

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 15, 2019

FROM: Planning Services Department

DATE: March 25, 2019

SUBJECT: Zoning By-law Amendment, 393 Dundas LP, 393 Dundas Street West, File No. ZBA 1319.07

LOCATION: 393 Dundas Street West

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RECOMMENDATION:

That Zoning By-law Amendment application submitted by Korsiak Urban Planning on behalf of 393 Dundas L.P. (File No. ZBA 1319.07), as revised, be deferred, for the reasons outlined in the information report from the Planning Services department dated March 25, 2019.

KEY FACTS:

The application proposes a Zoning By-law Amendment (ZBA) at 393 Dundas Street West to permit a mixed use development that includes a ten storey mixed use building containing 290 units and 275 m² of ground floor commercial space and fifteen, three-storey stacked townhouse units. A recommendation report, dated January 21, 2019, prepared by the Planning Services department, wherein staff recommended approval of the application, was presented at the Planning and Development Council meeting of February 11, 2019 (Appendix A). In response, Council approved the following resolution with respect to the Recommendation Report for 393 Dundas Street West:

“That this item be deferred to a Planning and Development Council meeting in April 2019 for the purpose of dealing with the parking issues as identified in the discussion the evening, and noted by staff.”

Meetings with staff and the applicant took place on February 14, 2019 and March 8, 2019. In response to Council’s comments, revised supporting information was submitted by the applicant on March 19, 2019 and March 25, 2019. The purpose of this report is to provide an overview of the additional information submitted and an explanation of how the proposed implementing Zoning By-law could be amended.

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On March 14, 2019, the town of Oakville was served with documentation from O'Connor MacLeod Hanna, on behalf of Whiteoaks Communications Group, in response to the subject application. (Appendix B). The concerns raised by the Whiteoak's submission identify potential issues related to impacts between the radio station and the proposed development including: public health and safety hazards; negative impact on infrastructure, land use compatibility and other electrical interference matters. As a result of this information, additional time is required to ensure that the issues raised can be addressed by a qualified expert to the satisfaction of the town. Therefore, staff recommend that the report be received and that a decision on the application be deferred.

BACKGROUND:

At the February 11, 2019 meeting of Planning & Development Council, Town Council approved the following resolution with respect to the Recommendation Report for 393 Dundas Street West:

"That this item be deferred to a Planning and Development Council meeting in April 2019 for the purpose of dealing with the parking issues as identified in the discussion the evening, and noted by staff."

Staff understood Council's comments to be related to the following themes:

- On-site Parking (Amount and management of parking provided on site)
- On-street Parking (Availability of on street parking)
- Transit (Availability of existing and future transit along Dundas Street West)
- Bonusing (Status and potential benefits)
- Additional miscellaneous items

Revised supporting information to address Council's comments was submitted by the applicant on March 19, 2019 and March 25, 2019 including the following information, which is available on the Town's website for review (<https://www.oakville.ca/business/da-30663.html>):

- Cover letter
- Floor Plan (Level P1, Lower Level 1 & Level L1)
- Klaus Multiparking Specifications
- 20.5 m ROW with plan view at commercial uses
- 20.5 m ROW with plan view at residential uses
- Composite plan view of Trailside Drive between Dundas Street and the site access
- Composite Site Plan illustrating revised ROW and two lanes of on-street parking

- Parking stacker vehicle swept path analysis by GHD
- Updated site statistics

ANALYSIS:

The following section provides a discussion of the revised supporting information submitted by the applicant in response to Council comments that arose at the February 11, 2019, Planning & Development Committee.

On-site Parking:

Increased Parking

The site plan has been revised to include four additional residential parking spaces, resulting in one parking space for each of the 305 units proposed. As a result, the proposed Zoning By-law Amendment could be revised to require a minimum of one parking space per dwelling unit. Table 1, provides a comparison of the range of parking spaces required by the North Oakville Zoning By-law for the proposed unit count and the amount of parking proposed. Parking continues to be provided in accordance within the range permitted by Zoning By-law 2009-189.

Table 1: Comparison of required and proposed parking

	Proposed Number of Units	Minimum Parking	Maximum Parking	Proposed Parking
Stacked Townhouse	15 units	15 spaces	45 spaces	15 spaces
	* No requirement for visitor parking			
Mixed Use Building	290 units	0 spaces	363 spaces	290 spaces
		58 visitor spaces	58 visitor spaces	58 visitor spaces
	275m ² commercial area	10 spaces	14 spaces	10 spaces
Total	305 units/ 275m ² commercial area	83 spaces	480	373 spaces (305 residential, 58 visitor and 10 commercial)

Stacked Parking:

In order to address Council's desire to augment the availability of onsite parking on the subject lands during this transitional period until more transit is available, the applicant has proposed the option of stacked parking in the underground parking garage.

Preliminary details have been provided, including specifications for mechanical parking lifts and an updated underground parking plan demonstrating the areas in the underground parking garage that have sufficient vertical clearance to accommodate mechanical parking lifts. The applicant's intent is to offer mechanical parking lifts as an option to purchasers at the time of sale.

In principle, staff are supportive of the concept of stacked parking, particularly in the context of North Oakville, given that stacked parking provides the opportunity to maximize the number of parking spaces by stacking vehicles vertically, while minimizing the amount of land used for parking. The North Oakville Zoning By-law does not define or contain regulations for stacked parking. Therefore, for the purpose of zoning interpretation, stacked parking spaces would be considered surplus 'parking storage', which would not count towards the calculation of required parking. Although the North Oakville Zoning By-law does not contain regulations for stacked parking, regulations exist to manage obstructions abutting or within a parking space. Part 5.2.3 of Zoning By-law 2014-014 establishes parking space dimensions in North Oakville. The minimum width of a parking space is 2.7 m, increased 0.3 m per side that is obstructed. The proposed mechanical parking lifts would be considered an obstruction (e.g. wall, column) therefore surface level parking spaces containing mechanical parking lifts would require increased width to accommodate stacked parking. Should the applicant proceed with provision of stacked parking, compliance with the North Oakville Zoning By-law parking provisions will be required.

Shared Parking:

Council requested that shared parking be considered between residential visitor parking and commercial parking spaces. Traditionally, the purpose of shared parking is to optimize parking capacity by allowing complementary land uses to share spaces during different operating times, rather than produce separate spaces for separate uses, resulting in a net decrease in the amount of parking provided.

The proposed plan continues to contain 58 residential visitor parking spaces and 10 commercial spaces. The proposed Zoning By-law can be amended to allow for shared parking between residential visitor and commercial parking spaces, as long as the minimum requirement of parking spaces for each use is maintained. This

type of regulation would ensure that the minimum number of parking spaces for each use continues to apply, while providing flexibility by increasing the pool of parking available to each use during peak demand.

Unbundled Parking:

Bundled parking includes the cost of parking in the purchase price of a dwelling unit regardless of whether a household owns a vehicle or wants spaces to store a vehicle. Conversely, unbundled parking represents the true cost of a parking space and allows a prospective purchaser to choose whether or not to invest in the cost of a parking space, based on their budget and lifestyle.

Based on the updated submission by the applicant, each purchaser will have the option to purchase a parking space for the dwelling unit and to purchase additional stacked parking if desired. The proposed development includes the concept of 'unbundled' parking, where dwelling units will be available for sale with or without a parking space (or stacked parking). Dwelling units and parking spaces will be sold separately and owned under separate deeds, rather than being sold together and could potentially be re-sold separately in the future.

Offering unbundled parking is at the discretion of the landowner and bundling/unbundling of parking cannot be regulated through the Zoning By-law. Should the proposed Zoning By-law be amended to require one space per unit, this would create a 'base-line' for how parking will be provided for on the subject lands (i.e. 1 parking space available per unit and an option for stacked parking), however on-going management of onsite parking will be the responsibility of the future individual owners and condominium corporation. At this time, the number of parking spaces that may be purchased initially cannot be forecasted. However, at the condominium application stage, the number of parking spaces sold will be known and any unsold parking spaces could be held by the condominium corporation for future sale or lease to unit owners if the need arises.

On-Street Parking:

Design of Trailside Drive

As a result of Council's questions related to the amount of on-street parking that will be available on Trailside Drive and meeting with staff to discuss design options, the applicant submitted a revised design for Trailside Drive.

The proposed extension of Trailside Drive extends the existing road network, providing a logical connection of Trailside Drive between Sixteen Mile Drive and Dundas Street West. The width of the proposed right-of-way has been widened

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from 19m to 20.5m, to provide on-street parking on both sides of Trailside Drive resulting in 29 on-street parking spaces. The 29 on-street parking spaces will form part of the overall on street parking available to residents of North Oakville, and are not specifically allocated towards use by owners or visitors of the proposed development.

The detailed review and design of Trailside Drive will continue to take place through the subdivision process initiated through the Draft Plan of Subdivision (File No. 24T 17007/1319) related to the property located west of the subject lands, 407 Dundas Street West. The file is currently on hold until such time the lands receive Regional allocation. The applicant has indicated that in the future, the subdivision application for 407 Dundas Street West will be amended to incorporate the subject lands at 393 Dundas Street.

Availability of on-street parking and parking permits in North Oakville:

Engineering and Construction staff and Municipal Enforcement staff were consulted to provide input on the availability of on-street parking and parking permits in North Oakville. Based on the current build-out of North Oakville, 1,664 on street parking spaces are available. As of February 2019, 250 parking permits are active. Parking permits allow a vehicle to park overnight in permitted areas of the roadways, but does not limit or guarantee parking on the permit holder's street.

Transit:

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. The Region's studies for Dundas and Trafalgar had identified them as future bus rapid transit corridors. The Dundas and Trafalgar corridors are being reviewed for future bus rapid transit through Metrolinx's Regional Transportation Plan (RTP). The timing of implementation is to be determined and the Town is working with Metrolinx in reviewing criteria to establish the priority improvements in the RTP.

In terms of existing transit available to support the proposed development, the subject property is served by Oakville Transit 5 and 5A – Dundas bus route. The route provides service every 30 minutes and departs/terminates at Oakville GO station and Dundas/407 GO Carpool. In terms of travel time from the bus stop closest to the subject property, the Oakville GO station is 30 minutes, Sheridan College is 20 minutes and the hospital is six minutes. In the opinion of staff, the existing level of transit supports both local and regional commuters.

Bonusing:

The review of the application provided in the Recommendation Report determined that the subject lands can appropriately support an increase in height through bonusing without creating any undue impact on surrounding land uses. Staff recommended approval of the Zoning By-law Amendment, conditional on, among other matters, entering into an agreement under Section 37 of the *Planning Act*.

Since that time, the real estate review was completed, including the preparation of a real estate appraisal to finalize the valuation of the bonus development. Should the development proceed, the amount received by the Town will be derived as a percentage of the increased net value assigned to the bonused development. The Executive Management Team (EMT) has provided preliminary direction on several facilities and projects that may be appropriate candidates for funding from bonusing in the context of Section 7.10.2 of the North Oakville East Secondary Plan and Section 1.3 b) of the 2006 Official Plan.

Additional Items:

1. *How do you get from parking garage to the stacked towns with a stroller?
Should the stacked towns include an elevator?*

The following response has been provided by the applicant:

“Per the conceptual architectural plans, the proposal provides stairs from the underground parking garage directly to the stacked townhouse block. Stacked townhouse units, by design, are ground-related dwellings, each with its own street-level entrance. There are no common hallways inside the block. There are 4 additional stairwells within the underground parking garage as well as an elevator to the lobby and 10th floor. This will be further refined through the detailed site plan design. For families wishing to have a townhouse unit with elevator access, sixteen two storey units are available for purchase at the base of the building (which are accessed from both the hallway and direct street access).”

2. *Are the 15 spaces specifically marked and allocated to the stacked towns?*

The following response has been provided by the applicant:

“Yes. 1 space per stacked townhouse unit is provided. An option for an additional space via parking stacker will be available to purchasers.”

3. *Break down of unit count by bedroom:*

With respect to unit count by bedroom type, the applicant has since clarified that, of the 290 units provided in the apartment building, 103 units are one bedroom, 171 units are two bedroom, eight units are three bedroom units and eight units are two bedroom plus den. The 15 stacked townhouse dwellings contain two bedroom units.

4. *Residential parking rates at 393 Dundas Street vs. 407 Dundas Street:*

As part of the recommendation report and at the recommendation meeting staff provided an aggregate parking rate for the entirety of 393 Dundas Street and 407 Dundas Street which was 1.21 and 1.29 per unit, respectively. The applicant has pointed out, and staff agree, that the ratio staff provided for 407 Dundas Street of 1.29 spaces per residential unit does not provide an appropriate comparison with 393 Dundas Street. Although both applications propose apartment and stacked townhouse dwellings, 407 Dundas Street also proposes the construction of standard townhouse dwellings, providing 2 parking spaces per unit. In addition, the amount of commercial floor area approved for 407 Dundas Street is higher and therefore requires more on-site parking.

Table 2 provides a comparison of the parking ratios by use, for the approved development at 407 Dundas Street and the proposed development at 393 Dundas Street.

Table 2: Parking Ratio Comparison

	407 Dundas Street	393 Dundas Street
Townhouses	2 per unit	Not Applicable
Stacked Townhouses	1 per unit	1 per unit
Mixed Use Building		
Residential Visitor	0.20 per unit	0.20 per unit
Apartments	1.04 per unit	1.0 per unit
Commercial	1 per 30 m ²	1 per 30m ²

PUBLIC COMMENTS:

On March 14, 2019, the Town of Oakville was served with documentation from O'Connor MacLeod Hanna, on behalf of Whiteoaks Communications Group, in response to the subject application. (Appendix B). Similar submissions were made in response to other development application files in the West District, including Oakville Green and Graydon Banning and Martillac. Whiteoaks Communication Group Limited owns and operates two AM radio stations from its property at 1303

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Dundas Street West, which is located approximately 1.5 km west of the subject lands. The submission in its entirety was provided to the applicant on March 15, 2019.

The concerns raised by the Whiteoak's submission identify potential issues related to impacts between the radio station and the proposed development including: public health and safety hazards; negative impact on infrastructure, land use compatibility and other electrical interference matters.

The comments provided in this report do not take into account this new submission. The town is still in the process of reviewing the submission and is not yet in a position to provide specific comments or requirements related to the submission or to assess the impact of the submissions on the comments and recommendations provided for the subject application. At minimum, the town requires that the issues raised in this submission be addressed by a qualified expert to the satisfaction of the town. Until such time that the submission by Whiteoak's can be thoroughly reviewed and responded to, staff recommend that a decision on the subject application be deferred.

Staff are developing a work plan and will provide Council with more details on costs of retaining a qualified expert to review information submitted by Whiteoaks Communications Group Limited and identify related matters that are necessary to be addressed in planning for the surrounding area. As part of the update report for Oakville Green Development Inc. from the Planning Services department, dated April 5, 2019, funding has been requested in order to retain a qualified expert to the review of the Whiteoaks Communications Group Limited submission.

CONCLUSIONS

This staff report provides Council with an overview of the additional parking related information submitted by the applicant as a result of Council's February 11th, 2019 deferral of the subject application. At that time, Council understood that the time frame for review of the Zoning By-law amendment application would be extended beyond 150 days (January 11, 2019). Given the submission of materials by Whiteoaks Communication Group Limited, additional time is required to ensure that the issues raised can be addressed by a qualified expert to the satisfaction of the town. Therefore, staff recommend that the report from be deferred.

CONSIDERATIONS:**(A) PUBLIC**

Public Information Meeting was held on March 1, 2018, a public meeting was held on December 10, 2018 and a recommendation meeting was held on February 11, 2019. Comments from the public have been responded to in the staff report dated January 21, 2019, contained as Appendix A of this report.

(B) FINANCIAL

As part of the update report for Oakville Green Development Inc. from the Planning Services department, dated April 5, 2019, funding has been requested in order to retain a qualified expert to the review of the Whiteoaks Communications Group Limited submission.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Agencies and town departments were consulted during the review of these applications.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our natural environment
- be the most livable town in Canada

The application has been evaluated in the context of the Town's Corporate Strategic Goals to ensure the proposed development addresses the principles of responsible land use planning, managing growth and promoting a community where people want to live, work and play.

(E) COMMUNITY SUSTAINABILITY

The development proposal furthers the sustainability principles established within the North Oakville Secondary Plan.

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APPENDICES:

Appendix A- Recommendation Report January 21, 2019

Appendix B - Public Comments

Prepared by:

Melissa Dalrymple, MCIP, RPP
Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP
Manager

Current Planning – West District

Submitted by:

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