



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: June 26, 2023

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**FROM:** Planning Services Department

**DATE:** June 20, 2023

**SUBJECT:** Removal of “H29” Holding Provision, Part of Block 146 on Plan 20M-1229, File No.: ZH 4/23, By-law 2023-069

**LOCATION:** 3008 William Cutmore Boulevard

**WARD:** Ward 6

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#### RECOMMENDATION:

1. That the Zoning By-law Amendment application (File No.: ZH 4/23) submitted by Mattamy (Joshua Creek) Limited, to remove the H29 holding symbol from 3008 William Cutmore Boulevard be approved; and,
2. That By-law 2023-069, a by-law to remove the H29 holding symbol from 3008 William Cutmore Boulevard, from Zoning By-law 2009-189, as amended, be passed.

#### KEY FACTS:

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

- An application to amend the Zoning By-law on the subject lands was approved by the Local Planning Appeal Tribunal on February 7, 2019, to permit the development of the subject lands concurrently with a Draft Plan of Subdivision (PL170733).
- The “H29” Holding Provision was established on the Dundas Urban Core block at the request of the Town, Conservation Halton and the Region of Halton.
- The “H29” Holding Provision relates to the future development and use of land covered in the Zoning By-law 2009-189. The purpose of the Holding Provision is to restrict the use of the land for legal uses, buildings and structures existing on the lot, until such time as Conditions a) to c) of Section 9.3.29.2 of the Zoning By-law 2009-189 have been completed to the

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satisfaction of the Town of Oakville, Conservation Halton and the Region of Halton.

- The subject lands are municipally known as 3008 William Cutmore Boulevard and are subject to a Site Plan application (SP.1308.002/01) to permit the future development of a seven-storey, 163 unit condominium building with 185 parking spaces.
- The subject application was received on May 2, 2023, which included the required documentation as justification that the Conditions for Removal of the “H29” have been completed.
- Conservation Halton and Halton Region confirmed that they have no objections to the application and that the applicant has satisfied their Conditions to remove the “H29” Holding Provision from the subject lands.
- Staff recommend that By-law 2023-069 be passed, which would have the effect of removing “H29” from 3008 William Cutmore Boulevard.

#### **BACKGROUND:**

On February 7, 2019, the Local Planning Appeal Tribunal approved By-law 2018-036 (PL170733), which established the “H29” Holding Provision as a supplementary component of the Zoning By-law Amendment application Z.1307.03.

The “H29” Holding Provision was incorporated into the Zoning By-law at the request of the Town, Region of Halton and Conservation Halton. The purpose of the “H29” is to limit development on the subject lands to legal uses, buildings and structures existing on the lot, until such time that the following conditions are satisfied:

- a) that sufficient water and wastewater servicing allocation has been secured to support the development;
- b) that the subject lands are no longer within a regulated area; and
- c) that a Section 37 Agreement is registered on title, where applicable.

The Applicant will be eligible to proceed with further development approvals at such time as “H29” is removed from Zoning By-law 2009-189.

#### **Proposal**

The applicant is requesting to remove the “H29” Holding Provision on the subject lands, which is subject to a Site Plan application (SP.1308.002/01) for the development of a seven-storey, 163 unit condominium building with 185 parking spaces.

### Location & Site Description

The subject lands are located on the west side of William Cutmore Boulevard, north of Dundas Street East and south of Everest Crescent, as seen in Figure 1.



Figure 1: Air Photo Map

**TECHNICAL & PUBLIC COMMENTS:**

The subject lands were the part of extensive public consultation processes through the development application review for the Zoning By-law Amendment (Z.1307.03) and Draft Plan of Subdivision (24T-12004/1307).

The purpose of the “H29” Holding Provision is to prevent development of the lands until such time that adequate servicing allocation has been secured, confirmation that the subject lands is no longer within Conservation Halton’s regulated area and registration of a bounusing agreement.

The Town received an application from Mattamy (Joshua Creek) Limited to remove the “H29” Holding Provision from the Zoning By-law to allow the subject lands to be developed. Zoning By-law 2009-189, Section 9, Holding Provision, Table 9.3.29, indicates that the “H” symbol may be removed when the following Conditions have been satisfied:

<b>H29</b>	<b>Bressa Developments Limited (Part of Lots 7 and 8, Concession 1, N.D.S)</b>	Parent Zone: DUC-1
Map 12(6)		(2018-036) (2021-134)
<b>9.3.29.1 Only Permitted Uses Prior to Removal of the “H”</b>		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following uses:		
a)	Legal <i>uses, buildings and structures</i> existing on the <i>lot</i>	
<b>9.3.29.2 Conditions for Removal the “H”</b>		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the Planning Act. The following condition(s) shall first be completed to the satisfaction of the Town of Oakville:		
a)	That water and wastewater Servicing Allocation has been secured for the subject lands and the proposed development through Halton Region; and that Halton Region provides correspondence indicating that sufficient water and wastewater servicing allocation has been secured to support the development.	
b)	That the JC-31 realignment works are completed and written confirmation is received from Conservation Halton confirming that the Dundas Urban Core (Block 200) is no longer within Conservation Halton’s regulated area, which includes the flooding hazard under the Regional Storm Event and its associated 7.5 metre allowance or the draft plan of subdivision is redlined in accordance with the final limits of the Natural Heritage System.	
c)	The registration on title of a Section 37 Agreement per the Planning Act, where applicable.	

Halton Region confirmed on May 24, 2023, that an amended Allocation Agreement was entered into between the applicant and the Region on March 30, 2022. The Region has advised that the applicants have provided appropriate documentation and confirmation that the subject lands have sufficient allocation and have no objections with the removal of the Holding Provision as it relates to Condition a).

Conservation Halton confirmed on May 12, 2023, that the subject lands are not within Conservation Halton’s regulated area and as such, they have no objection to the removal of the Holding Provision as it relates to Condition b).

The registration of a Section 37 Agreement would be required if the applicant’s development proposal exceeded eight storeys and 29.5 m in height. The current Site Plan application is for a seven-storey 22.35 m residential building and as such does not trigger the need for a Section 37 Agreement. Planning Staff have no objection to the removal of the Holding Provision as it relates to Condition c).

**CONCLUSION:**

Staff is satisfied that the requirements for the removal of the “H29” Holding Provision, as it applies to the subject lands, have been sufficiently addressed to conclude that the Conditions have been “completed to the satisfaction of the Town of Oakville”. Conservation Halton and the Region of Halton have no objection to the Holding Removal.

Staff recommends that Council approve application ZH 4/23 and pass By-law 2023-069 to remove the “H29” from the subject lands. By-law 2023-069 is attached as Appendix “A”.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice of intention to pass an amending by-law which would remove the “H29” Holding Provision has been provided to the land owner and adjacent land owners of the subject lands pursuant to Section 36(4) of the *Planning Act*. There were not any submissions received from the public with respect to this application.

**(B) FINANCIAL**

None.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Halton Region and Conservation Halton have no objections to the removal of the “H29” Holding Provision as requested.

**(D) CORPORATE STRATEGIC GOALS**

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

- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

The proposed development generally complies with the sustainability objectives of Livable Oakville.

**APPENDICES:**

Appendix A – By-law 2023-069

**Submitted by:**

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