



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: March 4, 2024

FROM: Planning Services Department

DATE: February 20, 2024

SUBJECT: **Public Meeting & Recommendation Report, Draft Plan of Subdivision and Zoning By-law Amendment, MacDonald Rose Inc., 358 Reynolds Street - File Nos. 24T-23003/1613 and Z.1613.65**

LOCATION: 358 Reynolds Street

WARD: Ward 3

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RECOMMENDATION:

1. That the Draft Plan of Subdivision and Zoning By-law Amendment applications by MacDonald Rose Inc. for 358 Reynolds Street (File Nos. 24T-23003/1613 and Z.1613.65) be refused as proposed;
2. That if the application is appealed to the Ontario Land Tribunal, town staff be authorized to negotiate and finalize a settlement of the appeal, if possible addressing the concerns outlined in this report affecting zoning regulations and development standards to the satisfaction of the Commissioner of Community Development and Town Solicitor or designates; and
3. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed.

KEY FACTS:

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

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- **Location:** The subject property is located at the southwest corner of Macdonald Road and Reynolds Street and is municipally known as 358 Reynolds Street.
 - **Policy Context:** The subject property is located within *Schedule G: South East Land Use plan* and is designated as *Medium Density Residential* in the Livable Oakville Plan.
 - **Zoning:** The subject property is zoned *Residential Medium 4 (RM4) Special Provision 416* which permits a three-storey, 14-unit apartment building with a single access on Macdonald Road and underground parking.
 - **Housing Pledge:** On March 20, 2023, Council approved Oakville's Housing Pledge to facilitate the delivery of 33,000 new housing units by 2031/2032, which aims to accelerate the delivery of housing over the next ten years.
 - **Previous Applications:** The site was the subject of an Official Plan Amendment for a change in land use from *Low Density Residential* to *Medium Density Residential*, and a Zoning By-law Amendment for a change from RL5-0 to RM4 SP416 to permit a 14-unit apartment building with underground parking and a single driveway access from Macdonald Road.

The previous applications were approved by the Ontario Land Tribunal on July 19, 2022.

- **Current Application:** The new Owner has submitted a Draft Plan of Subdivision and Zoning By-law Amendment applications to develop 11 three-storey townhouse dwelling units with individual driveways from Macdonald Road and Reynolds Street.
- **Public Consultation:** A developer-hosted Public Information Meeting was held on June 13, 2023, with approximately 17 attendees, including the Ward Councillors and staff. Only one public comment has been received at the time of the writing of this report and is included within Appendix "D".
- **Timing:** The application was deemed complete on December 14, 2023. The *Planning Act* provides for a 90-day timeline for Council to make a decision on the application (March 13, 2024), failing which the applicant can appeal for a non-decision and would be entitled to a refund of fees. Given the 90-day timeline, staff are bringing forward a combined Statutory Public Meeting/Recommendation Report for Council's consideration.
- **Staff Recommendation:** Staff is of the opinion that a townhouse development is appropriate for the subject site, and the proposed residential

land use is consistent with the Provincial Policy Statement, Growth Plan and Town Official Plan.

Prior to the enactment of Bill 109, Staff would have more opportunity to work with a proponent to improve an application before making a recommendation to Council. Without that ability, staff recommend refusing the application.

If the application is appealed, staff would use the appeal process and attempt to negotiate the zoning regulations and development standards through the draft plan conditions and heritage permit process.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Draft Plan of Subdivision and Zoning By-law Amendment for 358 Reynolds Street.

Previous Applications

In June 2020, applications for an Official Plan Amendment and Zoning By-law Amendment were submitted to permit a three-storey, 14-unit apartment building with a single access on Macdonald Road and underground parking. The applications were subsequently appealed to the Ontario Land Tribunal (OLT) for non-decision. The OLT allowed the appeal, and an order was issued in July 2022.

The OLT approval changed the land use designation from *Low Density Residential* to *Medium Density Residential*, and the zoning from *Residential Low 5 (RL5-0)* to *Residential Medium 4 (RM4 SP 416)* to facilitate the development of a 14-unit apartment building. Special Provision 416 provides for the following modified regulations shown in Figure 1 below:

416	358 Reynolds Street (Transmetro Limited)	Parent Zone: RM4
Map 19(8)		(2022-078) PL210098
15.416.1 Zone Provisions		
The following regulations apply:		
a)	<i>Minimum interior side yard for a rooftop terrace on the roof of the second storey of an apartment dwelling abutting a Residential Low Zone.</i>	10.0m
b)	<i>Minimum interior side yard for a dwelling unit containing residential floor area (excluding staircases), of the third storey of an apartment dwelling oriented toward the interior lot line.</i>	10.0m
c)	Maximum number of storeys	3
d)	Maximum height	14.35 m
e)	<i>Balconies shall be permitted to project a maximum of 6.0m from the longest main wall of the apartment dwelling with a minimum setback of 4.5m to the interior lot line.</i>	

Figure 1 – Existing zoning

The OLT approved zoning regulations were based on a specific concept plan, shown in Figure 2 below:

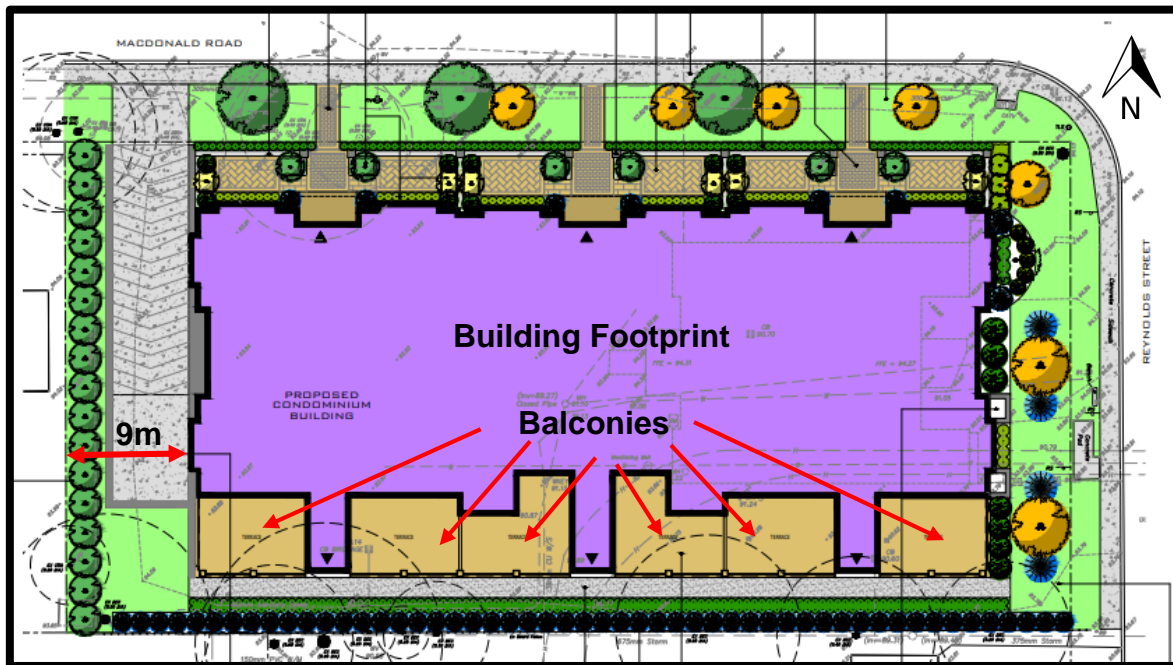


Figure 2 – OLT approved concept for 358 Reynolds (RM4 SP416)

Shortly after the decision, the lands were sold to the current applicant who is proposing a new concept for the site.

Housing Pledge and Strategy

Over the past few years, provincial initiatives such as the More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023, and resulting legislation (e.g., Bill 109, Bill 23, Bill 97) has been enacted with the intent to address Ontario's housing crisis by increasing housing supply and accelerating housing delivery.

On May 16, 2022, Planning and Development Council received a Housing Information Report providing an overview of legislation, plans and policies at the federal, provincial, regional, and town levels regarding housing. The report included commentary on various emerging matters, trends and themes and a preliminary assessment of the town's policies in the Livable Oakville Plan. It identified issues and matters to be addressed regarding housing.

In response to provincial legislation, on March 20, 2023, Council approved Oakville's Housing Pledge to facilitate the delivery of 33,000 new housing units by 2031/2032, which aims to accelerate the delivery of housing over the next ten years.

On July 10, 2023, Council received the Housing Strategy and Action Plan, detailed in the Planning Services report titled "Housing Strategy and Action Plan including the Housing Accelerator Fund Application" dated June 23, 2023.

The proposed application for a change in building type from apartment to townhouse dwelling within the *Medium Density Residential* designation reinforces the town's commitment to meeting the need for housing and addressing the demands of Ontario's growing population. The town is also committed to ensuring that growth is contextually appropriate and financially sustainable.

The town recognizes the immediate need for new housing includes a broad range of market-based, rental, attainable, affordable, social, and assisted housing, which are among the many types of housing required by the public across the housing continuum. The town also recognizes its role within the housing system, as an approval authority with the ability to enable housing development and housing supply, but not build housing units directly. The Town's Urban Structure accounts for some residential infill and intensification outside of Growth Areas.

Preliminary Review of the Current Proposal

A pre-consultation meeting was held in March 2023 for the current application for a 12-unit townhouse development. The purpose of a pre-consultation meeting is to establish the formal application requirements of a development application and provide preliminary staff feedback on a proposal, which was attended by the applicant and Town and Regional staff.

Considering the previous OLT decision, the policies of the Livable Oakville Plan, the Trafalgar Road Heritage Conservation District (TRHCD) Plan, and urban design directions contained in the Livable by Design Manual, staff provided preliminary feedback on the 12-unit proposal relating to the integration of the proposed townhouse dwelling form with the surrounding neighbourhood such as transition to adjacent dwellings and compatibility with the TRHCD, and technical aspects such as stormwater management and transportation matters.

The applicant submitted a request for a Pre-Submission Review, which included modifications to the proposal such as a decrease in height, reduction in number of units (from 12 to 11), re-location of one driveway, as well as some design elements to better align with the Urban Design Guidelines and the TRHCD Plan. Not all materials identified through the Pre-Consultation process were provided such as the Heritage Impact Assessment, and staff and agencies were unable to provide a fulsome review of the proposal. Comments on the Pre-Submission Review were provided to the applicant, reiterating the need to better integrate the development with the surrounding context and constraints.

Key Milestones

File No. Z.1613.65 is a Bill 109 application.

Pre-Consultation Meeting	March 23, 2023
Public Information Meeting	June 13, 2023
Pre-Submission Review	June 29, 2023
Application Deemed Complete	December 14, 2023
Date Eligible for Appeal and refund of fees (if no decision)	March 13, 2024

Proposal

The applicant proposes to develop 11 freehold townhouse dwelling units by way of a Draft Plan of Subdivision (shown in Figure 3 below), with individual accesses onto Macdonald Road and Reynolds Street as shown in Figure 4 below. The subdivision consists of two development blocks and a road widening. A future part lot control application will be required to establish the individual townhouse dwelling lots. In Figures 5-9, 3D models of all sides of the proposed development are shown below.

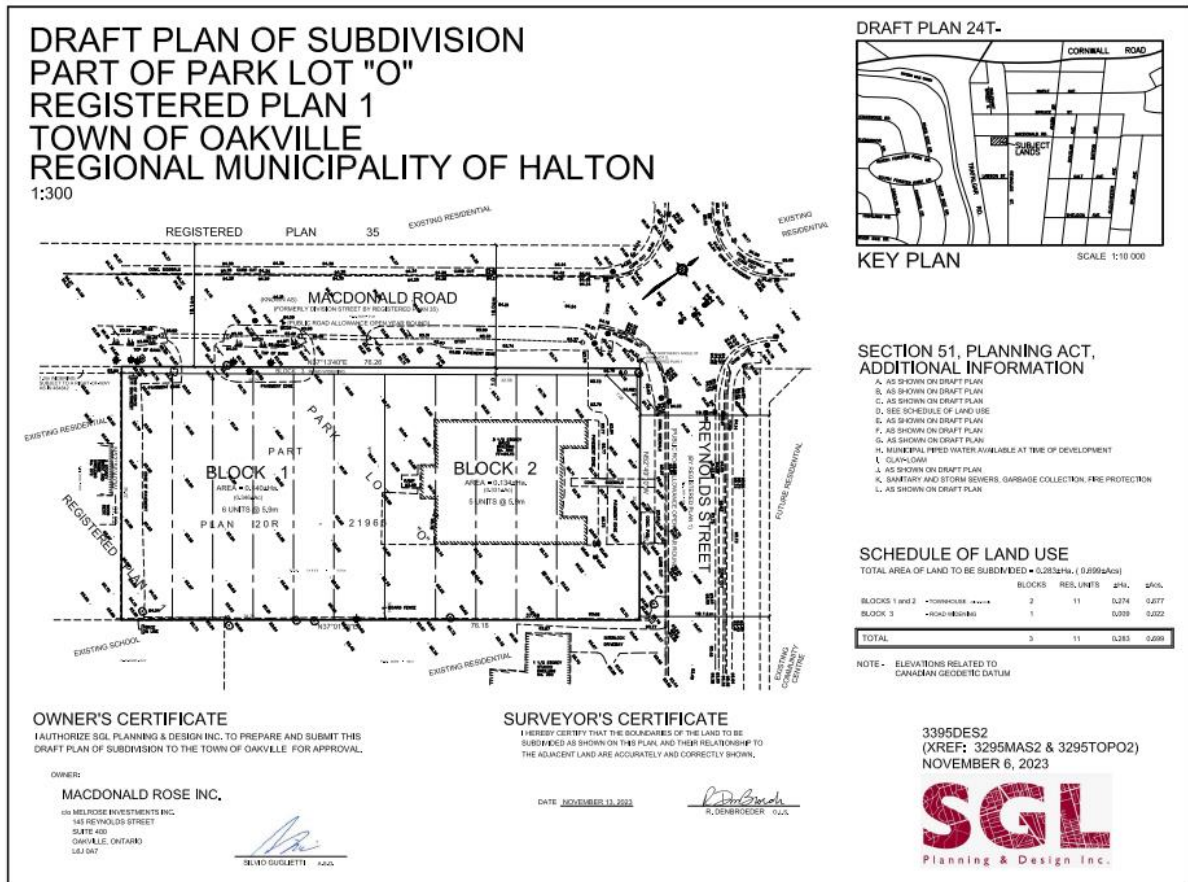


Figure 3 – Draft Plan of Subdivision

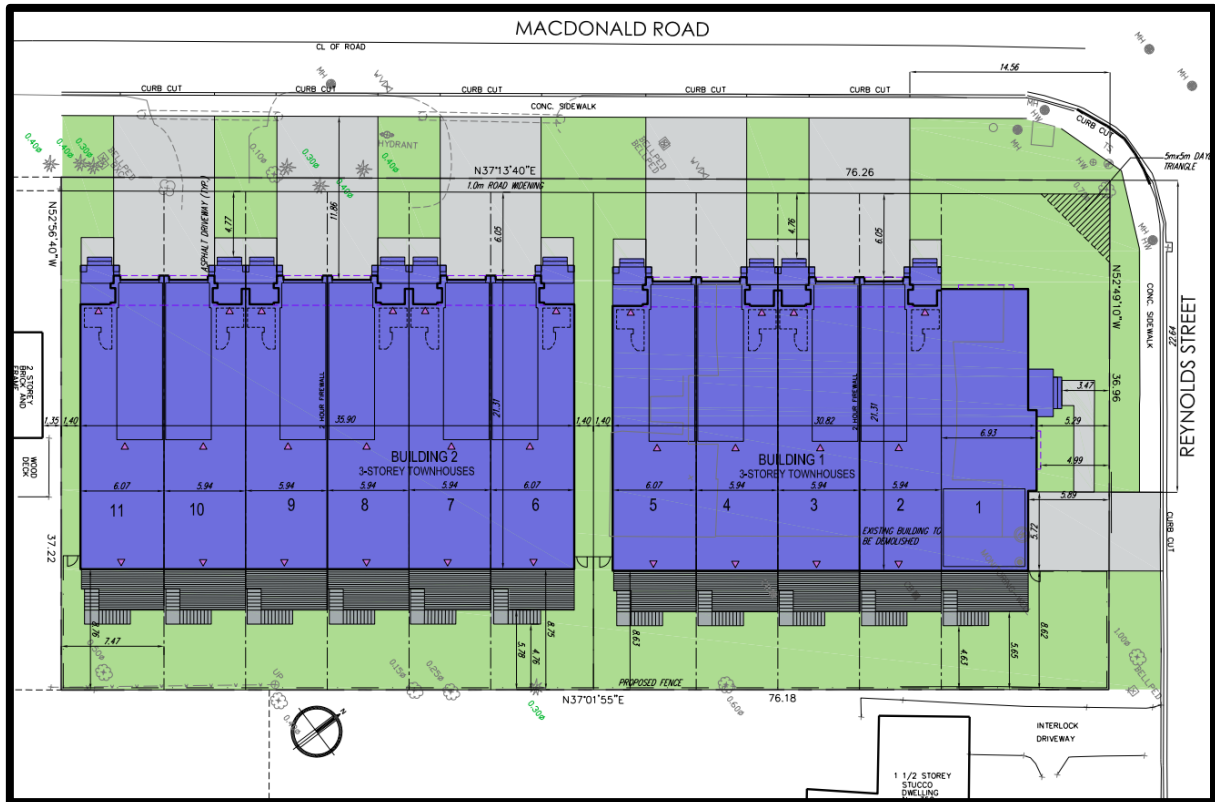


Figure 4 – Proposed conceptual site plan



Figure 5 – 3D model of the north and east elevations



Figure 6 – 3D model of the north and west elevations



Figure 7 – 3D Model of the south and west elevations

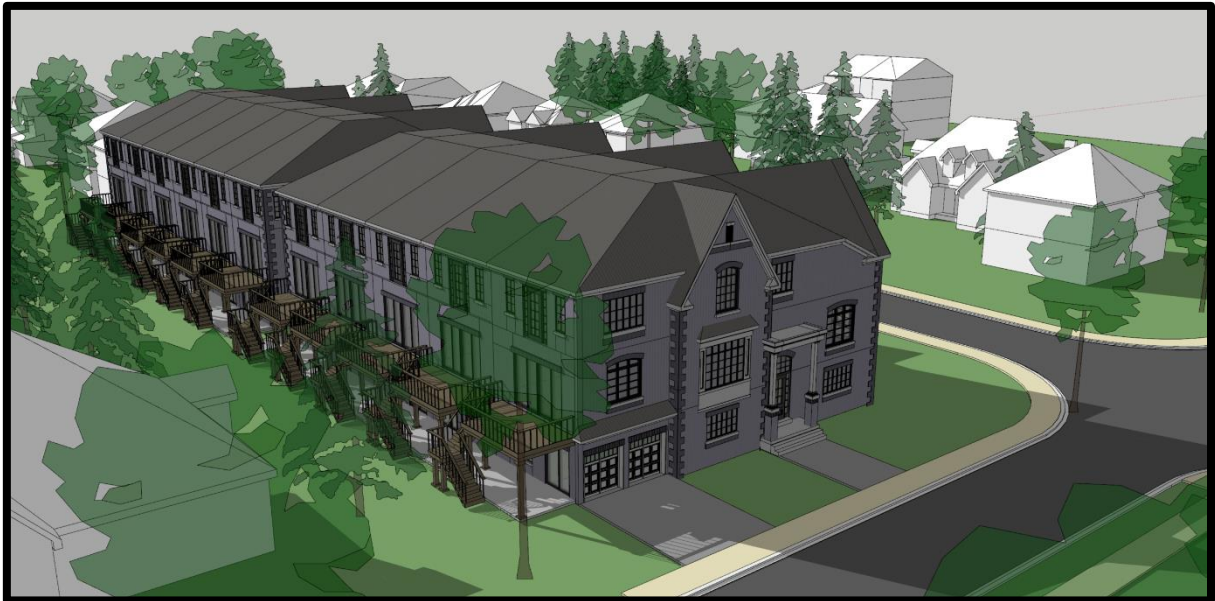


Figure 8 – 3D model of the south and east elevations



Figure 9 – 3D Model of the north elevation

Location & Site Description

The subject lands are located at the southwest corner of Reynolds Street and Macdonald Road and are 2,825 m² (0.2825 ha) in size, with approximately 37 m of frontage on Reynolds Street and 76 m of flankage on Macdonald Road. The legal description of the lands is Part of Lot O, Registered Plan 1. The municipal address is 358 Reynolds Street.

The subject property contains a vacant three and a half storey medical office building that was constructed in 1954. There are no residential rental units on the subject lands. The building was vacated in 2015 after the closure of the Oakville Trafalgar Memorial Hospital, formerly located to the east. The property is located within the Trafalgar Road HCD and is located directly across from the property at 293 Macdonald Road, which is designated under Part IV of the *Ontario Heritage Act* for its c.1857 brick house known as the Campbell House.

Macdonald Road is classified as a Minor Collector road and Reynolds Street is classified as Minor Arterial road. The intersection of Macdonald Road and Reynolds Street is signalized.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Macdonald Road and two-storey detached dwellings

East: Reynolds Street and future two-storey detached dwellings, existing park and community centre

South: two-storey detached dwellings

West: two-storey detached dwellings

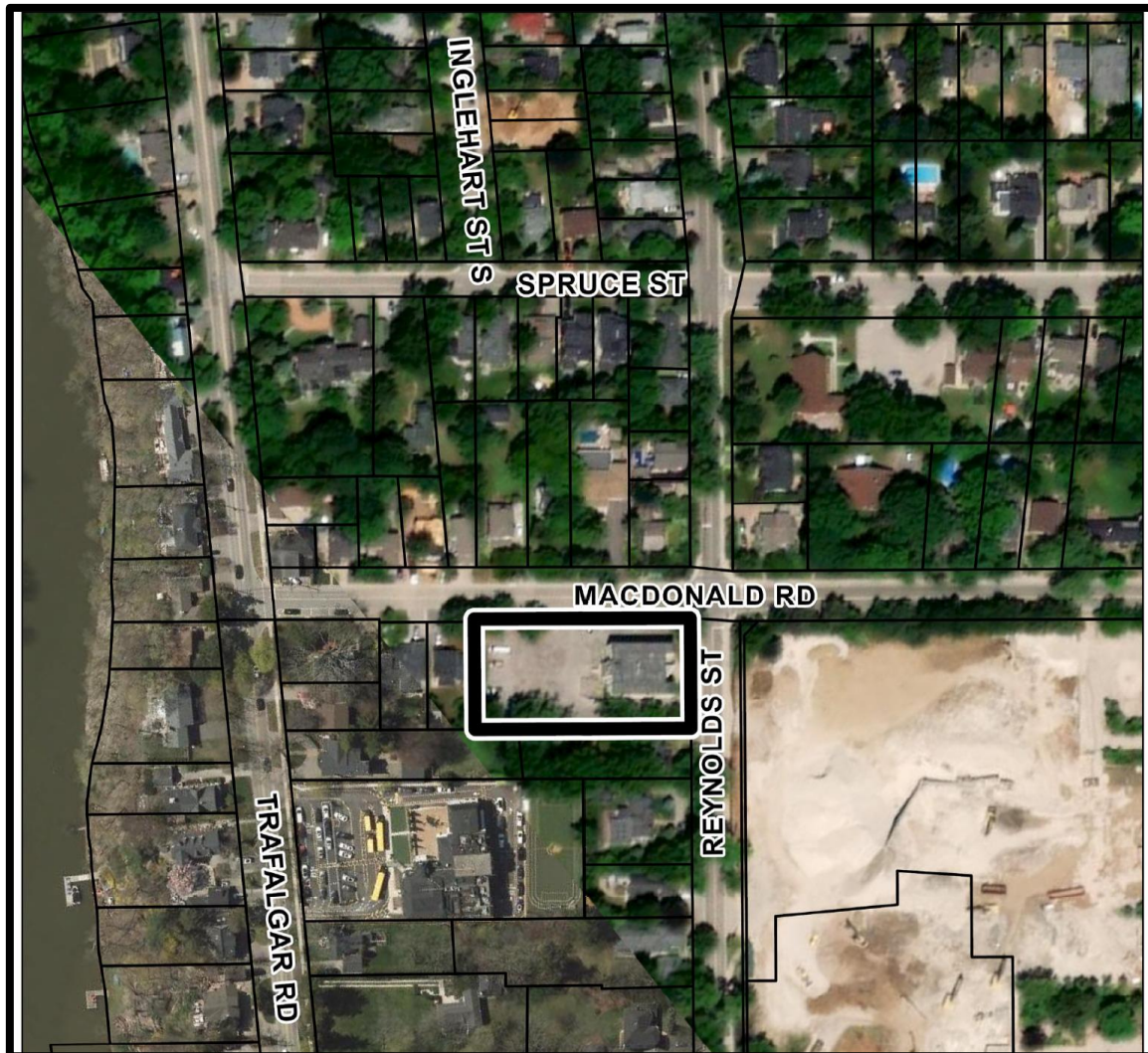


Figure 10 - Aerial Photo

PLANNING POLICY & ANALYSIS:

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020);
- Growth Plan for the Greater Golden Horseshoe (2019);
- Halton Region Official Plan;
- Livable Oakville Official Plan; and
- Zoning By-law 2014-014.

Provincial Policy Statement (2020)

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) provides that development and site alterations on lands adjacent to protected heritage properties are not permitted except where the proposed development has been evaluated and demonstrates that the heritage attributes will be conserved.

Further, 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.

As discussed earlier in this report, the OLT approved a change in land use from *Low Density Residential* to *Medium Density Residential* to facilitate the development of a 14-unit apartment building. However, the amendment was not exclusive to apartment dwelling types and therefore other medium density dwelling types can be contemplated. Townhouse dwelling units are a medium density housing form that is also consistent with the OLT approved land use designation for the subject lands. The applicant's request for approval of a Draft Plan of Subdivision and a change in zoning to permit townhouse dwelling units instead of the approved apartment building continues to provide housing options consistent with the policies of the PPS.

Similarly, the OLT recognized the presence of the TRHCD in its decision to redesignate the lands and found no conflict in allowing an apartment as a medium density building type for the subject lands. There can be a generally accepted understanding that other medium density building types, such as townhouses, would also implement the *Medium Density Residential* designation for the site. On this basis, the proposed townhouse building type can be considered consistent with the policies TRHCD Plan, and therefore consistent with the heritage policies of the PPS. The design and integration of the townhouse dwellings within the TRHCD will be further assessed through a future heritage permit process. On this basis, it is staff's

opinion that the proposal to establish townhouse dwelling units, is consistent with the PPS.

Applicable policies are included as Appendix "A".

Growth Plan for the Greater Golden Horseshoe (2019)

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 "Designated Greenfield 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, and expand convenient access to transportation options.

Similar to the analysis of the PPS, townhouse dwelling units are a medium density housing form that is consistent with the OLT approved land use designation for the subject lands. The applicant's request for approval of a Draft Plan of Subdivision and a change in zoning to permit townhouse dwelling units (instead of the approved apartment building) continues to provide a diverse mix of land uses and a range of housing options in conformity with the Growth Plan.

As previously mentioned, the OLT recognized the TRHCD in their decision to redesignate the lands and permit an apartment building on the subject lands. Therefore, it is reasonable to consider other forms of medium density building types, such as townhouses, for the subject lands. On this basis, the townhouse dwelling building type can be considered consistent with the policies TRHCD Plan, and therefore in conformity with the heritage policies of the Growth Plan. The design and integration of the townhouse dwellings within the TRHCD will be further assessed through a future heritage permit process. On this basis, it is staff's opinion that the proposal to establish townhouse dwelling units, is consistent with the Growth Plan.

Applicable policies are included as Appendix 'A'.

Halton Region Official Plan

The subject lands are designated 'Urban Area' in the Regional Official Plan (ROP). The development is located within the Built Boundary. The range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development shall be subject to the policies and plan in effect.

The Cultural Heritage policies of the Region of Halton Official Plan state:

- “165. *The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations.*
166. *The objectives of the Region are:*
1. *To promote awareness and appreciation of Halton's heritage.*
 2. *To promote and facilitate public and private stewardship of Halton's heritage.*
167. *It is the policy of the Region to:*
1. *Maintain, in conjunction with the Local Municipalities, local historical organizations, and municipal heritage committees a list of documented Cultural Heritage Resources in Halton.*
 5. *Encourage the Local Municipalities to prepare, as part of any Area-Specific Plan or relevant Official Plan amendment, an inventory of heritage resources and provide guidelines for preservation, assessment and mitigative activities.”*

Based on the above policies, the Region of Halton relies on the local municipalities to govern their own Cultural Heritage Resources and does not provide comment with respect to heritage preservation and the implementation of local heritage conservation districts.

As described earlier, the lands are within the TRHCD Plan area, which is managed and implemented by the Town of Oakville. The design and integration of the townhouse dwellings within the TRHCD will be further assessed through the heritage permit process. On this basis, it is staff's opinion that the proposal to establish townhouse dwelling units conforms with the Regional Official Plan.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10th, 2011. 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.

Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. Official Plan Amendment 15 to the Livable Oakville Plan, confirms the Town's existing urban structure in terms of nodes and corridors, where higher intensity forms of mixed use growth are to be accommodated. OPA 15 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's Residential Areas. The Urban Structure accommodates some infill and intensification outside of Strategic Growth Areas.

Livable Oakville Land Use Policies

The subject lands are designated *Medium Density Residential* on Schedule G: South East Land Use plan (shown as Figure 11 below).

The *Medium Density Residential* designation permits multiple-attached dwellings (townhouses), apartments, retirement homes, and long-term care homes with a density of 30-50 dwelling units per site hectare. The *Medium Density Residential land* use designation on the subject lands was brought into effect by OPA 49, which was approved by the OLT.

The applicant's proposal results in a density of 38.9 units per site hectare.

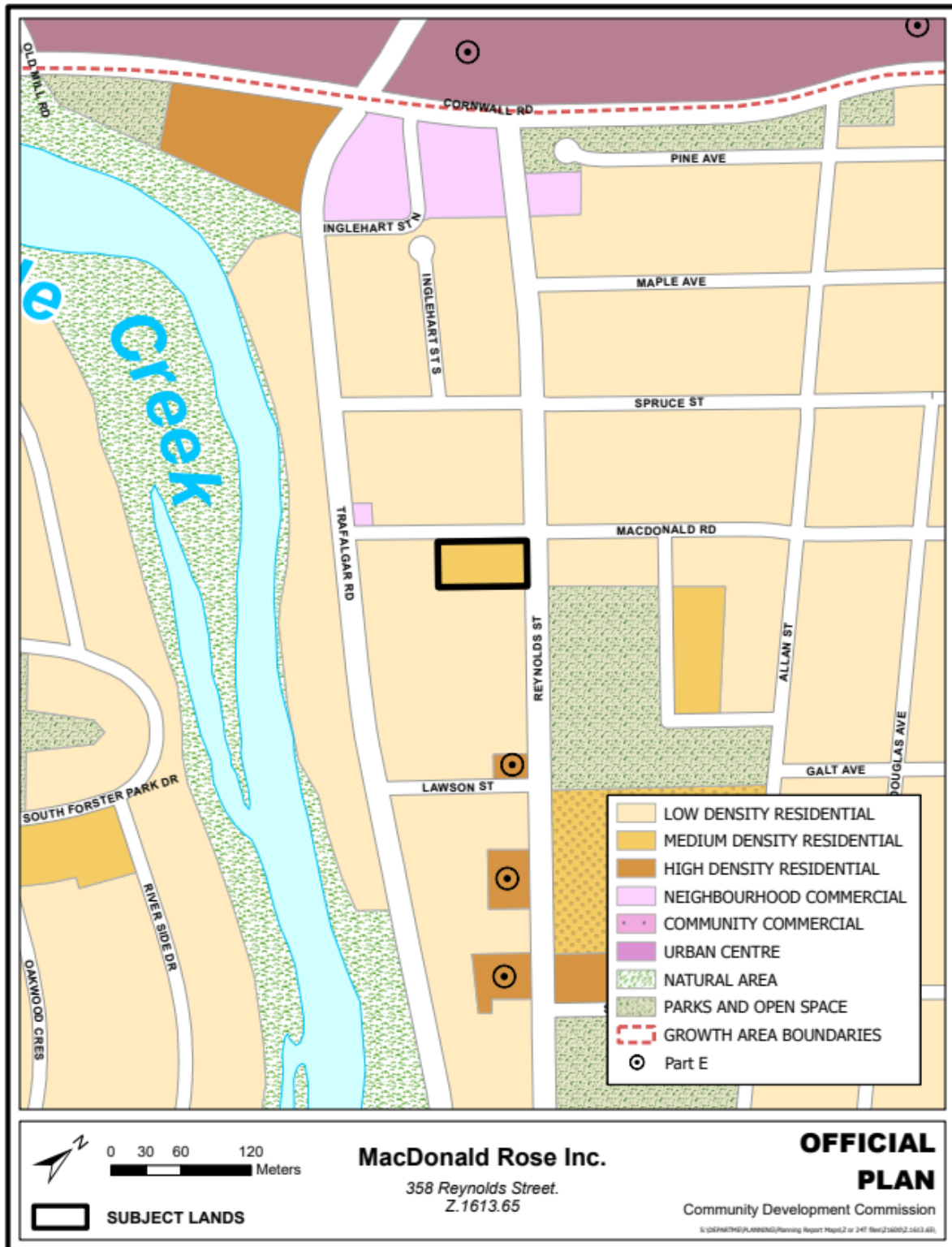


Figure 11- Official Plan

The Official Plan provides for a variety of residential uses accommodated through three land use designations: Low, Medium, and High Density Residential. In general, development within all residential areas shall maintain, protect, and enhance the character of existing residential areas and encourage an appropriate mix of housing types, densities, design, and tenure.

While most of the intensification is to be directed to the Town's Strategic Growth Areas, some intensification within residential areas can be accommodated. Intensification within residential areas is subject to the policies of 11.1.8 and 11.1.9, and will be evaluated using criteria that maintains and protects the existing neighbourhood character. These include, but are not limited to, ensuring the built form of development is compatible with the surrounding neighbourhood, minimizing the impacts on adjacent properties such as grading, access, privacy, and shadowing, and ensuring the preservation and integration of heritage buildings within the Heritage Conservation Districts.

Staff have also evaluated the proposal against Section 5 (Cultural Heritage), Section 6 (Urban Design), Section 8 (Transportation) and Section 10.10 (Stormwater Management) of the Livable Oakville Plan. Staff note that the townhouse dwelling form is deemed to comply with the Official Plan's *Medium Density Residential* designation. However, the applicant has not sufficiently demonstrated how their proposed modifications to the RM1 zone implement the Official Plan policies.

On this basis, staff recommend that Council refuse the applications as submitted.

Excerpts of relevant Livable Oakville policies to the application are attached as Appendix "A".

Trafalgar Road Heritage Conservation District Plan

The subject lands are located within the Trafalgar Road Heritage Conservation District. The application will be presented to the Heritage Oakville Advisory Committee in March 2024 to obtain feedback on the matters that may affect the cultural heritage value of the heritage conservation district and the adjacent individually designated property at 293 Macdonald Road.

Staff note that while the Trafalgar Road HCD Plan does not label individual properties as being 'contributing' or 'non-contributing' (and therefore having cultural heritage value or not), the document speaks to buildings constructed in the 1940s and earlier as having cultural heritage value. The existing medical building was constructed in 1954, and its architectural style and history are not identified in the plan as being significant or worthy of protection and conservation. Planning Staff do not consider the building to be of significant cultural heritage value and support its removal.

With the OLT decision to approve a change in land use designation from *Low Density Residential* to *Medium Density Residential* within the HCD, there is a general acceptance of the building types that can be considered for the site. On this basis, staff acknowledge that apartment and townhouse dwellings are permitted within the HCD notwithstanding that the TRHCD Plan does not speak to these uses directly.

When evaluating the proposed townhouse dwelling units and their integration into the HCD, the district plan for the Trafalgar Road HCD is the primary policy document to use. A permit under the *Ontario Heritage Act* is required for the proposed development, where consistency with the HCD Plan, more specifically the townhouse blocks' design, transition, height, and building elements will be evaluated more thoroughly. Excerpts from the district plan have been included in Appendix "A" and sections relevant to the subject proposal have been highlighted.

Zoning By-law 2014-014

The subject lands are zoned *Residential Medium 4 (RM4) Special Provision 416*, as shown on Figure 12 below. Special Provision 416 was brought into effect by Zoning By-law Amendment By-law 2022-078, which was approved by the OLT. The existing medical office is legal non-conforming and is currently vacant. The applicant proposes a Zoning By-law Amendment to change from the RM4 zone to a modified RM1 Zone to permit 11 three-storey townhouse dwelling units.

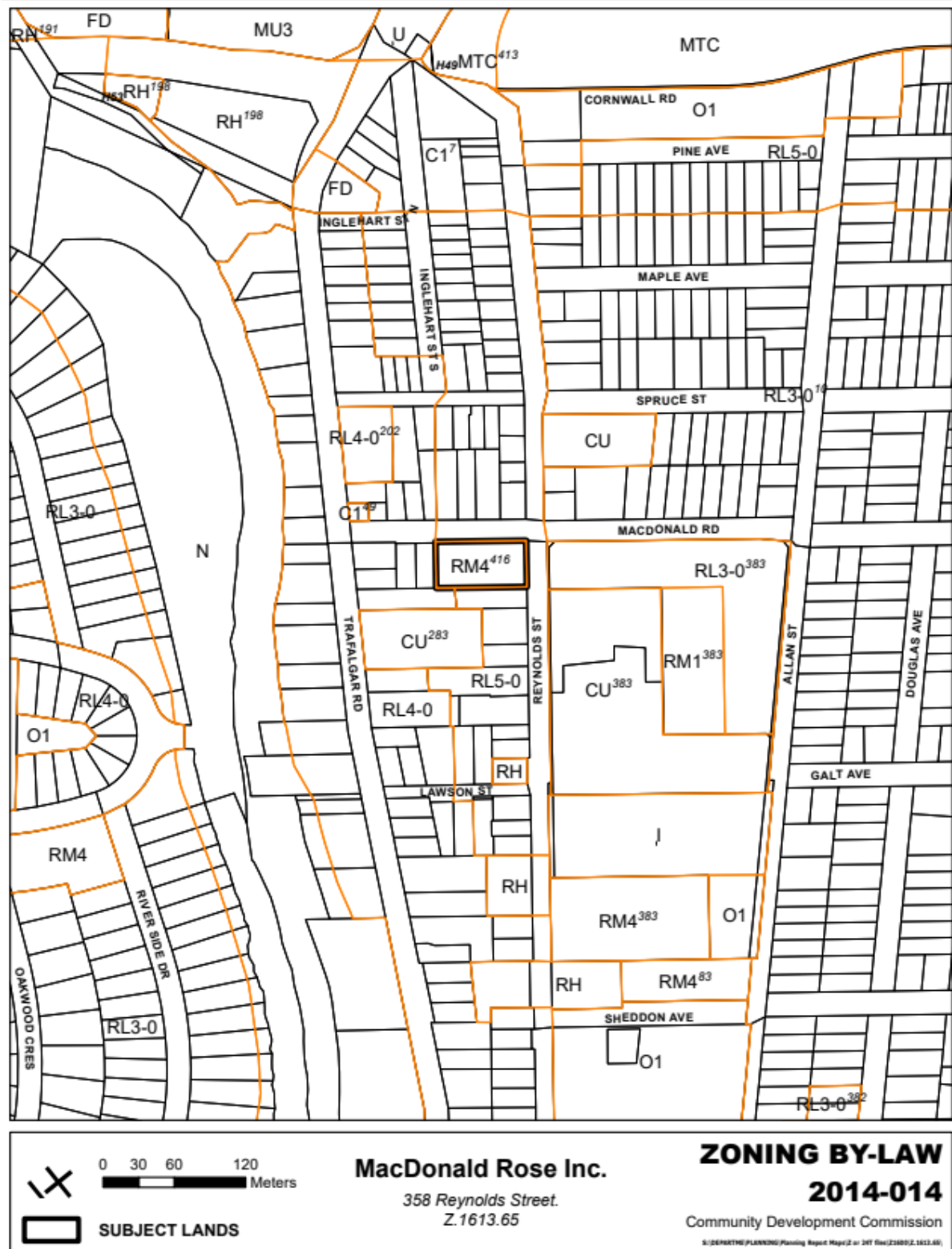


Figure 12 – Zoning By-law

The applicant's draft by-law includes the following modifications to the RM1 zone:

Zoning Regulation	By-law Requirement	Applicant Proposed Modification
Maximum Height	12.0m	13.6m*
Minimum Lot Frontage		5.9 m/dwelling
Minimum length of a parking space within a private garage	5.7m	5.65m
Minimum width of a parking space within a private garage	3.0m	2.7m
		An uncovered platform can be located on the same level as or lower than the second storey of the building associated with the platform.

*the applicant's plans illustrate a 12.8m height

The proposed three-storey townhouse units are intended to have a second-floor deck approximately 3.0m in depth with access stairs to grade, that appears to project into the rear yard, which can be seen in Figure 4 above. The applicant also proposes balconies on the third storey which are permitted as-of-right for lands zoned medium density.

TECHNICAL & PUBLIC COMMENTS:

Technical Review

The applicant submitted a pre-submission review, which only included some material for evaluation. The applicant has submitted the required documents as part of the complete application submission, which have been circulated to various public agencies and internal Town departments. The following studies and supporting documentation are also accessible on the Town's website at the following link: [358 Reynolds Street](#)

- Planning Justification Report
- Heritage Impact Assessment

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- Urban Design Brief
 - Functional Servicing Report
 - Servicing Plan
 - Stormwater Management Report
 - Grading Plan
 - Erosion and Sedimentation Control Plan
 - Environmental Site Assessment
 - Site Plan
 - Tree Preservation Plan
 - Arborist Report
 - Tree Preservation Plan
 - Building Elevation Plan
 - Exterior Renderings
 - Shadow Study

Planning Analysis

Planning staff have reviewed all of the technical materials submitted for this application, as well as taken into consideration the current Livable Oakville Official Plan policies, the TRHCD Plan, and the Urban Design Guidelines. Staff have also considered the recent provincial changes related to housing and Council's commitment to providing housing opportunities within the town to achieve specific housing targets. It is staff's opinion that while a townhouse development on the subject site is an appropriate land use, the proposal as submitted cannot be supported.

Land Use

As the lands were previously subject to planning approvals granted by the OLT for medium density uses, there is a general acceptance of the building types that can be considered for the site. Staff support the opportunity for intensification on the property, and agree with the applicant's submissions that townhouse dwelling units as a medium density building type can be accommodated the subject lands. Staff note that the density of the proposal conforms with the density range for the *Medium Density Residential* designation. It is also noted, that staff have received no letters of objection from area residents on the proposed townhouse building type.

Compatibility

The application consists of a Draft Plan of Subdivision to create two blocks intended for 11 lots (to be created by a future part lot control application) for townhouse dwellings and one block for a road widening, as well as a Zoning By-law Amendment that proposes deviations from the standard by-law requirements in order to facilitate the development of 11 townhouse dwelling units on the site.

The application for a Draft Plan of Subdivision has been evaluated against the town's standards and policies, as well as the criteria for considering Draft Plan of Subdivisions contained in Section 51(24) of the *Planning Act*.

The purpose of a zoning by-law is to implement the Official Plan policies. The application for a Zoning By-law Amendment is for a change in zoning from RM4 SP 416 (as approved by the OLT) to RM1 with modifications. The application has been evaluated against the Livable Oakville Official Plan specifically with regards to Cultural Heritage (Section 5), Urban Design (Section 6), Transportation (Section 8), Stormwater Management (Section 10.10) and Residential (Section 11.1.9).

Technical documents were submitted by the applicant to justify the proposed zoning modifications and included a heritage impact assessment, urban design brief, stormwater management report, and transportation impact study. However, it is staff's opinion that the applicant has not sufficiently demonstrated how the requested zoning modifications address the town's policies and standards. To support deviations from the RM1 zone each component will need further consideration to address matters such as:

- Transition to adjacent building forms through modifications in the mass and scale of the townhouse dwellings;
- Materiality and composition of the building façade and building elements to integrate with the TRHCD and align with the policy direction of the HCD Plan and Urban Design Guidelines;
- Location of driveways to ensure public safety and operational needs of the signalized intersection of Macdonald Road and Reynolds Street; and
- Design of the proposed right-of-way urbanization works including stormwater infrastructure, and maximize opportunities for tree protection.

Typically, these areas of concern would be resolved by the applicant, and concurrent review of a heritage permit application, prior to Staff providing Council with a recommendation. However, given the limited time constraints in the *Planning Act*, and implications of the Bill 109 changes, staff do not have sufficient time to work through these matters with the applicant and reach a resolution on their proposed zoning modifications prior to the deadline for a decision being made. Until these matters are resolved, approval of a Zoning By-law Amendment and Draft Plan of Subdivision would be premature.

Based on the analysis in this report, it is staff's opinion that the proposal conforms with the town's Official Plan with respect to allowing townhouse dwelling units to implement the medium density designation. Further, staff acknowledge that medium density building forms such as townhouse dwellings can generally be accepted

within the TRHCD by virtue of the OLT decision to change the land use designation to *Medium Density Residential* as detailed above.

Proposed Zoning By-law Amendment

As detailed earlier in this report, the landowner requests modifications to the RM1 zone to accommodate the proposed 11-unit townhouse dwellings described earlier.

As submitted, the applicant has not demonstrated how the requested modifications to the zoning by-law implement the applicable policies of the Official Plan, as discussed above. Should the applicant appropriately demonstrate that the concerns discussed in this report and adequately implement the Official Plan and TRHCD Plan, modifications to the RM1 zone may be considered.

Matters raised at the Public Meeting

A virtual Public Information Meeting (PIM) was held on June 13, 2023 and was attended by 17 participants, consisting of members of the public, town staff, and the ward councillors. The minutes of the PIM were submitted with the application and noted concerns respecting height, parking, and construction timing.

Staff have received one letter of opposition to this proposal which has been included as Appendix "B". The key concerns noted by the public related to the building height and depth, and privacy impacts. The concerns raised by the public are similar to those raised by staff and discussed throughout this report.

CONCLUSION:

Without the benefit of a satisfactory heritage impact assessment, urban design brief, stormwater management report, and transportation impact study, it is staff's opinion that the applicant has not sufficiently demonstrated how the requested zoning modifications address the town's policies and standards. Through the proposed Draft Plan of subdivision conditions, the applicant will demonstrate how the townhouse building type implements the town's policies and standards and is appropriately integrated within the TRHCD.

As discussed above, staff do not support the application as submitted which includes modifications to the RM1 zone, however staff support the development of the site with a townhouse use which appropriately implements the *Medium Density Residential* designation. The following points summarise staff's opinion:

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- The applicant has not adequately demonstrated how the proposed modifications to the RM1 zone implement the applicable policies of the Official Plan and therefore, the applications as submitted should be refused.
 - Technical aspects of the proposal such as the heritage impact assessment, urban design brief, stormwater management report, and transportation impact study require further review and consideration and can be completed through ongoing discussions and the heritage permit process.
 - It is staff's opinion that approval of an application that results in the development of townhouse building types in a manner that implements the Official Plan supports the development of new housing within the town.
 - It is staff's opinion that the applications to establish townhouse dwelling units are consistent with the PPS and conforms to the Growth Plan, the Region of Halton Official Plan, and the Livable Oakville Official Plan.

CONSIDERATIONS:

(A) PUBLIC

The applicant held a Public Information Meeting on June 13, 2023, and it was attended by 17 people.

Notice for the Statutory Public Meeting was provided through a mailing of all properties within 240 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* regulations and Town practices.

One written correspondence was received and is included as Appendix 'B'.

(B) FINANCIAL

Development charges, Community Benefit Charge, and parkland dedication are applicable to this development, net of any demolition credits, and would be payable at building permit.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Draft Plan of Subdivision and Zoning By-law Amendment applications were circulated to internal and external departments and agencies for comment.

The application must be considered within the prescribed 90-day timeline before an appeal can be filed for lack of decision, and the applicant becomes

entitled to a refund of fees. The applications were deemed complete on December 14, 2023. The statutory timeframe for processing this application expires on March 13, 2024.

(D) CORPORATE STRATEGIC GOALS

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

- To be a vibrant and liveable community for all.

(E) CLIMATE CHANGE/ACTION

The proposed development generally complies with the Town’s sustainability objectives of the Livable Oakville Plan. The proposal will also be reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019, to provide opportunities to reduce the development footprint of the proposal.

APPENDICES:

Appendix “A” – PPS (2020), Growth Plan and Livable Oakville policy excerpts

Appendix “B” – Public Comments

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