



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: July 8, 2024

FROM: Planning Services Department

DATE: June 25, 2024

SUBJECT: Recommendation Report, Draft Plan of Subdivision and Zoning By-law Amendment, Spruce Rose Inc., 304 & 318 Spruce Street – File Nos. 24T-24003/1613 and Z.1613.66

LOCATION: 304 & 318 Spruce Street

WARD: Ward 3

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RECOMMENDATION:

1. That the Draft Plan of Subdivision and Zoning By-law Amendment applications by Spruce Rose Inc. for 304 & 318 Spruce Street (File Nos. 24T-24003/1613 and Z.1613.66) be refused as proposed;
2. That if the application is appealed to the Ontario Land Tribunal, town staff use the appeal process to attempt to mediate issues affecting zoning regulations and development standards, to the satisfaction of the Director of Planning and Town Solicitor;
3. That the notice of Council's decision reflects that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed; and
4. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

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

- **Nature of the Application:** The applicant has applied for a Zoning By-law Amendment and Draft Plan of Subdivision to permit the creation of seven

residential lots. The proposed Zoning By-law amendment, if approved, would implement the development.

- **Proposal:** The proposed development consists of seven detached dwellings with attached garages and individual driveways from Spruce Street and Reynolds Street. This proposal includes rezoning the land from *CU – Community Use* to *RL5 – Residential Low 5* with site-specific regulations for minimum front yard setbacks and maximum lot coverage.
- **Location:** The subject property is located at the southeast corner of Spruce Street and Reynolds Street and is municipally known as 304 & 318 Spruce Street.
- **Policy Context:** The subject property is located within *Schedule G: South East Land Use* plan and is designated as *Low Density Residential* in the Livable Oakville Plan which permits a density of up to 29 units per site hectare. The applicant's proposed density is 17.1 units per site hectare.
- **Zoning:** The subject property is currently zoned *Community Use (CU)* in the Zoning By-law 2014-014, which permits uses such as place of worship, art gallery, daycare, public school, and emergency shelter etc., and does not permit detached dwellings.
- **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.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting ("PIM") was held on September 19, 2023. It was attended by 34 participants, including members of the public, applicants, Town staff, and Ward 3 Councillors. At the time of the writing of this report, staff have received seven written submissions which are included within Appendix "B". Staff received six oral submissions at the Statutory Public Meeting on May 21, 2024 which are discussed later in this report.
- **Timing:** The application was deemed complete on April 12, 2024. A Statutory Public Meeting was held on May 21st, 2024. The *Planning Act* provides for a 90-day timeline for Council to make a decision on the application (July 11, 2024), failing which the applicant can appeal for a non-decision. Staff are bringing forward a Recommendation Report for Council's consideration to allow Council to make a decision prior to the expiry of the 90 day timeline.

- **Staff Recommendation:** Staff is of the opinion that the detached dwelling land use is appropriate for the subject site and is consistent with the Provincial Policy Statement and the Growth Plan. However, the development as proposed is not consistent with the Town's Official Plan as it is not compatible with the character of the neighbourhood.

Staff is of the opinion that the proposal does not align with the surrounding neighbourhood character and the heritage attributes of the surrounding heritage properties. The built form, massing and scale of the proposed dwellings as well as lot configuration of the proposed lots are considered inappropriate for the site given the surrounding context. Specifically, the proposed dwellings have a massing and scale inconsistent with the surrounding RL3-0; SP:10 zone, and the RL5-0 zone within the Trafalgar Road Heritage Conservation District.

For these reasons, staff recommend refusing the applications for the Zoning By-law Amendment and Draft Plan of Subdivision as submitted.

If the application is appealed, staff will use the appeal process to attempt to mediate the zoning regulations and development standards through revisions to the draft plan, draft plan conditions, and draft zoning by-law.

BACKGROUND:

The purpose of this report is to provide a full staff review of the applications and provide a recommendation on the proposed Draft Plan of Subdivision and Zoning By-law Amendment for 304 & 318 Spruce Street.

The subject site has operated as a place of worship since the 1950s. Additionally, a portion of the parcel includes a detached dwelling with a detached garage. The property was recently sold to the current owner, who plans to redevelop the site for seven detached dwellings.

The lands are legally described as - Part of Block A, Registered Plan 121, and are part of the 1909 subdivision known as the “Brantwood Annex”. The subdivision created a variety of angular lots with approximately 15.24m (50ft) of frontage along Spruce Street, Allen (now Allan) Street and Division Street (Now MacDonald Road) as shown in Figure 1 below.

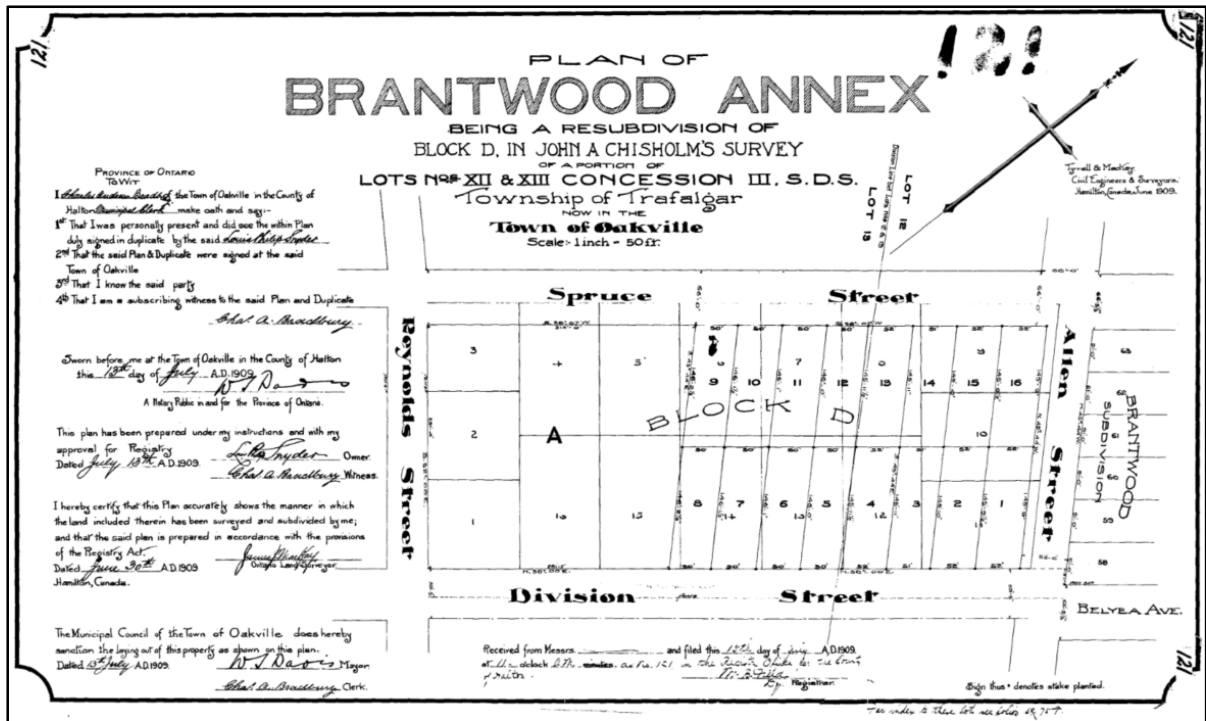


Figure 1 – Registered Plan 121 – Plan of Brantwood Annex

The subject site was further subdivided in 1990 into three parts through the Reference Plan 20R-10208 shown in Figure 2 below, consisting of the place of worship (Part 1), an access (Right of Way) easement (Part 2) for the property to the south (i.e. 311-313 MacDonald Road), and a new lot to the east (Part 3) consisting of a two storey detached dwelling.

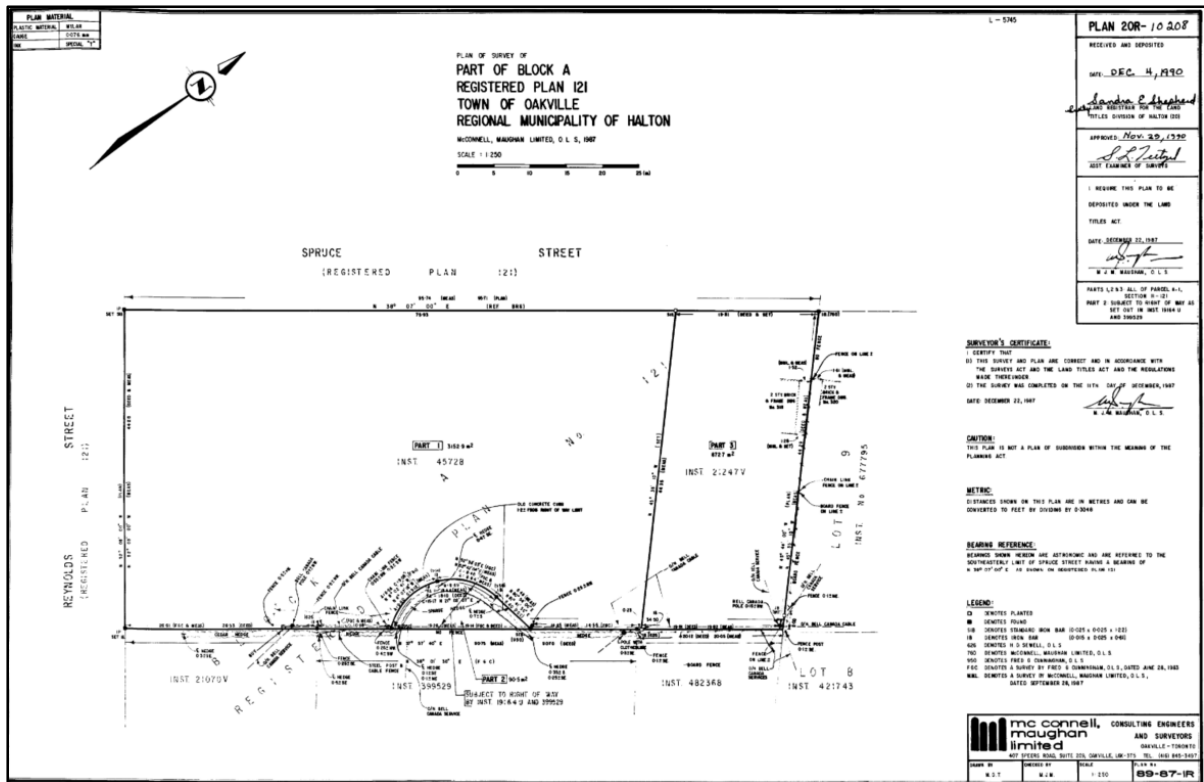


Figure 2 – Reference Plan – 20R-10208

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) have been enacted to address Ontario’s housing crisis by increasing the supply of housing.

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 new housing in appropriate locations over the next ten years. Most of the new housing through the Housing Pledge is to be accommodated within Strategic Growth Areas such as Midtown Oakville.

Key Milestones

Pre-Consultation Meeting	July 19, 2023
Public Information Meeting	September 19, 2023
Application Submitted	April 12, 2024
Application Deemed Complete	April 12, 2024
P & D Council - Public Meeting	May 21, 2024
P & D Council – Recommendation Report	July 8, 2024

Date Eligible for Appeal	July 12, 2024
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Proposal

The applicant proposes to develop seven detached dwellings through a Draft Plan of Subdivision (shown in Figure 3 below) with attached two-car garages and individual driveways onto Spruce Street and Reynolds Street, as shown in Figure 4 below. The subdivision consists of seven lots for detached dwellings with lot frontages ranging from 14.0m to 17.19m, and one block for a daylight triangle. The proposed renderings of the seven detached dwellings are attached as Appendix “A”.

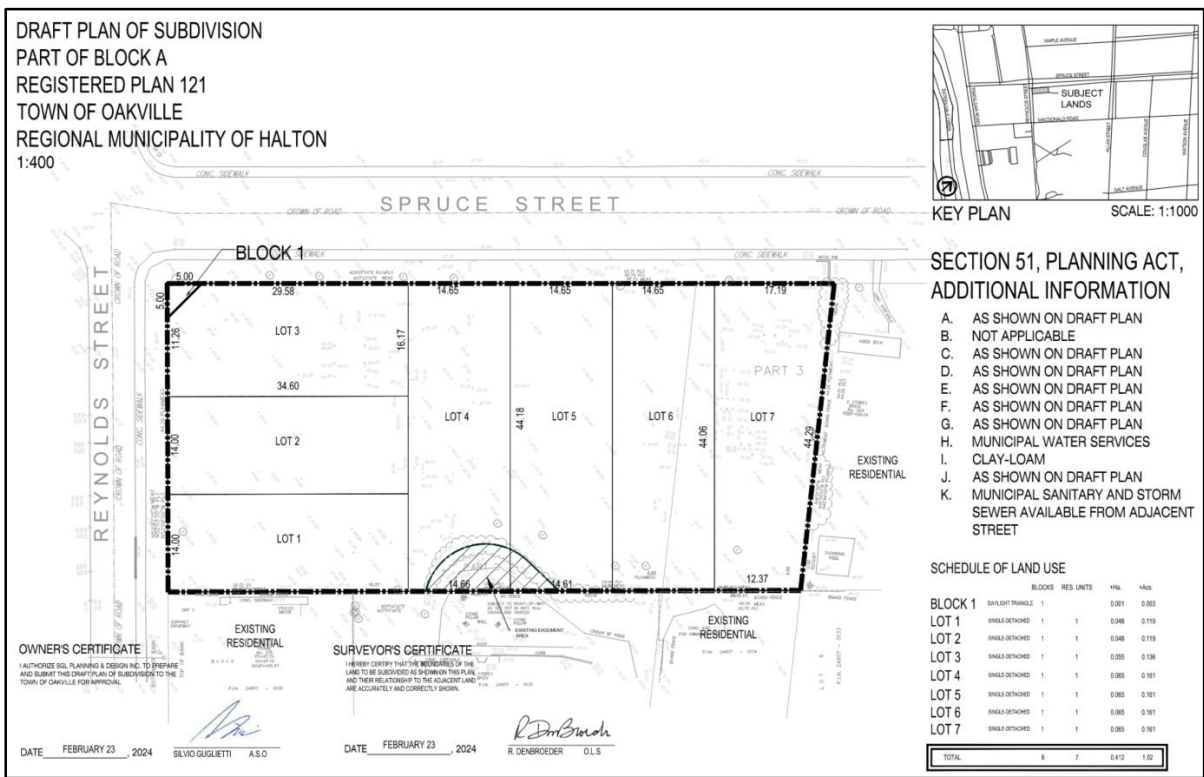


Figure 3 – Proposed Draft Plan of Subdivision

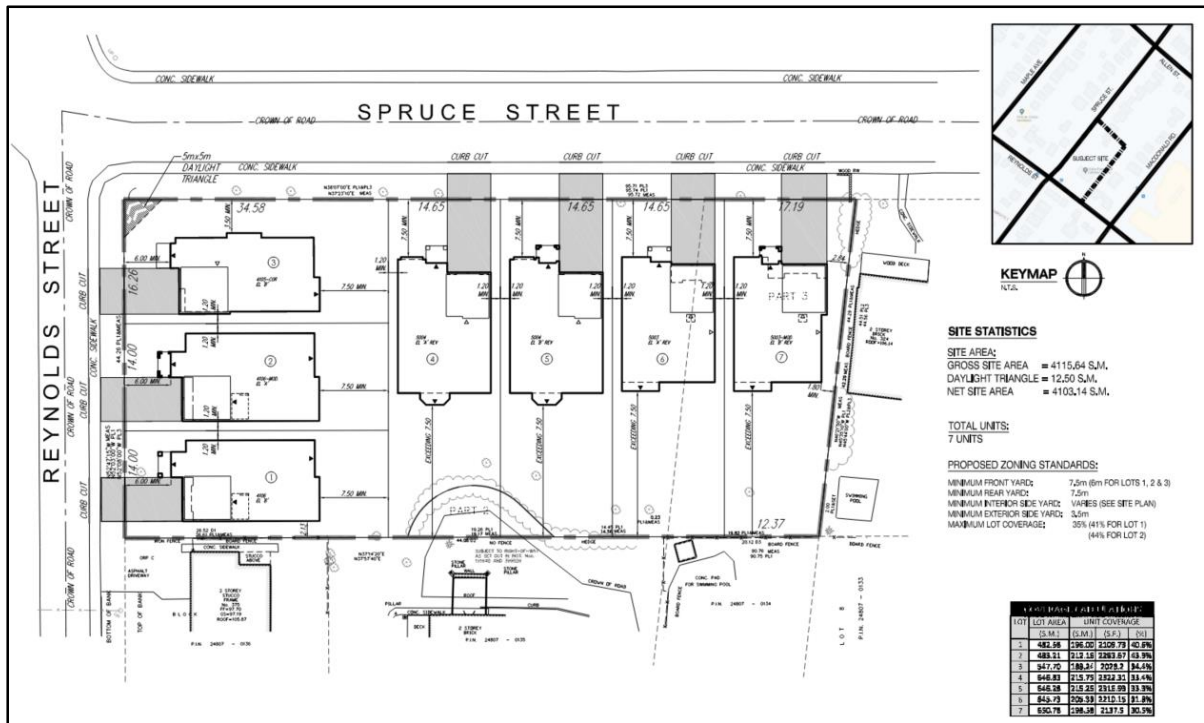


Figure 4 – Proposed building siting

Figure 5 below shows the proposed streetscape for the subject site for both Spruce and Reynolds Street.



Figure 5 – Streetscape Plan

The applicant proposes to rezone the subject site from Community Use (CU) to Residential Low 5 (RL5) Zone with site specific provisions for lot coverage and front yard setback on the subject site to permit seven detached dwellings as proposed.

Location & Site Description

The subject lands are located at the southeast corner of Spruce Street and Reynolds Street and is 0.4115 ha in area with approximately 95.72m of frontage on Spruce Street and 44.26m of flankage on Reynolds Street (Figure 6). The legal description of the lands is Part of Block A, Registered Plan 121. The municipal address is 304 & 318 Spruce Street.

The subject lands include a church with a fenced children’s play area, two sheds, associated surface parking, and a two-storey detached dwelling with a detached garage. The church has been on the property since the 1950s and was recently sold to the current owner who plans to redevelop the site.

Reynolds Street is classified as a “Minor Arterial” road, while Spruce Street is classified as a “Local” road in the Official Plan. The subject site consists of sidewalks along both the Spruce Street and Reynolds Street frontages. Additionally, there are municipal and private trees along right-of-way of both streets.

The subject lands adjacent to the Trafalgar Road Heritage Conservation District which is located to the west of the subject lands which consists of properties designated under the *Ontario Heritage Act*.

Surrounding Land Uses

The surrounding area consists of various styles and sizes of detached dwellings, ranging from single-storey to two-and-a-half storey structures, encompassing both original and newly constructed buildings.

The surrounding uses are as follows:

North – Properties to the north are detached dwellings with many dwellings listed as properties of cultural heritage value such as 395 Reynolds Street and 321 Spruce Street which are located immediately to the north of the subject lands. Further north of Cornwall Road is the Midtown Oakville Growth Area with existing commercial land uses.

East – Properties to the east are detached dwellings with many dwellings listed as properties of cultural heritage value or designated under Part IV of the *Ontario Heritage Act*. 324 Spruce Street located immediately to the east of the subject lands is listed as a property of cultural heritage value.

South – Properties immediately to the south are detached dwellings with 311-313 MacDonald Road intended to be designated, and 323 MacDonald Road designated under Part IV of the *Ontario Heritage Act*. Further south is the former Oakville-Trafalgar Memorial Hospital site which is planned to be redeveloped as low and medium density residential as well as parks and open space.

West – West of the subject lands is the Trafalgar Road Heritage Conservation District with properties designated under Part IV or Part V of the *Ontario Heritage Act*. These include 388 Reynolds Street, 384 Reynolds Street, and 376 Reynolds Street which are located immediately to the west and are designated under Part V of the *Ontario Heritage Act*. Further to the west of Trafalgar Road is the Sixteen Mile Creek.



Figure 6 – Aerial Photo

PLANNING POLICY & ANALYSIS:

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

- Provincial Policy Statement (2020);
- Growth Plan for 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.

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.

The PPS (2020) Section 1.7.1.e) notes that long-term economic prosperity should be supported by "promoting well defined built form", and "by conserving features that help define the character, including *built heritage resources*". Section 2.6.3 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. The subject site is located adjacent to the Trafalgar Road Heritage Conservation District (TRHCD). There are also properties of cultural heritage value to the north, east and south of the subject site. Staff is of the opinion that the subject site does not demonstrate the conservation of heritage attributes of the adjacent and surrounding properties of cultural heritage value.

The Town's Official Plan reflects this provincial direction by having policies in Section 5 to conserve the cultural heritage resources so that they may be experienced and appreciated by existing and future generations, and enhance the Town's sense of history and community. Section 5.1.1.a) states notes the conservation of "*cultural heritage resources through available powers and tools and*

ensure that all new development and any site alteration conserve cultural heritage resources” as one of the objectives of the Cultural Heritage policies within Section 5 of the Town’s Official Plan. In staff’s opinion the design and the requested zoning by-law modifications does not implement the objectives and policy direction of Section 5.

Section 4.6 of the PPS (2020) states that 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 proposed development is not consistent with the policies of the Town’s Official Plan as discussed later in this report.

It is staff’s opinion that the proposal is generally consistent with the PPS with the exception of Section 2.6.3 as the proposal does not adequately demonstrate conservation of heritage attributes of the surrounding heritage properties and the adjacent Trafalgar Road Heritage Conservation District.

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 the “Built-Up Area”.

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

The Growth Plan promotes conservation of cultural heritage resources to support the social, economic, and cultural well-being of all communities (policy 1.2.1), and to foster a sense of place and benefit communities (policy 4.2.7.1). The proposed development does not adequately demonstrate conservation of heritage attributes of the surrounding heritage properties and the adjacent Trafalgar Road Heritage Conservation District.

The Growth Plan provides for the implementation of the minimum intensification and density targets through municipalities urban design and site design official plan policies to develop high quality public realm and compact built form (policy 5.2.5.6). It also notes that any development within the boundaries of the delineated built-up

areas is subject to the relevant provincial and municipal land use planning policies and approval processes (policy 5.2.5.8).

Staff is of the opinion that the proposed development generally conforms to the Growth Plan with the exception of policy 4.2.7.1 as it does not adequately demonstrate conservation of heritage attributes of the surrounding heritage resources and the adjacent Trafalgar Road Heritage Conservation District.

Halton Region Official Plan

The subject lands are designated 'Urban Area' as shown on Map 1: Regional Structure of 2009 Regional Official Plan (ROP).

Section 72.1(1)-(3) of the Urban Area policies support the development of vibrant and healthy mixed use communities that afford maximum choices for residence, work and leisure. Policy 76 states that the range of permitted uses and the creation of new lots in the Urban Area will be per the Local Official Plans and Zoning By-laws. The development is located within the Built Boundary. All development is 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.*
- 2. 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 preserve its cultural heritage resources. While the proposed development is not within the Trafalgar Road Heritage Conservation District (TRHCD), it is located

immediately to the east of the TRHCD. There are also properties of cultural heritage value to the north, east, and south of the subject lands that are part of the neighbourhood character. The Section 5 of the Official Plan notes policies to preserve the cultural heritage resources to ensure it can be experienced by the existing and future generations as discussed earlier in this report.

While the proposed development does not adequately demonstrate compatibility with the existing and surrounding cultural heritage resources as per the Town's Official Plan, staff is of the opinion that the proposal to establish detached dwellings as a use 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 Residential Areas include low, medium and high density residential uses as well as range of compatible facilities such as places of worship, recreational and neighbourhood commercial uses that serve the residents. Section 3.9 of Livable Oakville allows some growth and change in Residential Areas provided the character of the area is preserved and the overall urban structure of the Town is upheld.

Section 4.3 notes that while the primary focus of Livable Oakville is to accommodate intensification within Growth areas, some growth and change may occur in established residential communities outside of the Growth Areas, provided the character of the areas is preserved.

Livable Oakville Land Use Policies

The subject lands are designated *Low Density Residential* on Schedule G: South East Land Use Plan (shown on Figure 7 below).

The *Low Density Residential* designation permits a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes. This designation permits a density of 29 dwelling units per site hectare.

The applicant's proposal results in a density of 17.1 units per site hectare.

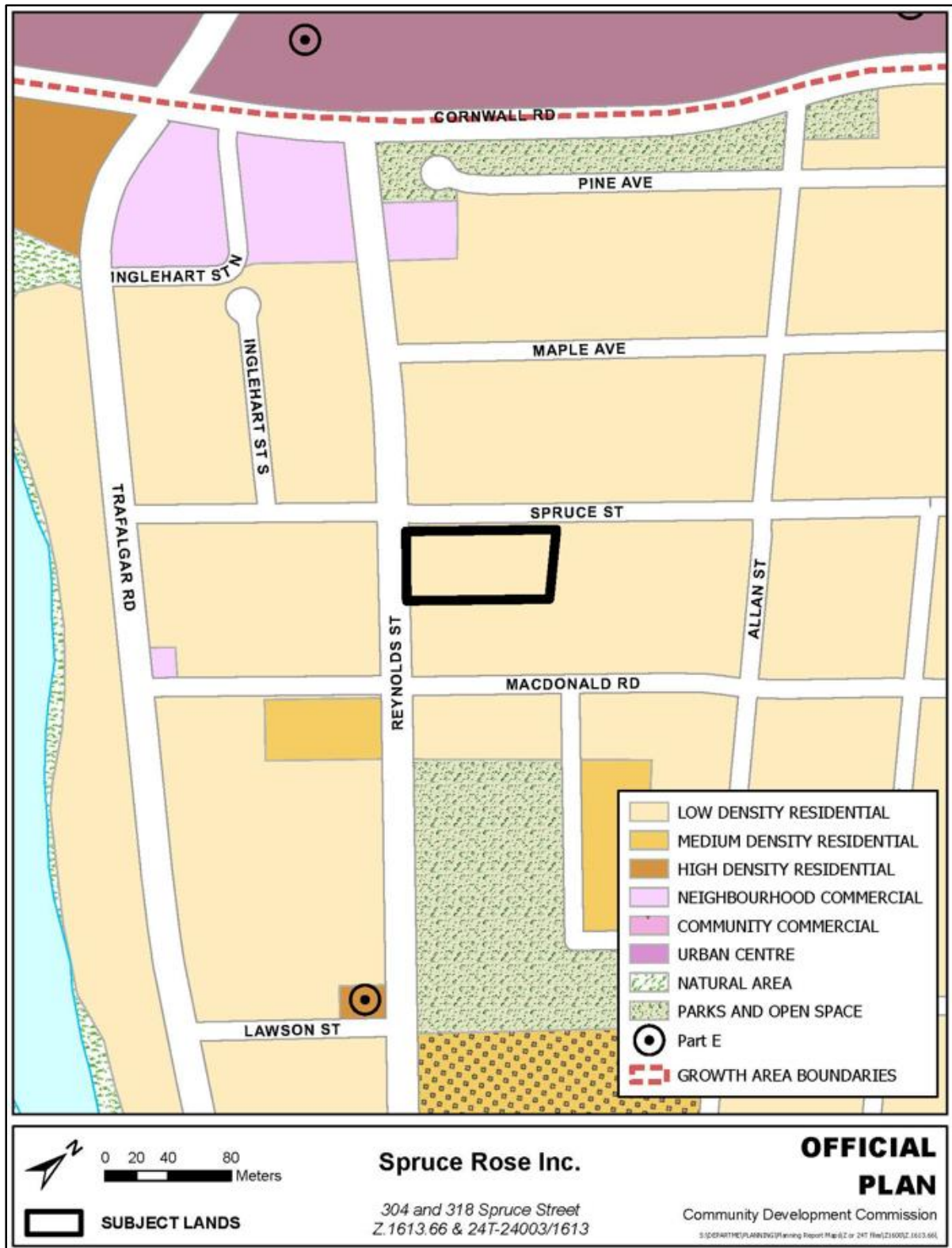


Figure 7– Official Plan Extract

The Official Plan provides for a variety of residential uses 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 the proposed development is appropriate in terms of density and housing type for the subject site, the proposed built form is incompatible with the surrounding neighbourhood in terms of massing, scale and height that negatively impact the character of the neighbourhood.

While the majority of the intensification and development is to be directed to the Town's Strategic Growth Areas, some intensification can be accommodated within residential areas subject to the policies of 11.1.8 and 11.1.9. All intensification within these areas will be evaluated using the criteria that maintain and protect the existing neighbourhood character. These include, but are not limited to, ensuring the built form is compatible with the surrounding neighbourhood, minimizing the impacts such as shadowing, privacy, access, and grading. Section 11.1.9 notes that the proposed development is to be compatible with the adjacent properties and the surrounding neighbourhood in terms of scale, height, massing, architectural character, setbacks and separation distances.

Compatible is defined in the Official Plan as "*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 impacts.*" Staff is of the opinion that the development as proposed would cause unacceptable adverse impacts on adjacent and surrounding properties in terms of shadowing, and privacy loss. It also poses a risk of undermining the existing built form character of the neighbourhood by introducing height, scale, and massing that is not found in the surrounding dwellings and cultural heritage resources. If the applicant provides a built form that is more harmonious with the surrounding neighbourhood in terms of massing and scale with reduced lot coverage and height, the proposed development would better align with the policies of the Official Plan.

Livable Oakville Cultural Heritage Policies

The proposal has also been evaluated against Section 5 (Cultural Heritage) of the Official Plan. This section promotes the conservation of cultural heritage resources and landscapes so that they may be experienced and appreciated by existing and future generations. One of the objectives of the Cultural Heritage policies is to conserve cultural heritage resources through available tools and powers and to ensure new development and site alteration conserve cultural heritage resources (Section 5.1.1.a).

Section 5.3.5 states that "*Heritage Conservation Districts and cultural heritage landscapes on Appendix 1 shall be conserved through the careful consideration of*

any proposals for change within their boundaries, on adjacent lands, or in their immediate vicinity. In reviewed proposals for construction, demolition, relocation, removal or for alteration within, adjacent to, or in the immediate vicinity of a Heritage Conservation District or cultural heritage landscape identified on Schedule A1, the Town will be guided by the applicable Heritage Conservation District Plan or cultural heritage landscape conservation plan.”

Section 5.3.7 notes that the “Town may impose, as a condition of any development approvals, the implementation of appropriate measures to ensure the conservation of any affected cultural heritage resources, and where appropriate, their integration into new development.”

Livable Oakville Urban Design Policies

Section 6 (Urban Design) of Livable Oakville notes that the urban design policies will be implemented through design documents such as the Design Guidelines for Stable Residential Communities (Section 6.1.2.c). It states that “*buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping, and signage.*” (Section 6.9.1).

It notes that the building’s design and placement should be compatible with the surrounding context (Section 6.9.2). New development shall ensure the proposed buildings’ heights and forms are compatible with adjacent existing development (Section 6.9.9).

The proposal has also been evaluated against Section 8 (Transportation) and Section 10.10 (Stormwater Management) of the Livable Oakville Plan. Staff note that the detached dwelling use complies with the Official Plan’s *Low Density Residential* designation. However, the applicant has not adequately demonstrated that the proposed development implements the Official Plan Policies of Section 11.1.9., Section 5, and Section 6.

Staff is of the opinion that the proposal does not conform to the policies of the Official Plan and on this basis, staff recommend that Council refuse the applications as submitted.

Zoning By-law

The subject lands are currently zoned *Community Use (CU)*, as shown on Figure 9 below which permits the existing Place of Worship on the site. Since the CU Zone does not permit detached dwellings, a Zoning By-law Amendment is required to permit the proposed development. To facilitate development of seven detached dwellings, the applicant seeks to rezone the subject site from *Community Use (CU)* to *Residential Low 5 (RL5)* with site-specific provisions for Lots 1, 2 & 3. Table 1

below compares the proposed RL5 Zone with proposed site-specific provisions to the standard RL5 Zone provisions, as well as zone regulations applicable to the surrounding properties i.e. RL5-0 Zone to the west of the subject lands, and RL3-0; SP10 Zone to the north, east and south of the subject lands.

	Proposed RL5	RL5	RL5-0	RL3-0; SP10
Max. Lot Coverage	35%; 44% for Lots 1 & 2	35%	35%	19% for two-storey detached dwelling
Min. Front Yard	7.5m; 6m for Lots 1-3	7.5m	Legally existing less 1m	Legally existing less 1m
Max. Height	12.0m	12.0m	9.0m	9.0m
Min. Lot Area	464.5 m ²	464.5 m ²	464.5 m ²	557.5 m ²
Min. Interior Side Yards	2.4m & 1.2m (with attached garage)	2.4m & 1.2m (with attached garage)	2.4m & 1.2m (with attached garage)	1.8m for two-storey detached dwelling with attached garage

Table 1 – Comparison of proposed Zoning standards with RL5, RL5-0 and RL3-0; SP10

The properties surrounding the subject site to the north, east, and south are zoned Residential Low 3-0 (RL3-0), Special Provision 10 (SP10). The properties to the west across Reynolds Street are zoned Residential Low 5-0 (RL5-0). The Zones with -0 suffix are subject to additional regulations for residential floor area, lot coverage, minimum and maximum front yard, main wall proportionality, balcony and deck prohibition, and height as per Section 6.4 of the Zoning By-law 2014-014.

The -0 Suffix Zone framework was established to control the size, massing, scale, balconies, and impact of new detached dwellings as well as additions to dwellings to protect the physical character of the established residential neighbourhoods. The subject site is surrounded by -0 suffix zones of RL3-0; SP10 and RL5-0 on all sides. The proposed Zoning By-law amendment chooses to eliminate the 0-suffix zone framework and therefore does not adequately incorporate the design elements and zoning standards that would protect the physical character of the adjacent and surrounding dwellings.

The maximum height requirement within the -0 suffix zones is 9m while the maximum height requirement within RL5 zone is 12m. The heights currently proposed for the seven detached dwellings range from 9.96m to 10.63m. The

maximum lot coverage requirement of 35% is the same for both RL5-0 & RL5 zones. The maximum lot coverage proposed for the detached dwellings ranges from 30.5% to 43.9%. It is noted that there are dwellings in the neighbourhood that predate the Zoning By-law 2014-014. Notwithstanding, most existing older dwellings have heights and lot coverages that are predominantly less than the proposed heights and lot coverages. Staff was not able to evaluate the residential floor area (RFA) for the proposed development due to insufficient information provided by the applicant. The proposed dwellings comply with the main wall proportionality requirement and balcony and deck prohibition within the Section 6.4 of the Zoning By-law 2014-014.

The Special Provision 10 (SP10) provides for additional regulations beyond the -0 Suffix regulations towards the north, east, and south of the subject site. These additional regulations are for maximum lot coverage based on number of storeys, maximum lot depth, garage floor area, and interior side yards based on the number of storeys and the location of the private garage as shown in Figure 8 below.

10	Former Detached Dwellings R10 Zone	Parent Zone: RL3-0
Map 19(8)	(Part of Lot 11, Concession 4 S.D.S. and Part of Lots 12 and 13, Concession 3 S.D.S.)	(1984-49) (1989-209) (1999-78) (2016-013)
15.10.1 Zone Provisions		
The following regulations apply:		
a)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having one <i>storey</i>	25%
b)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having one and one half <i>storeys</i>	22%
c)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i>	19%
d)	Minimum <i>lot depth</i>	30.0 m
e)	Maximum total <i>floor area</i> for a <i>private garage</i>	38.0 sq.m
f)	Minimum <i>interior side yard</i> for a <i>detached dwelling</i> having one and one half <i>storeys</i> and an attached <i>private garage</i>	1.5 m on both sides
e)	Minimum <i>interior side yard</i> for a <i>detached dwelling</i> having two <i>storeys</i> and an attached <i>private garage</i>	1.8 m on both sides

Figure 8 – Special Provision 10 (SP10)

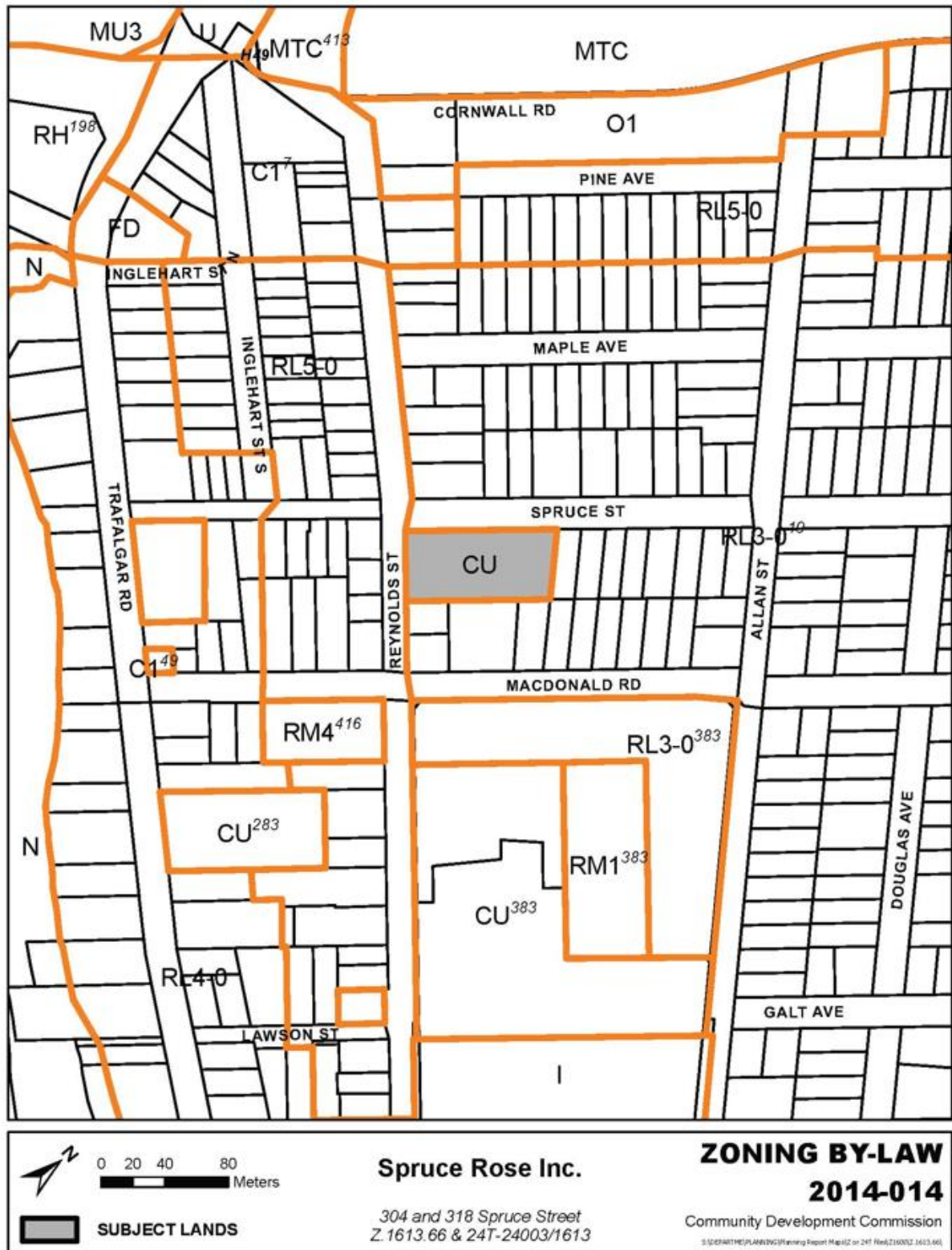


Figure 9 – Zoning By-law

Applicant’s Proposed Zoning By-law

The applicant’s draft by-law includes the following site specific provisions with the proposed RL5 Zone:

X	Spruce Rose Inc.	Parent Zone: RL5
Map 19(8)	304 & 318 Spruce Street	(2024-XXX)
15.XX.1 Zone Provisions		
The following additional regulations apply to all lands identified as subject to this Special Provision:		
a)	Minimum front yard	6.0 metres for Lots 1 to 3 fronting onto Reynolds Street
b)	Maximum lot coverage	44% for Lots 1 and 2 fronting onto Reynolds Street

Figure 10 – Applicant’s draft Zoning By-law with Site Specific Provisions

Special Provision 10, as shown in the figure above, states the maximum lot coverage for two-storey dwellings is 19%. The proposed lot coverage for the proposed lots range from 31.8% to 43.9% as shown in the Figure 11 below:

COVERAGE CALCULATIONS				
LOT	LOT AREA	UNIT COVERAGE		
		(S.M.)	(S.F.)	(%)
1	482.58	196.00	2109.73	40.6%
2	483.21	212.16	2283.67	43.9%
3	547.70	188.24	2026.2	34.4%
4	646.83	215.75	2322.31	33.4%
5	646.28	215.25	2316.93	33.3%
6	645.73	205.33	2210.15	31.8%
7	650.78	198.58	2137.5	30.5%

Figure 11 – Proposed Lot Coverages

The SP10 also provides for interior side yards of 1.8m for two-storey detached dwellings with attached garages. The proposal shows 1.2m of interior side yards on all proposed lots except the eastern interior side yard on Lot 7 and the southern interior side yard on Lot 1.

TECHNICAL & PUBLIC COMMENTS:

Technical Review

The applicant submitted the following 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: [Spruce Rose Inc. - 304 and 318 Spruce Street - Z.1613.66 and 24T-24003/1613 \(oakville.ca\)](#).

- Planning Justification Report
- Heritage Impact Assessment
- Urban Design Brief
- Draft Plan of Subdivision
- Draft Zoning By-law Amendment
- Conceptual Site Plan
- Landscape Plan
- Landscape Details
- Canopy Cover Plan
- Elevation Plan
- Floor Plans
- Renderings
- Streetscape Plan
- Arborist Report
- Tree Protection Plan
- Drainage Plan
- Grading Plan
- Stormwater Management Report
- Servicing Plan
- Functional Servicing Report
- Transportation Memo
- Environmental Site Assessment – Phase 1
- Environmental Site Screening Questionnaire
- Reliance Letter
- Construction Management Plan

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 Urban Design Guidelines as well as the surrounding context of cultural heritage resources and associated policies within the Trafalgar Road Heritage Conservation District Plan.

Staff have also considered 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 detached dwellings are an appropriate land use on the subject site, the proposal as submitted cannot be supported.

The detailed technical analysis of the application material as well as the comments received by Council and the public during the May 21, 2024 Statutory Public meeting are discussed below.

Land Use & Density

The proposed land use of detached dwellings conforms to the Official Plan designation of *Low Density Residential*, allowing for a variety of low-density housing types. Staff supports the opportunity for intensification of the subject site for a detached dwelling use given the surrounding context.

The proposed intensification with detached dwellings meets the density requirement of up to 29 dwelling units per site hectare for the *Low Density Residential* designation. The proposed development results in a density of 17.1 units per site hectare. Staff have not received any objections from area residents regarding the introduction of detached dwellings on the site. However, concerns have been raised about the scale, massing, height, and the site-specific zoning provisions.

Compatibility with Neighbourhood Character

The applicant is proposing a Zoning By-law Amendment to rezone the subject lands to RL5 Zone with site-specific provisions for lot coverage and front yard as discussed previously, to allow seven detached dwellings with attached garages and individual driveway access from Spruce Street and Reynolds Street.

As previously mentioned, the zoning in the area surrounding the subject lands includes RL3-0; SP10 to the north, east, and south, where lot coverage is limited to 25% and height to 9m. To the west, the zoning is RL5-0, which restricts lot coverage to 35% and height to 9m.

The proposed built form, massing and scale of the development is not compatible with the adjacent and surrounding dwellings in the area and therefore does not conform to the Policy 11.1.9.a) of the Livable Oakville which states:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.”

The proposed lot coverages range from 31.8% to 43.9% and have heights of up to 10.63m, which deviate from those typical in the surrounding neighbourhood, contributing to the mass and scale of the proposed dwellings. This makes the proposed zoning incompatible with the surrounding area. The applicant has also not adequately demonstrated that the proposed built form, lot coverages and heights maintain the character of the surrounding neighbourhood.

Appropriateness of Zoning the Lands to RL5

The subject lands are currently zoned *Community Use (CU)* which permits uses such as places of worship, daycares, public schools, art galleries, and emergency shelters. Detached dwellings are not a permitted use.

The subject site is designated *Low Density Residential* in the Livable Oakville Official Plan and permits a range of low density housing types such as detached dwellings, semi-detached dwellings and duplexes. The proposed low density housing types conform to the Official Plan, hence an Official Plan Amendment is not required.

There are many 'Residential Low' zones in Zoning By-law 2014-014. These range from RL1 to RL11, which permit detached dwellings. The distinction lies in the zoning regulations for lot area, lot frontage, setbacks, height, dwelling depth, lot coverage and residential floor area. The RL1 Zone has the most generous lot area permissions and associated regulations to allow large lots with generous setbacks. The RL11 Zone has the least generous lot sizes and associated smaller setbacks.

As previously discussed, the subject lands are surrounded by RL3-0; SP10 Zone towards the north, east, and south.

The RL3-0;SP10 Zone permits:

- maximum height of 9m,
- maximum lot coverage of 19% for a two-storey detached dwelling, and
- minimum interior side yard setbacks of 1.8m for two-storey dwellings with attached garages.

The lands to the west of the subject lands are zoned RL5-0 and are located within the Trafalgar Road Heritage Conservation District. As previously discussed, the RL5-0 Zone permits:

- maximum height of 9m,

- maximum lot coverage of 35%, and minimum interior side yards of 1.2m for dwellings with attached garages meeting the minimum dimension requirements.

Reynolds Street is the dividing line between the two zones. The applicant is proposing a development that exceeds the maximum lot coverage and maximum height requirements for both the RL3-0; SP10 Zone to the north, east and south, as well as the RL5-0 Zone to the west.

- maximum height of 12m,
- maximum lot coverage of 44%, and
- minimum interior side yards of 1.2m for dwellings with attached garages meeting the minimum dimension requirements.

The surrounding neighbourhood comprises of dwellings within the RL3-0; SP10 Zone to the north, east and south of the subject lands, as well as dwellings within the RL5-0 Zone to the west of the subject lands. The surrounding dwellings within both the RL3-0; SP10 Zone and RL5-0 Zone have lower lot coverage, and height requirements than what is being proposed due to the -0 suffix zone framework as discussed earlier in this report. It is noted that there are many dwellings in the neighbourhood that predate the Zoning By-law 2014-014. Notwithstanding, staff is of the opinion that the existing lot coverage and height of the older dwellings are still predominantly less than what is being proposed.

Due to this reason, the proposal does not align with the intent of the zones in the surrounding neighbourhood and would result in a development that will not maintain the character of the surrounding neighbourhood. It is staff's opinion that the RL5 Zone with site specific provisions as proposed is not appropriate for the development of the subject lands.

Appropriateness of the proposed request to reduce the minimum front yard and increase the maximum lot coverage

The proposal includes the following site-specific provisions beyond the regulations of the proposed RL5 Zone to permit the development as proposed:

1. Minimum Front Yard of 6m for Lots 1, 2, & 3
2. Maximum Lot Coverage of 44% for Lots 1 & 2

Minimum Front Yard

The minimum front yard requirement in RL5 Zone is 7.5m and therefore a site-specific provision is needed for Lots 1-3. Lots 1-3 are Reynolds Street facing lots which is classified as a minor arterial in Schedule C Transportation Plan of Livable

Oakville. The lots immediately south of the subject lands have a front yard of approximately 7.0m. Similarly, the lots immediately to the north of the subject lands across Spruce Street have a front yard greater than 7.0m.

The proposed lots with a reduced front yard setback of 6m will not be aligned with the average of the front yard setbacks of the adjacent dwellings to the north and south and will create an irregular streetscape on the east side of Reynolds Street. Therefore, staff's opinion for a reduced front yard setback along Reynolds Street is not appropriate for the proposed development.

It should be noted that the dwellings west of the subject lands, facing Reynolds Street, have smaller front yards compared to those on the eastern side. These dwellings are part of the original housing stock and are situated within the Trafalgar Road Heritage Conservation District.

Lots 4-7 fronting Spruce Street have a front yard setback of approximately 7.5m which is aligned with the adjacent properties to the east fronting Spruce Street.

It is noted that the conceptual site plan provided by the applicant shows the front yard setback measured from the front property line to the front main wall of the dwelling, excluding the porch. The proposed porches are shown to encroach the minimum front yard setbacks. As per Zoning By-law 2014-014 the front porches are subject to the minimum front yard requirements, and a revision of the conceptual site plan would be needed.

Maximum Lot Coverage

According to the applicant's proposed Zoning By-law, Lots 1 and 2 are proposed to have a lot coverage of 44%. The concept plan (Figure 4) provided with the application for proposed Lots 1 & 2, Lot 1 has a proposed lot coverage of 40.6%, while Lot 2 is proposed to have 43.9%. The RL5 Zone requirement a lot coverage requirement of 35%, whereas, the RL3-0; SP10 requirement is 19% for two-storey detached dwellings.

Staff conducted an analysis of the minor variance applications within the surrounding area and found that predominantly the lot coverage approved for two-storey dwellings is less than 30%, and the height approved is less than 9.5m within the RL3-0; SP10 Zone as shown in the Table 2 below:

	Address	Lot Coverage	Height
1	311 Spruce	24.74%	8.99m
2	315 Spruce	24.74%	8.69m
3	339 Spruce	20.9%	-
4	343 Spruce	21.90%	9.47m

5	351 Spruce	23.15%	8.80m
6	348 Spruce	21.8%	8.94m
7	375 Reynolds	27.71%	-
8	303 MacDonald	25%	-
9	341 MacDonald	21.2%	7.43m
10	409 Reynolds	26.7%	-
11	413 Reynolds	24%	-
12	328 Maple Ave	25.42%	9m
13	412 Allan	21.72%	7.09
14	370 Spruce	27.9%	-
15	332 Spruce	26.19%	-
16	311 Maple Ave	26.2%	-
17	319 Maple Ave	34.52%	-
18	316 Maple Ave	23.18%	-
19	331 Maple Ave	39%	-
20	367 Spruce	28.23%	9.37m
21	371 Spruce	25.79%	8.99m
22	375 Spruce	23.18%	9.73m
23	383 Allan	24.48%	8.95m
24	361 MacDonald	26.13%	-
25	351 Allan	25%	8.9m
26	347 Allan	28.48%	9.0m
27	335 Allan	28.3%	5.74m
28	376 Douglas	24.98%	-
29	374 Douglas	24.98%	8.80m
30	368 Maple Ave	21.5%	-

Table 2 – Approved Lot Coverage and Height for surrounding SL3-0; SP10 Zone through Minor Variance applications

Based on the Table above, staff acknowledge that the character of the area tends to have an average lot coverage of 25.56% and average height of 8.61m, which would be more appropriate for this site. As such, the requested increase in lot coverage and height does not maintain the character of the area.

The proposed increased lot coverage and height would result in additional mass and scale that would be incompatible with the neighbourhood character. Staff are of the opinion that the increase in lot coverage is not appropriate for development of the subject lands in the context of the surrounding neighbourhood.

Compatibility with Neighbourhood Lotting Pattern

The lotting pattern in terms of shape and frontage of the proposed lots fronting Reynolds Street does not align with the lotting pattern of the existing lots on

Reynolds Street between Spruce Street and MacDonald Road. These include existing lots immediately south of the subject lands and lots to the west across Reynolds Street between Spruce Street and MacDonald Road as shown in Figure 12 below. The lot configuration of the proposed dwellings varies from the existing Reynolds Street lots between Spruce Street and MacDonald Road which have larger frontages. The proposed lot configuration of Lots 1-3 results in narrow frontages, and are significantly deeper than the existing lots fronting Reynolds Street between Spruce Street and MacDonald Road. This inconsistency in the lotting pattern would consequently create narrower and deeper dwellings that do not maintain the visual continuity of the streetscape.

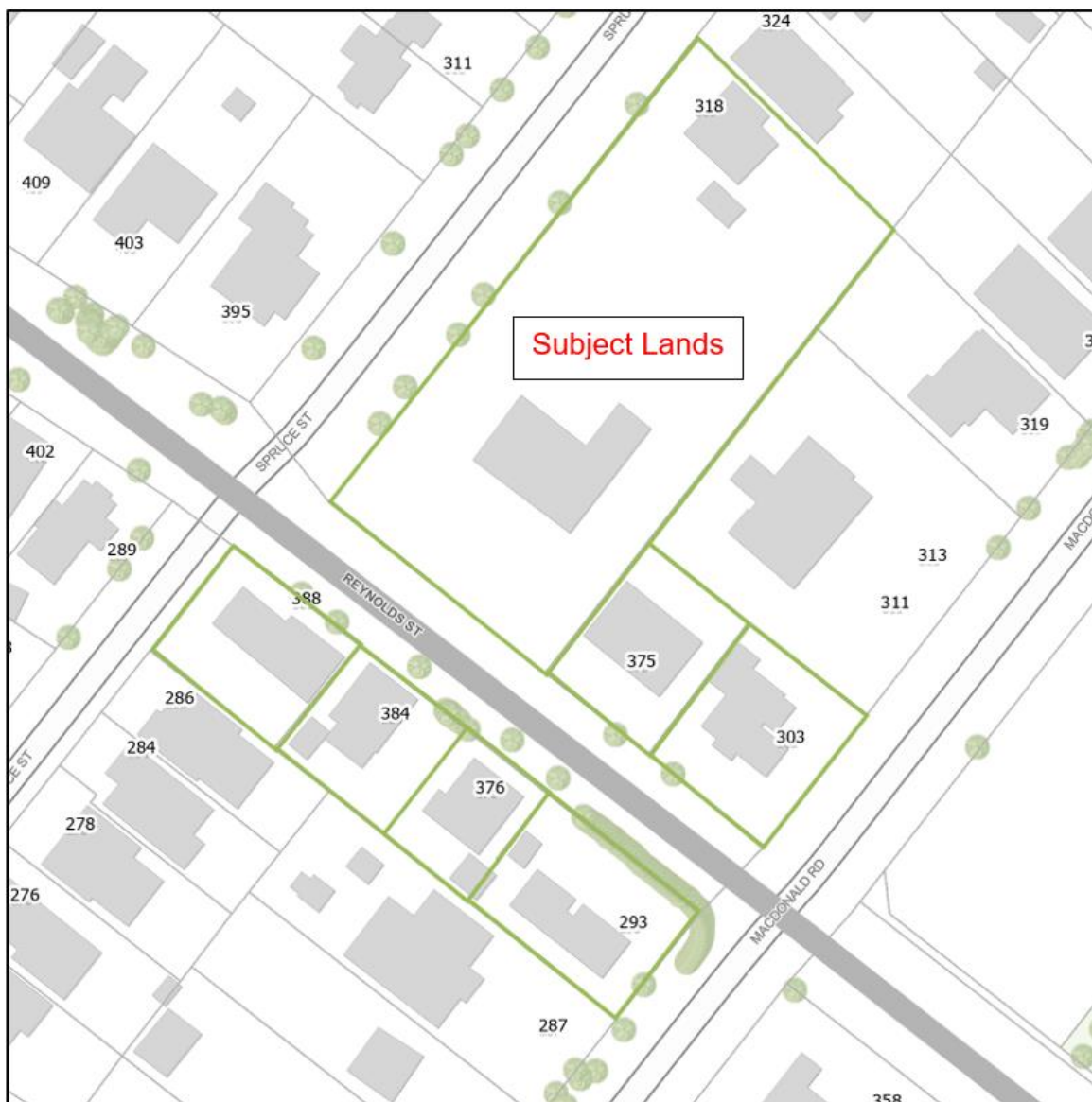


Figure 12 – Lotting Pattern of lots fronting Reynolds Street between Spruce Street and MacDonald Road

Integration/Impact on adjoining and adjacent properties

Due to the proposed request to increase the lot coverage and heights, changes in lotting patterns and dwelling placements along Reynolds Street, reduced setbacks, and the proposed design and built form, the dwellings do not conform to the surrounding neighbourhood character. Specifically, the dwelling proposed for Lot 1 extends significantly beyond the rear wall of adjacent dwellings to the south, raising concerns among the southern neighbours about privacy and overshadowing.

The built form, increased height and lot coverages proposed would result in massing and scale that would be incompatible with the surrounding neighbourhood character and result in undermining the established neighbourhood character. The proposed built form, scale and massing would be considered inappropriate for the development of the subject land in the context of the surrounding neighbourhood.

The lotting pattern and reduced front yard of the dwellings that front Reynolds Street would result in irregular streetscape along the east side of Reynolds Street and therefore negatively impact the neighbourhood character. The proposed dwellings with increased massing and scale on lots that are smaller than what is required in the Zoning By-law would exacerbate the impacts of mass and scale on adjacent and surrounding properties.

It is important to note that adjacent to the subject lands, there are currently community mailboxes located on Spruce Street, which would need to be relocated to a new location. Canada Post has not yet identified a potential location.

Maintenance of Heritage Character

The subject application is located in a neighbourhood predominantly characterized by detached dwellings, many of which are either listed with cultural heritage value, designated, or undergoing designation under the *Ontario Heritage Act*. Section 5 of *Livable Oakville* provides the direction on the conservation of cultural heritage resources. It emphasizes that any construction adjacent to or in the immediate vicinity of the Heritage Conservation District will be guided by the applicable Heritage Conservation District Plan. The section further specifies that the Town may impose appropriate measures to ensure the conservation of heritage resources and their integration into new development as conditions of approval.

The subject lands are adjacent to, and in the immediate vicinity of, the Trafalgar Road Heritage Conservation District. The cultural heritage resources surrounding the subject property are generally characterized by:

- A mix of architectural styles and designs that add diversity and character to the area.
- A variety of setbacks and diversity in built forms that add diversity and character to the area and provide space between buildings for landscaping and views
- Stucco, brick, and wood cladding materials
- Gable, gambrel and hip roof styles
- Heights of one-and-a-half storeys to two-and-a-half storeys that are generally between 7m and 9m in height.

The applicant's proposed heights ranging from 9.96m to 10.63m, and the lack of variety in the position of garages and front doors are a departure from the surrounding context and would result in dwellings that would not maintain the character of the surrounding cultural heritage resources.

Urban Design – Built Form, Massing, Scale and Architectural Materials

The proposal was evaluated in accordance with the Design Guidelines for Stable Residential Communities which are used to direct the design of new development to ensure the maintenance and preservation of the existing neighbourhood in accordance with Section 11.1.9 of the Livable Oakville Plan.

Section 6.1.2 c) of the Livable Oakville Plan provides that the urban design policies of Livable Oakville will be implemented through design documents such as the Design Guidelines for Stable Residential Communities. Staff is of the opinion that the proposal would not implement the Design Guidelines for Stable Residential Communities, in particular the following sections:

- *3.1.1.2. – Character: New development should be designed to maintain and preserve the scale and character of the site and its immediate contexts and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*
- *3.1.3.1. – Scale: New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*
- *3.1.3.2. – Scale: In instances where the lot patterning has been altered through redevelopment, the scale of the new development should be compatible with the scale of the surrounding buildings.*
- *3.2.2.2. – Height: New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*

The proposal fails to demonstrate compatibility with the surrounding neighbourhood character of the Brantwood neighbourhood. The proposed lotting pattern, placement of dwellings, setback variations, lot frontages and lot coverages are not in line with the character of the surrounding residential neighbourhood. Further, the height and scale, including roof scale are not in harmony with the surrounding neighbourhood. With the proposed height and scale, as well as the massing and built form, the dwellings would appear significantly taller than the adjacent and surrounding dwellings and would negatively impact the established character of the neighbourhood.

As discussed previously, the surrounding neighbourhood consists of a mix of architectural styles and designs that add diversity and character to the area with a variety of setbacks and built forms. The dwellings in the vicinity mostly contain stucco, brick, and wood cladding materials and have heights between 7m and 9m. The proposed dwellings with increased heights ranging from 9.96m to 10.63m, and lack of a variety of architectural styles and built forms would be a departure from the surrounding neighbourhood character. It is noted that the proposed development would not be subject to site plan control or heritage permit requirements that would allow opportunities for staff to work with the applicant to revise architectural style and materials.

The proposed dwellings have significant massing and scale due to the increased height, lot coverages, reduced setbacks, as well as the overall design and built form of the dwellings, that is not compatible with the existing dwellings in the surrounding neighbourhood. The design and built form seems more aligned with that of dwellings in recent North Oakville subdivisions than those in the Brantwood neighbourhood.

Tree Preservation

The applicant submitted an Arborist Report and a Tree Protection Plan which was reviewed by Town's Urban Forestry staff. A total of 43 trees were inventoried and assessed in the Arborist Report. Of the 43 trees inventoried, six are municipal trees located on Spruce Street, two trees are boundary trees shared with 311-313 MacDonald Road, 21 trees are located on abutting private properties, and 14 trees are located on the subject site.

As part of the proposed development, 11 trees would be removed which includes two municipal trees located on Spruce Street and nine private trees on the subject site as shown in the Tree Protection Plan in the Figure 13 below. To compensate for the 11 trees being removed, the applicant would be responsible to plant 65 replacement trees.

Driveway Separation Distances

A transportation memo was provided by the applicant that provides details regarding the spacing between the proposed driveways as shown in Figure 14 below.

Feature	Minimum Spacing Requirement	Available Spacing	Minimum Spacing Distance Satisfied?
Driveway 1 to Driveway 2	1.0 m	7.34 m	Yes
Driveway 2 to Driveway 3	1.0 m	8.29 m	Yes
Driveway 4 to Driveway 5	1.0 m	8.96 m	Yes
Driveway 5 to Driveway 6	1.0 m	8.96 m	Yes
Driveway 6 to Driveway 7	1.0 m	8.72 m	Yes

Figure 14 – Spacing between driveways

The memo also provides details regarding the driveway distances from the nearest intersection as shown in Figure 15 below.

Feature	Driveway 3 (along Reynolds Street) to Spruce Street	Driveway 4 (along Spruce Street) to Reynolds Street
Minimum Spacing Requirement	6.5 m	6.5 m
Available Spacing	9.03 m	41.08 m
Minimum Spacing Distance Satisfied?	Yes	Yes

Figure 15 – Spacing between driveways and the nearest intersection

Sightlines

The proposed draft plan of subdivision provides a 5m x 5m daylight triangle at the corner of the Spruce Street and Reynolds Street intersection to allow visibility at the corner for pedestrian and vehicular traffic.

Pedestrian and Vehicular Safety

There is an existing concrete sidewalk along both frontages that is to remain. The existing sidewalk forms part of the larger sidewalk network within the neighbourhood and allows safe pedestrian movement along Spruce Street and Reynolds Street.

There is also on-street parking on both sides of Spruce Street that provides additional buffer reducing potential conflicts between the pedestrians walking on the

sidewalk and vehicular traffic on Spruce Street. On-street parking is not permitted on Reynolds Street.

Location Of Driveways In Relation To Transit Stops And School Bus Pick-Up And Drop Off Locations

There is an existing transit stop in front of the proposed Lot 3 on Reynolds Street which may conflict with the proposed Lot 3 driveway location. The applicant has not demonstrated that there would be no conflicts between the proposed driveway and the location of the bus stop. Transportation staff has noted that the proposed bus stop location would need to be temporarily relocated during the construction of the development if approved.

The Halton Student Transportation Services has indicated that four school buses pick up and drop off students in front of the subject lands in the general location of the existing community mailboxes on Spruce Street. One school bus drops off students at the transit stop location in front of proposed Lot 3 on Reynolds Street.

Halton Student Transportation Services has advised that due to the proposed development, the school bus pick-up and drop-off locations may need to be relocated. The new pick-up and drop-off locations will be determined based on the availability of sufficient space for the number of students assigned to be picked-up/dropped-off which has not been determined at this time.

Need for Comprehensive Traffic Study/ Turning Radii Due to Driveways

Transportation staff has indicated that a detailed traffic impact assessment is not required due to the low volume of traffic expected to be generated from the development of seven detached residential dwellings if approved.

Transportation staff has indicated that Turning Movement Plans are not required for on-street residential development.

Stormwater Management and Functional Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report along with Site Grading and Drainage Plans, which have been reviewed by Engineering staff and Halton Region staff. Region of Halton staff note that existing water and sanitary sewer services are available on Spruce Street and Reynolds Street. They also note that a detailed engineering review will be required to address servicing of the development, if approved.

Town engineering staff notes that the applicant proposes a series of 600mm diameter storm sewers to meet the site's stormwater management requirements but

suggests 2.4m easements, which do not meet Town standards. The proposed easement width does not provide adequate space for the Town to perform maintenance on the sewer. The minimum easement size required will be 4.5m.

Engineering staff also observe that the applicant proposes to include a small berm along the eastern property line of Lot 7 to manage grading. However, given the narrow side yard setback of 1.8 meters, the design appears impractical. Additional clarification is needed from the applicant to resolve this issue.

Draft Plan of Subdivision

The effect of the draft plan of subdivision would create seven lots for detached dwellings and one block for daylight triangle. It is noted that the minimum frontage required within RL5 Zone is 15m and the applicant's proposed Draft Plan of Subdivision shows proposed lot frontages ranging from 14m to 17.19m. The RL3 -0 SP10 zone surround the subject lands on three sides requires a frontage of 18.0m. The lot area of proposed Lots 1-3 ranges from 482.58 m² to 547.70 m². The RL3-0; SP10 zone requires a minimum lot area of 557.5 m².

Staff notes that the proposed lotting pattern in terms of frontage and shape of the proposed Lots 1-3 do not meet the configuration of the adjacent properties to the south and across the street and therefore does not meet the criteria of Section 51(24)(f) of the *Planning Act*. The proposed lot configuration for Lots 1-3 would result in narrower and deeper dwellings that would not meet the predominant lotting pattern for lots fronting Reynolds Street between Spruce Street and MacDonald Road and therefore does not conform to the Official Plan policies of compatibility (Section 11.1.9.d) and consequently the Section 51(24)(c) of the *Planning Act*. There are also concerns raised by Engineering staff about the adequacy of easement widths provided for stormwater management as well as the feasibility of the berm located along the eastern property boundary of Lot 7. Notwithstanding, it is staff's opinion that the proposed subdivision to develop detached dwellings is appropriate at the subject lands and therefore meets the criteria of Section 51(24)(d) of the *Planning Act*.

Staff notes that due to the concerns raised by Engineering staff, Transportation staff, Heritage staff and Urban Design staff, the proposed Draft Plan of Subdivision may require further revisions and modifications (i.e less lots or reconfigured lots). The applicant has not addressed concerns raised by staff which were provided to the applicant in a consolidated comments report on May 24, 2024. For this reason, staff is of the opinion that the Draft Plan of Subdivision application should be refused.

Climate Change/ Sustainability Goals

The proposal for residential intensification of an underutilized parcel in an existing stable residential neighbourhood would create much needed housing within the Built-Up Area as per the Growth Plan for Greater Golden Horseshoe. The accommodation of residential intensification within built-up area would create lesser environmental impact as opposed to residential intensification which may have been otherwise developed within greenfield areas outside of the built-up area.

The proposal also abuts a transit stop which would be used by future residents instead of cars, which will reduce greenhouse gas emissions.

Snow Removal

The proposed seven detached dwellings have direct access to the public rights-of-way of Spruce Street and Reynolds Street. Snow removal will be performed similarly to snow removal for other detached dwellings in the neighbourhood.

Public Comments

A virtual Public Information Meeting (PIM) was held on September 19, 2023. Issues raised at the meeting included lot width, lot depth, front yard setbacks, lot coverage, dwelling design, interior side yard setbacks, garage size and driveway widths, compatibility with other dwellings in terms of density, height, and front yard setbacks, loss of vegetation and trees, separation between buildings, and school bus pick-up and drop-off.

Staff received seven letters of opposition to this proposal, which have been included as Appendix “B”. They key concerns raised by the public included the inappropriateness of RL5 Zone for the subject lands, incompatibility with the neighbourhood character regarding massing and scale, loss of vegetation and trees, lot coverage, and height.

These public concerns align with those raised by staff and Council at the Statutory Public Meeting on May 21, 2024, and are discussed throughout this report.

CONSIDERATIONS:

(A) PUBLIC

The applicant held a Public Information Meeting on September 19, 2024, and it was attended by 34 participants.

A Statutory Public Meeting was held on May 21, 2024 where staff received comments from Council and the public. The comments received from Council and Public have been discussed throughout this report.

Seven written public comments were received and are included as Appendix “B”.

(B) FINANCIAL

Development charges and parkland dedication are applicable to this development, 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. The applications were deemed completed on April 12, 2024. The statutory timeframe for processing this application expires on July 11, 2024.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council’s strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

(E) CLIMATE CHANGE/ACTION

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

CONCLUSION:

As discussed above, staff do not support the applications as submitted which include rezoning the lands from CU to RL5 with site-specific provisions for lot coverage and front yard setback, however, staff support the development of the site with detached dwelling uses which appropriately implements the *Low Density Residential* designation. The following points summarise staff’s opinion:

- The applicant has not adequately demonstrated that the proposed RL5 Zone with site specific provisions for lot coverage and front yard setback as submitted would implement the applicable policies of the Official Plan and therefore, the applications as submitted should be refused. In addition, the proposed zoning would result in a dwelling with a scale and massing that is out of character with the neighbourhood.

- Technical aspects of the proposal such as heritage impact assessment, urban design brief, transportation memo, stormwater management report and association grading and drainage plans, as well as the Arborist Report and Tree Protection Plan required further review and consideration and may require revision of the proposed Draft Plan of Subdivision (i.e. number of lots or reconfiguration).
- It is staff's opinion that the applications as proposed results in a development of detached dwellings in a manner that does not meet the Town's Official Plan policies.

APPENDICES:

Appendix "A" – Renderings

Appendix "B" – Public Comments

Prepared by:

Muzaib Riaz

Planner, Current Planning

East District

Recommended by:

Leigh Musson, MCIP, RPP

Manager, Current Planning

East District

Submitted by:

Gabriel A.R. Charles, MCIP, RPP

Director, Planning and Development