



OAKVILLE

Appendix C

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JUNE 10, 2019

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 5th, 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 28th, 2019, and amended to include Blocks 4, 5 & 6 (Town Lands), subject to the conditions contained in Appendix C;

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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 28th, 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 3rd, 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 m² (1,000,000 ft²) 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

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a woonerf¹ 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 15th, 2019 Planning and Development Council Meeting, Council: endorsed the direction contained in the report from the Planning Services department dated April 5th, 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 15th, 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 15th, 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

¹ "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.

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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 25th, 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 11th, 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 18th, 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 25th, 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 25th, 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 18th, 2015 were withdrawn by the applicant on November 26th, 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 11th, 2019. Council considered an Update Report on April 15th, 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 11th, 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 21st, 2019;
- v. anticipated resolution of those issues; and,
- vi. responses to matters raised by Council at the Statutory Public Meeting on February 11th, 2019.

At the April 15th, 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 15th, 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 m² (1,000,000 ft²).

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'², 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.

² **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 16th, 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'.³ 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;*

³ **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 jobs⁴ 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'⁵. 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.

⁴ Employment estimate provided by Oakville Green based off Halton Region Employment Survey data.

⁵ **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 26th, 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 25th, 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 4th, 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 11th, 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 18th, 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 facilities⁶ 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 uses⁷ 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

⁶ **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)

⁷ **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:

Land Use	Original Proposed Site-Specific 'HSTC' Zone	Revised Site-Specific 'LE' Zone
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 m² (150,700 ft²), and the total leasable floor area of a nursing home and retirement home would be limited to 9,300 m² (100,100 ft²). 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 m² (15,069 ft²) 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 m² 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 15th, 2019, since the statutory public meeting was held on February 11th, 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 15th, 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 th 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 ² (150,700 ft ²) and nursing / retirement home to 9,300 m ² (100,100 ft ²). 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 ² .

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<p>x.</p>	<p><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></p>	<p>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.</p>
<p>xi.</p>	<p><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></p>	<p>Revision no longer required given revised parking layout.</p>
<p>xii.</p>	<p><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></p>	<p>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).</p>
<p>xiii.</p>	<p><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></p>	<p>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.</p>
<p>xiv.</p>	<p><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></p>	<p>A two stage holding provision is recommended which will require an update TIS and will phase development such that</p>

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<p><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></p>	<p>it is coordinated with planned transportation infrastructure improvements.</p>
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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 14th, 2019 and April 1st, 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 8th, 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 15th, 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 8th, 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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Date: June 5, 2019

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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 10th 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 11th, 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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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.*

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 6th, 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

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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 6th, 2018 and a Public Meeting was held on February 11th, 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.

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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.

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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 5th, 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

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