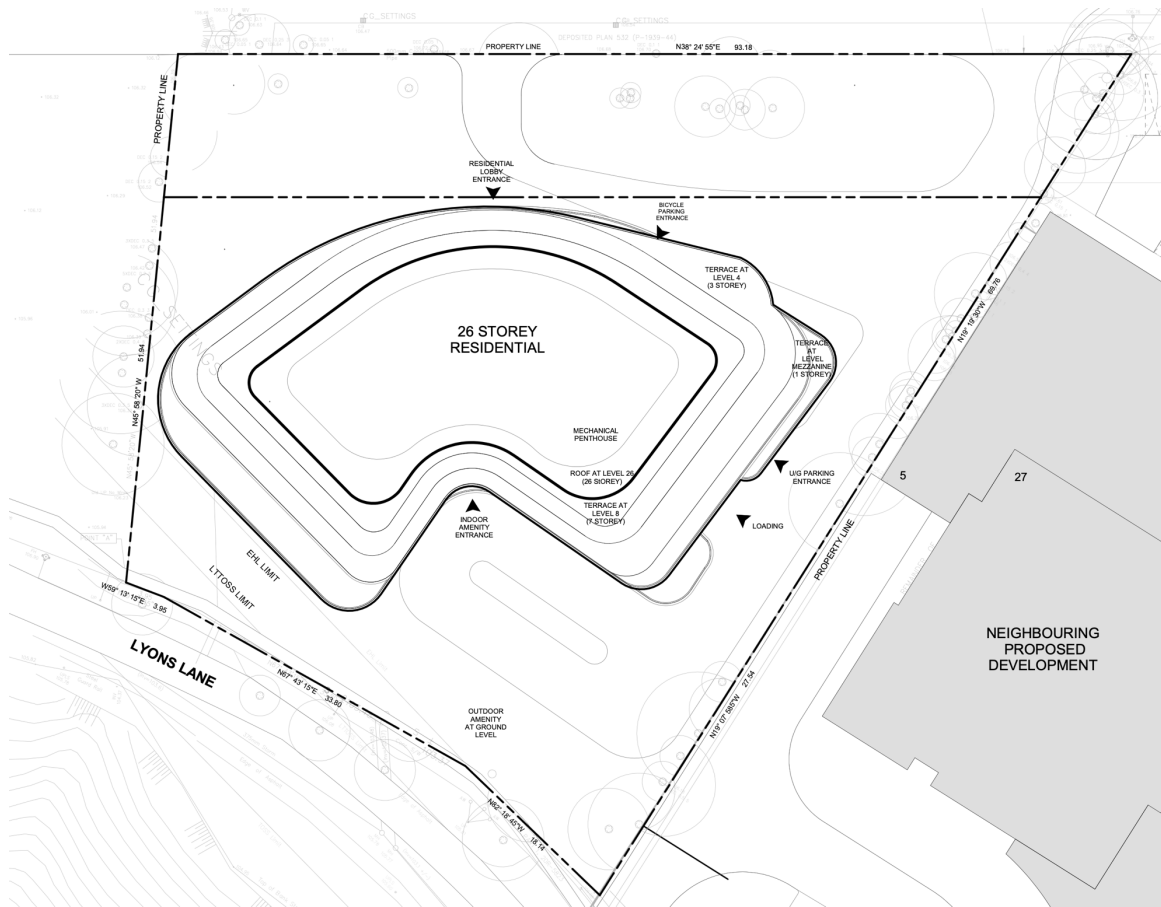


David Nelson  
Development Consultant  
382 Bartos Drive  
Oakville ON  
L6K 3E6  
Telephone: 905-580-9431  
email: [david.nelson@sympatico.ca](mailto:david.nelson@sympatico.ca)

August 19, 2021

Planning Justification Report  
26 Storey Residential Building  
627 Lyons Lane



Prepared By David Nelson  
Development Consultant  
August 20, 2021

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## **1.0 Introduction**

The owner of the subject property wishes to develop the lands for residential purposes in accordance with the policy direction provided by the Livable Oakville Plan and in particular the direction provided for development within the boundaries of the Midtown Core. We recognize that changes in land use policy are underway to reflect increased densities for both population and employment through the Provincial Policy Statement (PPS) and the Growth Plan (A Place to Grow August 2020). Halton Region has released a draft Official Plan Amendment, ROPA 48 with new policy pertaining to Major Transit Station Areas and the Town of Oakville has prepared a draft OPA for the Midtown core to implement the provincial direction.

The proposed development which is the subject of this report is for a 27-storey high density building containing 295 residential units with 295 parking spaces below grade. The proposal meets the policy of Livable Oakville with respect to the proposed use however, the height is above the as-of right limit of 20 storeys. The owner will contribute to Public Benefits to reach the proposed height of 26 storeys.

A Zoning By-law Amendment is required as the property is currently zoned ED, Existing Development which permits the continued use of the 4-storey office building located on the property. The parcel of land is 0.5 hectares in size.

### **1.1 The Proposal**

Three levels of underground parking are proposed providing a total of 295 parking spaces whereas as a minimum 1.25 parking space per unit including visitor parking is required for the current unit count of 295 dwelling units. Revisions to the zoning by-law are required to address this issue. The ground floor contains indoor amenity space, loading space, a garbage/recycling room, short-term bicycle parking, lockers, a mail room and a residential lobby. A separate entrance is provided for access to the bicycle parking.

In terms of design, terraces are provided above the ground floor level providing outdoor amenity space. The terraces step back at level 4 and again at levels 5-8 to the ultimate slim tower design. Outdoor amenity space and landscaping are proposed.

## **2.0 Context**

The property is located east of Sixteen Mile Creek and south of the QEW/ 403 highway. A community garden is situated to the immediate west of the site while the property to the east known as 599 Lyons Lane is currently vacant but has been the subject of a Zoning By-law Amendment in the past. That property is zoned Residential High Density with a Holding Provision H-13. The property can be developed for a 27-storey apartment building upon execution of a bonussing agreement.

Lands further east are occupied by commercial uses with the largest user being a Home Depot store.

### **3.0 Policy Context**

#### **3.1 Provincial Policy Statement**

Section 1.1 states that healthy, liveable and safe communities are sustained by : accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons. The market to which this project is directed is the rental market and the proponent is anxious to participate in programs providing relief on payment of Development Charges in the short-term.

Section 1.1.3 indicates that Settlement Areas shall be the focus of growth and development. The subject lands are located within the boundaries of the Town of Oakville which is a settlement area. Land use patterns within settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources, efficiently use infrastructure and public service facilities which are planned or available, support active transportation and are transit supportive. The property is located within proximity to the Sixteen Mile Creek and the link to lands north of the QEW that is under the highway bridge over the creek. Lyons Lane is an active transportation link for bicycles and pedestrians heading for the GO Transit Station.

Land use patterns within settlement areas should also be based on opportunities for intensification and redevelopment. The proposal places residential uses in close proximity to a major transit station and is appropriate redevelopment implementing the goals of the Growth Plan as discussed in the following section below.

In accordance with subsection 1.1.3.3, planning authorities through the midtown core policies have identified the subject lands as suitable for residential development which is transit-supportive.

As per subsection 1.2 the subject lands are located within a designated growth area which has been identified in the Growth Plan and in the Town of Oakville Official Plan, Livable Oakville. The term Designated Growth Area is defined below:

**Designated growth areas:** means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

The terms of the definition are met in the subject lands and the proposal contributes to the accommodation of residential growth to the year 2031.

Section 1.2.6 pertains to land use compatibility and the need to separate employment uses from sensitive land uses such as residential. A noise Report was prepared by Howe Gastmeier and Chapnik as well as an air Quality Report by BCX Environmental. Adequate separation distances exist to meet the requirements of MECP for spatial separation.

Under subsection 1.4.3 planning authorities are required to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs by permitting and facilitating all types of residential intensification, including additional residential units and redevelopment. The proposal which is the subject of this report is not residential intensification as there are no residential uses currently on the site. The proposal does constitute the supply of additional units and redevelopment in accordance with Official Plan policies thus being consistent with the PPS.

Subsection 1.6.6.2 states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Within settlement areas with existing municipal sewage services and municipal water services intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services. There are existing services in the immediate area, and these will be reused and or upgraded as necessary to accommodate the anticipated needs.

Under subsection 1.6.8.1 planning authorities shall plan for and protect corridors and right-of way for infrastructure including transportation. We note that a new road is proposed east of 599 Lyons Lane to connect to the existing South Service Road. This proposed road has no impact on the subject lands. Driveway access is provided from the South Service Road as well as Lyons Lane.

Subsection 1.6.10.1 requires the provision of waste management systems that are of an appropriate size and type to accommodate present and future requirements. The proposal incorporates tri-sorting facilities to meet the goals of the Region for recycling and reuse.

Development and site alteration are not permitted in significant valley lands in Ecoregions 6E and 7E. The subject lands are located outside of the regulated area of the 16 Mile Creek. The physical top-of-bank of the creek is situated on the southwest limit of Lyons Lane. A Geotechnical Report prepared by Golder and Associates has identified the long-term stable top-of bank as being on the southwest portion of the subject lands and the building has been designed such that its footprint is outside of the designated lands.

As per section 2.6, cultural heritage and archaeology, significant built heritage resources and significant cultural heritage landscapes shall be conserved. The subject lands have not been designated under Part IV or Part V of the Ontario Heritage Act. The existing 4 - storey office building is not on the Town of Oakville heritage list for future consideration. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential. The subject lands have been developed for many years and the preconsultation requirements did not list an archaeological assessment.

Based on the review above I conclude that the proposed redevelopment of the subject lands for residential uses is consistent with the Provincial Policy Statement.

### 3.2 A Place to Grow (2020)

The current version of the growth Plan for the Greater Golden Horseshoe was approved by the Lieutenant Governor in Council to take effect in August of 2020. This document has been reviewed in detail to determine conformity of the proposed residential project with policy contained in the Plan.

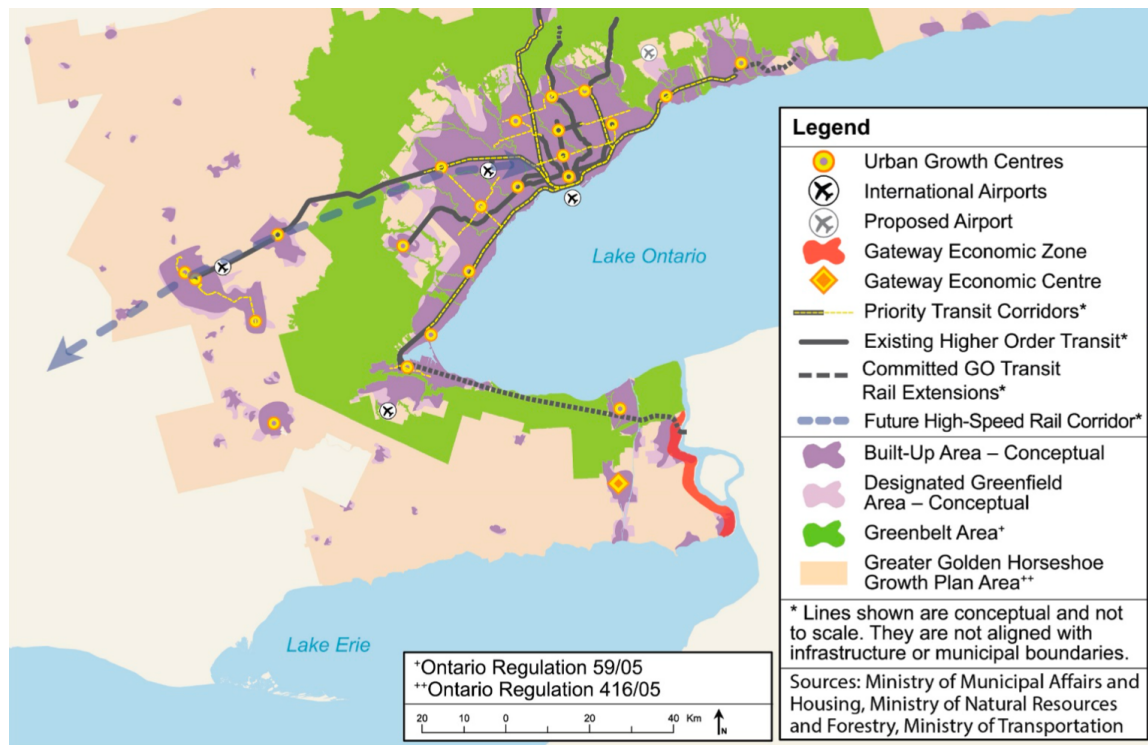


Figure 1, Extract from Growth Plan

Schedule 5, Moving People-Transit, depicts Midtown Oakville as an Urban Growth Centre. The Oakville GO Station is located on a Priority Transit Corridor. As per Schedule 3, the Region of Halton is expected to grow to 1,100,000 persons and 500,000 jobs through the Plan horizon of 2051. Development of the subject lands for residential purposes will assist in achieving the population goal as the residential potential here is 447 persons based on 1.5 persons per unit.

Section 2.2.1 (2) directs growth to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems and can support the achievement of complete communities. The delineated built-up area of the Town of Oakville was determined with the approval of the first version of the Growth plan in 2006 through consultation between the province, Halton Region and Town of Oakville. The subject lands are located within the built-up boundary. Under subsection 2.2.1(4) applying the policies of this Plan will support the achievement of complete communities

that provide a mix of land uses, including residential and employment uses and convenient access to local stores and services.

As noted above Midtown Oakville is designated as an Urban Growth Centre. A minimum density target for 200 persons and jobs per hectare is to be achieved by 2031 or earlier under the Growth Plan. Redevelopment of the subject lands will help to achieve this target. The priority transit corridors shown in Schedule 5 are identified in ROPA 48 in accordance with policy 2.2.4. ROPA 48 delineates the boundaries of major transit station areas such that the number of potential transit users that are within walking distance of the station is maximized. The subject lands are located within these boundaries. Major transit station areas on priority transit corridors are to be planned for a minimum density target for 150 residents and jobs per hectare for those stations that are served by the GO Transit rail network.

Section 2.2.6, Housing speaks to providing for housing choice through the achievement of the minimum intensification and density targets of the Growth Plan. The subject lands have been identified for higher density residential use in the approved Official Plan and the rezoning of the subject lands from ED, Existing Development to High Density Residential assists in achieving the goals.

In conclusion the application to rezone the subject lands from ED, Existing Development, is in conformity with the policies in the Growth Plan with respect to increasing population within the Major Transit Station Area as defined through consultation with the Region of Halton.

### 3.3 Regional Official Plan

The subject lands are designated as Urban Area in the Regional Official Plan. The Oakville GO Station is shown as a Mobility Hub and the 16 Mile Creek is shown as Natural Heritage System. On this basis the policy pertaining to Land Use in the Urban Area, Natural Heritage System and Mobility Hub is applicable to any analysis of conformity with the Regional Official Plan.

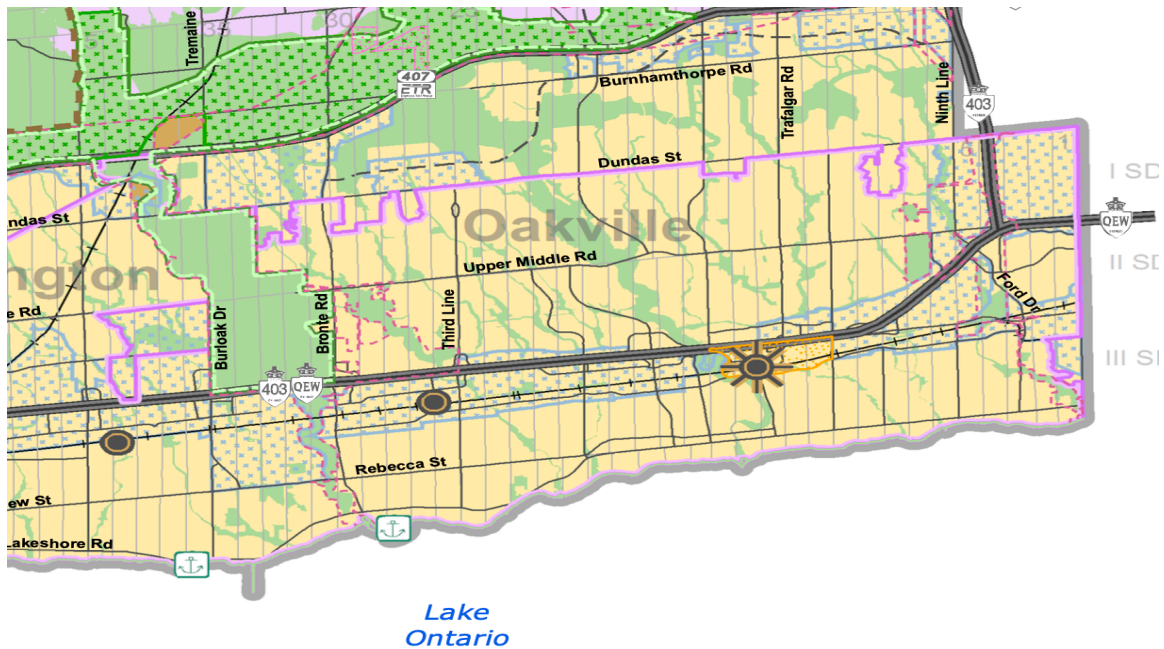


Figure 2, Extract from Regional Official Plan

As per Table 1, the Town of Oakville is expected to grow to 255,000 persons and 127,000 jobs by 2031. The growth is allocated by the Town of Oakville in discussion with the Region of Halton. It is anticipated that a good portion of that growth will take place within the proposed boundaries of the Oakville GO Major Transit Station Area. The minimum number of new housing units to be added to the Built-Up Area between 2015 and 2031 is shown as 13,500 in Table Two. Within the built-Up Area the major focus for growth is the Midtown Oakville Growth Centre.

Policy 58 states that uses are permitted as specified for each land use designation provided that the site is not considered hazardous to life or property due to soil contamination, unstable ground or soil, erosion, or possible flooding. Phase I and Phase II Soils Reports have been prepared and based on these reports a Record of Site Condition has been filed with the province. There are no issues with respect to soil contamination on this property. Golder and Associates has advanced boreholes on the property and has provided a report that established the long-term stable top-of-bank for the subject lands. The proposed building is located outside of the limits of the long-term stable top-of-bank. An adequate supply of water and treatment of water for the proposed use must be secured to the satisfaction of the Region. Valdor Engineering Inc. has prepared a report that analyses the availability of water and wastewater facilities, and a portion of the Midtown Core can be developed without further infrastructure being required.

Policy 76 provides for the creation of new lots in the Urban Area and a range of permitted use in accordance with Local Official plans and Zoning By-laws. All development is however subject to the policies of the Regional Official Plan.

Policy 77(2.1) requires that a minimum of 40 percent of new residential development occurring annually within Halton in 2015 and every year thereafter must occur within the



Built-Up Area. The growth Areas which would accommodate this growth are: Palermo Village, Uptown Core, Midtown Core, Downtown Oakville, Kerr Village and Bronte Village. The proposal helps to reach targets by providing 295 residential dwelling units.

Policy 77(5) requires the local municipalities to prepare Area-Specific Plans or policies for major growth areas, including the development or redevelopment of communities. The Mid-town Core polices contained in Livable Oakville address the requirements of policy 77(5) and the way the proposed development meets the policies is discussed in detail under the Heading Town of Oakville Official Plan.

Map 1, Regional Structure, shows the subject lands to be located within an Urban Growth Centre which also contains a Mobility Hub located on a Priority Transit line in Figure 5 of the Growth Plan. Intensification Areas which are covered under policies 78-83 are parts of the Urban Area and consist of Urban Growth Centres, Major Transit Station Areas which generally consist of areas within 500 m of the Major Transit Station, Intensification Corridors as identified in Local Official Plans and Mixed-Use Nodes as identified in Local Official Plans. It is the policy of the Region to direct development with higher densities and mixed uses to intensification areas. The Midtown Core meets this requirement and the subject lands form part of this growth area. Under policy 81(7.2) intensification and development of intensification areas is considered the highest priority of urban development. Regional policies require that intensification areas are development ready by making available at the earliest possible opportunity water, wastewater, and transportation service capacities to support the development densities projected. Municipalities are also required to adopt parking standards and policies within intensification area to promote the use of active transportation and public transit. The lands are near a major Oakville Transit facility as well as a higher-level transit facility, Oakville GO Station.

Policy 86 requires that at least 50 percent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings. At 26 storeys proposed the development of this property will meet these criteria.

Policy 89 requires that all new development approved in the Region be based on connection to Halton's municipal water and wastewater systems. The redevelopment at 627 Lyons Lane is based on the reuse of existing municipal infrastructure with upgrades where considered necessary under the Functional Servicing Report prepared by Valdor Engineering Inc.

As noted elsewhere the Sixteen Mile Creek valley system is designated as Natural Heritage System on Map 1 of the Regional Official Plan. The main objective of the Natural Heritage System is to maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and Cultural Heritage Resources. The map boundaries reflect the top-of-bank as identified through mapping prepared by town and regional staff and is consistent with site staking of the top-of-bank with Conservation Halton staff in February 2020. The south limit of Lyons Lane is effectively the top-of-bank. Policy 118(12) requires that Local Zoning By-laws impose appropriate

setbacks for development. The setbacks for this development were prepared through a geotechnical study by Golder and Associates that identified the Long-term stable top-of-bank. The proposed building is sited behind this limit.

As per policy 139.3, there are seven constraints to development of lands in Halton Region. These are:

- Greenbelt Natural Heritage System
- Parkway Belt Transportation and Utility Corridors
- Future Strategic Employment Areas
- Municipal Wellhead Protection Zones
- Prime Agricultural Areas
- Identified Mineral Aggregate Resource Areas
- Key Features within the Greenbelt and Regional Natural Heritage Systems

Of these constraints the only one applicable to the development of the subject lands is the latter as the Sixteen Mile Creek System is identified as a Key Feature. Regional staff requested that an Environmental Brief be prepared as part of the application for a Zoning By-law Amendment. Beacon Environmental has prepared that report and there are no issues that would impact development of the subject lands.

Part IV of the Official Plan requires the preparation of Air Quality and Noise Reports for the subject property. These reports have been prepared by BCX Environmental and HGC Engineering respectively. Policy 147 (17) requires the preparation of Phase I and Phase II ESAs prior to approval of development proposals. The required reports have been prepared by Altech Environmental Consulting and the RSC has been filed and accepted by the province.

In accordance with regional policies regarding solid waste management the developer will be incorporating tri-sorting facilities in the building to ensure that recycling and reuse of materials is occurring.

Policy 152(1) requires the Region along with local communities to develop and adopt Healthy Community Guidelines. We have reviewed those guidelines and provide responses below to show how these guidelines have been addressed for this development proposal.

#### *Healthy Communities Guidelines*

The guidelines prepared under the auspices of the approved regional Plan encourage attributes listed below:

- Built environment;
- Mobility;
- Natural environment and open space;
- Human services;
- Sustainable design;
- Economy;

- Community food supply.

### Built Environment

The built environment can contribute to a healthy community through incorporation of walkable and connected communities, compact mixed use development, a range of densities and housing opportunities, redevelopment/regeneration areas, welcoming pedestrian scaled environments and community infrastructure. While a number of these aspects are relative to development of more than one property the proposal can contribute to attaining these goals. Then building is designed with several setbacks at different levels to provide a comfortable pedestrian environment rather than a shear wall with an imposing scale. The outdoor amenity area is focussed on the 16 Mile Creek wooded area. The density proposed at approximately 600 units per hectare is transit supportive. Shopping is available in the immediate area within walking distance.

### Mobility

Mobility contributes to a healthy community through encouraging physical activity, facilitating active transportation and public transit, providing access to services and amenities for vulnerable population groups including children, the elderly, persons with disabilities and low income individuals, providing safe, convenient and accessible environment for walking and cycling through Transportation Master Plans and Active Transportation Plans, reducing dependency on single occupant vehicles and improving access to transit, promoting integration with transit systems inter-regionally, and providing connected street networks that are accessible to all modes of transportation. The property is located on an active transportation route that connects the residential uses above the QEW/403 with the Oakville GO Station. Lyons Lane is identified as an Active Transportation Route in Livable Oakville. The Oakville GO Station located within walking distance provides connections to Toronto and Hamilton and municipalities in between on the Lakeshore GO line. Parking on site will be unbundled from the lease to encourage those who don't require a vehicle for shopping and work to reduce their dependency on single occupancy vehicles. Oakville Transit provides service through Route 4 on Cross Avenue and several other routes converge at Oakville GO Station to provide access to the entire Town of Oakville and portions of Burlington and Mississauga.

### Natural Environment and Open Space

The natural environment and open space contribute to a healthy community through preserving and enhancing the natural heritage system, supporting recreational and cultural opportunities, providing access to a range of open spaces, parks and recreational pathways and trails, and providing interconnected green space and urban forests within the urban boundary.

The open space in this community consists of the valley lands of the Sixteen Mile Creek, the community gardens to the immediate west of the project and green space associated

with St. Mary's cemetery as well as the triangle of green west of the South Service Road/Lyons Lane connection. The updated Official Plan Amendment for the Midtown Core does speak to the issue of parkland and open space.



Figure 3, Open Space

### Human Services

Human services contribute to a healthy community through integrating and co-locating social infrastructure to meet the needs of all residents, providing social, cultural, and recreational services such as Places of Worship, Community Centres, Libraries, social housing, long-term care homes and seniors centres and providing access to health care and ensuring public safety through design.

Of the above noted human services facilities that would serve this community are in adjacent communities notably Downtown Oakville and Kerr Village. A senior's project is located at Cornwall Road and Trafalgar Road

### Sustainable Design

Sustainable design can contribute to a healthy community through designing new buildings, communities, and neighbourhoods to reduce water, waste, and energy use, promoting energy conservation and alternative energy sources, implementing Low Impact Design Standards in both new developments and established areas, improving air quality through addressing the impact of climate change and encouraging the design and construction of energy efficient green buildings.

Low Impact Design standards will be utilized in the design and construction of the surface hardscapes including driveway areas. Green building construction will be used where financially feasible.

### Economy

The economy can contribute to a healthy community through providing a balance between employment and residential area, promoting a diversity of employment opportunities and densities at appropriate locations where transit is available and promoting the efficient movement of goods.

The Midtown Core is a mixed-use community providing employment uses in offices, retail uses and residential uses. Transit is available through Metrolinx and Oakville Transit.

### Community Food Supply

Community food supply can contribute to a healthy community through providing accessibility to healthy food and promoting locally grown food and farmers markets. Farmers' markets are available in downtown Oakville and at Dorval Drive and the North Service Road.

### Conclusion

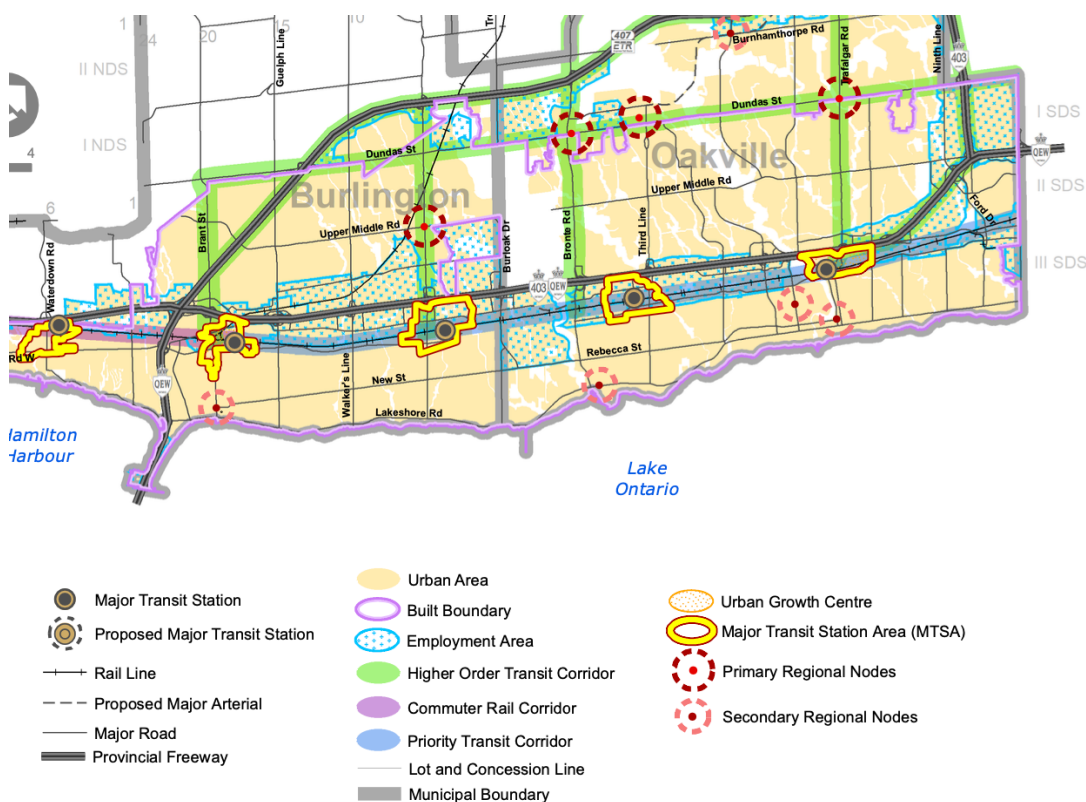
In conclusion the proposed development at 627 Lyons Lane is in conformity with the approved Regional Official Plan.

### 3.4 Regional Official Plan Amendment 48

Regional Council at its meeting of February 17, 2021 authorized staff to release draft ROPA 48 to the public for comment. This amendment to the Plan moves the planning timeline into the future date of 2051 as per the latest version of the Growth Plan. By way of Livable Oakville the Town is currently planned to 2031. The town wide urban structure is intended to accommodate growth to 2041 and beyond.

Mapping in the draft ROPA has been revised to remove the Urban Growth Centre and Major Transit Station Areas from Map 1, Regional Structure, and places that information

on a new map, Regional Urban Structure. An extract from Map 1h is provided below. The Urban Growth Centre appears to underlie the bolder linework for the MTSA.



27

Figure 4, Extract from ROPA 48

Table 2b provides for a minimum density target in the Midtown MTSA of 200 persons and jobs per hectare. This density is further refined as 65% population and 35% jobs. Current Best Planning Estimates provides for 1.5 persons per unit thus requiring 87 units per hectare to achieve the density target. The proposed density at 627 Lyons Lane is approximately 600 units per hectare.

The major difference between the current Regional Official plan relates to the development policies for Major Transit Station Areas to bring the Plan into conformity with the Growth Plan (2020). Section 81 is a new section and has been reviewed in detail to determine whether the proposed development at 627 Lyons Lane is in conformity with future policies.

We note that these proposed policies relate to community wide development and the intention of the draft OPA for Midtown Core is to bring community polices for development in midtown into conformity with ROPA 48.

Conclusion

We anticipate that development will be approved through to Site Plan Approval stage before this ROPA is in full force and effect. This development will help to achieve the population figures required to bring the ROP into conformity with provincial policy and we have not identified any policies that would preclude approval of the proposed development of 627 Lyons Lane.

3.5 Town of Oakville Official Plan (Livable Oakville)

Schedule L1 designates the subject lands High Density Residential. Schedule L2 provides for a height range of 8-20 storeys. Schedule L3 shows a pedestrian cycling route on Lyons Lane but does not show Lyons Lane as part of the existing road network.

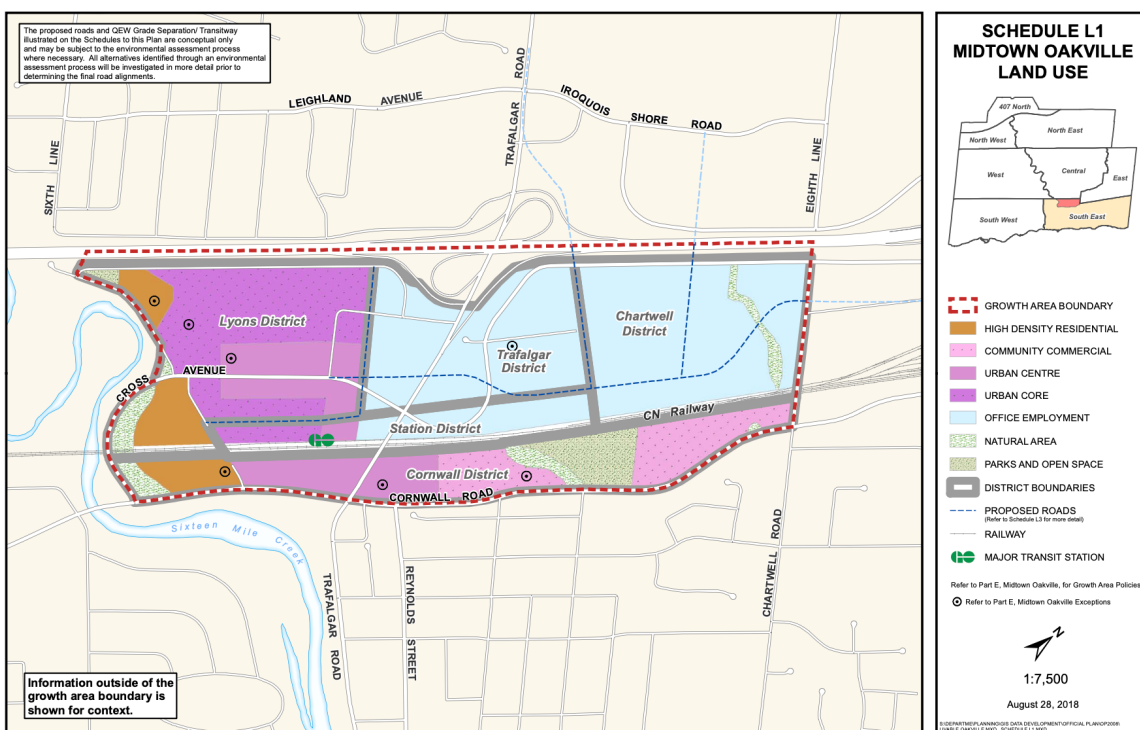


Figure 5, Schedule L1 from Livable Oakville

Part C, Livable Oakville

Midtown Oakville is a primary Growth Area as identified by the Town of Oakville through consultation with Halton Region and the province. It is to be developed for mixed-uses with transit-supportive development in the Major Transit Station Area which has been identified in the Growth Plan 2020 and detailed in ROPA 48. Midtown Oakville is also an Urban Growth Centre as shown on Figure 1 in the section reviewing the Growth Plan. Midtown Oakville is planned to achieve a minimum gross density of 200 jobs and residents per hectare by 2031. Reductions in minimum heights or densities within midtown Oakville are not permitted.

Part 5 pertains to Cultural Heritage. The subject lands have not been designated under Part IV or Part V of the *Ontario Heritage Act* and it is not listed on the Town of Oakville's Heritage Register. The Region of Halton in the preconsultation meeting indicated that the property does not have potential for archaeological resources.

Part 6 provides policy direction on Urban Design. We have discussed the project on three occasions with urban design staff and the current design which is the subject of this report has been through several design iterations to reflect the staff comments. An analysis of the policies in this section is outlined below.

## **6.2 Public Realm**

*6.2.1 The design of the public realm shall promote creativity and innovation and include:*

- a) a network of streets accommodating choices for pedestrians, cyclists, transit and vehicles;*
- b) walkable street lengths for pedestrians;*
- c) a network of accessible, interconnected and predictable pedestrian-oriented spaces and routes;*
- d) comfortable and accessible public spaces that respond to their surroundings; and,*
- e) furnishings, trees and landscaping, wayfinding, and public art that provide orientation and a sense of identity.*

The above policies are not pertinent to the development of the subject lands as determination of street layout is outside of the responsibility of the landowner. The draft Midtown OPA proposes the closure of the public street known as Lyons Lane. South Service Road is not a pedestrian friendly corridor and serves only to provide vehicular access to the community garden to the west of the subject lands and St. Mary's Cemetery. It is noted that a cycling route exists on Lyons Lane, and we do not know what will happen with that route if Lyons Lane is closed. The proponent of this proposal for intensification wishes to use the bonusing provisions of the Plan for additional height of 6-stories so enhancement of the South Service Road Corridor could be invoked to achieve the bonused height. We note that a 14 m setback for the building is required under the Zoning By-law for protection of the MTO corridor for QEW/403 and certain restrictions to landscaping and public facilities might be imposed by MTO.

## **6.3 Complete Streets**

*6.3.1 The design of new streets and enhancement of existing streets shall incorporate the following attributes of complete streets, where appropriate:*



- a) *multi-modal choices;*
- b) *circulation alternatives and convenient connections;*
- c) *priority pedestrian, cyclist and transit usage;*
- d) *comfortable, barrier-free and safe routes;*
- e) *ecologically sustainable features; and,*
- f) *quality spaces for public life.*

These policies are not applicable to development of the subject property but fall within the realm of the Town of Oakville for the development of the entire community. We note that OPA 14 proposed a new street layout for the Midtown Core but that pattern does not impact the subject lands with the reoriented Lyons Lane falling to the northeast of 599 Lyons Lane and west of the Home Depot lands. Again the proponent is willing to invest in improvements to the streetscape along the South Service Road in accordance with MTO conditions.

## **6.4 Streetscapes**

### *6.4.1 Streetscapes shall:*

- a) *enhance the local context and create a sense of identity;*
- b) *promote a pedestrian-oriented environment that is safe, attractive and barrier-free;*
- c) *provide well designed and coordinated tree planting, landscaping, lighting and furnishings;*
- d) *provide wayfinding and navigational information; and,*
- e) *provide cohesion and seamless transitions between the public and private realms.*

These policies will be reflected in the final site plan approved through the site plan approval process.

### *6.4.2 New development should contribute to the creation of a cohesive streetscape by:*

- a) *placing the principal building entrances towards the street and where applicable, towards corner intersections;*
- b) *framing the street and creating a sense of enclosure;*
- c) *providing variation in façade articulation and details;*
- d) *connecting active uses to the public realm to enhance the liveliness and vibrancy of the street, where applicable;*
- e) *incorporating sustainable design elements, such as trees, plantings, furnishings, lighting, etc.;*

- f) coordinating improvements in building setback areas to create transitions from the public to private realms; and,*
- g) improving the visibility and prominence of and access to unique natural, heritage, and built features.*

*The proposal incorporates these elements in the drawings submitted in the application. Further refinements can take place at the Site plan Approval stage.*

*6.4.3 Above-ground utilities should be grouped to minimize visual and physical intrusions on the streetscape. Locating utilities underground is encouraged.*

The above ground facility in this instance would be any requirements from Oakville Hydro. Those requirements can be addressed at Site Plan Approval stage.

## **6.5 Street Design/Layout**

*6.5.1 Development should establish or reinforce a modified grid street pattern with an inter-connected network of roads designed to:*

- a) disperse traffic by providing alternative routes;*
- b) enhance bicycle movement;*
- c) support the integration of transit service; and,*
- d) respond to existing natural and topographical features.*

The property access is from South Service Road as requested by Transportation staff at the preconsultation meeting. Pedestrian access is possible from Lyons Lane but again we don't know what is happening to the existing right-of-way. The proponent is prepared to provide alternative bicycle movement along South Service Road from the underpass at the QEW/403 16 Mile Creek bridge. Transit service is not provided on Lyons Lane or South Service Road but if the para-van service is requested there is an appropriate drop-off area proposed for the front (QEW facing) of the property. There are no existing natural and topographic features on this property. The natural features associated with 16 Mile Creek are off-site.

## **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.*

*6.6.4 Entrance features to new subdivisions, such as ornamental walls and signs, shall not be permitted.*

The subject lands are not designated as a Gateway on the current figure L1, but we do note that designation is proposed under the draft midtown Core OPA. The design considers the Gateway concept.

## **6.7 Urban Squares**

*6.7.1 Urban squares, as extensions of the public realm, should be safe, publicly accessible and barrier-free places that:*

- a) integrate local history, culture and natural features;*
- b) maximize user comfort and enjoyment;*
- c) adapt to changing needs of users; and*
- d) promote formal and informal social interactions.*

*6.7.2 Urban squares should be included in development proposals, where appropriate, and dedicated to the Town or may remain in private ownership with public access granted.*

*6.7.3 Large development projects are encouraged to include a single, large urban square or a series of smaller urban squares.*

An urban square is not proposed for the area in proximity to the proposed building. Once we receive information from the owners of 599 Lyons Lane we can consider the coordination of outdoor spaces to allow for the concept of a larger space in front of the two buildings.

## **6.8 Public Art**

*6.8.1 Public art installations are encouraged throughout the Town, especially in areas with cultural significance, to foster community identity through the interpretation of local history, traditions and culture.*

*6.8.2 Public art should be located in publicly-accessible areas, such as public parks, plazas, courtyards, gateways and civic building sites, for the purposes of bolstering the community's character and identity.*

*6.8.3 Developments that include space that will attract significant pedestrian traffic are strongly encouraged to include public art in the design of the building and/or site.*

The proponent is willing to consider public art in front of the building as a component of a bonusing requirement.

## **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 To achieve compatibility between different land uses, development shall be designed to accommodate an appropriate transition through landscape buffering, spatial separation, and compatible built form.*

*6.9.4 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.*

*6.9.5 Buildings should present active and visually permeable façades to all adjacent streets, urban squares, and amenity spaces through the use of windows, entry features, and human-scaled elements.*

*6.9.6 Main principal entrances to buildings should be oriented to the public sidewalk, on-street parking and transit facilities for direct and convenient access for pedestrians.*

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

*6.9.8 Buildings located on corner lots shall provide a distinct architectural appearance with a high level of detailing and articulated façades that continue around the corner to address both streets.*

*6.9.9 New development shall ensure that proposed building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm.*

*6.9.10 Continuous streetwalls of identical building height are discouraged. Variety in rooflines should be created through subtle variations in roof form and height.*

*6.9.11 Where appropriate, the first storey of a building shall have a greater floor to ceiling height to accommodate a range of non-residential uses.*

*6.9.12 New development should be fully accessible by incorporating universal design principles to ensure barrier-free pedestrian circulation.*

*6.9.13 Rooftop mechanical equipment shall not be visible from view from the public realm.*

*6.9.14 Outdoor amenity areas on buildings should incorporate setbacks and screening elements to ensure compatibility with the local context.*

*6.9.15 Buildings should be sited to maximize solar energy, ensure adequate sunlight and skyviews, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows.*

These items are discussed more fully in the Urban Design Brief prepared by Kirkor. In summary we conclude that these policies are met in the current proposal. The building design has been reviewed by Urban Design staff on three occasions and the design has been modified to address the comments.

## **6.10 Landscaping**

*6.10.1 Landscaping design and treatments should:*

- a) enhance the visual appeal and human scale of development;*
- b) create an attractive environment for pedestrian movement;*
- c) frame desired views or focal objects;*
- d) define and demarcate various functions within a development; and,*
- e) provide seasonal variation in form, colour, and texture.*

*6.10.2 Development should preserve and enhance the urban forest by:*

- a) maintaining existing healthy trees, where possible;*
- b) providing suitable growing environments;*
- c) increasing tree canopy coverage;*
- d) incorporating trees with historic or cultural significance; and,*
- e) integrating a diverse mix of native plant species.*

*6.10.3 Landscaping should be incorporated to provide shade and wind protection.*

*6.10.4 Landscaping treatments should preserve and complement the existing natural landscape.*

*6.10.5 Landscaping shall enhance natural areas and open space features by incorporating native and non-invasive species.*

The proposed landscaping frames desired views and adds to the outdoor amenity area by providing shade trees and shrubbery for birds. Existing healthy trees are maintained where possible, but we note that many perimeter trees fall within the proposed excavation for the underground parking. Native species are proposed for new planting.

### ***6.11 Pedestrian Access and Circulation***

*6.11.1 Access to pedestrian walkways should be barrier-free.*

*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; and,*
- c) adjacent developments, where appropriate.*

*6.11.3 In areas with high levels of pedestrian traffic, walkways should be extended from curb to building face and enhanced by appropriate landscaping treatments.*

*6.11.4 Transit stops should be located in close proximity to principal building entrances and connected by a pedestrian walkway.*

*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.*

Access to pedestrian walkways is barrier free. Pedestrian walkways to principal entrances, amenity areas, parking areas and public walkways (where available) are to be provided through the site plan application. There are no transit stops and there is no transit service provided in the immediate area.

### ***6.12 Vehicular Access and Circulation***

*6.12.1 Developments should incorporate safe and direct vehicular access and circulation routes with defined internal driving aisles to direct traffic, establish on-site circulation, and frame parking areas.*

*6.12.2 Consolidated driveway accesses are encouraged to maximize the areas available for landscaping, minimize disruption of the public sidewalk, and minimize expanses of pavement.*

Direct vehicular access is provided to the South Service Road by means of a circular driveway permitting a drop-off at the front door to the building. Circulation within the site is defined by internal driving aisles.

### **6.13 Parking**

*6.13.1 To provide safe and attractive pedestrian environments, surface parking areas should be organized into appropriately sized areas (parking courts) separated by a combination of built form, landscaping, and pedestrian facilities.*

*6.13.2 Surface parking areas should be:*

- a) located in the rear or side yard, or in areas that can be appropriately screened, so they do not dominate the streetscape, but are sufficiently visible for safety and functionality; and,*
- b) connected to the on-site pedestrian network and streetscape through landscaped pedestrian linkages.*

*6.13.3 Barrier-free parking spaces should be located in close proximity to principal building entrances.*

*6.13.4 Surface parking areas should incorporate planted landscaped areas that:*

- a) effectively screen parked vehicles from view from the public realm;*
- b) provide shade, wind break, and visual relief from hard surfaces;*
- c) clearly define the vehicular circulation route(s); and,*
- d) are sufficiently sized to support the growth of trees and other vegetation.*

*6.13.5 Parking areas within a structure should be screened from view from the public realm. Structured parking facilities should be underground structures, wherever possible.*

*6.13.6 Above-ground structured parking facilities abutting a street in Mixed Use and Commercial areas should:*

- a) include active uses at grade,*
- b) locate parking spaces towards the rear of the structure; and*
- c) complement the surrounding local context through well-designed façade*

Surface parking is not proposed for this site.

## **6.14 Lighting**

*6.14.1 Lighting levels shall be appropriate for the size, character and function of buildings and sites.*

*6.14.2 Appropriately-scaled pedestrian lighting should be provided at building entrances, pedestrian walkways, steps and ramps, amenity areas, transit stops, parking areas and other site features.*

*6.14.3 All building and site lighting shall be mitigated at the source to minimize impact on adjacent properties and public roads.*

*6.14.4 Outdoor lighting fixtures shall direct light away from the night sky. Energy efficient outdoor lighting fixtures are encouraged.*

*6.14.5 Incorporating subtle accent lighting on prominent buildings, monuments, and other built features to accentuate civic and architectural design is encouraged.*

Lighting will be discussed in a fulsome manner under the Site Plan Application.

## **6.15 Signage**

*6.15.1 Signage should be compatible with the scale and architectural design of the building, the site features and activities. Signage should be tailored to the size, type and style of a development.*

*6.15.2 To ensure that the character of residential areas is maintained, the use of exterior signs and other exterior advertising devices should be minimized.*

*6.15.3 Signs on cultural heritage properties or within Heritage Conservation Districts or cultural heritage landscapes shall be compatible with the architecture and character of the property or district.*

Signage will be considered through the site plan application.

## **6.16 Service, Loading and Storage Areas**

*6.16.1 Service and loading areas should be:*

- a) located and oriented away from the general circulation of pedestrians and motor vehicles both on-site and in the public right-of-way;*
- b) accessible but not visible from the public realm; and,*
- c) separated and buffered from residential areas.*



*6.16.2 The visual and noise effects of activities associated with service and loading areas on the surrounding environment should be minimized by locating such areas behind buildings, erecting noise walls and fences, and screening with tree and shrub plantings.*

*6.16.3 For all development in the Growth Areas and on lands adjacent to residential land uses, service and loading areas should be located internal to the building or appropriately screened from the public realm and, where required, from adjacent uses.*

*6.16.4 Site and building services and utilities such as waste storage facilities, air handling equipment, hydro transformers and telecommunications equipment should be located within the rear yard or away from or screened from public streets, adjacent residential areas and other sensitive land uses.*

Service loading and storage areas are located within the building and are not visible from the public realm.

### **8.10 Active Transportation**

*8.10.3 The location of existing and proposed pedestrian and cycling facilities are designated on Schedule D. The location of pedestrian and cycling facilities should conform to the designations on Schedule D, recognizing that the alignments are diagrammatic, and an amendment to this Plan will not be required for changes in pedestrian and cycling facilities alignment provided that the general intent and purpose of this Plan are maintained.*

*8.10.5 Development proposals, and upgrades to existing roads, will be required to incorporate pedestrian and cycling facilities in accordance with Schedule D and have regard for the implementation guidelines set out in the Active Transportation Master Plan.*

*8.10.8 Bicycle parking standards shall be implemented through the Zoning By-law.*

Pedestrian and cycling access to Oakville GO Station is currently provided along Lyons Lane. The draft Midtown Core OPA depicts the closing of Lyons Lane so we are not sure what will happen to the existing cycling and pedestrian routes. The proponent is prepared to construct new facilities along the South Service Road as a component of approval of bonusing for additional height.

### **8.14 Transportation Demand Management**

*8.14.1 Through the development process, the Town will encourage opportunities for developing transportation demand management (TDM) measures to reduce single occupancy motor vehicle use, especially during peak travel periods. TDM measures include, but are not limited to, carpooling programs, preferential parking for carpool*

*members, transit pass incentives, cycling initiatives, telecommuting, flex hours, provision of private shuttles, and walking programs.*

*8.14.2 TDM will be used to reduce the use of single occupancy vehicles and encourage increased transit ridership, walking and cycling.*

*8.14.3 As an incentive to encourage TDM, the Town may permit reduced parking standards for developments which demonstrate, through a TDM plan and implementation strategy, that a reduction in parking standards is appropriate.*

Transportation Demand Management is discussed in the Paradigm Transportation Impact Study. A reduction in parking standards is recommended.

### **8.16 Noise and Vibration**

*8.16.1 The Town shall require appropriate mitigation of adverse impacts on sensitive land uses from noise and vibration emanating from rail yards, railways, Provincial Highways, major, multi-purpose and minor arterials, and primary transit corridors.*

*8.16.2 Sensitive land uses shall be buffered through mechanisms such as restrictions on the type of use, building design, location of outdoor living area and the provision of landscaping including street trees and fencing.*

HGC has prepared a Noise and Vibration Report and notes that there is no impact on the subject site from the railroad.

## **9. PHYSICAL SERVICES**

*This section sets out the Town's policies with respect to the provision of natural gas and oil pipelines, electric power, communications/telecommunications infrastructure, and other cabled service, piped services and related facilities used for water, wastewater and stormwater.*

*9.1.1 Development of all lands within the urban area shall be based on full urban water and sanitary sewers.*

The proposed development will utilize existing facilities which may or may not require upgrading to increase capacity.

## **10. SUSTAINABILITY**

*The Town is committed to sustainable development in order to achieve environmental sustainability. This section provides objectives and policies to implement the principle of sustainability where the Town has jurisdiction.*

### 10.1.2 Policies

*a) Sustainable development will be one of the criteria when reviewing applications for future land use and for public works and capital expenditures in order to minimize the Town's ecological footprint.*

*b) The Town will encourage development which reflects the principle of sustainable development through a sustainable development checklist. The checklist will be used as a tool for assessing sustainable development features of applications, including those matters set out in this section or other initiatives.*

The most recent technology for energy conservation and sustainable building will be utilized during construction. Full details will be provided through the site plan process.

## 10.4 Energy Conservation

*10.4.1 The Town shall promote and encourage development which minimizes energy consumption when evaluating planning applications by:*

- a) seeking a compact urban form;*
- b) encouraging mixed use development where appropriate to minimize motor vehicle trips;*
- c) encouraging the use of appropriately selected and located vegetation to reduce the energy consumption of buildings;*
- d) encouraging urban design that promotes energy conservation;*
- e) promoting transit and modes of active transportation; and,*
- f) addressing other matters, as appropriate, that reduce energy consumption.*

The newest technology will be considered, and details provided through the site plan process.

## 10.6 Green Buildings

*10.6.1 The Town will encourage innovative programs and construction methods which support the sustainable development and redevelopment of buildings. Sustainable features sought by the Town may include, but are not limited to:*

- a) renewable energy systems such as wind, geothermal and solar power installations;*
- b) energy-efficiency technologies that are consistent with high energy efficiency*

- standards (such as Energy Star and LEED buildings), design features and construction practices;*
- c) green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect;*
  - d) permeable paving and other innovative stormwater management methods;*
  - e) water conservation and efficiency measures; and,*
  - f) conserving heritage resources, which contributes to sustainability by reducing landfill and lessening the demand for energy and resources needed for*

Full details will be provided through the site plan process.

### **10.13 Hazard Lands**

*10.13.1 The delineation and regulation of hazard lands are administered by the Conservation Authorities. The general location of floodplain limits and shoreline hazard lands are conceptually shown on Schedule B. The limits of hazard lands on Schedule B may be updated without a Plan amendment.*

*10.13.2 No new development or site alteration is permitted within hazard lands without the approval of the Conservation Authority.*

The hazard lands are located on the southeast side of Lyons Lane and are not located on the subject lands. A geotechnical report has been prepared by Golder and Associates and has been submitted to the Town and Conservation Halton. The long-term stable top-of-bank has been depicted on the site plan and the proposed development is outside of the required setback.

#### Part D, Livable Oakville

*The subject lands are designated High Density Residential on Figure L1, Midtown Oakville Land Use. As such the policies in Part D are applicable*

### **11.4 High Density Residential**

#### *11.4.1 Permitted Uses*

*The High Density Residential land use designation may permit a range of high density housing types including multiple-attached dwelling units, apartments, retirement homes and long-term care homes.*

*11.4.2 The density range is to be between 51 to 185 units per site hectare.*

In addition to this policy, we note that the policies in Part E remove any cap on the density proposed for this site.

## **16. NATURAL AREA**

*Oakville's rivers and streams, forests and natural areas will be protected and accessible for residents to enjoy their beauty. The purpose of the Natural Area designation is for the long-term preservation of natural features and functions. Therefore, the diversity and connectivity of natural features in creating a system, and the long-term ecological function and biodiversity of natural heritage features, should be maintained, restored or, where possible, improved, recognizing links or corridors between and among natural heritage features and areas, surface water features and groundwater features. The features may also have some passive recreational amenity for paths, trails, and education, and contribute to a continuous open space system.*

### **16.1 General**

#### *16.1.1 Permitted Uses*

*a) The following uses may be permitted within the Natural Area designation, subject to applicable Conservation Authority policies:*

*i) legally existing uses, buildings and structures including existing agricultural uses;*

*ii) fish, wildlife and conservation management including forestry management;*

*iii) essential public works including transportation, utility, watershed management, and flood and erosion control facilities; and,*

*iv) passive recreation features such as trails, walkways, and bicycle paths.*

*b) Where planning applications to establish or expand a permitted use are not subject to the Environmental Assessment Act, an environmental impact statement (EIS) shall be required, to the satisfaction of the Town, to establish that the use will not negatively impact the natural features or ecological functions contained within the Natural Area designation.*

The limits of the Natural area designation coincide with the physical top-of-bank as staked on site by Conservation Halton. Halton Region has requested an environmental brief as opposed to a full EIS.

### 16.1.9 Valleylands

*a) Valleylands include lands within a defined setback from the limit of the valleyland as identified in subsections b) and c), and all lands within a valley, from stable top-of-bank to stable top-of-bank as determined through a geotechnical study completed to the satisfaction of the Town and Conservation Authority.*

*c) Development or site alteration shall not be permitted within the valley or within 15 metres of the stable top-of-bank of major valleys and tributaries, and 7.5 metres of the stable top-of-bank of minor valleys and tributaries, except for compatible permitted recreation uses, essential public works and utilities subject to the requirements of this plan. Greater setbacks may be required as a result of environmental impacts evaluated through an approved EIS.*

As noted elsewhere Golder and Associates has provided a geotechnical report which describes the long-term stable top-of-bank. The proposed development is outside of those limits.

### Part E, Livable Oakville

*Schedule L1 designates the subject lands as High Density Residential. Schedule L2 provides a height range of 8-20 storeys. The lands are eligible for bonusing.*

### 20.3.3 Lyons District

*The Lyons District shall evolve from its current focus on strip malls and large format retail uses into a compact mixed use neighbourhood. Cross Avenue is intended to be an attractive central spine animated by at-grade retail uses, cohesive streetscapes and open spaces that enhance the experience of the public realm. Taller residential buildings shall be located in the vicinity of Sixteen Mile Creek and the railway.*

The subject property is within walking distance of the GO Station and is located in close proximity to the Sixteen Mile Creek.

### 20.4.1 Transportation

#### *f) Parking*

*i) Below grade parking and above-grade parking structures are preferred. Additional lot coverage for buildings may be considered in the implementing zoning if at least 75 percent of the required parking is provided below-grade or in an above-grade structure.*

*ii) Surface parking is discouraged. However where surface parking is provided, it shall be in the side or rear yard and the visual impact shall be mitigated by a combination of setbacks and significant landscaping.*

There is no surface parking provided on this site.

#### **20.4.2 Urban Design**

*a) Minimum and maximum building heights shall be permitted in accordance with Schedule L2. Additional building height may be considered in accordance with the applicable bonusing policies in this Plan.*

*b) Minor reductions to the minimum building heights required by Schedule L2 may be considered as part of comprehensive redevelopment applications to allow flexibility in building and site design. Such consideration shall only be given where it can be demonstrated that the policies of sections 20.2 and 20.3 of the Plan are met and the planned intensification for the site(s) can be achieved.*

*c) Detailed urban design and streetscape guidelines will be prepared for Midtown Oakville to establish standards for built form and the treatment of public and private realms.*

*d) Different planning tools, such as urban design plans and form based zoning, will be used to implement the Midtown Oakville policies to incorporate urban design requirements and provide minimum regulations to ensure intensification targets are achieved.*

To achieve the desired built-form the proponent is relying on the bonusing provisions of Livable Oakville.

### **20.6 Midtown Oakville Exceptions – Schedules L1, L2 and L3**

*20.6.2 The lands designated High Density Residential and known as 599 Lyons Lane are subject to the following additional policies:*

*a) A maximum building height of 26 storeys may be permitted subject to the owner entering into an agreement under section 37 of the Planning Act.*

*b) Underground structures, and above-ground architectural features, utilities and driveways, may encroach into the 15 metre setback, up to the nearest limit of the municipal right-of-way, subject to compliance with Conservation Halton requirements and regulations.*

The lands described above about the lands which are the subject of this planning report. Given the proximity of the two properties we consider that the same development standards should apply for consistency.

### *20.7.2 Bonusing*

*a) The Town may allow increases in building height in the areas of Midtown Oakville delineated on Schedule L2, without amendment to this Plan, in exchange for the provision of public benefits as listed in section 28.6.2, and with priority given to those public benefits in section 20.7.2 c).*

*b) Bonusing shall only be permitted if:*

*i) in conformity with section 20.7.1; and,*

*ii) supported by a transportation impact analysis which confirms that the additional development will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through road and transit improvements which are to be provided through agreement by the applicant.*

*c) Public benefits considered appropriate for the application of increased building height in Midtown Oakville include, but are not limited to:*

*i) grade separated pedestrian and cycling facilities across the QEW, railway tracks or Trafalgar Road;*

*ii) community facilities such as: a creative centre, including studio, office, exhibition, performance and retail space; and, a library;*

*iii) improved local transit facilities and transit user amenities;*

*iv) parkland improvements beyond the minimum standards for public squares and plazas; and,*

*v) public art.*

The proponent will enter into any required agreements pertaining to bonusing. We look forward to in depth discussion during processing of the application/

### **Conclusion**

The proposed redevelopment of 627 Lyons Lane is in conformity with the approved Official Plan for the Town of Oakville.



### 3.6 Draft Official Plan Amendment Midtown Core

Council authorized release of a draft Official Plan Amendment for the Growth Area known as Midtown Core on February 25, 2021. The amendment reflects the policy in the updated Provincial Policy Statement of August 2020 and the draft ROPA 48 released by regional council on February 17, 2021. While this amendment has not been adopted by council, we have reviewed the proposed redevelopment of 627 Lyons Lane in the context of the revised policy to ensure that the project would conform to those conceptual policies.

Proposed Schedules A1, A2 and G, identify the subject lands as being within a Growth Area. Schedule L1, Midtown Oakville Land Use shows the lands as Urban Core. Schedule L2, Midtown Oakville Building Heights provides for building heights of 8-20 storeys. Additional building height may be permitted as per policies in Part E of the Plan.

Schedule L3, Midtown Oakville Transportation Network shows that the existing Lyons Lane is proposed to be abandoned. The final alignment of the replacement road may be subject to further study. Schedule L4, Midtown Oakville Urban Design shows the subject lands as a Gateway.

The lands are located within the Lyons District. Public parkland and privately owned public spaces shall be provided to serve the needs of area residents, employees, and visitors. The development includes outdoor amenity space which overlooks the valley of the 16 Mile Creek.

#### 20.4.1 Population and Employment Density

- a) *In accordance with the Growth Plan, midtown Oakville has been planned to achieve a minimum gross density of 200 residents and jobs combined per hectare by 2031. Based on its gross area of 103 hectares, this translates to a minimum of 20,600 residents and jobs.*
- b) *An overall mix of approximately 7,875 residential and a gross floor area ranging from 165,000 to 510,000 square metres of retail, service commercial and employment space should be accommodated to provide for a minimum of approximately 13,390 residents and 7,210 jobs.*

Using the Best planning estimates of 1.5 persons per unit the proposed development would provide for 447 persons.

#### 20.4.5 Stormwater Management

- a) *Development within Midtown Oakville shall be required to implement stormwater management techniques in accordance with policies of this plan and the recommendations of the following studies and any other subsequent studies or updates:*
  - i) *Flood Mitigation Opportunities Study for Lower Morrison and Wedgewood Creek Systems*
  - ii) *Stormwater Master Plan 2019*
  - iii) *Midtown Oakville Environmental Class Assessment 2014*

Details have been provided in the Functional Servicing Report prepared by Valdor engineering Inc.

#### 20.4.6 Housing

- a) *Within Midtown Oakville, residential development should include;*
  - i) *purpose-built rental housing; and,*
  - ii) *a range of building and unit types and sizes to accommodate a variety of households.*
- b) *Development with residential uses shall be designed to accommodate various household sizes and should include:*
  - i) *storage for use by the unit occupant;*
  - ii) *operable windows;*
  - i) *Balconies or terraces, and common outdoor amenity areas; and,*
  - iv) *common indoor amenity areas*

Currently the proponent is considering high end rental units. Storage space will be available for use by the residents. Windows will not operate as required by the Noise Study. Balconies and terraces are incorporated in the design as well as indoor and outdoor common amenity areas.

#### 20.5.2 Public Realm

- e) *As the Town's urban growth centre, Midtown Oakville will draw residents, employees and visitors from local and regional origins on a*

*daily basis. Gateways provide a sense of arrival and identify a significant place. Gateway elements should be strategically positioned at the following locations:*

- iii) at the eastern and western edges of Midtown Oakville along the QEW/Highway 403*

The building has been designed to reflect its important location in the community.

### *20.5.3 Block Design*

- a) Development blocks are formed by the planned transportation network and shall be designed comprehensively through property consolidation and coordinated development. Where properties cannot be consolidated, development on one parcel shall not preclude development on other parcels within the block.*

The proponent has met with the owners of 599 Lyons Lane on several occasions. The design of the property reflects the known parameters for development of the abutting property and the required design modifications have been reviewed by Urban Design staff.

- e) Vehicular access to parking, service facilities and loading areas should be from local roads or service lanes.*

Access to all facilities on the property is from the South Service Road.

- f) Shared driveway access and sharing of service facility spaces internal to the block shall be proactively pursued through landowner agreements to facilitate the development objectives of the growth area.*

We have discussed this matter with the abutting landowner. It appears that he wishes to maintain his existing access from Lyons Lane.

### *20.5.4 Built Form*

- a) Buildings should incorporate distinctive architecture, contribute to a sense of distinct identity, and be positioned on and oriented towards the street frontage(s) to provide interest and comfort at ground level for pedestrians.*

The building is oriented towards the South Service Road to provide drop-off space in front of the building. The building has several setbacks within its façade to accommodate terraces in the building.

- c) *Buildings should be designed and sited to maximize solar energy, ensure adequate sunlight and skyviews, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows.*

The building has a southeast orientation overlooking the Sixteen Mile Creek valley. Outdoor amenity space is protected from predominant wind direction as per the Air Quality Report and sufficient setback is provided along the northeast property line to ensure separation from the building next door.

- d) *The height of the building base (podium) should be no greater than 80 percent of the width of the adjacent right-of-way or six storeys.*

The building steps back at the third, fourth and eighth floors to provide a distinctive shape.

- f) *Green roofs and/or residential amenity space should be provided on the roof of any building base or above-grade parking structure where the rooftop will be visible from nearby tall buildings.*

Amenity spaces are provided on terraces on the third, fourth and eighth floors.

#### 20.5.5 Building Heights

- a) *Minimum and maximum building heights shall be permitted in accordance with Schedule L2 and the policies of this Plan, which may permit additional building height.*
- b) *Additional building height may be considered in exchange for required segments of future roads in accordance with the applicable midtown Implementation policies.*
- c) *On lands designated Urban Core north of the railway, additional building height may also be considered as follows:*
  - i) *One additional storey of building height for each storey of above-ground structured parking, up to a maximum of three additional storeys*

The proposal is based on a 27-storey building. The proponent wishes to achieve the additional height through the implementation of bonusing provisions in the approved in-force Official Plan. All parking is proposed to be below grade.

### 20.5.6 Parking

- a) *Reduced or maximum parking standards will be considered in the implementing zoning.*
- b) *Parking structures are preferred for the provision of required parking and shall be designed to minimize the negative visual impact of blank walls and loss of activity at street level.*
- c) *Within the Lyons and Trafalgar Districts, a parking structure above grade that abuts a primary street shall incorporate permitted commercial, office or residential uses between the exterior wall and the area designated for parking.*

The proposal is based on a reduction in required parking. The TIS prepared by Paradigm Transportation Solutions Inc. contains a parking justification analysis based on TDM measures such as bicycle parking and unbundling of parking from the lease or sale of a unit.

### 20.6 Land Use Policies

20.6.1 *One or more areas of public parkland will be accommodated in each of the development districts north of the railway.*

- a) *The location, number and size of the park(s) shall be determined in conjunction with the development of the lands in each district.*
- b) *The consolidation of parkland dedication requirements from multiple sites within each district shall be encouraged.*
- c) *Prior to the approval of any development application, the proponent shall provide parkland concept plans to demonstrate how the Town's parkland objectives for the Midtown Oakville urban growth centre will be satisfied.*

20.6.2 *On lands designated Urban Core, redevelopment should maintain floor space to provide for a similar number of jobs to remain accommodated on-site.*

20.6.3 *On lands designated Urban Core, the following uses may also be permitted:*

- a) *single-use major office buildings;*
- b) *single-use residential buildings on sites without direct frontage on Cross Avenue, the extension of Cross Avenue, Cornwall Road or Trafalgar Road;*
- c) *multiple attached dwellings with a minimum height of 3-storeys, in combination with permitted residential or mixed use buildings on sites without direct frontage on Cross Avenue, the Cross Avenue extension, Cornwall Road or Trafalgar Road;*
- d) *public service facilities;*

- e) *a creative centre to provide studio, office, exhibition, performance and retail space for the cultural community; and,*
- f) *municipal parking facilities*

The Official Plan designation does provide for single use buildings however this policy providing for mixed-use buildings is not in effect as the OPA has not been adopted by Council.

## 20.8 Implementation Policies

### 20.8.1 Phasing/Transition

- a) *Development shall be coordinated with the provision of infrastructure, including:*
  - i) *transit*
  - ii) *road network capacity*
  - iii) *pedestrian and cycling facilities*
  - iv) *water and wastewater services*
  - v) *stormwater management facilities*
  - vi) *streetscape improvements; and*
  - vii) *utilities*
- b) *Further to subsection a) above, the timing of development will be subject to the availability of required infrastructure, including but not limited to future transportation network improvements and water and wastewater services*
- c) *The uses and buildings that legally existed prior to the adoption of this Plan shall be permitted to continue, however, they are ultimately intended to be redeveloped in conformity with this Plan.*

As noted elsewhere previous comments on an initial circulation of the servicing plan indicates that an upgrading of sanitary and water services will be required.

### 20.8.2 Block Design Plans

- a) *As part of any development application in Midtown Oakville, a block design plan shall be submitted for the entirety of the block in which the subject lands are located, and all properties within 100 metres of the subject lands.*
- b) *The block design plan shall:*
  - i) *provide a comprehensive development scheme for the entirety of the block in which the subject lands are located;*
  - ii) *demonstrate how the proposed development will not preclude development on adjacent properties in accordance with the policies of this Plan;*

- iii) *outline how development may be coordinated between the subject lands and adjacent properties, including properties across any public streets from the subject lands*
- iv) *be prepared in accordance with terms of reference approved by the Town; and,*
- v) *demonstrate compliance with the Livable Design Manual, which includes the Designing Midtown document.*

We have discussed compatibility of this project with the abutting one at 599 Lyons Lane with the owner of that property. We understand that Kirkor, our architect, has been retained to redesign the development proposed for 599 Lyons Lane.

#### 20.8.4 Landowners' Agreement /Cost Sharing

- a) *Development within the Lyons, Trafalgar or Chartwell District shall only be permitted to proceed when a significant number of landowners within the applicable district have entered into a cost sharing agreement among themselves to ensure that costs associated with development, including but not limited to the provision of parkland, parking, infrastructure and servicing, are distributed in a fair and equitable manner among landowners.*
- b) *Individual developments in Midtown shall generally not be approved until the subject landowner has become a party to the applicable landowners' cost sharing agreement.*

The owner would enter into any required agreements with area landowners to facilitate upgrading of sanitary sewers.

#### 4.0 Designing Midtown

*Part Two of the Midtown Oakville Urban Design Guidelines provides conceptual development patterns for the public and private realms in Midtown. Section 6.1.3 is relevant to 627 Lyons Lane as a tall building is proposed for this site. As noted, the Liveable Oakville Official Plan permits buildings up to 20 storeys in height with bonusing provisions in place to permit taller buildings. These tall buildings are to be located at the vicinity of Sixteen Mile Creek, the station area and railway as well as some areas close to the QEW highway.*

The subject site meets two of these locational criteria being near the top-of-bank of Sixteen Mile Creek and next to the QEW corridor. Criterion three requires that tall buildings should minimize the impacts on avenues, parks, and low-rise buildings. There are no low-rise buildings proposed near the subject site and there is adequate separation proposed from public roads and the existing allotment garden. The building has 3 main elements as suggested in the guidelines and these consist of a podium, tower and top floors.

### *Podiums*

1. *Podiums will be built to the property line unless the podium contains individual residential entrances, in which case that section should be set back to provide a semi-private entrance zone.*
2. *Podium heights will generally be a minimum 3 storeys and the maximum height will be equal to the street right-of-way width. However, the recommended height for podiums along narrow streets is 80% of the right-of-way.*
3. *Podiums facing main streets should allow permeability and be built with transparent materials.*
4. *The ground floor of podiums should generally have a minimum ground floor height of 4.5 m to accommodate retail uses at-grade where possible, especially where retail is required (such as along Cross Avenue).*
5. *Podiums should also provide the entrance to the tall buildings with a clear and well-defined access from a public street.*

The preference would be to build to the property line, but the constraint is the long -term stable top-of-bank for the Sixteen Mile Creek. The design contemplates placing the building just beyond this limit as determined by Golder and Associates but may be subject to further limitations imposed by Conservation Halton.

Retail uses are not proposed for this building as they are not currently permitted under Official Plan policies, so the increased ground floor height is not required. The podium provides a clear entry to the building.

The building is designed such that there are setbacks at the 4<sup>th</sup> floor and 8<sup>th</sup> floor.

### *Towers*

1. *Any tower floorplate must fit within a 40 m diameter circle to guarantee slender towers, thereby reducing the impact of tall buildings.*
2. *Towers should be setback a minimum of 5 m from the edge of the podium. However, this setback is dictated by the relationship of the tall building with its adjacent area and in some cases should be more.*
3. *There should be a minimum separation of 30 m between any two tower elements with less than 30 storeys, minimum 50 m between towers over 30 storeys, and 25 m between convex towers.*
4. *Towers should be oriented to create minimum shadow and wind impact.*
5. *Tower orientation should guarantee the preservation of vistas and key view corridors.*

The tower is designed with a curvilinear shape and does not fit within a 40 m circular radius. The shape is however very organic and fluid providing a very distinctive streetscape. Separation of the podium from the north-easterly lot line is 7.8 m while the tower portion of the building is setback 15 m from the lot line which is the property line shared with 599 Lyons Lane.

### *Top Floors*

1. *Top floors should be designed to achieve a distinctive skyline profile.*



2. *Architectural methods should be used to highlight the top floor of tall buildings while keeping material consistency and harmony with the rest of the building.*

The top floors are designed in a similar fashion to the balance of the tower. There is a terrace provided at the top of the building.

#### **4.0 Designing Midtown**

Please refer to the Urban Design Brief prepared by the architect.

#### **5.0 Public Consultation**

A public Information Meeting was held on February 19, 2020, which was advertised in accordance with Town policy. Fifty-three letters were mailed to landowners within 120 metres as per a mailing list provided by Town Staff. The meeting was attended by three people who were the two owners of 599 Lyons Lane and their Planning Consultant from MHBC. Discussion centred on the relationship between the proposed building at 627 Lyons Lane and the designed buildings for 599 Lyons Lane which was zoned for residential uses in 2009 under By-law 2009-043. We note that conversation is still ongoing with the neighbour and as late as August 30 2021 that owner has engaged Kirkor to revise their concept drawings.

#### **6.0 Supporting Documents**

##### *Species at Risk Screening*

This report was prepared by Beacon Environmental and is dated June 25, 2021. Field work was completed on June 16, 2020.

Thirty-two records of Species at Risk were reviewed. There is no likelihood that any of these species would be observed on the subject property. The existing building on the property was searched for active or inactive bird nests and none were found. No cracks or crevices were recorded where bats could enter. The building does not have a chimney so there is no potential for Chimney Swift.

In conclusion the subject site does not support SAR. To ensure that adjacent SAR habitats are protected Beacon Environmental recommends the following mitigation measures be implemented:

- Develop and implement an Erosion and Sediment Control Plan and Spill Protection Plan during the detail design and ensure compliance during the construction and development phase; a multi barrier approach should be implemented (i.e. double row sediment fencing with staked straw bales in between);
- No storage of materials should occur off site;
- Implement stormwater management controls;
- Incorporate native vegetation into future landscaping.

### *Land Use Compatibility Study – Air Quality*

This report was prepared by BCX Environmental Consulting. A detailed roadside inspection was undertaken on January 24, 2020.

Three existing industrial facilities were identified within 1000 metres of the subject lands. All separation distances meet the D-6 Guidelines and further investigation and/or mitigation is not required.

There is potential for poor air quality at times from Transportation sources given the proximity of the proposed development to the QEW/403 corridor.

The recommendations are as follows:

- If possible, the HVAC systems should be located on the roof of the building. In the event that this is not possible, the HVAC system intake should be located on the east side of the building.
- The HVAC system, serving all residential units and indoor public areas, should be fitted with an air filtration system designed by mechanical engineers to minimize air quality impacts from fine particulate emissions generated by highway traffic.
- If possible, the first and second floors along the western and northern facing sides of the building should be used for indoor amenities rather than residential units. In the event that this is not possible, the openable windows on western and northern facing residential units on the first and second floors should be limited/avoided.
- A warning clause should be included on specific property agreements and offers of purchase and sale for all of the dwelling units to the effect:  
 “purchasers are advised that this property is in proximity to an existing major transportation corridor which may, at times, result in poor air quality, at outdoor amenity spaces at ground level and up to the fourth floor terrace.”

### *Noise Feasibility Study*

This report was prepared by Howe Gastmeier and Chapnik and is dated July 8, 2021. Site visitation occurred in August 2019.

The primary noise source is road traffic on the QEW/403 with secondary contributions from Lyons Lane and rail traffic on the Canadian National/Metrolinx rail line to the south of Cross Avenue. With suitable noise control measures integrated into the design of the building MECP guideline sound levels from road and rail traffic sources can be achieved. A detailed noise study is required when architectural drawings, detailed floor plans and building elevations are available. The standard warning clauses should be included in the property and tenancy agreements and offers of purchase and sale to inform occupants of the building of audible transportation noise levels and the nearby commercial uses where loading activities may occur.

### *Traffic Impact Study*

This is the second version of the report prepared in 2019 and it contains responses to comments from MTO, Halton Region and Town of Oakville. The report has been

updated to reflect the need for additional study. The recommendations from the report are provided below.

Based on the findings of this study, it is recommended that the development be allowed to proceed with the following TDM measures:

- The on-site pedestrian sidewalks be well-lit and conform to the Town of Oakville's design standards and the Accessibility for Ontarians with Disabilities Act (AODA) design standards.
- Consider unbundling of parking where parking spaces are provided as a separate cost to residents.
- Provide general education of all travel mode options (walking, cycling, and transit) that identify benefits and how residents can best utilize these modes. New residents should be provided with a welcome package that outlines proximity to transit, cycling facilities and the proximity to local activity centres
- The site operator monitors the long-term desire lines, if any, created by the erosion caused by pedestrians crossing the site's landscaped areas. Should desire lines form there may be an opportunity to adjust the site's landscaping to encourage use of the designated on-site pedestrian sidewalks.
- The site operator monitors the on-site bicycle parking supply to ensure and appropriate amount of bicycle parking is provided.

Section 5 of the report contains a detailed analysis of signalized intersections in the immediate area. The conclusion is that the proposed development has a very minor impact on those intersections.

#### *Truck Turning Plan*

This item is included as an Appendix in the TIS.

#### *Tree Protection Plan*

All trees currently existing along the property boundaries will be removed due to construction of the underground parking facilities. Trees outside these construction limits will be protected in accordance with current Town standards.

#### *Canopy Coverage Plan*

The landscape plan proposes significant planting on the property post construction. The Tree Canopy Coverage target is 20% and the new planting achieves 57%.

### *Landscape Plan*

Adesso has prepared a Landscape Plan which has been submitted as part of the complete application. A significant number of new trees will be planted outside the limits of the proposed underground parking.

### *Arborist Report*

The subject report has been prepared by a certified arborist at Environmental Design Landscape Contractors Ltd. to inform Adesso Design Inc. in the creation of the three plans noted above. Field work was undertaken in January 2020 with the report updated in August 2021 to reflect the most recent set of architectural drawings. Of the 38 trees assessed under this report, 26 are to be removed due to conflicts with the underground structure.

General recommendations are as follows.

- TPZ's are suggested minimums, and as such it is recommended to keep all equipment and vehicular movement as far away from existing trees as possible;
- Any tree work such as trimming and branch removals should be carried out according to sound arboricultural practices, and should be performed by a certified arborist;
- All excavation near existing trees should be carried out in a sensitive manner – that is with keen attention to tree roots and soil movement. Large roots should be removed with a saw and by a certified arborist to minimize the damage to the tree as much as possible.

### *Geotechnical Report*

Golder and Associates provided a technical report in September 2019 which was circulated by the Town to a limited number of technical agencies. Additional boreholes were advanced because of comments received from the 2019 circulation and a hazard limit has been established through the analysis of the information obtained from those boreholes.

The erosion hazard limit is identified in this subsequent report as a range between 22.9 m and 23.5 m from the physical top-of-bank as surveyed by Cunningham McConnell on February 6, 2020. The proposed structure is located within the limits of the setback determined through this report.

### *Functional Servicing Report*

A fulsome report was provided in September 2019 and was circulated to technical agencies for comments. Halton Region noted that there are deficiencies in the system on Lyons Lane to support the development of the two properties 627 and 599 Lyons Lane. In addition, there are capacity issues downstream and resolution of these issues amongst all owners within the boundaries of Midtown Oakville are required to enable development of

the area to the extent envisaged by the Province of Ontario around the Major Transit Station Area. We are currently awaiting a response to these previous comments.

### *Shadow Study*

A Shadow Study has been prepared by Kirkor and as expected the longest shadows which reach across the QEW/403 corridor occur in the morning about 8:00 throughout the year. As per the guidelines the study demonstrates that the proposed development does not impact residential amenity spaces for more than two consecutive hours on April 21, June 21, September 21 and December 21.

The proposed development allows adequate sunlight on building faces and roofs for the possibility of using solar energy. Shadows do not exceed two consecutive hourly test times on December 21.

### *Urban Design Brief*

The proposed building height and dynamic form provide a gateway for midtown that abuts the QEW/403 corridor. The design incorporates a series of steps/terraces transitioning the height of the tower down towards Sixteen Mile Creek to the south. The long curving projecting balconies add visual interest to the facades of the building. The design provides a variety of residential unit sizes and types adding to the range of existing housing opportunities. The development is consistent with the Growth Area objectives and is compatible with surrounding context and mixed-use buildings and future development in the Lyons District.

## **7.0 Draft By-law**

A draft by-law is appended to this document and provides standards and variances from the standard Residential High-Density regulations found in By-law 2014-014 to permit development of the property as designed.

## **8.0 Conclusion**

This proposal has been the subject of two preconsultation meetings and three separate meetings with Urban Design staff and the resultant design in my opinion meets the goals and objectives of the planning documents, is consistent with the PPS and in conformity with the growth plan in providing an attractive form of high density living. We look forward to working with staff to conclude this review process with an appropriate amendment to the Zoning By-law which will enhance the immediate area.

Respectfully Submitted,

David Nelson  
Development Consultant