

Development Application Comments Report

Date:	March 6, 2019	# OF PAGES: # 10
To:	Jonathan Sprawson, Design Quorum Inc.	E: jon@dqi.ca
cc:	Elizabeth & Jim Knowlton, Owners	E: jim@masterhomes.org
From:	Melissa Dalrymple, Planner, Planning Services Dept	
Contact Info:	T: 905-845-6601 ext. 3297 F: 905-338-4414 E: melissa.dalrymple@oakville.ca	
Re:	Zoning Amendment Circulation Comments (1st submission)	
Application:	Private Residence	
Description:	Zoning By-law Amendment is to allow a Special Provision to permit semi-detached dwellings as a permitted use and to permit site specific regulations to accommodate the proposed site layout.	
Address:	79 Wilson Street	
Site Plan File #:	ZBA. 1715.23	

Comments:

The above-noted site plan application has been circulated to various municipal departments and external agencies for review. Comments which have been received with respect to the site plan application are included below. Please be aware that comments from some departments and/or agencies may still be pending.

Please contact the staff member responsible for each set of comments, as listed below, in order to resolve any outstanding site plan approval issues. Kindly request the responsible staff member to send me an email/fax of all correspondence for our records.

Revised and coordinated plans and documents which fully address the attached comments must be submitted to my attention at the Planning Services department at the Town of Oakville at your earliest convenience. You are also required to submit the following items (forming a complete resubmission package):

- an **cover letter** describing how each comment within this report has been addressed.
- a **transmittal listing the materials submitted**, with the titles and information presented in the following format: "drawing title, drawing number, revision number and date, name of consultant"
- all reports, documents and drawings submitted must:
 - be in both paper and digital (PDF) format,
 - be presented in metric measure that can be accurately scaled,
 - be folded to 'letter' or 'legal' size format (8.5"x11" or 8.5"x14'), and
 - be prepared, stamped and signed by a qualified professional architect (for site plan and architectural drawings), engineer (for site plan and engineering drawings/reports), or landscape architect (for landscape and tree protection drawings/reports)

Circulation Comments:

PLANNING SERVICES –WEST DISTRICT

1 Current Planning Melissa Dalrymple ext. 3297

February 28, 2019 – Circulation 1

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

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

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

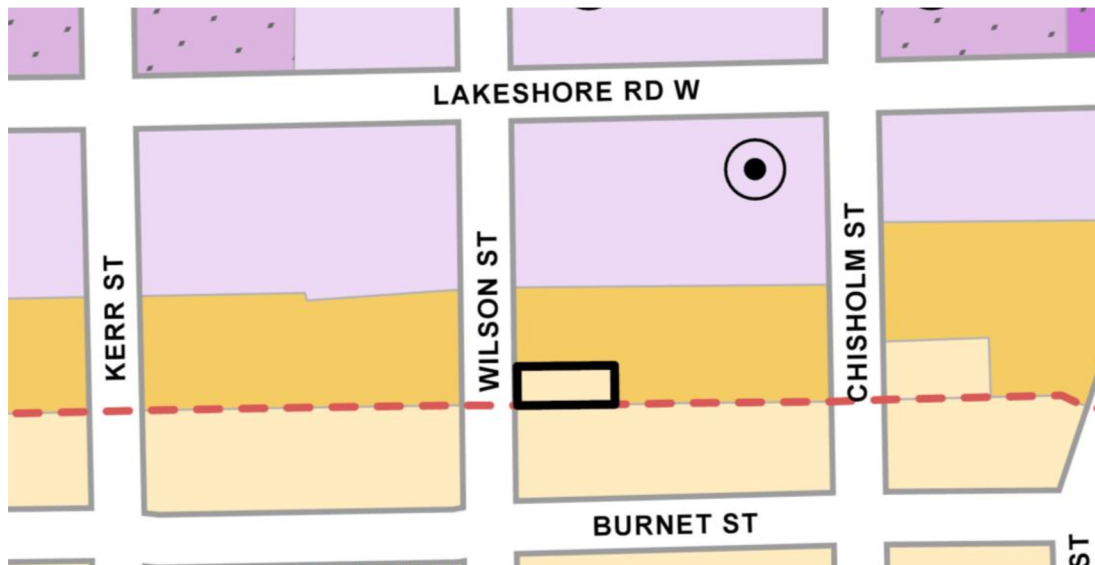
- i. enhance the quality of the existing surrounding residential context;*
- ii. contribute to a sensitive transition from the lands to the north of the transition zone with those to the south;*
- iii. be compatible with adjacent, existing development with respect to scale, form and character; and,*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

With respect to the subject lands, the transitional land use policies allow for additional uses beyond Low Density Residential, including Medium Density Residential uses and limited commercial uses.

The requested Zoning By-law Amendment conforms to the Livable Oakville Plan in terms of use, given the proposed semi-detached units are defined as a low density form. However, through the initial review of the application a number of areas have been identified that require further consideration by the applicant in order to address the comments within this report. From the perspective of conformity with the intent of the policies of the Livable Oakville Plan the following areas must be addressed:

Density:

The Planning Justification Report submitted in support of the application indicates the subject lands are designated Medium Density Residential. This is not the case, the lands are designated Low Density Residential, as shown:



The development would yield the equivalent density of 54 units per hectare, which falls within high density residential density range (51 to 185 units per site hectare) as defined by Livable Oakville. With respect to numerical requirements of the plan, Part F – Implementation and Interpretation states:

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

The Planning Justification Report must be updated, to address the Low Density Residential designation, requested density and that the general intent of Livable Oakville is being maintained.

Transition Area Policies vs. Proposed Zoning Amendment

The Planning Justification Report indicates that the intent of the proposed Special Provision is to site specifically amend the Zoning By-law to permit semi detached units as a permitted use and to reduce the required south interior side yard to 1.2 m. However, a number of compliance issues were identified through the zoning review of the proposed development (See Zoning Comments page 6-7). Deviations from the standards of the Zoning By-law would be required to implement the proposed development, including, to permit reduced interior side yards, reduced landscape width, reduced parking space dimensions, reduced driveway width, increased height (both linear and number of storeys, reduced first storey height, increased balcony projection and to permit unenclosed access stair in the front yard.

The required deviations need to be justified, particularly in the context of the applicable transition area policies contained in Part E, 23.6.4 b) of Livable Oakville, which were approved by Council to ensure development taking place in the transition area maintains sensitivity to the stable residential neighbourhood to the south. All deviations from the Zoning By-law must be reviewed by the applicant and alternate design solutions that more closely meet the standards

of the Zoning By-law should be considered.

The Planning Justification Report must be updated, to contain a fulsome review of each required deviation from the existing Zoning By-law and assessment of how the proposal satisfies the intent of the transitional policies. A detailed review of how the proposal satisfies each criteria of Part E, 23.6.4 b) (i) through (iv) must be included.

Draft Zoning By-law:

The subject lands are zoned CBD SP: 149 (Central Business District Special Provision 149). The draft Zoning By-law proposes to retain the base CBD zone and create a new Special Provision to implement the proposed development. As noted above, and in the Zoning Comments (page 6-7), a number of additional non-compliance issues have been identified, which require inclusion within the proposed Special Provision.

In addition, consideration for using a residential zone that permits semi-detached uses and contains performance standards related to this use (RL7, RL8, RL9) may be more appropriate to implement the proposed development in conformity with the policies of the Low Density Residential designation.

The Region of Halton has provided comments indicating that a H-zone is being requested, to require the submission of a Ministry of the Environment Conservation and Parks Acknowledged Record of Site Condition (RSC), to the satisfaction of Halton Region.

The Planning Justification Report must be updated, to address the comments above, including an updated draft Zoning By-law for review.

Process:

A resubmission and recirculation to address comments from Planning, Urban Design, Development Engineering and Zoning is required. In order to meet the 150 day time frame for Zoning By-law Amendments, a recommendation report will be presented to Planning & Development Council on May 13, 2019. The internal deadline to prepare the staff report is April 10, 2019. Submission of revised materials is required no later than March 20, 2019 in order to meet this reporting deadline.

2 Urban Design Dwight Ingalls ext. 3908

February 28, 2019– Circulation 1

Following are urban design issues which should be resolved prior to the rezoning. Please note that the Urban Design Brief will be part of the approved documentation and therefore must be revised along with all the plans and other studies to address the following comments.

1. Greater design emphasis should be directed to the main floor façade of the proposed building instead of the second floor. By reducing the height of the grade at the first floor more of a relationship can occur with the public realm and therefore a greater design presence can be directed to this floor. Also the stairs to the basement access must be removed from the front yard and located away from the public realm.
2. The rear yard is devoid of plant material and is largely paved. The inclusion of trees to aid in canopy cover and to buffer site from surrounding area should be designed into the

rear of the site. This will also aid in overlook concerns of the proposed rear decks of the units.

3. A better height transition should occur with this proposal from the existing 4 storey apartment building located to the north to the single detached dwelling south of the subject site.
4. Setbacks within the site should be reviewed, in particular the separation distance along the south property line to ensure adequate space for screening along the flankage of the proposed building.

3 Development Engineering Dan Bijsterveld ext. 3763

March 6, 2019 – Circulation 1

Development Engineering have reviewed the submitted materials for this application and provide the following comments:

Section 1 : General Comments

1. It should be noted that the proposed site/building layout was not reviewed as we are only at the rezoning stage. Changes to the building footprint/ site layout may be required at the site plan stage due to the detailed engineering issues.
2. The applicant is to clarify the tenure of the units as it may impact the servicing requirements.
3. The applicant shall be advised that during the site plan process they must demonstrate that the existing easements/right-of-ways along the mutual boundary with the adjacent property to the north are adequate to encompass all requirements of the proposal.
4. A topographic survey was requested at the preconsultation meeting however was not part of the submission package. It is to be provided as part of the site plan process.

Section 2 : Grading, Servicing and SWM Comments

1. A detailed grading/servicing plan is to be provided and reviewed during the site plan process. Compatibility with adjacent properties and sufficient grading and servicing detail to support the proposed zoning must however be provided at this stage. This shall include but not be limited to such items as the ability to provide sufficient setbacks which will enable the proposed works required to service and provide drainage for the site, adequate space and also ensuring that there will be no negative impact to adjacent properties. Coordination with the servicing comments also required.
2. The sidewalk on the public right of way is to be continuous through the driveways. No stairs will be permitted on or onto the public ROW.
3. The boulevard grading is to be consistent with Town standards based on 2% crossfall from the back of the existing sidewalk elevations. The streetline grades should reflect this.
4. The post development flows from the site shall not exceed the allowable flows for all events up to and including the 100 yr. storm. This is to be demonstrated in a detailed SWM report to be provided and reviewed as part of the site plan process. The site grading and servicing

drawing does not reflect the provided FSR. The FSR captures the drainage in CB's and drains to the infiltration unit. This is not shown on the grading & servicing drawing. Sufficient grading and servicing detail is to be provided at this (rezoning) stage to demonstrate the ability of the site to be graded and serviced to reflect the current proposal.

5. Also it appears that the infiltration units do not comply with the building code which require a 5m offset to any existing or proposed structure. Further review and information is required at this stage to demonstrate that a viable storm outlet can be provided.

4 Development Engineering – Urban Forestry **Tony Molnar ext. 3869**

January 14, 2019 – Circulation 1

Urban Forestry has reviewed the first circulation and has the following comments:

1. An Arborist Report and Tree Preservation Plan were completed and submitted as part of the Development Application. The report addresses all regulated trees that are positioned on the subject site, road allowance and abutting neighbouring properties with the 6m designated limit. Development Engineering Urban Forestry has no objection to the Development Application itself and will review tree preservation matters at the Site Plan process stage.
2. It is important to note that with respect to the removal of municipally-owned trees and the Site Plan process, if permission is granted for removals the applicant is to submit to the town the appraised value of the tree(s) as part of final Site Plan approval. Transplanting or relocation of municipally owned trees are not allowed.

5 Engineering and Construction **Syed Rizvi ext. 3981**

February 26, 2019 – Circulation 1

Vehicle maneuvering, access and turning movements to private garages and surface parking spaces is unclear on site plan drawing. Architectural plans show posts supporting a projecting balcony, which appear to be impeding access to surface parking spaces. The applicant is required to submit a vehicle turning movement plan to show the entrance and exiting of the vehicles from the driveway to each of the parking garage spaces and surface parking spaces without conflicting with the building, balcony posts and roadside elements.

The parking area dimensions are not clear in the submitted drawings. The applicant should submit a separate plan to show the parking spaces dimensions as per Zoning by law specifications.

This information is required for additional review and comment.

INTERNAL DEPARTMENTS

6 Building Services, Zoning **Peter Kozelj ext. 3174**

Town of Oakville | 1225 Trafalgar Road, Oakville, Ontario L6H 0H3 | 905-845-6601 | www.oakville.ca

CBD Regulations:

- To allow semi-detached dwellings as a permitted use. (Table 8.2)
- To permit reduced interior side yard setbacks of 0.98 m and 1.8 m, whereas 3m is required abutting a lot in any Residential Zone, Institutional Zone or Community Use (Table 8.3)
- To permit a reduced first storey height of 2.69 m, whereas 4.5 m is required. (Table 8.3)

Allowable Projections:

- To increase the maximum balcony projection to 2.39 m, whereas 1.5 m is permitted.
- To permit uncovered access stairs in the front yard, whereas uncovered access stairs are only permitted in the rear and side yards.

Landscaping:

- To permit the required width of landscaping along the north, east and west lot lines to be 0m, whereas 3 m is required. (Table 4.11.2)
- To permit the required width of landscaping abutting a surface parking area abutting the east property line to be 0m whereas 4.5 m is required. (Table 4.11.2)

Parking Space Dimensions:

- To permit the dimensions of parking spaces in a private garage to be 5.4m and 5.6 m in length, whereas 5.7 m is required. (Section 5.2.3.b)

Driveway Width:

- To reduce the minimum driveway width to 2.87m, whereas 3m is required. (Section 5.8.2 a)

Existing Special Provision Regulations:

Section 4.6.4 a) v) “ A mechanical penthouse is deemed not to be a storey for the purposes of this By-law” (The stair tower may be deemed a storey if it is larger than required for a stair tower, or if the mechanical penthouse is larger than required to house the mechanical equipment.

Additional information is required regarding the details and layout of the room containing mechanical equipment and stairwell leading to the proposed roof top terrace.

Should the review of the additional information conclude that the room is deemed an additional storey, the following amendments would be required to implement the proposed development:

- To permit 4 storeys whereas a maximum of 3 storeys is permitted. (Section 15.149.2 b)
- To permit an increased height of 11.96 m, whereas a maximum height of 10.5 m is permitted (Section 15.149.2 b)

7 Building Services, Building Code
Doug Salisko ext. 3181

January 29, 2019 – Circulation 1

No comments

8 Building Services, Fire Prevention
Sean McKibben ext. 3602

January 29, 2019 – Circulation 1

No comments

9 Legal, Realty Services
Jim Knighton ext. 3022

February 25, 2019 – Circulation 1

Development Charges and cash in lieu of Parkland will be determined at the rates in effect at building permit issuance.

EXTERNAL AGENCIES

10 Oakville Hydro, Engineering Dept
Dan Steele tel. 905.825.9400

January 28, 2019 – Circulation 1

A new underground secondary electrical service (120/240V to a maximum of 400 Amps) is required, per lot, from Wilson Street.

Please contact Oakville Hydro Engineering with service size and anticipated demand load as soon as available. At that time, a servicing cost will be prepared, to be borne by the applicant. Oakville Hydro will supply required transformation. Any resulting conflicts with existing hydro facilities due to construction to be rectified at the owner's expense.

11 Region of Halton, Planning & Public Works Dept
Anne Gariscsak tel. 905.825.6000 ext. 7109

January 30, 2019 – Circulation 1

Regional Staff are in receipt of a proposed Zoning By-law Amendment Application (ZBA) to allow for a new special provision and to reduce the minimum interior side yard to the south, to allow for the construction of two new semi-detached dwelling units. The existing use of the subject property is commercial.

Regional Planning staff has reviewed the proposed zoning bylaw amendment and have no objection subject to the following.

Planning Analysis

Regional Planning staff is satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

The lands are designated as 'Urban Area' in the Region's Official Plan 2009 (ROP). Regional staff is generally satisfied that the development proposal is in conformity with the related policies of the ROP.

The subject lands fall within an area of identified archaeological potential however the lands are previously disturbed. As an advisory, during any construction, grading or disturbance, should any deeply buried artifacts be found, the applicant should contact the Ministry of Tourism and Culture immediately. There are no further Regional requirements in this regard.

With respect to ROP Policy 147(17) regarding Halton Region's Protocol for reviewing Development Applications with Respect to Contaminated or Potentially Contaminated sites, the Owner has submitted a Phase 1 ESA. The proposed residential use is considered a more sensitive land use than the current commercial use as per Ontario Regulation 153/04 and requires a mandatory Record of Site Condition (RSC). Halton Region requires that a Ministry of the Environment acknowledged Record of Site Condition is received to the satisfaction of the Region, prior to permitting any residential uses. A Holding provision for the zoning is therefore recommended.

Internal Circulation

Section 89(3) of the ROPA 38, requires that all new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater service. A 300mm dia. watermain is located on Wilson Street adjacent to the property. Please note that the applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection. A 300mm dia. sanitary sewer is located on Wilson Street adjacent to the property.

A Functional Servicing Report (FSR) prepared by A. M. Candaras Associates Inc., dated January 4, 2019 was submitted with the application. Regional records indicate that the existing house, currently used for commercial purposes, on the property is serviced for both municipal water and sewage from connections to the existing services on Wilson Street. The FSR notes that the existing service connections are to be re-used and that a water service connection and a sanitary sewer connection will be provided for the additional unit proposed. The servicing of the property will be reviewed and issues addressed as part of a future site plan application. As such, Regional Staff offer no further comments on the development proposal from a municipal servicing perspective.

NOTE: The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a

Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge and Front-ending Recovery Payment information, which is subject to change.

Conclusion

Regional staff has no objection to the above noted application subject to the provision of an “H” until such time as environmental related matters have been addressed to the satisfaction of the Region.

It is suggested that the implementing zoning by-law be approved with the following wording:

a) Condition for “H” removal

The “H” symbol shall, upon application by the landowner, be removed by way of an amending zoning by-law from all or part of these lands, when Halton’s Commissioner of Legislative and Planning Services or his or her designate, has confirmed that:

The applicant has submitted a Ministry of the Environment Conservation and Parks Acknowledged Record of Site Condition (RSC), to the satisfaction of Halton Region.