



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 2, 2019

FROM: Planning Services Department

DATE: November 27, 2019

SUBJECT: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

LOCATION: Block 15 and Part of Block 4, Plan 20M-1032

WARD: 5

Page 1

RECOMMENDATION:

1. That Zoning By-law Amendment application submitted by Silwell Developments Limited (File No.: Z.1414.11), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with the Growth Plan, conforms with the Region of Halton Official Plan and the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from Planning Services department dated November 27, 2019;
2. That By-law 2019-125, an amendment to Zoning By-law 2014-014, be passed;
3. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed;
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary; and,
5. That the site plan for the proposed development of the Urban Core mixed use lands be designed in accordance with the urban design requirements in Appendix 'C' of the report from the Planning Services Department dated November 27, 2019.

From: Planning Services Department

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KEY FACTS:

A zoning amendment is proposed to permit a mixed use development that includes a twelve storey, mixed use apartment building containing 226 dwelling units, 1,089 square metres of retail space, a publicly accessible urban square and underground parking.

The purpose of the Zoning Amendment is to permit a maximum height of twelve storeys that is permitted under the Livable Oakville through the use of bonusing, whereas the maximum height limit without bonusing is eight storeys. In addition, the applicant is proposing amendments to the yard setbacks and parking ratios included in Special Provision 38.

The subject lands are located within the Uptown Core Growth Area on vacant lands planned to accommodate intensification to meet prescribed provincial, regional and municipal targets.

Staff are recommending approval of the Zoning By-law Amendment application as it is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms with the Region of Halton Official Plan and the Livable Oakville Plan. The application for the subject lands conforms to, and implements the Town's Urban Structure, is adjacent to the Town's system of Nodes and Corridors and will be a contributing piece in the vision of the Uptown Core Growth's complete community.

BACKGROUND:

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

In 2010 the Town and the land owner reached a settlement before the Ontario Municipal Board, approving By-law 2010-032 (SP38) which permits a mixed use development consisting of residential, commercial and office use permissions. The site specific zoning regulations were carried forward in Zoning By-law 2014-014.

The zoning for the subject block permits apartments, townhouses, and mixed use buildings to a maximum height of eight storeys. The existing zoning by-law and Special Provision 38 pre-dated the provisions within the Livable Oakville Plan that allow the potential for additional height through bonusing for the south end of the site as identified on Schedule M2: Uptown Core Building Heights. The ability to utilize bonusing provisions as intended in the Livable Oakville Plan is subject to a

From: Planning Services Department

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by-law being approved by Council prior to the relevant sections of Bill 108 being proclaimed by the Province.

Proposal

The applicant submitted a Zoning By-law Amendment application to facilitate the development of a mixed use apartment building containing 226 dwelling units ranging in height between eight and twelve storeys, 1,089 square metres of retail space, and a publicly accessible urban square fronting onto Oak Park Boulevard.

The proposal includes a mix of one, two, three bedroom units, and two-storey units integrated into the base of the podium. A total of 279 parking spaces are proposed for residential uses and 45 spaces for commercial and visitor uses within an underground parking garage.

A number of modifications to the zoning regulations incorporated into By-law 2010-032 are proposed to facilitate the proposed design. The modifications are discussed within the Zoning By-law (2014-014) section later in this report.

The proposal for the subject lands is part of a development concept the applicant has prepared for the entire block bounded by Oak Walk Drive, Oak Park Boulevard, Hays Boulevard and Millwood Drive, and is included as Appendix 'A'.



Figure 1: Air Photo

Submission materials are available at the following link on the Town's website:
<https://www.oakville.ca/business/da-33836.html>.

The concept plan and proposed elevations, Figure 2 and Figure 3 below, as submitted, illustrate the proposed development concept for the subject lands. The proposed future development of the site in context with the larger development block to the west is included as Appendix 'A'.

From: Planning Services Department
Date: November 27, 2019
Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

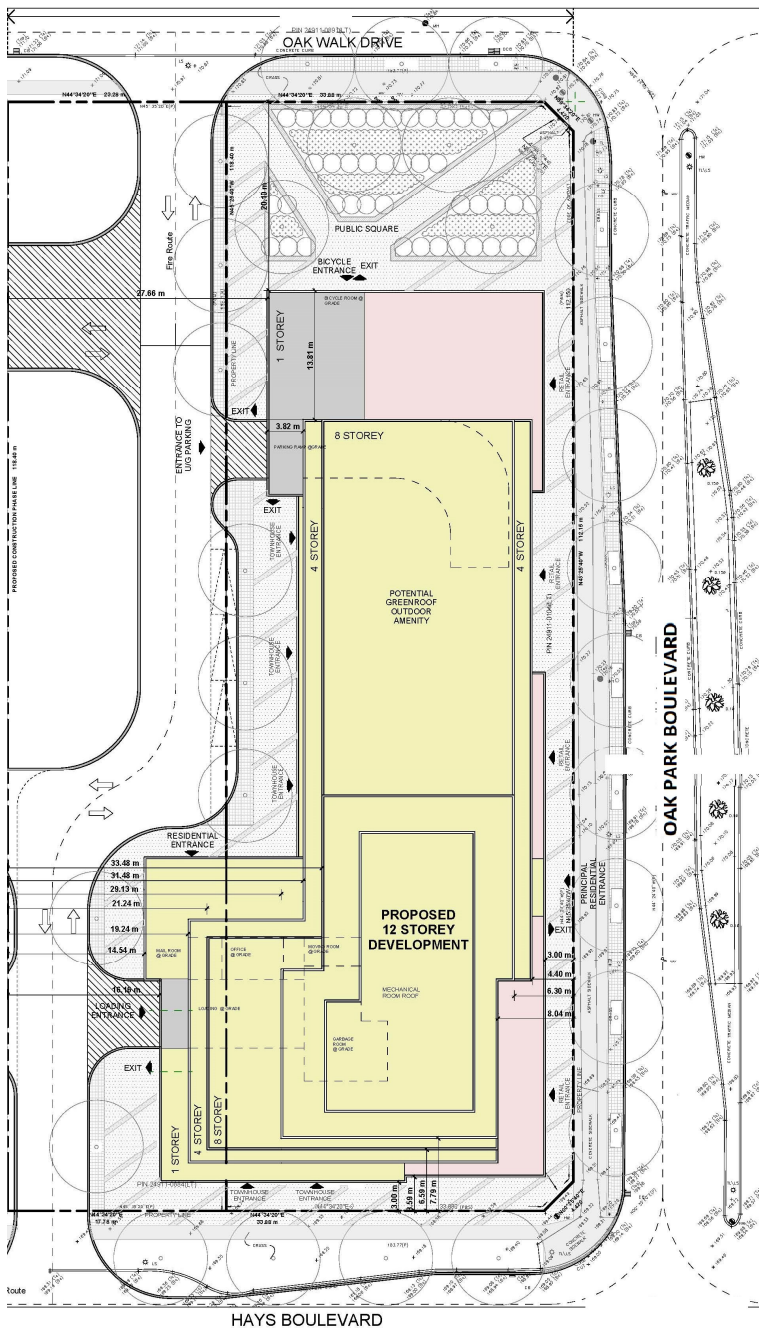


Figure 2: Concept Plan

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125



Figure 3: Proposed Elevation along Oak Park Boulevard

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, nor are the provisions related to the rest of the development block affected. The permissions that the applicant is looking to update are listed in Table 1 further in the report within the Zoning By-law (2014-014) section.

Location and Site Description

The subject lands are located in the Uptown Core Growth Area and have frontage on Oak Walk Drive, Oak Park Boulevard and Hays Boulevard. The legal description of the lands is Block 15, Part of Block 4, 20M-1032. A municipal address has not yet been assigned.

The site is approximately 0.71 hectares in size with 118 metres of frontage along Oak Park Boulevard and is currently vacant.

From: Planning Services Department
 Date: November 27, 2019
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The parcel is adjacent to the existing commercial and residential development consisting of large format retail/big box stores and a neighbourhood farther south characterized by a mix of apartment buildings, townhomes, semi and single detached dwellings. Trafalgar Memorial Park is located adjacent to the site on the south side of Hays Boulevard. There are multiple transit stops located adjacent and within close proximity to the site providing local as well as GO Transit service. The Uptown Core Transit Terminal is within a five-minute walk (450 metres) of the subject lands.

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Future mixed use development block with height permissions between six and twelve storeys and bonusing eligibility for an additional four storeys. There is an existing sales centre on the block.
- East: Oak Park Boulevard, and further east is a large single-storey commercial development, including existing big box stores
- South: Hays Boulevard, and further south is Trafalgar Memorial Park and further south is a residential neighbourhood consisting of a mix of mid-rise apartments, townhomes, semi-detached and detached dwellings.
- West: Future mixed use development block with height permissions between six and twelve storeys and bonusing eligibility for an additional four storeys.

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2014);
- 2019 Growth Plan for the Greater Golden Horseshoe (2007);
- Halton Region Official Plan;
- *Livable Oakville* Plan; and,
- Zoning By-law 2014-014

Provincial Policy Statement (2014)

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, promoting a compact development form, and the long term protection of natural features.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

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

Accordingly, the proposed development is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan (2019) 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 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 options, and expand convenient access to transportation options.

The subject lands are located within a "Settlement Area", where growth will be focused in identified built up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.

Accordingly, the proposed development conforms to the Growth Plan and would provide an important contribution to achieving broader complete community objectives within the Uptown Core.

Halton Region Official Plan

The subject lands are designated "Urban Area" in 2009 Regional Official Plan (ROP). The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". The subject lands are also located within proximity of a Higher Order Transit Corridor (Map 3) which is part of a regionally identified *Intensification Area*. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed use communities which afford maximum choices for housing types, work and leisure.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

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”. 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, is subject to the policies of the Regional Plan.

Halton Region staff have reviewed the application to amend the zoning and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to the subject application.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011. The subject lands are located within the Uptown Core Growth Area which is intended to be a focus for new mixed use development and redevelopment. The Uptown Core is planned to function as an urban community with high quality pedestrian-oriented, walkable and transit-supportive development that provides a range of medium and high density residential housing options.

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town’s strategic goals, and reflect the visions and needs of the community.

Official Plan Amendment 15 to the *Livable Oakville Plan*, 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 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS. OPA 15 is subject to one appeal, as such it is not in full force.

The subject lands are identified on Schedule A1 – Urban Structure as forming part of the Growth Area for the Uptown Core, are adjacent to the Town’s system of Nodes and Corridors and in near proximity to future transit facilities and service along Trafalgar Road and Dundas Street East, which is identified as a Regional Transit Priority Corridor as well as the Uptown Core Transit Terminal.

From: Planning Services Department

Date: November 27, 2019

Subject: **Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125**

Land Use Policies

The Uptown Core is identified as a Growth Area in the Livable Oakville Plan and the key focus for development and redevelopment to accommodate intensification is within defined Growth Areas. The subject lands are designated Urban Core on Schedule M1: Uptown Core Land Use Plan in the Livable Oakville Plan, shown in Figure 4. Schedule M2: Uptown Core Building Heights identifies building heights between six and eight storeys, for the subject lands, with potential bonusing opportunities to accommodate an additional four storeys of height.

Within Part E: Growth Areas, Special Policy Areas and Exceptions of the Livable Oakville Plan, Policy 21.7.2 speaks to the use of bonusing and the public benefits considered appropriate for the application of increased height and density in the Uptown Core.



Figure 4: Official Plan Excerpt

Excerpts of relevant Livable Oakville policies to the application are attached as Appendix 'B'.

The subject lands are within the Main Street District intended to become the focal point of pedestrian and community activity in the Uptown Core. The District is planned for new development and redevelopment with a mix of retail and service commercial uses on the ground floor of buildings with residential and/or office uses above, with a variation in the range of heights along Oak Park Boulevard.

The subject lands are considered to be an appropriate and compatible development within the Uptown Core and conforms to the policies of the Livable Oakville Plan.

Zoning By-law (2014-014)

The subject lands are zoned MU4 – SP38 as shown on Figure 5 below.

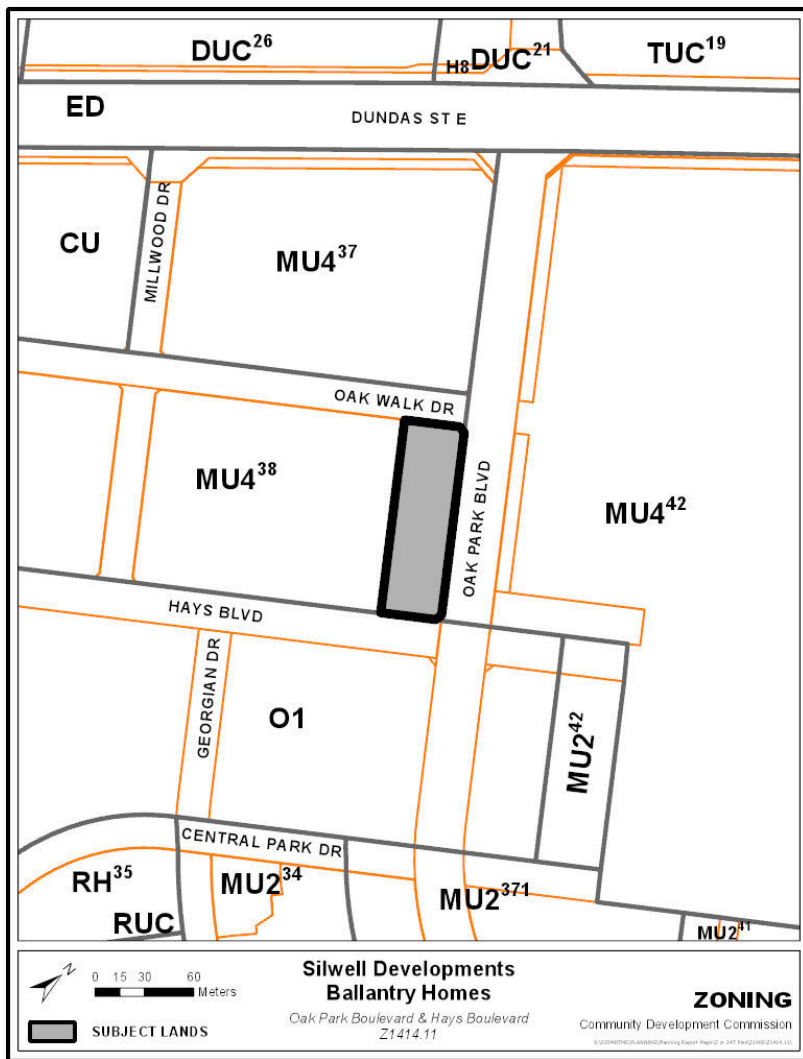


Figure 5: Zoning Excerpt

Table 1 below identifies the site specific zoning regulations in Special Provision 38 that was approved in 2010, the relevant Mixed Use 4 regulations in 2014-014 and the proposed site specific provisions recommended for approval in By-law 2019-125 to facilitate the development.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

Table 1: Comparison of zoning permissions and regulations

Zone Provision	Current SP38	MU4	Proposed By-law
Maximum number of storeys for the portion of the building eligible for bonusing as shown in the Livable Oakville Plan (upon execution of a Section 37 agreement)	Bonusing was not available in 2010	12 storeys	12 storeys
Maximum height for the portion of the building eligible for bonusing as shown in the Livable Oakville Plan (upon execution of a Section 37 agreement)	Same as above	43.0 m	43.0 m
Minimum height of the first storey	4.0 m	4.5 m	4.5 m for non-residential uses
Building setback when an urban square is proposed, provided that the urban square is directly accessible from a public street	Shall not apply	Shall not apply when the proposed urban square is a minimum 300 sq m and min 10 m in length along the main wall oriented toward the front or flankage lot line.	MU4 regulation identifying the min size of the urban square shall not apply in the special provision
Minimum setback for rooftop mechanical equipment and a mechanical penthouse greater than 2 metres in height and not screened by an extension of the <i>building</i> façade from all edges of the roof.	4.0 m	5.0 m	2.4 m, and shall be screened by an architectural treatment.
Minimum residential parking per dwelling unit (inclusive of visitor parking).	1.5	1.25	1.4

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

TECHNICAL COMMENTS

The proponent provided numerous studies in support of the application which have been reviewed by various public agencies and internal town departments. There were no objections to the development proposal. The following matters were raised and taken into consideration while reviewing the application, including:

- Placement of height within the site and ensuring quality urban design – the Livable Oakville Plan permits additional height at the southern corner of the site subject to bonusing. Through various working sessions with the applicant it was determined that the additional height is compatible and does not adversely impact the surrounding properties. The applicant's sun/shadow study illustrates that the Town's standards for adequate sunlight are met.
- The applicant is complying to the Main Street vision and enhancing the pedestrian realm by providing at-grade retail opportunities along Oak Park Boulevard, Hays Boulevard and fronting onto the proposed urban square. Urban Design staff will continue to work 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.
- Transportation Engineering staff from the Region of Halton and the Town reviewed the transportation impact assessment and had no concerns regarding the development impact/trips generated on the local and regional road network as it exists today and in the future. Through the redevelopment of the Walmart commercial area and parking lot it is anticipated that the long-term function of Hays Boulevard and Oak Walk Drive as public roads will provide increased ease of movement through the area. In addition, the site is considered well served by Oakville Transit and GO Transit and is within a 5 minute (450 metre) walking distance to the Uptown Core Transit Terminal as well as commercial and retail uses that will serve resident's needs.
- All required parking for the site is located underground on the subject lands. There is an opportunity for on-street parking along Oak Park Boulevard will supplement the at-grade retail needs. The Oak Park Streetscape Master Plan (2013) identified up to nine on-street parking spaces along Oak Park Boulevard.
- The proposal to decrease the parking standards from what was originally approved within the site specific provisions for the subject lands in comparison to the Mixed Use zone parking standards that are currently in

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

place was compared to the parking utilization of recently constructed mixed use buildings within Uptown. The Uptown Core is intended to be a walkable, pedestrian oriented and transit supportive area encouraging people to use all modes of transportation.

The applicant's traffic consultant reviewed parking space sales data of comparable condominium developments in the Uptown Core with the same access to transit, cycling routes and walkability to retail and commercial services. Compared with current parking standards in a mixed use growth area, coupled with access to walking, cycling and transit facilities, Staff recommend that there is justification for lowering the parking ratio from 1.5 spaces per unit to 1.4 spaces per unit as proposed by the applicant. Through the site plan process Staff will also require the applicant to investigate and monitor the implementation of Transit Demand Management (TDM) strategies, such as distributing transit materials to occupants of the building, providing transit passes and car share opportunities, as well as requesting that employees of the retail units park off-site.

- Adequate visitor parking spaces have been provided at the standard rate applied in the Growth Areas and are located in the underground garage, to be shared with the commercial parking. 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 commercial services, transit terminal and transit corridors. There is no indication from the other developments within the Uptown Core that there will be spillover into the commercial lots.
- The Oak Park Boulevard Streetscape Master Plan, established to provide a template for the consistent streetscape treatment along Oak Park Boulevard, has been implemented by the applicant on multiple properties along Oak Park Boulevard. The streetscaping will be consistent along the frontage of the proposed building providing street trees within the boulevard as well as the centre median.

Proposed Zoning By-law

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

- Permit an increase in the maximum number of storeys for the southern portion of the site (subject to bonusing) from 8 storeys to 12 storeys.
- Revise the maximum height regulations to permit a building up to 42 metres.
- Revise the maximum setback provisions for a building abutting a public road when there is an urban square proposed with direct access to a public road.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

- Reduce the setback on a mechanical rooftop penthouse for the southern portion of the building subject to bonusing.
- Establish the minimum first storey height for non-residential uses which does not apply to residential uses located along the ground level.
- The current parking standards for the Uptown Core (1.25 spaces per unit) including visitor parking has been the subject of discussion for recent applications coming forward. Staff note that these parking standards are intended to be re-evaluated and updated as part of a comprehensive parking review. The current provision for the site is 1.5 parking spaces per unit and the applicant proposes a minor reduction to the parking rate to 1.4 spaces per unit. There are no changes proposed to the required parking for visitors or commercial uses. Staff are satisfied that the proposed parking rate would accommodate the parking demand generated by the proposal, is an acceptable parking standard and appropriate for the development. Parking standards applied to other developments within the area are included in Appendix 'D'.
- Remove the requirement for the urban square to be located in the southern portion of the site in favour of locating the square north of the building.

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 objectives of the Livable Oakville Plan. The proposal is the first phase of a multi-phased development plan. The Main Street qualities of the proposal include at-grade retail units facing Oak Park Boulevard and Hays Boulevard, a range of residential unit types, and the location of the urban square and proposed circulation through the centre of the site. The proposed pedestrian circulation responds to points of attraction and likely pedestrian movement and sets the tone for the development of the remainder of the block.

Bonusing

The Livable Oakville Plan includes bonusing policies that provide permissions for additional height on eligible lands within the Uptown Core in exchange for community benefits. The policies that establish height limits, Section 28.6 of the Livable Oakville Plan (included in Appendix 'B') set out a number of public benefits that may be acceptable in exchange for bonused development throughout the town. Section 21.7.2 (included in Appendix 'B') describes particular benefits that had been identified as being appropriate within the Uptown Core.

The current policy framework requires that the applicant enter into a Section 37 Agreement with the Town to secure public benefits in exchange for increased height. The total height increase would be four storeys on the southern portion of the proposed building and would be subject to a Section 37 agreement.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

As part to of the Town's approved Bonusing Protocol the applicant will be required to conduct a market appraisal of the project to assist the Town in determining the appropriate bonused "amount" to be paid to the Town. Affordable housing is identified as a public benefit that can be exchanged for additional height and is considered an excellent opportunity within the Uptown Core due to proximity to services, retail and transit. Other opportunities could include works within Memorial Park.

In lieu of the identified benefits described in Livable Oakville, an alternative is for the Town to accept an exchange of community benefits for additional height 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.

Parkland Credit

At the time of the approval of the original Uptown Core draft plan of subdivision (1996) the owner dedicated parkland sufficient to allow for anticipated future development within the draft plan. A portion of the parkland credit will be applied to this development to address parkland obligations. Although the applicant is also proposing a publicly accessible, private open space urban square to enhance their project, no parkland credit is being provided for this space.

Public Comments

A Public Information Meeting (PIM) was held on March 13, 2019, and was attended by three (3) members of the public. There were no written comments received at that meeting, and no other comments from the public have been received as of the date of this report.

CONCLUSION

A full circulation and assessment of the application was undertaken to ensure that all technical matters have been satisfactorily addressed. In Staff's opinion the Zoning By-law Amendment is appropriate and in keeping with the vision of the Uptown Core area. Staff are of the opinion that the proposed zoning by-law amendment conforms to the Livable Oakville Plan, does not conflict with the Provincial Policy Statement and Growth Plan and confirms to the Region of Halton Official Plan. It is recommended that the By-law 2019-125 be approved as the proposal represents good planning and is in the public interest. Staff note that the following requirements have been satisfied:

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 - By-law 2019-125

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- The proposed development would be supportive of the Uptown Core Urban Core mixed use designation and policies of intensification in an identified growth area.
 - The proposed development is located within a mixed use area, including commercial and office uses, it would be supported by local transit service as well as GO Transit, and support overall build out of the Uptown Core.
 - The proposed development would assist in achieving healthy, liveable and safe communities objectives of the PPS and is consistent with the policies of the PPS.
 - The proposed development would provide an important contribution to achieving broader complete community objectives and conforms with the policies of the Growth Plan.
 - Site design matters will continue to be advanced through the future site plan approval, including the function/management of the private public open space that is proposed as part of the development and compliance with the Livable by Design Guidelines for tall buildings.
 - The urban design considerations noted in Appendix 'C' will include a review and assessment of the operational characteristics of the development through the future site plan process.
 - The site specific provisions for the subject site include an appropriate parking standard for residential parking including visitor parking.
 - The development is consistent with the intent of the Livable Oakville policies including the implementation of bonusing policies for lands that are identified within the Uptown Core Growth Area, which is an area intended for intensification, mixed use and high density residential development.
 - The financial issues with regards to bonusing, i.e. the identification of appropriate public benefits in exchange for height and density, such as those benefits lists within Section 21.7.2 of the Livable Oakville Plan, will be evaluated as part of preparing the Section 37 Agreement.
 - Implications of Bill 108 on the ability to utilize bonusing provisions in a manner intended by the Livable Oakville Plan will be addressed should relevant sections of the Bill come into force prior to the subject zoning by-law amendment being approved.

CONSIDERATIONS:

(A) PUBLIC

The applicant held a public information meeting on March 13, 2019, that was attended by three members of the public. The meeting was set up in an open house format with display boards. No written comments were submitted.

A Statutory Public Meeting was held on November 4, 2019 at the Planning and Development Council meeting. There were no members of the public attending the meeting.

Staff have not received comments from the public during the circulation of the file.

(B) FINANCIAL

On June 6, 2019, Bill 108, More Homes, More Choices Act (Bill 108), received Royal Assent. Parts of the Bill are now in force while others await proclamation. To date, only some information on the proposed regulations and prescribed matters has been provided. Bill 108 introduces significant changes to the financial tools available to the Town. *Planning Act* changes with respect to Section 37 (density and height bonusing), Section 42 parkland dedications, existing parkland agreements, and payments in lieu, along with proposed changes to Development Charges (DCs) for growth-related park and community infrastructure will be replaced with a capped community benefits charge (CBC). This is anticipated to impact the town's ability to ensure that "growth pays for growth" and protection of complete communities.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review and there was no objection to the proposed development.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed development generally complies with the Town's sustainability goals and objectives of the Livable Oakville Plan.

From: Planning Services Department

Date: November 27, 2019

Subject: Recommendation Report, Silwell Developments Limited, Zoning By-law Amendment, Z.1414.11 -
By-law 2019-125

APPENDICES:

Appendix A: Master Plan concept of future development block

Appendix B: Livable Oakville Plan Excerpts, including Section 21.7.1
Uptown Core Bonusing Provisions and 28.6 Bonusing

Appendix C: Urban Design Requirements

Appendix D: Parking Standards within Uptown Core

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