking and development footprint is considered an appropriate and compatible development within the existing surrounding context as well as the planned future development of the Trafalgar Road corridor, and conforms to the policies of the NOESP.

Community Benefits

The Council approved OPA 321 updated the NOESP Trafalgar Urban Core land use policies to reflect transit supportive minimum densities and clarified the provision of bonusing in the Urban Core Areas, subject to Section 7.10.2. In addition, OPA 321 added new definitions to NOESP, including Complete Communities, Regional Transit Priority Corridor and Strategic Growth Areas from the Growth Plan, 2017. The success and impact of that amendment will be most noticeable through development proposals such as the subject application. The location of the lands fronting onto the Trafalgar Road transit priority corridor that intersects with the Dundas Street transit priority corridor, and in close proximity to a transit terminal, is ideal for achieving urban compact built form contributing to municipal and provincial growth objectives.

The subject lands are considered appropriate for increased height and density that is in alignment with the policies and vision of the Secondary Plan and Official Plan.

Within the 2006 Official Plan, Part F was updated to include the following community benefit options when considering the exchange of community benefits for height and density during an assessment of site potential:

- i. Provision of additional public parking;
- ii. Provision of additional open space;
- iii. Provision of Natural Areas;
- iv. Provision of improved access to public transit;
- v. Provision of arcades and public walkways within development;
- vi. Provision of assisted or other low income housing;
- vii. Provision of public institutional facilities;
- viii. Protection of heritage buildings and features;
- ix. Protection of significant vistas and views;
- x. Provision of affordable housing, above and beyond the basic requirement of 25%.

Zoning By-law (2009-189)

The North Oakville Zoning By-law sets the zoning standards with 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 (By-law 2009-189) on November 23, 2009. The subject property is zoned Existing Development (ED). The effect of the proposed zoning amendment will allow the development of the site in accordance with the Trafalgar Urban Core (TUC) designation and policies of the NOESP.

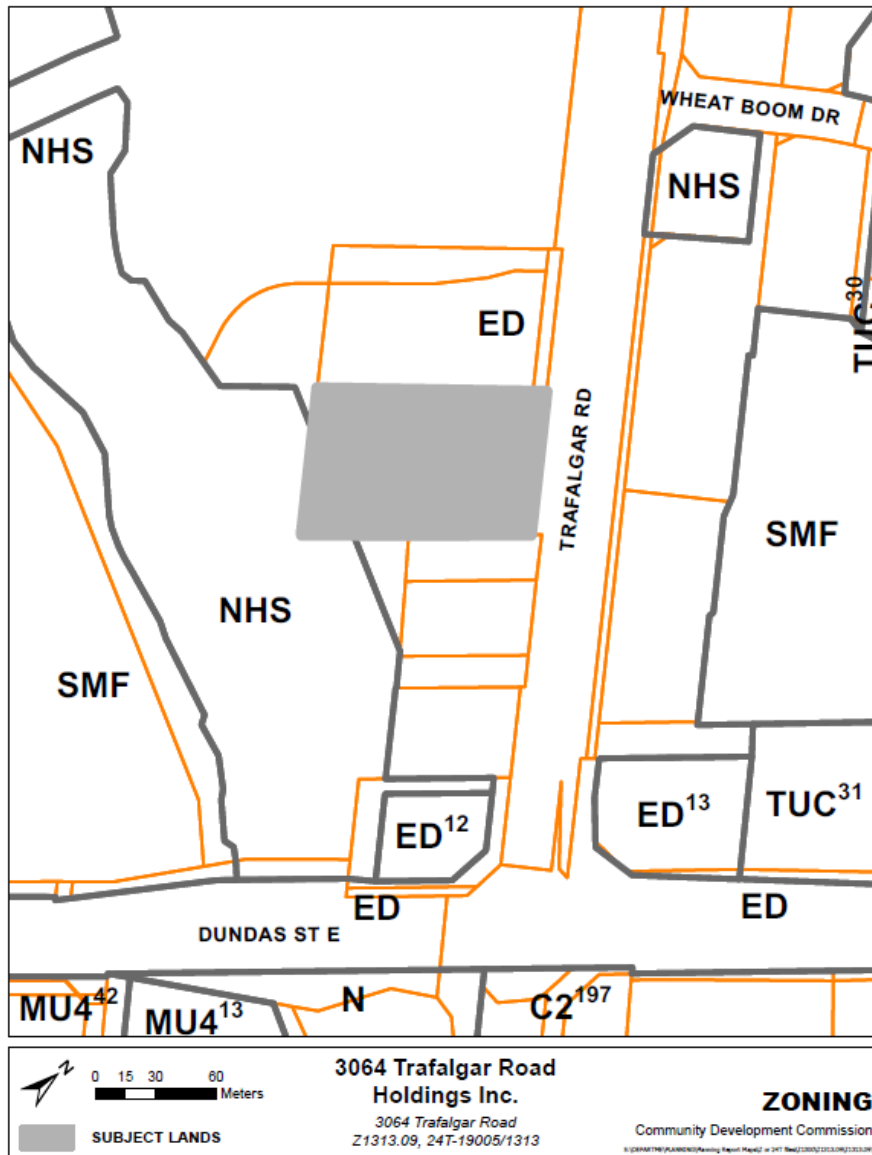


Figure 8: Zoning By-law 2009-189 Excerpt

TECHNICAL & PUBLIC COMMENTS:

Planning staff circulated the development application to internal departments and external agencies for a full assessment of the proposal to ensure technical matters have been satisfactorily addressed. The PPS, Growth Plan, Halton Region Official Plan, NOESP and other relevant policies and supporting guidelines were reviewed in their entirety, with relevant policies applied. Issues that are to be resolved have been reflected in the H provision of the proposed Zoning By-law. There were no objections to the development proposal subject to the provision of Holding Provisions included in By-law 2021-032 and discussed below.

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

Servicing Allocation

- The subject lands are located within the ‘Greenfield Area’ and as a result are subject to the Regional Allocation Program. The applicant has secured the majority of the required servicing allocation for the proposal through the 2020 Allocation Program, and is working with the Region to “top up” the remainder of the allocation needs. This matter has been addressed through a Holding Provision within the by-law.

Flood Plain Constraints on Access from Trafalgar Road

- The lands impacted by the flood plain constraints are located within the future right-of-way lands required by the Region of Halton for the Trafalgar Road widening. These lands are to be conveyed to the Region as a condition of the Holding removal.
- The Region of Halton’s phasing of the Trafalgar Road construction placed the existing regional culvert, south of Dundas Street East, in Phase 2 of the construction schedule (the extent from Hays Boulevard to the southern limits of the 407). The culvert is required to be up-sized to address the flood plain constraints along the Trafalgar Road corridor and beyond. The delay in addressing the culvert, and the floodplain constrained lands along Trafalgar Road, has created a potential timing conflict for the Owner of the property. Should development proceed ahead of the culvert construction schedule. The property will require an alternate means of safe ingress/egress that is outside of the floodplain constrained lands. An interim access to the property has been proposed and the arrangements for such an access must be resolved to the satisfaction of the Region of Halton, Town of Oakville and Conservation Halton prior to the removal of the H provision.

Functional Servicing Report

- The Region has advised that the applicant is required to revise the Functional Servicing Report to address water modelling, watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment. This matter is to be resolved by the applicant to the satisfaction of the Region prior to the removal of the H provision.
- The Owner of the lands will be required to design and construct the extension of the sanitary sewer main and watermain from Trafalgar Road to the subject lands. This matter has been addressed through a Holding Provision within the by-law.

Land use and Site Context

- The site is located within a Settlement Area and a Designated Greenfield Area, providing growth in a Strategic Growth Area. The Urban Core designations reflect the most urban part of the North Oakville East Plan area. NOESP objectives include achieving an urban fabric that integrates urban densities with the natural heritage and open spaces system providing a strong, identifiable sense of identity for residents.
- The proposed development accommodates a mix of units for different household sizes, incomes and ages along the Trafalgar Road priority transit corridor, with access to Oakville Transit and GO Transit services and contributes to provincial and municipal complete community objectives for the number of units in the built-up areas.
- The site is well served by retail, commercial and recreation uses, and access to open space, all within a short walking distance. A future secondary school and elementary school are planned within walking distance of the subject lands. In addition, a future Oakville Library branch and daycare is planned on the east side of Trafalgar Road at Threshing Mill Boulevard.

Built Form

- An assessment of the as-of-right density and height has been undertaken by staff to determine that the built form and density proposed within the two 20 storey towers is considered compatible with the surrounding context and aligns with the policies and growth objectives of the NOESP.
- The applicant's sun / shadow study illustrates that the Town's standards for adequate sunlight on adjacent properties, future redevelopments, and the public realm are met.
- Policy 7.10.2 of the NOESP outlines the permissions specific to the Trafalgar Urban Core land use designation that consider a maximum height of 30 storeys in exchange for an appropriate community benefit to be realized in the general vicinity of the subject lands that might otherwise not be available to the municipality and area residents. Examples of community benefits could include affordable housing, enhanced streetscaping along Trafalgar Road, and indoor and outdoor community space and facilities.
- The subject application would be consistent with the approved and proposed built form along the east side of Trafalgar Road and on the north side of Dundas Street East of Trafalgar Road within the Minto Subdivision.

Site and Building Design

- The development proposal consists of two slender towers connected by a shared podium with underground parking. The design approach has been to use as minimal a building footprint as possible to ensure the availability of open space on the site and opportunity to enjoy the natural areas that bound two sides of the site. The proposed building design incorporates setbacks to reduce building mass and provides terracing and outdoor amenity space. The

applicant has proposed rooftop outdoor amenity area as well as interior amenity areas on both the first and second storey.

- Access to the site will be provided via Trafalgar Road and will be restricted to a right-in and right-out access point. The proposed access would provide opportunities to consolidate access with future developments to the south of the subject lands, eliminating the need for further road cuts.
- The siting of the development has been strictly regulated away from the south property line to ensure appropriate separation distances to the future built form on that property, contributing to an attractive, less cluttered, skyline.
- The Livable by Design Manual includes standards for the maximum size and floorplate measurements of towers above twelve storeys to reduce bulky buildings and shadowing impacts.
- Appendix 'A' provides the standards that the future site plan will be subjected, to achieve a high quality development.

In the case of the subject lands, staff believe there is justification for the development to potentially exceed 20 storeys due to:

- The approved compact urban built form vision for Trafalgar Road ,as identified in NOESP and further enhanced through OPA 321
- location of the property along the Trafalgar Road transit priority corridor, north of the Dundas Street transit priority corridor
- limited development potential to achieve transit supportive densities for adjacent properties fronting onto a transit priority corridor
- presence of GO and local transit service
- planned future pedestrian and cycling facilities included as part of the Region's Trafalgar Road widening project
- planned and approved built form in the area
- access to open space
- existing and future community facilities and amenities
- nearby retail and commercial services

The eligibility for bonusing will be subject to further discussion since the desired community benefit has not been determined. However, during the future site plan application process and the use of 3D modelling, staff will evaluate various height scenarios and ensure an appropriate coordination of the proposed development with the surrounding context and future redevelopment potential of adjacent properties.

Staff are recommending that a report be brought forward to Council at a future date that includes the details of the agreed upon community benefit provisions along with the Section 37 Agreement.

Transportation and Parking

- The forecasted trips generated by development in north Oakville were modelled during the development of the North Oakville Secondary Plans. In addition, future development along Trafalgar Road was incorporated into the Region's Environmental Assessment for Trafalgar Road when looking at Regional and local impacts to the corridor.
- From a land use perspective, both the regional Official Plan and NOESP have recognized the increase in traffic levels likely generated along the Trafalgar Road corridor as build out occurs.
- Region of Halton and Town of Oakville Transportation Engineering Staff reviewed the project's Transportation Impact Assessment and are in agreement with the conclusions of the study that the development impact/trips generated on the regional and local road network can be accommodated on the existing and planned road network.
- All required parking for the site is to be located within an underground garage and staff note that a minimum parking rate (see Proposed Zoning section for details) has been applied within By-law 2021-032. The visitor parking has been established in the by-law at a rate consistent with recent developments along Trafalgar Road, Dundas Street East and within the Uptown Core. Staff are of the opinion that the parking rates associated with the proposed development are appropriate and reflect the locational context and proximity to the commercial services, pedestrian and cycling infrastructure and access to transit services.
- In accordance with the Traffic Impact Study, a south bound turn lane will be provided along Trafalgar Road to provide appropriate ingress to the site.
- Urbanizing the Trafalgar Road corridor, including transit facilities, streetscaping and multi-use trails will be constructed as part of the Region's road widening project.

Trafalgar Road Re-construction

Staff continue to have significant concerns with the Region's intended design for Trafalgar Road which does not reflect Council's vision for an urban corridor that is pedestrian-focused, and transit-oriented.

As mentioned earlier in the report, the vision for the North Oakville East Plan area, as approved by Council, focused on the Trafalgar Road corridor as an urban transportation corridor for all modes of transport. Trafalgar Road is intended to function as the primary spine for North Oakville, connecting Midtown to Highway 407. The corridor is envisioned to have the highest densities and a mix of uses with active at-grade retail supported by on-street parking and frequent bus rapid transit in dedicated centre lanes. This vision was conveyed to Halton Region over more than 10 years through several iterations of the Environmental Assessment process. When the Region presented the initial design drawings to the town in 2020, the right-of-way concept illustrated a more suburban cross-section with six travel lanes,

turning lanes, multi-use trails and maintained above-ground aerial utilities – contrary to the Trafalgar Road vision.

Town staff conveyed these concerns to the Region over the last year and have met several times to find resolution to the Region's intent to proceed with above-ground utilities. The Region has recently confirmed to the Town that as a result of the significant additional cost (approximately \$29M), which was not fully born by development charges, and the delay in construction, they would not proceed with burying the hydro lines. They will, however, proceed with enhanced landscaping and implementation of a multi-purpose path.

This will, however, not allow the town to achieve its full vision for the corridor because it results in a more suburban road cross-section. There will be implications to future built form along the east side of the Trafalgar corridor since buildings will need to be set farther back from the right-of-way to ensure there is sufficient space for wire swing. This degrades the pedestrian environment as a result. Further, leaving the utilities above-ground will contribute to visual clutter and will complicate the placement of streetscape elements along the corridor (i.e. street trees, benches, multi-use path alignment, transit shelters etc.). Several development applications have received approval and site plan approval with the expectation of an urban corridor setting which may need to be re-evaluated.

Natural Heritage System

- The future property boundary of the subject lands and the buffer to the Linkage Preserve Area has been defined in consultation with Conservation Halton and the Town. The parcel of Natural Heritage System land will be conveyed to the Town in a manner satisfactory to the Town as a condition of the H removal.

Environmental Impact Report / Functional Servicing Study

- Conservation Halton, Region of Halton and the Town require the EIR/FSS to be updated to address final comments provided through the review of the application. This matter has been addressed through a Holding Provision in the by-law.

Alignment with the Climate Emergency declared by Council

- 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. There is an opportunity to work collaboratively and connect to future district energy systems with developers on the east side of Trafalgar Road.
- Staff have initiated discussions with the applicant to encourage more sustainable construction and building practices to reduce the carbon footprint of not only the construction but the operation of the buildings as well.

- 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, car and cycling share programs on-site, unbundling parking opportunities. Further TDM initiatives can include providing car and cycling share programs on-site.

Resolution of Issues Raised at the Public Meeting

The statutory public meeting was held on November 23, 2020, and no members of the public spoke to the item. Public comments were submitted by email and included as Appendix 'C' to this report.

The following is an analysis of the matters of interest raised by Council:

Review the existing and proposed Oakville and GO Transit frequency at this location.

- There are four Oakville Transit routes (5-Dundas, 5A-Dundas, 19-River Oaks, 20-Northridge and 24-South Commons) that utilize the Uptown Core Transit Terminal which is 750 metres / 9 min walk from the subject lands.
- The subject lands are directly served by Oakville Transit #1-Trafalgar route which runs the length of Trafalgar Road from the 407 car lot to the Oakville GO Station. Service frequency is ten minutes between 6 am and 9 pm.
- There are transit stops at the Dundas/Trafalgar intersection.
- GO transit operates two routes along Trafalgar Road that extend down to the Oakville GO Station, with stops north of the Dundas Street intersection. Service frequency is between 30 and 60 minutes.
- Future transit includes increased headways planning by both Oakville Transit and GO Transit. Over the next 15 to 25 years, Metrolinx has identified two rapid transit corridors along Dundas Street and Trafalgar Road and the Region plans to accommodate Bus Rapid Transit lanes along both of these corridors.

Consider the alignment of this proposal with the Community Energy Plan.

- The development is an efficient use of land, and based on its location, is transit supportive based on proposed density.
- Staff have initiated discussions with the applicant to encourage more sustainable construction and building practices to reduce the carbon footprint of not only the construction but the operation of the buildings as well.
- The requirement to provide electric vehicle equipment is included within the by-law.

- Further TDM initiatives can include providing car and cycling share programs on-site, enhanced transit amenities and consideration of unbundling parking.

Consider the ability and appropriateness of commercial uses to be located in the immediate area.

- Along with the range of commercial uses on the south side of Dundas Street East at Trafalgar Road the planned commercial space at Trafalgar Road and Wheatboom Drive and Threshing Mill Road will provide further options and contribute to the availability of destinations within walking distance.

Report back on the inclusion of affordable housing units as part of the bonusing potential for this site.

- Affordable housing units have been included as a priority item in the list of community benefits to be considered in exchange for increase in height. The appropriateness of all proposed benefits to be exchanged will be evaluated further through bonusing discussions.

Investigate flight path information and report back in the final report.

- Trafalgar Road, as per the NOESP, is intended for the greatest of densities and heights up to 30 storeys. Flight paths are reviewed on a regular basis by Transport Canada who are responsible for establishing restrictions to mitigate aircraft noise impacts. For example, scheduled aircraft arrivals and departures at Pearson are restricted between 12:30 am and 6:30 am, and during the summer months.

Report back on whether Section 37 of the *Planning Act* can be used to provide a pedestrian crossover as a community benefit.

- The list of possible community benefits are included in this report. Should a pedestrian crossover be required to improve access to public transit it must be evaluated through the Development Charges background study prior to its consideration through bonusing.

Report back on what the developer is proposing with respect to electrical vehicle (EV) charging stations.

- There is an increase in demand for the provision of electrical vehicle charging stations amongst residential, commercial and employment uses. The provision for EV charging stations has been included in the amending by-law requirements for the underground parking garage as well as the surface visitor lot. A minimum of 20% of the total required parking spaces shall include the provision for installation of electric motor vehicle supply equipment. A minimum of eight visitor parking spaces in the surface lot shall be equipped with EV charging stations.

Provide a timeline on the installation of culverts at Dundas Road and Trafalgar Road and the timing of this development.

- The Region of Halton anticipates starting construction of the 2nd phase of the Trafalgar Road widening in late 2022. The culvert is to be included in the early stages of that project and should be completed by 2025. The anticipated occupancy date of the development is also 2025.

Consider the appropriateness of a dedicated turning lane as part of the traffic analysis.

- The Region of Halton has assessed the need for a dedicated turning lane into the development and notes that the development frontage is only 70 metres along Trafalgar Road and there is a planned southbound bus bay and taper lane immediately to the north of the site. The co-ordination of the turn lane will be reviewed by the Region further at the time the Trafalgar Road Detailed Design drawings are at 60%.

Report back on dropping the height and to see what is the resultant impact on density and other issues related to matters of urban design and unit count / density.

- NOESP contemplates a built form height of 20 storeys on this site with the eligibility for up to 30 storeys. This site is located along Trafalgar Road where there are NHS lands on two sides of the property which provides appropriate and generous separation distances between the two towers as well as to the future development block to the south.
- The site is relatively small in area and reducing building heights could create undesirable scale and massing impacts from an urban design perspective. An increase in coverage would result in less open space and access to sunlight.
- “Dropping the height” could push tower floor plates to being wider which could negatively impacts surrounding properties by increases shadowing on them.
- The approved heights and densities in the NOESP to be located along Trafalgar Road allows the Town to provide low density developments in North Oakville without jeopardizing the population targets set by the province.

Proposed Zoning By-law 2021-032

The North Oakville Zoning By-law 2009-189 regulates maximum parking rates for mixed use and high density land uses. By-law 2021-032 includes minimum parking rates for both residents and visitors. By-law 2021-032 is included as Appendix ‘D’ to this report.

Modification	Effect of the modification
Maximum height of 30 storeys	Implements the policies of NOESP, TUC designated sites along Trafalgar Road are eligible for bonusing.
Bonusing provisions	Includes options for what has been determined an appropriate exchange of height for community benefits as defined by the Official Plan.
Tower floorplates, separation distances and building configuration	Regulations have been included in the by-law to tightly regulate the building footprint as well as the maximum floorplate dimensions for the towers and separation distances between towers and the property to the south.
Dwelling units	Below grade units are not permitted. Bedrooms are not permitted on the first floor of a frontage of the building abutting Trafalgar Road.
Rooftop terraces	Defining Rooftop Terraces and permitting them on any storey of a building as currently they are not included in the North Oakville Zoning By-law.
Parking rates	<p>Minimum parking ratios of one parking space per unit and 0.15 spaces per unit for visitors are required.</p> <p>It is worth noting the applicant intends to provide parking spaces “for sale” with the units. A purchaser of a residential unit may choose whether to purchase a parking space, potentially freeing up additional spaces for units requiring more than one space.</p>
Electric Vehicles	<p>A minimum of 20% of the total required parking spaces shall include the provision for installation of electric motor vehicle supply equipment.</p> <p>A minimum of eight visitor parking spaces in the surface lot shall be equipped with EV charging stations.</p>
Holding provisions	Water and Wastewater servicing allocation be secured

<p>The Region, Conservation Halton and the Town of Oakville require Holding provisions on the by-law that must be satisfied prior to site plan approval and the issuance of building permits. The H provisions are required to ensure adequate servicing, infrastructure capacity and flood-free access to the site prior to occupation are addressed.</p>	<p>Updated Functional Servicing Study to include watermain sizing, flows and pressures.</p>
	<p>Construction of external watermain and sanitary sewer extensions on Trafalgar Road.</p>
	<p>Updated Environmental Impact Report/Functional Servicing Study</p>
	<p>Conveyance of the Natural Heritage System Block and Trafalgar Road Widening</p>
	<p>Design, construction and operation of a passive Low Impact Development feature required as part of the development. The feature would be permitted within the NHS similar to stormwater infrastructure approved through a plan of subdivision. The feature will be thoroughly reviewed by the Town and Conservation Halton through the site plan process.</p>
	<p>Secure an easement over the Natural Heritage System lands to allow for construction and operation of the Low Impact Development feature.</p>
<p>Use of a temporary flood free access at the north end of the property until the Regional culvert is constructed removing the floodplain constraints from the frontage of the property.</p>	

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

CONCLUSION:

Staff confirm that the applicant is a member in good standing with the North Oakville Landowners Group and is a party to the Cost Sharing Agreement.

Staff have evaluated the proposed development in the context of the Provincial Policy Statement 2020 and the 2019 Growth Plan, the Region of Halton Official Plan and the North Oakville East Secondary Plan and support the Zoning By-law Amendment as it represents good planning.

Staff recommend the approval of the development application and the passing of site specific Zoning By-law 2021-032 which would have the effect of permitting two 20 storey towers consistent with the North Oakville East Secondary Plan.

Should the developer wish to contribute community benefits for additional height, Staff recommend that a report be presented to Council at a future Planning and Development Council meeting that outlines the details of the Section 37 Agreement.

CONSIDERATIONS:

(A) PUBLIC

Notice for the public meeting has been distributed in accordance with the *Planning Act*.

A Public Information Meeting was hosted by the applicant on July 17, 2019. There were no members of the public that attended the meeting.

The statutory public meeting was held on November 23, 2020, comments raised at that meeting have been incorporated into this report.

(B) FINANCIAL

Development charges would be applicable to this development. The amendments to the *Development Charges Act, 1997* and the *Planning Act* proposed through Bill 108 and Bill 197 have been proclaimed and are in force as of September 18, 2020. A two-year transition period has been established for municipalities to migrate from bonusing for increased height and density to a new Community Benefits Charge (CBC) Authority under section 37 of the *Planning Act*.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

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

(D) CORPORATE 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 has been reviewed to ensure compliance with the Town's sustainability objectives of the North Oakville East Secondary Plan. The proposal has been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019. The developer is exploring options to reduce the development footprint of the proposal. This will be reviewed in detail through a future site plan approval process.

APPENDICES:

Appendix A: Urban Design Requirements

Appendix B: Policy Excerpts

Appendix C: Public Comments

Appendix D: By-law 2021-032

Prepared by:

Tricia Collingwood, MCIP, RPP

Senior Planner

Recommended by:

Heinz Hecht, MCIP, RPP

Manager

Submitted by:

Gabriel A.R. Charles, MCIP, RPP

Interim Director, Planning Services