

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 13, 2020

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**FROM:** Planning Services Department

**DATE:** December 18, 2019

**SUBJECT:** Public Meeting Report, Zoning By-law Amendment, Oakville Urban Core Developments Inc., Z.1310.15

**LOCATION:** 1005 Dundas Street East and 3033 Eighth Line

**WARD:** 6

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#### RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated December 18, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Oakville Urban Core Developments Inc. (File No.: Z.1310.15) 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:

- 1005 Dundas Street Inc., the Owners of the subject lands, submitted a Zoning By-law Amendment application to facilitate a development proposal for two residential buildings with a maximum height of twelve storeys, containing 562 dwelling units and underground parking.
- An amendment to the existing zoning is required to permit the maximum height of twelve storeys that is permitted under the North Oakville East Secondary Plan through the use of a Bonusing Section 37 agreement, whereas the maximum height limit is eight storeys without bonusing.
- The subject lands are located on vacant lands, north of Dundas Street East and east of Eighth Line on lands planned to accommodate intensification to meet prescribed provincial, regional and municipal targets
- A Public Information Meeting was hosted by the applicant on September 11, 2019. There were no members of the public that attended the meeting however email correspondence was received from one resident, and is included in Appendix 'C'.
- The application was submitted on November 11, 2019.

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- The application has been circulated to internal departments and public agencies for review and comment.

**BACKGROUND:**

The applicant has submitted a Zoning By-law Amendment application to facilitate the development proposal for two residential buildings with a maximum height of twelve storeys, containing 562 dwelling units and 759 parking spaces located primarily within an underground parking. The proposal includes a mix of one, two and three bedroom units. In 2018, approved OPA 321 removed FSI maximums and included bonusing provisions into the land use policy framework of the Dundas Urban Core land use designations.

The current zoning permits a range of uses within mixed use or stand alone buildings to a maximum height of eight storeys. The existing zoning by-law and Special Provision 60 were established through a previous application to the Town for an eight storey building and 20 townhouse dwellings. The application pre-dated the provisions within the North Oakville East Secondary Plan that allow the potential for additional height through bonusing for lands along Trafalgar Road and Dundas Street (OPA 321, adopted by Council on June 11, 2018). The ability to utilize bonusing provisions as intended in the North Oakville East Secondary Plan is subject to any by-law being approved prior to this authority being removed as a result of *More Homes, More Choice Act*, 2019 ("Bill 108"). Under the transition provisions of Bill 108, the town may continue to pass bonusing by-laws after proclamation until it either enacts a community benefits by-law or a deadline to be established through regulations has passed ("the transition period").

The draft proposed by-law submitted by the applicant is in keeping with the general intent of By-law 2018-108 with regards to yard setbacks and parking regulations. A parking rate of 1.35 parking spaces per dwelling unit, inclusive of visitor parking, was approved with the previous by-law and the applicant is not proposing to change that rate.

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Figure 1: Air Photo and context plan – the subject lands are outlined in red

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

<https://www.oakville.ca/business/da-34548.html>.

The concept plan and proposed elevations, Figure 2 and Figure 3 below, as submitted, illustrate the proposed development concept for the subject lands. A context map and associated walking distances to surrounding destinations is included in Appendix 'A'.

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Figure 2: Concept Plan



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Figure 3: Proposed Elevation from the corner of Dundas Street East and Eighth Line

### Location and Site Description

The subject site is approximately 1.09 hectares and is located at the northeast corner of the Dundas Street East and Eighth Line intersection.

The subject lands contain two properties. The property located at 1005 Dundas Street East is vacant while there is a detached residential dwelling located on 3033 Eighth Line.

### Surrounding Land Uses

The surrounding land uses are as follows:

- North: Detached residential dwelling. Future medium density residential development.
- East: Vacant. Future Dundas Urban Core development.
- South: Dundas Street East and further south is a residential neighbourhood consisting of two-storey single detached dwellings.

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West: Eighth Line and further west is a residential neighbourhood consisting of single detached dwellings, semi detached, townhouse dwellings as well as an eight storey residential building along Dundas, a future school, and a neighbourhood park.

## **PLANNING POLICY & ANALYSIS**

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

- Provincial Policy Statement (2014);
- 2019 Growth Plan for the Greater Golden Horseshoe (2007);
- Halton Region Official Plan;
- North Oakville East Secondary Plan; and,
- Zoning By-law 2009-189

### **Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas, promoting a compact development form, and the long term protection of natural features.

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.

### **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.

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 with a "Designated Greenfield Area."

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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 within proximity of 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 mixed use growth are to be accommodated. 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.

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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.

#### 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.

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 southern part of the subject property as Dundas Urban Core and the north westerly corner as Neighbourhood Centre Area. The intent of the Dundas Urban Core designation is to allow for high density mixed use buildings that may include service commercial, retail and office uses along with residential development. Mixed use buildings are permitted at the signalized intersections along Dundas Street East to provide convenient access to transit and safe ingress and egress into the development.

In 2018, approved OPA 321 removed FSI maximums and included bonusing provisions into the land use policy framework of the Dundas Urban Core land use designations. Eligible lands for bonusing have the opportunity for increased height up to four additional storeys, subject to approval.

Within the Neighbourhood Centre Area the development intention as specified in Section 7.6.7.1 is to accommodate a range of medium density residential development, and limited commercial and civic uses to serve neighborhood residents from a central neighborhood activity node. The uses permitted include medium density residential uses and small scale convenience retail, personal



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service commercial, restaurants and business activity, village squares and small scale offices, medical clinics, workshops and artisan studios.

Figure NOE4 identifies Dundas Street East as a Major Arterial/Transit Corridor, Bus Corridor. Eighth Line is designated as a connector transit corridor.

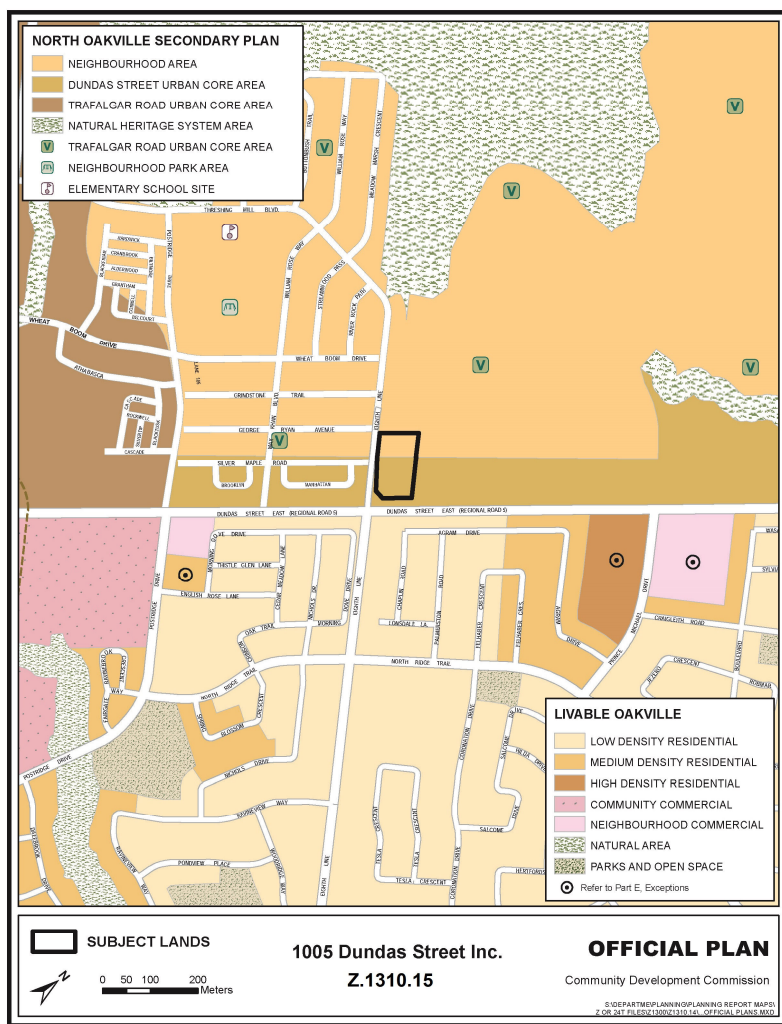


Figure 4: North Oakville East Secondary Plan Excerpt

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.

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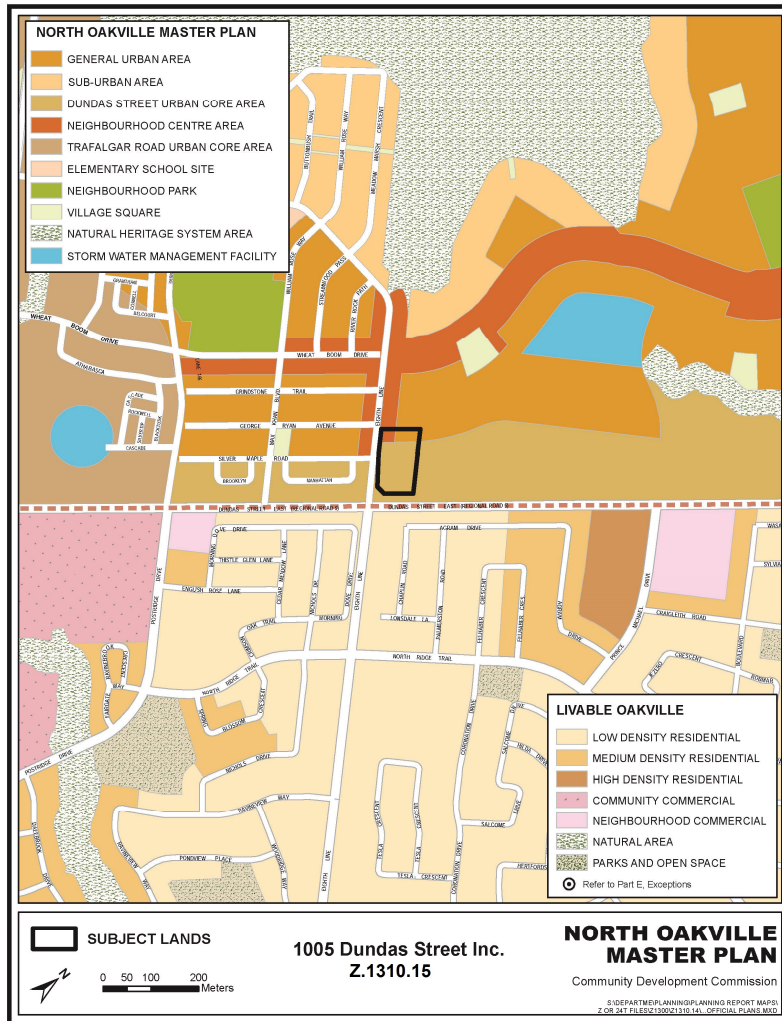


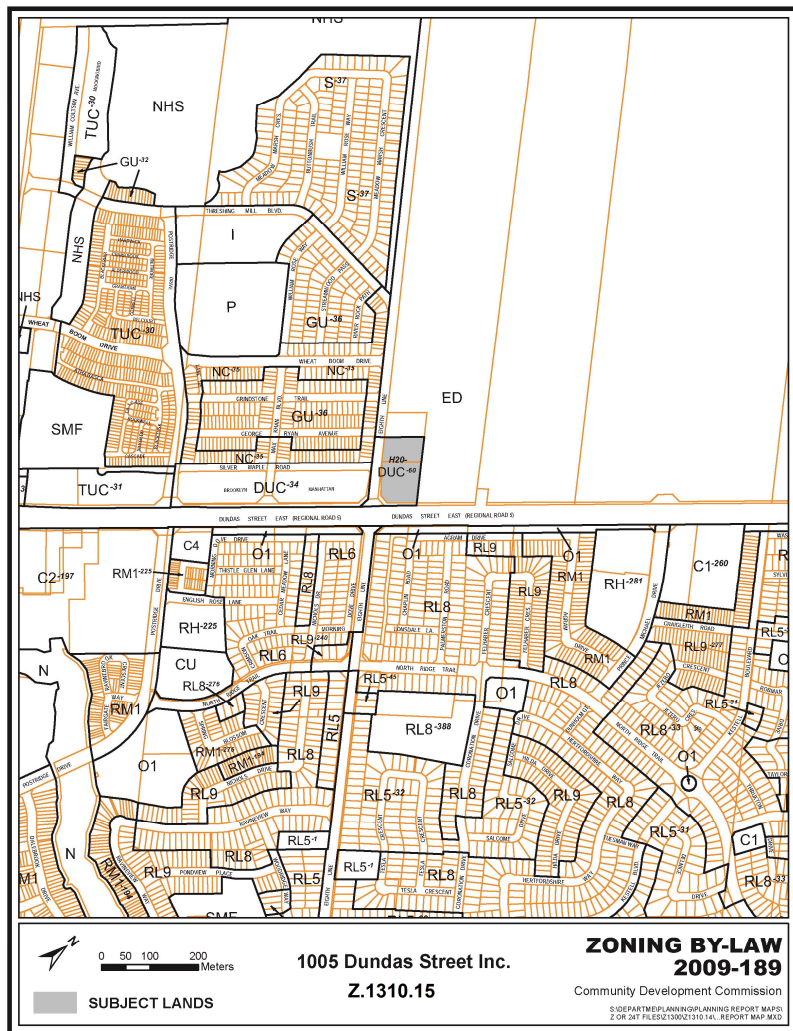
Figure 5: North Oakville Master Plan

Excerpts of relevant North Oakville East Secondary Plan policies to the application are attached as Appendix 'B'.

### 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. In 2016 an application was submitted to rezone the subject lands from Existing Development – ED to Dundas Urban Core (DUC). By-law 2018-108 was approved by the Planning and Development Council in 2018 and at that time the property changed ownership and permissions for bonusing were

The applicant has submitted a draft version of a site specific zoning amendment based on the Town's North Oakville Zoning By-law.



The applicant proposes the following modifications to Special Provision 60 to permit the current development proposal:

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<b>Proposed Modification</b>	<b>Applicant's Justification</b>
Permit bonusing to facilitate the increase in height from 8 to 12 storeys for the southern portion of the site.	The modification would implement the bonusing policies of the Official Plan and maximize the potential of the site.
Reduction if the minimum rear yard regulation	To facilitate the proposed built form encroachment into the rear yard.
Removal the holding provisions in the current by-law	The applicant anticipates satisfying the regional and town requirements for an updated Functional Servicing Report and Stormwater Management Report as well as the Stage 2 Archeological Assessment, therefore removing the need for additional holds on the proposed draft by-law.

The applicant is also requesting that, at the time a decision is to be made on the proposal, the Planning and Development Council resolve to allow for a minor variance application within the two year period after the zoning by-law has been passed, provided that the variances are not to the building height, number of units or parking provisions in the event of minor changes during the site plan process.

## **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:

- Planning Justification Report
- Transportation Impact Analysis
- Functional Servicing Reliance Letter
- Concept Plan
- Density Map
- Urban Design Brief
- Building Elevations and Coloured Renderings
- Phase One Environmental Site Assessment
- Environmental Impact Report
- Shadow Impact Analysis
- Noise Study
- Survey
- Archeological Assessment – Stage 1 and 2

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- Servicing Allocation Summary
- 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.

- Confirmed member of the North Oakville East Developers Group and become a party to the Cost Sharing Agreement.
- 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 and the inclusion of a Holding Provision to ensure, among other matters, that water and wastewater servicing allocation has been secured through Halton Region in accordance with provincial and regional regulations and policies.
- Compliance with the North Oakville Design Guidelines and the Livable by Design Guidelines for tall and mid-rise buildings, including scale, massing, interface with public realms, shadow impacts and appropriate separation distances 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. OPA 321 removed FSI maximums and inserted bonusing provisions into the land use framework along the Dundas Urban Core land designations.
- Identification of appropriate public 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.
- Justification for not including a mix of land uses in the development of the lands, including supporting retail uses, which would be in keeping with the overall intent of the Dundas Urban Core.
- Confirmation that the Transportation Impact Analysis is acceptable; including, but not limited to assessing the capacity of the study area roads as they function now in their current state, which would not include the proposed access of this site onto the future planned extension of George Ryan Avenue.



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The extension of this street is dependent on development to the north of the subject lands.

- Transportation impacts to Eighth Line south of Dundas (i.e. transit route and traffic).
- Currently the Owner has not secured servicing allocation for the lands or the proposal. A letter of Interest has been received by the Town and the development will be considered for water and waste water servicing through the 2019 Regional Allocation Program.
- Overlook and privacy matters for the residents to the south of Dundas Street East. As brought up in the email correspondence following the Public Information Meeting held on September 11, 2019.
- 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.
- 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 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 twelve 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*.

The applicant held a public information meeting on September 11, 2019. There were no members of the public in attendance however email correspondence was received from one resident reiterating concerns that were brought to staff and Council's attention through the previous zoning application.

### (B) FINANCIAL

On June 6, 2019, Bill 108, More Homes, More Choices Act (Bill 108), received Royal Assent. Parts of the Bill are now in force while others await proclamation. To date, only some information on the proposed regulations and prescribed matters has been provided. Bill 108 introduces significant changes to the financial tools available to the Town. *Planning Act* changes with respect to Section 37 (density and height bonusing), Section 42 parkland dedications, existing parkland agreements, and payments in lieu, along with proposed changes to Development Charges (DCs) for growth-related park and community infrastructure will be replaced with a capped community benefits charge (CBC). This is anticipated to impact the town's ability to ensure that "growth pays for growth" and protection of complete communities.

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

The application is currently in 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

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**(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.

**APPENDICES:**

Appendix A: Context plan with surrounding destinations and walking distances

Appendix B: North Oakville East Secondary Plan Excerpts

Appendix C: Public comments

Prepared by:

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Current Planning – East District

Recommended by:

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Current Planning – East District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services