

REPORT

Planning and Development Council

Meeting Date: September 11, 2023

FROM: Planning Services Department

DATE: August 29, 2023

SUBJECT: Public Meeting Report and Recommendation Report, Official Plan and Zoning By-law Amendment, 1463291 Ontario Inc. (Dunpar Developments Inc.) / Lisa and Taylor Rogers, 1020 - 1042 Sixth Line, File No. OPA.1516.03 and Z.1516.03

LOCATION: 1020 – 1042 Sixth Line

WARD: Ward 5

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RECOMMENDATION

1. That the proposed Official Plan Amendment and Zoning By-law Amendment application submitted by 1463291 Ontario Inc. (Dunpar Developments Inc.)/Lisa and Taylor Rogers, File No.: OPA.1516.03 and Z.1516.03 and detailed within the August 29, 2023 Planning and Development/Council report from Planning Services, be refused.
2. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter.

KEY FACTS

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

- This report relates to an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) application submitted by 1463291 Ontario Inc. / Lisa and Taylor Rogers.
- Supporting material was received on May 25, 2023, June 8, 2023, and June 15, 2023.
- The application was deemed complete as of June 15, 2023.
- The Bill 109 120-day legislative timeframe for a decision expires on October 13, 2023.

- The site, being five properties with addresses 1020 – 1042 Sixth Line, is located on the west side of Sixth Line, just north of the QEW and North Service Road East.
- The development proposes 57 new dwelling units, comprising 55 townhouse units and a semi-detached unit (2 dwellings) and the retention of the detached dwelling at 1042 Sixth Line. The dwelling at 1024 Sixth Line is proposed to be demolished.
- Access is proposed from Sixth Line and Sunnycrest Lane.
- A virtual Public Information Meeting (PIM) was held on January 30, 2023. Thirty members of the public were in attendance. The PIM notes are included within the appendices.
- A previous Official Plan and Zoning By-law Amendment application (File No.: Z.1516.02) for the development of this site was the subject of an interim Local Planning Appeal Tribunal (LPAT) decision dated August 23, 2019 prior to being refused by the Ontario Land Tribunal (OLT) on August 17, 2021. The applicant submitted a Section 23 appeal requesting a review of that final decision of the OLT. It was further refused by the OLT on January 19, 2022. All OLT decisions are included in the appendices.
- Staff has reviewed the application material in the context of the existing neighbourhood, as well as the applicable policy framework. Staff has also considered the comments from the technical review, any comments received from the public and the OLT decision.
- Based upon staff's review and analysis as set out in this report, it is recommended that Council refuse the application for the reasons outlined in this report.

BACKGROUND

The purpose of this report is to introduce the new planning application in conjunction with the public meeting and to provide a recommendation on the application.

As described below, the site was the subject of a previous application that was refused by Council and an appeal that involved two separate hearings before being denied by the Ontario Land Tribunal. Notwithstanding the refusals, it has been recognized by staff, Council, and the Tribunal that an appropriate medium density development could be accommodated on a portion of the subject lands subject to addressing a number of matters. This report evaluates the current proposal in light of applicable policies and considers guidance received through the previous OLT decisions.

Previous Development File

In October 2016, the town received an Official Plan Amendment and Zoning Bylaw Amendment from the same landowners / applicants for the development of this site

for 81 townhouse units and the retention of the dwellings at 1020 and 1042 Sixth Line.

Staff reviewed the application and recommended refusal in a report (see **Appendix F**) presented to Council on March 20, 2017. Council passed the following resolution.

1. *That the proposed Official Plan Amendment and Zoning By-law Amendment applications, as submitted by 1463291 Ontario Inc. (Dunpar Developments Inc.), File No.: Z.1516.02, and detailed within the March 7, 2017 Planning and Development Council report from Planning Services, be refused;*
2. *That notice of Council decision reflect that the refusal of the application was consistent with comments received from the public; and*
3. *That Council direct Planning Services staff to undertake a review of the subject land and their context to determine what appropriate redevelopment opportunities exist, having regard to the issues identified in the Planning Services report dated March 7, 2017, in consultation with the local residents and the applicant.*

An appeal to the LPAT was submitted on March 31, 2017.

In relation to resolution #3, three meetings were held with the public with a report presented to Council on November 6, 2017.

In that November 2017 report (see **Appendix G**), staff made the following statements.

"Appropriate redevelopment of this site is not expected to undermine the stable character of this neighbourhood."

"...opportunities exist to redevelop the site at densities greater than presently exists within the Livable Oakville Plan. Medium density development would be appropriate for the area subject to design in a manner that would both address the physical constraints of the property and maintain the character of the area. Under the Livable Oakville Plan, this would permit a density range of 30-50 units per site hectare. Respecting the constraints identified in the bubble plan, in particular, the buffer along Sixth line, the retention of the allee, the protection of the Sixteen Mile Creek Valley, and the appropriate interface with Sunnycrest Lane, would allow for development at this level."
(emphasis added)

Staff acknowledged that a medium density type of development at an appropriate density would be appropriate, subject to site constraints and the existing character of the neighbourhood being addressed.

Comparison of Previous vs Present Proposal

The following table outlines the history of the recent proposals submitted for the development of this site.

	Proposals	Townhouses	Semi's	Retained	Total New
1.	2016 Proposal (original, Council refused on staff recommendation)	81		1020 and 1042 Sixth Line	81
2.	Nov 2017 Report (revised concept at direction of Council)	65	2	1020 and 1042 Sixth Line	67
3.	2019 LPAT Hearing (proposal not approved, appeal not dismissed)	65	2	1020 and 1042 Sixth Line	67
4.	2021 OLT Hearing (refused)	61	2	1042 Sixth Line	63
5.	2023 Proposal	55	2	1042 Sixth Line	57

The various development concepts referenced above can be found in **Appendix K**.

Key Milestones for the Present Application

The following are key milestones with this application.

Pre-Consultation Meeting	May 18, 2022
Developer Initiated Public Information Meeting	January 30, 2023
Submission of Application and Supporting Material	May 25, June 8 and June 15, 2023
Application Fees Paid	May 31, 2023
Deemed Complete	June 15, 2023
P & D Council - Public Meeting	September 11, 2023

Staff had originally deemed the application incomplete (June 21, 2023) due to an updated Environmental Impact Study not being submitted. The incomplete status was appealed to the Ontario Land Tribunal. Based upon further discussions with Halton Region on the 2017 EIS submitted on June 15, 2023, the application was deemed complete for the purposes of processing the application. However, it should be noted that as part of the overall planning process, an updated EIS will still be required to fully evaluate the proposal.

APPLICATION SUMMARY

Applicant/Owner: 1463291 Ontario Inc. (Dunpar Developments Inc.), Lisa and Taylor Rogers

Property Location and Description: The site, comprising five properties, is located on the west side of Sixth Line, just north of the QEW and North Service Road East (see Figure 1). The overall site area including the 16 Mile Creek valley land is 3.35 hectares. The tableland area is approximately 1.25 hectares (established as part of a previous application/hearing). Frontage on Sixth Line is approximately 104 metres.

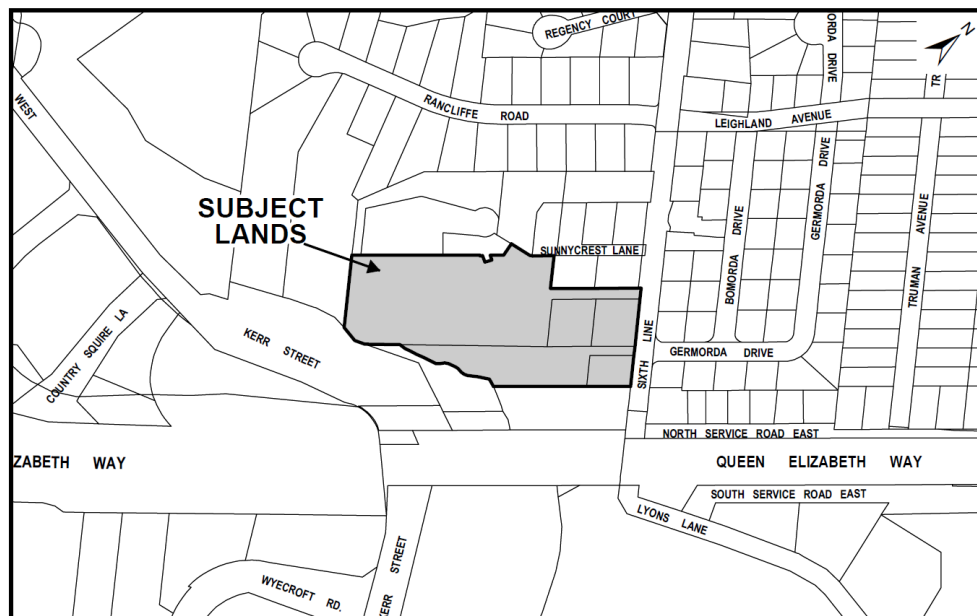


Figure 1 - location map

The site is well treed, both within the valleyland and on the tableland area.

1042 Sixth Line possesses a long tree-lined driveway (Figure 2) that extends from Sixth Line to the dwelling located at the top of bank of the Sixteen Mile Creek valley.



Figure 2 – 1042 Sixth Line entrance driveway from Sixth Line

The property currently includes three (3) detached dwellings.

- The dwelling at 1042 Sixth Line can be seen at the end of driveway on Figure 2. This property is designated under Part IV of the *Ontario Heritage Act* (By-law 2020-047).
- A detached dwelling at 1024 Sixth Line is located at the top of bank of the Sixteen Mile Creek valley.
- A dwelling at 1020 Sixth Line fronts directly onto Sixth Line.
- 1028 and 1032 Sixth Line are vacant lots. The dwellings were demolished in 2021.

Purpose of Application(s): The purpose of the Official Plan Amendment is to amend the Town's Livable Oakville Plan to permit a medium-density residential development on a portion of the subject lands with a maximum density of 47 units per hectare. The proposed Zoning By-law Amendment revises zone boundaries and introduces the RM1 zone to a portion of the subject lands together with modifying various RM1 regulations to implement the proposed development.

Effect of Application(s): The effect of the application would be to permit a development, containing 57 new dwelling units (55 townhouses and 2 semi-detached units) together with the retention of the dwelling at 1042 Sixth Line.

Overview of Application: The development concept can be found in **Appendix B**.

The Official Plan Amendment proposes:

- to modify the 'Natural Area' designation limit;
- to remove the *Low Density Residential - Special Policy Area* overlay, which reflects a maximum density of up to 10 units per site hectare;
- to redesignate a portion of the subject lands from *Low Density Residential* with *Special Policy Area* overlay to *Medium Density Residential*; and,
- to permit a maximum density for the *Medium Density Residential* designation of 47 units per site hectare.

The Zoning By-law Amendment proposes:

- to modify the limits of the *Natural Area (N)* zone;
- to rezone a portion of the site from *Residential Low (RL1-0)* and *Natural Area (N)* to *Residential Medium (RM1)*;
- to introduce a permission for the existing dwellings to remain in the *Natural Area (N)* zone;
- to introduce / amend various *RM1* regulations as follows:
 - delete references to maximum lot coverage, minimum lot area (135 m²/dwelling), minimum landscaped area (10%);
 - revise the minimum lot frontage to 4.27 m from 30.5 metres;
 - amend the minimum front yards, rear yards, flankage yards and interior side yards as per a site specific figure;
 - amend the minimum separation distances between buildings to 1.8 metres from 2.4 m;
 - increase the maximum height to 12.4 m from 12 m; and,
 - permit above-grade decks to extend 3.6 metres from main wall of dwelling from 1.5 m.

In addition to the above, the proposal reflects the following:

- development is to be considered as a future standard condominium;
- retention of the dwelling at 1042 Sixth Line;
- removal of the dwelling at 1020 Sixth Line (shown on site plan);
- development of four storey townhouse and semi-detached units;
- units are proposed to have private amenity space from the 2nd level. These are either cantilevered decks or as terraces above rear lane garages.
- access from Sixth Line and from Sunnycrest Lane;
- use of a 6 metre wide private roadway as access to the units;
- front and rear accesses to the garages; and,
- a geotechnical stable top of bank for the Sixteen Mile Creek and the required 15 metre buffer.

The proposed housing types are as follows:

Proposed Unit Type	Total
Townhouse (ranging in width from 4.27 m to 5.35 m)	55
Semi-detached dwelling (width – 5.18 m)	2
Retention of 1042 Sixth Line	1
TOTAL	58

Submitted Plans / Reports: Supporting material was received on May 25, 2023, June 8, 2023, and June 15, 2023 and are identified below. This material was circulated for review to various public agencies and internal Town departments.

- Site Plan and Floor Plans
- Survey
- Draft Official Plan and Zoning By-law Amendments
- Arborist Report
- Character Impact Analysis
- Environmental Impact Study Reliance Letter
- Environmental Site Assessment Reliance Letter
- ESSQ
- Erosion and Sediment Control Plan
- FSR-SWM Report
- Geotechnical Soils Report
- Grading and Servicing Plan
- Landscape Plan
- Pedestrian Circulation Plan
- Planning Justification Report
- Sun shadow Study

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- Transportation Impact Assessment Reliance Letter
 - Tree Preservation Plan
 - Urban Design Brief
 - Waste Management Plan
 - Heritage Impact Assessment
 - Minutes of January 30, 2023 PIM
 - 3D Model
 - Phase One ESA
 - Previous Transportation Impact Study
 - Tree Canopy Plan
 - 2017 EIS (from the previous planning process).

The supporting documentation is accessible on the Town's website by visiting <https://www.oakville.ca/>

For the purposes of this report, various appendices have been created as noted below and throughout the report.

An aerial map, Livable Oakville land use schedule and an existing zoning map from the Zoning By-law 20014-014, as amended, are included in **Appendix A1**.

A copy of the applicant's proposed development plan is included as **Appendix B**.

A copy of the applicant's draft Official Plan Amendment is included as **Appendix C**.

A copy of the applicant's draft Zoning By-law is included as **Appendix D**.

A copy of the applicant's January 30, 2023 Public Information Meeting Minutes is included as **Appendix E**.

Existing Character of Neighbourhood:

As shown on Figure 3 below, the surrounding land uses are as follows:

- *North* – Sunnycrest Lane (private lane) and residential (detached dwellings).
- *South* – Sixth Line Parkette (town owned), the QEW and North Service Road East.
- *East* – Sixth Line and residential (detached dwellings).
- *West* – 16 Mile Creek Valley.

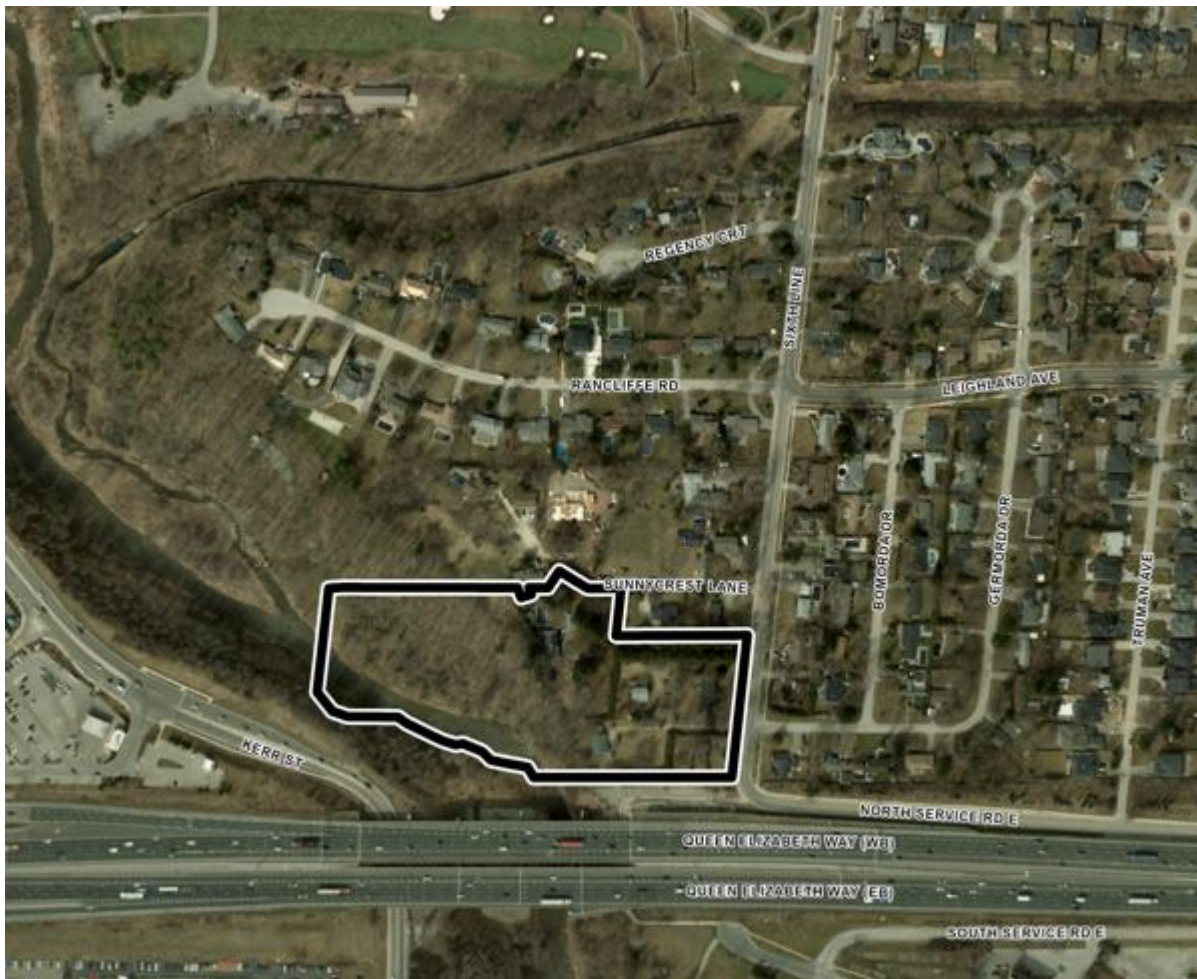


Figure 3 – Area Context

The area west of Sixth Line (Sunnycrest Lane, Rancliffe Road and Regency Court) is characterized by one and two storey detached dwellings. These well-treed large lots are on wide public rights-of-way except for Sunnycrest Lane, which is a rural-in-nature private lane. The dwellings are well set back from the road and are well separated from each other.

The lands east of Sixth Line (Bomorda Drive, Germorda Drive, Truman Avenue) possess large wide lots situated on public rights-of-way with a rural cross-section of open swales. The streetscape and lots reflect a balance between mature trees and landscaping with dwellings ranging in height from one to two storeys.

Figure 4 below provides further context for lots on Sunnycrest Lane and the town's Sixth Line Parkette at the southerly end of the subject property.

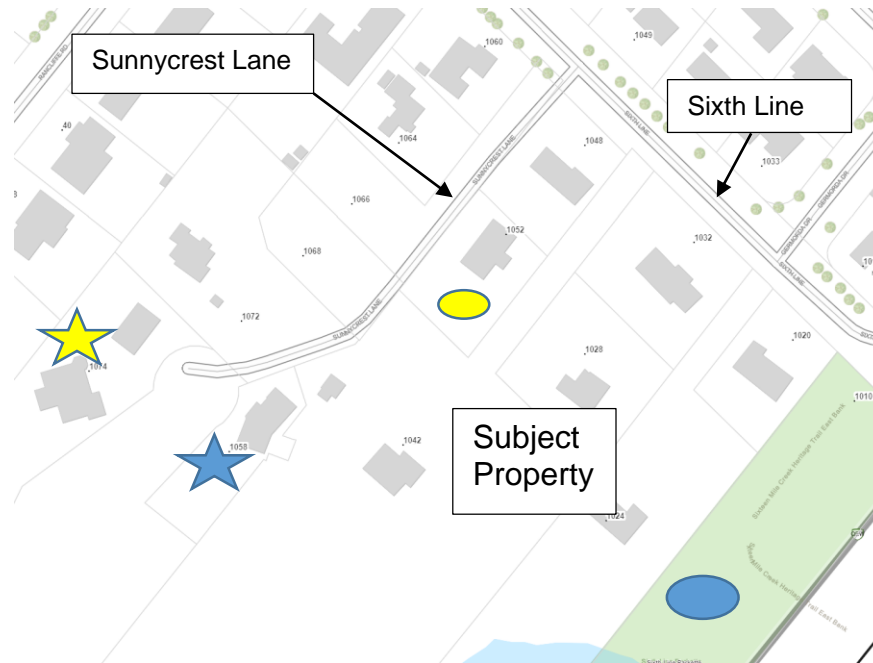


Figure 4 – Immediate surrounding neighbourhood area

Sunnycrest Lane, which is a private lane off the west side of Sixth Line, is comprised of a series of easements. As can be seen below in Figure 5, Sunnycrest Lane is rural in nature and possesses a gravel driving surface with no curbs or sidewalks. Municipal water and wastewater services exist on this lane.



Figure 5 – Photos of Sunnycrest Lane looking towards Sixth Line

The existing neighbourhood in the immediate vicinity of the subject property, continues to evolve with the replacement of the original housing stock on existing individual lots (previous homes and replaced with larger detached houses).

As an example, 1052 Sixth Line (Sunnycrest Lane), which abuts the subject application land, is under construction [location (yellow oval) on Figure 4 above and building permit drawing excerpt Figure 6 below]. A building permit was issued for the construction of a second storey addition with rear extension, new front porch and new walkout at the rear. The new dwelling has a building height of 8.99 metres and maintains the required two storeys. The main wall setback (front yard) from Sunnycrest Lane is 12.2 metres minimum.



Figure 6 - 1052 Sixth Line excerpt from building permit

1058 Sixth Line (Sunnycrest Lane) is identified by the blue star on Figure 4. It is a one-storey detached dwelling and is a listed heritage property on the town's heritage registry.

Similarly, 1074 Sixth Line (Sunnycrest Lane) is also a listed heritage property on the town's heritage registry (yellow star on Figure 4).

To the south, is the town's Sixth Line Parkette (see blue oval on Figure 4). It contains a walkway/path that extends underneath the QEW for a pedestrian connection to the Midtown area (see Figure 7 - photo below) and a noise barrier immediately south of the Dunpar property. While wholly owned by the town, a portion is regulated by the MTO for potential future highway expansions.



Figure 7 - Sixth Line Parkette at QEW

PLANNING POLICY

The subject lands are subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019, consolidated 2020)
- Halton Region Official Plan; and,
- Livable Oakville Plan.

The provincial, regional, and local policy regime, as referenced above, is outlined with **Appendix A2** to this report.

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 (2020) 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.

Growth Plan

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 "Delineated Built-Up Boundary."

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.

Halton Region

The subject lands are predominately designated 'Urban Area' while the rear of the proposed development is designated 'Regional Natural Heritage System' in the ROP as shown on Map 1 of the ROP (Regional Structure).

Per Section 72 of the ROP, the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities, which afford maximum

choices for residence, work, and leisure. Section 72.1 of the ROP states that the objectives of the Urban Area are to identify a Regional Urban Structure that directs growth to Strategic Growth Areas and to facilitate and promote intensification and increased densities (among others).

Per Section 51 of the ROP, the goal of the Regional Natural Heritage System is to preserve and enhance the biological diversity and ecological function within the Region. Furthermore, it is the intent that the Regional Natural Heritage System will be generally protected from development by minimizing the number of distances.

Further, per Section 76 of the ROP, the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant policies of the ROP. In addition, per Section 78 of the ROP, within the Urban Area, the Regional Urban Structure, as shown on Map 1H (Regional Urban Structure), implements Halton's planning vision and growth management strategy and consists of several structural components, including Strategic Growth Areas.

Livable Oakville Plan

The subject land is contained within an established residential community as identified by the Livable Oakville Plan and is designated *Low Density Residential* with *Special Policy Area* overlay and *Natural Area* on Schedule I, Central Land Use (see Appendix A1).

The various Livable Oakville policies can be found in Appendix A2.

Zoning By-laws (By-law 2014-014)

The Zoning By-law zones the site as *Residential Low (RL1-0)* and *Natural Area (N)*.

The existing zoning schedule for this property is located in Appendix A1.

ANALYSIS

Provincial Policy Statement

The PPS speaks to efficient use of land and resources (s.1.1.3.2), development standards to facilitate intensification, redevelopment while avoiding / mitigating risks to public health and safety (s.1.1.3.4), protection of natural features for the long term (s.2.2.1), conservation of significant built heritage resources and significant cultural heritage landscapes (s.2.6).

In addition, Section 4.6 states

“The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans”.

The various PPS policies are captured within the town’s Livable Oakville Plan with the establishment of the town’s urban structure and intensification strategy.

The proposal does not optimize the site’s assets, does not satisfactorily have regard for the protection of the natural area, nor does it give satisfactory regard to the conservation of cultural heritage resources of the site. The proposal does not maintain or protect the character of the site or that of the surrounding neighbourhood.

Based upon a review of the submitted material, the proposed Official Plan and Zoning By-law Amendment is not consistent with the PPS (2020).

Growth Plan

Section 2.2.3 speaks to developing a strategy to achieve minimum intensification targets and within the delineated built-up area. This intensification strategy is captured within the town’s Livable Oakville Official Plan.

Section 4.2.2 discusses the protection of the Natural Heritage System

Section 4.2.7 speaks to the conservation of cultural heritage resources.

For the reasons as discussed above in the PPS section, the proposed Official Plan and Zoning By-law Amendment similarly do not conform to the Growth Plan.

Halton Region Official Plan

In a letter dated August 22, 2023 from Halton Region and as contained with Appendix A3, the following statement was made:

“As noted, Regional Staff continue to have outstanding technical comments as it related to confirming the limit of new development and therefore, at this time the Region is not in a position to offer a formal position on this proposal. Additionally, once detailed comments specific to the EIA and RNHS are addressed, the Region will be in a position to offer a formal position. We trust the above comments are of assistance.

As such, we are not in a position at this time to make a recommendation concerning conditions of approval and any potential Official Plan amendment or By-law provisions including Holding Provisions.” (emphasis added)

As noted, the 2017 Savanta Scoped EIS report submitted on June 15, 2023 is required to be updated.

Livable Oakville Plan

Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town’s Residential Areas, Natural Heritage System and Greenbelt – Urban River Valley overlay.

Residential Intensification

The Livable Oakville plan establishes Oakville’s urban structure, up to and including defined Growth Areas. While the Plan recognizes that intensification may occur in established residential communities, the highest level of intensification is targeted for those Growth Areas.

The development proposes a predominantly townhouse development with a proposed density of 47 units per site hectare (near the 50 uph upper limit of the Medium Density Residential range) that attempts to maximize the development on the site without due consideration to the site’s asset or that of the existing neighbourhood character.

While the townhouse form is permitted in the Medium Density Residential designation, the two semi-detached dwellings, Units 53 and 54, are not permitted and require an exception.

These lands are subject to the policies of Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 that govern intensification within stable residential communities.

Section 11.1.8

Section 11.1.8 b) states

“Intensification within the stable residential communities shall be provided as follows:

- b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial*

and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with sections 11.1.9 and all other applicable policies of this Plan...”

The subject land qualifies as a site designated as *Low Density Residential* with sufficient frontage and depth to accommodate appropriate intensification. However, the key operative word within the policy is “appropriate”, subject to the evaluative criteria of Section 11.1.9 for evaluating development within all stable residential communities.

Section 11.1.9

Section 11.1.9 reflect evaluative criteria related to intensification. The following outlines these criteria along with the corresponding analysis:

“11.1.9 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”.*

‘Compatible’ in the Livable Oakville Plan is defined as

“the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact”.

The existing neighbourhood consists of original housing stock (one and two storeys) with newer dwellings being developed on the existing lots. The neighbourhood continues to be in transition but maintains the existing character. The neighbourhood including the abutting Sunnycrest Lane which is subject to the *Special Policy Area* policies and “0” suffix zoning regulations.

Tree protection/preservation along with the site’s cultural heritage character play critical roles in determining the scale of any redevelopment and conformity with the overall intent of maintaining and protecting the existing character of the surrounding neighbourhood.

The proposal creates four storey townhouse / semi-detached dwelling blocks reflecting narrow units, heights greater than the surrounding neighbourhood,

long repetitive building lengths, flat facades with no breaks and inadequate back-to-back separation distances between Blocks A and B.

The proposed scale, height, massing and architectural character of this development application are not considered compatible with the surrounding neighbourhood.

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

The surrounding neighbourhood is characterized by setbacks, orientation and separation distances that maintain or exceed the minimum requirements of the existing RL1-0 and RL2-0 zones.

The development introduces setbacks and separation distances that are not reflective of the existing character of the surrounding neighbourhood. As an example, the dwellings on Sunnycrest Lane are well set back from the private lane, whereas the proposal is reflecting a 6.0 metre setback.

The RM1 zone requires minimum building separations of 2.4 metres. However, within the proposed zoning by-law the applicant is requesting 1.8 metres.

MTO is requesting confirmation that the required 14 metre development setback for buildings, parking and drive aisles from the highway designated corridor is being maintained. This has the potential to affect the southerly end of the proposed development (the area of four visitors parking, drive aisle and Units 1, 2, 3, 13, 14, 37).

Proposed minimum setback abutting the proposed Natural Area ranges from 2 to 3.3 metres. The RM1 zone if applied requires a 6.0 metre setback. With the requested zoning regulation of 3.6 metre for above-grade decks extending from the main wall, the decks would extend into the Natural Area (Unit 38 as an example). The Natural Area defined by the 15 metre setback would typically be conveyed to the town as part of a future planning process in accordance with town policies. Consideration for a top of bank public pedestrian connection would also be necessary. Staff are concerned with the protection of the Natural Area and the lack of an appropriate setback for unit maintenance without encroaching into the Natural Area.

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.

The "0" suffix zone caps the height at 2 storeys, a building height of 9.0 metres and prohibits floor area above the second storey

The proposed RM-1 zone caps height at 3 storeys and 12 metres.

As future development is being considered as a standard condominium, height is taken from established grade along the front property line (Sixth Line); whereas the number of storeys is determined by the average grade around each building and relates back to the Ontario Building Code.

The proposal reflects four storeys with a proposed height of 12.4 metres. This is above the permitted height of the RM1 zone of 12 m and 3.4 metres and two storeys above the abutting RL1-0 and RL2-0 zones. Depending on the grading of the site, the actual metric of 12.4 metres could be even greater for units internal to the site (i.e.: abutting the Natural Area and those at Sunnycrest Lane)

In addition, the front entrances to units in Blocks A and B are below grade (see Figure 8). Block A front directly onto Sixth Line. This situation is not characteristic of this neighbourhood or adjacent developments.

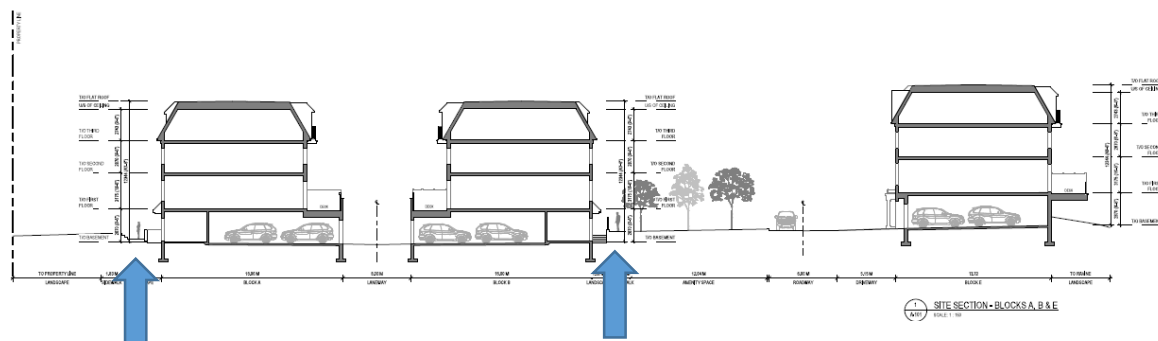


Figure 8 - Cross section between Sixth Line and Sixteen Mile Creek valley

There is no gradation in building height to Sunnycrest Lane. Four storey units are proposed.

Town staff remain concerned on how the height and number of storeys is proposed.

- d) *Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*

The applicant has confirmed that the proposed development has been designed as a standard condominium. No draft plan of condominium has been submitted at this time.

The surrounding neighbourhood contains large wide lots with generous separations between dwellings that front onto public roads. The existing lotting pattern, in most cases, aligns lots with similar wide frontages to maintain consistency. The proposed redevelopment of the site reflects one large lot in a condominium format on a private condominium road with a long and tall built form (four storey townhouse units). The resultant lot pattern for this future condominium proposal would reflect narrow and shallow lots; a significant departure from the character of the existing neighbourhood.

e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

The application material was reviewed by the Town's Fire Prevention Department and comments were raised related to location of fire access routes, orientations for buildings not facing a fire route (Blocks G and H, which are proposed to front onto the private Sunnycrest Lane), unobstructed paths of travel required to be less than 45 metres from principal entrances, any dead-end portions requiring a turnaround facility which shall be a minimum of 12 metre turning radius. Fire prevention is a matter that was raised at the previous OLT hearings.

Regional staff have not raised any concerns with water, wastewater and waste management services.

f) Surface parking shall be minimized on the site.

No public parking spaces are located on Sixth Line abutting the site. Any development will be required to provide the required number of visitor's parking spaces.

10 visitor parking spaces are being provided on the site plan. Within By-law 2014-014, Table 5.2.1 footnote 1 states "*0.25 of the parking spaces required per dwelling shall be designated as visitors parking spaces*". Based upon 55 new townhouse units, 13.75 visitor parking spaces are required (rounded up to 14 as per bylaw).

The proposal is deficient four (4) visitor parking spaces based upon the town's zoning bylaw.

There are two parking spaces at the entrance to the site from Sixth Line. These are not acceptable as they create a safety issue at the entrance and are not supported from an urban design perspective because it interrupts the interface between the public realm and built form.

Concerns have also been raised about parking space dimensions, parking area setbacks from buildings (1.8 m min setback required), landscaped areas between parking areas/drive aisles and lot lines (3.0 m requirement) and confirmation of parking garage widths.

- 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.*

The applicant proposes a private road from Sixth Line with sidewalks internal to the site. Staff have no concern with the use of a private roadway in appropriate circumstances.

The development proposal identifies a connection to Sunnycrest Lane between Blocks G and H. The access to Sunnycrest Lane was on the original proposal but removed as part of subsequent processes. It has been re-introduced in the 2023 proposal. Staff remain concerned with the access onto Sunnycrest Lane.

The issue of whether access could be permitted over Sunnycrest Lane would be a legal issue between the applicant and the owners of the road. To date, owners of the road have been strongly opposed to any access to/from Sunnycrest Lane. Staff also have received correspondence from a Sunnycrest Lane resident advising that they are against any access onto Sunnycrest Lane (see **Appendix A4**).

From a planning perspective, it introduces a road connection and traffic not envisioned for public use aside from that of the owners of the private lane.

Regarding pedestrian movements, the development concept identifies a walkway with sets of stairs connecting Sunnycrest Lane to a proposed walkway located on the existing 1042 Sixth Line driveway. Blocks G and H have front walkways extending to Sunnycrest Lane. As mentioned, Sunnycrest Lane is private and 'rural in nature' with no sidewalks or identified pedestrian connections to Sixth Line.

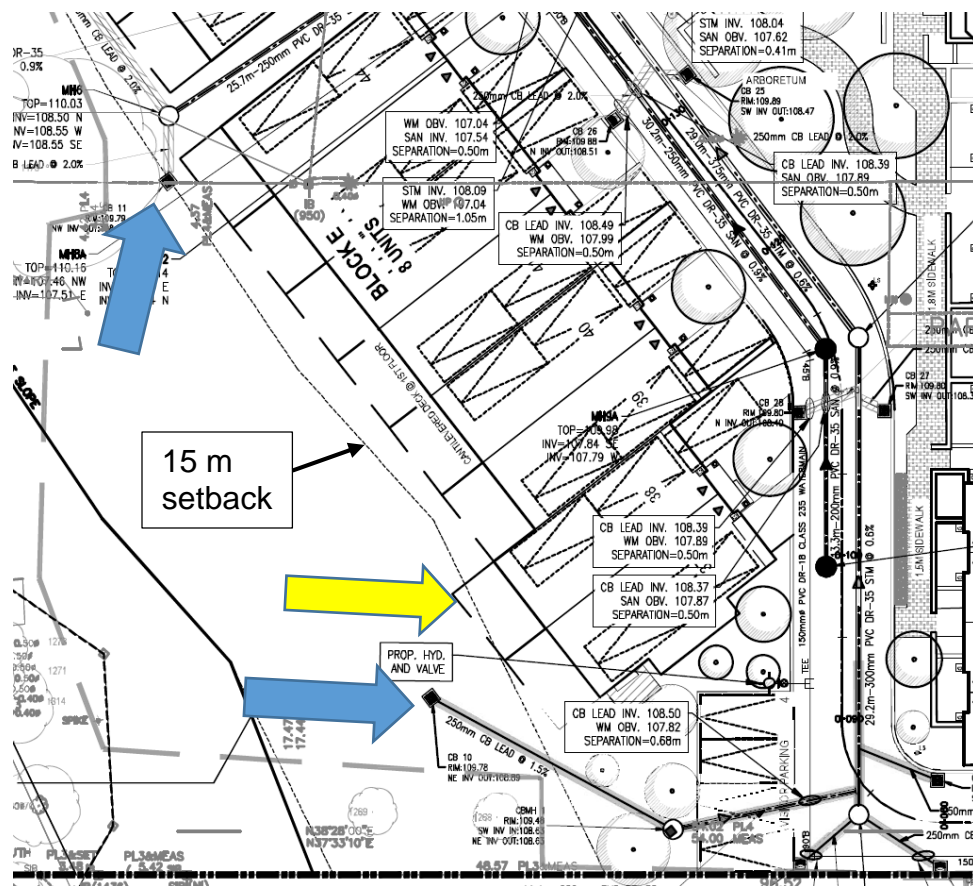
- h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*

Valley lands and the 15 metre geotechnical top of bank setback limit are traditionally conveyed to the town as part of the town's overall Natural Area System. The area would also contain a public pathway. The matter of conveyance and pathway connections would be resolved as part of a future site plan and condominium process. Notwithstanding this, the protection of the

Natural Area lands is a matter that needs to be resolved as part of this OPA and ZBA process.

On the site plan/grading plan, there appears to be grading / landscaping works proposed in the 15 metre setback related to the proposed drainage. This is contrary to the protection of the valley lands and buffer areas. All private grading / drainage / landscaping works must be accommodated outside of the 15 metre setback.

As seen by the arrows on Figure 9 below, the development concept proposed to introduce a rear deck from Unit 38 deck (yellow arrow), two stormwater catch basins and a stormwater pipe (blue arrows) within 15 metre stable top of bank buffer setback (shown as a dotted line). This 15 metre setback reflects Conservation Halton's regulatory limit. As outlined with Conservation Halton's comments in **Appendix A3**, these features are required to be removed from the regulatory limit.



Proposed Stormwater Management Tank and Stormwater Pipe

A stormwater management facility is being proposed at the entrance driveway to 1042 Sixth Line as shown on Figure 10 below. No buffer or setback is shown from the town's Sixth Line right-of-way.

This proposed facility removes protected heritage trees as defined by the site's heritage bylaw (By-law 2020-047) and is not acceptable to town staff.

Also, the site abuts the north side of the QEW. Town staff and the Ministry of Transportation (MTO) through their review of the application material have raised a concern related to the proposed overall stormwater management system and in particular the stormwater management facility.

The Town of Oakville Stormwater Master Plan must be considered to determine the appropriate overall stormwater management strategy.

MTO does not consider the underground chamber system as a permanent solution. However, if the applicant wished to proceed with this system, the applicant must undertake an analysis with the chamber system "lost" and confirm that there are no impacts to the MTO's drainage system. MTO's full comments can be found in **Appendix A3**.

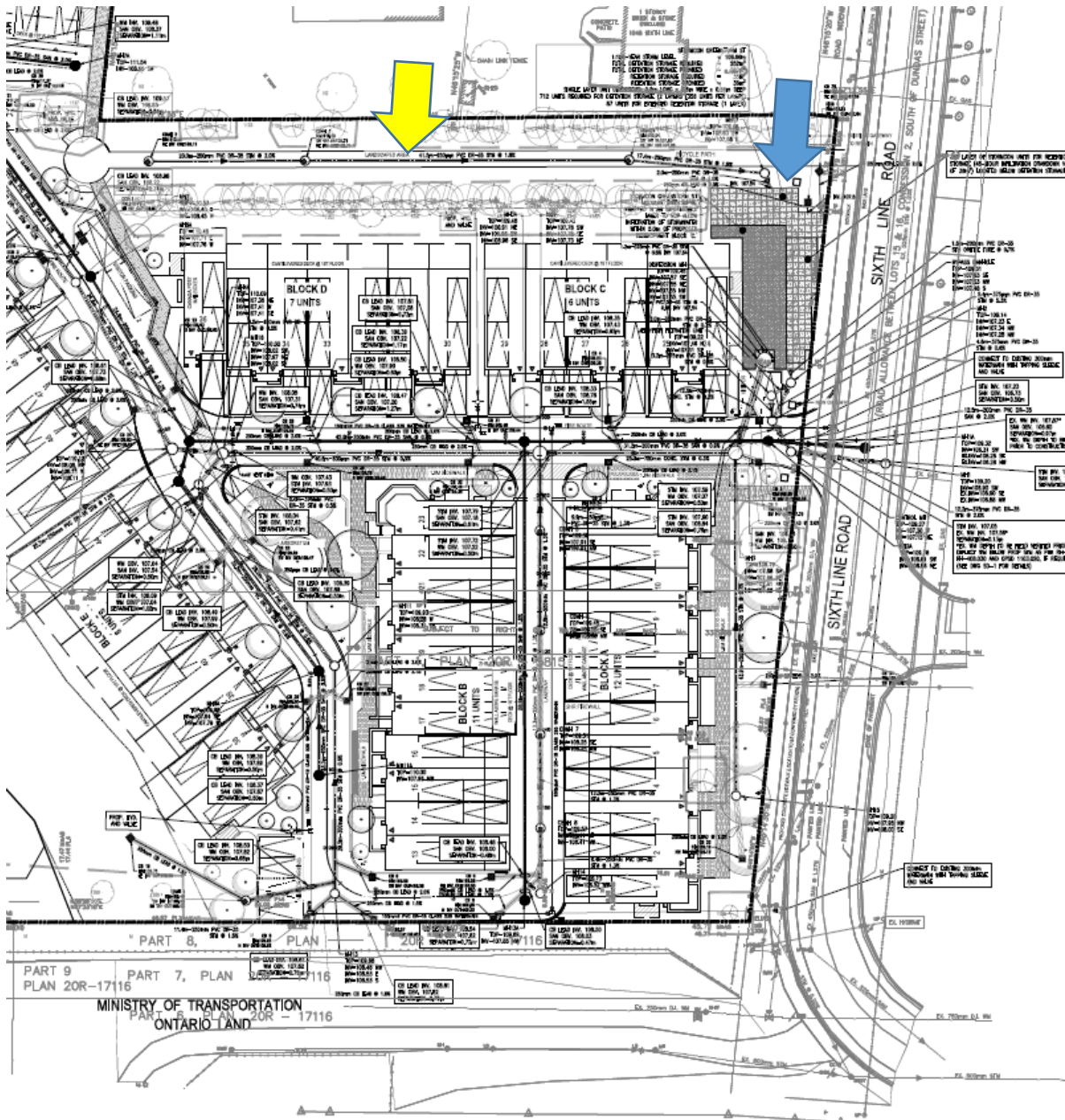


Figure 10 - Servicing Plan excerpt #2

In addition to the stormwater management facility removing heritage designated tree, the servicing plan also show a stormwater pipe (yellow arrow on Figure 10) within the existing driveway to 1042 Sixth Line. Installation of a sewer system has the potential to affect the existing heritage trees on each side of the driveway.

Sunnycrest Lane interface – see Figure 11

It is noted that Unit 57 is set back 3.0 metres from the mutual property line with 1052 Sixth Line (Sunnycrest Lane). This is the side yard to the unit. Within this 3 metres setback is a retaining wall at the property line (ranging in height up to 0.74 m and extending from the Sunnycrest Lane property limit to the driveway of 1042 Sixth Line) and a 1.8 metre walkway with 3 sets of stairs.

Units 53 to 57 have front entrances and walkways extending to Sunnycrest Lane with a proposed minimum setback of 6 metres.

While the elevations reflect a 12 metre height on the Sunnycrest Lane edge, the height is measured from established grade at Sixth Line.

Unit 57 has a terrace above the rear entry garage. While the terrace is set back approximately 3.8 metres from the property boundary at 1052 Sixth Line, the potential for overlook is of concern. Overlook and privacy were concerns previously raised.

As mentioned, Sunnycrest Lane is private, 'rural in nature' and does not contain sidewalks. With the walkways, access point, proposed built form, removal of the existing cedar hedge abutting Sunnycrest Lane, the proposed development concept does not protect or maintain the existing character along Sunnycrest Lane and does not consider any transition.

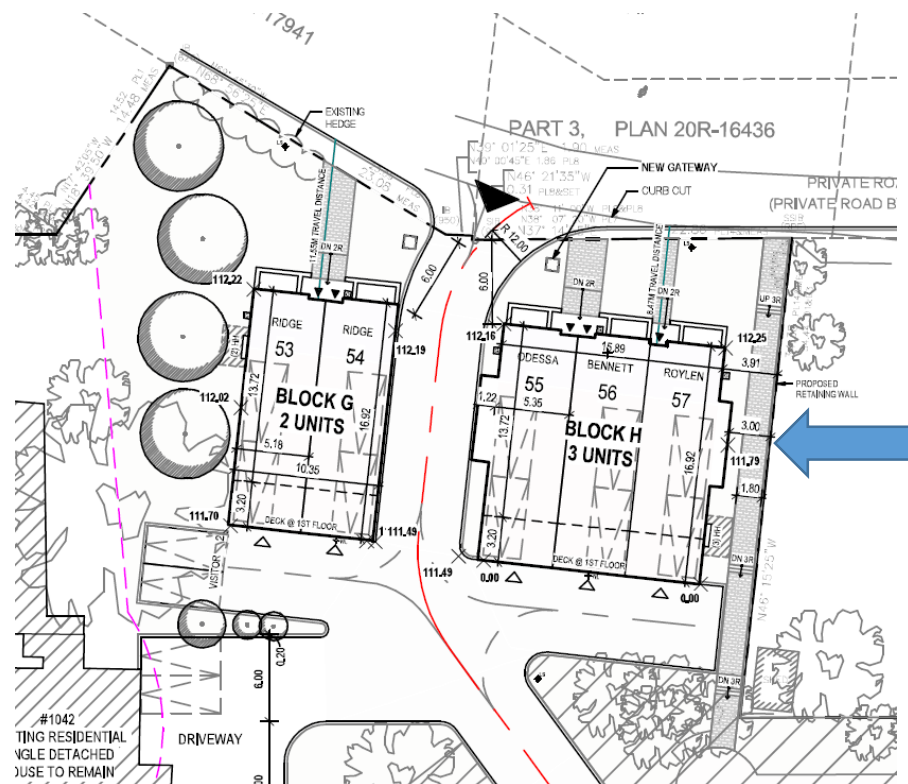


Figure 11 - Site Plan excerpt

- “i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.”*

While not in a heritage conservation district, 1042 Sixth Line is a Part IV designated heritage property by By-law 2020-047. Concerns of staff on the submitted Heritage Impact Assessment is further discussed in the report.

- “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.”*

Staff have no concerns related to this policy

Urban Design, Streetscape and Landscape

Part C, Section 6 Urban Design of the Livable Oakville Plan sets out policies for compatibility with the existing community between existing and new development. These policies are as follows:

- “6.1.1 a) to provide diversity, amenity, comfort, safety and compatibility with the existing community;*

- 6.1.2 a) *Development* and public realm improvements shall be evaluated in accordance with the urban design direction provided in the Livable by Design Manual, as amended, to ascertain conformity with the urban design policies of this Plan. Alternative design approaches to those found in the Livable by Design Manual may be proposed, with appropriate justification and after consultation with the Town, provided that they meet the intent and purpose of the urban design policies of the Plan.
- 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.
- 6.10.2 *Development should preserve and enhance the urban forest by:*
a) *maintaining existing healthy trees, where possible;*
d) *incorporating trees with historic or cultural significance*

An Arborist Report and Tree Inventory & Preservation Plan were submitted. The report assessed 223 trees and 16 tree groupings trees all located either on-site or within 6 metres of the property line.

The proposed development includes the removal of 107 trees and 9 tree groupings. Most of the remaining trees are being provided tree protection fencing for the duration of the construction project.

Concerns have been raised related to the following matters:

- The removal of trees from the treed driveway at the entrance to 1042 Sixth Line for a stormwater management facility referenced above.
- Removal of the trees making up the “Y” shape driveway extension, part of 1042 Sixth Line.
- The potential impacts to the tree protection zone for the development of Blocks C and D of the same treed driveway. The proposed development setback for the majority of Blocks C and D is 19 metres, with the exception of Unit 36 of Block D being 17 metres. This zoning setback is taken from the rear property line of 1048 and 1052 Sixth Line (Sunnycrest Lane) on the north side of the treed driveway. In addition to this proposed setback, the applicant is requesting a 3.6 metre above grade deck extension into this 17/19 metre setback, even though shown as 3.2 m on the site plan. Tree protection along the treed driveway is a concern, which was also raised at the previous OLT hearings. Surveying of the dripline for these trees will be required to ensure protection of these heritage trees.

- The impact from removal of the cedar hedgerow (P11 and P 13) in front of Blocks G and H on the south side of Sunnycrest Lane.
- Impact and removal of the cedar hedgerow (P5 and P6) along the mutual southerly property boundary between this site and the town's Sixth Line Parkette.
- Visitors parking and the private drive aisle are proposed within the required 3 metre landscape area (as required in the town's zoning by-law Table 4.11.2 s.10) with affects P5 and P6
- Impacts of development on the Ginkgo tree, Tree 1160. Affected by visitor parking area underneath and development of Units 53 and 54.
- Impacts of development on the Beech tree, Tree 1280, in front of heritage house.
- The removal of trees (1245 to 1248) at the proposed driveway entrance to the site, south side.

The proposed development in comparison with the existing surrounding neighbourhood will contain narrower and taller units, blocks of units reflecting a continuous street wall, which is not in character with the surrounding area, there is a lack in an appropriate transition to that of Sixth Line or Sunnycrest Lane and does not satisfactorily address the heritage value of the site.

The proposed development has not been designed to respond to these urban design objectives, the policies of Section 6 of the Livable Oakville Plan, or the town's Livable by Design Manual.

It reflects a proposal that again does not maintain the character of the surrounding area and is too intense for this neighbourhood.

Top of Bank lands

The dwellings of 1024 and 1042 Sixth Line are situated at the top of bank of the Sixteen Mile Creek Valley. 1024 Sixth Line is proposed to be removed with the protection of 1042 Sixth Line (heritage property). This is consistent with the previous OLT hearings.

However, the proposal does not adequately protect or further the town's policy to obtain the valley lands and top of bank buffer setback as part of the Town overall natural heritage system. As previously mentioned, the deck of Unit 38, two catch basins and a stormwater pipe encroach into the 15 metre stable top of bank buffer, which would be part of the Natural Area designation and lands conveyed to the town. Proposed rear yard setbacks range from 2 to 3.3 metres abutting the Natural Area limit (15 metre geotechnical top of bank setback). However, decks are proposed in the zoning bylaw amendment to extend 3.6 metres from the main wall, see below.

“h) An above-grade deck shall be permitted to extend 3.6 metres from the main wall of the dwelling.”

Staff are also concerned with the ability based upon this design to provide maintenance or construction to the abutting dwelling units without intrusions into the Natural Area and proposed landscaping and grading work proposed within the 15 metre top of bank setback.

Zoning By-Law Amendment to Regulate the Proposed Land Uses

The proposed zoning is seeking to introduce a *Residential Medium* zone to the developable area and introduce exceptions to a number of zoning performance standards, as illustrated in the **Appendix D**.

The intent of Livable Oakville is to ensure appropriate intensification projects protect and maintain the existing neighbourhood character (Sections 11.1.8 and 11.1.9).


Built forms, road patterns, lack of appropriate consideration for the heritage merits of the site remain similar to that previously refused by Council and the OLT. Height, as an example and referenced previously, remains a concern. Built forms, transitions, proposed setbacks to the Natural Area or abutting neighbourhood are of concern.

Cumulatively, the proposed zoning does not implement the objectives and policies of the Livable Oakville Plan or that of the PPS and Growth Plan. It does not optimize on the site's assets but attempts to maximize a development at the upper range of the *Medium Density Residential* designation. It would provide for a built form and density that would not protect or maintain the existing character of the abutting residential neighbourhood.

In addition, the proposed zoning regulations do not reflect the conservation of the site's cultural heritage attributes.

It is noted that a discrepancy exists between the text of the proposed zoning by-law amendment and that of the submitted site plan. 1024 Sixth Line is shown on the site plan to be removed. However, the text of the amendment states (blue arrow):

15.XX.1 Additional Permitted Uses
Notwithstanding the provisions of the N Zone, residential dwellings that existed on the day of the passing of this By-law shall be permitted
15.XX.2 Zone Provisions



It speaks to residential **dwelling**s (emphasis by town staff). The dwelling at 1024 Sixth Line is traversed by the stable top of bank limit of Sixteen Mile Creek. Its removal is a matter that was resolved previously at the LPAT/OLT. Conservation Halton does not support its retention as it is within hazard lands.

Fit and intensity as outlined within previous LPAT/OLT decisions (Appendices H, I and J) have not been addressed in this current proposal.

Environmental Impact Assessment (EIS)

An Environmental Impact Study (EIS) was requested as part of the pre-consultation process in May 2022. The applicant originally submitted an Environmental Impact Study Reliance Letter and, in that letter, stated the following:

“Aquafor Beech Limited has been retained by Dunpar Homes to provide an updated environmental impact assessment of that property in support of the proposed redevelopment of the site (per a revised development plan as compared to what was presented in the 2017 assessment). As such, the Savanta Inc. 2017 report will be used to provide background information and context for the site and to assist in the scoping of Aquafor Beech Limited’s work for the current assignment.

Aquafor Beech Limited intends to complete an updated Environmental Impact Study for the property in keeping with a Terms of Reference that will be scoped with and approved by the appropriate agencies. To this end, Aquafor Beech Limited will be completing its own investigations to review, confirm, and/or supplement the existing data presented in the Savanta Inc. 2017 report, in order to meet current standards. We confirm that Aquafor Beech Limited’s updated report will be prepared by qualified persons, and acknowledge that it will be used by the Town and the Region for the purposes of assessing the ecological impacts of the proposed redevelopment.

Any and all representations, assumptions, findings, opinions, and recommendations contained in the July 2017 Scoped Environmental Impact Study remain the purview of Savanta Inc., the original author of that document. Aquafor Beech Limited will provide its own documentation at the close of the assignment.”

On June 15, 2023, the town received the 2017 Savanta EIS report.

The matter of completeness, lack of an updated scoped EIS based upon an accepted term of reference, was raised with the applicant, who subsequently appealed the complete matter to the OLT for adjudication.

Respecting the Bill 109 timelines (120 days), staff circulated the 2017 version of the EIS to the commenting agencies and department for comment.

Halton Region, in their letter attached in Appendix A3, advised that the report has been reviewed for the purposes of processing the application, but will require an update to the 2017 report. Specifically, it is stated that:

“As noted, Regional Staff continue to have outstanding technical comments as it related to confirming the limit of new development and therefore, at this time the Region is not in a position to offer a formal position on this proposal. Once detailed comments specific to the EIA and RNHS are reviewed, the Region will be in a position to offer a formal position. We trust the above preliminary comments are of assistance”.

As a result of this, the application was deemed complete as of June 15, 2023 and the September 13, 2023 OLT hearing on their “incomplete” motion was no longer required.

Depending on the results of the final EIS, the potential may arise to further influence the final design of this site.

Cultural Heritage (1042 Sixth Line)

The property at 1042 Sixth Line is designated under section 29, Part IV of the *Ontario Heritage Act* by By-law 2020-047.

The property is a significant cultural heritage landscape with its cultural heritage value best expressed through the individual components that comprise the landscape and their inter-relationships.

These individual components, as set out in the description of heritage attributes in By-law 2020-047 include:

- *The rubblestone entrance gateposts and walls;*
- *The formal entrance drive lined on both sides with mature spruce planted at short intervals forming a Y-shape as it opens to the formal circle at the main entrance;*
- *The landscape design of the house grounds, including:*
 - *The terrace of land along the river valley, accessed from the rear of the residence along an earthen footpath lined by a low, intermittent stone wall; and,*
 - *The placement of specimen deciduous and coniferous trees adjacent to the house (ginkgo biloba and magnolia), in the formal drive circle (beech) and in an “arboretum” east of the open lawn (oak, beech, birch, maple)*

- *The orientation of the house closing the vista along the entrance drive and placement of windows to take advantage of that view and of views across the lawn to the south and over the creek valley to the west.*
- *The c.1908-1912 frame residential building include:*
 - *Its location, orientation, scale and massing and irregular plan;*
 - *Its irregular roofline;*
 - *Its ashlar stone foundation;*
 - *Its frame construction and horizontal wood siding and wood shingle cladding; and,*
 - *The composition and location of openings, and their frames and glazings.*

Heritage Impact Assessment

A Heritage Impact Assessment (HIA) for the proposed development has been completed by MHBC Planning. The assessment provided an acceptable level of detail in accordance with the terms of reference for heritage impact assessments.

However, the applicant's HIA identified the following impacts (page 6 of HIA):

- *"The moderate overall impact to the Entry as a result of alteration;*
- *The potential impacts to the Residence as a result of alteration and vibration;*
- *The moderate overall impact to the Arboretum as a result of alteration;*
- *The potential impact to Views 1 and 2 and the moderate impact to View 3 as a result of alteration; and*
- *The potential impact related to vibration in regard to the adjacent dwelling on 1058 Sixth Line."*

Based upon staff's review of that HIA, the following comments were made:

"Staff note that at this time, a heritage permit for the proposed alterations to the designated heritage property, as required by sections 32 and 33 of the Ontario Heritage Act has not been applied for. As noted in the HIA, there is a cultural heritage landscape conservation plan for this property that has been approved by Council for to help guide and manage change by giving consideration to the impacts of proposed alterations and removals on the heritage attributes and cultural heritage value of the cultural heritage landscape. The Conservation Plan has been partially and selectively applied in the HIA. While the entire Conservation Plan is in the appendices to the HIA, the consultants have failed to include a completed copy of the Heritage Guidelines Checklist as shown in Schedule 9 and the Heritage Values Checklist in Schedule 10. Their failure to do so has not been addressed in the HIA.

Staff's position is that some development could likely be supported on this designated heritage property, but what has been proposed is too close to many heritage attributes, isolates, alters and harms others and requires the complete removal of some, having an overall negative impact on the cultural heritage value of the property. The HIA fails to address the cultural heritage landscape as a whole and instead focuses on how its component parts can be chopped up to permit the greatest amount of development, sacrificing the cultural heritage value of the property. The inter-relationship of the heritage attributes to each other may seem like 'empty space' but is actually integral to our spatial understanding of the cultural heritage landscape. These 'empty spaces' are not always ideal spaces for development and most should be retained as they are significant to how the heritage attributes are visualized and perceived together as a cultural heritage landscape.

The understanding of the property's inter-relationships as a significant cultural heritage landscape is completely threatened with the proposed development. Development of a portion of the designated property can occur in a sensitive and compatible manner; however, what has been proposed is neither". (emphasis added)

Town staff have significant concerns with the identified impacts noted above and the mitigation as suggested in the HIA. Staff do not accept that the impacts are "moderate" or appropriate.

Trees on 1042 Sixth Line form part of the heritage attributes of the property. Any impacts on these trees also raises concerns under the heritage policies of the PPS.

The proposal fails to appropriately consider cultural heritage policies of the PPS, Growth Plan and the Livable Oakville Plan.

Previous LPAT/OLT Hearings

Staff raised various concerns from reviews of the previous application. These concerns remain valid with this application. They were also captured in the previous LPAT/OLT decisions.

Matters such as fit, intensity, transition, maximization vs optimization of site or neighbourhood assets, sensitivity to the surrounding neighbourhood and consistently/conformity with provincial and local policies were all previously raised by staff related to development of the site. These remain critical factors that need to be addressed with the present proposal.

The following are taken from the previous LPAT/OLT decisions.

LPAT Interim Decision - August 23, 2019 **[Appendix H]**.

Paragraph 16 – reference to revising the development concept to provide for a better fit with the principles from the study.

Paragraph 17 - reference to an overly ambitious infill development which could be modified to better respond to the principles and fit for the site, PPS, and town's intensification policies.

Paragraph 19 - reference to the proposed built form along Sunnycrest Lane conflicting with the "almost rural setting" and a direction to either remove or significantly rethink to provide for a better transition. In addition, it speaks to the site plan maximizing the underutilized site while not optimizing on its assets. (emphasis added)

The following Paragraphs 24 to 27 reflect the Board member's interim 2019 decision conclusions.

[24] The Tribunal concludes that the proposed development does not satisfy the PPS and Official Plan policies directing that intensification be sensitive to the surrounding neighbourhood character and could be revised to provide better transition along the two street frontages and the valley edge.

[25] Dunpar Development Inc. has requested the Tribunal to approve a draft zoning by-law to permit an overall intensity of development with minimal setbacks, building face relationships, private amenity, and landscaped open space. Each of these aspects needs to be addressed.

[26] The Tribunal takes no issue with redesignating the site to permit a medium density infill townhouse development provided the issues identified in this decision with respect to fit and intensity are addressed.

[27] Accordingly, the Tribunal will not approve the proposed development, but will not dismiss the appeal. Dunpar Development Inc. will be allowed to amend the proposal in accordance with the directions outlined in this decision through continued discussions with the Town. (emphasis added)

While not dismissing the original 2017 appeal, a clear direction was provided to the applicant to revise the development in accordance with the directions in that LPAT decision.

Final OLT Decision - August 17, 2021 [Appendix I]

[7] Having considered all of the evidence over the course of the five day hearing, the Tribunal agrees that the concept plan as revised and filed as the basis of the requested Official Plan and zoning by-law amendments, does little to address the shortcomings previously identified to be of concern . The requests to amend the Official Plan and Zoning By-law therefore remain unacceptable to the Tribunal, failing to demonstrate consistency to the Provincial Policy Statement or conformity to the Official Plan policies guiding infill and intensification.

[11] As with its predecessor, the revised proposal, other than responding to an opportunity to intensify and to provide an addition to the range of housing types available in the community, fails to satisfy that fundamental requirement of whether it constitutes good planning at the intensity proposed.

[25] There are significant differences in the opinion evidence of the two land use planners with respect to the fit and compatibility of the proposal. In the opinion of Mr. Thun on behalf of the Town, the four storey narrow units, with continuous façades ranging from 57-73 metres on the two key interfaces of the site, (being the easterly and northerly limits), are starkly juxtaposed against the surrounding low density, large lot neighbourhood. This contrast is of particular note given the Special Policy Area designation of the neighbourhood into which the proposal is tasked with fitting. The Special Policy Area designation is intended to protect the unique character of this area within the Town, and while the Heritage Designation goes considerable distance towards this goal, having considered all of the evidence, the Tribunal finds that the proposal is largely unresponsive to this asset or the character of the immediately surrounding neighbourhood, and does not represent appropriate and compatible intensification encouraged, as qualified by the Provincial Policy Statement, and as implemented through the Guiding Principles of the Livable Oakville Plan.

[27] It is the finding of the Tribunal that the intensity and proposed siting of development as would be allowed by the draft zoning by-law proffered to implement the proposal, is contrary to this fundamental guiding principle. The deficiencies with respect to fit and intensity were identified in the interim decision of the Tribunal and the revised proposal fails to address the failings in any meaningful way.

[33] The action by Dunpar of abandoning the CHL, while steadfastly pursuing a concept plan which was not in a sufficiently significant way distinguishable from the predecessor which the Tribunal had characterized as being too intense two years ago, is further demonstrative of how the proposal fails to be consistent with

provincial and Official Plan policies that cultural heritage landscapes shall be conserved.

[34] The complementary policy in the Growth Plan also directs that Cultural Heritage Resources will be conserved, and it is the finding of the Tribunal that the proposed overdevelopment and unnecessary, resultant crowding of the site which challenge the conservation of designated attributes runs contrary to provincial policy. It is therefore the finding of the Tribunal that the proposal is neither consistent with nor in conformity to the applicable provincial and Official Plan - policies. [emphasis added]

Section 23 Motion [Appendix J]

The applicant submitted a Section 23 legal motion request regarding the August 2021 refusal decision of the OLT. The OLT in a decision dated January 19, 2022 dismissed this motion request.

Appendix K outlines the history of the various proposals refused by Council and the LPAT/OLT. In reviewing the subject application to that of the previously refused proposals, many of the development aspects remain similar. It is staff's opinion that the matters raised by the Tribunal, as set out above, have not been addressed.

SUMMARY OF ISSUES

The following is a summary of issues and concerns with the submitted Official Plan and Zoning By-law Amendment proposal.

- The proposal reflects an overly ambitious development at the top end of the *Medium Density Residential* range that is not compatible with this site or the surrounding neighbourhood character.
- The built form, heights remaining at 4 storeys and above the RM1 regulation, the proposed zoning regulations, the internal road pattern, the extensive redevelopment on 1042 Sixth Line (heritage property) and access on Sunnycrest Lane, all remain similar to the earlier concepts, where staff recommended refusal of the previous application.
- No fundamental changes have occurred to the design of the site or design of units that improves on the previous concepts or addressed the concerns previously raised by staff, Council, members of the public or that of the Tribunal.
- It does not reflect appropriate transitions with the abutting neighbourhood.
- The proposal does not reflect the cultural heritage merits of the site.
- The OLT confirmed that fit, intensity and transition are major factors for consideration in any redevelopment of the site, and in the opinion of staff, the proposal fails to respond to those matters.

CONCLUSION

The submitted application for an Official Plan Amendment and Zoning By-law Amendment, for development comprising of 57 new dwelling units (55 new townhouse units and a new semi-detached dwelling (2 units) together with the retention of the dwelling at 1042 Sixth Line, neither maintains nor protects the existing character of the surrounding neighbourhood. The proposal does not satisfy the intensification policies and evaluative criteria as found under Sections 11 of Livable Oakville, nor the policies of the PPS and Growth Plan.

Similarly, the proposal attempts to maximize development on the site at the expense of good planning.

The proposal, as submitted, does not represent a development that reflects the appropriate implementation of the Livable Oakville Plan, the PPS, the Growth Plan, and is not considered to be good planning or in the public interest.

Based on the analysis as discussed through this report, staff recommends that the OPA/ZBA application be refused.

CONSIDERATIONS

(A) PUBLIC

Notice for this public meeting was provided through a mailing to all properties within 240 metres of the subject property. A notice was also placed in the August 17, 2023 Oakville Beaver.

In addition, a notice of complete application was mailed out to all properties within 240 metres of the subject property. The applicant was also requested to erect a sign advising the neighbourhood of this new application.

Comments from the Public Information Meeting on January 30, 2023 are attached as Appendix E.

Appendix A4 at the time of writing this report contains a public comment related to restricting access to Sunnycrest Lane from the subject property. The letter was received on the same day as the applicant sponsored Public Information Meeting.

(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Technical and agency comments are included in Appendix A3.

(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 does not conform with the sustainability goals and objectives of the Livable Oakville Plan.

APPENDICES:

2023 Information

Appendix A1 – Aerial, Livable Oakville and Zoning maps

Appendix A2 – Policies

Appendix A3 – Agency and Department Comments

Appendix A4 – Public Comments

Appendix B – 2023 Development Concept

Appendix C – Applicant's Draft Official Plan Amendment

Appendix D – Applicant's Draft Zoning Bylaw Amendment

Appendix E – January 30, 2023 - PIM Minutes

2017 – 2021 Information

Appendix F – March 2017 Staff Refusal Report

Appendix G – November 2017 Evaluations of Redevelopment Potential Report

Appendix H – LPAT Interim Decision, August 23, 2019

Appendix I – OLT Final Decision, August 17, 2021

Appendix J – OLT Decision on Section 23 appeal

Appendix K – Previous Proposals to Town/LPAT/OLT

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