



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-063

Official Plan Amendment 46

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

WHEREAS subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that the provisions of the *Act* with respect to an official plan apply, with necessary modifications, to amendments thereto and section 17 applies to any such amendment; and,

WHEREAS subsection 22(1) of the *Planning Act* provides that a person or public body may request a council to amend its official plan; and,

WHEREAS the owner of the lands currently known as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (new addresses to be 2380 and 2400 Trafalgar Road) has requested that Council amend the Livable Oakville Plan to introduce a site-specific policy applying to the lands with respect to the maximum building height permitted within the Main Street and Urban Core land use designation.

COUNCIL ENACTS AS FOLLOWS:

1. The attached Official Plan Amendment Number 46 to the Livable Oakville Plan is hereby adopted.
2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.
3. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 27th day of June, 2022

MAYOR

CLERK

Official Plan Amendment Number 46 to the Town of Oakville's Livable Oakville Plan

Constitutional Statement

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 46 to the Livable Oakville Plan.

Part 1 – Preamble

A. Subject Land

The subject land is located at the northwest corner of Trafalgar Road and Oak Park Boulevard, is legally described as Part 1, Lot 13, Concession 1 of Registered Plan 18817, and will be known municipally as 2380 and 2400 Trafalgar Road.

B. Purpose and Effect

The purpose of this official plan amendment (OPA) is to introduce a site-specific exception policy, as it applies to the subject land, to permit one building to have a maximum height of 31 storeys inclusive of bonusing, whereas the maximum is currently set at 12 storeys. It will also permit a second tower to have a maximum height of 26 storeys, inclusive of bonusing, whereas the maximum is currently set at 6 storeys.

C. Background and Basis

- The subject land, which is currently vacant and has an area of approximately 0.9 hectares, is about 400 metres (a 5 minute walk) from the Uptown Core Transit Terminal. It is the southeastern parcel of the larger 19 hectares SmartCentres site that includes restaurants, commercial and retail uses, including a Real Canadian Superstore and a Walmart. The SmartCentres site, bounded by Dundas Street East, Trafalgar Road and Oak Park Boulevard is intended to redevelop with high density mixed use buildings as part of the town's Uptown Core Growth Area.
- In the Region of Halton Official Plan, Trafalgar Road and Dundas Street are each identified as "Higher Order Transit Corridor," and the lands surrounding the intersection of those streets are identified as "Primary

Regional Node”. The boundary of that node is proposed to be refined through Regional Official Plan Amendment Number 49 (ROPA 49) to align with the boundary of the town’s existing Uptown Core Growth Area, which includes the subject land. Further intensification is being planned for in this location that will support frequent levels of transit service.

- In addition to the general policies of the Livable Oakville Plan, the policies of Section 21, Uptown Core, and the associated Schedules M1 and M2, currently apply to the subject land.
- On Schedule M1, Uptown Core Land Use, of the Livable Oakville Plan, the subject land is designated “Main Street 2” and “Urban Core.” On Schedule M2, Uptown Core Building Heights, the subject land is identified as “4 - 6 storeys” and “8 - 12 storeys”, as well as being eligible for bonusing (i.e., additional storeys). The associated bonusing policies are in Sections 28.8.2 and 21.7.2 of the Plan.
- The Owner of the subject land has requested relief from the applicable building height policies to enable the development of two mixed use towers of 26 and 31 storeys, with 520 square metres of commercial space and 587 residential units.
- As detailed in the staff report dated May 24, 2022, based on staff’s review and analysis of the materials submitted in support of the proposed development, and the issues raised by Council and the public, the amendment will have the effect of increasing the building height limit of the towers from 6 and 12 storeys to a maximum of 26 and 31 storeys respectively, subject to a Section 37 (Bonusing) Agreement. The amendment will also include a minimum net floor area of 520 square metres for commercial and retail uses along Oak Park Boulevard.
- The corresponding zoning by-law amendment (By-law 2022-064) provides site-specific land use regulations in conformity with OPA 46. Design principles have also been established to help ensure, through the site plan approval process, that the proposed development will be constructed as intended with a well-designed built form that contributes to community image and identity.
- Planning and Development Council hosted the statutory public meeting regarding this official plan amendment on September 13, 2021.

Part 2 – The Amendment

The Livable Oakville Plan is amended as follows:

A. Text Changes

Part E, Section 21.6, Uptown Core Exceptions – Schedules M1, and M2, is amended by adding a new exception policy 21.6.6 as follows:

“21.6.6 The lands designated Main Street 2 and Urban Core at the northwest corner of Oak Park Boulevard and Trafalgar Road, known as 2380 and 2400 Trafalgar Road respectively, are subject to the following additional policies:

- a) *Development* shall be in the form of a mixed use building composed of a podium and two towers, and subject to the applicable *bonusing* policies of this Plan.
- b) On the lands designated Main Street 2 (2380 Trafalgar Road), a maximum height of 26 storeys is permitted, inclusive of *bonusing*.
- c) On the lands designated Urban Core (2400 Trafalgar Road), a maximum height of 31 storeys is permitted, inclusive of *bonusing*.
- d) The total number of additional storeys permitted through *bonusing* shall not exceed 39 storeys across the site.
- e) A minimum height variation of five storeys is required between the two towers.
- f) A minimum of 520 square metres of net leasable commercial floor area shall be provided on the ground floor, oriented towards, and accessible from, Oak Park Boulevard.”

B. Schedule Changes

On both Schedule M1, Uptown Core Land Use, and Schedule M2, Uptown Core Building Heights, add a “⊙” symbol in the location of the subject land to identify that a site-specific exception policy applies.