

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 10, 2018

FROM: Planning Services Department

DATE: August 20, 2018

SUBJECT: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116

LOCATION: North of William Halton Parkway, East of Hospital Gate

WARD: 4

Page 1

RECOMMENDATION:

1. That Zoning By-law Amendment and the draft plan of subdivision applications submitted by Infrastructure Ontario (File No. Z.1326.05 & 24T18004/1326), as revised, be approved on the basis that the applications are consistent with the Provincial Policy Statement, conform or do not conflict with all applicable Provincial plans, conform with the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial interest, and represent good planning for the reasons outlined in the report from the Planning Services department dated September 10, 2018;
2. That By-law 2018-116, an amendment to Zoning By-law 2009-189, be passed;
3. That Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a minor variance application, within 2 years from the date By-law 2018-116 is enacted.
4. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T18004/1326) submitted by Infrastructure Ontario prepared by David B. Searles Surveying Ltd., dated April 19th, 2018, subject to the conditions contained in Appendix A.
5. That once 24T18004/1326 has been draft approved by the Director of Planning Services, the Town enter into a non-standard subdivision agreement for the purpose of shifting obligations from Infrastructure Ontario to the future development consortium, to the satisfaction of the CAO and Town Solicitor or designates, if required;

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 2

6. That pursuant to site plan control by-law 2005-062, as part of site plan approval of the courthouse, the town enter into a non-standard Site Plan Agreement for the purpose of shifting obligations of the owner from Infrastructure Ontario to the development consortium to the satisfaction of the CAO and Town Solicitor or designates;
7. That the Subdivision Agreement and Site Plan Agreement be executed in accordance with By-law 2013-057;
8. That notice of Council's decision reflect that the comments from the public have been appropriately addressed; and,
9. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS

Timing:

The *Planning Act* timeframe for review of the Zoning By-law amendment application is 150 days (September 22nd, 2018) and 180 days for the draft plan of subdivision application (October 22nd, 2018).

Location:

The subject lands are located north of William Halton Parkway between the future Hospital Gate extension and ErinoakKids.

Proposal:

A Zoning By-law Amendment application was submitted by Infrastructure Ontario on behalf of the Ministry of Attorney General which, as revised, proposes to rezone the subject 8.19 ha parcel of land to permit a range of employment and institutional land uses, inclusive of an approximately 7 storey 45,000 m² courthouse together with approximately 1,200 parking spaces.

A concurrent single lot draft plan of subdivision application was also submitted which would allow for the future creation of lots through the part lot control process, the northerly extension of Hospital Gate and a new public road along the northern extent of the lands (Glenorchy Road).

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 3

EXECUTIVE SUMMARY:

Policy Context:

Halton Region is one of the fastest-growing regions in the Province, with a projected growth rate of over 60 per cent between now and 2041. The proposed courthouse is a public service facility¹, as defined by the Provincial Policy Statement ('PPS'), and would assist in supporting this growth by providing justice services that will better serve the needs of public. The courthouse would be located within a strategic growth area, as defined by the Growth Plan, and be supported by new infrastructure including William Halton Parkway. The subject lands are also located within walking distance to planned higher-order transit along Dundas Street West, and the proposed land uses would be transit-supportive. Based on the analysis provided herein, the proposed development is consistent with the PPS and conforms to the Growth Plan.

The subject lands are designated Employment District by the North Oakville West Secondary Plan ('NOWSP') and zoned Existing Development. In accordance with Section 8.10.2 of the NOWSP, the Plan is to be implemented by appropriate amendments to the town's Zoning By-law in accordance with the policies of the NOWSP and Part F, Section 1.3 of the Official Plan. This implements the NOWSP by enabling the detailed review and assessment of environmental and other studies required by the NOWSP, on a site-specific basis.

The primary focus of the Employment District designation is to protect for, and establish a range of development opportunities for employment uses (policy 8.6.5.1). However, as outlined in more detail in this report, the NOWSP also provides special policies for the Health Oriented Mixed Use Node ('HOMUN'), within the Employment District designation, which includes restrictions for certain employment uses as well as permissions for other land uses.

A courthouse constitutes the operation of public administration and accordingly would be considered an office land use within the north Oakville policy framework. It is estimated that the courthouse would provide approximately 444 jobs initially, expanding to 603 jobs at full build out. Accordingly, the courthouse would support the employment function of the HOMUN.

The land uses permitted by the site-specific zoning by-law, as revised, would permit an appropriate range of land use on the remaining lands which would be supportive of the HOMUN. A holding zone is recommended which will allow for careful evaluation of future land use to ensure that the land use on the remnant parcel does

¹ **Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

not adversely impact the HOMUN, and that adequate infrastructure is available, before the holding zone could be lifted.

As a condition of approval of the draft plan of subdivision, the owner will be required to enter into a subdivision agreement, to the satisfaction of the Town, to address all matters related to the financial and construction obligations and build out of the subdivision and subdivision assumption and maintenance.

In addition, a site plan agreement will be required to be registered on the title of the property which will further advance a number of matters including, but not limited to, building design, urban design, streetscape improvements, tree canopy cover, low impact development and landscaping.

Based on the foregoing, and the analysis within this report, staff recommend approval of the Zoning By-law Amendment, as revised, and that the Director of Planning Services be authorized to grant draft plan approval to the draft plan of subdivision subject to the conditions contained in Appendix A.

BACKGROUND

The purpose of this report is to provide a full staff review and a recommendation on the proposed zoning by-law amendment and draft plan of subdivision application to permit an approximately 7 storey 45,000 m² courthouse on the western portion of the site, a 1200 space parking lot adjacent to the courthouse, and a remnant block of land which would permit the range of site-specific light employment land uses.

The application was submitted and deemed complete on April 25th, 2018. A Public Information Meeting was held on May 16th, 2018 with one person in attendance. A statutory public meeting was held on July 9th, 2018 where the following resolution was adopted:

1. *That the public meeting report prepared by the Planning Services Department dated June 18, 2018, be received.*
2. *That comments from the public with respect to the Zoning By-law Amendment and Plan of Subdivision application by Infrastructure Ontario (File No. Z.1326.05, 24T18004/1326), be received.*
3. *That analysis of the following matters of interest to Council be included as part of the recommendation report:*

No comments were provided.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

As of the date of this report, no public comments have been received relating to this development application.

Proposal

A Zoning By-law Amendment application was submitted by Infrastructure Ontario on behalf of the Ministry of Attorney General which, as revised, proposes to rezone the subject 8.19 ha parcel of land to a site-specific institutional zone. The rezoning would permit the construction of a new courthouse, related parking and establish permitted uses and zoning standards for the balance of the subject lands.

The site-specific institutional zone permits a range of employment and institutional land uses, including a courthouse and parking structure. As shown in Figure 1, an approximately 7 storey 45,000 m² courthouse is proposed on the western portion of the site, a 1200 space parking lot adjacent to the courthouse, and a remnant block of land which would permit the range of site-specific employment / institutional land uses.

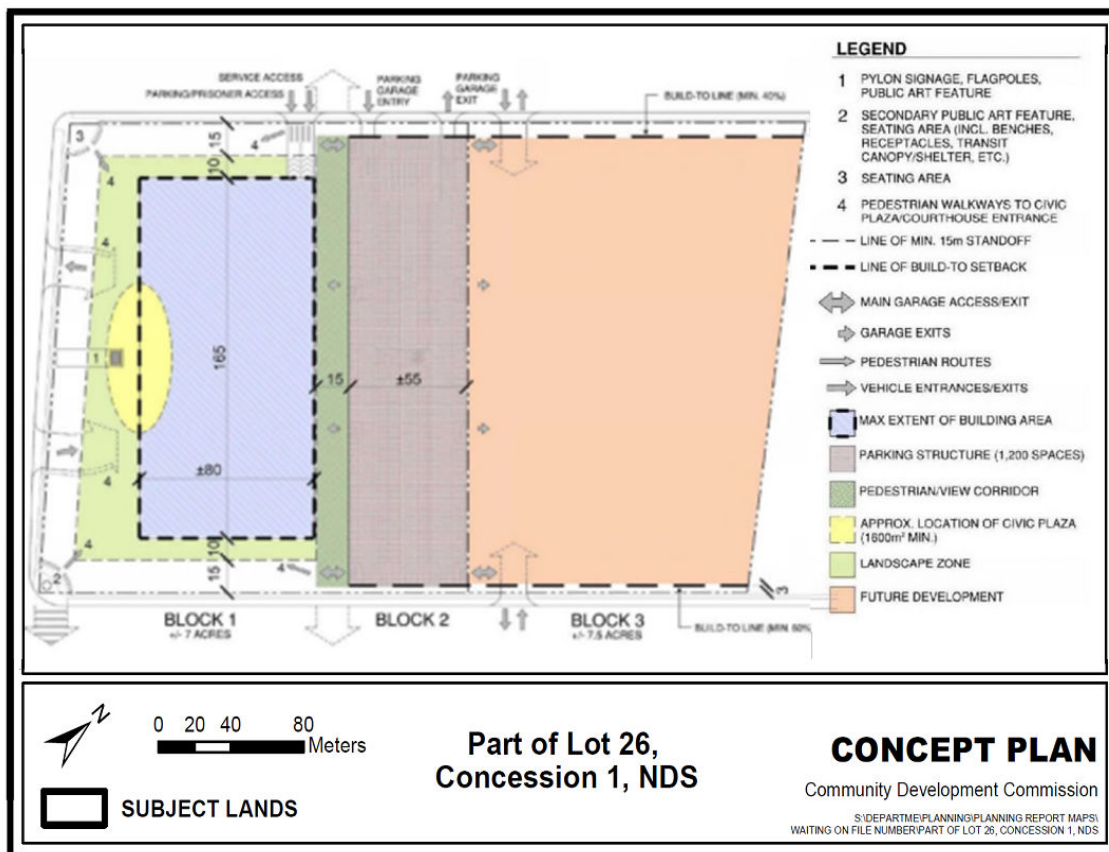


Figure 1: concept plan

From: Planning Services Department
 Date: August 20, 2018
 Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

The applicant intends to tender the design / build of the courthouse through the Provincial Alternative Financing and Procurement process (AFP). As a result, the specific design of the courthouse and related site planning matters will be advanced through that process and reviewed through the required site plan application. The courthouse is anticipated to be designed with an initial site plan application for 21 courtrooms, with 4 additional courtrooms contemplated as part of a future full build out (expected by 2046). A civic plaza fronting the Hospital Gate public road extension is conceptually provided for together with a number of pedestrian connections to the courthouse. Access to the limited secure underground parking for judges, select staff, police and service vehicles is proposed from the Glenorchy Road extension.

A concurrent draft plan of subdivision application was submitted, consisting of a single development block, the northerly extension of Hospital Gate and a new public road along the northern extent of the lands (Glenorchy Road). The single development block would allow for the future creation of lots through part lot control exemption once the design of the courthouse has been advanced.

Location

The subject lands are located on the north side of William Halton Parkway, east of Hospital Gate.



Figure 2: Air Photo

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 7

Site Description

The subject lands are 8.19 ha (20.2 acres) in size with approximately 360 m of frontage on William Halton Parkway. The site is currently vacant.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Future Community Park and Natural Heritage System

East: ErinoakKids Centre for Treatment and Development

South: Oakville Trafalgar Memorial Hospital

West: greenfield designated employment lands

POLICY FRAMEWORK

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 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.

Policy 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 8

- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The subject lands are located within a settlement area, which broadly is to be the focus of growth and development (policy 1.1.3.1). More specifically, the subject lands are within an employment area². Pursuant to policy 1.1.3.2, land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; minimize negative impacts to air quality and climate change, and promote energy efficiency; support active transportation; are transit-supportive; and directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Policy 1.3.1 provides that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs.*

Within employment areas, planning authorities are directed to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs (policy 1.3.2.1).

² **Employment Area:** Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Growth Plan, 2017, PPS, 2014)

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 9

A public service facility is defined as:

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Policy 1.6.1 provides that Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning is required to be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

Policy 1.6.3 provides that before consideration is given to developing new infrastructure and public service facilities:

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

Policy 1.6.4 provides that infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services. More specifically, policy 1.6.5 states that Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS.

Growth Plan for the Greater Golden Horseshoe

On May 18, 2017 the Growth Plan for the Greater Golden Horseshoe, 2017 ('Growth Plan') was released and it came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan is a long-term plan that works together with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 10

Section 2.2 of the Growth Plan addresses the management of growth and development. Section 2.2.1.4 of the Growth Plan provides that the policies of this Plan will support the achievement of complete communities that:

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- d) *expand convenient access to:*
 - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. *public service facilities, co-located and integrated in community hubs;*
 - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) *mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) *integrate green infrastructure and low impact development.*

The subject lands are located outside of the built boundary and are within an employment area³. Further, the subject lands are located within walking distance to a transit corridor (Dundas Street), as identified by the Province and Halton Region. Section 2.2.5 (1) of the Growth Plan provides that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by:

- a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) *planning to better connect areas with high employment densities to transit; and*
- d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

³ **Employment Area:** Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Growth Plan, 2017, PPS, 2014)

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 11

Section 2.2.5 (7) provides policy direction regarding planning for employment areas by:

- a) prohibiting residential uses and limiting other sensitive land uses that are not ancillary to the primary employment use;*
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibit any major retail uses that would exceed that threshold; and*
- c) integrating employment areas with adjacent non-employment areas and developing vibrant, mixed-use areas and innovation hubs, where appropriate.*

Section 3.2.8 of the Growth Plan provides the following policy direction for public service facilities⁴:

- 1. Planning for public service facilities, land use planning and investment in public service facilities will be co-ordinated to implement this Plan.*
- 2. Public service facilities and public services should be co-located in community hubs and integrated to promote cost-effectiveness.*
- 3. Priority should be given to maintaining and adapting existing public service facilities and spaces as community hubs to meet the needs of the community and optimize the long-term viability of public investments.*
- 4. Existing public service facilities that are located in or near strategic growth areas and are easily accessible by active transportation and transit, where that service is available, should be the preferred location for community hubs.*
- 5. Municipalities will collaborate and consult with service planning, funding, and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.*
- 6. New public service facilities, including hospitals and schools, should be located in settlement areas and preference should be given to sites that are easily accessible by active transportation and transit, where that service is available.*

All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter are required to conform to the Growth Plan.

Region of Halton Official Plan

The lands are designated “Urban Area” and included in the “Employment Area” overlay in the Halton Region Plan. Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses

⁴ **Public Service Facilities:** Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure. (Growth Plan, 2017, PPS, 2014)

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 12

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.

Employment Areas are subject to the objectives and policies for the Urban Area. In addition, the objectives of the Employment Areas are:

77.1(1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton's and its Local Municipalities' economic competitiveness.

77.1(2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

77.1(3) To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.

Further, Section 77.4 of the Halton Region Plan provides that it is the policy of the Region to:

77.4(2) Plan for, protect and preserve the Employment Areas for current and future use.

77.4(5) Require Local Municipalities to promote intensification and increased densities in both new and existing Employment Areas by facilitating compact, transit-supportive built form and minimizing surface parking.

North Oakville West Secondary Plan

On May 25, 2009 the North Oakville West Secondary Plan was approved by Council through OPA 289. OPA 289 was partially approved by the Ontario Municipal Board on December 4, 2009 for lands including the subject lands. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

The subject lands are designated 'Employment District' on Figure NOW2. Section 8.6.5.1 of the plan provides that a HOMUN is included within the Employment District on the north side of Dundas Street West at Third Line. The NOWSP requires

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 13

the range and scale of uses in the Employment District to be sensitive to and compatible with adjacent development in the HOMUN.

Pursuant to Section 8.6.5.2 of the Plan, a range of employment uses are permitted with the Employment District including institutional uses such as places of worship and vocational schools and additional uses specific to the HOMUN including a hospital, and may also include research and development facilities, medical and other offices, laboratories, clinics, supportive housing, long term care facilities, rehabilitation facilities, and other similar uses including retail and service commercial facilities related to the permitted uses.

On lands abutting the HOMUN and major arterial roads, general industrial operations, transportation terminals, outside storage and operations incidental to industrial operations, waste processing and waste transfer stations are not permitted. Further, for those uses that are permitted abutting the lands in the Health Oriented Mixed Use Node, they are to be carefully evaluated to ensure they do not adversely impact on the uses in the HOMUN and matters such as the location of loading bays, sources of light, noise and fumes are reviewed to ensure that any impact on the residential or health related uses complies with Provincial guidelines and regulations (Section 8.6.5.4 a) and c)).

Section 8.6.5.4 d) of the Plan provides that development is required to conform to the following additional criteria:

- *Main buildings shall be designed and located to assist in the creation of an attractive street edge, to provide for a strong pedestrian connection to the sidewalk, and to recognize any potential future intensification of the site:*
- *The balance between the areas of the lot occupied by buildings and the service and parking areas will be designed, wherever feasible, to reduce the extent of the street frontage occupied by service and parking areas. Where street frontage is occupied by parking and service areas, enhanced landscaping shall be provided;*
- *Maximum height -15 storeys;*
- *Minimum Floor Space Index –0.25 for retail and service commercial uses; and regard shall be had for the provisions of Subsection e) below with respect to all other uses;*
- *Maximum Floor Space Index – 3 and;*
- *Service establishments shall be located in clusters at intersections with Arterials and Avenues.*

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 14

Section 8.7.8 a) Health Services states:

“The Town shall work with the Halton Healthcare Services, the Mississauga-Halton Local Health Integration Network and appropriate government and service agencies and the community to assist in providing the maximum level of health service to the community.”

Section 8.9.4 (Landowners Agreement(s)) states:

- a) In order to ensure the appropriate and orderly development of the Secondary Plan area, and to ensure the costs associated with the development of the Secondary Plan are equitably distributed among all landowners, development within the 407 West Employment District and/or the Sixteen Hollow Employment District shall only be permitted to proceed when landowners representing a significant proportion of the respective employment district have entered into a cost sharing agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner.*
- b) The development of individual parcels of land will generally not be permitted in the absence of participation in a landowners' cost sharing agreement, except in circumstances where the Town is satisfied that the development of the subject parcel would implement a logical extension of roads and services, the ability to appropriately and efficiently service the respective overall employment district is not prejudiced, and there is no risk of unacceptable financial impact to Town or the Region.*

On September 26th, 2017, Council adopted the urban structure official plan amendment for the North Oakville West Secondary Plan (By-law 2017-081, OPA No.318). The Region of Halton approved the amendment on April 26th, 2018. The purpose of the urban structure is to provide a framework for directing where and how growth is to be accommodated to the year 2041.

As part of the amendment, a new policy section 8.1.5.2 states that “the provisions of Section 3 and Schedule A1 of the Livable Oakville Plan shall be read in conjunction with the policies of the North Oakville West Secondary Plan in a manner that gives effect to both sets of policies. Schedule A1 (Urban Structure) of the Livable Oakville Plan illustrates a ‘Node and Corridor for Further Study’ at Third Line, north of Dundas Street West, which pertains to the HOMUN. The policies in section 3.6 in the Livable Oakville Plan go on to state that “for those areas identified on Schedule A1 – Urban Structure as Nodes and Corridors for Further Study, future review shall

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

provide updated and new policies to delineate boundaries, the mix of land uses and the intensity and scale of development.”

The in force NOWSP does not delineate the boundary of the HOMUN. The intent of the in force NOWSP is to interpret the boundary of the HOMUN, including the uses within the HOMUN, at the site-specific level through a detailed zoning by-law amendment.

North Oakville Zoning By-law

The subject lands are zoned Existing Development (‘ED’). The applicant originally proposed to rezone the subject lands to a site-specific Light Employment (‘LE’) zone, however has since amended the application to rezone the lands to a site-specific Institutional (‘I’) zone. This amendment tailored the range of land uses to better reflect the existing and planned context of the HOMUN while permitting public institutions such as a courthouse and a range of complementary employment and other supportive land uses. The below chart outlines the amendments to the range of land uses permitted:

Land Use	Original Site Specific Light Employment (‘LE’) Zone	Revised Site-Specific Institutional (‘I’) Zone
private park	•	•
Public park	•	•
general office use	•	•
medical office	•	•
financial institution	•	•
hotel	•	
place of amusement	•	
club	•	
nightclub	•	
public hall	•	
parking garage	•	•
service establishment	•	•
arena	•	
theatre	•	
stadium	•	
trade and convention centre	•	
place of worship	•	•
commercial school	•	

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

private career college	•	
day care	•	•
light industrial	•	
information processing	•	
call centres	•	
research and development	•	•
caretaker dwelling unit	•	
ancillary retail / service commercial		•
public use, including a courthouse	•	•
commercial recreation	•	
community centre	•	
library	•	•
nursing home	•	
retirement home	•	

The development is proposed to be subject to site-specific regulations which include a maximum floor space index of 3.0, minimum height of 3 storeys, maximum height of 15 storeys and no regulations for maximum front or flankage yard (courthouse is proposed to be setback from public roads for safety reasons).

The minimum number of parking spaces required for the courthouse is 875 parking spaces, and such required parking to be provided within 500 m of the lot with the courthouse building. The performance standards relating to the parking structure limit the location of a parking structure to along Glenorchy Road, the length of the structure to 75 m and require more active uses for the first 5.0 m of a parking garage along a public street frontage, at ground level, when located within 20.0 m of a public street.

The site-specific by-law has also been amended to include a holding provision which would apply to any land use other than a courthouse or parking garage. This is intended to apply to the remnant parcel for which no details of the land use or building design are available. The holding zone will ensure that technical considerations are fully addressed to the satisfaction of the Region and the town such as functional servicing including stormwater management, urban design, transportation matters and land use compatibility.

Given that the courthouse has not been designed yet, and the associated unique design considerations such as safety setbacks of the building and other security measures, minor variance(s) may be required to Zoning By-law 2009-189 to implement the detailed design of the courthouse. Accordingly, staff are recommending that Council authorize, pursuant to subsection 45(1.4) of the *Planning Act*, submission of a potential minor variance application, within 2 years

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 17

from the date the By-law 2018-116 is enacted. It would be necessary for a minor variance application to meet the four tests of the *Planning Act*.

PLANNING ANALYSIS:

Official Plan Review

As part of the town-led urban structure review, which forms part of a larger official plan review and is working toward full consistency with the PPS (2014) and conformity with the Growth Plan (2017), new and revised urban structure policies were adopted by Planning & Development Council on September 26th, 2017 through Official Plan Amendment ('OPA') 318 (NOWSP) and approved by Halton Region on April 26th, 2018.

While these policies are not in full force and effect due to an appeal, the general area of Third Line and Dundas Street West was identified as a "Node and Corridor for Further Study" which signifies that this is an area for future comprehensive study as part of the official plan review. This future study is expected to be completed by Q2 2019 and will provide further direction for establishment of boundaries of the HOMUN as well as direction for the land use and design policies and designations governing future development.

Planning Services Review

The subject lands are located north of the Oakville Trafalgar Memorial Hospital. While the subject lands are separated from the Hospital by William Halton Parkway, they are part of a larger health-oriented node which includes the Oakville Trafalgar Memorial Hospital and medical office building located to the south, approved nursing home located to the southwest and ErinoakKids Centre for Treatment and Development to the northeast. Additionally, a development application has been submitted to permit a health science and technology district to the east of the Hospital (Figure 3).

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 18



Figure 3: Surrounding Context

The local policy framework for this Node was passed by Council on May 25th, 2009 as part of the NOWSP which designated the subject lands, and adjacent lands north of Dundas Street, as Employment District and identified a HOMUN at the north side of Dundas Street West at Third Line, where the Hospital is now located.

On May 11th, 2015, Council received report PD-6015 entitled Health Oriented Mixed Use Node, and endorsed objectives and principles set out in the report that guide the review and evaluation of applications to implement a HOMUN as contemplated in the NOWSP. These principles do not have the same status as approved policies, but nevertheless provide direction to guide development in the HOMUN area. The following are the council endorsed objectives for the HOMUN:

- *be a world-class innovation district providing a concentration of employment focused on the life sciences, engineering and technology sectors, including the new 1.5 million sq. ft. Oakville hospital,*
- *integrate academic institutions that link education and business in life sciences research and development,*
- *provide numerous health related jobs expressed at a minimum of number of jobs per hectare or square feet per employee, and*
- *incorporate innovative and sustainable design and practices for buildings, streetscapes, energy distribution, natural habitat and stormwater management.*

The endorsed principle of land uses includes a hierarchy of primary and secondary employment and consideration of a residential component under consideration through that report which was restricted to the eastern most portion of the Node. Sustainability, transportation and community design principles were also endorsed which apply to the whole HOMUN (Appendix D).

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Health Oriented Mixed Use Node Boundaries

Figure NOW 2 (Land Use Plan), of the NOWSP identifies the HOMUN on the north side of Dundas Street at Third Line, and does not identify specific boundaries of the Node.

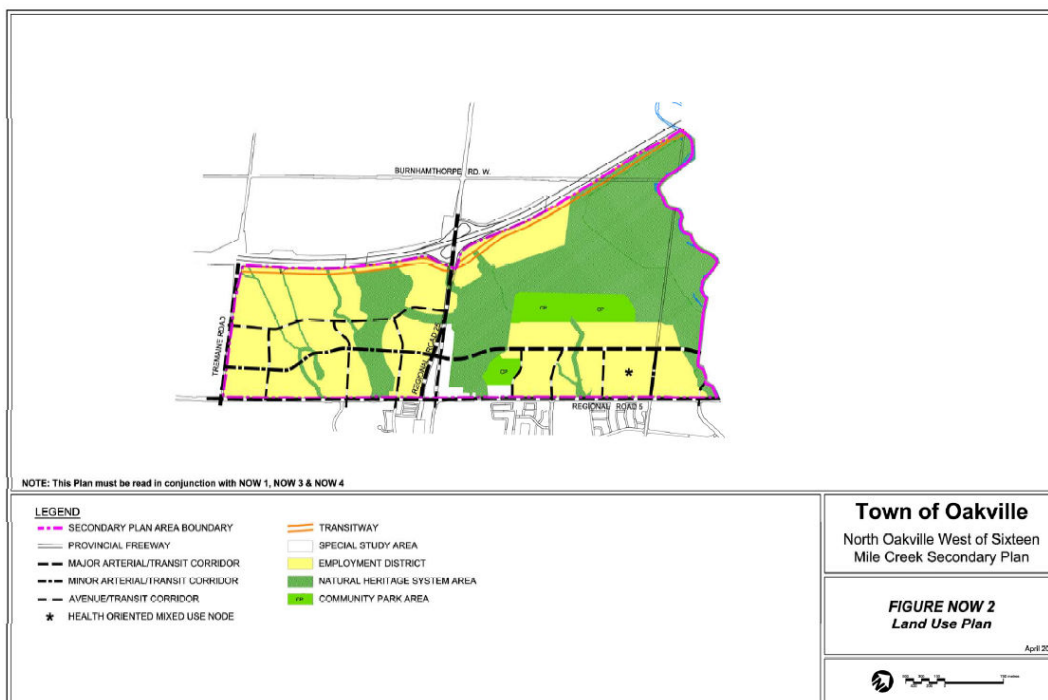


Figure 4 Figure NOW 2 Land Use Plan

Staff report PD-6015 entitled Health Oriented Mixed Use Node, considered by Council on May 11th, 2015 interpreted the area of the node as extending east and north of the hospital and included the subject lands.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

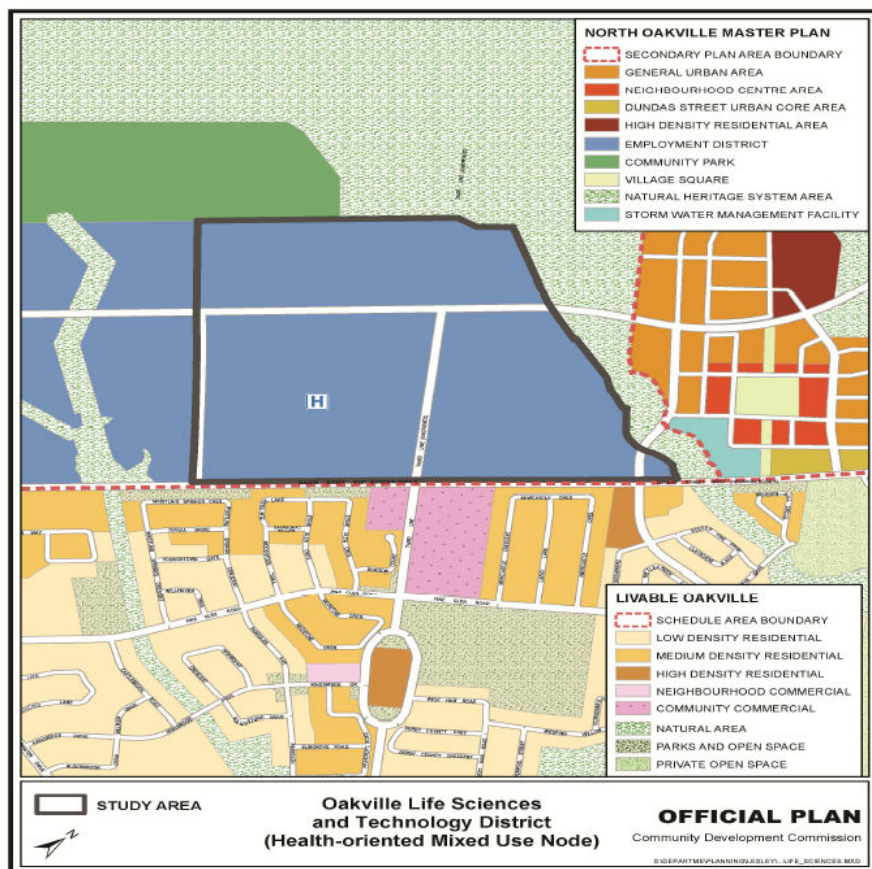


Figure 5: Extract from staff report PD-6015 entitled Health Oriented Mixed Use Node

Further, in a staff report dated May 18th, 2018 regarding the All Seniors Care Acquisitions Ltd. nursing home at 2135 Dundas Street West (File No. Z.1327.01) the following criteria was considered in determining whether lands are part of the HOMUN:

- i. location;
- ii. supportive land use; and,
- iii. sensitive land use / impact on employment area.

The subject lands are located immediately adjacent to the Oakville Trafalgar Memorial Hospital, and the site-specific zoning has been tailored to include land uses that would be generally supportive of the primary employment function of the HOMUN.

In terms of land use compatibility, the HOMUN is part of a larger employment area with special policies which restrict certain employment uses such as industrial operations, transportation terminals, and waste processing stations as well as permit

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 21

other land uses such as 'supportive housing'. It is necessary to properly assess the introduction of a sensitive land use within or adjacent to an employment area to ensure it is appropriately designed, buffered and/or separated from existing or planned major facilities⁵ to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities / the employment district (policy 1.2.6.1, PPS).

The Provincial D6 Guidelines (Compatibility between Industrial Facilities) can be applied to assist in preventing or minimizing future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another.

The courthouse itself is not a sensitive land use⁶, however other sensitive land uses permitted by the site-specific zoning by-law would be subject to a holding provision and would only be permitted upon completion and acceptance of a land use compatibility study.

Given the foregoing, the subject lands are considered to be appropriate for inclusion within the HOMUN.

North Oakville West Secondary Plan

Amongst other land uses, 'business and professional offices and medical clinics' are permitted in the Employment District Designation and 'medical and other offices' are permitted specifically within the HOMUN. The NOWSP does not define either term, however 'general office use' is defined by the North Oakville Zoning By-law:

General Office Use – means the practice of a profession, the conduct of an office operation of a business or public administration, but does not include a medical office.

A courthouse constitutes the operation of public administration and accordingly would be considered an office land use within the north Oakville policy framework. It is estimated that the courthouse would provide approximately 444 jobs initially, expanding to 603 jobs at full build out. Accordingly, the courthouse would support the employment function of the HOMUN.

⁵ **Major facilities:** means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities. (PPS, 2014)

⁶ **Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities (PPS, 2014, Growth Plan, 2017)

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 22

Section 8.6.5.4 a) of the NOWSP provides that:

It is not intended that the full range of employment uses will be permitted in all locations designated "Employment District". The precise range of uses and density of development shall be stipulated in the zoning by-law. In particular, the lands in the Employment Area designation abutting the HOMUN will be subject to a site specific zoning regulations including the use of a holding zone, and any proposed use will be carefully evaluated to ensure that it does not adversely impact on the uses in the Health Oriented Mixed Use Node.

The land uses permitted by the site-specific zoning by-law, as revised, would permit an appropriate range of land use on the remnant parcel which would also be supportive of the primary employment function of the HOMUN. A holding zone would apply which will allow for careful evaluation to ensure that the land use on the remnant parcel does not adversely impact the HOMUN, and that adequate infrastructure is available, before the holding zone could be lifted.

Section 8.6.5.4 d) of the Plan provides that development is required to conform to the following additional criteria:

- *Main buildings shall be designed and located to assist in the creation of an attractive street edge, to provide for a strong pedestrian connection to the sidewalk, and to recognize any potential future intensification of the site:*
- *The balance between the areas of the lot occupied by buildings and the service and parking areas will be designed, wherever feasible, to reduce the extent of the street frontage occupied by service and parking areas. Where street frontage is occupied by parking and service areas, enhanced landscaping shall be provided;*

The urban design brief provides that the three street frontages along the Courthouse site will be developed as fully pedestrianized zones with wide sidewalks, tree planting, pedestrian level lighting, bench seating, garbage and recycling receptacles and planting walls/zones forming parts of the defended perimeter of the site. Further, all streets and visible elements of the internal block facing elevation are to be treated as principal building elevations through architectural design, with emphasis on the western elevation facing the Hospital Gate extension containing the principal public entrance.

The parking facility is intended to be complemented by shorter term on-street parking spaces that are proposed along the extension of Hospital Gate and Glenorchy Road. Further, the urban design brief will be required as a draft plan condition to be updated to provide further design direction, once these details are

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 23

available. The site-specific zoning prohibits a parking garage within the first 5m depth of the building oriented toward a public street. The intent is to permit more active uses such as a retail use at grade along the public street frontage. The site specific by-law also limits the location of the parking garage along William Halton Parkway and limits the length of the wall of the parking garage to a maximum of 75 m, which is consistent with the Livable by Design Manual.

Based on the analysis in this report, the proposed development conforms to the HOMUN policies of the NOWSP.

Halton Region Official Plan

Section 77.4(1) of the Halton Region Plan prohibits non-employment uses in the Employment Areas except to recognize uses permitted by specific policies of a Local Official Plan on December 16, 2009 (such as the NOWSP). The proposed land use would be supportive of the primary employment function within the HOMUN, and assist in achieving employment objectives for the area. Accordingly, the proposed land use conforms to the Halton Region Official Plan.

Provincial Policy Statement

The PPS provides that healthy, liveable and safe communities are sustained by, in part, accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (policy 1.1.1 b).

The proposed courthouse is a public service facility⁷, as defined by the PPS. Policy 1.1.1 g) further provides that healthy, liveable and safe communities are sustained by ensuring the necessary infrastructure and public service facilities are or will be available to meet current and projected needs of the community.

Policy 1.6.1 provides that Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning is required to be coordinated and integrated with land use planning so that they are:

⁷ **Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 24

- c) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- d) available to meet current and projected needs.

Policy 1.6.3 provides that before consideration is given to developing new infrastructure and public service facilities:

- c) the use of existing infrastructure and public service facilities should be optimized; and
- d) opportunities for adaptive re-use should be considered, wherever feasible.

Policy 1.6.4 provides that infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services. More specifically, policy 1.6.5 states that Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

Policy 1.7.1 encourages municipalities to promote opportunities for economic development and optimize the long-term availability of land and infrastructure and public service facilities.

Halton Region is one of the fastest-growing regions in the Province, with a projected growth rate of over 60 per cent between now and 2041. The proposed courthouse is an important public service facility which will support this growth and provide justice services that will better serve the needs of public. The courthouse would enhance the capacity of the existing node of public service facilities comprised of the Oakville Hospital and ErinoakKids Centre for Treatment and Development and would be supported by new infrastructure being constructed including William Halton Parkway, and planned higher-order transit along Dundas Street West.

The range of land uses permitted by the site-specific by-law, as revised, is supportive of the employment function of the employment area, and will contribute to a healthy, liveable and safe community. Based on the analysis in this report, the proposed development is consistent with the PPS.

Growth Plan

One of the guiding principles of the Growth Plan is to support the achievement of complete communities⁸ that are designed to support healthy and active living and

⁸ **Complete Communities:** Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 25

meet people's needs for daily living throughout an entire lifetime including the provision of a full range of public service facilities.

With respect to how and where to grow, the subject lands are located within a settlement area, outside of the built boundary and in proximity to the planned Dundas Street transit corridor. Pursuant to local in force policy, the subject lands are also located within the HOMUN. Accordingly, within the context of the Growth Plan, the subject lands are located within a 'strategic growth area'.⁹ Pursuant to Policy 2.2.1 c) strategic growth areas and locations with existing or planned transit, with a priority on higher order transit where it exists or is planned are one of the areas where growth is to be focused.

Section 2.2.5(2) of the Growth Plan provides that major office and appropriate major institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service. Further, the Growth Plan encourages economic development through making efficient use of existing employment areas and vacant employment lands to increase employment densities as well as connecting employment areas with transit.

Section 3.2.8 of the Growth Plan provides the following policy direction for public service facilities¹⁰:

- 1. Planning for public service facilities, land use planning and investment in public service facilities will be co-ordinated to implement this Plan.*
- 2. Public service facilities and public services should be co-located in community hubs and integrated to promote cost-effectiveness.*
- 3. Priority should be given to maintaining and adapting existing public service facilities and spaces as community hubs to meet the needs of the community and optimize the long-term viability of public investments.*

stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

⁹ **Strategic Growth Areas:** Within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

¹⁰ **Public Service Facilities:** Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure. (Growth Plan, 2017, PPS, 2014)

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 26

4. Existing public service facilities that are located in or near strategic growth areas and are easily accessible by active transportation and transit, where that service is available, should be the preferred location for community hubs.

5. Municipalities will collaborate and consult with service planning, funding, and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.

6. New public service facilities, including hospitals and schools, should be located in settlement areas and preference should be given to sites that are easily accessible by active transportation and transit, where that service is available.

The range of land uses permitted by the site-specific by-law, as revised, is supportive of the employment function of the employment area, and will contribute to a healthy, liveable and safe community. Accordingly, the proposed development would conform to the policies of the Growth Plan and would provide an important contribution to achieving broader complete community objectives.

Technical Review

Urban Design

While the detailed design of the courthouse has not been completed, it is not intended to exceed 7 storeys in building height. Given the tall floor to floor heights required for the courtroom spaces, the total building height exclusive of penthouses will be approximately 30 to 32 metres, equivalent to a 9 to 10 storey office building.

The Urban Design Brief provides that the principal entry facing Hospital Gate extension will be characterized by a large canopy providing shelter for queuing visitors and jurors, leading into a two-storey lobby of approximately 11 metre height. The ground floor of approximately 6 metre height will contain the highest volume uses. This floor should be extensively glazed and present an active façade to the William Halton Parkway and Hospital Gate extension intersection.

Recently constructed IO courthouse projects provide a reliable expectation for the general architectural character and treatment for the proposed Halton Region Consolidated Courthouse

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure
Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116
By-law 2018-116

Source: Ministry of Attorney General

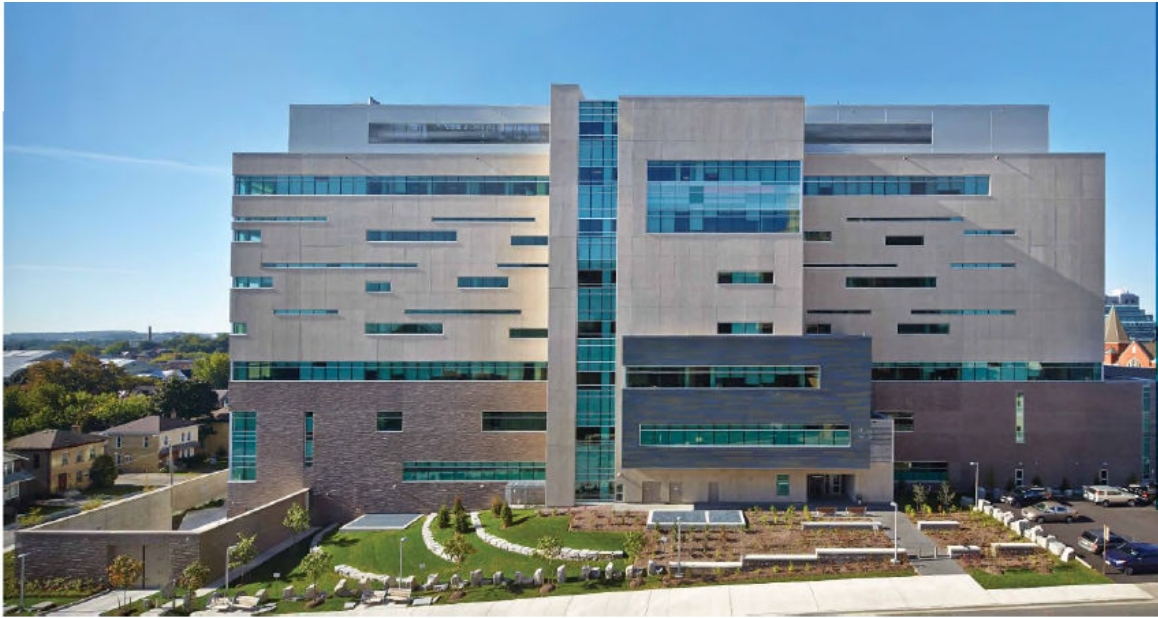


Figure 6: Waterloo Region Consolidated Courthouse



Source: Ministry of Attorney General

Figure 7: Quinte Consolidated Courthouse

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116



Source: Infrastructure Ontario

Figure 8: Thunder Bay Consolidated Courthouse



2018 Google Map

Figure 9: Thunder Bay Consolidated Courthouse

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 29

The draft plan conditions will require the Urban Design Brief to be updated to provide more design direction for any parking. In addition, prior to development of the remnant block, an updated urban design brief will be required before the holding provision can be lifted.

As part of the site plan application, the design of the courthouse is expected to be developed and refined.

Functional Servicing & Stormwater Management

In general, the supporting engineering submission outlines how the proposed site development can be serviced, graded and accessed from Hospital Gate. A holding provision is recommended as part of the site-specific zoning (By-law 2018-089) which will address matters related to servicing and stormwater management, including low impact development for the remnant parcel. The applicant has agreed to implement low impact development measures which will be secured for through site plan approval. As a condition of draft plan approval, this report will be required to be finalized prior to registration of the plan of subdivision.

Transportation

Staff have reviewed the Transportation Impact Study ('TIS') submitted with the application and are satisfied that the proposed development can be accommodated on the existing and extended roadways (Hospital Gate and Glenorchy Road). Road improvements including extension of Hospital Gate and Glenorchy Road will be provided for as part of the required subdivision agreement.

The TIS noted that sufficient parking should be provided either on-site for the future Courthouse, or appropriate arrangements should be made with the Town for off-site parking alternatives.

The staff report received by Council at the July 9th, 2018 statutory public meeting identified that town staff were exploring options with Infrastructure Ontario which included a potential town or other partnership to provide sufficient parking for the subject lands. If a parking garage is not pursued, a surface parking lot will be provided for patrons.

As a condition of draft plan approval, the owner will be required to provide a parking plan which specifies the design, build, ownership and long-term operation of the required courthouse parking in consultation with the Town. In addition, the TIS will be required to be updated to the satisfaction of the town and Halton Region.

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 30

Detailed review of site plan matters such as vehicle maneuverability and pedestrian circulation plan including connection to public transit will be reviewed as part of the site plan application.

Archaeological

The Stage 1-3 Archaeological Assessment was completed by Archaeological Assessments Ltd. In May 2006 for the larger land holding owned by the Province of Ontario, which is legally described as Part of Lots 25, 26, 27, 28 and 29, Concession 1 North of Dundas Street, Township of Trafalgar, Town of Oakville, Regional Municipality of Halton. The results of the Stage 1-3 assessment indicate that the Oakville Assembly lands do not contain any significant archaeological resources. As a condition of the draft plan of subdivision, no grading of the site will be permitted until the Ministry of Tourism, Culture and Sport accepts the reports and allows for development of the lands.

Environmental Site Assessment

The applicant submitted a Phase 1 Environmental Site Assessment prepared in accordance with the requirements of O. Reg. 153/04. As a condition of draft plan approval a letter of reliance will be required to be provided to the satisfaction of Halton Region. Should the remnant parcel be developed with a sensitive land use component, such as an accessory daycare, the holding provision will require additional environmental certification to ensure that the lands are safe to be developed with for the intended land use.

Environmental Implementation Report

The Environmental Implementation Report ("EIR") was prepared by Natural Resource Solutions Inc. to assess the existing natural features and systems on the Site and ensure that the Proposed Applications are consistent with the recommendations and conclusions of the North Oakville Creeks Subwatershed Study (NOCSS).

The EIR characterized and analyzed the natural features and functions on the site and determined and addressed the potential impacts of future development, including servicing, on the existing natural heritage system.

Conservation Halton confirmed that the subject property is not located within its regulated area, is adequately setback from any natural hazards and noted that it is satisfied with the Environmental Implementation Report.

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 31

It is noted that Bobolink habitat exists on-site and that compensation for the lost habitat will be required in according to Ontario Regulation 242/08. The applicant is working with the Ministry of Natural Resources and Forestry and Conservation Halton to provide the required compensatory habitat.

Landowner Agreement

Section 8.9.4 of the North Oakville West Secondary Plan provides that in order to ensure the appropriate and orderly development of the Secondary Plan area, and to ensure the costs associated with the development of the Secondary Plan are equitably distributed among all landowners, development within the 407 West Employment District and/or the Sixteen Hollow Employment District shall only be permitted to proceed when landowners representing a significant proportion of the respective employment district have entered into a cost sharing agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner.

As part of development of the Oakville Trafalgar Memorial Hospital, services were extended to the area. Halton Healthcare confirmed that servicing costs of the subject parcel will be required. Accordingly, as a condition of draft plan of subdivision the Owner will be required to address cost sharing obligations to provide for the equitable distribution of infrastructure costs associated with development.

Draft Plan of Subdivision

Pursuant to Section 51(24) of the *Planning Act*, in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to matters such as: the suitability of the land for the purposes for which it is to be subdivided; the dimensions and shapes of the proposed lots; and the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land. The proposed subdivision meets the criteria within Section 51(24) of the *Planning Act* and is consistent with the NOWSP for the reasons contained herein.

Although Infrastructure Ontario is the owner of the lands, the courthouse project will be developed in conjunction with a development consortium determined through a Request for Proposal selection process. Infrastructure Ontario is not permitted to provide indemnities to the town or post securities for the works, however these standard matters will be assigned to the development partner in due course. Accordingly, similar to the Hospital project, this development may require a

From: Planning Services Department

Date: August 20, 2018

Subject: **Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116**

Page 32

subdivision agreement with non-standard clauses. Staff are recommending that Council delegate approval of the subdivision agreement to staff, and authorize the town to enter into non-standard subdivision agreement to the satisfaction of the CAO and Town Solicitor or designates.

As part of a 2007 agreement with the Ontario Realty Corporation, (now Infrastructure Ontario), construction and funding for the extension of Glenorchy Road, including services, is the sole responsibility of the developer, despite part of the Glenorchy Road extension being located on town lands. As a condition of draft plan approval, the Owner will be required to enter into a subdivision agreement which will secure for the extension of Street A (extension of Hospital Gate) and Glenorchy Road from Street A to the current terminus of Glenorchy Road adjacent to ErinOakKids Centre for Treatment and Development ('ErinOakKids'). It is noted that as part of an agreement with ErinOakKids, a cash contribution was made for the future extension of Glenorchy Road across the ErinOakKids frontage that, pursuant to that agreement, will be contributed to Glenorchy Road works.

Site Plan Matters

It is anticipated that as part of the RFP process that Infrastructure Ontario will seek pre-consultation meetings with town staff, on a confidential basis, to obtain feedback on selected courthouse designs and to clarify submission requirements for the site plan application.

This development may require non-standard site plan agreement clauses. As such, staff are recommending that Council authorize the town to enter into non-standard site plan agreement to the satisfaction of the CAO and Town Solicitor or designates.

Site design matters such as landscape, tree canopy cover, streetscape improvements, pedestrian circulation plans, low impact development and waste management plan will be reviewed as part of the site plan application. The foregoing matters will be reviewed within the context of the sustainability objective of the HOMUN, as endorsed by Council and other applicable policy. It is anticipated that the subject lands will be able to provide over 20% tree canopy cover and will utilize stormwater management strategy which integrates with the broader stormwater management plan and incorporates innovative low impact development stormwater management measures.

The applicant advised that the courthouse will be designed to meet the Leadership in Energy and Environmental Design (LEED) Silver certification with a focus on energy efficiency, healthy indoor environments and reduced greenhouse gas emissions.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 33

Matters raised by the Public

A Public Information Meeting was held on May 16th, 2018 with one attendee in attendance. The statutory public meeting was subsequently held on July 9th, 2018. No written comments have been received as of the date of this report.

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

If additional public input is received at the public meeting, the recommendations of this report could be amended to address how such submissions have affected Council's planning decisions.

CONCLUSION

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is satisfied that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms to the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial interest, and represents good planning. Staff recommends approval of the Zoning By-law Amendment and Draft Plan of Subdivision as the following requirements have been satisfied:

- The proposed courthouse is an important public service facility which will support future growth of Halton Region and provide justice services that will better serve the needs of public.
- The proposed development is appropriately located within a strategic growth area, and would be transit-supportive.
- The proposed courthouse and other employment land uses permitted by the site-specific by-law, as revised, would be supportive of the primary employment function of the HOMUN.
- A holding provision, which would apply to any land use other than a courthouse or parking garage, will ensure that technical considerations are fully addressed as part of future development of the remnant parcel.
- The proposed development conforms to the NOWSP and the Halton Region Official Plan.
- The proposed development would assist in achieving healthy, liveable and safe communities objectives of the PPS and is consistent with the policies of the PPS.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116 By-law 2018-116

Page 34

- The proposed development would provide an important contribution to achieving broader complete community objectives and would conform to the policies of the Growth Plan.
- Site design matters will continue to be advanced through the required site plan approval application.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved;

Staff recommend approval of the zoning by-law amendment and draft plan of subdivision application as the proposal represents good planning and is in the public interest.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 120 m of the subject property and included on the sign posted on the site.

A Public Information Meeting was held on May 16th, 2018 with one attendee in attendance.

(B) FINANCIAL

The extension of William Halton Parkway is currently reflected in the Region's capital budget. This report refers to a potential partnership with Infrastructure Ontario for the provision of parking facilities. This, as noted, would be subject to negotiation of a future agreement should the town proceed with a partnership approach for the provision of parking. With respect to development charges, typically developments owned and operated by the crown or municipality are not subject to development charges and institutionally classed structures are not subject to cash in lieu of parkland. The applicability of these charges on the subject development will be reviewed and determined as the development structure and corresponding agreements are finalized prior to building permit issuance.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. Concerns from the circulated departments and agencies raised have been addressed in this staff report and, if required, have been included as zoning performance standards in the site-specific by-law or as draft plan conditions.

From: Planning Services Department

Date: August 20, 2018

Subject: Recommendation Report, Zoning By-law Amendment and Plan of Subdivision, Infrastructure
Ontario, Part of Lot 26, Concession 1, NDS, File No. Z.1326.05, 24T-18004/1326 - By-law 2018-116

Page 35

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed development generally complies with the Town's sustainability goals and objectives. The applicant advised that the courthouse will be designed to meet the LEED Silver certification with a focus on energy efficiency, healthy indoor environments and reduced greenhouse gas emissions.

APPENDICES:

A – Draft Plan Conditions

B – Subdivision Agreement Conditions

C – Official Plan extract

D – Zoning By-law extract

Prepared by:

Paul Barrette, MCIP, RPP

Senior Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP

Manager

Current Planning – West District

Submitted by:

Mark H. Simeoni, MCIP, RPP

Director, Planning Services