

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 10, 2018

FROM: Planning Services Department

DATE: November 19, 2018

SUBJECT: Recommendation Report Zoning By-law Amendment - Oakville Urban Core Developments Z.1310.13 - 1005 Dundas Street East and 3033 Eighth Line - 2018-108

LOCATION: 1005 Dundas Street East and 3033 Eighth Line

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RECOMMENDATION

1. That the Zoning By-law Amendment application submitted by Oakville Urban Core Developments, (File No. Z.1310.13) be approved on the basis that the Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with all applicable provincial plans, the Halton Region Official Plan, and the North Oakville East Official Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated November 19, 2018;
2. That By-law 2018-108, an amendment to Zoning By-law 2009-189, be passed;
3. That notice of Council's decision reflects that Council has fully considered all written and oral submissions relating to this matter and that those comments have been appropriately addressed; and,
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS

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

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Location:

The subject lands are located on the north side of Dundas Street East, east of Eighth Line, as shown on Figure 2. The municipal address is currently 1005 Dundas Street East and 3033 Eighth Line.

Proposal:

The applicant seeks to amend the zoning for the lands from ED (Existing Development) to a site specific Dundas Urban Core zoning to permit an eight storey 255 unit residential building and 20 three storey townhouse dwellings.

Timing:

The Zoning By-law Amendment was received on November 2, 2016 and deemed complete on November 10, 2016. As the Bill 139 amendments to the *Planning Act* are now in effect, any appeals made after April 3rd, 2018 will be considered by the Local Planning Appeal Tribunal (LPAT) under the 'new rules'. The applicant is now in a legal position to appeal the subject Zoning Amendment application for lack of decision. Staff note that extended processing timeline for the subject application has been influenced by a recent change in ownership and also to allow for the resolution of technical matters relating to stormwater management which have now been addressed to the satisfaction of Conservation Halton.

Planning Recommendation:

Staff recommend approval of the proposed zoning amendment. The proposed development would have the effect of permitting an 8 storey 255 unit residential building and 20 townhouse dwellings on the subject lands. The proposal implements the land use and policies of the North Oakville East Secondary Plan, (including OPA 321), is consistent with the Provincial Policy Statements, and conforms with the Growth Plan and the Regional Official Plan.

EXECUTIVE SUMMARY:**Policy Context:**

The Town's development expectations for the subject lands are contained within the North Oakville East Secondary Plan (NOESP) which designates the southern part of the property as Dundas Urban Core (DUC) and the north westerly corner as Neighbourhood Centre Area (NC). Zoning By-law 2009-189 zones the subject lands ED (Existing Development).

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The existing Official Plan policies and Zoning regulations are consistent with the PPS, conforms or does not conflict with all applicable Provincial Plans, and conforms with the Halton Region Official Plan. The current policies and zoning allow for the continuation of existing built form and provide opportunities for a range of medium to high residential density uses and built form.

Staff recommend approval of the proposed zoning amendment on the basis that the development would be consistent with the PPS, conform to the Growth Plan, Regional Official Plan and the general intent and purpose of the NOESP. The proposed development would aid in the achievement of complete communities by providing residential uses in various built forms that are compatible with the surrounding context, is located adjacent to a local transit corridor where higher order transit is planned and make efficient use of existing municipal infrastructure.

Based on the foregoing, and the analysis within this report, staff recommend approval of the proposed zoning amendment application which would have the effect of permitting an 8 storey residential building and 20 townhouse dwellings on the subject lands.

BACKGROUND:

A pre-consultation meeting was held on January 13, 2016. The purpose of the pre-consultation meeting is to identify the submission requirements of a complete application. Pre-consultation also provides an opportunity for preliminary staff and agency feedback on the proposal prior to submission.

The Zoning By-law Amendment was received on November 2, 2016 and deemed complete on November 10, 2016. Submission materials may be found at <https://www.oakville.ca/business/da-13641.html>.

A public information meeting was held on January 10, 2017 and was attended by seven members of the public. The comments raised at the PIM related to building design, privacy and overlook, shadow impacts, and traffic.

Oakville Council also received a petition signed by 11 residents identifying concerns regarding the development to Council. These concerns were identified in the Statutory Public Meeting report dated January 23, 2017, and considered by Council on February 13, 2017. Correspondence received for this application is included as Appendix 'A'.

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

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Proposal:

The effect of the proposed Zoning By-law Amendment would be to permit an eight storey residential building, containing 255 units, in addition to 20 three storey townhouse dwellings as shown in Figure 1.

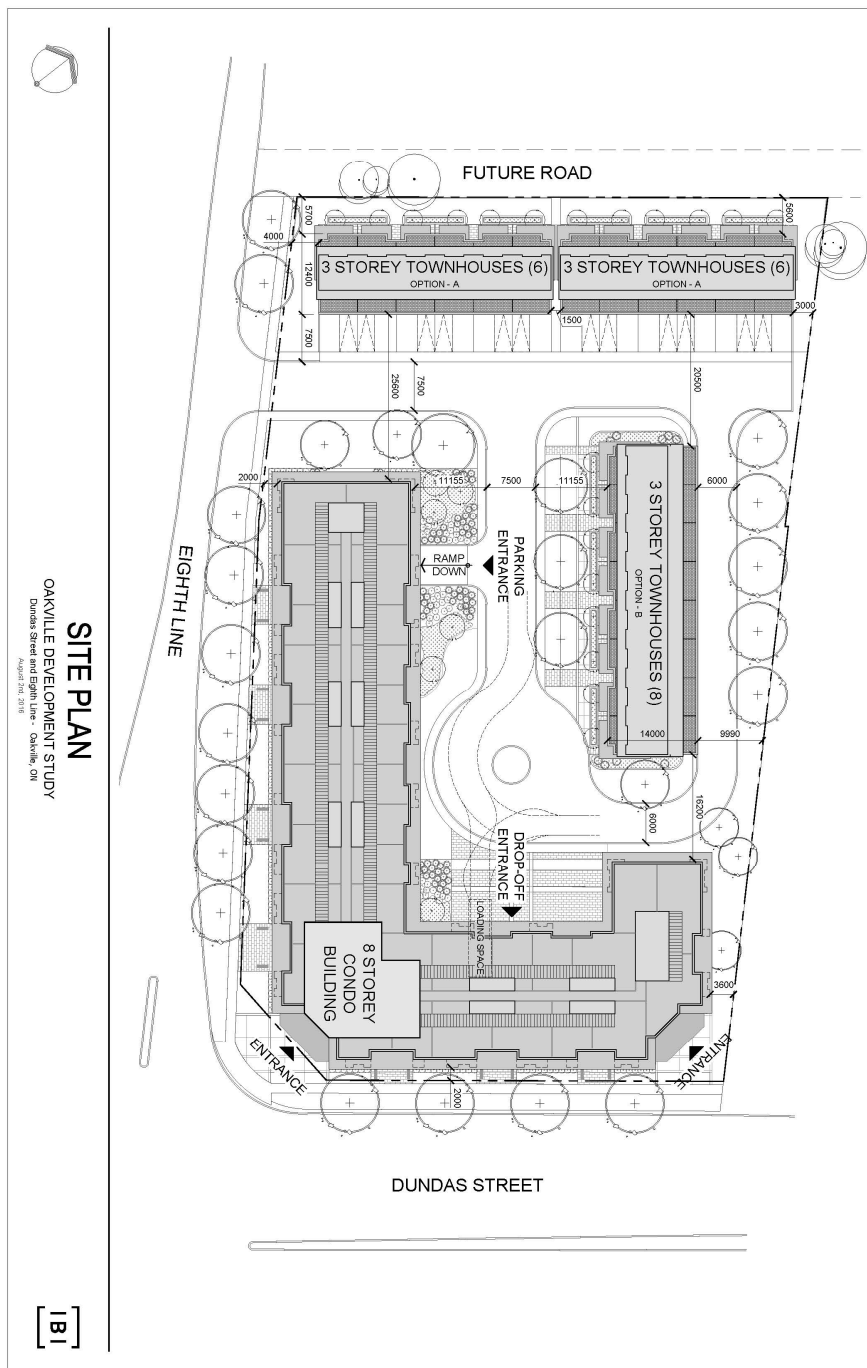


Figure 1: Conceptual Site Plan

A total of 344 parking spaces are proposed for the apartment including 64 visitor parking spaces. The townhouse units will provide an additional 2 parking spaces

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per unit (garage and driveway) and 5 visitor parking spaces. The underground garage can accommodate all of the required parking spaces including the visitor parking.

Two blocks of townhouse units have been designed to front onto the future public road which abuts the lands to the north of this proposal. The roadway will be constructed as part of the future development approvals to the north.

Location and Site Description:

The subject site has an area of approximately 1.09 hectares and is located at the northeast corner of the Dundas Street East and Eighth Line. The site has a frontage of 50.6 m on Dundas Street East and 72.2 m of frontage on Eighth Line.



Figure 1: Aerial Photograph of site

The subject lands consist of two properties. The property located at 1005 Dundas

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Street East is vacant. A detached residential dwelling is located at 3033 Eighth Line and will be demolished to accommodate the proposed development.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Two storey detached residential dwelling
 East: Vacant lands
 South: Dundas Street East, and further south, a 15 m landscaped buffer berm and two storey detached dwellings
 West: Eighth Line. On the west side of Eighth Line is the Shieldbay Developments subdivision which is currently under construction. Further west, two storey townhouses and a proposed 7 storey apartment building are under site plan review within the adjacent Dundas Urban Core Block.

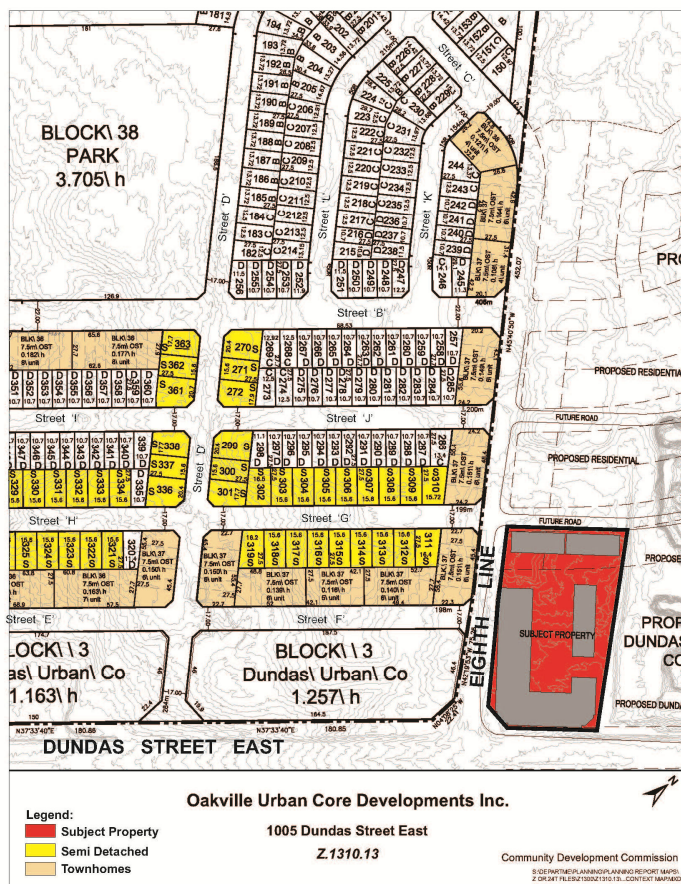


Figure 3: Surrounding Context Plan

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POLICY & REGULATORY FRAMEWORK:

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

- 2014 Provincial Policy Statement
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189

2014 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.

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

Intensification, including the development of vacant lots is one of the ways planning authorities can make efficient use of lands and existing infrastructure. The PPS states that land use patterns within settlement areas shall be based in part on providing a range of uses and opportunities for intensification and redevelopment.

With respect to sustaining healthy, livable and safe communities, the PPS speaks to promoting financially sustainable and efficient development and land use patterns, accommodating an appropriate range and mix of residential uses, and minimizing land consumption, among other matters, in Section 1.1.1. There is a focus on efficiencies that is consistent throughout the PPS, such as Sections 1.1.3.1 and 1.1.3.2, that states that growth and development should be directed to settlement areas and that land use patterns within settlements areas should be based on efficiently using land, resources, infrastructure, public service facilities (existing and planned), active transportation and existing as well as future planned transit service.

With respect to intensification, the PPS states that land use patterns within settlement areas shall be based on a range of uses, densities and opportunities for

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intensification in coordination with integrating transportation and transit planning for designated corridors through the following policies, among others:

1.1.3.4 – Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risk to public health and safety.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.6.8.3 requires planning authorities to protect planned corridors by not permitting development that could preclude or negatively affect the intended use of the corridor:

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

The existing Official Plan policies are consistent with the PPS 2014 as the subject lands are designated appropriately for a range of medium density and high density residential uses.

The proposed Zoning By-law Amendment is consistent with the PPS 2014 as it has the effect of implementing the NOESP policies, represents an appropriate opportunity for intensification, in a manner consistent with the applicable policies and plans.

2017 Growth Plan for the Greater Golden Horseshoe:

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

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

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

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option, expand convenient access to transportation options and achieve the desired urban structure.

Guiding principles of the Growth Plan that encourage higher densities, efficiencies of land development and the provision of transit services are being met through the subject application and include (policy 1.2.1):

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.*

Policy 2.2 of the Growth Plan provides policies regarding where and how to grow. The subject lands are located in a 'settlement area' and are part of a larger designated 'Greenfield area'.

Policy 2.2.1.2 states that forecasted growth to the horizon of the Growth Plan will be allocated based on the following:

- a) *Within settlement areas, growth will be focused in:*
 - i. *Delineated built-up areas;*
 - ii. *Strategic growth areas;*
 - iii. *Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,*
 - iv. *Areas with existing or planned public service facilities;*

Policy 2.2.7.1 directs that new development in "Designated Greenfield Areas" will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation; and encourages the integration and sustained viability of transit services.

The existing Official Plan policies conform to the 2017 Growth Plan as the subject lands are designated appropriately for a range of medium density and high density residential uses.

The proposed Zoning By-law Amendment conforms to the 2017 Growth Plan as it has the effect of implementing the NOESP policies and permitting an eight storey residential building and 20 townhouse dwellings thereby efficiently using land and infrastructure to offer a variety of residential units and built form, and contributing to the transit supportive densities along a planned higher order corridor.

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Region of Halton Official Plan:

The subject lands are designated “Urban Area” according to the Halton Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. 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, shall be subject to the policies of the Regional Plan.

The subject lands are located within the “Greenfield Area” and currently do not have servicing allocation. As a result, the lands are subject to the Regional Allocation program, once the next program is released. This is addressed as a holding provision within the proposed zoning by-law amendment.

The existing Official Plan policies conform to the Halton Region Official Plan as the subject lands are designated appropriately for a range of medium density and high density residential uses contributing to the overall housing mix and choice for residents, and in doing so supports the development of complete communities.

The proposed Zoning By-law Amendment conforms to the Halton Region Official Plan as it has the effect of implementing the NOESP policies and thereby increasing the affordable housing stock within the Urban Area. A Holding Provision will be placed on the by-law requiring that Owner purchase servicing allocation during the next available program.

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.

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

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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.

Land Use Policies

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

In terms of approval, the North Oakville East Secondary Plan was approved by the Ontario Municipal Board (OMB) as Amendment 272 to the Town's 1986 Official Plan, in January 2008. It predates the original 2006 Growth Plan and was developed to have regard for the 1997 Provincial Policy Statement. Although the NOESP was not required to conform to the 2006 Growth Plan, the 2006 Growth Plan was in effect prior to the approval of the NOESP and was considered in the development of the Plan.

The 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. The 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.

Within Section 7.5 – Community Design Strategy there are specific policies that address the transit-first approach to developing the new communities north of Dundas Street.

Policies within Section 7.5.4: General Design Directions state:

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a) All development, particularly in the Urban Core Areas, Neighbourhood Centre and General Urban Areas, shall be designed to be compact, pedestrian and transit friendly in form. Mixed use development will be encouraged.

g) Building densities and land uses designed to support the use of transit and the level of transit services proposed for specific areas shall be located within walking distances of transit stops and lines.

Section 7.5.6 speaks to building location and orientation.

b) Buildings on corner lots at the intersections of Arterials, Avenues and Connector streets shall be sited and massed toward the intersection.

c) Higher-density housing shall be located close to Arterial Roads, Avenues, Connectors and transit stops, within Neighbourhood Centres and the Urban Core Areas.

Section 7.5.13 states that the Urban Core Areas are intended to be pedestrian and transit friendly, with development generally oriented to the street and designed to promote a vital and safe street life to support the early provision of transit along the arterial transit corridors.

Specific policies for the Dundas Urban Core mix of land uses are found in Section 7.5.15. These policies permit the development of medium and high density development along Dundas Street corridor.

d) The full range of uses and densities of development, including live/work units, would be permitted throughout the Urban Core Area, with the exception that retail and service commercial development shall generally be located at the intersections of Minor Arterials, Avenues and Connectors with Dundas Street. It is also anticipated that the highest density uses would be encouraged to locate at these intersections.

Section 7.6.5.2: Land Use Policies for the Dundas Urban Core permits a minimum FSI of 0.5 and maximum FSI of 2.5, and a maximum height of eight storeys, which the application complies with.

Additional policies within Section 7.7.2.2 c): Transit address levels of density, such as the ones proposed in the subject application, and the requirements to support

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transit levels of service with specific regard to the safe, convenient and efficient provision of public transit, in particular:

i) Development, particularly at transit stops and stations, shall be designed at densities supportive of transit which are commensurate with the type and frequency of transit service planned for the area and/or corridor.

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

The mix of uses is permitted at a minimum density of 36 units per net hectare for residential and a maximum of 150 units per site hectare. Within the Neighbourhood Centre Area the FSI is permitted between 0.5 and 2 for mixed use buildings. The permitted heights are minimum two storeys to a maximum of five storeys, which the application complies with.

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

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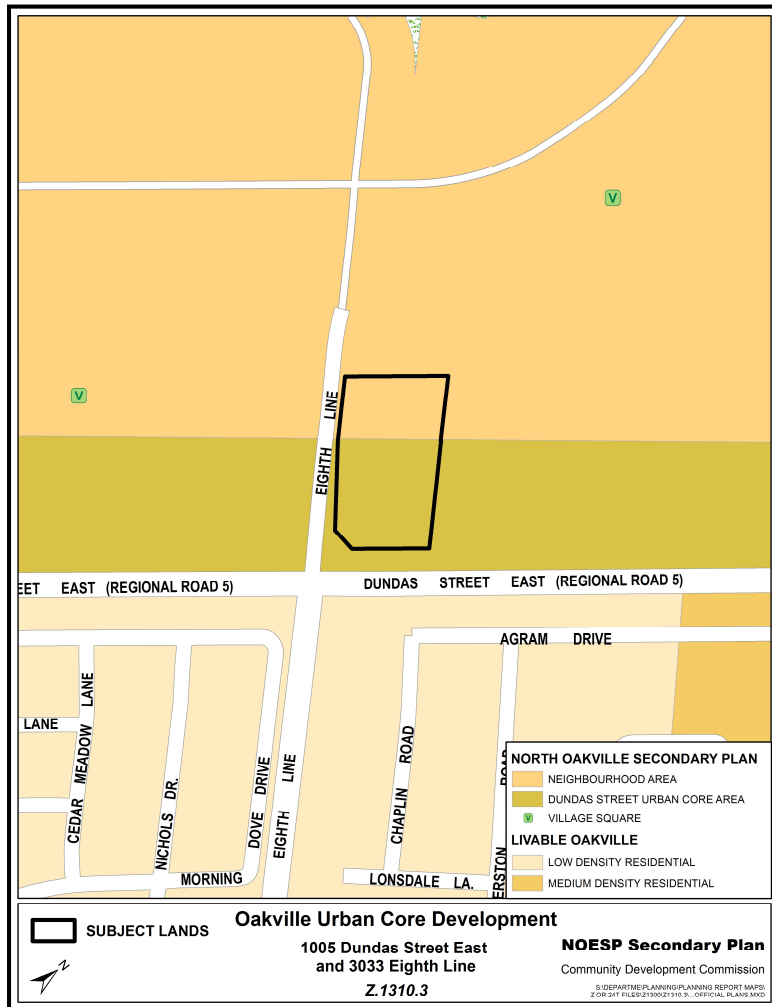


Figure 4: North Oakville East Secondary Plan Excerpt

Section 7.9.3, *Landowners Agreement(s)*, is also applicable and states the following.

“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 Secondary Plan area shall only be permitted to proceed when a significant number of landowners in the Secondary Plan area 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. Individual developments in the Secondary Plan area shall generally not be approved until the subject landowner has become a party to the landowners’ cost sharing agreement.”

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

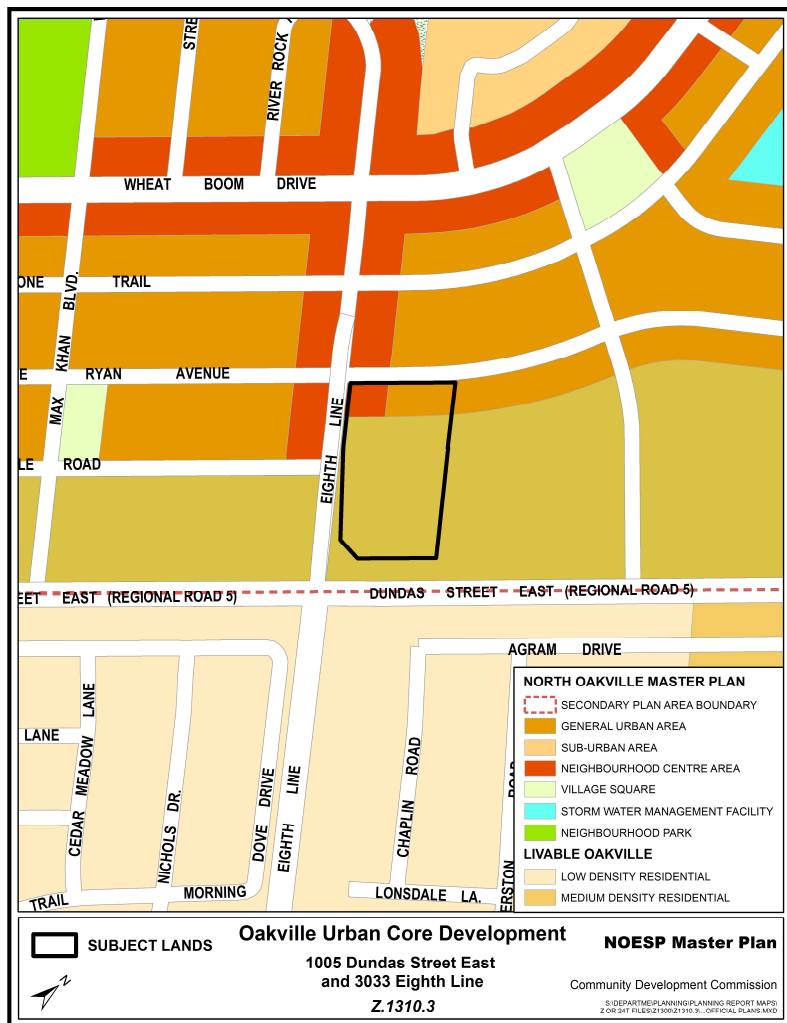


Figure 5: North Oakville Master Plan

A number of Implementation Guidelines were approved by Council in November 2009 in accordance with Section 7.10.1 of the Secondary Plan. These Guidelines relate to such matters as Urban Design, Sustainability, and Cycling Facilities, among others. The proposal was reviewed in the context of these documents and evaluated to ensure it achieved the goals and objectives of the implementation documents.

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North Oakville East Secondary Plan - Council Adopted Policy (OPA 321)

As part of the Town's ongoing Official Plan Review of Livable Oakville, the North Oakville Secondary Plans Review was formally initiated by the Livable Oakville Council Subcommittee in May 2017. On June 11, 2018, Council adopted Official Plan Amendment 321 to amend the North Oakville East Secondary Plan. OPA 321 is currently awaiting Regional approval. These amendments are in conformity with the Growth Plan and consistent with the PPS 2014.

Among other changes, OPA 321 amended land use policies for the Dundas Urban Core Area designation including:

Dundas Urban Core Land Use Policies 7.6.5.3:

b) Minimum Density:

Development within the Dundas Urban Core Area shall achieve an overall minimum density target of 72 units per gross hectare or 160 residents and jobs combined per gross hectare.

Through OPA 321, Council adopted amendments to the NOESP, including changes to the Dundas Urban Core policies, in order to allow for opportunities for higher density, mixed use transit supportive development for undeveloped Dundas Urban Core lands. Specification of a minimum density implements the density suggested in Ontario's Transit Supportive Guidelines for a transit service type of dedicated rapid transit service (LRT/BRT), which is intended to service Dundas Street West in the future. Land use permissions related to maximum building height remain unchanged. Both existing and adopted policy permit a maximum building height of eight storeys.

The existing Official Plan policy conforms to the Town's Official Plan as the subject lands are designated appropriately for a range of medium density and high density residential uses.

The proposed Zoning By-law Amendment conforms to the Town's Official Plan as it has the effect of implementing the NOESP policies, conforms to the Town's Urban Structure and brings further intensification along the Dundas Street East corridor as well as achieving an average combined transit supportive density of 252 uph.

Zoning By-law 2009-189

The subject lands are zoned *Existing Development (ED)*. The Existing Development (ED) zone only allows uses that legally existed on the date the parent by-law came into effect. In

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order to permit the proposal, a Zoning By-law Amendment is required to amend the site's zoning from *Existing Development 'ED'* to *Dundas Urban Core 'DUC'* with regulations that permit the development of the eight storey, 255-unit residential building, and 20 townhome dwellings.

TECHNICAL AND PUBLIC COMMENTS

Environmental Impact Report/Functional Services Study:

The Environmental Impact Report, Functional Services Study and Preliminary Stormwater Management Report were reviewed and updated to address requirements and comments of Conservation Halton and the Town of Oakville. A bio-retention facility in addition to traditional stormwater management (swm) controls are intended to be implemented to manage the stormwater requirements for the subject lands. A holding provision has been included in the zoning by-law for the lands to ensure that the Functional Servicing and Stormwater Report are finalized to the satisfaction of Development Engineering prior to site plan approval.

Urban Design:

An Urban Design Brief was submitted with the original development application. While the conceptual design of the subject lands sites the eight storey building along the frontage of Dundas Street and wraps around onto Eighth Line with the townhouses tucked in behind the building and also fronting onto the future public road, there will be revisions to the brief to address such matters as the enhancement of design elements and architectural features along the street frontages, material enhancements, opportunities to mitigate privacy concerns and transitioning in height to the townhouses. The foregoing issues can be dealt with through the future site plan process which will require an updated urban design brief to be submitted.

Shadow Study:

The shadow impacts were a concern of Staff and neighbourhood residents, and the original shadow study was revised in accordance with the Town of Oakville terms of reference for shadow studies. The revised study incorporated the correct building height plus the mechanical penthouse, as well as the existing berm and street trees on the south side of Dundas Street. The final study concluded that the tested shadowing impacts fall within the Town standards as established in the Shadow Impact Analysis terms of reference. Further mitigating efforts for shadowing through building design and transition in heights can also be reviewed in greater detail through the site plan process.

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Canopy Coverage:

The conceptual plan was evaluated in terms of achieving the canopy coverage target of 20% for residential developments. Based on the conceptual design, it is expected that the canopy cover target can be achieved on the site. Tree canopy requirements will be implemented through the site plan approval process.

Transportation Impact Study:

The transportation consultant was required to address comments regarding the current transit strategies and trends modal share target to ensure that the proposed development impacts to the existing transportation network could be accommodated without the need for additional infrastructure, signaling or access provisions. The TIS concluded that the traffic generated by the development can be accommodated on the existing and proposed road network. A recommendation of the study was for the Region to continue to monitor traffic volumes on Dundas Street to determine if any capacity improvements are required to increase service levels.

Archaeological:

The subject lands have archaeological potential and the Region required a Stage 1 and Stage 2 Archaeological Assessment. The assessment did not recommend any further assessment was necessary, however, the Ministry of Tourism, Culture and Sport acknowledgement for the submitted archaeological assessments remains outstanding and a condition of Holding Removal has been included in the Zoning By-law until such time as that requirement has been satisfied.

Phase 1 Environmental Assessment:

The submitted Phase 1 Environmental Site Assessment recommended that a Phase 2 ESA be completed for these lands. Regional Staff have therefore requested that the completion of the Phase 2 ESA be included within the Holding provision.

Parking

The current parking standards for North Oakville including visitor parking has been the subject of recent discussion at Council and public meetings. Staff note that these parking standards are intended to be re-evaluated and updated based on a comprehensive review including opportunities provided through the review of site specific development applications and housekeeping zoning amendments.

Staff have worked with the applicant to establish an acceptable parking standard

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which is appropriate for the development. The proposed parking standard for the development increases the number of visitor parking for the apartment (from a maximum of 51 to a minimum of 64) and introduces 5 additional visitor parking spaces for the townhouse units (whereas no visitor parking was previously required for townhouse units).

ANALYSIS and OPINION:

Consistency and Conformity of the Town of Oakville's Existing Policy and Zoning:

The following section explains how the existing North Oakville East Secondary Plan policies (NOESP) and the proposed Zoning By-law Amendment for the subject lands does not conflict with the Provincial Policy Statement and applicable Provincial plans, and conforms with the Region of Halton Official Plan.

Consistency with Provincial Policy Statement 2014 - NOESP:

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

The NOESP has not undergone a conformity exercise with the PPS 2014. However, in the opinion of staff, the existing NOESP designations, including amendments adopted to the Dundas Urban Core by OPA 321, do not conflict with the PPS 2014, as a range of residential uses, medium and high density development and mixed use development are currently permitted.

The land use designations are arranged to support connectivity with transportation systems, and support current and future use of transit. The existing designation of the property within the larger context of the surrounding neighbourhood provides for higher density transit supportive uses and increases the range of housing choice available. Amendments adopted by OPA 321, requiring a minimum density of development conforms with the PPS, given that the policies allow for opportunities for higher density, transit supportive development for undeveloped lands located on Dundas Street, such as the proposed eight storey building.

Conformity with the Growth Plan 2017 - NOESP

The subject lands are within the 'Designated Greenfield Area', which will be planned, zoned and designated, in a manner that supports the achievement of

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complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

The NOESP has not undergone a full conformity exercise with the Growth Plan 2017. However, the recent amendments to the NOESP through OPA 321 were made in the context of the 2017 Growth Plan and conformed to that Plan. As a result, in the opinion of staff, the existing NOESP designations including amendments adopted to the Dundas Urban Core by OPA 321, conform with the Growth Plan given that implementation of the development objectives identified in the NOESP result in the development of a complete community, developed at a density that supports existing and planned transit services and active transportation. The existing designation of the property within the larger context of the surrounding neighbourhood provides for an increased range of housing choice, a mixture of uses, compact built form and convenient access to planned and existing transit on Dundas Street. Amendments adopted by OPA 321 conforms with the Growth Plan, given that the policies implement a minimum transit supportive density and allowing the opportunity for higher density, mixed use development for undeveloped lands on Dundas Street.

Conformity with the Regional Official Plan - NOESP:

The subject lands are designated Urban Area in the Regional Official Plan and located within the Greenfield Area and along a Higher Order Transit Corridor, which is part of a Regionally identified Intensification Area. The policies of the Urban Area designation support a form of growth that is compact, supportive of transit and the development of vibrant and healthy mixed use communities, which afford maximum choices for residence, work and leisure. Sections 77, 78 and 81 of the Regional Official Plan further supports providing opportunities for higher greenfield densities as defined and prescribed by Local Official Plan policies.

The existing NOESP designations conform to the Regional Official Plan, given that a range of uses and density permitted help contribute to the development of a mixed use transit supportive community. Amendments adopted to the Dundas Urban Core Area through OPA 321, are awaiting approval by the Region, but conform with the Regional Official Plan, given that OPA 321 allows for the development of transit supportive mixed use development on Dundas Street, which is identified as a Regional Transit Priority Corridor.

North Oakville East Secondary Plan and Existing Zoning – ED Zone:

The subject lands are designated *Dundas Urban Core Area* and *Neighbourhood Centre* in the NOESP. The NOESP acknowledges that the Plan will be implemented by appropriate amendments to the zoning by-law. The existing ED zoning of the

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subject lands does not conflict with the Provincial Policy Statement and applicable provincial plans, as the ED zone regulates the expansion of existing uses so that the lands may be redeveloped through a Zoning By-law Amendment, in accordance with the policies and objectives of the NOESP. While the subject lands were split amongst Dundas Urban Core and Neighbourhood Centre designations, the amendments adopted to the DUC area through OPA 321 provided staff the flexibility to apply the DUC zone across the entirety of the subject lands as the proposed eight storey building and twenty townhouse dwellings are consistent with the general intent of the DUC zone.

Proposed Zoning By-law Amendment – Draft By-law 2018-108:

The base Dundas Urban Core (DUC) zone permits a wide range of commercial, community and residential uses in a variety of buildings such as mixed use buildings, apartments, offices, hotels and institutional buildings, up to 8 storeys in height. As a result of the site being split designated and allowing for medium density uses within the Neighbourhood Centre Area the proposed Zoning By-law Amendment incorporates the provision for townhouses at the rear of the property within the DUC zone.

Consistency with the 2014 Provincial Policy Statement - Draft By-law 2018-108:

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

Conformity with the 2017 Growth Plan – Draft By-law 2018-108

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

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

1. Contributes to the achievement of complete communities by:
 - i) Providing a mix of residential unit types to help accommodate people at different stages of life, household size and income.

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- ii) Representing high quality, pedestrian oriented, compact built form which is in keeping with the general intent of the North Oakville East Secondary Plan.

2. Supports active transportation by:

- i) Protecting for logical connections in the form of sidewalks to the surrounding streets and transit service stops that will be formalized through the related Site Plan application.

3. Encourages the integration and sustained viability of transit services by:

- i) Providing a density of development that exceeds the minimum density suggested in Ontario's Transit Supportive Guidelines for dedicated rapid transit service.

Conformity with the Regional Official Plan – Draft By-law 2018-108:

The subject lands are designated Urban Area and located within the Greenfield Area and along a Higher Order Transit Corridor, which is part of a Regional-identified Intensification Area. The policies of the Urban Area designation support a form of growth that is compact, supportive of transit and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Sections 77, 78 and 81 of the Regional Official Plan further supports providing opportunities for live/work relationships, and achieving higher greenfield densities as defined and prescribed by Local Official Plan policies.

The proposed Zoning By-law Amendment does not conflict with the Regional Official Plan, given the proposed development represents residential development at a transit supportive density.

Regional staff in a letter dated April 19, 2018 have no objection to the application subject to the applicable holding provisions that are included within the proposed by-law.

Conformity with North Oakville East Secondary Plan – Draft By-law 2018-108:

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

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development containing a broad range of housing opportunities ranging from detached lots to apartment units.

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

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

The proposed zoning by-law would have the effect of creating residential units that will contribute to the mix of housing available in the community. The proposed building is appropriately sited on Dundas Street East, within lands designated Dundas Urban Core Area at Eighth Line, and is therefore well positioned to support transit. The area is served by transit and the Metrolinx 2041 Regional Transportation Plan identifies Dundas Street as one of the next rapid transit projects to be delivered in the Greater Toronto and Hamilton Area. Further, the density of the proposed development exceeds the minimum density suggested in Ontario's Transit Supportive Guidelines for dedicated rapid transit service.

Through OPA 321, Council approved amendments to the NOESP, including changes to the Dundas Urban Core Area policies, to support opportunities for well designed, high density, mixed use transit supportive development within the Dundas Urban Core Area lands. The amendment removed FSI as a measure of density, in favour of implementing an overall minimum density target of 72 units per gross hectare or 160 residents and jobs combined per gross hectare to reflect the Province's suggested in Ontario's Transit Supportive Guidelines for a transit service type of dedicated rapid transit service (LRT/BRT).

The gross density of the proposed eight storey residential building and the 20 townhome dwellings is approximately 45 units per site hectare for the townhouse units and a density of 398 units per site hectare for the eight storey building.

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Previously, the Dundas Urban Core Area land use policies permitted a maximum density of a Floor Space Index (FSI) of 2.5 and a maximum building height of 8 storeys. A maximum FSI of 2.5 is a measure that limits the floor area of any new development to no more than two and a half times the area of the property being development. The proposed eight storey residential development would have maintained an FSI of 2.5.

As a result, the proposal conforms with both the in force and emerging policies for the Dundas Urban Core Area.

Proposed Zoning By-law 2018-108

The following are the principles of the proposed site specific zoning by-law:

- Establish a site specific DUC (Dundas Urban Core) zone category.
- Establish a building height of eight storeys adjacent to Dundas Street in accordance with the conceptual plan that was submitted to support the application. This will ensure that the built form is in keeping with the transit corridor goals and policies as promoted by the Regional Official Plan and NOESP.
- Recognize the location and setbacks of the proposed townhouses to the north of the property and the future east west public roadway.
- Establish a minimum parking ratio of 1.35 spaces per unit for the apartment use including 0.25 spaces per unit for visitor parking. A total of 344 parking spaces would include 64 visitor spaces for the apartment.
- Establish a parking ratio of 2.0 spaces per unit for the townhouse dwellings, and introduce 5 visitor parking spaces for the townhouse units whereas no visitor parking was previously required for townhouses.
- Establish an 'H' - holding provision until such time as the applicant has updated the Functional Servicing Study, Environmental Site Assessment and the Archeological Assessment as well as secured servicing allocation for the proposal from the Region of Halton.

The Zoning By-Law Amendment has accounted for the Region of Halton's recommendation that the future widening of Dundas Street East be protected for as well as the daylight triangle at the intersection of Dundas Street East and Eighth Line.

The Holding Provisions specify requirements that must be satisfied prior to any development taking place, including any conditions, studies or requirements related to a zoning change. The owner has not been able to secure Regional Servicing

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Allocation for this development. This allocation is required to allow development to proceed on the subject lands.

A copy of the proposed Zoning By-law Amendment (By-law 2018-108) is contained in the By-law section of the agenda.

NEXT STEPS:

Should the Zoning By-law Amendment application be approved by Council, further planning approvals will be required to implement the development. It is anticipated that the applicant will submit an application for site plan approval, an application to remove the holding provisions, and a draft plan of condominium related to the tenure of the building once the Region of Halton's 2019 Allocation Program is available. The applications will be presented to the Site Plan Review Committee and to Planning and Development Council for consideration at a future date.

CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting was held on January 10, 2017. A Statutory Public Meeting was held on February 13, 2017. Notice of the Planning and Development Council meeting was provided through a mailing to all properties within 120m of the subject property and to other residents who expressed interest in the application. Correspondence received by the public has been included in Appendix A.

Changes made to the proposed by-law after holding the public meeting are minor in nature to address the built form proposed that are permitted uses within the Dundas Urban Core Area and therefore it is recommended that Council determine that no further notice is required.

(B) FINANCIAL

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

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

In accordance with Section 7.9.4 of the North Oakville Secondary Plan, documentation was submitted with the application from the Trustee of the North Oakville East Developers Group Cost Sharing Agreement and North

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Oakville East Master Parkland Agreement confirming the owners are parties in good standing under both agreements.

(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 not been fully addressed at the time of writing this report.

(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

A review of the sustainability objectives of the North Oakville East Secondary Plan was undertaken as part of the review of the application.

CONCLUSION

Staff recommend approval of the Zoning By-law Amendment as it represents good planning, is in the public interest and is an appropriate use of these lands, based on the following:

- The Planning Department undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.
- The subject application constitutes the development of vacant and under-utilized lands along Dundas Street East which would support the planned higher order transit function along the corridor.
- The proposal has been evaluated in the context of the surrounding established community to the south and considered appropriate.
- The scale and massing of the proposed development is appropriate and compatible for the subject lands within a Dundas Urban Core zoning category.
- The applicant is a member in good standing with the North Oakville Landowners Group.
- Comments from the public have been appropriately addressed.

Staff are satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Halton Region Official Plan. Further the application is consistent with the land use and policies of the North Oakville East Secondary Plan.

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APPENDICES:

Appendix 'A' – Public Comments Received

Prepared by:

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Senior Planner

Current Planning - East District

Recommended by:

Heinz Hecht, MCIP, RPP

Manager

Current Planning - East District

Submitted by:

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Director, Planning Services