

REPORT

Planning and Development Council

Meeting Date: May 15, 2023

FROM: Planning Services Department

DATE: May 2, 2023

SUBJECT: Recommendation Report, Draft Plan of Subdivision and Condominium, 2667711 Ontario Inc., 239-249 Rebecca Street, File No. 24T-22007/1617 & 24CDM- 22005/1617

LOCATION: 239-249 Rebecca Street

WARD: Ward 2

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RECOMMENDATION:

1. That the Draft Plan of Subdivision and Draft Plan of Condominium applications (File No.: 24T-22007/1617 and 24CDM-22005/1617) submitted by 2667711 Ontario Inc., be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated May 2, 2023.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22007/1617 submitted by 2667711 Ontario Inc., and prepared by J.D. Barnes Limited dated July 20, 2022, subject to the conditions contained in Appendix A.
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-22005/1617) submitted by 2667711 Ontario Inc., and prepared by J.D. Barnes Limited dated July 20, 2022, subject to the conditions contained in Appendix B.
4. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

KEY FACTS:

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

- **Background:** The subject property is a consolidation of two former lots with detached dwellings known as 231 and 237 Rebecca Street. An Official Plan Amendment and Zoning By-law Amendment were submitted to redesignate the subject property to Medium Density Residential and rezone the subject property to Residential Medium 1 Zone to permit 6 townhouse units. Both applications were denied by Council on April 18, 2017. This decision was appealed then subsequently approved by the Ontario Municipal Board on July 6, 2018. Final Site Plan Approval was granted on February 14, 2020, and the six townhouse units are under construction.
- **Location:** The subject property is generally located at the northeast corner of Dorval Drive / Margaret Drive and Rebecca Street. It is comprised of 0.12 hectares (0.3 acres) with frontage of 38.16 m (125.2 ft.) along Rebecca Street, 29.92 m (98.2 ft) frontage along Margaret Drive and is municipally known as 239-249 Rebecca Street.
- **Policy Context:** The subject property is designated 'Medium Density Residential' and is identified as 'Residential Areas' on Schedule A1 (Urban Structure), which represent the areas that provide for stable residential communities. Intensification may occur within 'Residential Areas' provided the character of the area is preserved and the overall urban structure of the Town is upheld.
- **Zoning:** The subject property is zoned RM1, which permits townhouse dwellings, and is subject to Special Provision 377 which provides for site-specific zoning regulations, parking provisions and special site provisions.
- **Proposal:** The purpose of the draft plan of subdivision application is to permit future land division through part-lot control exemption which would create individual parcels of tied land for each of the six townhouse units. The parcels of tied land would be tied to the proposed draft plan of common element condominium comprised of a private laneway and landscaping.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting ("PIM") was held on September 13, 2022 and was attended by 7 residents. Minutes of the PIM are appended as **Appendix 'C'**. As of the date of this report, no public comments have been received.
- **Timing:** The applications were deemed complete on October 26, 2022. The *Planning Act* provides for a 120-day timeline from when the application is

deemed complete to decide (February 23, 2023), failing which the Applicant could have filed an appeal for non-decision.

- **Recommendation:** Staff recommend approval of the draft plan of subdivision and draft plan of condominium applications as the proposed development is consistent with the Livable Oakville Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conforms to all applicable Provincial plans, and the Region of Halton Official Plan. Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as **Appendix 'A' & 'B'** to this report.

BACKGROUND:

The purpose of this report is to provide a comprehensive staff review of the application and a staff recommendation on the proposed draft plan of subdivision and condominium by 2667711 Ontario Inc.

The purpose of the draft plan of subdivision application is to permit future land division through part-lot control exemption which would create individual parcels of tied land for each of the six townhouse units. The parcels of tied land would be tied to the proposed draft plan of common element condominium comprised of a private laneway and landscaping. The effect of the proposed draft plan of subdivision and condominium is to facilitate transfer of each of the six townhouse units to the beneficial purchasers with condominium tenure.

Proposal

The subject property is a consolidation of two former lots with detached dwellings known as 231 and 237 Rebecca Street. An Official Plan Amendment and Zoning By-law Amendment were submitted to redesignate the subject property to Medium Density Residential and rezone the subject property to Residential Medium 1 Zone to permit 6 townhouse units. Both applications were denied by P&D Council on April 18, 2017. This decision was appealed then subsequently approved by the Ontario Municipal Board on July 6, 2018. Final Site Plan Approval (SP.1617.057/01) was granted on February 14, 2020, and the six townhouse units are under construction.

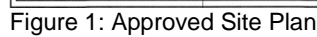
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Figure 2: Proposed Draft Plan of Condominium

The proposed draft plan of subdivision is one block and is required permit future land division through part-lot control exemption¹ which would create individual parcels of tied land for each of the six townhouse units.

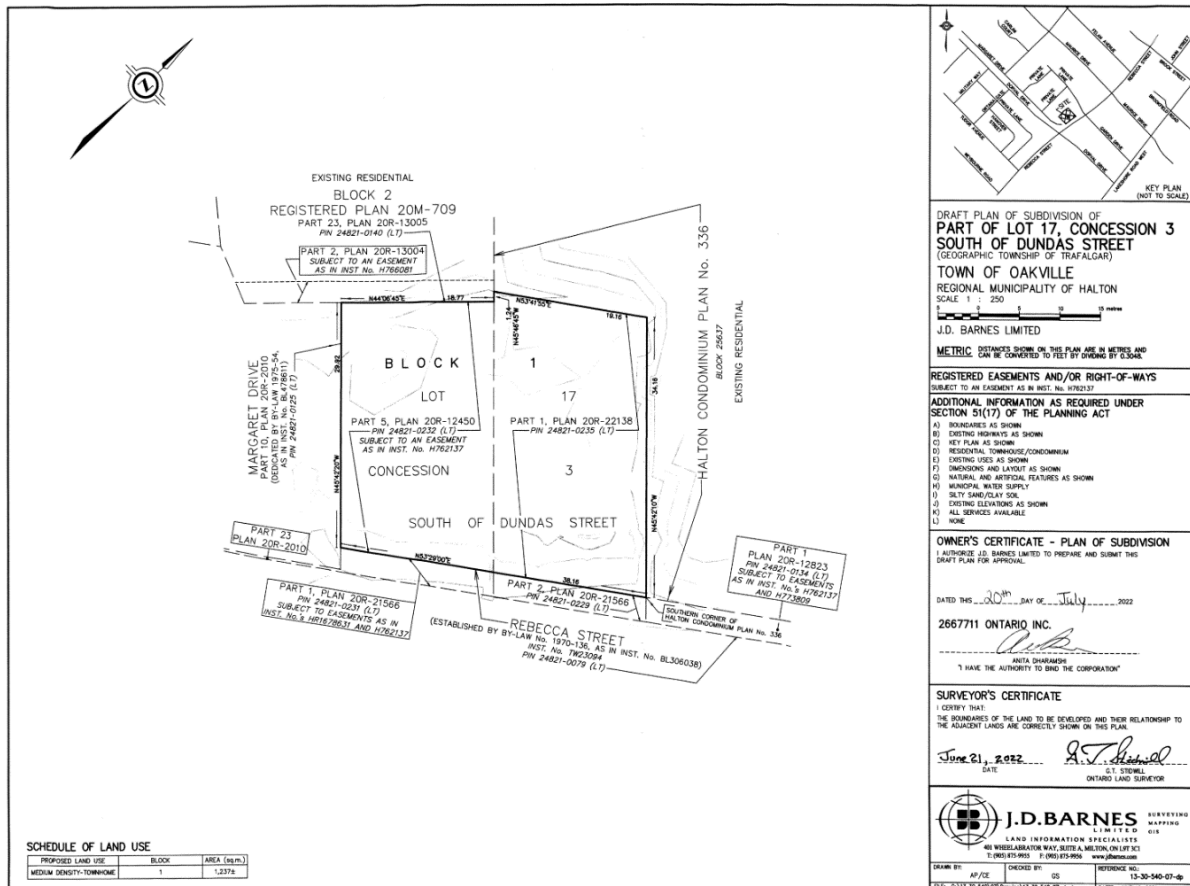


Figure 3: Proposed Draft Plan of Subdivision

The effect of the proposed draft plan of subdivision and condominium is to facilitate transfer of each of the six townhouse units to the beneficial purchasers with condominium tenure.

Location & Site Description

The subject property is generally located at the northeast corner of Dorval Drive / Margaret Drive and Rebecca Street. It is comprised of 0.12 hectares (0.3 acres) with frontage of 38.16 m (125.2 ft.) along Rebecca Street, 29.92 m (98.2 ft) frontage along Margaret Drive and is municipally known as 239-249 Rebecca Street.

¹ Part lot control exemption only applies to blocks / lots within a registered plan of subdivision.

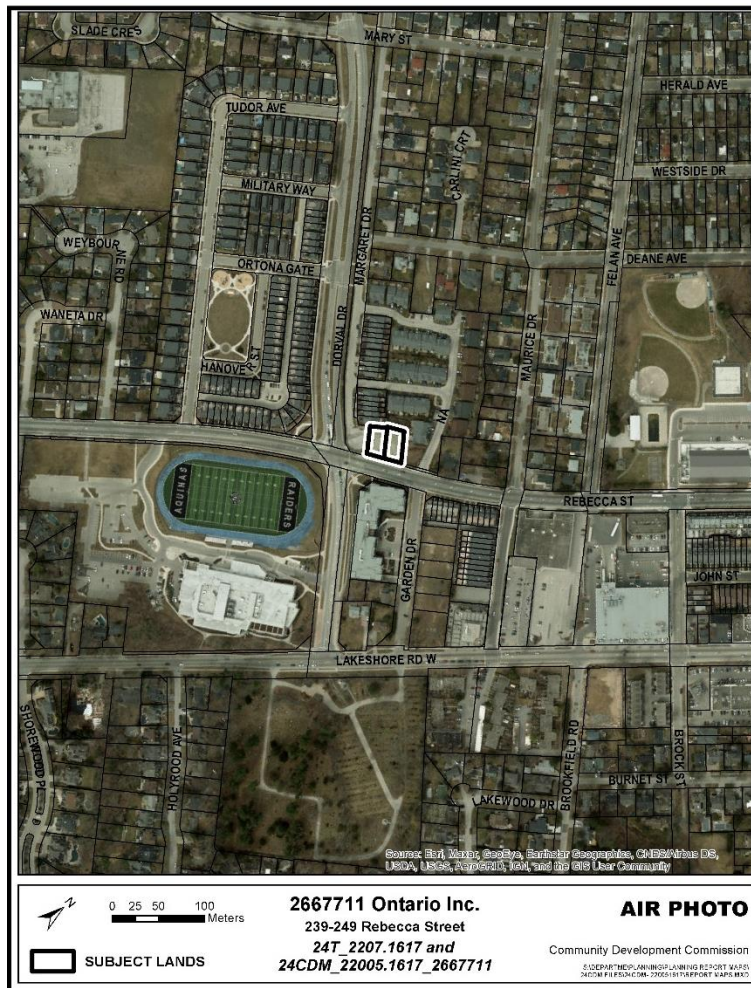


Figure 4: Air Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North – Townhomes

East – Townhomes & Single-Detached Dwellings

South – Rebecca Street then 4 Storey Apartment

West – Margaret Drive, Dorval Drive then Townhomes

PLANNING POLICY & ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement (2020) (“PPS”), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among

environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS promotes the integration of land use planning, growth management and transit supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

In consideration of new development, the PPS provides direction to ensure that land use is carefully managed to accommodate appropriate development to meet the full range of current and future needs, while also achieving efficient development patterns that avoid significant or sensitive resources and areas which may pose a risk to public health and safety. Efficient development patterns are intended to optimize the use of land and resources.

The proposed draft plan of subdivision and draft plan of condominium implement the previously approved Official Plan Amendment, Zoning By-law Amendment, and site plan approval where consistency with the PPS was reviewed. Both will facilitate transfer of the townhouse units to the beneficial purchasers, and the plan of condominium will provide for shared vehicular access to each of the units and establish long-term maintenance obligations. On this basis, it is staff's opinion that the draft plan of subdivision and draft plan of condominium are consistent with and do not conflict with the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe ("**Growth Plan**") is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Built-Up Area."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Similar to the PPS, growth and development shall occur in manner which optimizes land and resources and protects significant or sensitive resources and areas that may pose a risk to public health and safety, such as hazard lands.

Growth Plan conformity was reviewed through the previously approved Official Plan Amendment, Zoning By-law Amendment and site plan applications. The draft plan of subdivision and draft plan of condominium will facilitate transfer of the townhouse units to the beneficial purchasers, and the plan of condominium will provide for shared vehicular access to each of the units and establish long-term maintenance obligations. On this basis, it is staff's opinion that the draft plan of subdivision and draft plan of condominium conform to, and do not conflict with the Growth Plan.

Halton Region Official Plan

The Subject Property is designated 'Urban Area' in the Halton Region Official Plan. The policies of Urban Area designation support the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure.

In a letter dated November 23, 2022 Halton Region advised that it is the opinion of Regional Staff that the Plan of Subdivision application conforms to the Halton Region Official Plan, subject to the Conditions of Draft Approval set out in **Appendix 'A' & 'B'**.

Livable Oakville Plan

Objectives

Pursuant to Section 11 of Livable Oakville, the following objectives shall apply to all Residential Areas:

- a) maintain, protect and enhance the character of existing Residential Areas;*
- b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;*
- c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;*
- d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;*
- e) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities; and,*
- f) discourage the conversion of existing rental properties to condominiums or to other forms of ownership in order to maintain an adequate supply of rental housing.*

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town.

The Subject Property is identified on Schedule A1 – Urban Structure as being within the 'Residential Areas'. Residential Areas include low, medium and high-density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

Pursuant to Section 3.9 of Livable Oakville, some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the Town is upheld. The character of the Residential Areas will be significantly influenced by their relationship to the Natural Heritage System, parks and open space areas.

Land Use Policies

The Subject Property is designated 'Medium Density Residential' on Schedule G: South East Land Use, as shown on Figure 5.



Figure 5: Livable Oakville Extract

Section 4.3 (Residential Intensification Outside of the Growth Areas), of Livable Oakville provides that:

It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.

Section 11.1.9 of Livable Oakville provides that development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

- a) *The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
- b) *Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- c) *Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.*
- d) *Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*
- e) *Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*
- f) *Surface parking shall be minimized on the site.*
- g) *A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*
- h) *Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*
- i) *The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.*
- j) *Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.*

- k) The transportation system should adequately accommodate anticipated traffic volumes.*
- l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.*

As outlined in more detail in the technical comment section of this report, this development has been subject to a detailed technical analysis where matters such as the built form, site layout, pedestrian circulation, landscaping, urban design, grading, stormwater management and vehicle access have been addressed.

The proposed draft plan of subdivision and draft plan of condominium implement the previously approved Official Plan Amendment, Zoning By-law Amendment, and site plan. It will facilitate transfer of the townhouse units to the beneficial purchasers, and the plan of condominium will provide for shared vehicular access to each of the units and establish long-term maintenance obligations as detailed in **Appendix 'A' & 'B'**, and the technical comment section of this report.

On this basis, and for the reasons outlined in this report, it is staff's opinion that the draft plan of subdivision and draft plan of condominium conform to Livable Oakville.

Zoning By-Law

The Subject Property is zoned 'RM1' Special Provision 377 as shown in Figure 6 below.

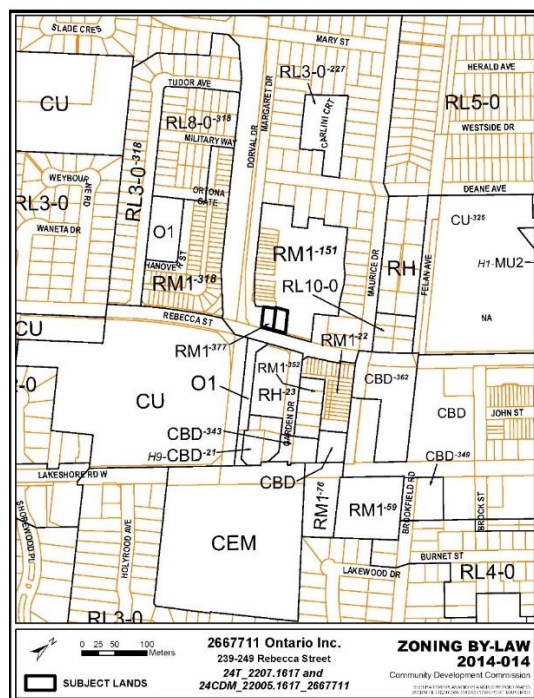


Figure 6: Zoning By-law 2014-014 Extract

The subject townhomes have been constructed in accordance with the Zoning By-law aside from an as-built deficient front yard setback to the access stairs of 0.33m – 0.36m whereas a minimum of setback of 0.6m required by the Zoning By-law². The applicant has advised that they will be submitting a minor variance application requesting relief to permit the front yard setback of 0.33m – 0.36m to the access stairs.

As a condition of approval in **Appendix ‘A’ & ‘B’**, the Owner will be required to provide the Town with an as-built survey prepared by an Ontario Land Surveyor which confirms that all the minimum requirements of the approved Zoning By-law, are met. The intent of this condition is to ensure that Zoning compliance, and any remediation work (if necessary), are complete prior to registration of the condominium, and transfer of the townhouse units to the beneficial purchasers.

PUBLIC COMMENTS & TECHNICAL REVIEW:

Public Comments

An applicant-initiated virtual Public Information Meeting (“**PIM**”) was held on September 13, 2022 and was attended by 7 residents. Minutes of the PIM are appended as **Appendix ‘C’**. As of the date of this report, no public comments have been received.

It is noted that pursuant to Bill 23, a statutory public meeting is not required prior to Council considering a plan of subdivision application.³

Technical Review

The purpose of the draft plan of subdivision application is to permit future land division through part-lot control exemption which would create individual parcels of tied land for each of the six townhouse units. The parcels of tied land would be tied to the proposed draft plan of common element condominium comprised of a private laneway and landscaping.

Through the review and approval of the site plan application the development has been subject to detailed technical analysis. Specifically, the following matters were addressed through previous processes:

- built form and site layout;
- elevations;
- pedestrian circulation;

² Part 1, 4 and 7

³ This change applies to the subject plan of subdivision application since a public meeting had not been hosted prior to Bill 23 receiving Royal Assent (November 28, 2022).

- landscaping and urban design;
- grading and stormwater management;
- vehicular access;
- tree preservation;
- site servicing;
- fencing;
- conformity with Livable Oakville; and
- compliance with the Zoning By-law.

The proposed draft plan of subdivision and draft plan of condominium implement the previously approved site plan approval. Both will facilitate transfer of the townhouse units to the beneficial purchasers, and the plan of condominium will provide for shared vehicular access to each of the units and establish long-term maintenance obligations.

As part of the approved site plan, a privacy board fence (as bolded in Figure 7) will be constructed along the northern property boundary. The fence will be located within the common element block and will be required to be maintained by the condo corporation.

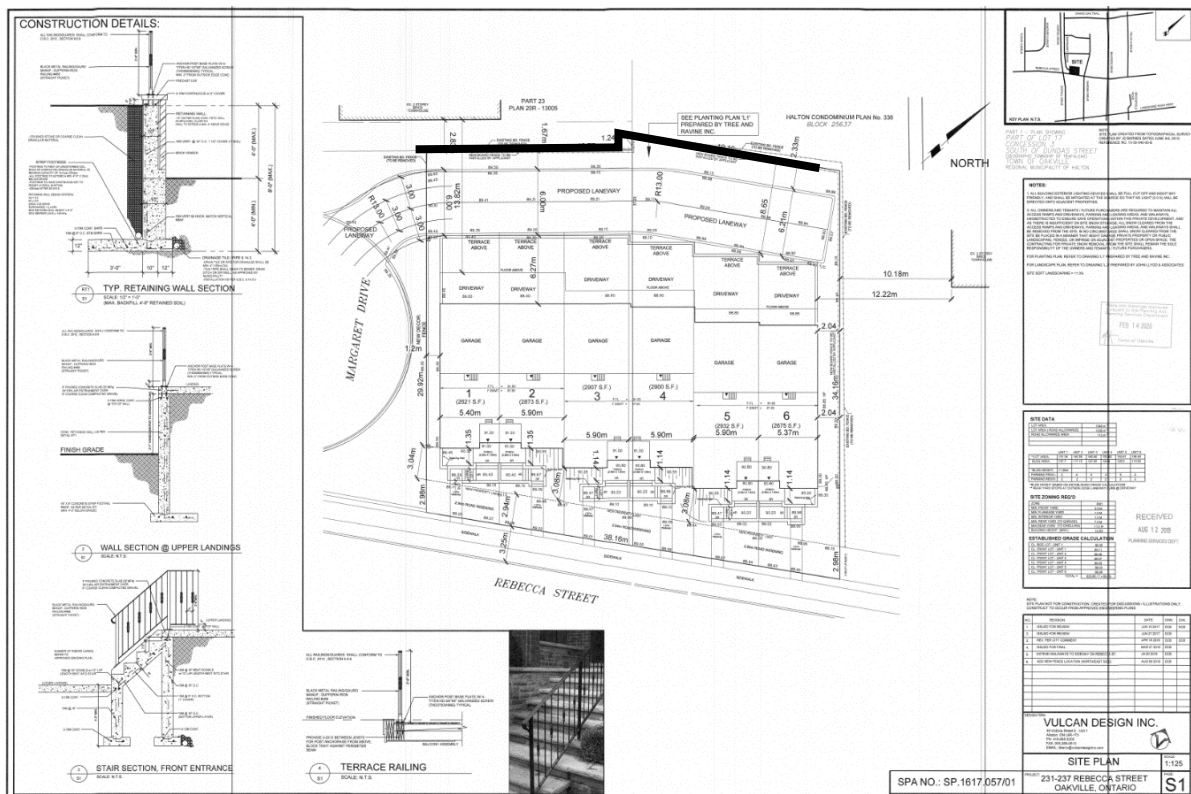


Figure 7: Approved Site Plan

The existing cedar hedge between laneway and privacy fence will be preserved, and extended to the east, west, and at the end of the laneway through additional plantings as noted in the planting plan extract in Figure 8:

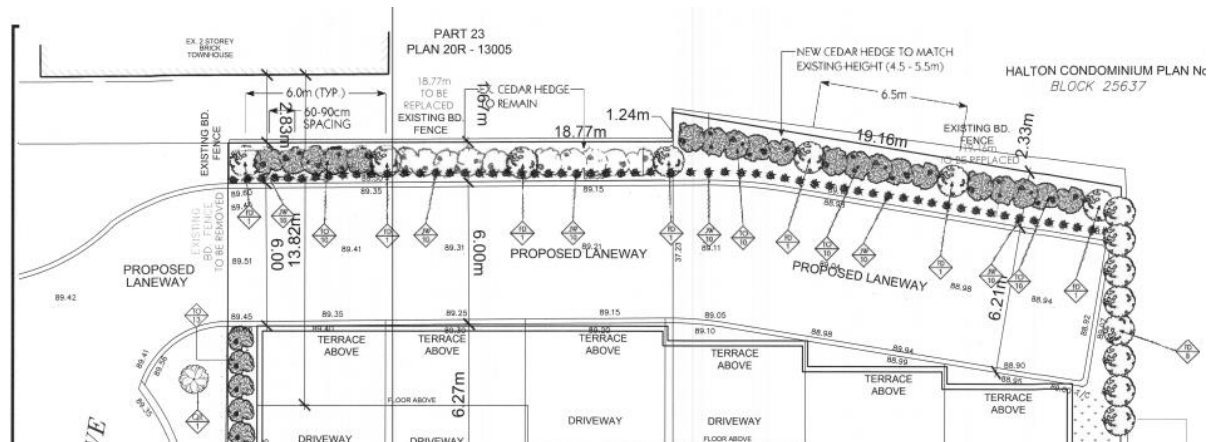


Figure 8: Extract of Approved Planting Plan L1

As a condition of approval in **Appendix 'A' & 'B'**, the condominium declaration is required to be amended to contain wording which specifies that the condominium is responsible to maintain the buffer tree planting installed within the landscape strip abutting the north and east property line and that any tree removals granted by way of Town permits will require the replanting of trees so as to maintain this buffer to the satisfaction of the Town. The intent of the foregoing, it to ensure that the condo corporation is aware of the obligations of the site plan agreement registered on title and to provide for long-term maintenance of this landscaping by the future condominium corporation.

Section 51(24) of the *Planning Act* provides criteria for which regard shall be had when considering a draft plan of subdivision and condominium. Staff reviewed the draft plan of subdivision and draft plan of condominium, and subject to the condition in **Appendix 'A' & 'B'**, for the reasons outlined in this report, staff are of the opinion that both have regard to the criteria listed in Section 51(24) of the *Planning Act* including: conformity with the Livable Oakville Plan; regard to matters of provincial interest; suitability of the land for the purpose for which it is to be subdivided; the dimensions and shapes of the proposed lots; area to be dedicated or conveyed to the municipality; and, approval of the draft plan of subdivision is in the public interest.

As part of the site plan approval, a site plan agreement was registered on title, where associated financial, design and technical requirements were addressed. As part of the site plan agreement, the Town holds sufficient securities to allow for the completion of the required site works. Since the foregoing matters have been addressed, a separate subdivision agreement is not required.

Both the draft plan of subdivision and the draft plan of condominium application were circulated to internal departments and external agencies for comments and subject to the conditions in **Appendix 'A' & 'B'**, there are no outstanding issues to be resolved.

CONSIDERATIONS:

(A) PUBLIC

An applicant-initiated virtual Public Information Meeting (“PIM”) was held on September 13, 2022, and was attended by 7 residents. Minutes of the PIM are appended as **Appendix 'C'**. As of the date of this report, no public comments have been received.

Notice of this meeting has been distributed to everyone who has requested notice in accordance with the *Planning Act* Regulations and Town practices.

(B) FINANCIAL

Financial requirements specific to construction, such as the payment of development charges and parkland requirements, have been satisfied.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to Agencies and Town Departments for their review and comments. All concerns have been addressed, and any conditions of approval have been provided in **Appendix 'A' & 'B'**.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

For the reasons detailed in this report, the proposed development generally complies with the Town’s sustainability objectives of the Livable Oakville Plan. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019.

CONCLUSION:

Staff recommend approval of the draft plan of subdivision and draft plan of condominium for the following reasons:

- They are consistent with the PPS and conforms to the Growth Plan and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning.
- They conform to Livable Oakville.
- They meet the criteria established in Section 51(24) of the *Planning Act*.
- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved.
- The development has been granted final site plan approval where site servicing, grading and stormwater management, landscaping, urban design and financial obligations were addressed through the conditions of site plan approval.
- Halton Region has no objection to approval to the draft plan of subdivision or draft plan of condominium and their conditions have been included in **Appendix 'A' & 'B'**.
- Building permits have been issued in accordance with the approved Site Plan.
- Public participation occurred through the PIM, as well as well as the previous Official Plan Amendment and Zoning By-law Amendment applications, and no public comments were received as part of the subject applications.
- The draft plan of subdivision and condominium are necessary to create each unit as a legal parcel, to create the common element condominium and are appropriate for the orderly development of the lands.

APPENDICES:

Appendix "A": Conditions of Draft Plan of Subdivision

Appendix "B": Conditions of Draft Plan of Condominium

Appendix "C": Minutes of Public Information Meeting

Prepared by:

Paul Barrette, MCIP, RPP

Senior Planner, Current Planning - West

Recommended by:

Charles McConnell, MCIP, RPP

Manager, Current Planning - West

Submitted by:

Gabe Charles, MCIP, RPP

Director of Planning