

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 16, 2016

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**FROM:** Planning Services Department 16-500

**DATE:** April 25, 2016

**SUBJECT:** Recommendation Meeting Report, Zoning By-law Amendment, Fernbrook Homes (Dorval) Ltd., Lots 33 – 38 (Tudor Avenue) and 44 – 48 (Military Way), Plan 20M-1130, File No. Z.1617.44, By-law 2016-049

**LOCATION:** Lots 33 – 38 (Tudor Avenue) and 44 – 48 (Military Way), Plan 20M-1130

**WARD:** 2 Page 1

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#### RECOMMENDATION:

1. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary;
2. That Zoning By-law Amendment application by Fernbrook Homes (Dorval) Ltd., (File Z.1617.44), be approved; and
3. That By-law 2016-049 be passed.

#### KEY FACTS:

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

- The application for a Zoning By-law Amendment was submitted on September 18, 2015 by Fernbrook Homes (Dorval) Ltd. to permit attached garages whereas the site specific zoning provision permits detached rear yard garages. This amendment relates to only 11 lots within an existing and developing plan of subdivision.
- The lots affected by this zoning by-law amendment are located on Tudor Avenue and on Military Way, just west of Dorval Drive. Access to the sites would be from Tudor Avenue and Military Way.
- A Public Information Meeting was held on November 26, 2015. Local residents of the subdivision in attendance supported this proposal.
- The Statutory Public meeting was held on January 18, 2016. Several members of the public were in attendance and provided their support to this amendment.

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- Fernbrook Homes has committed to completing the garage in-rear housing product on the south side of Military Way and north side of Ortona Gate, consistent with the existing zoning.
- Urban Strategies Inc. has confirmed that the LEED ND (Leadership in Energy and Environmental Design – Neighbourhood Design) certification that was established as part of the previous planning process would not be affected by this proposal.
- Staff are recommending approval of the application.

### **BACKGROUND:**

The former Department of National Defense lands were the subject of previous detailed discussions, and public consultation throughout the preparation of the Livable Oakville Plan. These discussions resulted in the identification of the lands as a *Special Policy Area*. The *Special Policy Area* designation identified the overall site as a low density residential area, with an allowance for multiple attached dwelling units along a portion of the site adjacent to Dorval Drive.

The overall site and associated planning applications were the subject of significant public consultation, both prior to the approved designation in Livable Oakville, and prior to the submission of the planning applications. In June 2010, the Canada Lands Corporation conducted their own Open House with the community to obtain public input into development of the site. In November 2010, a Town initiated Visioning Workshop was held which had been required by the policies of the Livable Oakville Plan. It was attended by approximately 80 individuals.

In May, 2011, a subsequent Open House was held by the applicant to discuss a proposed redevelopment concept for the site, in response to many of the issues raised from the Visioning Workshop. After the submission of the application, a Public Information Meeting (PIM) was held in the community in November, 2011 to discuss the actual submitted application. A Public Meeting was held on January 16, 2012 along with a meeting with SCORA in December 2012.

More recently and specific to this application, a Public Information Meeting (PIM) was held on November 26, 2015. Eight (8) members of the public were in attendance. No concerns were raised. All members of the public supported this proposed Zoning By-law Amendment.

At the Statutory Public Meeting, several residents that reside within the subdivision spoke in support of this proposal.

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## Proposal

The application requests permission for attached garages on 11 lots within the developing plan of subdivision, whereas the site specific zoning provision approved only permits detached rear yard garages for these lots, highlighted by the dashed line.



Figure 1 – Proposed Concept Plan

In addition, Fernbrook Homes has committed to building the detached rear yard garage housing product on Military Way (south side) and Ortona Gate (north side) to complete a contiguous grouping of eight lots. This would be consistent with the existing zoning.

## Location and Site Description

The subject lots, 0.48 ha in overall size, were created as part of the previous Canada Lands Corporation subdivision development. Frontage is both on Tudor Avenue and Military Way.

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Surrounding Land Uses - residential

Photo #1 - North side of Tudor Avenue (north of subject site) - 15 to 18 m wide lots with garages, front entrances and habitable space on the 1st floor.



Photo #1

Photo #2 - West side of Tudor Avenue (west of the subject site) - 15 m wide lots with garages, front entrances and habitable space on the 1st floor



Photo #2



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Photo #3 - East side of Tudor Avenue (abutting west side of the subject site) -12 m wide lots with garages and front entrances on the 1st floor



Photo #3

Photo #4 - South side of Military Way – 12 m wide lots with garage in rear product. View looking through subject site. Three homes built to date. This is the area that Fernbrook has agreed to complete with garage in rear product.



Photo #4

## POLICY FRAMEWORK

### Provincial Policy Statement (PPS) – 2014

The Provincial Policy Statement 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

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of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

The proposal is consistent with the policies of the Provincial Policy Statement.

### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. Development applications are being reviewed in accordance with the approved policies of ROPA 38.

The lands are designated "Urban Area" according to the Region's Official Plan. The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". One of the objectives of the Urban Area (Policy 72(1)) is to "accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". The range of permitted uses and the creation of new lots in the Urban Area are 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.

Regional staff have no objection to this application.

### Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10<sup>th</sup>, 2011 and is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe.

The subject land is contained within a stable residential community as identified by the Livable Oakville Plan and is designated *Low Density Residential* on Schedule F, South West Land Use (see Figure 2). Section 11.2 of the Plan states the following:

#### *11.2 Low Density Residential*

##### *11.2.1 Permitted Uses*

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*The Low Density Residential land use designation may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes.*

*11.2.2 A density of up to 29 dwelling units per site hectare may be permitted in areas designated Residential Low Density.*

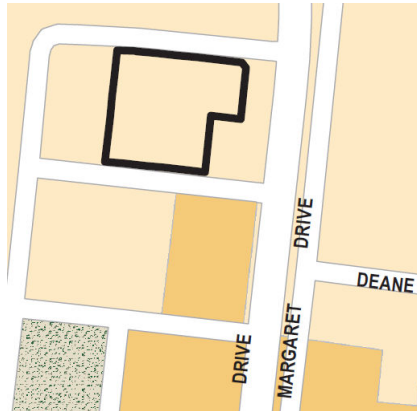


Figure 2 – Official Plan

The proposal maintains the Official Plan density and use.

#### Zoning By-laws (2014-014)

The lots are zoned RL8-0 subject to Special Provision 318. The proposal is to change the regulation related to the garage location, but maintain all other zoning regulations.

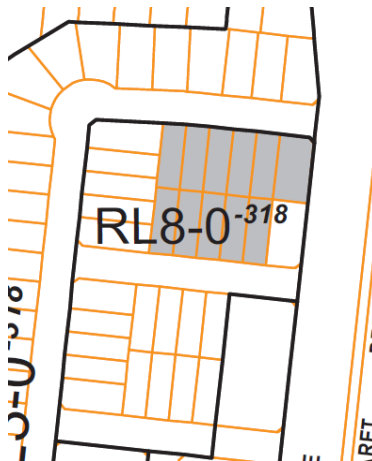


Figure 3 – Zoning By-law

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## COMMENTS

### LEED- ND certification

Planning staff requested further information from the applicant in light of the original LEED-ND certification for the subdivision and the most recent update to this certification. The following is an excerpt from a February 18, 2016 letter sent to the Town by Urban Strategies addressing this matter.

#### *“LEED-ND Certification Impacts*

*Following the approval of the zoning bylaw for the site, Urban Strategies achieved LEED ND certification for the project. The LEED ND rating system has numerous requirements to ensure the development of sustainable communities. Several of these requirements relate to ensuring a walkable, pedestrian oriented streetscape through:*

- Requiring active building frontages;*
- Limiting the amount of street frontage faced by garages; and*
- Ensuring the dimension of the street is scaled to a pedestrian, with building frontages set near to the street.*

*The LEED ND rating system includes pre-requisites that must be met for the project to achieve LEED status, and credits that earn a project points. A project must maintain a certain number of points to retain LEED ND certification.*

*From our review of the applicable credits, the proposed modifications to the garage and unit locations for the 11 lots indicated would not jeopardize any of the pre-requisites and will not reduce the number of points earned by the project. Our review was based on CAD files provided by Hunt Design, the project architect, and dated April 17, 2015 and February 10, 2016. The impact to each relevant credit and prerequisite is as follows:*

***Neighbourhood Pattern and Design (Prerequisite 1a):*** *For 90% of new building frontage, a principal functional entry on the front façade faces a public space, such as a street, square, park paseo or plaza, but not a parking lot, and is connected to sidewalks or equivalent provisions for walking.*

- Based on our analysis 92% of the street frontage complies*

***Neighbourhood Pattern and Design (Prerequisite 1b):*** *At least 15% of existing and new street frontage within and bordering the project has a minimum building-height-to-street width ratio of 1:3 (i.e., a minimum of 1 foot of building height for every 3 feet of street width)*



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- Based on our analysis, 17.6% of the street frontage complies

**Neighbourhood Pattern and Design (Prerequisite 1d):** No more than 20% of the street frontages within the project are faced directly by garage and service bay openings

- Based on our analysis, 16.6% of the street frontage is fronted by garages

**Neighbourhood Pattern and Design (Credit 1a):** Requires at least 80% of the total linear feet of street-facing building facades in the project to be no more than 25 feet from the property line.

- Based on our analysis, 88.3% of the building frontages comply.

**Neighbourhood Pattern and Design (Credit 1b):** Requires at least 50% of the total linear feet of street-facing building facades in the project to be no more than 18 feet from the property line.

- Based on our analysis, 51.9% of the frontage complies

We therefore remain confident that the additional 11 rear garage units would not affect the LEED ND certification of the project.

### **Update to LEED ND Certification Program**

LEED ND certification was completed under the LEED ND v2009 criteria. The v2009 system sets out three stages in the certification process. The Royal Oakville Club project has completed Stage 2, meaning the project is fully entitled (municipal approvals are in place) and the project is a “Pre-Certified LEED ND Plan”. Phase 3 occurs after occupation and assumption of public infrastructure by the city; at this stage the project becomes a “LEED-ND Certified Neighbourhood Development”. It is expected that Phase 3 Certification will be undertaken once the project is complete.

The US Green Building Council, which oversees the LEED certification programme, has recently released an updated version of all LEED criteria. The new version, v4, no longer has stages of certification. Rather, projects either seek certification as a Plan or Built project. Both paths result in a certified project.

The Royal Oakville Club project will seek Phase 3 certification under LEED ND v2009, and not the new v4 system. It is the typical procedure for projects to complete certification under the system they were initially registered under. Projects can continue to be certified under the v2009 system until June 30, 2021 (although new projects cannot begin the registration process under v2009 after October 31, 2016)."

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One of the guiding principles for the development of this subdivision was the creation of walkable pedestrian-friendly, “eyes on the street” streetscapes. While the product presently proposed in this section of the subdivision does not support the “eyes on the street” principle, the overall subdivision with this proposed change still maintains this design principle.

### **Proposed Zoning By-law Amendment**

A site specific Zoning By-law Amendment (By-law 2016-049) has been prepared reflecting the proposed redevelopment of these lots.

The proposed site specific by-law appropriately recognizes the design of this development and that of the abutting built form within this subdivision. Staff have evaluated the proposed development in the context of the Livable Oakville Plan, surrounding neighbourhood and the site’s characteristics and support the proposed Zoning By-law Amendment. The proposed Zoning By-law 2016-049 can be found within the by-law section of the May 16, 2016 Planning and Development Council agenda.

### **CONCLUSION:**

The Planning department undertook a circulation of the application to ensure that all technical matters have been satisfactorily addressed. Staff will be requesting the applicant amend the subdivision engineering drawings to the satisfaction of the town’s Development Engineering department.

Staff is satisfied that the application conforms to the overall policy direction of the Livable Oakville Plan and other relevant policy documents. The proposal represents good planning and maintains the original LEED ND certification.

On this basis, staff recommends approval of the application.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

A Public Information Meeting (PIM) was held on November 26, 2015 with eight (8) members of the public attending.

No concerns were raised. All members of the public in attendance at the PIM were in support of the proposed zoning by-law amendment.

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At the Statutory Public Meeting, several member of the subdivision were in attendance. Each voiced their support for the proposal.

**(B) FINANCIAL**

None arising from this report.

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

The applicant will be required to update the subdivision plans in light of the revised building form.

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

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

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