

Appendix "B"



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MGP File: 20-2924

Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Mayor and Members of Council

**RE: Planning Opinion Letter
The Ashton Inc. - 2264, 2274 and 2320 Trafalgar Road, Town of Oakville**

Malone Given Parsons Ltd. (**MGP**) is the planning consultant for The Ashton Inc. for the proposed development at 315 Glenashton Road, in the Town of Oakville ("Subject Lands"). The Subject Lands are approximately 0.4 hectares (1.0 acre) in size and located on the west side of Trafalgar Road, north of Glenashton Road.

Background

The Subject Lands are part of the Town's former Public Works site which has undergone a Town-led master planning exercise to examine how future development of the site fits in the context of the emerging Uptown Core area. Following the completion of the master planning exercise, the Town passed Official Plan Amendment 25 (OPA 25) in June 2018 that reflects the vision and requirements of the master plan.

The Town identified the Subject Lands as an initial development block for sale. To facilitate future development, the Town enacted Zoning By-law 2021-021 on February 8, 2021, permitting a variety of uses on the Subject Lands including residential apartment buildings up to 31-metres in height. This By-law was not appealed to the Ontario Land Tribunal (OLT) and is in full force and effect.

The Ashton Inc. purchased the Subject Lands in April 2021 based on Zoning Bylaw 2021-021. Since the purchase, the Ashton Inc. prepared and filed a Site Plan Application on a mid-rise residential apartment concept for the Subject Lands. The Ashton Inc. reviewed a variety of mid-rise building concepts with different number of floors which would respect the 31m height limit in By-law 2021-021. One of those options was a 9-storey, 31m high apartment building.

On December 22, 2021, the Town passed Zoning By-law 2021-154 which added an additional zoning restriction which was not present in Zoning By-law 2021-021. The additional restriction was the limit of 6-storeys for an apartment building whereas Zoning By-law 2021-021 did not have a limit on the number of storeys for an apartment building. Despite the new 6-storey limit, Zoning By-law 2021-154 maintained the 31m height limit.

It is noteworthy that neither Zoning By-law 2021-021 or Zoning By-law 2021-154 directly limited the number of dwelling units in the apartment building or the mass (total gross floor area) of the apartment building. Instead, the limit on the mass of the apartment building was through other zoning provisions such as setbacks, maximum building length and the maximum building height (31m).

By-law 2021-154 was subsequently appealed to the OLT by the Ashton Inc. Since the appeal, the Ashton Inc. has filed a site plan application proposing a 9-storey apartment building in full compliance to Zoning By-law 2021-021 (being the in-force zoning by-law).

Through its legal counsel, KAGAN SHASTRI LLP, the Ashton Inc. is making an offer to settle the appeal of Zoning By-law 2021-154. This planning analysis is an attachment to the settlement offer. From a built form perspective, the settlement offer seeks to revise Zoning By-law 2021-154 as follows:

- a) That the maximum number of storeys permitted be revised from six (6) to nine (9);
- b) That elevator equipment/shaft (only) be permitted to exceed the maximum building height of 31 metres by a maximum of 2.0 metres.

Purpose

The purpose of this letter is to provide a planning opinion with respect to the proposed development on the Subject Lands consisting of a 9-storey apartment building with 149 apartment units. This analysis will review the proposed development against the applicable policy and regulatory framework, including the below documents:

- 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, as amended

Subject Lands and Surrounding Area

The Subject Lands are located on the northwestern corner of Trafalgar Road and Glenashton Drive, as shown on the figure below. The parcel is a generally rectangular in shape with approximately 102 metres of frontage on Glenashton Drive and 29 meters of frontage on Trafalgar Road. Taunton Road is approximately 50 metres to the west of the property.

The Subject Lands are currently vacant and undeveloped. The relatively flat property is currently occupied by a small cluster of shrubs and grasses. The site is bounded by utility easements on its northern and western edges. A Trans-Canada and Union Gas Pipeline runs in an east-west direction along the northern edge of the property and is approximately 15 metres wide. Similarly, an Inter-Provincial/Enbridge Pipeline is located along the western limit of the site and is also about 15 metres in width.

The Subject Lands are located within the Uptown Core strategic growth area. and is approximately 1.1 km south of Dundas Street East and 3.6 km north of the Oakville GO Station.

Figure 1: Subject Lands and Surrounding Context

The surrounding area is as follows:

North: The balance of the former Public Works site, currently vacant. Further north, just south of Oak Park Boulevard is a car dealership and a 12-storey residential apartment building.

East: Trafalgar Road, beyond which are low-density residential dwellings. At the northeast corner of Trafalgar and Glenashton is a small one-storey commercial medical dental building.

West: A vacant parcel bounded by the above-mentioned pipelines to the north and east. Further west is Taunton Road, with Windfield Parkette west of that. Single-detached dwellings and three-storey stacked townhouses are to the north and west of the Parkette.

South: Glenashton Drive, beyond which are single-detached dwellings and four-storey back-to-back townhouses. A single-storey pharmacy and access to the Vineland Woods linear park is also provided to the south.

Proposed Development

The Ashton Inc. is proposing to construct a contemporary 9-storey, mid-rise residential apartment building incorporating a variety of building setbacks along both the Glenashton and Trafalgar frontage. Designed by Icke Brochu Architects, the building will contain 149 residential dwellings units (in a mix of 1-, 2- and 3-bedroom units) with a total gross floor area of ~13,500 square metres. The resultant development density is 3.7 Floor Space Index (FSI).

The entire apartment building will be within the maximum 31 metre height limit, with an exception for the elevator shaft which will exceed the height limit by 2.0 metres. A conceptual rendering of the proposal is shown in Figure 2 below.

Communal indoor amenities are proposed on the ground floor (to provide animation to the streetscape), and in a green roof of approximately 900m² in size. The first floor is proposed to have a greater height (4.5 metres) to further accentuate the proposed active uses.

Vehicular access to the site will be provided via Glenashton Drive into a private driveway where a covered pedestrian pick-up/drop-off area is provided. The private driveway also provides access to the underground parking. A total of 172 parking spaces are proposed (including a minimum 36 spaces equipped for electric vehicle equipment), the majority of which are provided in 3-levels of underground parking.

Figure 2: Rendering of Proposed Development



Pedestrian access is provided through two points of entry, one at the corner of Trafalgar Road and Glenashton Drive, and the second along the western portion of the building at the pick-up/drop-off area.

Compatibility and Transition

Given that this is the first development proposed in the redevelopment of the larger former Public Works site and is adjacent to existing uses, issues of compatibility and transition were key considerations in the building design. The development proposal is of a scale that is compatible with the surrounding existing building. The incorporation of a stepback above the 4th storey along the Glenashton Drive frontage presents a street wall and building mass that is comparable to the existing 4-storey townhomes to the south. Building stepbacks have also been incorporated above the 6th, 7th, and 8th storeys along the Trafalgar Road frontage to create a distinctive corner at the intersection. The building stepbacks ensure that both facades meet the 45-degree angular plane requirements, and that sufficient sunlight can reach the sidewalks.

The proposed mid-rise built form provides for an appropriate transition between the low-density development to the south and the tall buildings planned to the north as contemplated through the Public Works Master Plan when the area is at the full build-out.

Shadow Impact

In support of the proposed 9-storey apartment building concept, Icke Brochu prepared a set of shadow impact studies comparing the shadow impacts from the 6-storey residential building as originally contemplated to the 9-storey residential building as submitted through the Site Plan application. That shadow analysis has been included in this settlement package.

In review of the comparative study, there are minimal differences in shadow impacts between the two concepts. In certain times, the 6-storey building creates longer shadows than the 9-storey building due to the 9-storey building incorporating building stepbacks along the Trafalgar Road frontage which mitigate impacts. During the times of day where the 9-storey building creates longer shadows, the difference in impact is negligible.

A shadow study comparing the proposed 9-storey residential building to a building designed in full compliance with Bylaw 2021-154 (6 storeys; 31 metres in height) was also prepared. Upon review, the as-of-right building creates longer shadows at all times; again due to the building stepbacks incorporated in 9-storey building mitigating impacts.

In my opinion, the shadow impacts created from all the studied development concepts are acceptable and ensure that the surrounding sidewalks and public park spaces receive an adequate amount of continuous sunlight.

Planning Context

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (“PPS”) came into effect on May 1, 2020 and is a high-level document that provides long-term guidelines for the development of livable and healthy communities. The PPS provides direction for establishing strong urban settlement areas through the promotion of a mix of land uses with sufficient densities to allow for an efficient use of infrastructure and services. All planning decisions “shall be consistent with” the policies of the PPS.

The PPS promotes land- and cost-efficient development and land use patterns, and a range and mix of residential and other land uses to meet long-term needs (1.1.1.1). The Subject Lands are located within a settlement area, which are the focus of growth and development and promotes development and land use patterns that efficiently use land and resources, infrastructure and public services facilities (1.1.3).

As per Section 1.1.3.3, planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a range and mix of housing through intensification and redevelopment.

The proposed development represents an appropriate form of intensification of an under-utilized site. The Subject Lands are well-suited for intensification given the size of the site and the presence of infrastructure, services, and facilities. The proposed development provides

an apartment housing option that promotes active transportation and transit use by locating high-density residential uses adjacent to transit and active transportation routes including cycling facilities along Trafalgar Road and Glenashton Drive.

It is my opinion that the proposed development is consistent with the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshow, 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation) (“Growth Plan”) came into effect on May 16, 2019 and Amendment 1 to the Growth Plan subsequently came into effect on August 28, 2020. The Growth Plan mirrors many of the policies in the PPS, including supporting the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses. All planning decisions “shall conform with” the policies of the Growth Plan.

The Growth Plan provides long-term direction to municipalities to plan for and manage growth, including where and how to grow, and population and employment forecasts for each municipality. The Growth Plan directs the vast majority of growth and development to settlement areas and areas serviced by existing or planned municipal water and wastewater systems (2.2.1.2). The Growth Plan identifies the Subject Lands within the Delineated Built-up Area and sets out minimum intensification targets for these areas intended to support intensification and encourage the development of complete communities (2.2.2). Complete communities are defined in the Growth Plan as places that provide residents with access to the necessities for daily living, including an appropriate mix of jobs, local stores, services, a full range of housing, transportation options, and public service facilities.

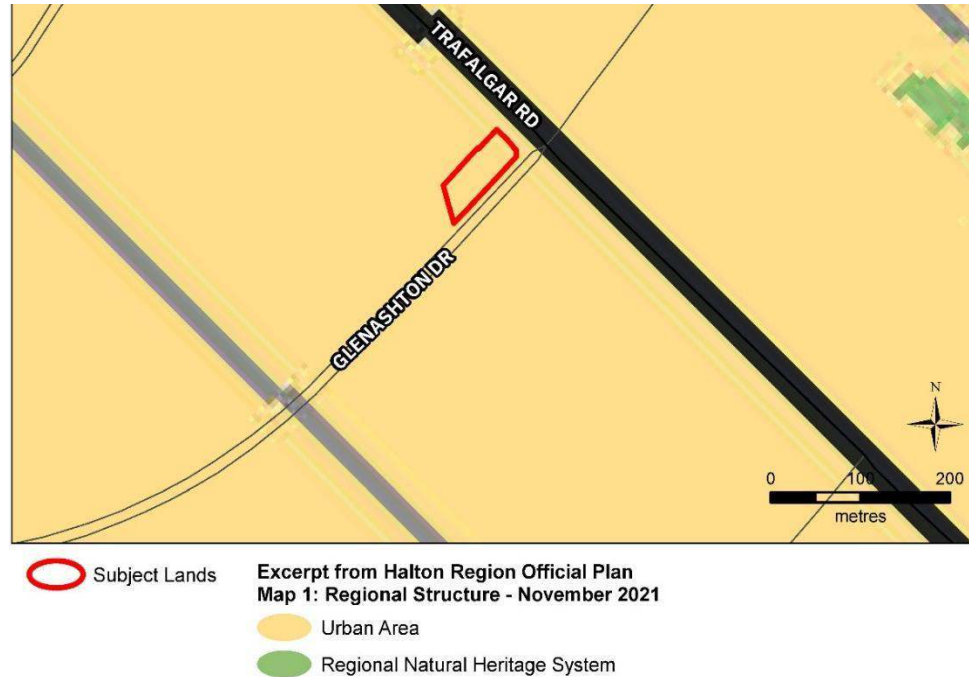
As per Section 2.2.2.2 of the Growth Plan, until the next municipal comprehensive review (MCR) is approved, the annual minimum intensification target contained in the applicable upper-tier official plan will continue to apply. In this case, the Halton Region Official Plan has set an annual intensification target of 40%. This intensification target increases to a minimum of 50% upon the approval of the next MCR (2.2.2.1). The proposed high-density residential development will assist the Town of Oakville meet its minimum intensification targets.).

The Subject Lands are located within an appropriate area for redevelopment and intensification. The proposed development will satisfy the Growth Plan objectives of building complete communities, supporting a range of housing options, and prioritizing intensification within built-up areas at locations with existing or planned higher-order transit.

It is my opinion that the proposed development conforms with the Growth Plan.

Halton Region Official Plan, 2010

The Subject Lands are designated as “Urban Area” in the Halton Region Official Plan, as shown in the figure below. The intent of the Urban Area is to accommodate growth to create healthy communities, promote economic prosperity, while supporting a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reducing the dependence on the automobile and making efficient use of space and services (Policy 72.1).

Figure 3: Halton Region Official Plan – Regional Structure

Permitted uses within the “Urban Area” shall be in accordance with Local Official Plans and Zoning By-laws (Policy 76), in addition to the policies of the Halton Region Official Plan.

The Subject Lands are within a Primary Regional Node (Uptown Core – Oakville) and is considered a Strategic Growth Area. Trafalgar Road is identified as a “Higher Order Transit Corridor”. It is the goal of the Plan to focus a significant proportion of population and certain types of employment growth within Strategic Growth Areas along transit corridors through mixed use intensification (Policy 78.1.2). As per Policy 79, the specific objectives of the Strategic Growth Areas are:

- to provide an urban form that is complementary to existing developed areas, uses space more economically, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable in order to promote the development of complete communities,
- to support transit and active transportation for everyday activities,
- to generally achieve higher densities than the surrounding areas and;
- to achieve an appropriate transition of built form to adjacent areas.

The Subject Lands are within a Strategic Growth Area where development and intensification are to be focused. The development proposal locates a high-density residential use along a transit corridor with access to active transportation routes at the doorstep. The proposed mid-rise building presents an appropriate built-form that provides for proper transition of from the existing 4-storey townhouse uses to the south to the planned tall buildings to the north. The proposed development achieves the objectives of the Halton Region Official Plan

by providing a transit-supportive, pedestrian-oriented development that is compatible with the existing and planned surrounding context.

It is my opinion that the proposed development conforms to the Halton Region Official Plan.

Town of Oakville Official Plan, 2009

The 2009 Town of Oakville Official Plan (“Livable Oakville Plan” 2021 Office Consolidation) was approved by the Ontario Municipal Board on May 10th, 2011.

The Livable Oakville Plan (“OP”) is currently undergoing a 5-year Official Plan Review to ensure conformity with Provincial and Regional policies and continues to support the Town’s strategic goals and objectives.

Urban Structure

The Oakville OP’s urban structure provides a framework for where and how the city should grow and establishes desired form, function and character. The Town has adopted a Nodes and Corridors approach to growth management and have identified that these are key areas where mixed-use development and intensification are to be focused.

Nodes and Corridors as shown in Schedule A1 – Urban Structure of the OP. They are intensification areas and comprise the Town’s strategic growth areas as defined in the Growth Plan.

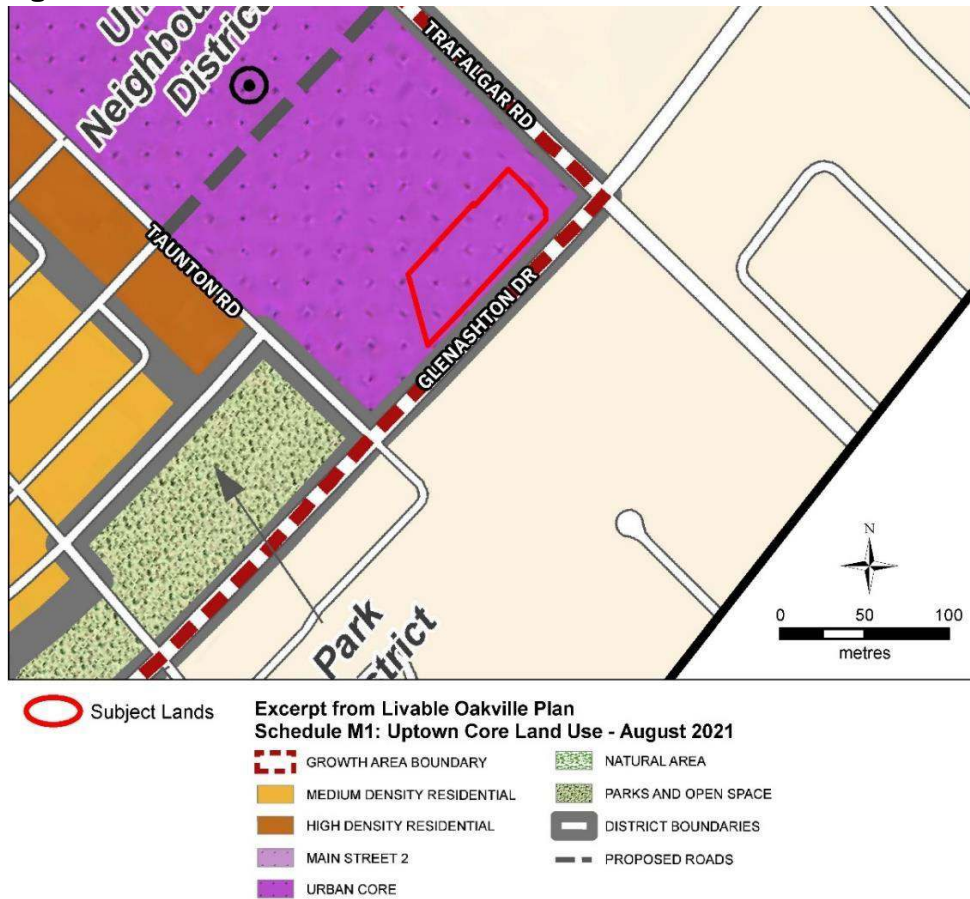
The Subject Lands are within the Uptown Core “Nodes and Corridors” designation in Schedule A1, with Trafalgar Road further identified as a “Regional Transit Priority Corridor”. Both the Uptown Core and Trafalgar “Regional Transit Priority Corridor” are key focus areas for transit-supportive development. The OP further provides that the Uptown Core area develop into a *“pedestrian-oriented, walkable, transit-supportive, mixed use urban centre that provides for medium and high-density housing, offices and a mixture of retail and service commercial uses”* (21.1)

Official Plan Amendment 15 was approved by Halton Region on April 26, 2018 establishing Oakville’s town-wide urban structure and its approach to locating higher intensity forms of mixed-use growth along nodes and corridors. At the time of approval, the Town’s urban structure was deemed to conform to be consistent with the PPS and conform to the Growth Plan and the Halton Region Official Plan. There remains one appeal to OPA 15, so the town-wide urban structure is not yet in full force and effect.

Land Use Designation

The Subject Lands are designated “Urban Core” on Schedule M1: Uptown Core Land Use Plan as shown in the figure below. This designation permits a range of uses including retail, service commercial, office and the proposed residential apartment use. Building heights within the “Urban Core” designation are to be a minimum of eight (8) storeys to a maximum of twelve (12) storeys, with additional height considered subject to bonusing.

Figure 4: Livable Oakville Official Plan – Land Use



Development in the Urban Core designation is intended to have a strong urban focus and be oriented to the street, contributing to a high-quality pedestrian and transit-supportive environment.

Following the completion of the Town’s Public Works Master Plan, the Town passed OPA 25 in June 2018 to implement its vision for the former Public Works site. This resulted in a site-specific exception for the site found under Policy 21.6.5 of the OP.

As it pertains to the Subject Lands, Policy 21.6.5(b)(iii) reduces the minimum and maximum building heights to four (4) and six (6) storeys, respectively; and notes that a minimum of 150 residential units is required on an area defined by the Subject Lands and the lands immediately to the west (composing Block ‘C’ of the Master Plan). Policy 21.6.5(b)(iv) maintains the bonusing provision and notes that additional building height, to a maximum of four additional storeys, may be considered in accordance with the applicable bonusing policies.

The Subject Lands are located within the Town’s Nodes and Corridors designation which is an identified strategic growth area appropriate for redevelopment and intensification. The proposed development is transit-supportive and pedestrian oriented and will locate a 9-storey residential apartment building along a higher-order transit corridor (Trafalgar Road) with immediate access to bike routes (Glenashton Drive) and multi-use trails.

The proposed development assists the Town in meeting its goal to develop the Uptown Core into a mixed-use urban centre by providing high-density housing where currently the majority of existing housing is low-density single-detached dwellings or townhouses. The proposed 9-storey residential apartment building is a permitted use and is within the allowable height limits, subject to bonusing. The development will assist the Town in meeting the minimum residential units required in Block 'C' of the Public Works Master Plan.

For the above reasons, it is my opinion that the proposed development conforms to the Liveable Oakville Official Plan.

Zoning By-law 2014-014

The Subject Lands are zoned Mixed Use 4, special provision 403 (MU4*403) in Map 19(22A) of Zoning By-law 2014-014, as amended.

The MU4 zone permits a variety of uses, including the apartment building as proposed. Special provision 403 provides specifications to site and building standards related to building length, setbacks, encroachments and parking regulations. Pursuant to Zoning By-law 2021-021 (which is the in-force zoning by-law), the minimum building height for an apartment building is 4-storeys and the maximum building height for an apartment building is 31 metres.

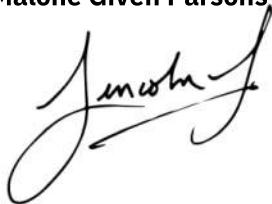
The proposed development complies with all the provisions of the MU4*403 zone as per Zoning Bylaw 2021-021 (not Zoning By-law 2021-154, which is under appeal and not in-force), except for the elevator equipment shaft, which is proposed to exceed the maximum 31m height limit by no more than 2.0m. The portion of the building containing dwellings units and mechanical equipment is proposed to be wholly within the 31 metre height limit.

Conclusion

This planning analysis has reviewed the relevant Provincial, Regional and local planning policies. It is my opinion that the proposed 9-storey residential apartment building is consistent with the PPS and conforms with the Growth Plan, Halton Region OP and the Liveable Oakville Plan and represents good planning.

Yours truly,

Malone Given Parsons Ltd.



Lincoln Lo, MCIP, RPP, PLE

Principal

cc: client
Mr. Ira T. Kagan (KS LLP)