

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 19, 2018

FROM: Planning Services Department

DATE: February 26, 2018

SUBJECT: Public Meeting Report, Zoning By-law Amendment, Belyea Developments Inc. 2311, 2319 & 2323 Belyea Street, File No.: Z.1728.64

LOCATION: 2311, 2319 & 2323 Belyea Street

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RECOMMENDATION:

That comments from the public with respect to the Zoning By-law Amendment application by Belyea Developments Inc., (File No. Z1728.64), be received.

KEY FACTS:

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

- The subject lands are located on the north side of Belyea Street, east of Nelson Street.
- The Zoning By-law Amendment application was submitted to allow the development of 20 townhouse dwellings and six one-bedroom accessory rental units.
- The application was deemed complete on the date of submission, January 11, 2018, which was after Bill 139 received Royal Assent (December 12, 2017).
- A Public Information Meeting was held on February 21, 2018 where 14 residents attended.

BACKGROUND:

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered by staff in their evaluation of the application. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public

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meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

A pre-consultation meeting was held on March 22, 2017, which was attended by the applicant as well as Town and Regional staff based on an 18 unit townhouse development. The purpose of a pre-consultation meeting is to establish the formal application requirements of a development application, as well as to provide preliminary staff feedback on a proposal. Taking into account the policies of the Livable Oakville Plan and urban design directions contained in the Livable by Design Manual, staff provided preliminary feedback on the original 18 unit proposal to the applicant related to the proposed layout including a potential alternate layout for the site.

The subject application was deemed complete on the date of submission, January 11, 2018, which was after Bill 139 received Royal Assent (December 12, 2017).

The applicant proposes to rezone the lands from Residential Medium Density 4, Special Provision 75 (RM4 SP: 75) to Residential Medium Density 1 with a site specific special provision to allow the development of 20 townhouse dwellings, and six one-bedroom accessory rental units.

A Public Information Meeting was held on February 21, 2018 where 14 residents attended. An overview of the comments received from the public is contained on page 14 of this report.

Proposal

The Zoning By-law Amendment application was submitted in January 2018 by Belyea Development Inc. to allow the development of 20 townhouse dwellings and six one-bedroom accessory rental units (located in units 1, 7, 11, 12, 15 and 20) as shown in Appendix A.

Location

The subject lands are located on the north side of Belyea Street, east of Nelson Street within a parcel of land designated for medium density residential development.

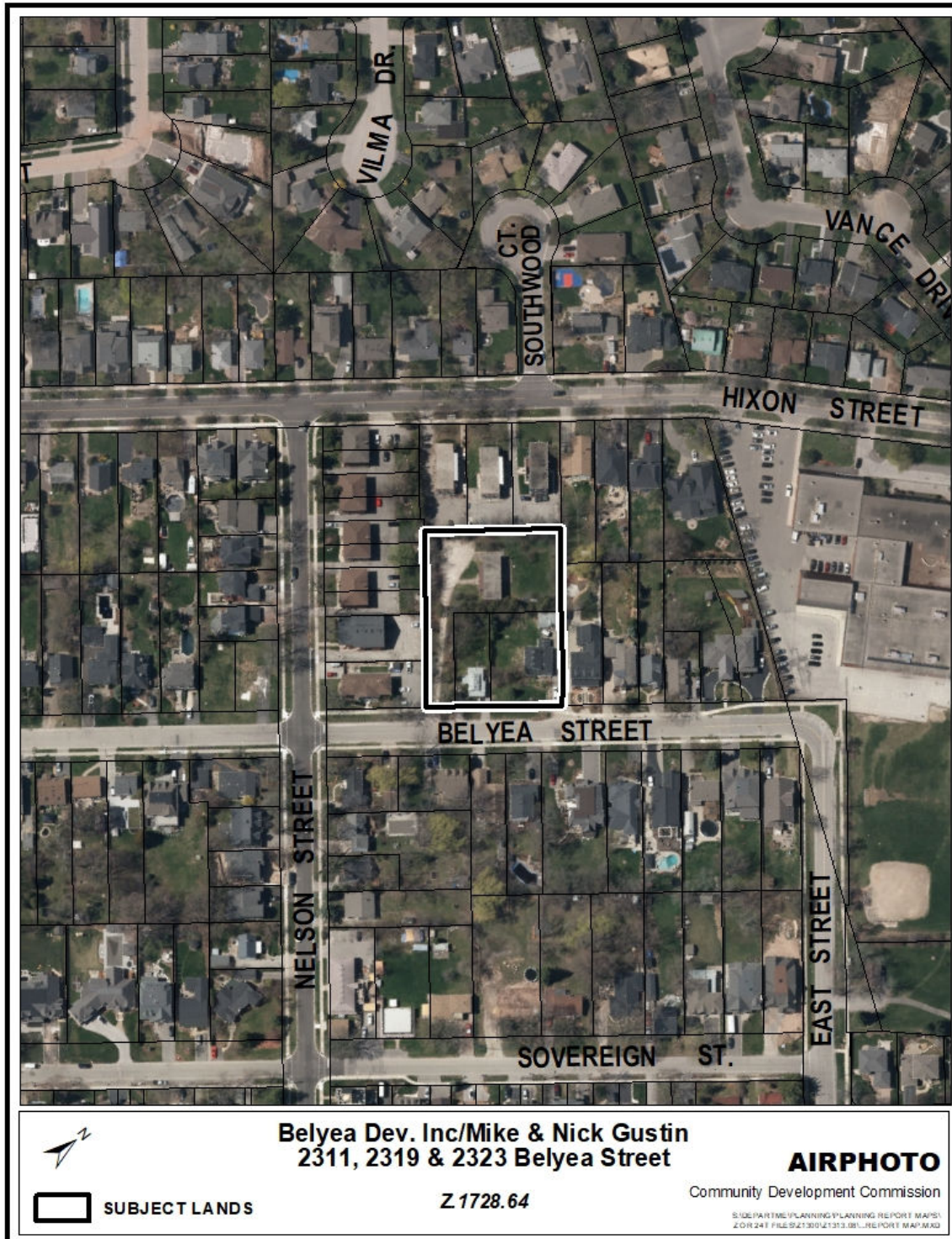
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Site Description

The subject lands are 0.44 ha in size and occupied by a two storey apartment containing six rental dwelling units (2323 Belyea Street), a one and a half storey detached dwelling (2319 Belyea Street). 2311 Belyea Street is currently vacant and was previously occupied by a detached dwelling.

Surrounding Land Uses

North: Low rise apartment buildings on Hixon Street

East: Detached dwellings and East View Public School

South: Detached dwellings

West: Low rise apartment buildings on Nelson Street

POLICY & REGULATORY FRAMEWORK:

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

- 2014 Provincial Policy Statement
- 2017 Growth Plan for the Greater Golden Horseshoe
- Halton Region Official Plan
- Livable Oakville Plan
- Livable By Design Manual
- Zoning By-law 2014-014

2014 Provincial Policy Statement

The 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.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (hereinafter 'PPS') under Section 3 of the Planning Act. The new PPS replaced the 2005 statement and came into effect April 30, 2014. All planning decisions must be consistent with the PPS.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). Intensification is one of the ways planning authorities are to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (policy 1.4.3). The PPS states that land use patterns within settlement area shall be based in part on providing a range of uses and opportunities for intensification and redevelopment (policy 1.1.3.2 b)

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With respect to intensification, the PPS states:

1.1.3.3

That planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

In accordance with section 3 of the *Planning Act*, all planning decisions 'shall be consistent with' the PPS.

2017 Growth Plan for the Greater Golden Horseshoe

On May 18, 2017 the 2017 Growth Plan for the Greater Golden Horseshoe (hereinafter 'Growth Plan') was released and it came into effect on July 1, 2017, replacing the 2006 Growth Plan. The Growth Plan is a long-term plan that works together with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan 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 2.2.1.1). 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; improve social equity and overall quality of life; provide a diverse range and mix of housing options; expand convenient access to transportation options, public service facilities, accessible open space and healthy local, affordable food options; ensure development of high quality compact built form; mitigate and adapt to climate change impacts, and integrate green infrastructure and low impact development (policy 2.2.1.4 a-g).

Policy 2.2.2.1 directs that a minimum of 60% of all residential development occurring annually will be within the delineated built-up area. Policy 2.2.2.4 provides that all municipalities develop a strategy to achieve the minimum intensification target

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throughout the delineated built-up areas. The subject lands are considered within a built up area of Oakville in accordance with the Growth Plan, where growth is intended to be accommodated through intensification, subject to policies developed by local municipalities based on local conditions.

All decisions made on or after July 1, 2017 in respect of the exercise of any authority that affects a planning matter are required to conform to the 2017 Growth Plan.

Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region Official Plan (hereinafter 'Halton Plan'). The policies of ROPA 38 to the Halton Plan are in force with the exception of site-specific and policy-specific matters unrelated to this application.

The site is designated Urban Area according to the Halton Plan. The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". One of the objectives of the Urban Area (Policy 72(1)) is to "accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

The proposed development would result in the demolition of six rental apartment units. The Zoning By-law Amendment proposes to allow accessory dwelling units as a permitted use within the development, so that 6 rental accessory dwelling units can be provided within 6 of the proposed townhouses as replacement for the existing rental units.

To protect the rental housing stock in Halton, the Regional Official Plan policies require that Local Municipalities use a rental housing vacancy rate of three per cent as the minimum threshold to consider permission for the conversion of existing rental housing to ownership tenure, to other uses, or for the demolition of rental housing. Policy 86(19) states:

"Require the Local Municipalities to use a rental housing vacancy rate of 3 per cent as the minimum threshold to permit the conversion of existing rental housing to ownership tenure or other uses or the demolition of such housing."

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The most recent Annual Housing Report published by the Region states the rental vacancy rate in Oakville was 1.7% in 2016.

The existing six rental apartment units form part of the primary rental market and are proposed to be demolished and replaced with 6 accessory dwelling units. Unlike purpose built rental units, accessory dwelling units are more temporary in nature. In order to ensure the intent of policies in the Regional Plan and Livable Oakville related to rental housing stock are maintained, additional information will be required from the applicant to demonstrate how the accessory dwelling units will be guaranteed to form part of the more permanent primary rental market.

Livable Oakville

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011. A conformity exercise is currently underway which will consider, among other things, the 2014 PPS and 2017 Growth Plan.

The lands are located north of the Bronte Village Growth Area and are designated as "Medium Density Residential" on Schedule F, South West Land Use, in the Livable Oakville Plan as shown in Appendix B. The Residential Medium Density land use designation permits a range of housing types including multiple-attached dwelling units, apartments, retirement homes and long-term care homes at a density range of 30 to 50 units per site hectare.

The Livable Oakville Plan also provides for the creation of second units through regulations in the Zoning By-law. Given that the development will require the removal of six rental apartment units, that are proposed to be replaced with accessory dwelling units, policy of 11.1.2 of Livable Oakville will be taken into consideration:

11.1.2 The Town will seek a balance in housing tenure. Conversions of existing rental accommodation to condominium or other forms of ownership shall be discouraged.

Policy 11.1.8 (c) of Livable Oakville enables the Town to consider applications for intensification in stable residential neighbourhoods:

11.1.8 (c) Within the stable residential communities, on lands designated Medium Density Residential and High Density Residential, there may be underutilized lands on which additional development may be appropriate. Intensification of these lands may occur within the existing density permissions for the lands and may be considered subject to the requirements of section 11.1.9 and all other applicable policies of this Plan.

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The policies of 11.1.9 are as follows:

Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

- a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.*
- d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.*
- e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*
- f) Surface parking shall be minimized on the site.*
- g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*
- h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*
- i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.*
- j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.*
- k) The transportation system should adequately accommodate anticipated traffic volumes.*
- l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.*

The proposed development will also be reviewed in the context of the Urban Design Policies contained in Part C Section 6 of Livable Oakville, and the directions outlined in the Town's Livable By Design Manual both of which will be described in more detail later in this report. Particular attention will be paid to policies and directions related to streetscape, built form and achieving compatibility with the surrounding neighbourhood in terms of buffering and transition.

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Livable Oakville, Emerging Policy related to Urban Structure

On September 26th, 2017, Council adopted an urban structure official plan amendment which provides a framework for how the Town will accommodate growth, while protecting natural heritage, open space and cultural heritage, maintaining the character of residential areas and directing growth to an identified system of nodes and corridors. As of the date of this report, these town-initiated official plan amendments are not in full force and effect and are being reviewed by Halton Region as the approval authority. The subject lands are not located within the identified system of nodes and corridors.

Urban Design: Livable Oakville (Part C Section 6) and implementing Livable By Design Manual

Accommodating growth is a necessity, however the way in which this growth is accommodated requires careful consideration and balance of a number of relevant components, including how to achieve a high standard of urban design, architectural quality and sensitivity to the surrounding neighbourhood. At this stage in the review of the file, Planning staff have identified several areas that may require further consideration by the applicant in order to ensure the proposed development meets the intent of the Urban Design policies contained in Livable Oakville (Part C Section 6) and implements design directions contained in the Town's Livable by Design Manual (Part A:Urban Design Directions for Oakville).

Streetscape:

Part C Section 6.4.2 of Livable Oakville states that new development should contribute to the creation of a cohesive streetscape by placing the principle entrances toward the street, framing the street and creating a sense of enclosure and connecting active uses to the public realm to enhance the liveliness and vibrancy of the street. Section 6.9.5 states:

“Buildings should present active and visually permeable façades to all adjacent streets, urban squares, and amenity spaces through the use of windows, entry features, and human-scaled elements.”

Section 3.3.1 of the Livable by Design Manual – Part A (LBDM) directs that buildings foster active pedestrian environments along the street edge. Further Section 3.3.8 of the LBDM-Part A directs that façade visible from the public realm incorporates a high level of architectural treatment that contributes to the pedestrian environment and reinforces the community character.

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As proposed, there are two units proposed along the public street frontage, both flanking on the street. With such a configuration, a large portion of the streetscape experience will be created by a fence and a private road framed by driveways and garages. An alternative layout, with built form facing and framing the street, could address these issues.

Transition to detached dwelling east of the site:

Part C Section 6.9.3 of Livable Oakville states:

To achieve compatibility between different land uses, development shall be designed to accommodate an appropriate transition through landscape buffering, spatial separation and compatible built form.

In addition, Section 3.3.5 of the LBDM-Part A directs that buildings located adjacent to low-density, low-rise residential areas are designed to incorporate façade setbacks, modulation and/or height reductions on portions of the building to achieve greater compatibility by reducing the appearance of height and massing.

As proposed, the layout of the three storey townhouse block on the east side of the property orients living spaces and balconies in close proximity to the side and rear yards of the adjacent detached dwelling to the east. The proposed grading and finished floor elevations intensify concerns related to building orientation and privacy. As proposed, some of the building would have the finished first floor more than 1.5 metres higher than the surrounding grades, resulting in a built form that would be perceived as 3.5 storeys. In addition, a three storey townhouse block is proposed to be located at the rear of the subject property with only a 1.2 m easterly side yard setback.

The height and orientation of the built form and its appropriate transition is critical when located adjacent to low rise residential properties. Compatibility of the proposal with the adjacent existing low-rise development to the east must be achieved. An alternative layout, with built form facing and framing the street, with flankage elevations oriented towards the detached dwelling to the east and an increased setback of the rear townhouse block could address these issues.

Location of Parking:

As a result of the number of townhouse units and accessory dwelling units proposed, the site is dominated by significant paved areas and driveways. Visitor parking spaces are proposed in unsatisfactory locations including adjacent to the property line along Belyea Street and in close proximity to building elevations. In addition, two spaces have been provided that are to be signed for “small car parking only” given the tight turning maneuvers required to use these spaces. The lack of

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space to accommodate required parking in accordance with the Town's requirements signals the site may be overbuilt and reducing the number of dwelling units must be explored.

Areas of concern related to the over development of the site, how the development will transition to adjacent properties and how the development will contribute to the Belyea Street streetscape are fundamental issues that relate to building orientation and the number of units proposed and cannot be deferred to the site plan stage for resolution.

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.

Map 19(20(2)) of Zoning By-law 2014-014 indicates that the property is zoned RM4 SP:75 as highlighted in Appendix C. In terms of residential uses, the existing base zone permits apartment dwellings, long term care facilities and retirement homes. Special Provision 75 permits multiple dwelling units as an additional use subject to site specific regulations and recognizes the existing dwelling and previously demolished detached dwelling as legal non-conforming uses.

A copy of the Draft Zoning By-law Amendment is contained in Appendix D. The Zoning By-law Amendment proposes to amend the site's zoning from RM4 SP: 75 to RM1, which would allow for the development of townhouse dwellings, with a site specific special provision to allow the following regulations:

- To allow balcony projections of 1.6m,
- To recognize the subject lands as one lot for the purpose of zoning,
- Regulations related to accessory dwelling units including:
 - To allow accessory dwelling units in a townhouse dwelling,
 - To allow one accessory dwelling unit per townhouse dwelling, and;
 - To allow the existing regulations related to floor area of accessory dwelling units to apply (the lesser of 40% of residential floor area or 75 m²)

In addition to the appropriateness of the requested base zone change and site specific provisions, staff are reviewing the proposed layout for compliance with the regulations of the base RM1 zone.

SUBMITTED STUDIES

The applicant has provided numerous studies in support of the application which have been circulated to public agencies and internal Town departments, and are

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currently under review. The following studies and supporting documentation are available on the Town's website for review (<https://www.oakville.ca/business/da-28341.html>):

- Planning Justification Report including proposed Zoning By-law Amendment
- Aerial photograph
- Arborist Report and Tree Preservation Plan
- Site Plan and conceptual elevations
- Phase 1 Environmental Site Assessment
- Functional Servicing Report/Stormwater Management Report
- Grading and Drainage Report
- Transportation Impact Assessment

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, efficient use of land, infrastructure, services that support transit
- Growth Plan:
 - Consideration for complete communities; intensification that efficiently uses land, infrastructure and supports transit viability; demonstrated mix of housing options, and protection of natural features
- Regional Official Plan:
 - Consideration by Regional staff to review conformity with Regional Official Plan, particularly with respect to policies related to protection of rental housing stock and whether the proposed accessory dwelling units represent a suitable substitute to existing rental apartments.
- Livable Oakville Plan:
 - Evaluation of the appropriateness of the level of proposed intensification within a stable residential neighbourhood located in proximity to the Bronte Village Growth Area.
 - Assessment of impacts on adjacent properties and mitigation of identified impacts.
 - Compatibility with the surrounding neighbourhood and protecting the existing neighbourhood character, including streetscape.

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- Livable By Design Manual (Part A):
 - Evaluation of proposed built form and site layout in comparison to urban design directions with particular attention to transition and interface of the proposed development on adjoining properties, including building orientation, setback and location of balconies.
- Zoning By-law:
 - Suitability of the proposed zone and regulation amendments in relation to the proposed development and the existing neighbourhood.
 - Appropriateness of the request to allow accessory dwelling units in a townhouse dwelling. Within townhouse dwellings, accessory dwelling units are permitted within certain locations of the Town only, including North Oakville.
- 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 feasibly serviced with full municipal services including sanitary, water and fire protection, and that stormwater and storm drainage can be adequately managed to Town standards.
 - Transportation Impact Study
A review of the Transportation Impact Study, to demonstrate that additional density added to the site will not negatively impact existing and future road conditions in the area and that the vehicle maneuvering plan and sightlines are suitable.
 - 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
The Arborist Report and tree preservation plan submitted inventoried 85 trees on site, of which 81 would require removal to accommodate the proposed development. As part of the future site plan application ensuring proper tree preservation, streetscape plans and a review of proposed tree canopy cover will be taken into consideration.

Comments received from the public at this public meeting will be considered and included in a forthcoming recommendation report.

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CONCLUSION

Planning staff will continue to review the proposed application, including departmental, agency and public feedback and report back to Council with a recommendation prior to the expiration of the Bill 139 150-day timeframe for Zoning By-law Amendments. 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.

CONSIDERATIONS:

(A) PUBLIC

Notice of this meeting was provided through a mailing to all properties within 120 m of the subject property and placed on one sign posted on the site.

The Planning Justification Report submitted in support of the subject applications indicated that a developer hosted community meeting was hosted on June 19, 2017 which was attended by 35 residents. The Planning Justification Report summarizes resident comments as follows:

- Support for the general concept of townhouse dwelling units for the redevelopment of the site;
- Some concern with the 'contemporary' design of the townhomes – neighbours indicated that they would like the design of the townhomes to fit with the neighbourhood;
- Opposition to redevelopment including new multiple-unit apartment buildings; and,
- Ensuring adequate parking is provided as part of the redevelopment.

A Public Information Meeting was held on February 21, 2018 which was attended by 14 residents and both Ward Councillors. Concerns raised by residents included:

Use:

- Preference for detached residential dwellings, not permitted apartment use or proposed townhouse use.

Rental Units:

- Why do the existing rental units need to be replaced on site;

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- Why are there so many rental units being directed to Bronte Village – can units be spread across the Town instead?; and
- What is the size and location of the proposed rental units?

Building Design:

- Impact of proposed three storey building height;
- Privacy impact created by building orientation, location of windows and balconies; and
- Concern with the 'contemporary' architectural design;

Site Design:

- Whether sufficient visitor parking has been provided;
- Where and how snow storage and waste management will be dealt with;
- Removal of trees; and
- How drainage and stormwater management will take place;

Traffic:

- Impact of increased traffic from the proposed development on Belyea Street;
- Cumulative impact of traffic from proposed development and other area developments (Bronte Mall redevelopment, Sovereign Street Townhouses) on Belyea Street and Bronte Village;
- Potential for more speeding and cut-through traffic on Belyea Street; and
- Increased traffic and safety of students at Eastview Public School.

Environmental:

- Added density will cause an increase in pollution.

Construction Management:

- Construction management issues related to proposed development and other sites in Bronte Village.

The applicant and owners were amenable to working with residents to find options to address their concerns where possible. A response to public comments will be provided in the future recommendation report.

(B) FINANCIAL

None associated with this report.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposal has been circulated to the various agencies and departments for consideration. As such, the application 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 – Proposed Site Plan

Appendix B – Livable Oakville Excerpt

Appendix C – Zoning By-law 2014-014 Excerpt

Appendix D - Proposed Draft Zoning Amendment

Prepared by:

Melissa Dalrymple, MCIP, RPP
Planner

Current Planning – West District

Recommended by:

Charles McConnell, MCIP, RPP
Manager

Current Planning – West District

Submitted by:

Mark H. Simeoni, MCIP, RPP
Director, Planning Services