

REPORT

Planning and Development Council

Meeting Date: November 13, 2023

FROM: Planning Services Department

DATE: October 31, 2023

SUBJECT: Request for Exemption from Parkland Dedication for 265 Kerr Street and 1258 Rebecca Street (Halton Region)

LOCATION: 265 Kerr Street & 1258 Rebecca Street

WARD: Ward 2

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RECOMMENDATION:

That Halton Region's request to exempt 265 Kerr Street and 1258 Rebecca Street from parkland dedication, be approved for the reasons outlined in the report from the Planning Services Department dated October 31, 2023.

KEY FACTS:

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

- On October 23, 2023, Halton Region requested an exemption from the Parkland Dedication By-law for their projects located at 265 Kerr Street (formerly known as 263 Kerr Street) and 1258 Rebecca Street.
- Both properties are owned by Halton Region and do not qualify for an exemption from the parkland conveyance or payment-in-lieu required by the *Planning Act*.
- Livable Oakville provides that parkland dedication shall be implemented by by-law which may include provisions for reductions or exemptions from parkland dedication requirements for the purposes of achieving other policy objectives of this Plan.
- Likewise, the 'exemptions and reductions' section of parkland dedication procedure provides that the town reserves the right to exempt or reduce the parkland dedication / payment-in-lieu requirement for any land use, development project or specific development site, at the discretion of Council in accordance with the Parkland Dedication By-law.

- Parkland Dedication By-law 2022-108 does not provide reductions or exemptions to parkland dedication, so a request must be brought to Council for consideration.
- Staff recommends that Halton's request to exempt 265 Kerr Street and 1258 Rebecca Street from parkland dedication, be approved on the basis that both meet the criteria in the Town's Parkland Dedication Procedure as well as Livable Oakville as they would provide assisted living for seniors and help achieve guiding principles of Livable Oakville.

BACKGROUND:

On October 23, 2023, staff received a letter from Halton Region requesting exemption from the Parkland Dedication By-law for their projects located at 265 Kerr Street (formerly known as 263 Kerr Street) and 1258 Rebecca Street (**Appendix 'A'**). Both projects will provide assisted living for seniors. Both projects will operate like a non-profit corporation but are not set up as a non-profit and neither would qualify as a 'non-profit housing development' defined in subsection 4.2 (1) of the *Development Charges Act, 1997*¹ and be exempt from Parkland dedication pursuant to 51.1 (1.2) of the *Planning Act*.²

Exemptions to parkland dedication requirements are permitted by both Livable Oakville and the town's Parkland Dedication Procedure, however Parkland Dedication By-law 2022-108 does not include reductions or exemptions to parkland dedication, so individual requests can be brought to Council for consideration.

ANALYSIS

Halton Region's request to exempt their projects located at 265 Kerr Street (formerly known as 263 Kerr Street) and 1258 Rebecca Street were evaluated against the following policy framework:

Livable Oakville

Section 28.12.8 (d) of Livable Oakville provides that parkland dedication taken at the time of development or redevelopment shall be implemented by by-law which may

¹ "non-profit housing development" means the development of a building or structure intended for use as a residential premises and developed by,

(a) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing,

(b) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing, or

(c) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, 2022, c. 21, Sched. 3, s. 4. (Development Charges Act)

² **Planning Act Sec. (1.2):** A condition under subsection (1) may not be imposed in relation to a subdivision proposed for non-profit housing development defined in subsection 4.2 (1) of the Development Charges Act, 1997. 2022, c. 21, Sched. 9, s. 18 (4).

include provisions for reductions or exemptions from parkland dedication requirements for the purposes of achieving other policy objectives of this Plan. The following guiding principle of Livable Oakville is particularly relevant:

“Providing choice throughout the Town in order to:

a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life³”

Both projects at 265 Kerr Street and 1258 Rebecca Street will provide seniors assisted living and it is staff’s opinion that these projects will advance the foregoing policy objective.

Parkland Dedication Procedure

Pursuant to the ‘exemptions and reductions’ section of the Parkland Dedication Procedure the following framework is to be considered:

“The town reserves the right to exempt or reduce the parkland dedication / payment-in-lieu requirement for any land use, development project or specific development site, at the discretion of Council in accordance with the Parkland Dedication by-law.

There will be no further exemptions or reductions associated with:

- i. The town’s Development Charges by-law*
- ii. The town’s Community Benefits Charge by-law*
- iii. Any works undertaken by the owner as a condition of the site plan approval process, or related planning or servicing agreements or other development-related agreements considered distinct and separate from the requirements under the authority of the Parkland Dedication by-law*
- iv. Any requirement through the Official Plan, the implementing Zoning By-law, and/or any applicable Design Guidelines that require private and semi-private amenity spaces within all residential apartment buildings and mixed-use buildings that include residential apartments. Private and semi-private amenity spaces can include balconies/terraces linked to individual dwelling units, indoor community spaces, fitness facilities and swimming pools and outdoor roof top terraces, including opportunities for green roof infrastructure and dog stations. These private and semi-private*

³ Section 2.2.2 a) Livable Oakville

spaces are not to be considered for any credit as part of the town's Parkland Dedication By-Law"

Halton Region's requests meets all the above criteria. More specifically, the request is not premised off works undertaken as a condition of site plan approval or an in-kind credit for works being undertaken such as a semi-private amenity space.

Accordingly, it is staff's opinion that Halton Region's request meets the foregoing framework within the Parkland Dedication Procedure.

Planning Act

Pursuant to Section 42 (1.2) of the *Planning Act*, non-profit housing is exempt from parkland dedication:

Exception, non-profit housing development

(1.2) A by-law passed under this section does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

Halton Region's letter (**Appendix 'A'**) provides that both projects will be managed into perpetuity by the Halton Community Housing Corporation (HCHC) under a Master Purchased Services Agreement between the HCHC and Halton Region. Halton Region, as a designated Service Manager, is mandated under the *Housing Services Act, 2011* to deliver housing and homelessness prevention programs. These accountabilities are met through the Region's Comprehensive Housing Strategy (CHS) Update: 2014-2024. HCHC is a local housing corporation under the *Housing Services Act, 2011*, wholly owned by Halton Region that provides various forms of social, assisted, and affordable housing across Halton Region.

HCHC is mandated, via a Shareholder Direction issued by Halton Region, to utilize its assets for the purposes of providing quality, assisted housing. HCHC's business activities are restricted to activities such as owning, operating, maintaining, and constructing housing accommodation; administering programs providing affordable housing to households; and the provision of accommodations for persons having special needs.

Given the HCHC organizational structure, it does not meet the definition of a 'non-profit housing development', as defined in the *Development Charges Act*. However, its business activities, mandate and operation model are similar to a 'non-profit housing development'. Both projects will provide assisted senior living units.

Accordingly, staff recommend that both projects be treated as a 'non-profit housing development' and be exempt from parkland dedication requirements.

CONSIDERATIONS:

(A) PUBLIC

This proposal implements the parkland policies of Livable Oakville, which was informed by public consultation.

(B) FINANCIAL

Should Council approve Halton Region's request, both projects would be exempt from providing cash-in-lieu of parkland.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

This proposal has been reviewed by staff and no impacts on other departments were identified.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priorities: Growth Management and Community Belonging

(E) CLIMATE CHANGE/ACTION

The proposal complies with the Town's sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix "A": Letter from Halton Region dated October 23, 2023

Prepared and Recommended by:

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Manager, Current Planning – West District

Submitted by:

Garbriel A.R. Charles, MCIP, RPP

Director, Planning Services