

October 13, 2022

## **PLANNING JUSTIFICATION BRIEF**

**Draft Plan of Subdivision**  
**239-249 Rebecca Street, Oakville**  
**2667711 Ontario Inc.**  
**File: 24T-220XX**

### **INTRODUCTION**

David Faye & Associates Inc. was retained by 2667711 Ontario Inc. ("Owner") to prepare a plan of subdivision application and a plan of common element condominium application for a property located at 239-249 Rebecca Street in Oakville.

A pre-consultation meeting was held on April 13, 2022 with the Town of Oakville which was attended by various local municipal departments and the Region of Halton.

The FORM 2 checklist outlining documents to be included in support of the draft plan of subdivision application was completed by Paul Barrette, Senior Planner, Town of Oakville.

A Planning Justification Brief is one of the documents required in support of the plan of subdivision.

### **BACKGROUND**

The property located at 239-249 Rebecca Street is a consolidation of two detached lots formerly known municipally as 231 and 237 Rebecca Street which were designated Low Density Residential and zoned RL3-0 by zoning by-law 2014-014, as amended.

The consolidated site has gone through an official plan amendment process (File: Z.1617.43) for approval of Medium Density Residential use (being 6 freehold townhouses) and a zoning by-law amendment process (File: Z.1617.43) for approval of Residential Medium 1 Zone to implement the Medium Density Residential use.

Oakville Council denied the OPA and ZBA applications at the April 18, 2017 P&D/Council Meeting notwithstanding a staff report recommending approval. Please refer to the attached Clerk's letter dated April 21, 2017. The refusal was appealed to the Ontario Municipal Board (subsequently the Local Planning Appeal Tribunal) which convened a Hearing and issued a decision on July 6, 2018 approving both the OPA and ZBA.

Final Site Plan Approval (File: SP.1617.057/01) was issued by the Director, Planning Services on February 14, 2020. Subsequently, a building permit was issued to the Owner by the Town of Oakville. Six townhouse dwellings are presently under construction.

The plan of subdivision application is intended to facilitate a registered plan of subdivision required for the future submission and approval of a part-lot control exemption by-law to create 6 parcels of land each containing a townhouse dwelling.

## **LOCATION**

The plan of subdivision is legally described as Part of Lot 17, Concession 3, South of Dundas Street and is 0.1237 Ha. in area. The subdivision has 38.16 metres of frontage on Rebecca Street and 29.92 metres of frontage on Margaret Drive. A 2.94 metre road widening was conveyed to the Town of Oakville by the Owner at the site plan stage so that the depth of the subdivision from Rebecca Street is now 29.92 metres along the westerly property line and 34.16 metres along the easterly property line. Please refer to the attached draft plan of subdivision.

## **SURROUNDING LAND USES**

The plan of subdivision abuts the existing townhouses and storm drainage facility/open space of Halton Condominium Corporation 336 (Barclay Square) to the east and north and freehold townhouses fronting on Margaret Drive to the north. To the west across Margaret Drive and Dorval Drive are freehold street townhouses and detached residential dwellings. To the south is a mix of low, medium and high density residential uses and St. Thomas Aquinas Catholic Secondary School. Please refer to the attached Aerial view.

## **DEVELOPMENT PROPOSAL**

The Plan of Subdivision consists of one Block comprising 1,237 square metres in area. Please refer to the attached draft plan of subdivision. Registration of the approved draft plan of subdivision will permit the Owner to apply for approval of a part-lot control exemption by-law to create the individual freehold townhouse parcels.

Upon registration of the approved draft plan of common element condominium consisting of the private lane and contiguous landscape areas, title to the freehold townhouse units can be transferred by the Owner to purchasers at the appropriate time. Please refer to the attached draft plan of common element condominium.

## **PLANNING POLICY FRAMEWORK**

### **Provincial Policy Statement 2020**

The Provincial Policy Statement ("PPS") 2020 provides policy direction on matters of provincial interest related to land use planning and development in Ontario. It promotes efficient development patterns to optimize the use of land, resources, and investment in infrastructure and encourages prudent land use management to accommodate appropriate development to meet the full range of current and future needs.

The PPS requires planning authorities to provide a mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents of the regional market area. It also promotes intensification to make efficient use of existing infrastructure and higher residential densities where appropriate to support public transit and reduce dependence on the automobile for mobility.

#### **Comment:**

*The one-Block plan of subdivision will assist in the implementation of the remaining planning steps necessary to create the individual freehold land parcels for the townhouse units currently under construction.*

### **Growth Plan for the Greater Golden Horseshoe 2020**

The Growth Plan seeks to implement the policies of the Provincial Policy Statement by directing growth to urban areas where existing and proposed servicing and transportation infrastructure and health and social services delivery can be optimized in the development of complete communities.

#### **Comment:**

*The plan of subdivision encompasses an area of appropriate intensification within the Oakville urban area in proximity to existing servicing infrastructure, public transit, schools, medical facilities and commercial/retail services.*

### **Region of Halton Official Plan**

The subject site is designated *Urban Area* in the current Region of Halton Official Plan which permits a broad range of land uses consistent with urban living. The Region defers to the local municipality in the determination of appropriate interim and ultimate land uses within the *Urban Area* designation through local official plan policies and zoning by-laws. Region of Halton official plan policies support appropriate intensification on full municipal services, a mix of housing types, increased use of public transit and the development of complete communities.

**Comment:**

*The plan of subdivision will assist in implementing Region of Halton policies regarding housing mix, efficient use of existing infrastructure and utilization of public transportation, and the creation of sustainable communities.*

**Town of Oakville Official Plan**

The Livable Oakville Plan also encourages a mix of housing, appropriate intensification, optimum utilization of existing infrastructure, reduced reliance on the private automobile for mobility, increased use of public transit, and greater active transportation opportunities.

**Comment:**

*The plan of subdivision will assist the Town of Oakville in implementing its policies regarding housing mix and residential intensification along with increased opportunities for greater public transit use, increased active transportation, and the creation of complete communities.*

**THE PLANNING ACT**

Section 51(24) of The Planning Act provides a list of the items which must be considered by an approval authority when reviewing a draft plan of subdivision. These items are identified and discussed next.

**Section 51(24)**

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the Planning Act;

*Comment: As noted earlier in this Brief, the one-Block plan of subdivision will assist in the implementation of the remaining planning steps necessary to create the individual land parcels for the townhouse units currently under construction.*

- (b) whether the proposed subdivision is premature or in the public interest;

*Comment: The plan of subdivision is in the public interest as it will assist in the implementation of the remaining planning steps necessary to create the individual land parcels for the townhouse units currently under construction.*

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

*Comment: The LPAT Hearing approved the Medium Density Residential designation for the plan of subdivision area and an implementing zoning by-law. It also confirmed compatibility*

*with the adjacent residential community. The plan of subdivision conforms to the official plan and the adjacent subdivision development.*

(d) the suitability of the land for the purposes for which it is to be subdivided;

*Comment: The lands are suitable for a 6-unit freehold townhouse development as the site is compatible with the adjacent residential community, makes use of existing infrastructure, is close to existing public transit and active transportation opportunities, and nearby schools, shopping, medical and social services.*

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

*Comment: Affordable housing units are not being proposed.*

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

*Comment: The number, width, location, grades and elevations of Rebecca Street, Dorval Drive and Margaret Drive can accommodate the proposed subdivision and the private lane which will provide access to the 6 townhouses. The established highway system in the vicinity is also adequate.*

(f) the dimensions and shapes of the proposed lots;

*Comment: The one-Block plan of subdivision does not have any lots.*

(g) the restrictions or proposed restriction, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

*Comment: There are no restrictions.*

(h) conservation of natural resources and flood control;

*Comment: The approved stormwater management system will address surface runoff appropriately. Trees were removed to construct the 6 townhouse units. Additional native species will be planted within the plan of subdivision area consistent with site plan approval.*

(i) the adequacy of utilities and municipal services;

*Comment: Existing water, wastewater and storm services are available along with electricity, gas, and communication infrastructure.*

(j) the adequacy of school sites;

*Comment: Adequate elementary and secondary school facilities are available.*

- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

*Comment: A 2.94 metre road widening on Rebecca Street was dedicated to the Town of Oakville by the Owner at the site plan stage.*

- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;

*Comment: The Owner has contracted with Oakville Hydro to extend the existing underground hydro system along Rebecca Street to service the 6 townhouse units and provide a new transformer. The overhead system that supplied the original detached dwellings is being removed. The construction of the 6 townhouse units will meet the Ontario Building Code requirements regarding insulation and hvac systems which are more comprehensive than those employed in the original detached dwellings which will contribute to energy conservation.*

- (m) The inter-relationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act or subsection 114(2) of the City of Toronto Act, 2006, 1994, c.23, s. 30; 2001, c. 32, s. 32(2); 2006, c. 23, s. 22(3,4); 2016, c. 25, Sched. 4, s. 8(2).

*Comment: Site Plan Approval was issued by the Director, Planning Services on February 14, 2020.*

## **CONCLUSION**

Based on the analysis in this Planning Justification Brief, we believe the Plan of Subdivision has appropriately regarded the public interest as required by Section 2 of The Planning Act, meets the applicable criteria of Section 51(24) of The Planning Act and is consistent with the applicable policies of the PPS, Growth Plan, Region of Halton Official Plan, and Town of Oakville Official Plan.

We recommend approval of the plan of subdivision application.

Yours truly,  
**David Faye & Associates Inc.**



David Faye, MCIP, RPP