



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 18, 2019

FROM: Planning Services Department

DATE: February 25, 2019

SUBJECT: **Public Meeting Report, Zoning By-law Amendment, Design Quorum Inc., 79 Wilson Street, File No.: Z.1715.23**

LOCATION: 79 Wilson Street

WARD: 2

Page 1

RECOMMENDATION:

1. That the public meeting report prepared by the Planning Services Department dated February 25, 2019, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Design Quorum Inc., on behalf of the owners, (File No.: Z.1715.23), be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

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

- The proposed Zoning By-law Amendment is to allow a Special Provision to permit semi-detached dwellings as a permitted use and to permit site specific regulations to accommodate the proposed site layout.
- The application was submitted on January 8, 2019 and the *Planning Act* timeframe to review is 150 days (June 7, 2019).
- The subject lands are designated Low Density Residential and zoned CBD SP:149 by the Livable Oakville Plan and Zoning By-law 2014-014. The CBD SP:149 zone does not allow new semi-detached dwellings. Both the existing Official Plan designation and zoning are consistent with the Provincial Policy Statement 2014, conform to all applicable Provincial plans, the Region of Halton Official Plan and the *Livable Oakville Plan* as they allow for modest intensification of the subject lands, subject to the consideration of neighbourhood character, in accordance with the Town's established urban structure.

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BACKGROUND:

Proposal

A Zoning By-Law Amendment application was submitted which would allow the development of two semi-detached dwellings. The existing zoning does not permit new semi-detached dwellings on the subject lands. In order to allow two new semi-detached dwellings as a permitted use, a Zoning By-law Amendment is required to amend the CBD zone through a site specific Special Provision. Site specific regulations are also required to accommodate the proposed site layout. The proposed Zoning By-law Amendment would result in a new site specific Special Provision for the subject lands.

The proposed development would allow the construction of one, three-storey building with basement, containing two semi-detached dwellings. The proposed building is sited close to the street and a surface parking area is provided in the rear yard. Pedestrian access to living areas and private garages is provided from doors oriented towards the front yard and side yards, respectively. Each unit is proposed to include a deck accessible from the second floor as well as a 19m² third floor roof top patio.

Vehicle access to the two private attached garages and surface parking area is provided by a driveway on the north side of the property. The 3m driveway is shared with 83 Wilson Street. A copy of the deed confirming the mutual driveway is registered on title was submitted with the application. The private garages are sufficient in width to accommodate one vehicle each and three parking spaces are available within the surface parking area. The proposed parking exceeds the minimum parking requirements of the Zoning By-law, being four parking spaces (2 per dwelling unit).

The Preliminary Arborist Report and Tree Preservation Plan indicate that all five trees located on the subject lands will require removal in order to accommodate the proposed site layout. All trees located on the neighbouring lands are proposed for retention. Two of the four municipally owned trees are listed in decline and are recommended for removal.

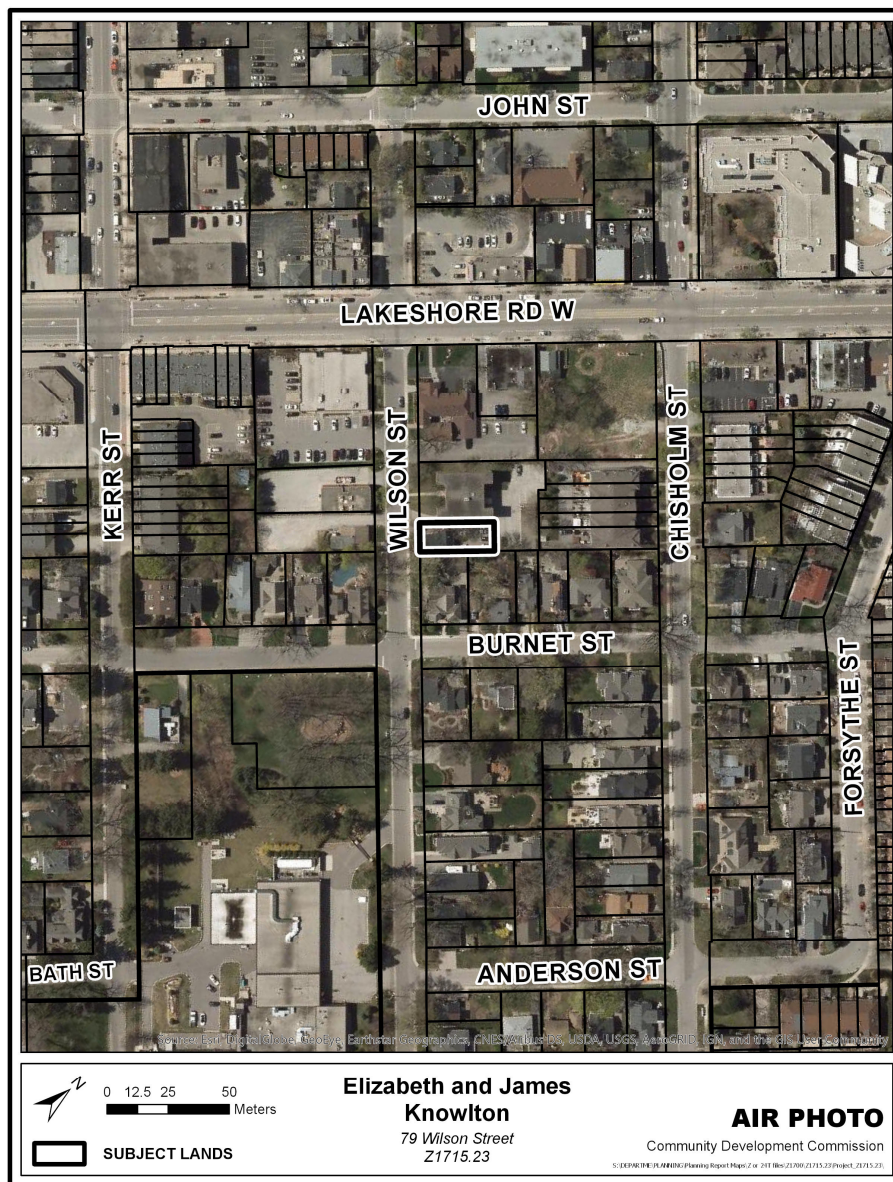
Submission materials are available at the following link on the Town's website:

<https://www.oakville.ca/business/da-31942.html>

Location & Site Description

The subject lands are located on the east side on Wilson Street, north of Burnet Street and south of Lakeshore Road West, as shown on Figure 1. The subject lands are 0.037 ha in size with approximately 12.9 m of frontage on Wilson Street. The site is currently occupied by a three storey detached dwelling, used for commercial space.

Figure 1 – Air Photo



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Surrounding Land Uses

The surrounding land uses are as follows:

North & East: Three storey apartment and associated parking lot

South: Detached dwellings

West: Commercial uses

Timing

The subject application for a Zoning By-law Amendment was received and deemed complete on January 8, 2019, giving Council until June 7, 2019, to make a decision on the application.

A pre-consultation meeting was held on May 9, 2018. The purpose of the pre-consultation meeting is to establish the formal application submission requirements, as well as to provide preliminary feedback on a proposal based on the feedback from staff and external agencies.

A Public Information Meeting (PIM) hosted by the applicant was held on July 26, 2018, where 13 residents and both Ward 2 Councillors attended. Matters raised by the public at the PIM included building design (height, size, materials, location of windows), building siting, potential tree removals, opportunities for landscaping, potential sun shadow impacts and construction management.

PLANNING POLICY & ANALYSIS

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

- Provincial Policy Statement (2014)
- 2017 Growth Plan for the Greater Golden Horseshoe (2007)
- Halton Region Official Plan
- *Livable Oakville* Plan
- Zoning By-law 2014-014

Provincial Policy Statement

The Provincial Policy Statement (2014) ('PPS') is intended to promote a policy led system, which recognizes 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 by promoting a compact development form.

From: Planning Services Department
Date: February 25, 2019
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The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

The property is zoned CBD SP:149 by Zoning By-law 2014-014. The existing zoning is consistent with the PPS 2014 as a range and mix of uses including residential, employment and institutional are permitted. Within the context of the surrounding Kerr Village Growth Area, the zoning of the property allows for intensification and redevelopment.

Growth Plan (2017)

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

The property is zoned CBD SP:149 by Zoning By-law 2014-014. The existing zoning conforms with the Growth Plan, and therefore does not conflict with the Growth Plan, given that a range and mix of uses is provided for. In addition, the existing zoning allows for suitable intensification of underutilized lands in accordance with the Town's established urban structure and local conditions subject to Livable Oakville Plan policies.

Halton Region Official Plan

The subject lands are designated "Urban Area" in the Halton Region Plan. Lands within the "Urban Area" are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

From: Planning Services Department
Date: February 25, 2019
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The property is zoned CBD SP:149 by Zoning By-law 2014-014. The existing zoning conforms to the Halton Region Official Plan, given that that the range of uses contributes the development of complete communities.

Livable Oakville Plan

OP Objectives

The guiding principles of the Livable Oakville Plan include the following:

2.2.1 Preserving and creating a livable community in order to:

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

Urban Structure

The Livable Oakville Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community. Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town. 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. There is one appeal pertaining to OPA 15.

The subject lands are identified on Schedule A1 – Urban Structure as being within the Town's system of Nodes and Corridors as they are located within the Kerr Village Growth Area. Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.

Land Use Policies

The subject lands are within the Lower Kerr Village District of the Kerr Village Growth Area. Kerr Village is intended to accommodate intensification through new development and re-development with a mix of residential uses while continuing to function as a location for institutional, recreational and public open space uses.

From: Planning Services Department
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As part of the Town of Oakville's ongoing Official Plan Review, the land use designations and policies that apply to Kerr Village were updated through Official Plan Amendment 19 (OPA 19). In December 2017, Council passed By-law 2017-119 to adopt OPA 19 to the Livable Oakville Plan. OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018.

The subject lands are located within an identified transition area between Lakeshore Road and the properties designated Low Density Residential on the north side of Burnet Street. With respect to the subject property, OPA 19 had the effect of re-designating the subject lands from Central Business District to Low Density Residential. However, the existing policies for the transitional area did not change as a result of OPA 19. This area has an established policy framework to ensure an appropriate treatment within the transition area, contained in Part E, 23.6.4 b) including the following additional policies:

- i. enhance the quality of the existing surrounding residential context;*
- ii. contribute to a sensitive transition from the lands to the north of the transition zone with those to the south;*
- iii. be compatible with adjacent, existing development with respect to scale, form and character; and,*
- iv. be sensitive to neighbouring heights, massing, setbacks from the street, distance between buildings, architectural form, colour and materials.*

With respect to the subject lands, the transitional land use policies allow for additional uses beyond Low Density Residential, including Medium Density Residential uses and limited commercial uses. The requested Zoning By-law Amendment conforms with the Livable Oakville Plan in terms of use, given the proposed semi-detached units are defined as a low density form. Although the proposal would have the effect of adding only one more unit fronting Wilson Street, the development would yield the equivalent density of 54 units per hectare, which falls within high density residential density range (51 to 185 units per site hectare) defined by Livable Oakville. With respect to numerical requirements of the plan, Part F – Implementation and Interpretation states:

“29.4 Minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of this Plan is maintained.”

From: Planning Services Department
 Date: February 25, 2019
 Subject: Public Meeting Report, Zoning By-law Amendment, Design Quorum Inc., 79 Wilson Street, File No.: Z.1715.23

An evaluation of the proposed development in relation to the transition area policies and all other applicable policies of the plan to determine whether the application meets the general intent of the Plan will be contained in the recommendation report.

The property is zoned CBD SP:149 by Zoning By-law 2014-014. The existing zoning conforms to the Town’s Official Plan by implementing the policies of the identified transition area located between Lakeshore Road and the properties designated Low Density Residential on the north side of Burnet Street.

Zoning By-law 2014-014

Zoning By-law 2014-014, as amended, is the town’s comprehensive zoning by-law for the lands south of Dundas Street and north of Highway 407. The subject lands are zoned CBD SP: 149 (Central Business District Special Provision 149) as shown in Appendix D. A wide range of uses are permitted in the Central Business District zone. Semi-detached dwellings are permitted in the CBD zone, provided the use legally existed on the lot on the effective date the Zoning By-law. Special Provision 149 applies to the subject property as well as to two properties on the west side of Wilson Street. The intent of the existing Special Provision is to implement the transition area policies of the Livable Oakville Plan. Therefore, the existing Special Provision allows for a more limited range of non-residential use than permitted in the base CBD zone and contains regulations related to minimum front yard, minimum height and maximum number of storeys.

A copy of the Zoning By-law Amendment as proposed by the applicant is contained in Appendix E. The proposed Zoning By-law Amendment would result in a new site specific Special Provision for the subject lands. The existing zoning does not permit new semi-detached dwellings. In order to allow two new semi-detached dwellings as a permitted use, a Zoning By-law Amendment is required to amend the CBD zone through a site specific Special Provision. The application also requests a reduced 1.2m interior south side yard to accommodate the proposed building siting, whereas 3m is required.

Through the review of the initial submission of the application, additional areas of non-compliance have been identified as described in Table 1.

Table 1: Identified Areas of Non Compliance with Zoning By-law 2014-014

| Regulations | Required | Proposed |
|--|--|-------------------------------|
| Central Business District Zone – Permitted Uses – Table 8.2 | | |
| Semi-detached dwelling | Permitted only where the use legally existed on the lot on the effective date of this By-law | 2 new semi-detached dwellings |

PLANNING AND DEVELOPMENT COUNCIL MEETING

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| Regulations | Required | Proposed |
|--|---|---|
| Central Business District – Regulations – Table 8.3.1 | | |
| Minimum interior side yard abutting a lot in any Residential Zone, Institutional Zone, or Community Use Zone | 3.0 m | 0.98 and 1.8 m |
| Minimum first storey height (*) | 4.5 m | 2.69 m |
| Special Provision 149 – Part 14.149.2 | | |
| Maximum Height | 10.5 m | <i>Should the stair tower and mechanical penthouse be deemed a storey, proposal maintains a height of 11.96 m</i> |
| Maximum number of storeys | 3 storeys | <i>Should the stair tower and mechanical penthouse be deemed a storey, proposal maintains a height of 4 storeys</i> |
| Rooftop Mechanical Equipment and Mechanical Penthouses Part 4.6.4 v) | | |
| Rooftop mechanical penthouse provisions | A mechanical penthouse is deemed not to be a storey for the purposes of this By-law | Additional details are required from the applicant regarding a room containing mechanical equipment and stairwell leading to the proposed roof top terrace. Should the review of the details conclude that the room is deemed an additional storey, increased maximum height and number of storeys is required as noted above |
| Allowable Projections – Table 4.3 | | |
| Uncovered access to stairs below grade | Permitted in rear and side yards | Proposed in front yard |
| Maximum projection of Balconies beyond the main wall | 1.5 m | 2.39 m |
| Required Widths of Landscaping – Table 4.11.2 | | |
| Along any lot line abutting any Residential Zone (*) | 3.0 m | 0 m |
| Abutting any surface parking area and any lot with a residential use (*) | 4.5 m | 0 m |
| Motor Vehicle Parking Space Dimensions – Part 5.2.3 b) | | |
| Minimum length of a parking space located in a private garage | 5.7 m | 5.4 m and 5.6 m |

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| Regulations | Required | Proposed |
|----------------------------------|----------|----------|
| Driveway Width – 5.8.2 a) | | |
| Minimum width of a driveway | 3.0 m | 2.87 m |

(*) Regulations typically apply to mixed use development, commercial development and medium or high density uses only

The applicant has applied to retain the base CBD zone and add a new Special Provision to accommodate the proposed development. However, through the evaluation of the application it may be determined that rezoning the property to an existing Residential Zone that permits semi-detached uses and contains performance standards related to this use (RL7, RL8, RL9) may be more appropriate to implement the proposed development, and to better align the zoning of the property with the recent redesignation of the property to Low Density Residential through OPA 19.

An assessment of the required regulation amendments to Zoning By-law 2014-014 will be included as part of the future recommendation report.

TECHNICAL & PUBLIC COMMENTS

Technical Comments

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments, and which are under review. The following studies and supporting documentation are also accessible on the town’s website (<https://www.oakville.ca/business/da-31942.html>):

- Air Photo
- Plan of Survey
- Phase 1 Environmental Site Assessment
- Preliminary Geotechnical Investigation
- Urban Design Brief
- Concept Plan
- Site Plan
- Planning Justification Report
- Draft Zoning By-law Amendment
- Arborist Report
- Functional Servicing Report

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Public Comments

A Public Information Meeting (PIM) hosted by the applicant was held on July 26, 2018, where 13 residents and both Ward 2 Councillors attended. Matters raised by the public at the PIM included building design (height, size, materials, location of windows), building siting, potential tree removals, opportunities for landscaping, potential sun shadow impacts and construction management.

To date, no comments have been received in response to the notice of complete application.

Issues under Review / Matters to be considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

- Provincial Policy Statement (PPS):
 - Consideration for policies related to mix of residential uses and efficient use of land.
- Growth Plan:
 - Consideration for complete communities and intensification that efficiently uses land.
- Regional Official Plan:
 - Consideration by Regional staff to review conformity with Regional Official Plan.
- Livable Oakville Plan:
 - Consideration of the proposed development relative to the Kerr Village Growth Area policies, including transition area policies.
 - Consideration of the proposed density in relation to Residential Land Use policies.
- Livable By Design Manual:
 - The proposed development will be reviewed to ensure the intent of the Urban Design policies contained in Livable Oakville (Part C Section 6) and implementing design directions contained in the Town's Livable by Design Manual are maintained.

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- Zoning By-law:
 - Suitability of the proposed amendment in the context of the redesignation of the property to Low Density Residential through OPA 19.
 - Mitigation of any identified impacts of the proposed development.
 - Ensuring implementing zoning regulations would result in a development that is compatible with the surrounding neighbourhood in terms of use, scale, massing and setbacks.

- Technical Review:
 - Functional Servicing and Stormwater Management
A review of the Functional Servicing and Stormwater Management Report in order to demonstrate that the development can be adequately managed to Town standards.

 - Environmental Site Assessment
A review of the Environmental Site Assessment in order to provide information and recommendations on potential areas of environmental concern to the satisfaction of the Region of Halton.

 - Tree Preservation
Review of findings of arborist report.

 - Site Plan Review
Review of whether requiring submission of a Site Plan Application, through holding provision or development agreement would be beneficial to implement the proposed development.

Comments received from the public and Council identified at the Statutory Public meeting will also be considered and included in the forthcoming recommendation report.

CONCLUSION

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation report. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

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CONSIDERATIONS:

(A) PUBLIC

A Public Information Meeting (PIM) hosted by the applicant was held on July 26, 2018, where 13 residents and both Ward 2 Councillors attended. To date, no comments have been received from the public in response the notice of complete application.

(B) FINANCIAL

None associated with this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposal has been circulated to the various agencies and departments for consideration and remains in technical circulation.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan

APPENDICES:

Appendix A – Applicable Policies
Appendix B – Proposed Site Plan
Appendix C – Livable Oakville Excerpt
Appendix D – Zoning By-law 2014-014 Excerpt
Appendix E - Proposed Draft Zoning Amendment

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