



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 04, 2017

FROM: Planning Services Department

DATE: November 13, 2017

SUBJECT: Recommendation Report - Official Plan Amendment and Zoning By-law Amendment - Cortel Group/Trafalgar Heights Inc. Z.1413.30 - By-law 2017-123 and By-law 2017-124 - 278 Dundas Street East

LOCATION: 278 Dundas Street East

WARD: 5

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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 the Official Plan Amendment and Zoning By-law Amendment application by the Cortel Group/Trafalgar Heights Inc., (File No. Z.1413.30) be approved;
3. That By-law 2017-123 and 2017-124 be passed; and,
4. That notice of Council's decision reflects that the comments from the public have been appropriately addressed as described in the staff report from Planning Services dated November 13, 2017.
5. That staff be authorized to finalize a Section 37 Agreement in accordance with the memo submitted and prepared from the Legal Department dated November 29, 2017, attached as Confidential Appendix C to the report dated November 13, 2017 from Planning Services Department.

KEY FACTS:

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

- This report recommends approval of the proposed Official Plan Amendment and Zoning By-law Amendment applications submitted by the Cortel Group/Trafalgar Heights Inc. received on December 21, 2016 and deemed complete on January 12, 2017.
- In 2011 the Town and the previous land owner reached a settlement before the Ontario Municipal Board (OMB). The OMB approved a mixed use

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development with residential, commercial and office permissions. The site specific Official Plan Amendment was incorporated into the Livable Oakville Plan through a site specific policy exception. The site specific permissions and regulations were also reflected in Zoning By-law 2014-014.

- The effect of the proposed Official Plan Amendment and Zoning By-law applications would be to permit one 25 storey building whereas the maximum height is currently set at 20 storeys, (both inclusive of height permitted through bonusing, for one building on the site. In addition, the Official Plan Amendment and Zoning By-law Amendment would have the effect of increasing the maximum height of the other three buildings from 16 to 17 storeys, inclusive of bonusing. The maximum number of 750 units for the entire project is not changing from previous approvals. The total number of bonused storeys across the site (20) would also remain unchanged.
- The proposed amendments would promote the urban design objectives of the Livable Oakville Plan by providing the opportunity for a greater variation in height among the four towers, and creating a more dynamic visual appearance of the proposed development.
- The applications have been circulated to internal departments and public agencies for review and comment and no objections to the applications were received.
- The Public Information Meeting was held on March 30, 2017 and there were no members of the public that attended the meeting. The Statutory Public Meeting was held on July 10, 2017.
- A site plan application has been submitted to the Town and is currently under review.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and recommendation on the proposed Official Plan Amendment and Zoning By-law Amendment applications.

In 2011 the Town and the previous land owner reached a settlement before the Ontario Municipal Board. A mixed use development consisting of residential, commercial and office permissions was approved by the OMB. The site specific Official Plan Amendment was subsequently incorporated into the approval of the Livable Oakville Plan through a site specific policy exception. The site specific zoning regulations were also reflected in Zoning By-law 2014-014.

The 2011 approval permitted one of the four proposed towers to be a maximum height of 20 storeys, inclusive of bonusing, and all other buildings to be a maximum of 16 storeys, inclusive of bonusing. During the review of the site plan application that was submitted in 2014, staff provided comments that the three 16- storey

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towers appeared to be of a similar design, and therefore encouraged the applicant to redesign the towers to allow for more variation in height to create a more dynamic visual appearance. The applicant responded to these comments with the current application.

Proposal

The purpose of the amendments to the Official Plan and the Zoning By-law is to increase the height of one tower from 20 to 25 storeys and the maximum height of all other towers to 17 storeys. The proposed amendments would allow for additional flexibility through changes in height in a manner that would promote the Livable Oakville Urban Design Objectives of the Uptown Core.

The number of residential units will not be changing and remains capped at 750 units for the overall development. Similarly, the total number of storeys across the site (68) would remain constant.

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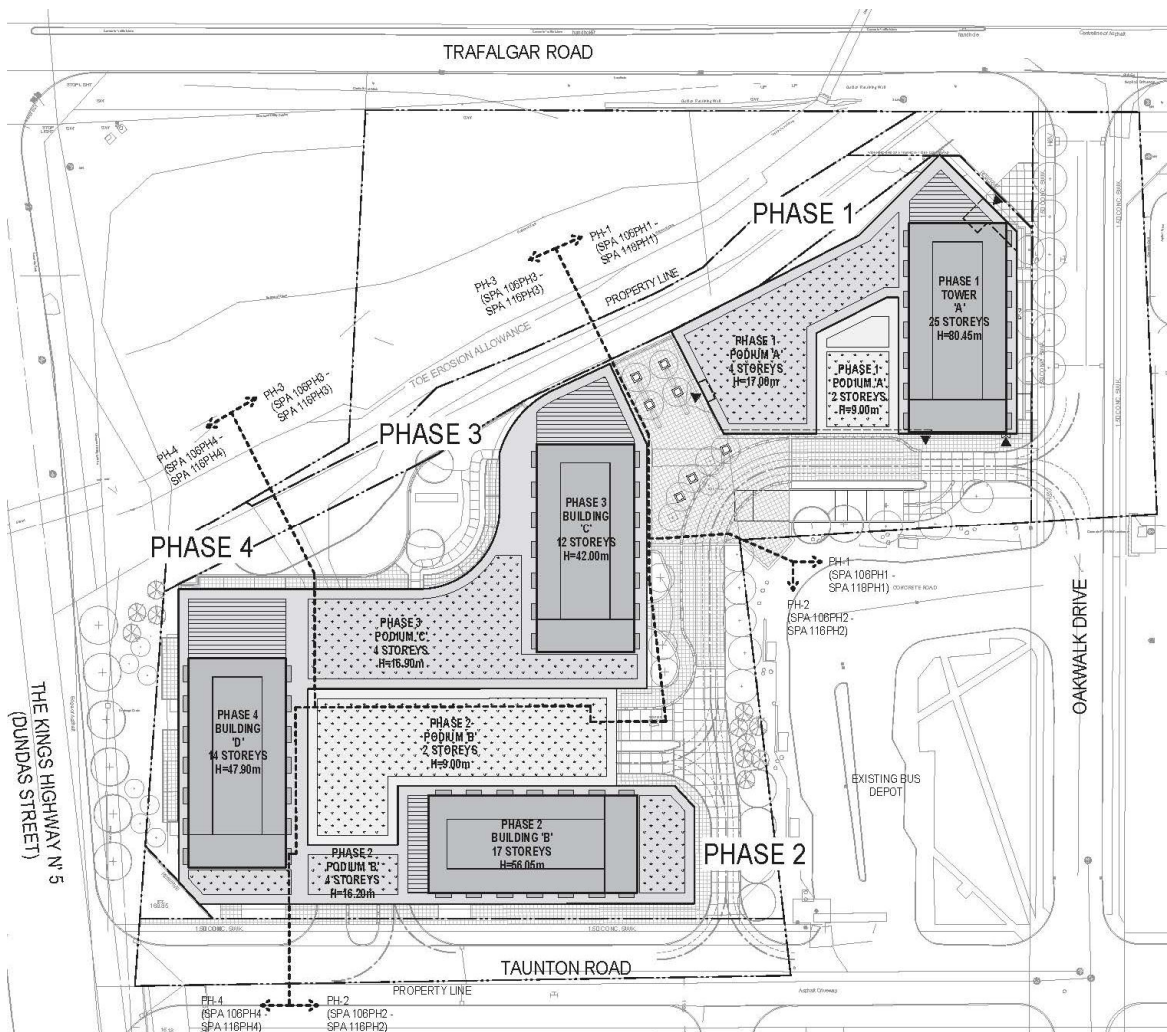


Figure 2: Conceptual Site Plan

Consistent with the original approval in 2011 a Section 37 bonusing agreement would be required to permit additional height above 12 storeys for each tower.

Table 1 below is a comparison between the original height approvals and the proposed amendments that are subject to this application. A maximum height of 12 storeys is currently permitted without bonusing. The maximum number of storeys that can be bonused will be kept to 20 storeys overall for a total of 68 total storeys across the site.

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Table 1: Proposed Phasing Plan

Phase (Tower)	Original (in storeys), inclusive of bonusing	Proposed (in storeys), inclusive of bonusing
1	20 (8 bonused)	25 (13 bonused)
2	16 (4 bonused)	17 (5 bonused)
3	16 (4 bonused)	12 (0 bonused)
4	16 (4 bonused)	14 (2 bonused)
Total	68 (20 bonused)	68 (20 bonused)
Total Bonusing Permitted	20	20
# Units	750 units	750 units

The applicant is not proposing to change the use permissions, or the floor area and permitted locations of specific uses such as retail and service commercial uses, or the parking ratios. The permissions that the applicant is looking to update are listed in Table 2 below that reflects the site specific zoning that was approved in 2011 and the proposed site specific provisions:

Table 2: comparison of zoning permissions and regulations

Zone Provision	Current Special Provision (SP13)	Amending By-law
Maximum number of storeys for one building tower (subject to a bonusing agreement)	20	25
Maximum height for a one building tower (subject to a bonusing agreement)	70.0m	85.0m
Maximum number of storeys for all other buildings (subject to a bonusing agreement)	16	17
Maximum height for all other buildings (subject to a bonusing agreement)	54.0m	57.0m
Maximum setback to the transit facility	3.0m	30.0m
Minimum main wall stepback above 31.0 metres in height	3.0m	2.0m
Minimum height for a podium connecting building towers	12.0m	9.0m

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Location

The property located at 278 Dundas Street East. The subject site comprises an area of approximately 2.47 hectares and is located at the southwest corner of Dundas Street East and Trafalgar Road. The site is bounded by Dundas Street East, Trafalgar Road, and the future extensions of Oak Walk Drive and Taunton Road. A portion of the site includes the valley lands associated with the East Morrison Creek.

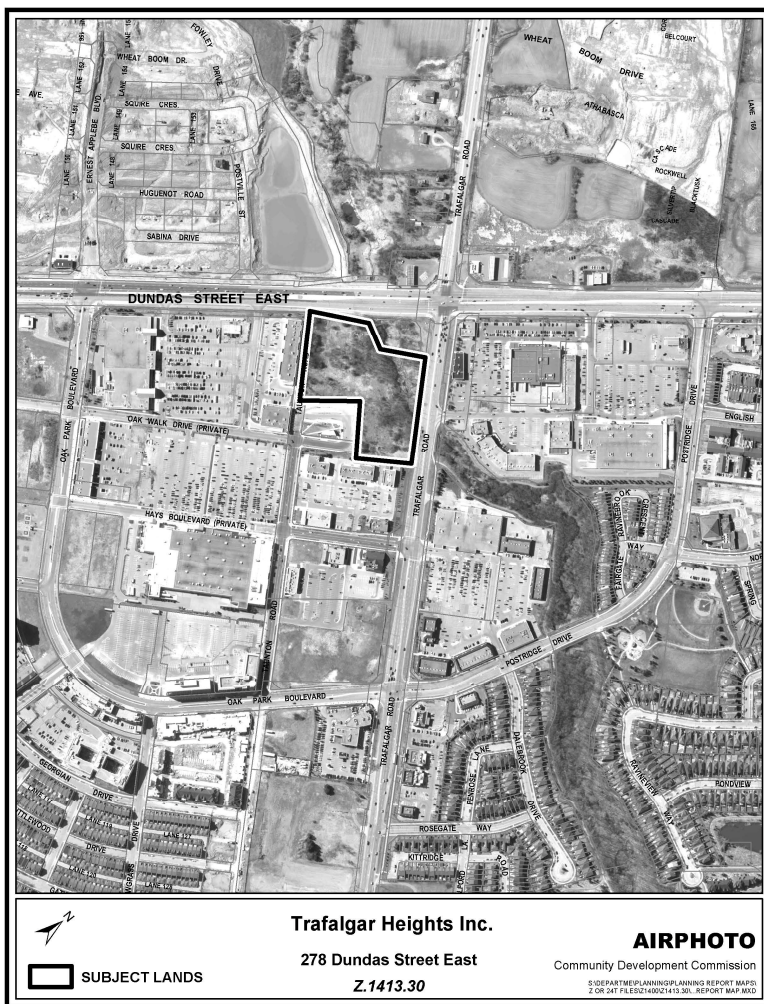


Figure 1: Aerial Photograph of subject land

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Surrounding Land Uses

The area surrounding the site includes:

North: Dundas Street East, natural area and two service stations on the north side of Dundas Street East.

East: Trafalgar Road and a commercial area (Longo's Plaza)

South: Oakville Transit terminal, future extension of Oak Walk Drive, commercial and retail uses (Walmart Plaza)

West: Future extension of Taunton Road, Commercial area (Superstore Plaza)

POLICY FRAMEWORK

Provincial Policy Statement (PPS) - 2014

The Provincial Policy Statement is intended to promote a policy led system, which recognises 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.

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.

Staff is satisfied that the proposal is consistent with the policies of the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe

The Growth plan for the Greater Golden Horseshoe, 2017 was released on May 18, 2017 and came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan provides a framework for implementing the Province's vision for building stronger more prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

Regional Planning Staff is satisfied that the proposal is in conformity with this new plan.

Town Planning Staff have also undertaken an analysis of the application in relation to the Growth Plan (2017), wherein the proposal is considered to be in conformity

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with this Plan, as it aids in achieving forecasted growth targets, is growth within a delineated built boundary, will utilize existing municipal services and supports the achievement of creating complete communities.

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. The policies of ROPA 38 to Halton's Official Plan are in force with the exception of site specific and policy specific matters unrelated to this application.

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 will 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 proposed Official Plan Amendment and Zoning By-law Amendment comply with the policies of the Regional Plan.

Livable Oakville Plan

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

The following sections from the Livable Oakville Plan are applicable to the subject property.

The property is located within the "Centre District" of the Uptown Core and is identified as a primary Growth Area which is intended to be a focus for new mixed use development and redevelopment. The tableland portion of the property is designated Urban Core, while the watercourse portion of the property is designated Natural Area as identified within the Livable Oakville Plan on Schedule M1: Uptown Core Land Use. Schedule M2: Uptown Core Building Heights identifies building heights between 8 and 12 storeys, for the subject lands, with bonusing opportunities to accommodate an additional four storeys of height.

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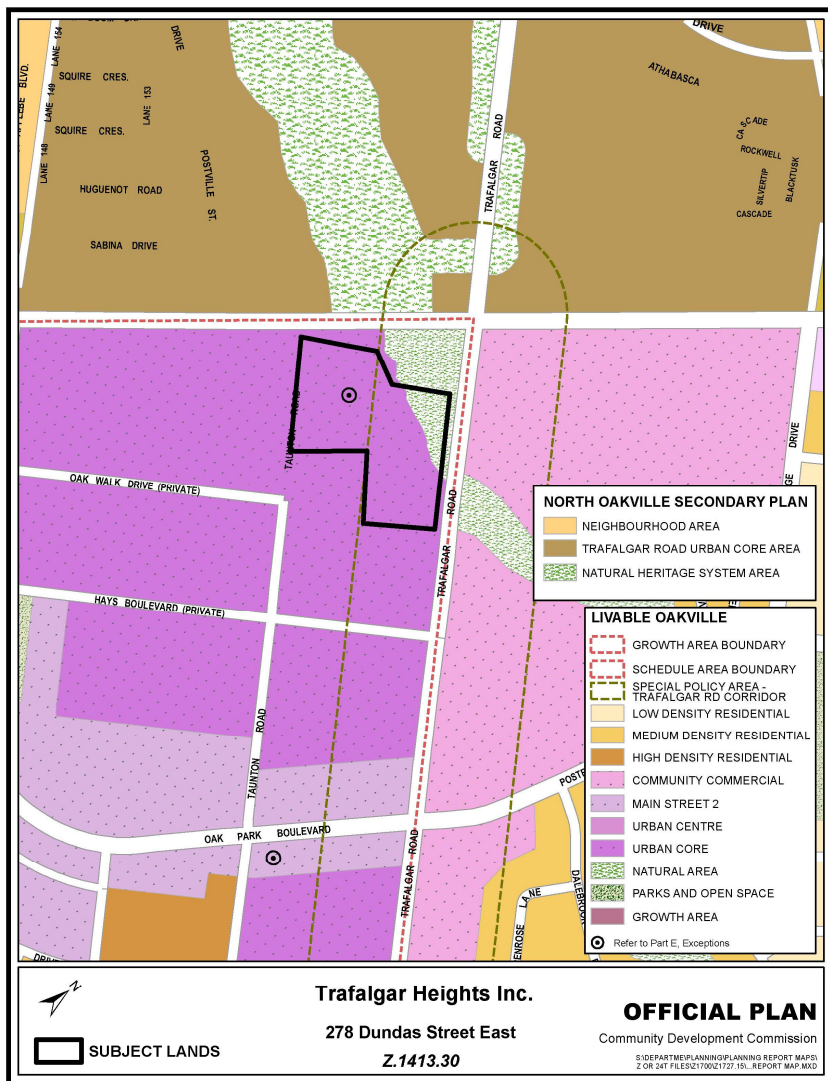


Figure 3: Livable Oakville Excerpt

The property has a site-specific policy provided in Section 21.6.4:

“Development of the lands located at the southwest corner of Trafalgar Road and Dundas Street adjacent to the existing transit station at Oak Walk Drive and Taunton Road, known as 278 Dundas Street East and 2466 Trafalgar Road, may be permitted which provides for the transfer of unused height to internal building(s) providing for a maximum of 750 residential units and a minimum of 2,640 square metres of office uses. Development is expected in a total of four mixed use buildings on the site, subject to the applicable bonusing policies of this Plan, and with a

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variation of height where the maximum height inclusive of bonused height is 20 storeys and only one building may be 20 storeys.”

The guiding principles, set out in Section 2 of the Livable Oakville Plan, are designed to preserve and create a livable community. Specifically, Part 2, Section 2.2.1 b) reinforce the Town’s Urban Structure:

“b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated.”

Part C, Section 4.1: Growth Areas

The majority of intensification in the Town is to occur within the Growth Areas as defined in Part E.

“Midtown Oakville, the Uptown Core ... are primary Growth Areas, which will accommodate the highest level of intensification. They are intended to be developed as mixed use centres with transit-supportive development focused around major transit station areas and along corridors. These areas have been the subject of detailed, comprehensive land use studies or secondary planning exercises which have resulted in objectives and policies to provide for intensification opportunities.”

Part C: Section 6: Urban Design

6.6 Gateways

“6.6.1 Gateways should create a sense of entrance and arrival through well-designed built form, landscaping and enhanced streetscape treatments that contribute to community image and identity.

6.6.2 Major Gateways are located at visually prominent sites located at major entry points into the Town and Growth Areas. Minor gateways are located at secondary entry points to the Town and prominent intersections.

6.6.3 Development at gateways should be well-designed, pedestrian-scaled, address the public realm, and complement the distinctive character of the area.”

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6.9 Built Form

“6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.

6.9.2 Building design and placement should be compatible with the existing and planned surrounding context and undertaken in a creative and innovative manner.

6.9.3 In Growth Areas and along intensification corridors, buildings should incorporate distinctive architecture, contribute to a sense of identity and be positioned on and oriented towards the street frontage(s) to provide interest and comfort at ground level for pedestrians.

6.9.7 Development should be designed with variation in building mass, façade treatment and articulation to avoid sameness.”

6.11 Pedestrian Access and Circulation

“6.11.2 Developments should incorporate safe and direct access and circulation routes to and through the site that connect pedestrians to:

a) principal entrances of building(s), amenity areas and parking areas;

b) the public sidewalk and transit facilities.

6.11.5 Walkways should provide continuous routes across driveway entrances and drive aisles and through parking areas to promote safety and signify priority over driving surfaces.”

Section 8: Transportation

8.12 Integrating Land Use and Transportation

“8.12.2 Development plans shall be designed with specific regard to the safe, convenient and efficient provision of public transit as well as pedestrian and cycling facilities. In particular, to facilitate the development of a transit-supportive urban structure, the following measures will be reflected in all development proposals;

a) densities supportive of transit, which are commensurate with the type of frequency of transit service planned for the area and/or corridor particularly near transit stops and stations;

b) a road pattern and related pedestrian and cycling facilities network that provide for direct pedestrian and cycling access to transit routes and stops.”

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Part D: Section 12.5 of the Livable Oakville Plan speaks to the Urban Core designation:

“The Urban Core designation is envisioned to have a strong urban focus and incorporate retail and service commercial, office and residential uses. Development should be oriented to the street and shall contribute to a high quality pedestrian-oriented and transit-supportive environment. Midtown Oakville and the Uptown Core are the primary locations for this designation.”

Section 21.2.1 to 21.2.3 outlines policies that direct development to contribute to a mix of medium and high density housing types, including affordable housing, encouraging a concentration, mix and massing of buildings as well as appropriately applying transitioning policies.

Section 21: Uptown Core

“21.2.2. c) ensuring that the appearance and function of the public realm and adjoining development are of consistently high quality and appropriate design.

21.2.3 Provide for transit-supportive, accessible and sustainable development by:

- a) promoting high density forms of residential development and by co-ordinating land use, transportation infrastructure and urban design;*
- b) developing and configuring a road network that integrates alternative travel modes; and,*
- c) providing a safe and convenient internal circulation system for transit, pedestrians, cyclists and vehicles.”*

Zoning By-law 2014-014

The lands are currently zoned MU4(13) and are subject to Holding provision H16. The tableland portion of the property is zoned MU4 - Urban Core and the watercourse portion of the property is zoned N – Natural Area.

The conditions to be satisfied to permit the removal of the ‘H’ holding provision are as follows:

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- a) Halton Region's Commissioner, Legislative & Planning Services, or his designate is satisfied that the owner has submitted an update to the Functional Servicing Report establishing there is sufficient capacity for water and/or sanitary sewer to service the subject lands;
- b) The Owner has submitted to Halton Region an update of the Phase 1 Environmental Site Assessment completed in August, 2007, setting out any subsequent changes on site and assessing whether any such changes affect the provability of contamination being present on the site, and also has provided to Halton Region a letter of third party reliance for all submitted reports;
- c) An agreement under section 37 of the *Planning Act*, R.S.O. 1990 c.P.7, securing the provision of funds and/or other community benefits in exchange for the height in excess of 12 storeys has been executed and registered against title to the property; and,
- d) Land and funds required for the extension of Taunton Road (23.0 metres) and Oak Walk Drive (20.0 metres) have been secured to the satisfaction of the Town of Oakville.

The wording of the conditions above has been updated through the review of the subject applications to reflect current standards and requirements.

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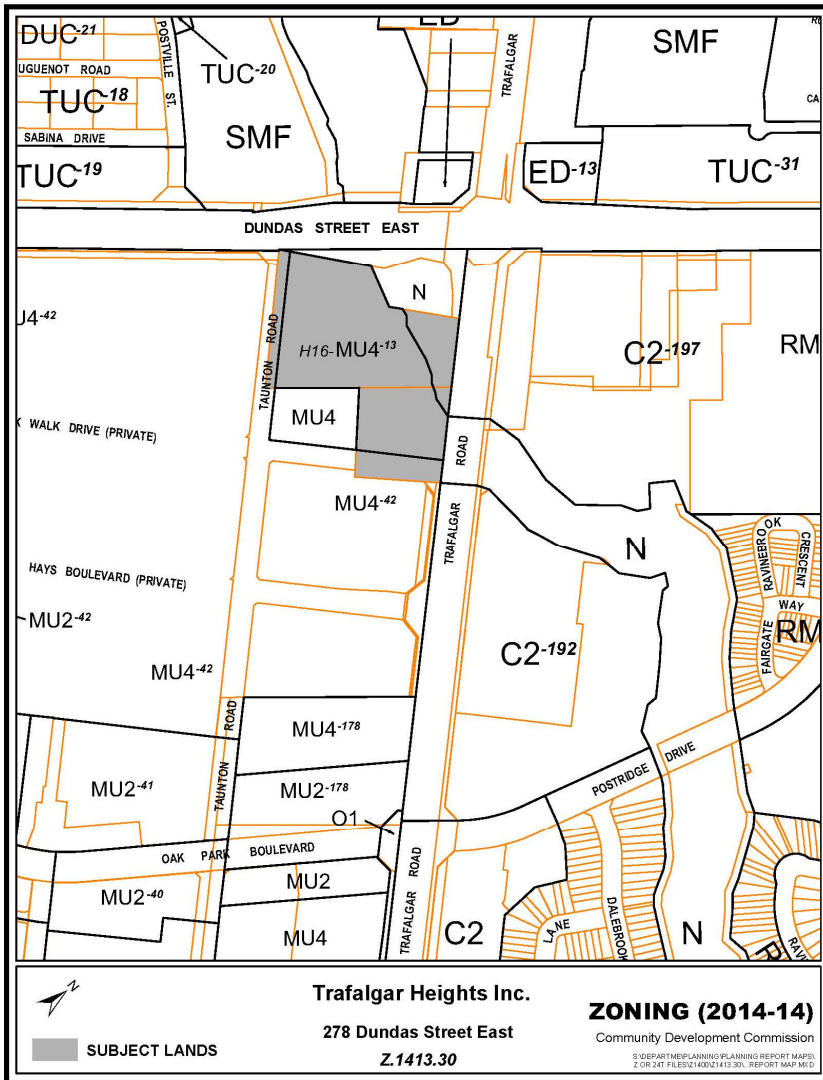


Figure 4: Zoning By-law Excerpt

PLANNING ANALYSIS:

Planning matters to be considered

Physical Context

The subject property is ideally located within the Centre District of the Uptown Core, adjacent to the Uptown Transit Terminal, with further vehicular access anticipated to both Dundas Street East and Trafalgar Road. The location is a gateway into Oakville, south of Dundas Street East, as well as into Uptown.

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The development is located in a primary growth area that is intended to develop with a high density mix of uses. The 2011 OMB approvals were put in place to support the intensification of the Uptown Core growth area and to permit a large scale development adjacent to the Uptown Core Transit Terminal. Staff do not have concerns with the minor technical changes to the Official Plan exception for the lands.

The Official Plan recognizes that there are several single-storey buildings containing retail and-or service commercial uses but that the area is anticipated to develop into “a pedestrian-oriented, transit-supportive community comprised of a mix of office, retail, service commercial and residential uses.”

Matters raised through the processing of this application

Staff have received written correspondence from the public regarding the proposal. Concerns raised include:

- Traffic, noise and pollution impacts – an updated transportation impact study was provided which indicated that the traffic generated could be accommodated on the existing and planned road network. Oakville Transit staff are working to ensure that the safety of residents and transit riders will be addressed through improved wayfinding signage and dedicated travel space is clearly marked for buses as well as pedestrians.
- Overcrowding of the Uptown Core – the increase in population of the Town’s Growth Centre has been planned in coordination with the Region of Halton’s best planning estimates to ensure that the proposed development will be accommodated by the road infrastructure and municipal services in the area. No additional units are proposed as a result of this amendment.
- Placement of height within the site and ensuring quality urban design – residents raised concerns with the increased height of the buildings. A shadow study concluded that there would be no shadowing impacts resulting from the proposed towers on the site, no matter the location of the tallest tower. Urban Design staff are working with the applicant through the site plan process to ensure that there is a high quality of design achieved through this development and that the buildings and public realm are successfully integrated with one another as well as with the transit facility.
- Loss of trees and greenspace – the applicant has been working with Halton Region and Halton Conservation to prepare a woodland restoration plan for the portion of the West Morrison Creek Tributary that is adjacent to the

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subject lands. The portion of the subject lands designated “Natural Area” will be conveyed to the Town and preserved as woodland area.

- Visitor parking spaces and ensuring there will not be spillover into the commercial lots – Staff are of the opinion that the parking standards associated with the proposed development are appropriate and reflect the locational context and proximity to the transit terminal and transit corridors.
- Fire and safety concerns – a resident suggested that high-rise residential development should not be permitted due to fire safety concerns, especially for seniors. All buildings are required to be constructed in accordance with the Ontario Building Code.

The updated reports that were submitted to support the increase in height conclude that the additional height does not adversely impact the surrounding properties or the environmentally sensitive lands adjacent to the site. In addition, there are no changes to servicing or infrastructure requirements as a result of the requested increase in height. The above concerns will continue to be addressed throughout the remainder of the development and site plan process for the lands.

Proposed Official Plan Amendment

The effect of the proposed Official Plan amendment would be to permit the redistribution of building heights within the subject lands while maintaining the maximum permitted number of units at 750 units.

Staff are of the opinion that the proposed Official Plan amendment is appropriate for the following reasons:

- The proposed amendment would provide the opportunity for a greater variation in building height among the four buildings, creating a more dynamic visual appearance for the development.
- The subject property is considered a visually prominent Gateway location as an entry point into the Town and Growth Area. The proposed amendment and implementing zoning would have the effect of promoting the Urban Design objectives of the Uptown Core as a well-designed built form that contributes to community image and identity.
- The proposal would support the intensification of the Uptown Core growth area and be complementary to the adjacent Uptown Core Transit terminal.
- Development above 12 storeys would continue to be subject to bonusing in accordance with the provisions of the Livable Oakville Plan.
- Notwithstanding the permissions for maximum height, the total number of bonused height is not to exceed 20 storeys across the site. This ensures that

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the added height is distributed across the site instead of added to each building.

- The proposed increase in height does not have any servicing implications or infrastructure constraints given that there is no change to the maximum number of units.
- An updated Traffic Impact analysis has confirmed that the traffic generated by the proposed development can be accommodated on the existing and planned road network to the satisfaction of the Region.

Proposed Zoning By-law

The following is an overview of the proposed zoning by-law:

- Permit the maximum number of storeys for one building (subject to bonusing) from 20 storeys to 25 storeys.
- Revise the maximum height regulations from 70 m to 85 m for the 25 storey building.
- Increase the maximum height of the other three buildings from 16 storeys to 17 storeys subject to bonusing.
- Notwithstanding the permissions for maximum height, the total number of bonused height is not to exceed 20 storeys across the site.
- Revise the maximum height regulations from 54 m to 57 m for the 17 storey buildings.
- Revise the maximum setback provisions from the Transit facility and minimum podium height to reflect the proposed site plan and urban design provisions.
- Update the Holding provision to reflect the Region's current policies and standards, and require the submission of a woodland restoration plan.
- Update the bonusing provisions in accordance with current requirements.

Staff are of the opinion that the proposed zoning amendment is appropriate as it accommodates changes to the current site specific by-law required to implement the design objectives of the Livable Oakville Plan.

Bonusing

There are bonusing policies within the Livable Oakville Plan which apply to permit additional height throughout the site for buildings over 12 storeys within the Uptown Core in exchange for community benefits. In addition, the policies which establish height limits, Section 28.6 of the Livable Oakville Plan (attached as Appendix A) sets out a number of public benefits that could be acceptable in exchange for bonused development throughout the town. Section 21.7.2 (attached as Appendix B)

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describes particular benefits that had been identified as being appropriate within the Uptown Core.

A Section 37 Agreement will be required to secure public benefits in exchange for increased height. The total height across all four towers is 68 storeys, of which 20 storeys are eligible for bonusing and would be subject to a Section 37 agreement.

The Memorandum of Understanding entered into with the previous owner for the previous proposal would have permitted some combination of the following in exchange for increased height:

- Cash, to be applied to community benefits in the Uptown Core
- Discounted units for affordable housing
- Discounted space for community uses
- Discounted space for daycare

Given the passage of time and the new application, staff has reviewed the previous calculations and benefits based on inflation and current needs. Additional information with respect to valuation of the bonus is provided in a confidential memo prepared and submitted by the Legal Department as Confidential Appendix C to this report. A resolution authorizing the finalization of a Section 37 Agreement in accordance with that Appendix C has been included in this report at the request of the Legal Department.

In lieu of the originally proposed benefits (affordable housing, discounted space for community uses, or discounted space for day care) it is proposed that the community benefits be primarily in the form of cash. Funds received in exchange for bonused height are required to be held by the town in a reserve fund and spent only on eligible community benefits within the relevant area (in this case the Uptown Core). This approach allows bonusing funds for various sites to be combined and spent in a manner that allows for flexibility in meeting the needs of the area. The by-law has been drafted in a manner that would allow this flexibility while ensuring that any funds are spent for eligible purposes.

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CONCLUSION:

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 Official Plan Amendment and Zoning By-law Amendment.

The subject report recommends approval of a site specific Official Plan Amendment and Zoning By-law Amendment which would have the effect of permitting one 25 storey building whereas the maximum height is currently set at 20 storeys for one building on the site, as well as an increase in height from 16 to 17 storeys for the other towers. The maximum number of 750 units for the entire project is not changing from previous approvals.

The proposal is a change in height from the site specific provisions that were approved for the site in 2011 and allows for a more dynamic visual appearance for the overall development. In Staff's opinion the amendments are beneficial to the development and the Uptown Core area.

There is an active site plan application that was submitted in 2014. The application will continue to be processed once the Official Plan and Zoning By-law Amendments are approved.

The proposal represents good planning. On this basis, staff recommend approval of the application and that By-laws 2017-123 and 2017-124 be passed.

CONSIDERATIONS:

(A) PUBLIC

The Public Information Meeting was held on March 30, 2017 and there were no members of the public that attended the meeting. The Statutory Public Meeting was held on July 10, 2017. Notice of the December 5, 2017 Planning and Development Council meeting has been provided to those who participated in the process.

(B) FINANCIAL

Applicable cash in lieu of parkland and development charges will be determined at the rates and values in effect/determined prior to the issuance of the building permits.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

The various internal departments and external agencies have been part of the technical review of the application and have provided their input into 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

The proposed development generally complies with the sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A - Section 28.6 of the Livable Oakville Plan (Bonusing)
Appendix B - Section 21.7.2 (Uptown Core bonusing provisions)
Confidential Appendix C – Confidential Memo prepared and submitted by the Legal Department dated November 27, 2017.

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