

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 9, 2019

FROM: Planning Services Department

DATE: August 19, 2019

SUBJECT: Recommendation Report, 320 Bronte Road Inc., Proposed Official Plan and Zoning Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium, 320 - 350 Bronte Road, File No.'s: Z.1631.01, OPA 1631.01, 24T-19001/1631, 24CDM-19001/1631

LOCATION: 320 - 350 Bronte Road

WARD: 1

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RECOMMENDATION:

1. That the proposed Official Plan Amendment, Zoning By-law Amendment Draft Plan of Subdivision and Draft Plan of Condominium applications and submitted by 320 Bronte Road Inc., File No.: OPA 1631.01, Z.1631.01, 24T-19001/1631 and 24CDM-19001/1631, and detailed within the August 19, 2019 Planning and Development Council report from Planning Services, be refused.
2. That notice of Council's decision reflect that the refusal of the application fully considered and was consistent with comments received from the public.

KEY FACTS:

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

- This report provides information about an Official Plan and Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium application submitted by 320 Bronte Road Inc. The application was received on March 8, 2019 and deemed complete March 19, 2019.
- The site, being four (4) properties with addresses 320 – 350 Bronte Road, is located on the west side of Bronte Road, north of the intersection of Rebecca Street and Bronte Road. The existing access to the site is from Bronte Road.
- The development reflects 28 new townhouse units, one new detached dwelling at approximately 762 square metres and the conversion of the

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existing daycare centre to a single detached dwelling plus an addition located in the rear of the site along the Bronte Creek valley.

- An applicant-initiated Public Open House was held on December 12, 2018 and 60 members of the public attended the meeting.
- The Statutory Public Meeting was held on May 13, 2019. Two members of the public spoke.
- The *Planning Act* timeframe under Bill 139 to review the combined Official Plan Amendment and Zoning By-law Amendment is 210 days, expiring on October 4, 2019. The draft plan of subdivision application is subject to a timeframe of 180 days.
- Staff have reviewed the application in the context of the existing neighbourhood, and in accordance with the applicable policy framework. Staff has also considered the comments from the technical review and those received from the public.
- Based upon staff's review and analysis, it is recommended that Council refuse the applications for the reasons outlined in this report.

BACKGROUND:

The application was received on March 8, 2019 and deemed complete March 19, 2019. An applicant initiated Public Open House was held on December 12, 2018 and 60 members of the public attended the meeting. The statutory Public Meeting was held at the Planning and Development Council meeting of May 13, 2019. Two members of the public spoke in opposition to the application.

As noted above, this application was submitted prior to the introduction of Bill 108. Staff have been advised that the proclamation date for amendments made by Bill 108 is September 3, 2019. As such, Bill 108 will be in force on September 3, 2019, except for the Community Benefits provisions and the repeal of the alternative parkland rate.

Proposal

The application proposes the redevelopment of 320 - 350 Bronte Road for 30 residential units as follows:

- 28 new townhouses units;
- one new detached dwelling, 762 square metres in size, fronting onto Bronte Road, immediately south of the entrance to Petro Canada Park; and,
- the conversion of the existing day care building to a single detached dwelling and a proposed addition onto this building.

The Official Plan Amendment proposes the following:

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1. *Redesignate a portion of the subject property from 'Low Density Residential' to 'Medium Density Residential'; To permit a single detached dwelling built form within the Residential Medium Density designation; and to permit an overall density of 26 units per a net hectare¹;*
2. *Redesignate a portion of the subject property from 'Low Density Residential' to 'Natural Area', and, include land use permissions for a single detached dwelling within an existing structure that is located within the Natural Area designation.²*

The site specific Zoning Amendment proposes the following:

1. *Rezone portions of the site zoned Residential Low 2 (RL2-0) to Residential Medium 1 (RM1);*
2. *Rezone portions of the site zoned Community Use (CU) to Residential Medium (RM1);*
3. *Rezone portions of the site zoned Community Use (CU) and Residential Low (RL2-0) to Natural Area (N); and,*
4. *Permit a maximum building height of 13.5 metres when measured from a datum of 91.32m ASL.*

The Draft Plan of Subdivision would create the various blocks and the draft plan of Common Element Condominium would establish the tenure and obligations associated with the lane, sidewalks, parking area and associated landscape areas.

The blocks would require further division into individual lots through the Part Lot Control process. Access to the units is proposed from Bronte Road from two access points.

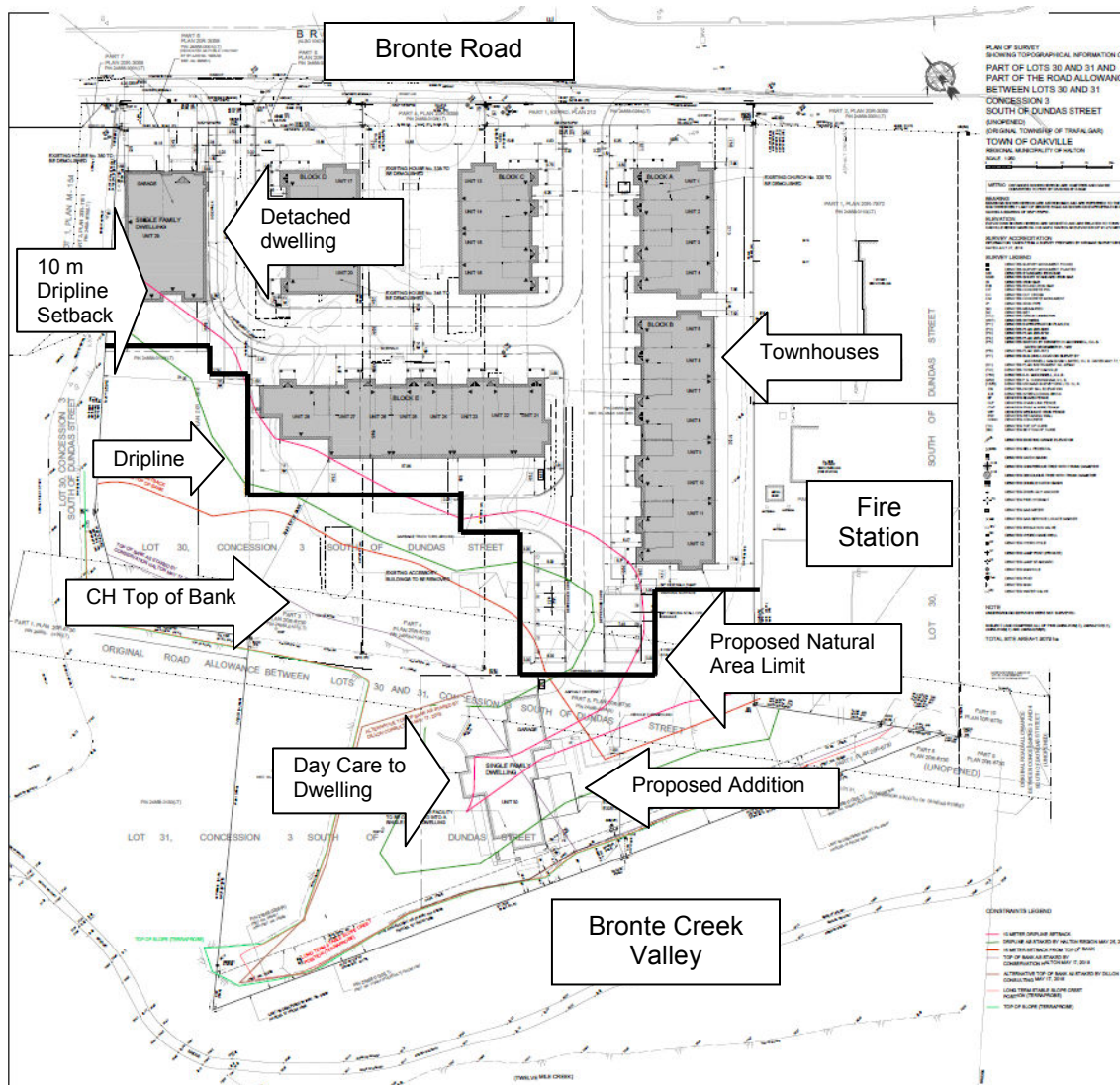
A small portion of the Bronte Creek valley is proposed to be conveyed to the town.

The applicant proposed density of 26 units per site hectare is calculated based upon the blocks proposed for development, those being Blocks 1 to 7 and 9 on the associated Draft Plan of Subdivision.

The site plan, Figure 1 below and dated January 31, 2019 (revision 2), illustrates the proposed development concept for the site.

¹ The application understates the proposed density by failing to exclude the Natural Area prior to calculating the units per hectare. The actual density is approximately 31 upsh based upon the 29 units outside of the dripline setback. One additional unit is proposed in the Natural Area.

² Despite the request within the application, the current designation of these lands depicted on the maps within the Livable Oakville Plan is actually Parkway Belt and Low Density Residential as opposed to Low Density



The solid black line on Figure 1 reflects the applicant's proposed Natural Area limit (drawn by town staff for clarity). The 10 metre dripline setback, as referenced on Figure 1, would define Natural Area limit as required by the applicable policies of Halton Region, Conservation Halton and the town's Livable Oakville Plan. As illustrated, the development would result in buildings that abut or encroach into this Natural Area limit. In addition, the proposal includes lot lines, grading and parking

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that would encroach into this Natural Area and the retention, expansion and change in use of the existing day care, located within the Natural Area.

The chart below provides an overview of the proposed unit breakdown as shown in Figure 1.

Use	# of units	New Units
Townhouses - standard		28
Detached Dwelling		1
Conversion of Day Care to Detached Dwelling		1
TOTAL RESIDENTIAL UNITS		30

Location & Site Description

The subject lands are located on the west side of Bronte Road, north of Rebecca Street. The total site is 1.9 ha (4.7 acres) in size including valley lands with 126.3 metres of frontage on Bronte Road. A church, day care and three detached dwellings exist on the site.

Surrounding Land Uses

The surrounding land uses are as follows:

West: Bronte Creek valley;

North: Petro Canada Park, access to Petro Canada Park and detached dwellings;

East: detached dwellings; and,

South: Town of Oakville Fire Station #1, Oakville Hydro facility.

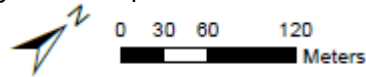
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Figure 2 – Airphoto and Area Context



Timing

The application was received on March 8, 2019 and deemed complete on March 19, 2019.

A pre-consultation meeting was held on August 8, 2018. The purpose of the pre-consultation meeting was to establish the formal application submission requirements, as well as to provide preliminary staff feedback on a proposal based on the feedback from staff and external agencies.

An applicant-initiated Open House was held on December 12, 2018 and was attended by approximately 60 members of the public. The concerns raised at this Open House, as outlined within the public consultation strategy report dated January 2019, were:

- impacts on traffic volumes and flows;
- overflow of visitors parking onto neighbouring streets;

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- amount of visitors parking and the adequacy of the number of parking spaces;
- community character and compatibility with the existing character;
- existing and limited internet capacity;
- timing of construction of the Wyecroft Road bridge;
- signalization of driveway entrances;
- proposed density and intensity; and,
- proposed three storey height.

The application was submitted on March 8, 2019. The *Planning Act* timeframe for review, based upon Bill 139, is 210 days (October 4, 2019), given the joint Official Plan Amendment/Zoning By-law Amendment. The Draft Plan of Subdivision application is subject to a timeframe of 180 days.

PLANNING POLICY & ANALYSIS

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

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

Provincial Policy Statement (2014)

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, promoting a compact development form, and the long term protection of natural features.

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.

Staff consider the existing designations and existing zoning to be consistent with the PPS as they would permit additional intensification to occur on the site in accordance with the town's established urban structure as confirmed within the

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town's OPA 15, while still providing direction for the protection for the natural heritage system.

The definition of *development* in the PPS is:

“Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).”

Section 1.1.1 c) of the PPS states *“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and lands use patterns...
- b) accommodating an appropriate range and mix of residential ... recreation, park and open space, and other uses to meet long-term needs
- c) avoiding development and lands use patterns which may cause environmental or public health and safety concerns.”

Section 1.1.3.2 requires land use patterns to be based on “densities and a mix of land uses which: a) 1) “efficiently use land and resources” and a) 2) “are appropriate for, and efficiently use, the infrastructure and public services facilities which are planned or available...”.

Section 2.1.1 Natural Features states *“Natural features and areas shall be protected for the long term”*.

Also, Section 2.1.5 Natural Heritage states *“Development and site alteration shall not be permitted in:*

- b) significant woodlands in Ecoregion 6E and 7E;
- c) significant valleylands in Ecoregion 6E and 7E”.

These lands are within Ecoregion 7E, and the woodlands and valleylands have been identified as significant through the policy framework of the Livable Oakville Plan and Regional Official Plan and addressed through the EIS.

The PPS in Section 4.4 states *“This Provincial Policy Statement is to be read in its entirety, and all relevant policies are to be applied to each situation”*. In addition,

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Section 4.7 states “*the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans*” and requires official plans to “*...identify provincial interests and set out appropriate land use designations and policies*”.

While it is recognized that some intensification of the site may be appropriate, the appropriate implementation tool from the PPS is through the town’s official plan and its policies. The development of this site does not maintain or protect the existing neighbourhood character (an overarching policy directive of the Livable Oakville Plan), introduces new lot lines, does not appropriately preserve Natural Areas and reflects changes in uses, grading, etc. in the natural area that being the 10 metre dripline setback; all considered inconsistent with PPS policies or its implementation.

Growth Plan (2019)

Since the April 18, 2019 Public Meeting report that was presented to Council on this matter on May 13, 2019, a new Growth Plan has been approved by the Province, and has come into effect as of May 16, 2019. As with the 2017 Growth Plan, the subject lands continue to be located within the ‘Built-Up Area’, where areas are to be planned, designated, zoned and designed in a manner that supports the achievement of complete communities, supports active transportation and encourages the integration and sustained viability of transit services.

Staff consider the existing designations and existing zoning to conform with the Growth Plan as they aid in developing complete communities, continues to support transit services, aid in supporting the achievement of minimum intensification targets and also provides for the protection of the natural heritage system. These are further implemented through the town’s official plan.

The Growth Plan defines *development* similar to that of the PPS and town’s Official Plan.

The Growth Plan includes population and employment forecasts that are to be used in planning for and managing growth in the Greater Golden Horseshoe. The majority of growth will be directed to settlement areas, and as indicated in Section 2.2.1.2 c), growth within settlement areas will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. location with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities.

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The Town's Livable Oakville Plan established the overall intensification strategy. The majority of growth is targeted for the town's six Growth Areas. Intensification outside of the town's six Growth Area is subject to the stable residential policies of the Livable Oakville Plan. The site is located within a stable residential community, where some appropriate intensification may be permitted, subject to maintaining and protecting the existing neighbourhood character including protection of the natural environment. The proposal does not adhere to these policies.

Section 4.2.2 of the Growth Plan discusses the Natural Heritage System including significant valleylands and significant woodlands. Section 4.2.2.2 states "Municipalities will incorporate the Natural Heritage System for the Growth Plan ...and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas ..." As an example, Section 4.2.2.3 a) states "new development or site alteration will demonstrate that: i) there are no negative impacts on key natural heritage features or key hydrological features or their functions". Bronte Creek valley and the associated tableland wooded area are deemed to be significant features. The introduction of lot lines, grading, built form, etc. into the Natural Heritage System is contrary to this policy.

While appropriate intensification of this site would aid in achieving complete communities, and be transit supportive, the proposal does not conform to the Growth Plan in its entirety as outlined above. The extent of intensification is considered beyond what is envisioned/permitted under the town's Official Plan and considered not to conform to the Growth Plan.

Parkway Belt West Plan (1978)

The PBWP was implemented in 1978 to create a multi-purpose utility corridor, urban separators and linked open space systems. Despite the Parkway Belt designation on the subject property within the Livable Oakville Plan, it does not apply to these lands.

Town staff have contacted our provincial planning counterparts and were advised that the subject lands are not affected by the Parkway Belt West Plan and any Minister's Zoning Order.

Recognizing the above, through the Livable Oakville review process, mapping reflecting the Parkway Belt West Plan will be reviewed with our regional planning counterparts and *Livable Oakville Plan* mapping will be updated to accurately reflect the limits, where necessary.

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Greenbelt Plan 2017

Schedule 1 of the Greenbelt Plan identifies the Bronte Creek valley as a 'Urban River Valley'. However, Policy 6.2.1 states "Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation...". Therefore, the Urban River Valley designation does not apply.

Halton Region Official Plan

The subject lands are designated "Urban Area". 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 Official Plan.

Halton Region comments dated May 7, 2019, May 31, 2019 and as found in Appendix A concluded with the following statement in their May 31, 2019 letter based upon their review of the application.

"Conclusion of May 31, 2019 Letter:

Regional Planning Staff are still not in a position to put forward a recommendation for the subject applications at this time. Based on the foregoing, the proposal, in its present form, does not confirm to Regional Official Plan Natural Heritage System policies. It is recommended that the applicant revises the proposal to address these policies and the comments that are outlined above, as well as in our May 7th 2019 comments, as part of a revised submission."

As noted above and within the comments attached in Appendix A and B, Halton Region has made a number of comments including but not limited to those related to the Natural Heritage System and servicing. These comments, and those of Conservation Halton, remain unresolved and outstanding.

Livable Oakville Plan

OP Objectives

Section 2, Policy Framework of the Livable Oakville Plan identifies a mission statement and a number of guiding principles that establishes the basis for the LOP including:

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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 and identifies the site as Residential Areas and Parkway Belt. This is also reflected in Section 3, Urban Structure, of the *Livable Oakville Plan*.

Section 3.1, Residential (as currently in force) states:

"The majority of the residential neighbourhoods in the Town are designated for low density residential uses to ensure a continuation of existing neighbourhood structure. Medium and high density areas are also provided for in existing communities primarily to reflect developments that are already in place. "

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 (2017) and is consistent with the PPS. Parts of OPA 15 including the following section 3.9 are subject to one appeal at the present time.

"3.9 Residential Areas

Residential Areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

Some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the town is upheld. The character of the Residential Areas will be significantly

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influenced by their relationship to the Natural Heritage System, parks and open space areas”.

Schedule A1 of OPA 15 reflects the Residential Area, Parkway Belt and Natural Heritage System elements as part of the Urban Structure. While the site is not within a defined node or corridor, OPA 15 reinforced that some growth or change may occur in the residential area, provided the character of the area is preserved and the overall urban structure is upheld.

Land Use Policies

The key focus for development and redevelopment to accommodate intensification is within the defined Growth Areas. The subject lands are located in a stable residential community as defined by Section 4.3 of the Livable Oakville Plan. While Section 4.3 encourages intensification generally throughout the built up area, it emphasizes that growth and change may occur provided the “character of the areas is preserved and overall urban structure of the Town is upheld”.

Section 11.1.8 of the Livable Oakville Plan defines the circumstances whereby lands within stable residential communities may be considered appropriate for intensification.

Section 11.1.8(a) recognizes that lands designated *Low Density Residential* having the opportunity to be severed through a land division process may be considered appropriate intensification sites, given that such intensification is compatible with the lot area and frontage of the surrounding area, and conforms to the policies of Section 11.1.9. Similarly, Section 11.1.8 (b) also contemplates opportunities for intensification, where sites are comprised of existing non-residential uses. Intensification related to Section 11.1.8 (b) may occur with Low Density Residential uses in accordance with Section 11.1.9 and other applicable policies.

Section 11.1.9 outlines a number of evaluative criteria for development within stable residential communities; all with the intent of maintaining and protecting the existing neighbourhood character.

The subject lands are located are designated as “Low Density Residential” and “*Parkway Belt*” on Schedule F, South West Land Use, in the Livable Oakville Plan.

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Figure 3a – Schedule F – South West Land Use Excerpt NTS

The *Low Density Residential* land use designation is intended to provide for low density housing types including detached dwelling units, semi-detached dwellings and duplexes with a density range up to 29 units per site hectare. This is defined in Section 11.2 of the Livable Oakville Plan.

A portion of the property is designated as *Parkway Belt* (Section 19) on Schedule F South West Land Use. Staff note an anomaly with this designation as the associated policies refer back to the 1978 Parkway Belt West Plan (PBWP). In that 1978 document, the subject property is not identified in the PBWP mapping. Staff have confirmed with provincial planning counterparts that the Parkway Belt West Plan does not apply to this site. This matter will be addressed in the town's Official Plan Review process.

Additionally, the following is an excerpt from Schedule B, Natural Features and Hazard Lands of the Livable Oakville Plan. As illustrated on Figure 3b below, a portion of the property is identified as comprising of the following:

- Valleylands,
- Area of Natural and Scientific Interest (ANSI)
- Environmentally Sensitive Area; and,
- Woodlands

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Figure 3b – Schedule B excerpt Scale NTS

Any Official Plan Amendment reflecting the removal of the *Parkway Belt* designation must address Schedule B, as referenced above, and the *Natural Area* policies contained within Section 16 of the Livable Oakville Plan.

Analysis of the Development Application

Existing Character

The evaluation of the proposed development includes an assessment of the physical context and character of the surrounding neighbourhood. The analysis involves classification of the surrounding neighbourhood.

The characteristics of the surrounding neighbourhood consist of the following:

- One and two storey dwellings;
- Larger lots;
- Lots to the north of site appear, based upon aerial interpretation, to extend to the limits of the valley/wooded area and not below. Similarly, south of Rebecca Street, west of Bronte Road, development on Ridgeside Lane and Kate Common is located outside of the valley and top of bank buffers.

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- Separation distances between dwellings and between the public realm (streets) and garages are consistent with the applicable zone.
- Dwellings front onto public roads.
- There is one private road south of Rebecca Street named 'Kate Common'.
- The southwest corner of Rebecca Street and Bronte Road contains a church with an Oakville Hydro building and Oakville Fire Station #1 on the north side of this intersection.
- A public trail connection exists off of Ridgeside Trail to the Bronte Creek valley trail system.
- Bronte Creek valley system.

The term "*Character*" within the Livable Oakville Plan is defined as "*the collective qualities and characteristics that distinguish a particular area or neighbourhood*". Since the purpose of the evaluation criteria is to maintain and protect the existing neighbourhood character as set out in Sections 2.2, 4.3 and 11, unacceptable adverse impacts include impacts on the existing neighbourhood character.

Conformity with the Livable Oakville Policies for Residential Intensification

The Livable Oakville plan establishes various land use categories to recognize and shape Oakville's urban structure, up to and including defined Growth Areas. While the Plan recognizes that intensification may occur in stable residential communities, the highest level of intensification is proposed for these Growth Areas.

The application proposes a medium density built form (townhouses) with an approximate density of 26 units per site hectare; being within the *Low Density Residential* range within a stable residential community. The calculation of density by the applicant differs from that of the Livable Oakville Plan which nets out the natural area.

Site area for density calculation purposes is defined in the Livable Oakville Plan as follows:

Site area, or site hectare, includes residential lots or blocks only and excludes any public lands. In the case of development, any public land required to be dedicated or conveyed shall not be included for the purpose of calculating the site hectare.

Staff estimate the density based upon the town's definition of site area at approximately 31 units per hectare.

Development in the Livable Oakville Plan is defined as follows:

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“Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process*
- b) works subject to the Drainage Act*
- c) any other activity deemed by the Director of Planning Services to be minor in nature, which has negligible impact to the natural environment and meets the intent of this Plan”.*

Sections 11.18 and 11.1.9

As identified in the Policy Framework section of this report, these lands are also subject to the policies of Part D, Section 11 – Residential, including Section 11.1.8 and 11.1.9 that govern intensification within stable residential communities.

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

- a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan;*
- b) Within the stable residential communities, on lands designated Low Density Residential, there may also be sites at the intersection of arterial and/or collector roads, or sites with existing non-residential uses, that have sufficient frontage and depth to accommodate appropriate intensification through development approvals. Intensification of these sites may occur with Low Density Residential uses in accordance with sections 11.1.9 and all other applicable policies of this Plan...”*

A portion of the subject lands is designated as *Low Density Residential*. Section 11.1.8 (b) notes that intensification may occur with Low Density Residential uses. The operative word within this policy is “appropriate” in accordance with the policy criteria of Section 11.1.9 for evaluating development within all stable residential communities.

The relevant policies of Section 11.1.9 are presented in the following section along with corresponding analysis:

From: Planning Services Department

Date: August 19, 2019

Subject: Recommendation Report, 320 Bronte Road Inc., Proposed Official Plan and Zoning Amendment, Draft Plan of Subdivision and Draft Plan of Common Element Condominium, 320 - 350 Bronte Road, File No.'s: Z.1631.01, OPA 1631.01, 24T-19001/1631, 24CDM-19001/1631

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

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

The term “compatible” in the Livable Oakville Plan is defined as *“the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact”.*

The existing neighbourhood consists of one to two storey housing and the existence of natural areas. The characteristics of the neighbourhood are outlined above. Further, it was noted that a new dwelling was being constructed on the west side of Bronte Road, north of the site. The consolidation of lots and the introduction of a new built form has not previously occurred in this neighbourhood.

The three storey townhouse built form introduces a more dense, taller and more intensive development than the existing character of the neighbourhood. The neighbourhood has dwellings that front onto the public realm. Townhouse units are proposed to side onto the public realm, thus necessitating privacy fencing to be erected.

Views to units internal to the site (townhouse Blocks A, B C and D on the applicant's site plan - Figure 1) from Bronte Road would reflect a predominance of driveways, parked cars and garage doors.

The proposed single detached home as originally proposed is approximately 762 square metres. This dwelling would be out of character with the neighbourhood. No dwelling of this size exists in the near vicinity of this proposed unit. It is also larger than would be permitted by existing zoning in the surrounding area.

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

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

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The surrounding neighbourhood is characterized by one and two storey built forms that front onto streets. The application proposes dwelling units that would side onto the public realm. Privacy fencing would be required between the proposed Blocks C and D.

The development introduces setback and building orientations that are not compatible with the adjacent areas as they are not reflective of the character of 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.”

The Zoning By-law Amendment application proposes 13.5 metre height for the townhouse component. As outlined within the Urban Design Brief, this would reflect a three storey townhouse. Below is an excerpt from the Urban Design Brief that depicts what the development would look like from Bronte Road (13.5 metres and three storeys). The area shown by the arrow reflects the rear yards of these proposed units; wherein a privacy fence would be necessary along Bronte Road.

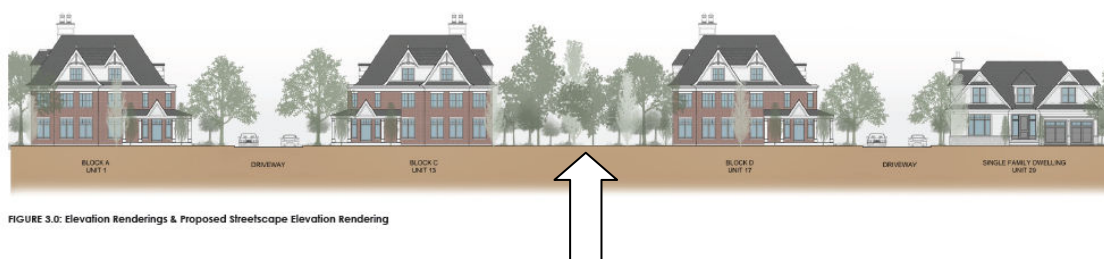


Figure 4 – view from Bronte Road

The height in the RL2-0, RL3-0 and RL5-0 zones surrounding the site impose a maximum height of 9 metres and two storeys.

No transition in height is being proposed from the east side of Bronte Road to the west side.

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

The surrounding neighbourhood contains large lots with traditional separation distances and dwellings that front onto public streets. There is a consistent lotting pattern of the neighbourhood. The proposed redevelopment of the site reflects one

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large lot in a condominium format on a private condominium road with a three storey townhouse built form. The resultant lot pattern for this future common element condominium proposal would consist of narrow and shallow lots, not reflective of this neighbourhood.

In addition, the existing lotting pattern of the neighbourhood does not extend in the Natural Area. The proposal conflicts with this existing neighbourhood character.

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

Regional staff in their letter dated May 7, 2019 raised a concern with the Functional Servicing Report and in particular stated the following:

“Regional staff have reviewed the report and advise there are potential issues with the capacity of the existing sanitary sewer on Bridge Road that this development is connecting to, Halton Region cannot support these applications for this development at this time. A comprehensive revised FSR will be required that addresses the following:

- Sanitary sewer analysis that utilizes the flow rates, etc. in the Region’s design standards.*
- Demonstration of alternative servicing for sanitary sewer connections other than the proposed Bridge Road connection.*
- Clarification of the servicing of the proposed single family dwelling that fronts onto Bronte Road. “*

“f) Surface parking shall be minimized on the site”.

The following is a breakdown of the required parking per the town’s zoning by-law and the applicant’s proposed parking, based upon the plan originally submitted.

Parking	Required	Proposed
New Detached Dwellings (garage and driveway)	2 parking spaces	4 parking spaces
Townhouses (garage and driveway)	2 parking spaces (per townhouse)	2 parking spaces (per townhouse)
Visitors (0.25 spaces /dwelling), Surface Parking	28 new townhouse units = 7 spaces	12 parking space including 1 barrier free

As illustrated above, more visitors parking is proposed than required by the town’s Zoning by-law. However, the visitors parking is located within the required *Natural*

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Area as defined by the 10 metre dripline setback contrary to the town's Natural Area policies.

"g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access."

The applicant is not proposing to extend the public street network, but instead proposes a private condominium road with a sidewalk internal to the site to accommodate traffic and pedestrian circulation. The proposed southerly entrance to the site would not be in alignment with Bridge Road and has the potential to create traffic and safety issues. No justification was provided related to the use of a private road versus a public roadway. The private road network including the proposed visitors parking would extend into the Natural Area.

"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."

No privacy or overview issues on adjacent properties is anticipated. A shadow study for three storey townhouses is not required. Dual access is proposed from Bronte Road. Access is further discussed below.

As mentioned previously, lands within the technically defined limit of the Natural Area are to be conveyed to the town. The lot lines, as proposed, would extend into this limit and in some areas extend into the dripline limit, resulting in grading impacts, benefiting the proposed development, to these lands.

"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."

As Bronte Road and Rebecca Street are a minor arterial collector roads and transit routes, the proposal does not offend this policy.

"k) The transportation system should adequately accommodate anticipated traffic volumes".

The transportation system can accommodate the anticipated traffic volumes generated by this proposal. In addition, it is anticipated that the Wyecroft Road connection across Bronte Creek will start construction in 2021, which has the potential to alleviate some impacts to the Bronte Road/Rebecca Street intersection.

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Two access points based upon the applicant's TIS are proposed. Both access would be full moves. Town transportation staff have a concern related to the location and function of the southerly access point. The southerly access point should be in alignment with Bridge Road. Sensitivity analysis of the southerly access shows better traffic operational results being a right in/out access only compared to full move access. Full moves with a southerly access point during the AM/PM peak periods would be difficult to make and would create potential safety issues. To address movements to and from the site in the AM/PM peak periods, the site should be developed with a southerly access being a right-in/right-out movement across from Bridge Road, to be determined through the design of the site, and a northerly access being full moves. This would then allow north bound traffic to access/leave the site causing minimal disruption to the through traffic, given its proximity further away from the Bronte Road/Rebecca Street intersection.

The TIS included with the original submission did not include an analysis of the Wyecroft Road crossing of Bronte Road further to the north. Updates to this study should be undertaken in light of any redevelopment on this site.

In addition, the town commissioned a report entitled "Selected Intersection Operations and Safety Reviews Bronte Road and Rebecca Street Traffic Operations and In-Service Safety Review" dated July 13, 2016 as prepared by Hatch, wherein an analysis of the Bronte Road/Rebecca Street intersection was undertaken and recommendations provided to address existing traffic issues. Removal and restriping of the lane markings on Bronte Road are proposed based upon this report. Additional works are being proposed on Bronte Road, south of Rebecca Street and also on Rebecca Street, east of Bronte Road.

Conformity with General Policies for Urban Design, Streetscape and Landscape

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

- "6.1.1 a) to provide diversity, amenity, comfort, safety and compatibility with the existing community;*
- 6.5.3 New development shall ensure that proposed building heights demonstrate compatibility with adjacent existing development by employing an appropriate transition of height from new to existing development*

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**6.10.2 *Development should preserve and enhance the urban forest by:
a) maintaining existing healthy trees, where possible;***

The proposed development has not been designed to respond to the foregoing urban design objectives and policies. Specifically, the proposed development in comparison to the existing surrounding neighbourhood would contain a taller and more dense development, which does not provide for an appropriate transition in height and massing from the existing neighbourhood. The proposed built form would side onto Bronte Road requiring fencing along the public realm. In addition, the proposal would also extend rear yards, grading, the private road system and visitors parking into the Natural Area.

In addition, Council endorsed the *Design Guidelines for Stable Residential Communities* on April 23, 2013. The document provides assistance to new development proposals by providing guidance on important design elements for building in stable residential communities. The proposal does not address the design principles/objectives of these design guidelines.

The proposal for 28 new townhouses, one new detached dwelling, the conversion of the daycare centre to an additional detached dwelling and proposing lot lines associated with new development would not be in keeping with the character of the existing neighbourhood and does not protect the natural area associated with the Bronte Creek Valley.

Natural Area Conveyance

Section 28.10.2 of the Livable Oakville Plan states that “*The town shall require the conveyance of hazard lands, open space lands and lands designated Natural Area through the development process as permitted by the Planning Act and in accordance with the policies of this Plan*”. Both Halton Region and Conservation Halton support the Natural Area as defined by the 10 metres dripline setback be conveyed to a public agency such as the town.

As previously mentioned, a number of proposed features such as rear yards, the existing daycare converted to a dwelling, an addition and visitor's parking area are proposed within the Natural Area limit, which is contrary to the town official plan policies.

The proposal is not consistent with the town's policy to obtain the valley lands and top of bank and protect these natural features as part of the town's overall natural heritage system.

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Development on Private Roads

Part D – Residential, Section 11.1.5 refers to development on private roads:

“Development on private roads shall be discouraged. Where it is demonstrated that a public road is not warranted, to the satisfaction of the Town, development through plans of condominium on private roads may be permitted provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied.”

No discussion has been provided within the Planning Justification Report warranting the use of a private road.

Zoning By-law (2014-014)

The subject lands are zoned Residential Low (RL2-0), Community Use (CU) and Parkway Belt Public Use (PB1).

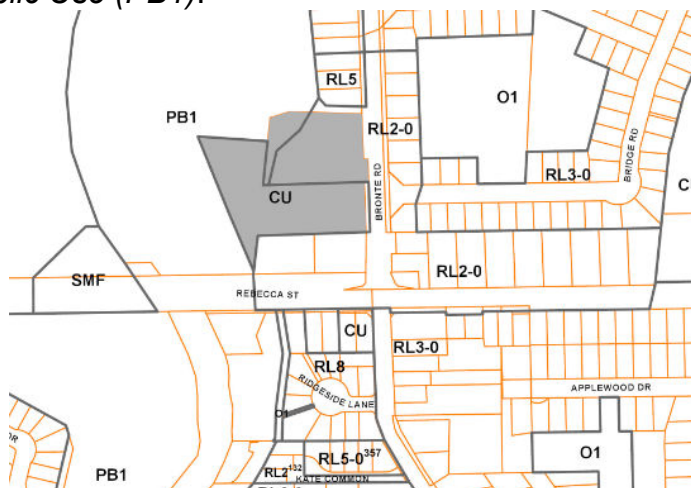
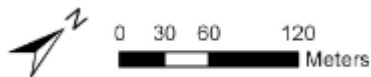


Figure 5 – Zoning By-law Excerpt



The intent of Livable Oakville is to ensure appropriate intensification protects and maintains the existing neighbourhood character, including the protection of natural areas. The proposed zoning does not implement the objectives and policies of the Livable Oakville Plan, as it proposes a built form and density that would not protect or maintain the existing character of the stable residential neighbourhood. In addition, proposed lot lines, change of uses, grading, parking areas, driveways, etc. are being proposing within the defined Natural Area, contrary to the town's Livable Oakville Plan.

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TECHNICAL AND PUBLIC COMMENTS

Environmental Impact Study (EIS) - Bronte Creek Top of Bank and Tableland lands

The EIS and associated geotechnical study was undertaken as a requirement of Conservation Halton and Halton Region in concert with the town. The following were identified as part of the Environmental Impact Study:

- Staked top of bank;
- Long term stable top of bank based upon a geotechnical assessment;
- The dripline associated with the tableland trees; and
- Associated environmental features and functions of the site.

In addition, a 15 metres setback from the staked top of bank and long term stable top of bank, whichever is greater, is required to be applied (Livable Oakville Plan, Part D, Sec 16.1.9 c). Further, from the staked dripline, a 10 metre dripline setback is required (Livable Oakville Plan, Part D, Sec 16.1.8 a). The identification of the surveyed dripline on site and 10 metre dripline setback based upon discussions with Regional and Conservation Halton staff becomes the most restrictive Natural Area limit. This 10 metre dripline setback limit would then define the divide of where development can/cannot occur and defines the Natural Area from an Official Plan and Zoning By-law perspective. It should be noted that this technically defined limit differs from that of documentation in support of the application.

Both Conservation Halton and Halton Region in the letters contained within Appendix A and B cite deficiencies in the EIS and geotechnical reports with the original submission. No update to the report has since been submitted.

This technically defined limit referenced above was not used on the development plan as the new development limit. This technically determined limit reflects a curvilinear line; whereas on the applicant's site plan, the Natural Area limit is defined by an artificially created development limit as shown on Figure 1.

The existing day care facility traverses the Conservation Halton staked top of bank of the Bronte Creek Valley and is located within the area to be defined as Natural Area. The conversion of the daycare to a dwelling, the addition to the proposed dwelling, the introduction of parking, grading, a portion of the proposed new single detached dwelling and associated site grading is contrary to the collective environmental policies of the Livable Oakville Plan, and specifically Section 16, Natural Area.

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Town Council Resolution - May 13, 2019

The following resolution was passed at the May 13, 2019 Planning and Development Council Meeting.

“That analysis of the following matters of interest to Council be included as part of the recommendation report:

- a) Is there a heritage designation on the daycare on the subject lands?*
- b) Report back on the Parkway Belt designation on the westerly portion of the subject lands.*
- c) The traffic study should consider ingress and egress, traffic circulation internal to the site, the amount of parking proposed, safety matters, and the appropriateness of the proposed condominium roads.*
- d) How will height be determined, and how will the proposed heights of buildings be integrated with the surrounding community? “*

Cultural Heritage

Staff have confirmed that there are no cultural heritage matters associated with this site.

Parkway Belt West Plan

As mentioned previously, Town staff have contacted our provincial planning counterparts and were advised that the subject lands are not affected by the Parkway Belt West Plan and any associated Minister's Zoning Order. Notwithstanding this, any redevelopment of the site necessitating an Official Plan Amendment and Rezoning shall require that all lands associated with the valley of Bronte Creek including tableland, wooded features and functions would be designated and zoned into an appropriate natural area designation and zoning category. This would maintain provincial, regional and local natural heritage planning policies.

Traffic

This is discussed above in a previous section of the report.

Height

Height is measured as a metric from the established grade at the mid-point of the lot on the street. The height as proposed, especially adjacent to Bronte Road is not compatible with the surrounding area. The proposed 13.5 metre height and three

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storeys would be higher than the residential built form of the neighbourhood, and as an example, 4.5 metres above the abutting 0-suffix zone height of 9 metres and two storeys as per Section 6.4.6 of Zoning By-law 2014-014.

Alternative Design Concept Plan Received July 24, 2019

In response to comments put forth through the original circulation process and as a follow-up to the May 13, 2019 Statutory Public meeting, a meeting was held with the applicant's planning consultant on June 19, 2019, wherein a discussion on the proposal occurred.

Town staff raised a number of significant concerns with the proposal and advised that the application was not supportable by staff. However, staff was prepared to continue to work with the applicant to determine whether a revised application based upon a redesign of the site, may be possible.

The general design principles put forth by staff, also reflecting comments from the Public Meeting, included the following:

- The natural area would be defined by the 10 metres setback from the staked and approved drip line of the trees. There would be no grading, proposed lot lines, structures, etc. associated with any development permitted in this area. All proposed development would be outside this limit.
- Maintenance and enhancement of the natural area. This would entail the removal of all existing features such as, but not limited to, the existing daycare building, driveway, parking area and features on the existing detached lots.
- The natural area would be conveyed to the town.
- Review of the number of access points onto Bronte Road;
- Alignment of proposed access point with Bridge Road;
- Maintaining the *Low Density Residential* designation maximum density of 29 units per site hectare.
- Further consideration of the character of the existing neighbourhood in any redesign was necessary.
- Transition (height and massing) from Bronte Road;
- Mitigate fencing along the public realm. The front of any built form should present itself to the public realm of Bronte Road.
- Due to the limit development depth and area, staff could consider a private road.

This was further discussed in a telephone conversation on June 25, 2019. An additional comment was raised related to a possible discrepancy in the identification

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of a public tree (2N) along the driveway entrance to Petro Canada Park, which could affect the development of this site. The submitted EIS stated that this tree was a potential Butternut Tree, while the Arborist report stated it was a Black Walnut. Should it be a true Butternut Tree, then additional development setbacks would be required. Clarification on this tree matter was requested.

On July 24, 2019, Planning staff received a conceptual design as set out in Appendix C. This revised design was circulated for comments to various departments and agencies. It should be noted that the original development application has not been formally revised. No revised documentation has been submitted in support of this alternative concept. The original application remains before Council and is the primary subject of this report.

This revised design depicts the following:

- The Natural Area is defined by the 10 metre setback from the staked and approved dripline and a very small section defined by the stable top of bank setback of 15 metres.
- All structural development and private roadway removed from this Natural Area limit;
- Removal and rehabilitation of the Natural Area is proposed. This includes but not limited to removal of the existing daycare, day care parking area, driveway to daycare, structures within the rear yards of the lots containing the existing detached dwelling.
- Conveyance of the Natural Area to the town.
- 31 new dwelling units being 30 new townhouse units and one detached dwelling. The corresponding density based upon the land outside of the defined natural area would be 33 units per site hectare. The developable tableland area has been calculated to be 0.94 hectares.
- Only one driveway access; aligned with Bridge Road. A fire access driveway would be the northerly entrance off of Bronte Road.
- A single detached dwelling remains along the northerly edge considered as a transition from the northerly detached dwellings. The size of the dwelling has been reduced to approximately 3,600 square feet from approximately 8,000 square feet.
- The remaining area would be slated for townhouse developments, 3 storeys high. Blocks B and C would have an internal courtyard entrances and parking below grade. Block B would back onto Bronte Road.
- South of the entrance would reflect traditional townhouses with single car garages and driveways.
- A 14 visitors parking area would be located immediately behind the fire station (8 parking spaces required)

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- 3 townhouses would be situated west of the visitors parking area backing onto the Bronte Creek valley and Natural area.

The applicant provided a sample rendering reflecting Blocks B and C of the alternative concept.



Figure 6 – Concept Plan view

Staff along with the various departments and external agencies undertook an initial review of the revised concept plan in light of the recommendation report timeframe under Bill 139 and raised the following comments and concerns:

- No lot lines, grading or the underground parking limits are shown. Future lot boundaries and grading would appear to extend into 10 m dripline setback and lands to be conveyed to town. Normally, fencing marking the public and private properties would be erected at the 10 metre dripline setback.
- Minimal or no setbacks from proposed natural area limit for units 18, 28, 30 and 31. This would affect the traditional side and rear yard spaces associated with these units.
- Density has been increased into the *Medium Density Residential* range at 33 upha. This is greater than the original application that requested a density of 26 units per hectare and above the maximum density 29 units per hectare for the *Low Density Residential* designation and above the town's calculation of the density of the original plan (31 units per site hectare).
- The design reflects units backing onto Bronte Road and thus has the potential for rear yard fencing. In addition, Block A would side onto Bronte Road. Addressing the public realm has been previously raised.
- The Walnut Tree/Butternut tree matter has yet to be resolved.
- The built form transition from Bronte Road has not been appropriately addressed.

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- The original application has two access points from Bronte Road. Each, as outlined in the applicant's TIS, were designed to be full moves. Transportation staff support two access points. However, transportation staff are of the opinion that the southerly access be right-in/right-out and a northerly access be full moves. The southerly access is to be aligned with Bridge Road.
- The Region based upon a review of the concept plan received July 24, 2019, stated:

"Based on the above, Regional Planning Staff are still not in a position to support the subject applications at this time. Once the required revised PJR, FSS, EIA and a revised drawing showing lot lines have been received and reviewed, additional Regional comments will be issued for the subject applications."

- Comments from Conservation Halton on the alternative concept plan can be found in Appendix B.

Various comments and concerns remain unresolved with this alternative concept plan. No corresponding draft plan of subdivision and supporting studies were submitted. Staff are responding to the 210 day recommendation report timeframe. Additional conversations with the applicant's consultant have not occurred.

CONCLUSION

The application for an Official Plan and Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium on March 8, 2019, for 28 new townhouse dwelling units, one new detached dwelling and the conversion of the existing daycare into a detached dwelling with an addition neither maintains or protects the existing character of the surrounding neighbourhood nor reflects the protection of the natural heritage system associated with the Bronte Creek valley system. The proposal neither satisfies the intensification policies and evaluative criteria as found under Sections 2.2, 4.3, 11.1.8 and 11.1.9 of Livable Oakville, nor does it maintain the Town's urban structure.

The proposal does not conform to the Provincial Policy Statement, Growth Plan, Halton Region Official Plan, does not reflect a development that appropriately implements the Livable Oakville Plan, and is not considered to be good planning or in the public interest. Based on the undertaken analysis as discussed through this report, staff recommends that the subject applications be refused.

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CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was provided through a mailing to all properties within 120 m of the subject property and those members of the public who participated in the process.

(B) FINANCIAL

None arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Relevant agency comments are been included in Appendices A and B.

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

Compact urban form, being located on a transit route, being close to the Bronte GO Station and protection of the natural environment from development would all assist in dealing with climate change.

APPENDICES:

Appendix A - Halton Region comments

Appendix B - Conservation Halton comments

Appendix C - July 24, 2019 revised Concept Plan

Appendix D - Public Comments after Statutory Public Meeting

Prepared by:

Robert H. Thun, MCIP, RPP

Senior 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