



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 2, 2020

FROM: Planning Services Department

DATE: October 21, 2020

SUBJECT: Holding Provision Removal, 407 Dundas Street West, Z.1319.08,
By-law 2020-108

LOCATION: 407 Dundas Street West

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RECOMMENDATION:

1. That the application (File No.: Z.1319.08) submitted by 407 Dundas G.P. to remove the “H21” holding provision from the lands known as 407 Dundas Street West, be approved.
2. That By-law 2020-108, a by-law to remove the “H21” holding provision from Zoning By-law 2009-189, as amended, be passed.

KEY FACTS:

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

- The “H21” holding provision was incorporated into the 2009-189 Zoning By-law by By-law 2018-107, as approved by Council on August 7, 2018.
- The purpose of the “H21” holding provision is to (1) ensure that a section 37 agreement is completed to provide for an additional two storeys of height in return for relevant community benefits provided to the Town, in keeping with the North Oakville East Secondary Plan policies, and (2) to ensure that the Region of Halton is satisfied with all environmental reports and sufficient servicing allocation is secured before any development is undertaken on the subject lands.
- All conditions relating to the removal of “H21” have now been satisfied:
 - A section 37 agreement was executed on August 11, 2020.
 - The Region of Halton advised in a letter sent on October 8, 2020 that their applicable conditions have been addressed.
- The owner has filed a site plan application (SP#1319.001/01) which is currently in circulation.

BACKGROUND:

On August 7, 2018, Planning & Development Council approved an amendment to Zoning By-law 2009-189 to permit a 10-storey mixed use development at 407 Dundas Street West. The approved By-law 2018-107 rezoned the subject lands from Existing Development (ED) to Dundas Urban Core (DUC), General Urban (GU) and Natural Heritage System (NHS) with both a special provision (SP61) and a holding provision (H21).

The purpose of the “H21” holding provision is to: (1) ensure that a Section 37 bonusing agreement is completed to provide for an additional two storeys of height in return for relevant community benefits provided to the Town, in keeping with the North Oakville East Secondary Plan policies, and (2) to ensure that the Region of Halton is satisfied with all environmental reports and sufficient servicing allocation is secured before any development is undertaken on the subject lands.

An application for Site Plan Approval (SP#1319.001/01) was received by the Town on November 4, 2019. The application will be eligible for a building permit at such time as both the “H21” holding provision is removed from Zoning By-law 2009-189 and the site plan receives final approval.

COMMENT/OPTIONS:

The Town’s 2009-189 Zoning By-law provides that holding provision 21 may be removed when the following conditions have been satisfied:

- a) *That water and wastewater Servicing Allocation has been secured for the subject lands and the proposed development through Halton Region; and that Halton Region provides correspondence indicating that sufficient water and wastewater servicing allocation has been secured to support the development.*
- b) *The Owner has submitted, to the satisfaction of the Region of Halton, a Phase 1 and Phase 2 Environmental Site Assessment (O. Reg. 153/04 compliant) and any recommended environmental reports, along with a Letter of Reliance extending Third party Reliance to the Region of Halton, which demonstrates that the lands are free and clear for their intended use.*
- c) *The registration on title of a Section 37 Agreement per the Planning Act.*

In a letter received on October 8, 2020, the Region of Halton confirmed that servicing allocation was secured by the owner and confirmation was received that

any potential on-site contamination has been addressed. Regional Planning staff therefore concluded that conditions 'a' and 'b' for holding provision 21 have been satisfied.

With regards to condition 'c', a Section 37 agreement was made on August 11, 2020 and the agreement and all postponements have since been registered on title. The Town Legal department has confirmed that the Section 37 agreement has been finalized, therefore condition 'c' has been satisfied.

Therefore, the requirements for the removal of the "H21" holding provision have now been satisfied. Staff recommends that the application submitted by 407 Dundas G.P. to remove the "H21" holding provision from the lands known as 407 Dundas Street West, be approved, and that By-law 2020-108, a by-law to remove the "H21" holding provision from Zoning By-law 2009-189, as amended, be passed.

CONSIDERATIONS:

(A) PUBLIC

Notice of Intention to remove the "H21" holding provision was provided in accordance with Section 36(4) and Section 8 of Regulation 545/06 of the *Planning Act*.

(B) FINANCIAL

None associated with this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Region of Halton has no objection to the removal of the "H21" holding provision.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

A review of the sustainability objectives for the North Oakville East Secondary Plan was undertaken as part of the review of the Zoning By-law Amendment application that applied the "H21" holding provision.

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APPENDICES:

Appendix A – By-law 2020-108 – A by-law to remove the Holding Provision on the lands municipally known as 407 Dundas Street West, File No. Z.1319.08

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