

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 11, 2019

FROM: Planning Services Department

DATE: January 21, 2019

SUBJECT: Recommendation Report, Zoning By-law Amendment, 393 Dundas LP, 393 Dundas Street West, File No. ZBA 1319.07, By-law 2019-006

LOCATION: 393 Dundas Street West

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RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by Korsiak Urban Planning on behalf of 393 Dundas L.P. (File No. ZBA 1319.07), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms 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 January 21, 2019.
2. That By-law 2019-006, an amendment to Zoning By-law 2009-189, be passed.
3. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
5. That the site plan for the proposed development of the Dundas Urban Core lands be designed in accordance with the urban design requirements in Appendix G of the report from the Planning Services department dated January 21, 2019.

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KEY FACTS:

The application proposes a Zoning By-law Amendment (ZBA) to permit a mixed use development that includes a ten storey mixed use building containing 290 units and 275 m² of ground floor commercial space and fifteen, three-storey stacked townhouse units, as shown in Appendix A. The subject lands are designated Dundas Urban Core (DUC) and Natural Heritage System (NHS) in the North Oakville East Secondary Plan (NOESP) and are zoned ED (Existing Development) by the North Oakville East Zoning By-law.

At the time the application was submitted, a site specific Official Plan Amendment (OPA) to the NOESP for an increased building height of 10 storeys subject to bonusing and to permit an increased Floor Space Index (FSI) of 2.69 was required to facilitate the proposed development. Based on partial approval of OPA 321 by the Region of Halton and the recent withdrawal of the lone LPAT appeal related to DUC policies, consideration of additional building height subject to bonusing is permitted in the DUC and FSI has been removed as a development standard in the DUC. Therefore, the subject application is in accordance with the DUC policies approved by Council through OPA 321, therefore, an OPA is no longer required for increased height subject to bonusing or for increased FSI.

Based on the analysis within this report, staff recommend approval of the Zoning By-law Amendment, as revised.

Applications for an Official Plan Amendment and Zoning by-law Amendment were received and deemed complete on August 14, 2018, giving Council until March 12, 2019 (210 days) to make a decision on the applications. Given that the Official Plan Amendment is no longer required, Council had until January 11, 2019 (150 days) to make a decision on the Zoning By-law application before the applicant is entitled to appeal for non-decision.

Both the existing and adopted Official Plan policies and Zoning regulations are consistent with the PPS, conform or do not conflict with all applicable Provincial Plans, and conforms with the Halton Region Official Plan, as the policies allow for a range of uses and housing options developed at a density to support existing and planned transit services while requiring the protection of the natural environment. The existing Zoning regulations are consistent with the PPS, conform or do not conflict with all applicable Provincial Plans, and conform to the Halton Region Official Plan, as they limit the expansion of existing uses so that the lands may be redeveloped through a Zoning By-law Amendment, in accordance with the policies and objectives of the NOESP.

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Staff recommend approval as the proposed development is consistent with the PPS, conforms to the Growth Plan, Regional OP and general intent and purpose of the North Oakville East Secondary Plan. The Zoning By-law Amendment represents an efficient use of land and a range of residential uses that are well positioned to make use of existing municipal infrastructure and public facilities, including existing and future transit facilities on Dundas Street. In addition, the proposal recognizes and protects the natural features and functions associated with Shannon's Creek by zoning the lands "Natural Heritage System".

BACKGROUND:

Proposal

The applicant proposes a site specific Zoning By-law Amendment (ZBA) to permit a mixed use development that includes a 10 storey mixed use building containing 290 units and 275 m² of ground floor commercial space and fifteen three-storey stacked townhouse units as shown in Appendix A.

The purpose of the Zoning By-law Amendment is to re-zone the lands from 'Existing Development' to 'Dundas Urban Core' and 'Natural Heritage System'. The proposed DUC zone includes a site specific Special Provision to implement the proposed site layout and a Holding Zone, to deal with matters such as Regional servicing allocation and registration of a bonusing agreement.

The proposed 10 storey mixed use building is sited at the intersection of Dundas Street West and Trailside Drive, with a block of stacked townhouse units located further north, fronting onto Trailside Drive. The design of the building transitions from 10 storeys at the intersection, to eight storeys, five storeys and two storeys at the north end of the building. The building includes 275m² of ground floor commercial space fronting Trailside Drive. A surface parking lot is provided behind the mixed use building. Access to the surface parking lot and underground parking is by a driveway off of Trailside Drive. Of the 290 units provided in the apartment building, 100 units are one bedroom, 171 units are two bedroom, eight units are three bedroom units and eight units are two bedroom plus den. The 15 stacked townhouse dwellings contain two bedroom units.

The proposed plan includes a total of 295 underground parking spaces and 74 surface level spaces. The proposed parking supply complies with the regulations of the North Oakville Zoning By-law. Table 1, on page 25 of this report, provides a comparison of parking provided by the proposed development to the parking requirements of the North Oakville Zoning By-law.

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Submission materials, including revised supporting information submitted in January 2019 is available on the Town's website at: <https://www.oakville.ca/business/da-30663.html>

Location & Site Description

The subject lands are located at 393 Dundas Street West, which is on the north side of Dundas Street West, east of Gladeside Avenue and West of George Savage Avenue as shown on Figure 1. The subject lands are 1.64ha in size, are irregularly shaped, and maintain approximately 120 m of frontage along Dundas Street West. The lands are currently vacant and were previously occupied by the Dynasi Family Restaurant.

Surrounding Land Uses

The surrounding land uses are as follows:

North:	Detached dwellings fronting Trailside Drive
East:	Shannon's Creek channel and residential uses further east
South:	Dundas Street West
West:	Trailside Drive and future mixed use development that received Council approval for an Official Plan Amendment and Zoning By-law Amendment in August 2018.

Related Applications

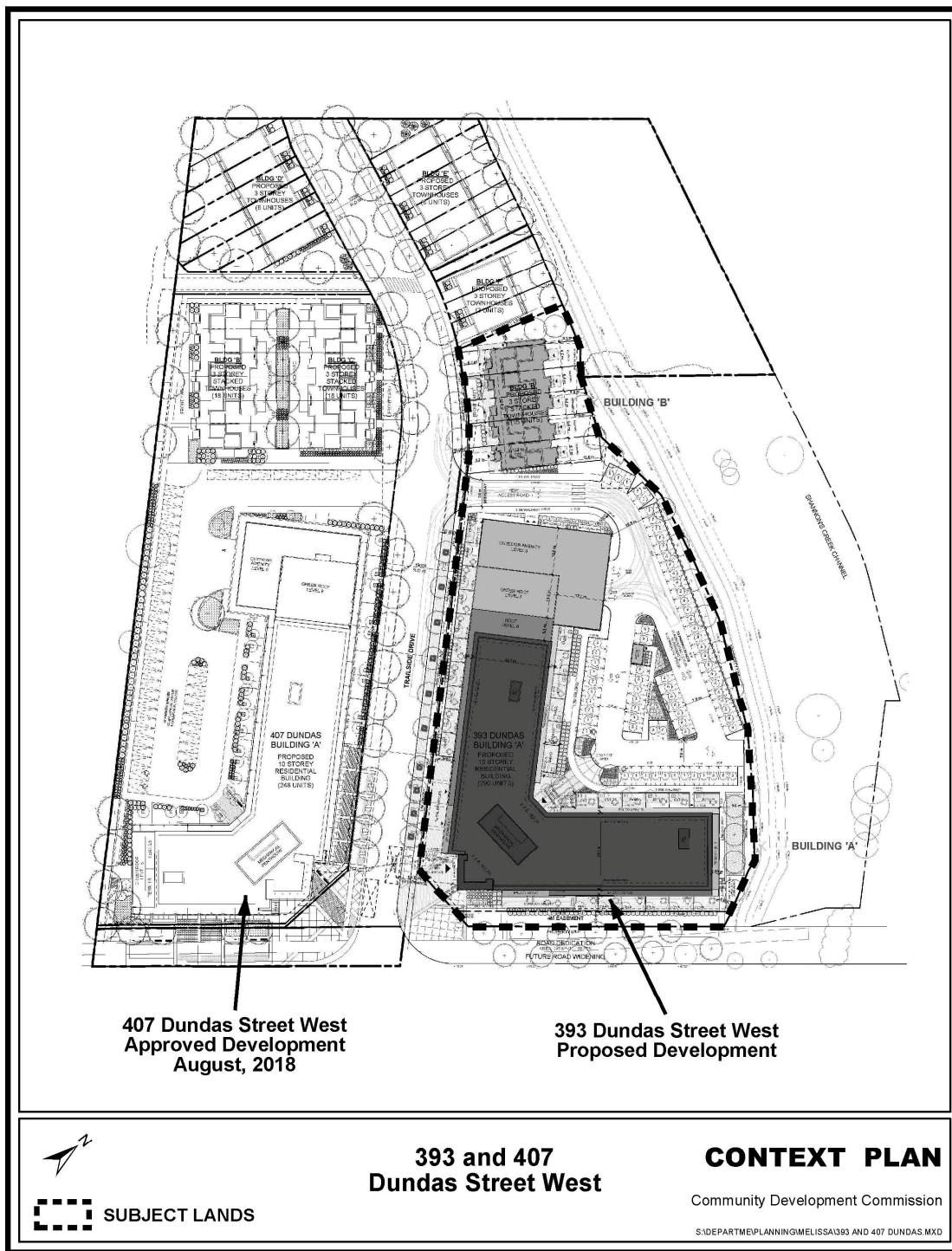
On August 7, 2018, Planning & Development Council approved an Official Plan Amendment and Zoning By-law Amendment for the property located to the west, 407 Dundas Street West, to allow a similar mixed use development (File No. OPA 1319.06, Z.1319.06). At the time the applications were submitted, the applicant also submitted a Draft Plan of Subdivision (File No. 24T 17007/1319). The purpose of the Draft Plan of Subdivision application is to provide for the dedication of a portion of Shannon's Creek to the Natural Heritage System and to allow for an extension of a north-south road, being Trailside Drive, which will connect Dundas Street West to Sixteen Mile Drive. The Draft Plan of Subdivision file is currently on hold until such time that the lands receive Regional allocation. The applicant has indicated that in the future, the subdivision application for 407 Dundas Street West will be amended to incorporate the subject lands at 393 Dundas Street.

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Figure 2: 393 Dundas & 407 Dundas Context



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Timing

Applications for an Official Plan Amendment and Zoning by-law Amendment were received and deemed complete on August 14, 2018, giving Council until March 12, 2018 (210 days) to make a decision on the applications. Given that the Official Plan Amendment is no longer required, Council had until January 11, 2019 (150 days) to make a decision on the application before the applicant is entitled to appeal for non-decision.

A pre-consultation meeting was held on January 17, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

A combined Public Information Meeting (PIM) for 393 and 407 Dundas Street West was held on March 1, 2018 where 6 residents attended. The principal concerns raised at the PIM were building height, traffic safety and sun shadow impact. A Statutory Public Meeting was held at Planning & Development Council on December 10, 2018, where 1 member of the public participated. The principal concerns raised at the Statutory Public Meeting was related to general parking in North Oakville.

An overview of the comments received from members of the public at the PIM and Statutory Public Meeting with response is contained on page 27 of this report. An overview of the comments received from members of Council at the Statutory Public Meeting with response is contained on page 23 of this report.

Notice of this recommendation meeting was mailed to those members of the public who have participated in this application process.

Revised Supporting Information

To address comments received from staff, agencies, members of the public and Council, revised information was submitted on January 4, 2019. The application remained the same in terms of use, building height, units, while revised supporting information was submitted to address comments. Further, additional information related to parking justification was provided by the applicant on January 18, 2019. The plan was revised on January 25, 2019 to provide six additional parking spaces.

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Based on the partial approval of OPA 321 and the withdrawal of the LPAT appeal pertaining to DUC policies, an OPA to increase height subject to bonusing and to increase FSI is no longer required, and is elaborated on below.

The applicant submitted a further update to the application on January 9, 2019, revising the details of the requested site specific Official Plan Amendment based on the partial approval of OPA 321 by the Region of Halton. The request to amend the NOESP to permit an increased building height of 10 storeys through bonusing was removed, while the request to permit an increased FSI of 2.69 remained. The reasoning for this change is based on the partial approval of OPA 321 by the Region of Halton. At the time the initial application was submitted, OPA 321 was not in full force and effect therefore, in order to facilitate the proposed development, a site specific OPA to permit increased FSI and increased height subject to bonusing was required. Since that time, OPA 321 has been partially approved by the Region of Halton. Part 7.6.5.3 (c) (v) of OPA 321, which relates to increased height through bonusing, is no longer under appeal, and is therefore in effect.

Further to this revision, Legal staff advised that the lone LPAT appeal of remaining DUC policies contained in OPA 321 (Section 7.6.5.3 (b), (c) (ii) and (iv)), including the policy that removed FSI as a development standard, was withdrawn on December 21, 2018. As a result, these sections of OPA 321 came into effect on the date the last appeal was withdrawn (December 21, 2018) and FSI is no longer a development standard in the DUC.

The subject application is in accordance with the DUC policies approved by Council through OPA 321, therefore, an OPA is no longer required for increased height subject to bonusing or for increased FSI.

PLANNING POLICY & ANALYSIS:

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

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe (2007)
- Halton Region Official Plan
- North Oakville East 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

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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 subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement 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.

The PPS 2014 encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by providing a compact development form. In doing this, the PPS recognizes that healthy, liveable and safe communities are sustained by, among other matters, accommodating an appropriate range and mix of densities and land uses and protection of natural features.

The NOESP was approved by the Ontario Municipal Board (OMB) as Amendment 272 to the Town's 1986 Official Plan, in January 2008. It was developed to have regard for the 1997 Provincial Policy Statement. The NOESP has not undergone a conformity exercise with the PPS 2014. However, in the opinion of staff, the existing NOESP designations, including amendments adopted to the Dundas Urban Core by OPA 321, do not conflict with the PPS 2014, as a range residential uses, medium and high density development and mixed use development are currently permitted. The land use designations are arranged to support connectivity with transportation systems, and support current and future use of transit. In addition, the protection of natural features is established through policies for securement of the Natural Heritage System. The existing designation of the property within the larger context of the surrounding neighbourhood provides higher density transit supportive uses, increases the range of housing choice available while requiring the addition of lands into the publicly owned Natural Heritage System. Amendments adopted by OPA 321, including changes to the Dundas Urban Core conform to the PPS, given that the policies allow for opportunities for higher density, mixed use transit supportive development for undeveloped lands located on Dundas Street.

Staff is of the opinion that the proposed Zoning By-law Amendment, is consistent with the 2014 Provincial Policy Statement as it provides for compact, mixed use and transit oriented development in the settlement area. The Zoning By-law Amendment represents an efficient use of land and a range of residential uses that are well positioned to make use of existing municipal infrastructure and public facilities, including existing and future transit facilities on Dundas Street. In addition, the

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proposal recognizes and protect the natural features and functions associated with Shannon's Creek by zoning the lands "Natural Heritage System".

Growth Plan (2017)

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 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 a "Designated Greenfield Area."

The subject lands are within the 'Designated Greenfield Area', which will be planned, zoned and designated, in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

The NOESP was approved by the Ontario Municipal Board (OMB) as Amendment 272 to the Town's 1986 Official Plan, in January 2008. Although the NOESP was not required to conform to the 2006 Growth Plan, the 2006 Growth Plan was in effect prior to the approval of the NOESP and was considered in the development of the Plan. The NOESP has not undergone a full conformity exercise with the Growth Plan 2017. However, the recent amendments to the NOESP through OPA 321 were made in the context of the 2017 Growth Plan and conformed to that Plan. As a result, in the opinion of staff, the existing NOESP designations including amendments adopted to the Dundas Urban Core by OPA 321, conform with the Growth Plan given that implementation of the development objectives identified in the NOESP result in the development of a complete community, developed at a density that supports existing and planned transit services and active transportation. The existing designation of the property within the larger context of the surrounding neighbourhood provides for an increased range of housing choice, a mixture of uses, compact built form and convenient access to planned and existing transit on Dundas Street. Amendments adopted by OPA 321 conform to the Growth Plan, given that the policies allow the opportunity for higher density, mixed use development for undeveloped lands on Dundas Street.

The subject lands are located within the 'Designated Greenfield Area' where areas are to be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services. Staff is of the

opinion that the proposed Zoning By-law Amendment conforms and therefore does not conflict with the Growth Plan 2017 as the application:

1. Contributes to the achievement of complete communities by:
 - i) Providing a mix of residential unit types to help accommodate people at different stages of life, household size and income.
 - ii) Providing a mixed use development with convenient access to local stores, services and public service facilities including transit facilities.
 - iii) Representing high quality, pedestrian oriented, compact built form which is in keeping with the general intent of the North Oakville East Secondary Plan.
2. Supports active transportation by:
 - i) Protecting for logical connections in the form of sidewalks to surrounding streets and trail system that will be formalized through the related Draft Plan of Subdivision application.
3. Encourages the integration and sustained viability of transit services by:
 - i) Providing a density of development that exceeds the minimum density suggested in Ontario's Transit Supportive Guidelines for dedicated rapid transit service.

Halton Region Official Plan

The subject lands are designated Urban Area and located within the Greenfield Area and along a Higher Order Transit Corridor, which is part of a Regionally identified Intensification Area. The policies of the Urban Area designation support a form of growth that is compact, supportive of transit and the development of vibrant and healthy mixed use communities, which afford maximum choices for residence, work and leisure. Sections 77, 78 and 81 of the Regional Official Plan further supports providing opportunities for live/work relationships, and achieving higher greenfield densities as defined and prescribed by Local Official Plan policies. The existing designation conforms to the Regional Official Plan, given that a range of uses and density permitted help contribute to the development of a mixed use transit supportive community. Amendments adopted to the Dundas Urban Core Area through OPA 321, are partially in force, but conform to the Regional Official Plan,

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given that OPA 321 allows for the development of transit supportive mixed use development on Dundas Street, which is identified as a Regional Transit Priority Corridor.

The proposed Zoning By-law Amendment conforms to the Regional Official Plan, given the proposed development represents compact mixed use development at a density supportive of transit. Technical matters related to the implementation of the proposed Zoning By-law Amendment have been addressed as conditions to be satisfactorily resolved prior to removal of the proposed Holding Zone applied to the Dundas Urban Core lands.

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, 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 Town. On September 27, 2017, Council adopted Official Plan Amendment 15 (OPA 15) to the Livable Oakville Plan and OPA 317, which confirms the Town's existing urban structure in terms of nodes (growth areas) and corridors. OPA 15 was approved by Halton Region on April 26, 2018 and there is one appeal pending related to portions of OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors and front onto Dundas Street, 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 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.

The proposed development implements the town's Urban Structure policy by providing a built form and high density mix of residential and commercial uses that is envisioned for the Dundas Street corridor which will be served by higher-order transit.

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Oakville Official Plan - North Oakville East Secondary Plan

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

NOESP – Vision, Community Structure and Community Design Strategy:

The vision of the NOESP, as well as the land use strategy, designations and policies for the planning area are intended to establish a complete community and development pattern based on protection of the natural environment, transit support, mixed use and mix of housing that responds to the varied needs of the future population. The NOESP envisions urbanized, compact, pedestrian oriented development containing a broad range of housing opportunities ranging from detached lots to apartment units.

General objectives for residential development in North Oakville include, among other matters, the provision of a variety of residential densities and unit types to respond to the varied needs of the future population. To accommodate for a range of residential densities and create varied, distinguishable residential neighbourhoods, the NOESP establishes a community structure to define the general arrangement of the planning area. Residential uses are intended to be accommodated in Residential Neighbourhoods and as part of mixed use Urban Core areas.

Urban Core areas are located along Trafalgar Road, the north side of Dundas Street and the intersection of Neyagawa Boulevard and Burnhamthorpe Road. These Urban Core areas form part of the Town's system of nodes and corridors, identified within the Council adopted Urban Structure. Trafalgar, Dundas and Neyagawa Urban Core Areas are intended to be developed as the most urban part of North Oakville, providing for the most intense level of development. Each Urban Core area serves a different function and scale within North Oakville, which is reflected through varying land use permissions for height and density.

The requested Zoning By-law amendment maintains the general intent of the policies of the NOESP, including the vision, community structure and community design strategy, given the location of the lands in the context of both the Town's approved Urban Structure and the community structure of the North Oakville East Planning Area. The proposed mixed use building contains apartment units that will contribute to the mix of housing available in the community and commercial space at grade to facilitate the Dundas Corridor becoming a true mixed use urban area. The

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proposed mixed use building is appropriately sited on Dundas Street, within lands designated Dundas Urban Core Area, at the intersection of a future north-south road and is therefore well positioned to support transit. The area is served by transit and the Metrolinx 2041 Regional Transportation Plan identifies Dundas Street as one of the next rapid transit projects to be delivered in the Greater Toronto and Hamilton Area. Further, the density of the proposed development meets the minimum density suggested in Ontario's Transit Supportive Guidelines for dedicated rapid transit service.

NOESP - Master Plan:

The Zoning By-law Amendment reflects the general organization of land uses anticipated by the NOESP Master Plan. As shown on the Master Plan, the layout of the proposed development provides the highest intensity use adjacent to Dundas Street in the form of a mixed use building, followed by stacked townhouses creating a gradual transition into the existing residential area to the north as well as securement of a portion of Shannon's Creek. Although the associated draft plan of subdivision is not being recommended for approval at this time, the planned extension of Trailside Drive between Sixteen Mile Drive and Dundas Street will provide connectivity to adjacent lands and higher order roads for both pedestrian and vehicles.

NOESP – Land Use Strategy

Through OPA 321, Council approved amendments to the NOESP, including changes to the Dundas Urban Core Area policies, to support opportunities for well designed, high density, mixed use transit supportive development within the Dundas Urban Core Area lands. Among other changes, the amendment removed FSI as a measure of density and allows for consideration of increases of up to 4 storeys beyond the maximum building height of 8 storeys through bonusing, subject to the policies contained in Section 7.10.2.

Section 7.10.2 of the North Oakville East Secondary Plan refers to the general bonusing policies of the 2006 consolidated Official Plan as follows:

"1.3.b Bonus By-law Provisions

i. Oakville may make use of bonus zoning to authorize increases in height and/or density of development beyond that permitted by the comprehensive by-law in return for the provision of such facilities, services, or matters as are set out in the bonusing by-law. The use of bonus zoning shall be carefully controlled and shall only be undertaken after a thorough study of the effects of such a by-law. The Town may consider increased height and/or density

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with regard to the following matters and any other matters that secure the provisions of this Plan:

- *provision of additional public parking;*
- *provision of additional open space;*
- *provision of Natural Areas;*
- *provision of improved access to public transit;*
- *provision of arcades and public walkways within development;*
- *provision of assisted or other low income housing;*
- *provision of public institutional facilities;*
- *protection of heritage buildings and features;*
- *protection of significant vistas and views;*
- *provision of affordable housing, above and beyond the basic requirement of 25%.”*

Bonusing is a planning tool provided for in Section 37 of the *Planning Act* that allows municipalities to secure public benefits in exchange for permitting additional height and density in a development through a Zoning By-law Amendment. Bonusing is not a substitute for good planning. Candidate developments for Section 37 must first conform to all the other policies and criteria of the Official Plan before any increases in height or density may be considered.

In this case, the requested Zoning By-law Amendment maintains the general intent of the DUC land use permissions in terms of use, orientation and massing. Further, the Amendment generally conforms to the Town's approved Urban Structure and overall policy direction of the NOESP Secondary Plan by providing a greater intensity of mixed use development along Dundas Street that is well positioned to support current and planned levels of transit. Based on the rationale provided above, and the discussion of compatibility contained in the Zoning By-law section of this report, staff recommend approval of the Zoning By-law Amendment, as revised, including to allow a 10 storey mixed use building conditional on entering into an agreement under Section 37 of the *Planning Act*.

Zoning By-law (2009-189)

The North Oakville Zoning By-law (By-law 2009-189) sets 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 on November 23, 2009.

The subject property is zoned Existing Development (ED) by Zoning By-law 2009-189, which allows only uses that legally existed on the date of the By-law coming into effect.

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Staff recommend approval of a Zoning By-law Amendment to rezone the lands from Existing Development (ED) to Dundas Urban Core (DUC), subject to a Special Provision and Holding Zone, and Natural Heritage System zones. The following sections provide an overview of the proposed Zoning By-law Amendment, and specifically, the details of the site specific Special Provision and Holding Provision. A copy of the proposed modified Zoning By-law Amendment (By-law 2019-006) being recommended by staff is contained in the By-law section of the agenda.

Proposed Land Use and Regulations:

Natural Heritage System:

The eastern portion of the subject lands are traversed by a portion of Shannon's Creek channel and are proposed to be zoned NHS. The Natural Heritage System zone allows for fish, wildlife and conservation uses and trails and fences maintained by a public authority and legally existing buildings and structures. The proposed Zoning By-law Amendment does not propose any regulation changes to the Natural Heritage System base zone. The proposed Zoning By-law Amendment satisfies the land use policies for the NHS land use designation.

Dundas Urban Core:

On the lands proposed to be zoned DUC, in order to recognize the development of stacked townhouse dwellings and a mixed use building, a Special Provision is required. The following are the basic principles and rationale for the site specific Special Provision for the DUC zoned lands:

- *To permit only the following building types: mixed use buildings, underground parking garage and stacked townhouse buildings;*
This regulation is to ensure that development of the uses as proposed is implemented.
- *To specify a minimum of 250 units;*
This regulation ensures that regardless of the height of the mixed use building, a minimum number of units is provided on the DUC lands to provide a density supportive of transit.

Mixed Use Building:

- *To specify the maximum building height of mixed use of 8 storeys, and 10 storeys subject to bonusing;*

The proposed height reflects the maximum building height of 8 storeys permitted in the NOESP, while allowing for an increased height through execution of a bonusing agreement under Section 37 of the *Planning Act*. In

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the previous section of this report, staff evaluated the requested Zoning By-law Amendment, including the request for increased height through bonusing in the context of the NOESP policies. The following section focuses on the request for increased height from the perspective of potential impacts of the resulting form in terms of compatibility with the surrounding neighbourhood and potential impacts on the adjacent properties.

A proposed two storey increase in building height allows for the building design to terrace down from 10 storeys closest to the intersection of Dundas Street to 8 storeys, 5 storeys and 2 storeys along Trailside Drive. In this configuration, the greatest massing of the building is oriented towards Dundas Street West, a Regional Transit Priority Corridor that is better suited to handle the additional building height. The stepping in building height also divides the massing of the building, provides a better overall design and allows for an appropriate transition to the proposed and existing land uses to the north. The proposed transition in building form between the existing and proposed development, combined with the design of the proposed building, results in a compatible development with the existing surrounding neighbourhood.

Sun shadowing:

A sun shadow impact analysis was prepared as part of the Urban Design Brief in accordance with the criteria outlined in the Oakville Shadow Impact Analysis Guidelines. The shadow impact analysis demonstrates that year round, all public sidewalks, trails and public realm features will receive at least 5 hours of continuous sunlight per day. The greatest shadow casts are evident during the winter months, when the sun is at its lowest point. Even though the shadow of the proposed 10-storey mixed use building will reach the recently undeveloped properties located north of the subject property fronting Trailside Drive and few properties fronting Hibiscus Gardens; this will only happen early in the morning and therefore will allow for adequate sunlight on the building faces for the possibility of using solar energy with shadow impact not exceeding two consecutive hours at any time of the day. The findings of the study indicate are acceptable and demonstrate that any sun shadow impacts would be minimal; none of the adjacent properties, public outdoor amenity areas, open spaces, or sidewalks will be negatively impacted.

Compatibility:

The height of the proposed 10 storey mixed use building is considered compatible with both the existing and future conditions of the surrounding neighbourhood, given the design of the proposed building and the transition in building typology provided in the overall development application.

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Lands north of the subject property are designated Neighbourhood Area in the NOESP and consist of a mix of townhouses and existing detached dwellings zoned General Urban fronting Trailside Drive. The proposed overall development provides an increased intensity of development in close proximity to future transit. South of the existing detached dwellings fronting Trailside Drive, three storey townhouses (previously approved through development applications for 407 Dundas Street) are proposed to front onto both sides of the proposed Trailside Drive extension. South of the proposed townhouses, three storey stacked townhouses are proposed to front onto Trailside Drive.

The 10 storey mixed use building is located south of the stacked townhouses, at the intersection of Dundas Street and Trailside Drive. The 10 storey mixed use building uses a terraced design, providing a building height of 10 storeys near the intersection of Dundas Street and Trailside Drive and steps down to 8 storeys, 5 storeys and 2 storeys at the north end of the building.

No negative impacts on compatibility are anticipated to result on lands east and west of the subject lands as a result of the proposed building height, given that these lands are also designated Dundas Urban Core Area and are therefore intended to develop at a similar intensity as the subject lands.

Bonusing of the subject lands helps support the Town's Urban Structure by providing additional height and density along Dundas Street West, a Regional Transit Priority Corridor. Further, the location of the property is well positioned to support a building with increased height; the property is well set back from residential development south of Dundas Street, and a buffer is provided to the north by 3 storey stacked townhouse units. The building itself will be subject to urban design requirements, outlined in Appendix G, to ensure the building will be well articulated with the bulk of the mass oriented towards the intersection. Should the increased height in exchange for bonusing be approved, various community benefits could be achieved through the use of bonusing.

- *To specify the minimum 275 m² of leasable commercial floor area;*
This regulation will ensure the amount of leasable commercial floor area shown on plans provided in support of the application is provided in the mixed use building. Mixed use development is permitted and encouraged to locate in the Dundas Urban Core Areas (Neyagawa, Dundas and Trafalgar) as well as Neighbourhood Centres. The current DUC policies in the NOESP are flexible, meaning that mixed use is encouraged, but not required, which has resulted in a number of single use developments in the DUC. Obtaining an

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appropriate distribution of commercial uses across the NOESP, within and adjacent to neighbourhood areas is important to the implementation of complete communities and reducing reliance on automobile use to meet the needs of daily life. The proposed commercial floor area is oriented on Trailside Drive and would complement the commercial area approved as part of the development applications for 407 Dundas Street West.

- *To specify a minimum and maximum front yard along Dundas Street of 4 m and 13 m respectively and to specify the width and length of the building of certain portions of the building;*

These regulations ensure the mixed use building is located as proposed, on the southern portion of the DUC lands and that the stepped building design is implemented as proposed.

- *To require a 4.5 m minimum height for commercial areas of the mixed use building;*

This regulation is to ensure the first storey of the building maintains sufficient height to contain viable commercial space.

- *To specify that maximum FSI does not apply*

Although maximum FSI was removed from the NOESP DUC policies through OPA 321, the base DUC zone in Zoning By-law 2009-189 has not yet been updated to reflect the change. The purpose of this regulation is to maintain consistency between the North Oakville Zoning By-law and the most recent changes to the NOESP approved by Council.

Stacked Townhouse:

- *To specify a minimum rear yard for a stacked townhouse of 3 m;*

This regulation implements the location of the proposed stacked townhouse building adjacent to the rear property line. In this case, Dundas Street West has been deemed the front lot line for purposes of zoning interpretation, therefore the rear property line is the northern boundary of the site. Due to the orientation of the stacked townhouses toward Trailside Drive, functionally the 'rear yard' acts as a side yard. The rear property line abuts the side yard of a proposed townhouse blocks approved through the development applications for 407 Dundas Street. No negative impacts on compatibility with the proposed neighbouring townhouses will result.

- *To specify a 3 storey building height for a stacked townhouse, while recognizing up to 15m² floor area may be permitted on the roof for storage associated with permitted rooftop outdoor amenity area;*

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This regulation is for the purpose of zoning interpretation. Three storey stacked townhouses with roof top amenity areas are proposed. Rooftop amenity area including a portion of floor area for access to the amenity area would not trigger an increase in building height. However, in this case a small amount of storage area is proposed adjacent to the access to the rooftop amenity area. Therefore the zoning regulation recognizes the proposed design of the stacked townhouses.

- *To increase the maximum flankage yard from 6m to 7m along Trailside Drive.* This regulation is to recognize the location of the stacked townhouse building adjacent to Trailside Drive. Dundas Street West has been deemed the front lot line for the purposes of zoning interpretation, therefore the flankage property line is the west property line, adjacent to Trailside Drive. The increase in maximum flankage yard is to adjust for the curved alignment of Trailside Drive, and will not cause any negative impacts on the streetscape.

Staff are satisfied that the proposed Zoning By-law Amendment, as revised, implements the vision, development objectives, community design strategy and land use strategy of the NOESP and maintains a sensitive transition to the existing residential neighbourhood to the north.

Holding Provision:

A Holding Provision is proposed to be applied to the lands being rezoned Dundas Urban Core. A Holding Provision specifies the requirements that must be satisfied prior to any development taking place, including any conditions, studies or requirements related to a zoning change. Conditions proposed to be addressed prior to removal of the Holding Provision, include approval of allocation to the satisfaction of the Region of Halton and execution of a Section 37 agreement, to allow for bonus development.

Urban Design

North Oakville East Urban Design and Open Space Guidelines were approved by Council on November 9, 2009 and are intended to implement the Community Design Strategy outlined in Section 7.5 of the NOESP. The document provides design direction for the overall design and layout of the proposed subdivision, and also includes general recommendations with respect to the built form, landscape requirements and the relationship of development to open space and other land uses.

An Urban Design Brief was submitted with the application which describes the design strategy and illustrates the design solutions for the proposed development. The Brief evaluates the proposal based upon the guiding design principles outlined

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in the North Oakville East Urban Design and Open Space Guidelines document. If approved, the Zoning By-law Amendment will achieve the following goals to implement the policies of the NOESP and North Oakville East Urban Design and Open Space Guidelines:

Provide access and visibility to open space

The orientation of the proposed development provides visibility to open space. Pedestrian connections to Gladeside Pond and Shannon's Creek were accounted for through the approval of development applications for 407 Dundas Street West, to provide physical access to open space. Collectively, these features contribute to enhanced livability by providing access and visibility to open space.

Create a compact walkable mixed-use development

The Urban Design brief provides a framework for ensuring the implementation of a pedestrian scaled street through consideration of design elements such as building scale, building placement, façade treatments, street trees and furnishings.

A Pedestrian Circulation Plan was prepared identifying pedestrian facilities through the subject lands. Trailside Drive is proposed to have sidewalks on both sides of the road connecting to existing sidewalks on Dundas Street. Walkways are also proposed around the mixed use building.

The system of sidewalks provides for convenient movement through the community and access to transit routes and stops on Dundas Street. The North Oakville Trails Plan and the Town's Active Transportation Master Plan outlines measures to encourage cycling as part of the active transportation plan. Dundas Street is identified as a Regional bicycle facility in Figure 1 of the North Oakville Trails Plan. No specific bicycle lane designations are proposed on Trailside Drive, however, the traffic volumes anticipated on the 19m connector roads will allow the road to safely accommodate vehicular and cycling traffic.

Encourage a variety of housing types

The proposed Zoning By-law amendment allows for apartment units and stacked townhouse dwellings. The variation in housing types and densities will help contribute to the housing stock available in the North Oakville neighbourhood.

Provide logical connections with adjacent existing and future communities

The proposed draft plan of subdivision will extend the existing road network, providing a logical connection of Trailside Drive between Sixteen Mile Drive and Dundas Street West.

The lands will be further evaluated through the technical review of the site plan application, to ensure the proposed development implements the North Oakville

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East Urban Design and Open Space Guidelines. With respect to the mixed use building, the revised submission did not fully address one of the staff comments provided to the application through the initial circulation. Through the site plan process, more significant breaks into the massing of the building will be required, to avoid a long street wall along Trailside Drive. This can be achieved by articulating the massing of the façade to divide the architectural detailing into smaller elements, by incorporating layered elements, modulations, projections and recesses and pronounced vertical elements.

In addition, it should be noted that the owner can proceed with development of an 8 storey mixed use building or with a 10 storey building subject to bonusing. Regardless of the height of the building, it should maintain the same principles as detailed in the Urban Design Brief submitted in support of the application, including step backs to transition in scale, provide adequate separation distance for future developments, stepped podium design, ground floor height to accommodate a variety of uses, uniform street edges, primary building entrances located along street frontages, and appropriate building articulation and detailing. These design requirements have been included in Appendix G, to provide clarity on matters that must be addressed through the Site Plan process.

TECHNICAL & PUBLIC COMMENTS:

Transportation & Mobility

A revised Transportation Impact Study was submitted as part of the amended application. The Transportation Impact Study indicates that the study area intersections and turning movements will operate within acceptable levels for both existing and future conditions once trips from the proposed development are added to the transportation network.

The TIS recognizes the existing transit route which supports this area – along the Dundas Street corridor – and also that the development would require sufficient vehicle and bicycle parking for the residential and commercial uses.

One of the objectives of the NOESP is to create a sustainable transportation network. The proposed transit density of the development is transit supportive and contributes to the overall objective to reduce reliance on vehicle trips in North Oakville. Dundas Street is identified as a Busway Corridor and Primary Transit Corridor in the NOESP Transportation Plan. The subject property is currently served by Oakville Transit Route 5, which connects the Uptown Core terminal at Trafalgar Road to the 407 GO carpool lot at Dundas and Walkers Line in Burlington. The closest bus stop is located 200m east of the subject property at the intersection of

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Dundas Street and Towne Blvd. If warranted, opportunities for an additional bus stop can be reviewed as part of the associated subdivision application and future site plan application.

Infrastructure (i.e. Stormwater Management, Servicing etc)

As of October 31, 2018, the date of the Region of Halton's comments on the initial circulation of the applications, the owner has not been able to secure Regional Servicing Allocation for this development. This allocation is required to allow development to proceed on the subject lands as they are located within the Designated Greenfield Area. To ensure the owner secures servicing allocation to the satisfaction of the Region of Halton, a condition has been incorporated into the Holding Provision.

Environmental Matters

An Environmental Implementation Report and Functional Servicing Study has been prepared in consultation with Town and Conservation Authority staff and defines the limit of development from Shannon's Creek and plan demonstrates that the development can feasibly be serviced managed to own standards. The detailed engineering design will continue to be reviewed through the associated draft plan of subdivision application.

Section 37 Agreement

Details have not been finalized in order to complete a Section 37 Agreement. The proposed Zoning By-law Amendment includes a Holding Provision subject to fulfillment of a number of conditions, including, execution of the Section 37 Agreement, subject to the general bonusing policies of the 2006 consolidated Official Plan. The applicant has indicated willingness to provide Transit Demand Management (TDM) measures to reduce residential vehicle use by curbing travel behaviour such as, unbundled parking, additional bike parking spaces or dedicated car share spaces.

Town Council Resolution

In addition to comments raised by residents, at the Statutory Public Meeting of December 10, 2018, members of Planning & Development Council approved a resolution that an analysis and response to a range of matters be included as part of this recommendation report. A response is provided below:

a) Confirm the area/concerns around unit count and density;

The following table demonstrates the proposed gross and net density of the proposed development, based on 305 units proposed, and the area of land dedicated to specific uses including Dundas Urban Core (i.e. developable land), Natural Heritage System and Road Allowance.

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Proposed Use	Area	Density
Dundas Urban Core	1.05 ha	290.48 UPH (Net Density)
Natural Heritage System	0.592 ha	n/a
Road Allowance	0.0377 ha	n/a
Total	1.6797 ha	181 UPH (Gross Density)

The NOESP and Zoning By-law regulate density in the DUC through building height, not directly through thresholds defined by units per hectare. However, for reference, Ontario's Transit Supportive Guidelines suggest a minimum density of 72 units per gross hectare or 160 residents and jobs per combined gross hectare, for areas within a 5-10 minute walk of transit, in order to support dedicated rapid transit service (LRT/BRT). As rapid transit service is intended to service Dundas Street West in the future, the proposed gross density of the subject development contributes to the overall gross density of the surrounding neighbourhood, to promote the need for transit demand.

b) Is there enough parking and how will it be addressed and managed going forward?

Parking has been provided in accordance with the regulations of the North Oakville Zoning By-law.

The Town's approved Urban Structure and the vision of the NOESP, as well as the land use strategy and policies are intended to establish a community and development pattern based on protection of the natural environment, transit support, mixed use and a mix of housing that responds to the varied needs of the population.

Implementation is guided by tools such as the North Oakville East Urban Design and Open Space Guidelines and Zoning By-law 2009-189. The North Oakville Zoning By-law contains regulations specific to the desired development outcomes of the North Oakville Secondary Plans, including parking requirements that vary from Zoning By-law 2014-014, which applies to lands south of Dundas Street. Parking regulations in North Oakville recognize that the community will be well served by transit providing residents with an alternate mode of travel within North Oakville and connections to the broader community and Region.

The North Oakville East planning area is no longer simply a vision expressed through policy documents and implementation tools, but is now a living community; home to a number of residents, businesses and schools. As

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North Oakville has developed, Council and residents have identified concerns for the availability of parking in the area.

Currently, we are in the midst of a transitional period, where the availability and frequency of transit is not yet more convenient or attractive to the average resident than use of a private vehicle. In addition, new residents are adjusting to the reality of living in a more urbanized condition, which is intended to place less reliance on space for private vehicles through expansive driveways and garages, and more reliance on active transportation and public transit.

The Commission has a number of initiatives underway to study and respond to these challenges in the short, medium and long term. With respect to the subject application, Table 1, provides a comparison of proposed parking and the parking requirements of the North Oakville Zoning By-law. Residential parking has been provided well above the minimum Zoning By-law requirement since the minimum requirement is zero spaces. Based on the context of this development being located along Dundas Street, and site-specific aspects of the application, the proposed parking is deemed appropriate. The commercial and visitor ratio has also been provided per the zoning regulations.

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Table 1: Required & Provided Parking

	Number of Units	Minimum Parking	Maximum Parking	Proposed
Stacked Townhouse	15 units	15 spaces	45 spaces	15 spaces
	* No requirement for visitor parking			
Mixed Use Building	290 units	0 spaces	363 spaces	286 spaces
		58 visitor spaces	58 visitor spaces	58 visitor spaces
	275m ² commercial area	10 spaces	14 spaces	10 spaces
Total	305 units/ 275m ² commercial area	83 spaces	480	369 spaces
Bicycle Parking	305 units	198 spaces	200 spaces	200 spaces

The total number of parking spaces is split between one level of underground parking containing 295 spaces and 74 surface parking spaces located behind the building. Six of the 74 surface parking spaces will be allocated towards the residential units. The balance of the 68 surface parking spaces will be divided between visitor parking (58 spaces) and to support the commercial use (10 spaces). All of the 295 underground parking spaces will be dedicated towards residential use for both the apartments and stacked townhouses. The underground parking spaces are accessible to vehicles by a ramp and residents can choose to exit the underground parking area by elevator to access the main lobby or stairwells.

The overall parking rate for the entirety of the development equates to 1.21 spaces per residential unit, inclusive of visitor parking spaces which is within the parameters of the Zoning By-law regulations. The proposed amount of parking to be provided as part of this development is in accordance with the Zoning By-law's requirements. Should there be any variation in the number of residential units be built, or amount of commercial space included, the parking ratio would be required to be adjusted accordingly, per zoning regulations.

As part of this development, and the adjacent "407 Dundas" project to the west, Trailside Drive will be extended from its current termination south of

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Sixteen Mile Drive to Dundas Street. The final design of this street will be undertaken through the draft plan of subdivision and is expected to include opportunities for on-street parking which can complement the commercial and visitor parking provided on-site.

Notwithstanding the proposed parking ratio, which corresponds to the Zoning By-law regulations, and future on-street parking arrangements, it is important to note that the development is located along one of the town's intensification corridors, as noted in the Council-approved Urban Structure. This corridor is currently served by Oakville Transit and is expected to also be served by bus rapid transit.

c) Explain the impacts of shadowing on buildings that will be behind (north);

A sun shadow impact analysis was prepared as part of the Urban Design Brief in accordance with the criteria outlined in the Oakville Shadow Impact Analysis Guidelines. Although the shadow of the proposed 10-storey mixed use building will reach the recently approved yet undeveloped properties located north of the subject property fronting Trailside Drive and few properties fronting Hibiscus Gardens; this will only happen early in the morning and therefore will allow for adequate sunlight on the building faces for the possibility of using solar energy with shadow impact not exceeding two consecutive hours at any time of the day. The findings of the study, which indicate that none of the adjacent properties, public outdoor amenity areas, open spaces, or sidewalks will be negatively impacted by shadow casting, are acceptable.

d) How many properties were notified in the 120m radius notice range?

The *Planning Act* requires notification of properties within 120m of a subject property where a development application is proposed. Eighty-four property owners were notified of the subject application, through two separate mailings, the first being the notice of complete application mailed on October 9, 2018 and the second being the notice of the Statutory Public Meeting mailed on November 15, 2018.

e) Why is the Floor Space Index (FSI) increasing from 2.5 to 2.69?

Floor space index (FSI) means the gross floor area of all buildings on a lot divided by the lot area. In this case, the proposed floor area, relative to the area of the subject lands produces an FSI of 2.69. Based on the lot area of the subject lands, an FSI of 2.5 would result in a floor area of 25,584 m²; the proposed floor area is 27,501 m². The 1,917 m² difference in floor area is

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approximately the amount of area as the 10th floor of the proposed mixed use building.

Until recently, the DUC policies of the NOESP specified a maximum FSI of 2.5. Through OPA 321, amendments were made to the North Oakville Plan, including removing FSI as a development standard in the DUC. As discussed earlier in this report, given that the DUC policies of OPA 321 are now in effect, the subject proposal fully complies with the policies of the DUC and an Official Plan Amendment is no longer required.

- f) *Information regarding complete communities as they relate to Provincial approval of schools being built in the developments within north Oakville and what measures or tools can be used to assist with ensuring that the number of schools being built supports the development taking place.*

Staff are of the opinion a separate discussion is warranted in response to this question, therefore, a separate information report “North Oakville School Update” has been prepared and is contained in the February 11th, 2019 Planning & Development Council addendum agenda.

Public Comments

A combined Public Information Meeting for 393 and 407 Dundas Street West was held on March 1, 2018 where 6 residents attended. A Statutory Public Meeting was held on December 10, 2018, at which one resident participated. No written comments were submitted in response to the notice of complete application or notice of public meeting for 393 Dundas Street. A response to comments raised by residents is provided below:

- *Concern for the negative impacts of increasing the building height from 8 storeys to 10 storeys in terms of sun shadowing and obstruction of views. (March 2018)*

As discussed previously in the report, the shadow analysis indicates that there will be minimal shadowing impacts of existing residential properties to the north and south. The proposed development will change the ‘view’ over the subject lands, given that these lands are currently vacant. However, the proposed lands are intended to be redeveloped, and are therefore designated to allow redevelopment in accordance with the policies of the NOESP.

- *Concern that existing land use permissions in the Dundas Urban Core designation allow for an 8 storey building height. Residents expected that future development along Dundas Street would maintain lower building*

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heights that exist within the surrounding area and that taller buildings will appear out of place. (March 2018)

The Town's approved Urban Structure and the vision of the NOESP, as well as the land use strategy and policies are intended to establish a community and development pattern based on protection of the natural environment, transit support, mixed use and mix of housing that responds to the varied needs of the future population. The NOESP envisions urbanized, compact, pedestrian oriented development containing a broad range of housing opportunities ranging from detached lots to high rise apartment units.

Residential uses are intended to be accommodated in Residential Neighbourhoods and as part of mixed use Urban Core areas. Urban Core areas located along Trafalgar Road, the north side of Dundas Street and the intersection of Neyagawa Boulevard and Burnhamthorpe Road are areas for mid-rise and taller buildings. These Urban Core areas form part of the Town's system of nodes and corridors, identified within the Council adopted urban structure as part of the Livable Oakville Plan. Trafalgar, Dundas and Neyagawa Urban Core Areas areas are intended to be developed as the most urban part of North Oakville, providing for the most intense form of development.

As additional development is built-out in the Dundas Urban Core over time the additional height will not 'appear out of place', but rather is expected to provide a hub of mixed use amenities to complement the Neighbourhood Areas located north.

- *Concern for the impact of increased traffic congestion from the proposed development during rush hour on Trailside Drive, Gladeside Avenue and George Savage Avenue. (March 2018)*

Overall it has been determined that the impact of the proposed development and the growth in the area due to other developments will not result in a significant traffic impact and can be accommodated in the surrounding road network. The TIS provided a fulsome review of the street network and expected peak use and determined that there is sufficient capacity to accommodate this development without compromising the functionality of the network and its intersections.

- *Concern for traffic safety and potential for speeding along the extension of Trailside Drive between Sixteen Mile Drive and Dundas Street. (March 2018)*

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There are no identified existing traffic safety issues in the immediate surrounding area. Once the area is developed, if concerns related to speeding and cut-through traffic on Trailside Drive are identified as issues by residents or staff, a separate traffic calming study can be initiated to measure and evaluate the issue and determine if traffic calming measures are warranted. Potential traffic safety issues will also be considered as part of the review of the road design through the subdivision process.

- *Concern for availability of school accommodation within the neighbourhood. (March 2018)*

The Halton Catholic District School Board (HCDSB) has indicated that sufficient accommodation exists for students at St. Gregory the Great Catholic Elementary School and St. Ignatius of Loyola Catholic Secondary School. The Halton District School Board (HDSB) indicates that the development is within the Oodenawi Public School and White Oaks Secondary School catchment areas. Although sufficient accommodation exists for student at White Oaks Secondary School, Oodenawi Public School is closed for registrations and students are being directed to Palermo Public School. The HCDSB and HDSB have no objection to the proposed development application, subject to standard conditions being inserted in offers of purchase and sale, including to advise purchasers that school accommodation may be available in the area and that students may be accommodated in schools outside the area.

For reference, based on the pupil yields calculated using the rates prescribed by the Town of Oakville Development Charge Background Study (2018) and Education Development Charge Background Study (2018), the proposed development is projected to result in the need for space for 28 students (21 spaces within the HDSB and 7 spaces within the HCDSB).

- *Concern that commercial space will remain vacant. (March 2018)*

The landowners are actively pursuing commercial tenants to use the proposed space, who are intended to offer retail/commercial opportunities.

- *Question related to where commercial parking spaces will be provided. (March 2018)*

Ten commercial parking spaces will be provided as part of the surface parking area.

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- *Concern that on street parking permits are being issued for other uses (e.g. school staff parking), reducing the availability of on street parking for residents.*

The Commission is undertaking a number of initiatives to address parking concerns that have been raised in North Oakville. These matters will be outlined in a separate report presented to the Livable Oakville Sub-Committee on February 11th, 2019.

Based on the above, staff have included a recommendation that *“comments from the public have been appropriately addressed”* in recognition of requirements introduced through *Bill 73, The Smart Growth for Our Communities Act*.

CONCLUSIONS:

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 existing Official Plan designations and existing zoning do not conflict with all applicable Provincial plans and conform to the Region of Halton Official Plan. Similarly, staff is satisfied that the Zoning By-law Amendment, as revised, does not conflict with all applicable Provincial plans or to the Region of Halton Official Plan.

The subject lands can appropriately support an increase in height through bonusing without creating any undue impact on surrounding land uses. Staff recommend approval of the Zoning By-law Amendment, to permit the proposed development, conditional on, among other matters, entering into an agreement under Section 37 of the *Planning Act*.

The Zoning By-law Amendment is consistent with the Provincial Policy Statement, does not conflict with Provincial plans or to the Region of Halton Official Plan, has regard for matters of Provincial interest, and represents good planning. Further, the application is consistent with the Town's approved Urban Structure and the principles and overall policy direction of the North Oakville East Secondary Plan. Staff recommends approval of the Zoning Bylaw Amendment (By-law 2019-006), as revised, as the following requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by the Region of Halton

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have been addressed through conditions to be fulfilled prior to development through a Holding Provision.

- Comments from the public and Council have been appropriately addressed.
- The proposed development does not conflict with the provincial plans or to the Halton Region Official Plan.
- Staff is satisfied that the proposal implements the vision, development objectives, community design strategy and land use strategy of the NOESP and maintains a sensitive transition to the existing and proposed residential neighbourhood.

IMPLEMENTATION:

Should the Zoning By-law Amendment application, as revised, be approved by Council, further planning approvals will be required to implement the development. It is anticipated that the applicant will amend the proposed Draft Plan of Subdivision application for 407 Dundas Street to incorporate the subject lands. Once the site design has been sufficiently advanced for the mixed use building and stacked townhouses, staff expect the submission of applications for a draft plan of condominium as well as a site plan applications. The applications will be presented to Planning & Development Council and the Site Plan Review Committee for consideration, as required.

In addition, the Section 37 agreement, securing the community benefits to be provided in exchange for height above 8 storeys, will be brought to Council for consideration once negotiations have proceeded further.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on March 1, 2018 and a Public Meeting was held on December 10, 2018. Comments from the public have been responded to in this report.

(B) FINANCIAL

Development Charges are payable at building permit issuance at the rates in effect at that time.

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Parkland dedication requirements shall be in accordance with Section 7.7.4.5 of the North Oakville East Secondary Plan and the North Oakville East Secondary Plan Master Parkland Agreement.

In accordance with Section 7.9.4 of the North Oakville Secondary Plan, documentation was submitted with the application from the Trustee of the North Oakville East Developers Group Cost Sharing Agreement and North Oakville East Master Parkland Agreement confirming the owners of 393 Dundas Street are parties in good standing under both agreements.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Agencies and Town departments were consulted during the review of these applications.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our natural environment
- be the most livable town in Canada

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

(E) COMMUNITY SUSTAINABILITY

The development proposal furthers the sustainability principles established within the North Oakville Secondary Plan.

From: Planning Services Department

Date: January 21, 2019

Subject: **Recommendation Report, Zoning By-law Amendment, 393 Dundas LP, 393 Dundas Street West,
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APPENDICES:

Appendix A - Proposed Layout

Appendix B – North Oakville Secondary Plan (NOE2, Land Use Plan)

Appendix C – North Oakville Master Plan

Appendix D – Existing Zoning

Appendix E – Applicable Policies

Appendix F – Proposed Renderings

Appendix G – Urban Design Requirements

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