



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 23, 2020

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**FROM:** Planning Services Department

**DATE:** November 11, 2020

**SUBJECT:** **Public Meeting Report, 3064 Trafalgar Road Holdings Inc. (Distrikt), Zoning Amendment and Draft Plan of Subdivision, Z.1313.09 and 24T19005/1313**

**LOCATION:** North of Dundas Street East, on the west side of Trafalgar Road

**WARD:** Page 1

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**RECOMMENDATION:**

1. That the public meeting report prepared by the Planning Services Department dated November 11, 2020, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment and Draft Plan of Subdivision submitted by 3064 Trafalgar Road Holdings Inc. (Distrikt), (File No.: Z.1313.09 and 24T19005/1313) be received.
3. That staff consider such comments as may be provided by Council.

**KEY FACTS:**

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

- 3064 Trafalgar Road Holdings Inc. (Distrikt), the owners of the subject lands, have submitted a Zoning By-law Amendment to permit the development of two 30 storey residential buildings with a two storey podium, 678 residential units, 739 parking spaces and four levels of underground parking.
- A Draft Plan of Subdivision application has been submitted to allow commenting agencies to establish conditions of approval, enter into the subdivision agreement, reflect developer obligations for any off site works, in addition to accommodating the conveyance of the Natural Heritage System NHS and Trafalgar Road road widening.
- The subject lands are designated Trafalgar Urban Core (TUC) Area in the North Oakville East Secondary Plan (NOESP) which is intended to accommodate intensification and high density development. Although the maximum height of a building in the TUC is fifteen storeys lands within

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proximity to major intersections where transit supportive densities are required are potentially eligible to accommodate a height of twenty storeys.

- In accordance with the NOESP, the subject lands are eligible for bonusing and the applicant is proposing an increase in height from 20 storeys to a maximum height of 30 storeys upon entering into a Section 37 Agreement with the Town of Oakville.
- To develop in accordance with the NOESP land use policies the applicant must submit a zoning amendment application to rezone the property from Existing Development (ED) to Trafalgar Urban Core (TUC) with a special site provision.
- The application will be considered under Bill 108 and Bill 197, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The application was deemed complete on September 27, 2019. The statutory timeframe for processing this application expired on January 27, 2020.
- The applicant held a Public Information Meeting on July 17, 2019. There were no members of the public that attended the meeting.

#### **BACKGROUND:**

The purpose of this report is to introduce the planning application as part of the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters for consideration. The report is to be received and no recommendations on the application are being made at this time.

#### **Proposal:**

The applicant has submitted Zoning By-law Amendment and Draft Plan of Subdivision applications to permit the development of two 30 storey residential buildings with a two storey podium, 678 residential units, 739 parking spaces (17 surface level spaces and 722 spaces underground) and four levels of underground parking. Concurrently, a Draft Plan of Subdivision application has been submitted to facilitate required conditions of approval, enter into subdivision agreement with the Town and Region and accommodate the conveyance of the NHS and Trafalgar Road widening among other matters.

Vehicular access to the property is a right-in/right-out only as there will be a centre median upon completion of the widening of Trafalgar Road. The applicant is proposing the location of the access at the southern end of the property in order to coordinate shared access points with the properties to the south so as to not preclude future development of the smaller parcels.

Submission materials are available at the following link on the Town's website:

<https://www.oakville.ca/business/da-34380.html>

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Figure 1: Air Photos

**Location and Site Description**

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

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The property is generally rectangular in shape with a detached dwelling on the property that is proposed to be demolished as part of this development. The site is bounded on two sides by the East Morrison Creek and Natural Heritage System lands. There are floodplain constraints on the site currently that will be resolved through the future culvert improvements south of the Dundas Street East/Trafalgar Road intersection that are expected to be completed by the Region of Halton within the next five years.

The site is within lands identified as part of the 120 metre Linkage Preserve Area, requiring a triangular shaped parcel at the southwest corner of the site that is within the LPA to be dedicated to the Town to provide for an appropriate buffer and protect the function of the NHS.

The conceptual site plan, Figure 2, illustrates the proposed development concept for the subject lands. The applicant's concept rendering is included as Figure 3.

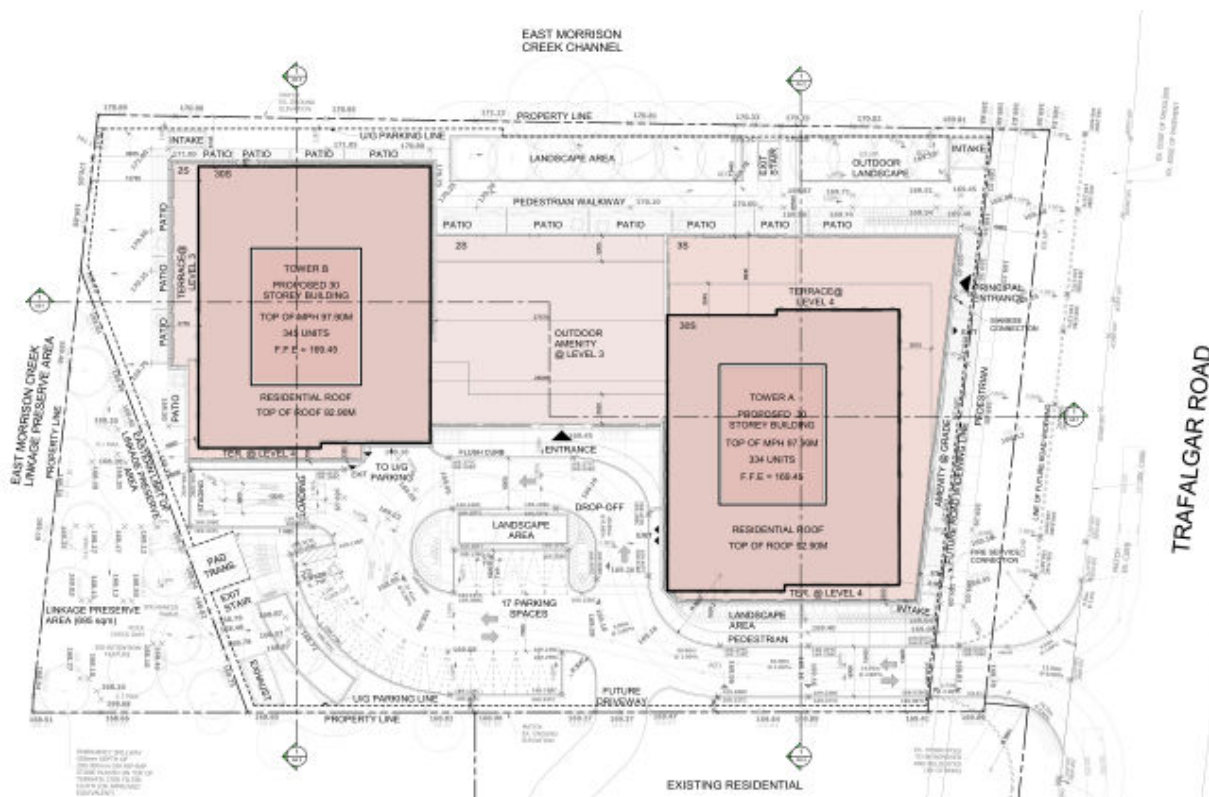


Figure 2: Conceptual Site Plan

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Figure 3: Conceptual Rendering

### Surrounding Land Uses

The surrounding land uses are as follows:

North: East Morrison Creek Channel constructed as part of the Minto Subdivision to the east of Trafalgar Road. Beyond the channel is the

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Green Ginger Developments Phase 2 subdivision which is zoned TUC along Trafalgar Road.

East: Trafalgar Road which is intended to have a 50 metre right of way, and the Minto Subdivision Trafalgar Road blocks zoned TUC.

South: 3048 and 3040 Trafalgar Road with single detached dwellings that re listed on the Town of Oakville Heritage Register.

West: Natural Heritage System/East Morrison Creek. Beyond the NHS is Green Ginger Developments Phase 1 containing low to medium density residential uses, stormwater pond and NHS lands.

## **PLANNING POLICY & ANALYSIS**

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020);
- Growth Plan for the Greater Golden Horseshoe (2019);
- Halton Region Official Plan;
- North Oakville East Secondary Plan; and,
- Zoning By-law 2009-189

Policy excerpts are included as Appendix 'A'.

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas, promoting a compact development form, and the long term protection of natural features.

The subject lands are located within the "Settlement Area", which are to be the focus of growth and development. The land use patterns within the settlement area are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan (2019) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

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The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within the “Settlement Area” and are within a “Designated Greenfield Area.”

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, and expand convenient access to transportation options.

### **Halton Region Official Plan**

The subject lands are designated “Urban Area” in 2009 Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The subject lands are also located adjacent to a Higher Order Transit Corridor (Map 3), planned as a future Bus Rapid Transit route, which is part of a regionally identified *Intensification Area*. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure.

The subject lands are located within the “Greenfield Area” and will be required to secure servicing through the 2019 Regional Allocation program. The property is ideally situated adjacent to an identified Regional Higher Order Corridor

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

### **Livable Oakville Plan - Urban Structure**

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011 and is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the latest Provincial and Regional policies, supports the Town’s strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. On September 27, 2017, Council adopted Official Plan Amendment 317 (OPA 317) to the NOESP, which confirms the Town’s existing urban structure in terms of nodes and corridors, where higher intensity forms of

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mixed use growth are to be accommodated. The purpose of the amendment, in part, was to promote height increases along the Trafalgar and Dundas Street corridors. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and be consistent with the PPS.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town’s system of Nodes and Corridors and front onto Trafalgar Road, which is identified as a Regional Transit Priority Corridor. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. From a land use perspective, lands adjacent to Regional Transit Priority Corridors (within 100 metres) provide a key focus for transit-supportive development, which is considered to be compact, mixed use development with higher levels of employment and residential densities to support frequent transit service.

#### North Oakville East Secondary Plan (NOESP)

The North Oakville East and West Secondary Plans (North Oakville Plans) provide a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and Tremaine Road in the west. The North Oakville Plans are not part of the Livable Oakville Plan but endure as amendments to the town’s 2006 Official Plan. The North Oakville Plans are intended to guide development in North Oakville to the year 2021.

In 2018 Council adopted OPA 321 that brought NOESP into conformity with the Provincial and Regional policies. Floor Space Index requirements and maximum density policies and permissions were removed from the plan through OPA 321 allowing for greater intensification to support future transit service targets.

The development of the North Oakville community is premised on a sustainable, design-first philosophy which promotes the protection of the natural environment, mixed use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

Figure NOE2 of the NOESP designates the subject property as Trafalgar Urban Core (TUC). The Trafalgar Road corridor is significant in the development of North Oakville due to the magnitude of heights, mix of uses and permissions for the highest densities within the Town. The intent of the TUC land use designation is to allow for a broad range of uses including employment, service commercial, retail, institutional, cultural, and accommodation uses along with residential development. Mixed use buildings are encouraged at the signalized intersections along Trafalgar Road to provide convenient access to transit and safe ingress and egress into the



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development, while stand-alone residential buildings are more desirable when not located at an intersection.

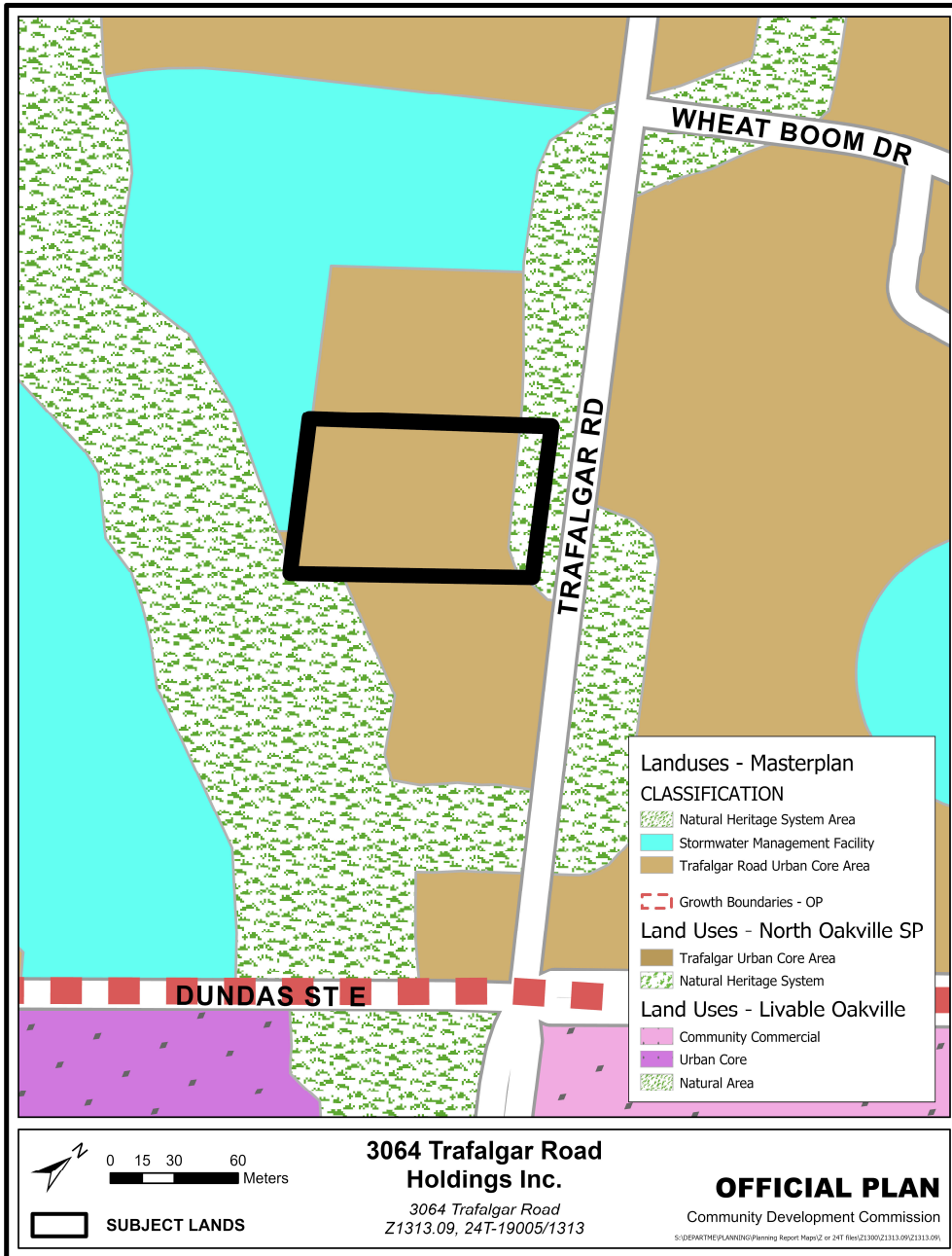


Figure 4: North Oakville East Secondary Plan Excerpt

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

Within NOESP policy 7.6.4.8 Land Use Policies for all Core Areas 1 to 4, states that the highest densities will be focused along Trafalgar Road with maximum building heights being fifteen storeys. Exceptions to this policy include properties that are within proximity of the intersections of Major Arterial/Transit Corridors and Avenue/Transit Corridors with Trafalgar Road. In those cases, the maximum permitted height is potentially 20 storeys. The subject lands are located between two such intersections – Dundas Street and Trafalgar Road, and Wheatboom Drive and Trafalgar Road, as is shown on Figure 5.

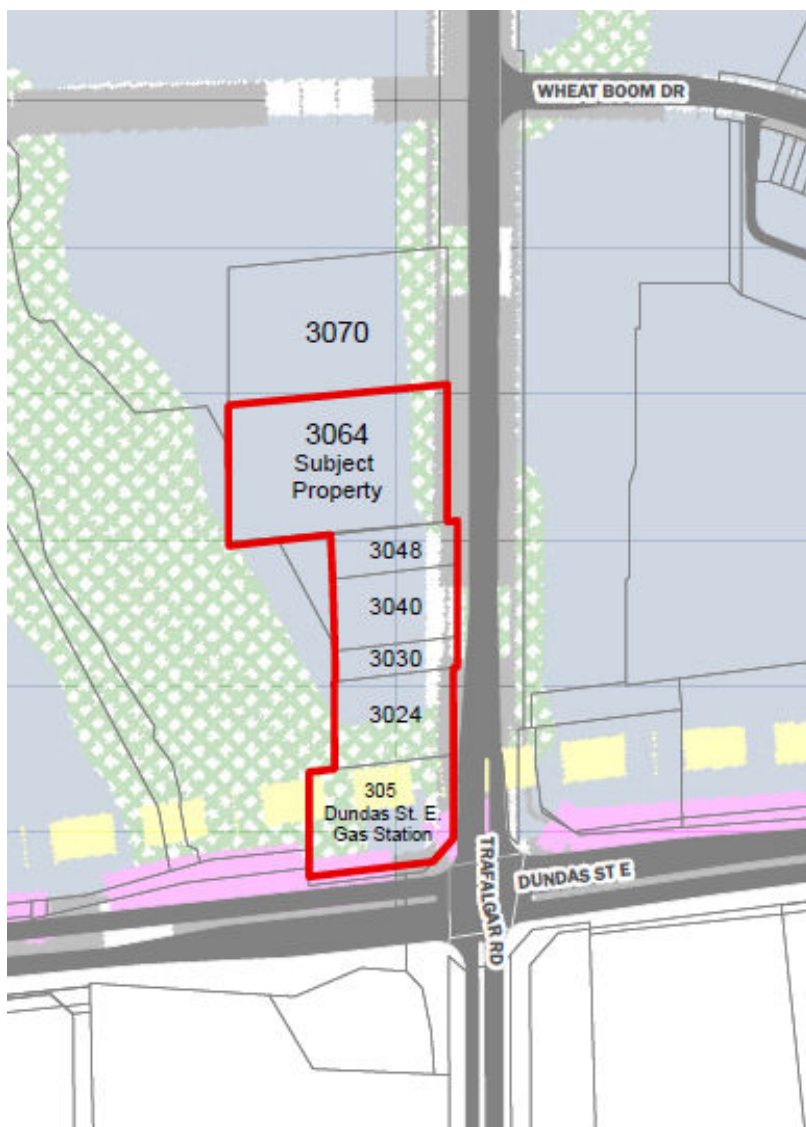


Figure 4: Surrounding context and significance of subject lands within the TUC

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The ability to achieve a significant level of density between Dundas Street East and Wheatboom Drive, on the west side of Trafalgar, is difficult due to the relocated East Morrison Creek channel to the north of the property, the Natural Heritage System to the west, the limited development footprint of the smaller parcels to the south, and the existing gas station at a Major Arterial/Transit Corridor intersection. Despite the fragmented ownership and constraints and limited opportunities to achieve the required transit supportive densities along the west side of Trafalgar Road, between Wheatboom Drive and Dundas Street East, the subject lands are within close proximity to both of the intersections and therefore may be considered to meet the intent of permitting a maximum height of 20 storeys.

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

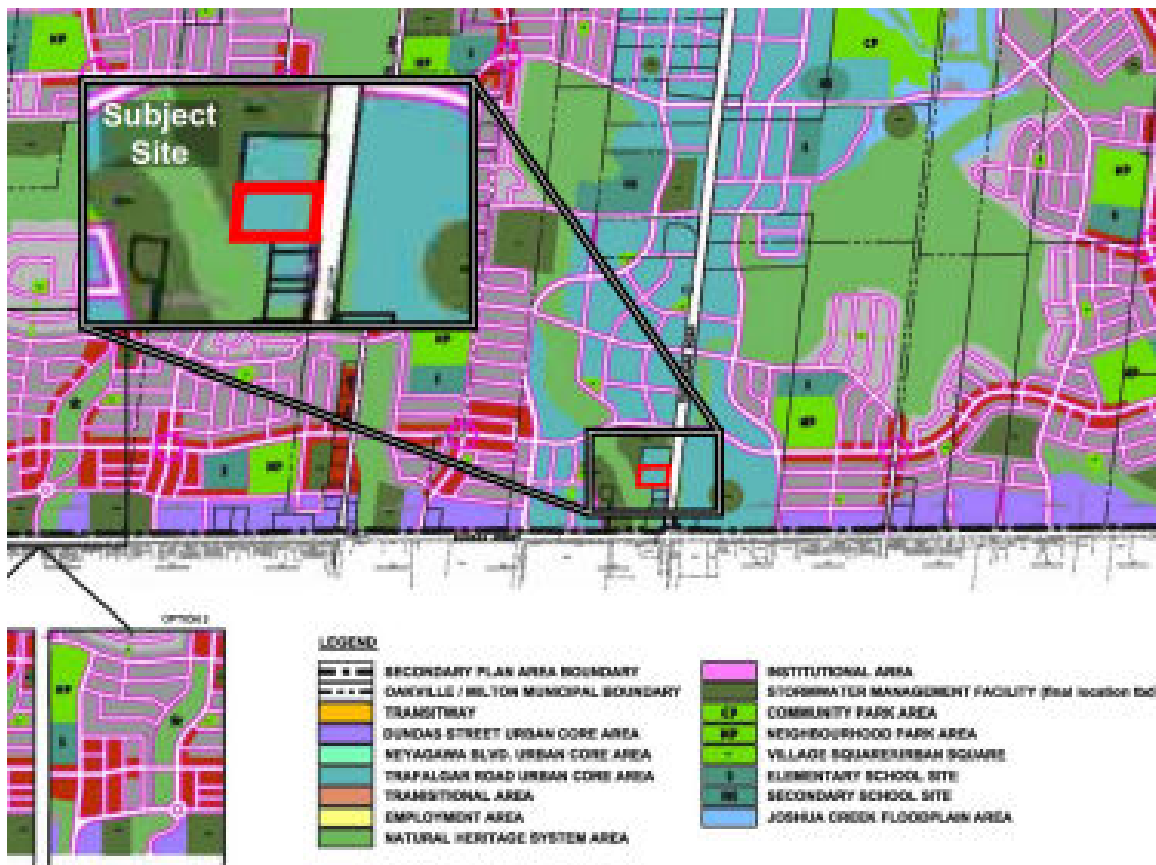


Figure 6: North Oakville Master Plan

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## **Bonusing**

OPA 321 provided greater detail to the use of bonusing in North Oakville and permits an increase of height on eligible sites to 30 storeys, where the ability to provide transit supportive densities is deemed to be appropriate, subject to Section 7.10.2 of NOESP. As mentioned above, the subject lands represent a higher density development opportunity that may not be achievable on the west side of Trafalgar Road in this location and therefore discussions with the applicant to regarding bonusing opportunities may be considered.

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

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

## **Zoning By-law (2009-189)**

The North Oakville Zoning By-law sets the zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law (By-law 2009-189) on November 23, 2009. The subject property is zoned Existing Development (ED).

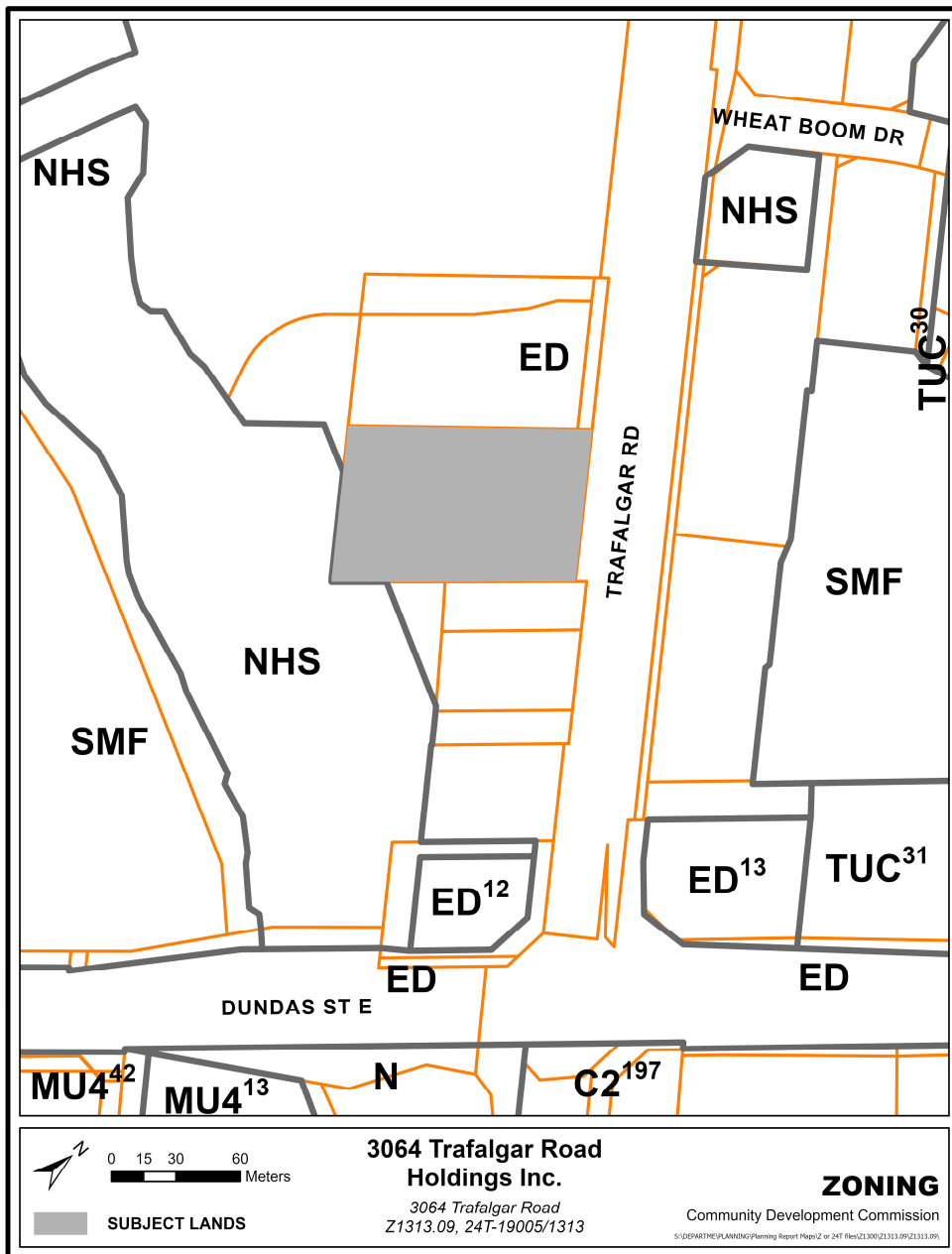


Figure 7: Zoning By-law

The applicant has submitted a draft zoning by-law to accompany the proposal which can be found in Appendix 'B'. The following is an overview of the requested modifications to permit the development;

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Proposed Modification	Applicant's Justification
Bonusing agreement to increase the height beyond the permitted 20 storeys	In order to exercise options to bonus the inclusion of the maximum height, subject to bonusing must be recognized within the site specific bylaw.
Maximum parking requirements for apartment buildings taller than 4 storeys are 1.25 spaces per unit plus 0.2 spaces per unit for visitor parking.	The applicant intends to meet the parking requirements and staff are considering different models and options for doing so, including but not limited to the use of stacked parking using an elevated device.
Minimum aisle width in a parking structure	The applicant intends to meet the aisle width requirements for a parking structure and staff are considering different models and options for doing so, including but not limited to accessing a parking space by means of an elevated device.

**TECHNICAL & PUBLIC COMMENTS**

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town's website

This included the following:

- Letter of Good Standing with the North Oakville Landowners Group
- Planning Justification Report
- Transportation Impact Analysis
- Environmental Impact Report/Functional Servicing Report
- Concept Plan
- Draft Plan of Subdivision
- Density Map
- Urban Design Brief
- Building Elevations and Coloured Renderings
- Phase One Environmental Site Assessment
- Shadow Impact Analysis
- Noise Study
- Survey
- Archeological Assessment – Stage 1 and 2
- Stormwater drainage plan

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- Erosion and Sediment Control Plan
- Grading and Site Servicing Plans
- Tree Canopy Plan
- Sustainability Checklist
- Waste Management Plan

### **Issues Under Review / Matters to be Considered**

The following reflects issues and matters that have been identified to date for further review and consideration. Not all circulation comments have been received to date but will be considered in the future recommendation report.

- Consistency with the Provincial Policy Statement, 2014 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.
- Conformity to the Region of Halton Official Plan. Confirmation has been received from the Region that servicing is available for the subject lands.
- Compliance with the North Oakville Design Guidelines and the Livable by Design Guidelines for tall buildings, including scale, massing, interface with public realms, shadow impacts and appropriate separation distances between towers and to future development.
- Conformity with North Oakville East Secondary Plan policies including the implementation of bonusing policies for lands which are intended for intensification and high density development.
- Assessment and justification of the additional development impacts from a maximum building permission of twenty storeys in height to upwards of 30 storeys as proposed by the applicant.
- Identification of appropriate community benefits in exchange for height subject to Section 7.10.2 of the North Oakville East Secondary Plan to permit bonusing and entering into a Section 37 Agreement with the Owner.
- Confirmation that the Transportation Impact Analysis is acceptable including, but not limited to assessing the appropriateness of the right in/right out only ingress/egress to the site, the location of any proposed temporary and permanent access that will provide flood free vehicular access to the site until such time as the Region completes stormwater infrastructure works consisting of a downstream culvert on Trafalgar Road.

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- Confirmation through storm and flood plain modelling that the Region's construction of the downstream culvert at Dundas Street East and Trafalgar Road will alleviate floodplain restrictions to developing the property.
- Ensuring the future property boundaries of the subject lands accurately reflect the land conveyances of a small parcel of Natural Heritage System land.
- Overlook and privacy matters assessed for future development to ensure there are no future adverse impacts to the development of the adjacent properties.
- Justification for the proposed modifications to the parent zoning by-law ensuring the proposed zoning by-law amendment appropriately implements the vision of the North Oakville East Secondary Plan.
- Establishment of an appropriate parking standard for residential parking, including visitor parking.
- Assessment of the development constraints of the adjacent lands south of the subject lands to protect for a coordinated build out to the satisfaction of the Town, Region and Conservation Halton.
- Ensure that any necessary conditions of approval identified by commenting agencies can be appropriately implemented through the development approval process such as the draft plan of subdivision, holding provision and site plan.
- Alignment with the Climate Emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. This can involve staff working with developers to incorporate travel demand strategies to reduce the transportation emissions from single occupant vehicles and increase the transit, pedestrian and cycling mode split.
- Bill 108 and Bill 197 implications on the ability to utilize bonusing provisions in a manner intended by the North Oakville East Secondary Plan should the town's authority to pass bonusing by-laws be lost prior to a decision being made in this matter. In the absence of bonusing authority, an Official Plan amendment application would be required to allow the increase in height to a maximum of 30 storeys.

Comments received at this public meeting will be considered and included in a forthcoming recommendation report.



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**CONCLUSION:**

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written submissions.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice for the public meeting has been distributed in accordance with the *Planning Act*. No comments have been received to date on the application.

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

**(B) FINANCIAL**

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

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application is currently in second circulation to internal departments and public agencies for comment.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the North Oakville East Secondary Plan. The proposal will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 and where there are opportunities to reduce the development footprint of the proposal and the future residents.

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**APPENDICES:**

Appendix A: North Oakville East Secondary Plan Excerpts

Appendix B: Applicant Submitted Draft Zoning By-law

Prepared by:

Tricia Collingwood, MCIP, RPP

Senior Planner

Current Planning – East District

Recommended by:

Heinz Hecht, MCIP, RPP

Manager

Current Planning – East District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services