

## Comments Received About the 2021 Draft Midtown Oakville OPA

### General

Agency, Group or Individual	Contact	Submission	Page
Conservation Halton	Leah Smith, Manager, Environmental Planning	03/17/2021, Letter	F-3
Metrolinx	Kevin Chan, Senior Advisor, Stations Planning	04/15/2021, Letter	F-10
Trafalgar Chartwell Residents' Association	The Board	03/15/2021, Letter	F-13
Joshua Creek Residents' Association	Board of Directors	03/22/2021, Letter	F-15
Oakville Resident	N/A	04/08/2021, Email	F-17
Oakville Resident	N/A	04/15/2021, Note	F-18
Markus Herten	N/A	02/15/2022, Schedule L4 Mark-up	F-19

### From Northwest Midtown – Between the railway and the QEW, west of Trafalgar Road

Site Address(es)	Owner	Agent / Representative	Submission	Page
627 Lyons Ln.	Ridge Cross Lyons Lane Inc.	John Tamindzic, Albrecht Tamindzic	04/06/2021, Letter	F-20
599 Lyons Ln.	Emerald Group Ltd.	Denise Baker, WeirFoulds LLP	03/18/2021, Letter	F-22
564 Lyons Ln.	Michael Hohnjec	Russell Cheeseman, Barrister & Solicitor	03/19/2021, Letter	F-30
99 Cross Ave.	Home Depot of Canada Inc.	David A. McKay, MHBC Planning Limited	03/22/2021, Letter	F-32
105, 111, 117 and 125 Cross Ave.	Centre City Capital Limited	Bruce Engell, WeirFoulds LLP	03/19/2021, Letter	F-34
157 and 165 Cross Ave.	SD Capital Management	Jacob Kaven, Korsiak Urban Planning	03/22/2021, Letter	F-36
165 Cross Ave.	165 Cross Avenue Partnership	Shelley Kaufman & Scott Snider, Turkstra Mazza	03/22/2021, Letter	F-40
177-185 Cross Ave. and 580 Argus Rd.	Bernard Woo	Jacob Kaven, Korsiak Urban Planning	03/22/2021, Letter	F-47
	915643 Ontario Inc.	Jeff Kenny, Strategy 4 Inc.	04/30/2021, Letter	F-51
	915643 Ontario Inc.	Jeff Kenny, Strategy 4 Inc.	07/23/2021, Letter	F-52
587, 589, 591, 593 and 595 Argus Rd.	Embee Argus Ltd.	Jonathan Rubin, Embee Argus Ltd.	03/16/2021, Letter	F-68
217-227 Cross Ave., 517 Argus Rd.	Distrikt Developments Inc.	Denise Baker, WeirFoulds LLP	03/19/2021, Letter	F-69
		Sasha Lauzon, Bousfields Inc.	03/22/2021, Letter	F-74
234 South Service Rd. E.	Woodworth Holdings Ltd.	Denise Baker, WeirFoulds LLP	03/22/2021	F-79
570 Trafalgar Rd.	Oak-land Ford	Paul Lowes, SGL Planning & Design Inc.	03/18/2021, Letter	F-81

## Appendix F

### ***From Northeast Midtown*** – Between the railway and the QEW, east of Trafalgar Road

Site Address(es)	Owner	Agent / Representative	Submission	Page
349 Davis Road	Powell Brothers Insurance Brokers	John B. Corbett, Corbett Land Strategies Inc.	11/23/2021, Letter	F-83
354 Davis Road	Algonquin Power & Utilities Corp.	Karen Bennett, Glen Schnarr & Associates Inc.	03/22/2021, Letter	F-88
359 Davis Road	Kard Properties Limited	Oz Kemal, MHBC Planning Limited	03/22/2021, Letter	F-94
389 Davis Road	Fine Time Holdings Inc.	Patrick McLoughlin	03/22/2021, Letter	F-101
420-468 South Service Rd. E.	General Electric Canada Property Inc.	Dana Anderson, MHBC Planning Limited	03/22/2021, Letter	F-104
		Dana Anderson, MHBC Planning Limited	03/14/2022, Letter + OPA Mark-up	F-111
482 South Service Rd. E., 566, 572 and 574 Chartwell Rd.	John Sidler	N/A	03/19/2021, Email	F-133
		N/A	06/02/2021, Letter	F-134

### ***From South Midtown*** – Between Cornwall Road and the railway

Site Address(es)	Owner	Agent / Representative	Submission	Page
60 Old Mill Rd.	Halton Condominium Corporation No. 397	Denise Baker, WeirFoulds LLP	03/19/2021, Letter	F-136
70 Old Mill Rd.	Malvinder Singh, 2317511 Ontario Inc.	Ruth Victor, Ruth Victor & Associates	03/11/2021, Letter	F-138
271 Cornwall Rd., 485 Trafalgar Rd.	FCHT Holdings (Oakville) Corporation	Denise Baker, WeirFoulds LLP	03/19/2021, Letter	F-140
445 Cornwall Rd.	Oakville-Milton Humane Society	Rick Perciante, Executive Director	03/22/2021, Letter	F-142

March 17, 2021

Geoff Abma  
1225 Trafalgar Road  
Oakville, ON L6H 0H3  
[geoff.abma@oakville.ca](mailto:geoff.abma@oakville.ca)

**BY EMAIL**

To Geoff Abma:

**Re: Midtown Oakville Growth Area Review  
Town Initiated Official Plan Amendment  
Town of Oakville**

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Conservation Halton (CH) has reviewed draft Official Plan Amendment for Midtown Oakville. Midtown falls within an area that was recently studied through the Flood Risk Mapping update for the Morrison-Wedgewood Diversion Channel. This letter is to provide you with the most up-to-date information on the findings of that study, as well as provide an overview of CH's regulation and policies that are relevant for Midtown.

**Floodplain Mapping Study**

In 2019, CH initiated a study and updated the Flood Risk Mapping for the Morrison-Wedgewood Diversion Channel and its tributaries. The purpose of the 'Flood Risk Mapping and Spill Quantification – Morrison-Wedgewood Diversion Channel Study' was to evaluate and map flood risk for the Diversion Channel and contributing watercourses (Munn's Creek, East and West Morrison Creek, and East and West Wedgewood Creeks) between Dundas Street and the Diversion Channel, as well spill pathways south of the Diversion Channel.

In Spring 2020, the Morrison-Wedgewood Diversion Channel study was completed. No significant changes to flood risk were identified along the contributing tributaries; however, flood risk was identified along and south of the Diversion Channel. Modelling indicated the potential for three major spills. Updated flood hazard mapping for the area was approved by CH's Board of Directors in June 2020 (CHBD 05 20 06). Flood lines were incorporated into CH's Approximate Regulation Limit (ARL) mapping and made public in November 2020.

In addition to the mapped spills north of the QEW, the study identified the spills would extend south of the QEW. The spills south of the QEW were not mapped as it was not within the scope of the study.

Morrison Hershfield was also retained to undertake a Spill Mitigation Hydraulic Feasibility Assessment to evaluate and identify measures to fully mitigate these spills and to prepare a high-level, cost-benefit analysis. The results of this assessment are anticipated to be available shortly.

**Ontario Regulation 162/06, CH's Regulatory Policies and One Window Delegated Authority under PPS**

Under Ontario Regulation 162/06, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. CH also reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7).

Spills are flood hazards/hazard lands under the *Conservation Authorities Act* and *Ontario Regulation 162/06*. A spill occurs when floodwaters leave a watercourse and its valley and spills overland, rejoining the same watercourse at a distance downstream or moving into another watercourse.

Permission is required from CH for any development within our regulated area and it must meet CH's Board of Directors approved policies (Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Document). CH's Board approved policies outline the circumstances under which permission may be granted. If, after review, it is determined that the Board-approved policies can be met, staff is able to issue a permit.

An interim policy to describe how CH will address defined spill areas was approved by the Board on March 26, 2020 (CHBD Report 04 20 17). CH's spill policy states:

*Development and redevelopment in spill areas will be considered on a case-by-case basis. Permission may only be granted where the site is subject to low risk and, where appropriate, mitigation measures can be implemented to reduce potential impacts to the satisfaction of CH (e.g. flood proofing).*

This policy applies until such time that new provincial regulations or direction on spills is issued, or new CH spill policies are approved by the CH Board of Directors, after consultation with municipalities and the public.

Until the nature and extent of the spill in the Midtown Area is defined through a future specific Flood Hazard Assessment, formal permission under Ontario Regulation 162/06 will not be required from CH to develop in this area. However, CH will review and provide recommendations, to the Town and proponents, related to study requirements and/or potential risk mitigation measures that could be implemented when development is proposed in this area. Notifying applicants of study requirements and/or potential risk mitigation measures will ensure that development is consistent with the natural hazard policies of the PPS.

### **Recommendation**

CH staff recommends including general policy direction for Midtown that identifies the potential for a spill flooding hazard. The policy should also direct proponents to consult with CH and Town staff to identify potential study requirements and/or mitigation measures to address the spill.

This will notify applicants of the potential for a hazard, will ensure development is consistent with the natural hazard policies of the PPS and will allow CH staff to respond on a case-by-case basis until such a time that the spill policy is updated, the spill is sufficiently mapped, and/or further direction is provided from the province.



If you require additional information, please contact the undersigned at [lsmith@hrca.on.ca](mailto:lsmith@hrca.on.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'Leah Smith', written in a cursive style.

Leah Smith, MCIP, RPP  
Manager, Environmental Planning

Encl. 1: CH Board of Directors Report CHBD 01 21 15

**TO:** Conservation Halton Board of Directors

**MEMO: #** CHBD 01 21 15

**FROM:** Barbara J. Veale, Director, Planning & Watershed Management

**DATE:** February 18, 2021

**SUBJECT:** Morrison Wedgewood Floodplain

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## MEMO

### Floodplain Mapping Program & Morrison-Wedgewood Diversion Channel

- In 2018, Conservation Halton (CH) renewed its Floodplain Mapping Program. New technologies and tools allow for a more accurate depiction of a flood hazard, including spills. A spill occurs when floodwaters leave a watercourse and its valley, flowing overland before rejoining the same watercourse at a distance downstream or moving into another watershed.
- In 2019, CH hired Morrison Hershfield to undertake a study and update Flood Risk Mapping for the Morrison-Wedgewood Diversion Channel and its tributaries in Oakville.
- Opportunities for public input were provided at two Public Information Centres (PICs); one held at CH's Administrative Office on September 19, 2019 and the other held at Halton Region's Headquarters on March 5, 2020. These consultations followed Conservation Ontario's "*Procedures for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations*".
- In Spring 2020, the Morrison-Wedgewood Diversion Channel study was completed. However, flood risk was identified along and south of the Diversion Channel. Modelling indicated the potential for three major spills. Updated floodplain mapping for the area was approved by CH's Board of Directors in June 2020 (CHBD 05 20 06). Flood lines were incorporated into CH's Approximate Regulation Limit (ARL) mapping and made public in November 2020.
- Morrison Hershfield was retained to undertake a Spill Mitigation Hydraulic Feasibility Assessment to evaluate and identify measures to fully mitigate these spills and to prepare a high-level, cost-benefit analysis.
- Through work on the Feasibility Assessment, as well as landowner feedback in January 2021, new information on the existing conditions was revealed. Staff concluded that further refinements to update the conditions model and mapping were warranted. Specifically, conditions along the QEW necessitated further analysis to recognize the potential for an overland spill outlet over the median barrier dividing the highway which may influence the nature and extent of the spill. Floodplain mapping is a dynamic, iterative process. Updates to the conditions model based on new information

is a continuous process and one of the reasons why floodplain mapping needs to be updated on a regular basis.

- A Change Order was issued on February 3, 2021 to enable Morrison Hershfield to refine the model and mapping. Given funding deadlines for the Feasibility Assessment, it was important to have the work completed expeditiously to inform recommendations.
- The study area for the model is being expanded to incorporate new information about existing conditions. The Change Order supports full documentation of model refinements and updated flood mapping for the spill areas (including flood extent, flood depth, flood velocity, and flood risk).
- This work may identify additional spill areas within the study area, but it may also pull some areas out. Depending on the magnitude of changes identified, further public consultation and Board approval may be required before CH's ARL mapping is updated.

### **Ontario Regulation 162/06 & Policy Implications**

- Spills are flood hazards/hazard lands under the *Conservation Authorities Act* and *Ontario Regulation 162/06*. Not all regulated areas are mapped, but natural hazards, whether mapped or not, are regulated. In the past, the nature and extent of spills were difficult to determine. With new tools and technologies, spills can now be characterized and mapped.
- When hazards are identified and mapped through technical studies, they are incorporated into CH's Approximate Regulations Limit (ARL) mapping. CH's ARL mapping is a screening tool to determine if a site may contain natural hazards and is regulated by CH. This tool is available on CH's website and is used by CA staff, municipal staff, consultants, real estate agents, and the public.
- Permission is required from CH to develop in regulated areas. CH's Board-approved *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document (2016)* outline the policies and technical requirements that must be met before permission may be granted.
- The spill policy contained in CH's Board-approved policies until April 2020, stated that spills are not subject to *Ontario Regulation 162/06*. The 2006 spill policy reflected the challenges associated with applying a regulation when spills could not easily be mapped (i.e., it was difficult to determine the limit of CH's regulated area). Today, new tools and technologies allow the definition of spill areas and the identification of associated hazard risks. CH has an obligation to make the public aware of and apply its regulation to ensure that risk to life or property damage from development is avoided.
- An interim policy was needed as a short-term measure to correct the statement that CH's regulation does not apply in spill hazards, as well as to enable CH's ARL maps to be updated to identify flood risk for the public. An interim policy acknowledging that spills are subject to *Ontario Regulation 162/06* and advising that permission is required for development in these areas was approved by the Board in April 2020 (CHBD 04 20 17). CH's interim spill policy states:

*Development and redevelopment in spill areas will be considered on a case-by-case basis. Permission may only be granted where the site is subject to low risk and, where appropriate, mitigation measures can be implemented to reduce potential impacts to the satisfaction of Conservation Halton (e.g., flood proofing).*

- CH's interim spill policy enables staff to assess and inform the public of the risk associated with developing in the spill (flood hazard) on a case-by-case basis while allowing for more time to develop and publicly consult on more robust policies that will address development within the spill flood hazards. Under the interim policy, staff work with applicants to assess the scale/scope of works that may be supported on a given site, as well as identify if there are any mitigation measures that could be implemented to reduce risk. If the risk is deemed low, there may be flexibility to grant permission for development proposals that might not otherwise meet CH's more restrictive floodplain policies.
- Under the current interim spill policy, any development proposed within an identified low-risk flood hazard would require technical studies to demonstrate that:
  - there is no increased risk to existing development,
  - the proposed development is not exposed to greater risk than existing development,
  - neighboring properties are not negatively impacted by the proposed development (i.e., flood conveyance is not impacted),
  - the building is floodproofed to the extent practical and feasible and there is no risk of structural failure due to potential flood hazards, and
  - access and egress within the flooding hazard will be equal or better than existing conditions.
- While these principles are not explicitly stated in the policy, they underpin the regulatory test contained in the *Conservation Authorities Act* and *Ontario Regulation 162/06* which directs conservation authorities to ensure that the "control of flooding" is not compromised when making decisions about development in flood hazard areas, which includes areas impacted by spills.
- There is currently no Provincial guidance or policy on how conservation authorities should deal with development proposals within spill areas.
- Despite following Conservation Ontario's Guidelines for public consultation, CH has received some criticism from landowners affected by new regulation mapping and the interim spill policy. Many houses in the Morrison-Wedgewood Diversion Channel area are redeveloping from small wartime houses to large, modern homes. Landowners are concerned that development potential may be limited. In addition, concern has been expressed that there has been limited opportunity to provide feedback and input on new mapping, policy development, and transition planning.

## **Next Steps**

- As CH completes additional mapping under its renewed Floodplain Mapping Program, it is anticipated that more spill areas will be identified. Next steps for 2021:
  - Morrison-Hershfield will update the conditions model and mapping to refine the spill area. Morrison Hershfield will also undertake a Spill Mitigation Hydraulic Feasibility Assessment to

identify options to mitigate the spills and prepare a high-level cost-benefit analysis that can support future capital planning for CH or the Town.

- CH staff will apply the interim policy for applications received in spill areas, which allows for flexibility on a case-by-case basis, subject to the principles outlined above being met and while a new spill policy is developed and approved by the Board. The interim spill policy makes clear that CH, like all other CAs, regulates development in any flood hazard/hazardous lands, including spills. CH has an obligation to make the public aware of potential hazards and apply its regulation once hazards are identified.
- CH will continue to use the floodlines that were incorporated into CH's ARL mapping in November 2020, while the consultant Morrison-Hershfield undertakes refinements. CH's ARL mapping is a screening tool used by CH staff, municipal staff, and the public to determine if a site may contain natural hazards and may be regulated by CH. Refinements to the mapping may cause the mapping to be adjusted to a greater or lesser extent; however, now that a flood hazard has been identified CH is required to assess risks associated with development in the area.
- CH staff will prepare a report for the Board within the next 60 days, with recommendations for a work plan that will address a process/plan for:
  - Developing spill policies to replace the interim spill policy, including a public consultation plan, which will provide the public with greater certainty and transparency about development requirements for CH permissions in spill areas.
  - Undertaking public consultations for future mapping updates, as well as a mapping transition and implementation protocol associated with future draft mapping. The protocol will provide clarity on when draft floodlines can be brought into the ARL for screening purposes, when floodlines can be considered complete and when CH's regulatory policies apply.



April 15<sup>th</sup> 2021

Geoff Abma  
Senior Planner  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario

**RE: Town Initiated Official Plan Amendment - Midtown Oakville Urban Growth Centre (File No. 42.15.59)**

Dear Mr. Abma,

Enclosed within the letter below, please find consolidated comments from Metrolinx on the Town Initiated Official Plan Amendment - Midtown Oakville Urban Growth Centre as presented at the Statutory Public Meeting on March 22<sup>nd</sup> 2021.

Metrolinx looks forward to remaining an engaged stakeholder throughout the OPA process and receiving future updates.

Relevant section of the document	Comment/Question
<b>Public Meeting Report - Town-initiated Official Plan Amendment Report (Page 24) Section 20.3 DEVELOPMENT CONCEPT</b>	Cross Avenue also serves an important function to facilitate local transit access to Oakville Station and is likely to continue to serve this role into the future. It should be considered how this role can be supported and/or facilitated by the future proposed urbanised and pedestrian friendly street concept.
<b>Public Meeting Report - Town-initiated Official Plan Amendment Report (Page 25) Section 20.4 FUNCTIONAL POLICIES "Innovation Solutions and Alternative Standards"</b>	Consider if there are opportunities within the OPA to embed TDM in land-use planning and development as MTSA policy is developed, with a particular focus on programs/initiatives/requirements that support use of higher order transit by local residents and employees. (See 2041 Regional Transportation Plan 4.7, first bullet and Growth Plan 3.2.2 (4)).
<b>Public Meeting Report - Town-initiated Official Plan Amendment Report (Page 37) Section 20.6</b>	Given that high density employment uses are a significant driver of transit ridership, particular consideration for policies and infrastructure such as high-

<b>LAND USE POLICIES</b> <b>"Employment Density" -</b> <b>Chartwell District</b>	quality pedestrian facilities and wayfinding should be supported to facilitate connections between Oakville Station and employment proposed within Chartwell District.
<b>Public Meeting Report - Town-initiated Official Plan Amendment Report (Page 40) Section 20.8 IMPLEMENTATION POLICIES</b> <b>"Future Roads"</b>	Metrolinx looks forward to further information about implementation and phasing of future arterial roads as part of the Town's capital project planning to support Midtown Oakville and how this phasing will unlock future development and potential connections throughout.
<b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20 MIDTOWN OAKVILLE</b>	The "New Midtown Oakville Policies" in Attachment 2 to the OPA provide a transit supportive development framework that aligns well with overall regional strategies to focus growth around higher order transit. The policies align with the objectives of the Metrolinx Transit Oriented Communities Program and the implementation of the Growth Plan for the Greater Golden Horseshoe.
<b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4 Rail</b>	"noise and vibration" OR "noise, vibration"
<b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4 Rail</b>	In accordance with Section 3.9 of the "Guidelines for New Development in Proximity to Railway Operations" (The Railway Association of Canada and Federation of Canadian Municipalities, 2013), municipalities should consider the use of environmental easements for operational emissions, registered on title of development properties within 300 metres of the railway right-of-way, in favour of the railway owner. Easements will provide the railway with a legal right to create easements over a development property and reduce potential for future land use conflicts.
<b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4. Rail</b>	As part of Metrolinx's GO Expansion program, a 3.5 metre vegetation clearance zone, measured from the rail right-of-way property line, has been established. Within this area, tall-growing vegetation (like trees) are not allowed. Some low-lying vegetation, such as decorative grasses and shrubs, may be accommodated. More information can be found on <a href="#">Metrolinx's website</a> .

<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4 Rail or 20.4.5 Stormwater Management</b></p>	<p>Railway corridors generally have relatively flat profiles, and as such, are not designed to handle additional flows from neighbouring properties. Adjacent development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.</p>
<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4 Rail b) ii)</b></p>	<p>Clarification on what is meant by "railway mitigation infrastructure" is requested.</p>
<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.4.4 Rail</b></p>	<p>In conjunction with the minimum 30 metre horizontal setback, development immediately adjacent to railway properties shall be required to provide train derailment protection (e.g. safety berm, crash wall) in accordance with the guidelines and standards set out by the railway owner.</p>
<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.5.6 Parking</b></p> <p><b>SCHEDULE L1 MIDTOWN OAKVILLE LAND USE</b></p> <p><b>SCHEDULE L2 MIDTOWN OAKVILLE BUILDING HEIGHTS</b></p>	<p>In particular, Midtown Oakville OP policies should be approved to encourage increased density and building heights surrounding Oakville GO. Flexible mixed use designations (Schedule L1, L2) and flexible/reduced parking standards for development (policy 20.5.6) are encouraged on Metrolinx-owned lands and the station area, to ensure that the station can become more seamlessly integrated into the overall development fabric of Midtown Oakville and to enable compact forms of station infrastructure over time.</p>
<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.6.4</b></p>	<p>It is understood that there is potential for a school to be realized on lands designated Urban Core. Land uses in proximity to railway operations should be evaluated with a view to minimize potential conflicts due to proximity (e.g. noise, safety, etc.). Locating schools or commercial uses across a railway corridor from residential uses will likely result in trespass issues if there are no public crossings in the immediate vicinity.</p>
<p><b>Appendix A Midtown Oakville OPA, Attachment 2 to OPA XX, New Midtown Oakville Policies, Section 20.8.4 "Landowners' Agreement(s)/Cost Sharing"</b></p>	<p>Additional information and consultation is required on the proposed landowner agreement framework. Clarification is required on how Metrolinx would be engaged by the Town in the process of developing the landowner agreement and determining infrastructure.</p>





Town Clerk at the Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

March 15, 2021

Draft Midtown Oakville OPA  
Monday, March 22, 2020, 6:30 pm

Mayor Burton and Council,

### **TCRA's Position Statement**

The TCRA supports a vibrant, pedestrian-friendly, cycling-friendly and transit-supportive Midtown community. However, we have some concerns and questions, as well as some priorities we would like to put on record.

#### **Pedestrian access to and from Midtown via existing infrastructure:**

The draft document states that, a pedestrian-oriented environment within Midtown will "provide a seamless interface between the public and private realms". We completely support this statement. However, we are concerned that, absent a pedestrian-oriented seamless interface between this new Midtown community and the existing roads that currently surround Midtown, the new community could become isolated from the rest of the town. Our concerns stem from the social consequences in Toronto's Regent Park, which according to some, arose from its isolation from its neighbours. The document also states a goal of "improving connections to and through Midtown for public transit, pedestrians, cyclists and vehicles". Perhaps that goal, at least in part, covers our concerns, such as:

- The closest major intersection that pedestrians must navigate (Trafalgar and Cornwall) is already a major source of safety concern for pedestrians in the area.
- The combined sidewalks and cycle path along the Midtown corridor of Cornwall Rd., are narrow and very close to high-speed traffic – a problem that becomes even worse on the bridge heading west out of Midtown where the cycle path ceases and sidewalks are very narrow.
- The existing intersection at Cross and Speers Rd. is already very dangerous for pedestrians and cyclists to navigate safely and needs to be redesigned.
- There is a lack of bike lanes on almost all roads leading into Midtown.

These safety concerns will impact the ability of the more than 20,000 residents and employees in Midtown, to interact with the rest of Oakville in the same pedestrian-friendly way as within Midtown. It is already a problem for residents outside Midtown reaching the transit hub on foot.

This large influx of residents could be a boon to Downtown Oakville businesses, but provisions for improving pedestrian access from Midtown to downtown are needed. In addition to the above mentioned safety issues, the night lighting and tree canopy over the sidewalk on Trafalgar Road does not create a safe environment for pedestrians.

**Building Height South of Railway Tracks:**

On Schedule L2 a small area of the Cornwall District west of Trafalgar is shown in the colour that indicates a designated building height of 8-20 stories. It was our understanding, consistent with the previous documentation, that the highest allowable building heights would be north of the railway tracks. Page 3, in Part C of the draft document says that the Midtown plan will "Maintain the character of residential areas". Residential areas are closer to midtown on the south side of the tracks and we feel that the top end of that height range would not maintain the character of the residential areas to the south. The tallest, and only, existing high-rise buildings are 12 and 10 stories.

**Built Form at Midtown Perimeters**

We support the suggested built form guidelines in Section 20.5.4 of the draft document, but have concerns that podium, step-back and frontage guidelines be strictly adhered to in the case of buildings along major roads, such as Trafalgar and Cornwall. Avoiding the appearance of a "wall" around midtown, or of Trafalgar Road looking like a "tunnel" between tall structures is of utmost importance.

**Schools:**

Nothing in the various schedules/maps shows land use devoted to schools and their related facilities. With the number of residents anticipated to be living in Midtown by 2031, we wonder where school-age residents will be educated.

**Tree Canopy and Open Space:**

The draft documents makes references to "public open spaces", "public art", "active parkland", but does not seem to address the creation of a tree canopy. We feel this would be particularly important in order to be consistent with the lush, thick tree canopy that wraps around midtown on its south, west and north/west borders

**2031 to 2051:**

This document states that Midtown Oakville be planned to achieve a minimum density target of 200 (per hectare) residents and jobs combined, by 2031, but the midtown intensification plan is through 2051. What is the density expected to be by 2051?

Sincerely,  
The Board, Trafalgar Chartwell Residents' Association

**From:** Penny Headrick [REDACTED]  
**Sent:** Monday, March 22, 2021 9:36 AM  
**To:** Janet Haslett-Theall; David Gittings; \_Members of Council; Town Clerk  
**Cc:** Elizabeth Chalmers  
**Subject:** JCRA Input re Midtown Oakville Growth Area Review

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

JCRA Board of Directors has reviewed the Midtown Plan File 42.15.59 to be discussed at the Town of Oakville Council on March 22, 2021, and has the following points they would request be considered:

1. We have concerns over building height and density, and how those tie specifically with parkland and with traffic concerns which have been identified by the public in the past. Although changes to the current bonussing practice are happening due to Bill 108, developers will still be permitted to exchange added height in return for providing something the Town wants such as structured above ground parking. What will be the maximum height of mid-town buildings in the respective mid-town districts?
2. Who controls (and is accountable for) what is actually constructed in terms of infrastructure? When finalizing designs for infrastructure, please consider including a pedestrian bridge over Trafalgar so that bikes and pedestrians can safely move along the Cross Ave "main street".
3. We have concerns over the assumptions re the plan's suggestion that parking needs may decrease due to alternative forms of transportation mobility in the future. These assumptions do not seem realistic to us. Can Town staff provide supporting evidence for this conclusion? One looks at the current distressing Ward 7 situation which is a significant lack of parking because developments only provided 1 parking space per residential unit, but units are filled with 2 car families, plus there is a lack of non-resident visitor parking in the area. Have Town staff undertaken any comparisons with similar transit friendly housing in high buildings in other cities to learn the outcome and study if there is a mismatch between anticipated parking need and actual? Also, what are best practices to estimate the number of required parking spots if it not 1 per unit. Insufficient parking is not fixable after the fact.
4. The absence of any green space is notable and concerning; nor do there appear to be any public squares planned. A pedestrian friendly street is great but still a thoroughfare. Public gathering spots are needed in a 'complete' community, with parks being preferable. Could it be considered to group the mixed use towers around a central park area (similarly to European central courtyard with playground and green space in the centre concept). Further, with underground parking no longer being contemplated, are there solutions planned re a lack of soil drainage and a dependence on concrete surfaces for run off? JCRA would like to see parks and public amenities incorporated into the area development plans early in the process to ensure the pedestrian friendly new urban design vision is realized.

5. What is plan for schooling of youth in the area, and how does that fit with "complete community" concept?
6. What specifically is meant by the term "compatible" with respect to development plans for Cornwall District: how will that growth be "compatible" with the residential area to the south? We would request a stronger, less ambiguous word choice than "compatible" be put into the plan, and that the height restrictions be significantly lowered for the Cornwall District given its proximity to a stable existing residential neighbourhood.

Thank you for your consideration of these matters.

Joshua Creek Residents' Association Board of Directors

Re: Midtown

Shelley Lancaster [REDACTED]

Thu 2021-04-08 11:45 AM

To: Geoff Abma <geoff.abma@oakville.ca>;

**SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe**

Hi Geoff,

Not sure who to send my comments to after reviewing your slides. Only one comment really, I was disappointed to see the increased density east of Trafalgar to the park south of the tracks. I felt the previous iteration was more in keeping with the neighbourhood. To jump up two levels on the colour coded map, with the promise of even higher buildings due to all the trade offs seems a lot. I'm worried the plazas will all sell and we'll lose the shopping that adds a lot from a walk ability perspective. I'm OK with increasing density in this area, this just seems like a huge leap in what is an old, established neighbourhood. We've lived here 12 years and while I've found that there is a pretty rigid approach to change among long time residents (I attended all the meetings on the hospital, and as a previous resident of north Oakville I found the level of entitlement quite interesting) I do feel that this huge bump up in density is an overreach. Most of the Midtown core area will not see the nature of the neighbourhood changed as significantly as what is proposed here. I will watch future discussions with interest.

thanks,

Shelley (Lancaster)



# DEVELOPER WANTS MORE HEIGHT IN MDTOWN PLAN

DAVID LEA

dlea@metroland.com

A developer says he would like to see building heights of more than 40 storeys near of the Oakville GO Station.

The topic came up as stakeholders were recently invited to weigh in on plans for the Midtown/Oakville Urban Growth Centre during a Planning and Development Council meeting.

Midtown Oakville is the area around the Oakville GO Station, bounded by the QEW to the north, Cornwall Road to the south, the Sixteen Mile Creek Valley to the west and Chartwell Road to the east.

The provincial growth plan has identified this area for future intensification and requires that Midtown accommodate a minimum of 200 people and jobs per hectare by 2031.

Geoff Abma, of the

town's planning services department, said building heights in Midtown's Lyons and Trafalgar districts, which cover the western and central area of Midtown north of the railway line, are currently proposed to have building heights of eight to 20 storeys.

Residential and employment uses would be permitted in these areas, Abma said. The Chartwell District, located at the easternmost portion of the site above the railway line, is proposed to have a mix of building heights.

The western part of the district would have building heights of six to 12 storeys while the eastern part would have buildings heights of between two and six storeys.

The Chartwell District is designated for employment only.

Various building

heights are proposed for the Cornwall District, located to the south of the railway line.

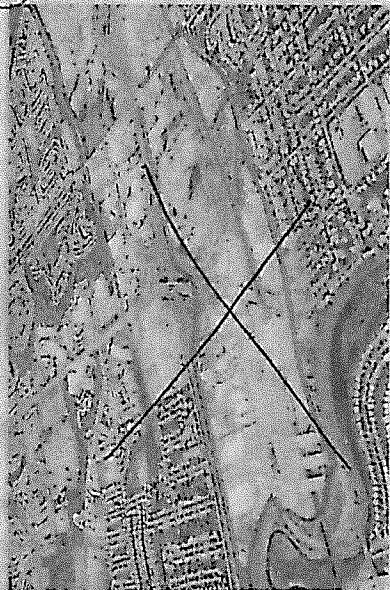
Cornwall District lands beside the GO parking garage are proposed to have building heights between eight and 20 storeys.

The central part of this district and the westmost portion would have building heights of between six and 12 storeys while the easternmost area would feature building heights between two and six storeys.

The Cornwall District would have a mixture of residential and employment uses.

Abma said a developer may be granted additional building height, up to 10 storeys, in return for providing land for future local roads and paying to have those roads constructed.

He said additional height could also be granted



An overview of the Midtown area.

Town of Oakville photo

ed in exchange for the developer including office space in a mixed-use building.

Under the current proposal, the developer would get an extra storey for every 800 square metres of office space added for a maximum of additional four storeys.

A developer could also potentially get a maximum

of three additional storeys for providing above ground structured parking.

Jayne Huddleston, of the Trafalgar Chartwell Residents' Association, said it was her understanding the tallest buildings would be kept north of the railway line.

"We don't feel up to 20 storeys south of the railway tracks would maintain

the character of the nearby residential areas," she said. Marcus Boekelman, of Distrikt Developments, argued the maximum building heights being considered are not high enough, particularly around the GO station.

"This is not a residential neighbourhood. This is meant to be an urban growth area that is going to be mixed-use and commercial and residential moving forward. It is not adjacent nor does it overlook or impact by shadows or privacy in any context the nearby neighbourhoods. That's why it is so appropriate for the type of mixed-use intensification we are talking about," he said.

When asked what height he would like to see, Boekelman said he wanted to see maximum building heights in the mid- to upper-40-storey range, where appropriate.

The matter will return to council on a later date for additional consideration.

Another monstrously like Bronte @ Lakeshore! 20 They live here 22  
 Defa-structured is suffering! Oakville was a nice place!







April 6, 2021

Mr. Geoff Abma  
Policy Planner  
Planning Services Department  
Town of Oakville  
By email

Dear Mr. Abma:  
Re: Draft OPA Midtown Core

Ridge Cross Lyons Lane Inc. is the registered owner of the property at 627 Lyons Lane legally described as Part Lot 15, Concession 3 SDS. We have reviewed the draft Official Plan Amendment for the Midtown Core and provide the following comments in consideration of your completion of a recommendation report to Council.

#### **Land Use Designation and Density**

The subject lands are located within the Lyons District and are proposed to be redesignated from High Density Residential to Urban Core. Section 20.5.4 of the approved Livable Oakville Plan states that there is no maximum residential on lands designated High Density residential north of the railway. The lands are to be redesignated to Urban Core and reference must be made to applicable policies in parts C and D. Part D section 12.5 is silent on the matter of maximum density so we suggest it would be helpful to retain section 20.5.4 of Livable Oakville to provide guidance on the matter of maximum permitted density of development for proposed freestanding residential buildings.

Schedule L4 shows a Gateway designation on the subject lands. It would be helpful if the proposed policies for this designation were contained in Section 20 rather than in Part C or D.

#### **Building Height**

Figure L2 provides for a height range of 8-20 storeys. The proposed Figure L2 retains these same height limits. Our concern is with respect to bonusing provisions as the proposed OPA relates to increases in building height to above ground parking, incorporation of office uses in a proposed building and conveyance or rights-of-way and construction of future roads as per proposed section 20.8.3.

Section 20.7.2 provides for increased heights through provision of public benefits as detailed in Section 28.6.2 of livable Oakville including protection of the natural environment. This would allow for bonusing through implementation of erosion control measures on the toe of the slope of the 16 Mile Creek. We would like to see this wording retained in the proposed OPA.

#### **Transportation and Services**

The approved Figure L3, Transportation Network depicts a Future Road in the general area of the subject lands. Based on scaling of the document we do not appear to be impacted by the location of this road. The figure is silent on the matter of closure of the existing Lyons Lane. The proposed Figure L3 contains a line entitled "road to be abandoned". It is not clear from the figure if this policy is related to the existing Lyons Lane. Section 20.4.3a) states that certain existing roads or road segments shall be abandoned, realigned, widened, extended





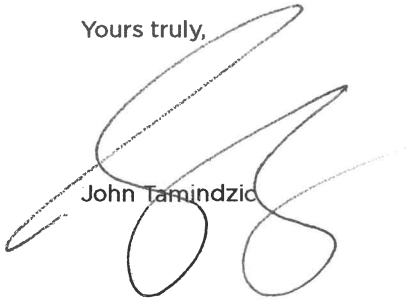
or replaced in accordance with this Plan. We request more clarity on the issue of Lyons Lane as regional services to an existing permitted use at 627 Lyons Lane are located within the right-of-way. Given timelines for approvals of redevelopment and the current trend toward Holding Provisions on redevelopment parcels related to water and wastewater provision and approval of Transportation Impact Studies, we are concerned that sufficient water and wastewater and road infrastructure will not be available in the short-term. The use of the existing 4-storey office building relies on existing services and we are unable to predict how long that use will continue. Any clarity that you can provide would be appreciated.

Figure D, Active Transportation shows a Bike Lane on the existing Lyons Lane alignment which leads us to conclude that the road alignment is to be retained.

### Conclusion

In conclusion we appreciate the opportunity to provide comments on the Draft Midtown OPA. We are available to discuss issues further at any time.

Yours truly,



John Tamindzic

March 18, 2021

VIA E-MAIL

Mayor Burton and Members of Council  
c/o Town Clerk, Vicki Tytaneck  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Denise Baker  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 16644.00001

\*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

**Re: Proposed Midtown Oakville Plan Amendment  
599 Lyons Lane, Oakville**

We are solicitors for Emerald Group Ltd. ("**Emerald**") regarding their property located at 599 Lyons Lane, in the Town of Oakville (the "**Property**"). Please accept this correspondence as our comments on the proposed amendments to the Town of Oakville Official Plan ("**OP**") for Midtown Oakville.

Within the OP, the Property is located within the Growth Area in Schedule G: South East Land Use and Urban Core in the Schedule L1: Midtown Oakville Land Use. The Oakville Zoning By-law 2014-14, Part 15, Special Provisions, zones the Property High Density Residential (H13-RH sp:18), with special bonusing provisions.

**Minutes of Settlement, OMB Case PL080691**

On March 30, 2009, the Ontario Municipal Board (OMB) issued its decision approving the following matters:

- a. Long Term Stable Top of Bank (LTSTB)  
A 15 metre setback from the LTSTB for above grade building structures and 14 metre setback for below grade building structures.
- b. Lyons Lane and Dedication for Public Road  
Reconstructed and realigned Lyons Lane and required road/infrastructure improvements based on Concept Road and Layout Servicing Plan by Lea Consulting. Land dedication for public road purposes based on Sketch Plan Showing Proposed Road Dedication.
- c. Approvals  
The OMB approved two residential buildings at heights of 24 and 26 storeys with a maximum of 480 units.

d. Urban Design Matters

Principles of design for site plan approval that include: creation of a landmark development; provide for a pedestrian-friendly entrance that is oriented toward and directly accessible from Lyons Lane; a streetscape design for Lyons Lane in front of the development to accommodate informal gatherings and contribute to pedestrian connectivity; screened parking; and loading areas integrated within the buildings.

e. Road Improvements

Road realignment, reconstruction and other required Lyons Lane road and infrastructure improvements are to be completed according to the Road and Infrastructure Improvements Plan.

That, through a financial agreement, the developer will cover 100% of the costs over time of the detailed design, approval and construction Costs of the Road and Infrastructure Improvements.

That some of the road improvements will be included in the 2009 Development Charge By-law.

f. Section 37 Agreement

That the developer will enter into an agreement and pay \$400,000 if development is built out to maximum density permitted under the ZBA.

g. Holding Provisions

Under section 36, Planning Act, a holding provision was placed on the lands to be removed when:

- Detailed design drawings for Lyons Lane road/infrastructure improvements are completed;
- Financial agreement for Road/Infrastructure Improvements is registered on title;
- Registration of a Section 37 Agreement in accordance with OMB decision and to the satisfaction of the Town solicitor; and
- Completion of all land conveyances from landowner to Town for the required Road and Infrastructure improvements.

### **Halton Region: Current and Proposed Policies**

Halton Region's current Official Plan identifies the Midtown Oakville area as an Urban Area with an Urban Growth Centre. The land use objectives that apply to the Property are contained in the sections pertaining to urban area and intensification area. The Urban Area objectives include: accommodation of growth and supporting growth that is compact and supports transit use. Intensification Area objectives include: providing a diverse and compatible mix of land uses, including residential and employment uses; cumulatively attracting a significant portion of population and employment; and achieving higher densities than the surrounding areas.



Halton Region, while it initiated its Official Plan Review in 2014, has recently indicated that it will be amending its Official Plan incrementally over time by bringing forward amendments in a piecemeal manner. One of the first amendments, Region Official Plan Amendment 48 (ROPA 48) was released for public and agency consultation on February 17, 2021 under *Planning Act*, s.17(17.1). This amendment shows Midtown Oakville having all lands within its boundary, including the Property, as now being contained within a delineated Major Transit Station Area.

As the Urban Growth Centre is also a Strategic Growth Area, the Region also proposes policy 79.3(7.2) that states:

“Consider intensification and development of Strategic Growth Areas as the highest priority of urban development within the Region and implement programs and incentives, including Community Improvement Plans, Community Planning Permit System, and Inclusionary Zoning in Protected Major Transit Station Areas under the Planning Act, to promote and support intensification and further the development of Affordable Housing.”

And 79.3(7.3):

“Ensure that Strategic Growth Areas are development-ready by: a) making available at the earliest opportunity water, waste water and transportation service capacities to support the development densities prescribed for Strategic Growth Areas.”

#### **Midtown Oakville: Proposed Official Plan Amendment - Draft Policies Applicable to the Property**

The Town of Oakville proposes to repeal all of Livable Oakville's section 20, Midtown Oakville policies, and replace it with revised policies. The purpose of the amendment is in part to reflect Halton Region's delineation of the Oakville GO Major Transit Station Area (MTSA) boundary and to increase the population and employment densities to support public transit and active transportation generally. The revised vision for this MTSA will be to recreate a new 'downtown' or urban area along the QEW and the GO rail corridor. A new, grid road network is being proposed that will retrofit an existing and established commercial area with a historic street pattern. The policies envision a pedestrian-friendly network with mid and high density residential and office buildings.

##### **20.3.3 Lyons District**

The Lyons District shall evolve from its current focus on strip malls and large format retail uses into an urban mixed use neighbourhood. Major office and office uses, and public service facilities, should be located in proximity to the Oakville Station. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors.

Overall, the proposed policies are somewhat similar to the current policies such as the proposed density for the area (e.g. 200 residents and jobs/hectare), but have introduced revisions that will affect the subject Property, 599 Lyons Lane. Several key proposed amendments include:

- Reconfiguration of Roads  
The abandonment of Lyons Lane and the introduction of a new north-south lane connecting Cross Avenue and South Service Road along the current rear property line;
- Site Access from Lyons:  
Temporary or interim vehicular access from an existing road may be permitted as a condition of development approval, or through an agreement with the Town, until such time that a new local road and access driveway are constructed;
- Land Uses:  
Single-use major office building; single use residential buildings; public services facilities;
- Additional Building height:  
May be considered in exchange for required segments of future roads; or an additional storey for each storey of above-ground structure parking (to a 3 storey additional maximum); or one additional storey for every 800 m<sup>2</sup> of gross floor area of office uses (to a maximum of 5 additional storeys); or gross floor area of no more than five times the area of the right-of-way of the future local road to be conveyed to Town may exceed the maximum building heights.
- Parking:  
Parking structures above grade are preferred; no more than 25% of required parking should be surface parking in the Lyons District; shared parking facilities is encouraged;
- Parkland:  
One or more areas of public parkland must be accommodated in the Lyons District; consolidation of parkland dedication from multiple sites is encouraged; a development applicant must provide parkland concept plans to demonstrate how the parkland objectives will be satisfied;
- Block Design:  
Development blocks are formed by the proposed transportation network. The blocks shall be designed comprehensively through property consolidation and coordinated development with adjacent landowners.
- Site Specific Exception  
Site Specific Exception policy has been eliminated in proposed section 20.7 but shown on proposed Schedules L1 to L4 (current Section 20.6 Midtown Oakville Exceptions).



- Urban Design

More emphasis on 'design' of development (facades, etc). Current urban design policies are 'general' and focused more to the streetscape than to built form.

A comparison of the existing policies to the proposed policies, as they affect 599 Lyons Lane, is provided below:

MIDTOWN OAKVILLE OFFICIAL PLAN: COMPARISON OF EXISTING POLICIES TO PROPOSED POLICIES		
Item	Current Policy	Proposed Policy
Designation	High Density Residential, Exception	Urban Core
Permitted Uses	<ul style="list-style-type: none"> <li>▪ Multiple-attached dwelling units, apartments, retirement homes and long-term care homes</li> <li>▪ Limited retail commercial within residential</li> <li>▪ Street/block townhouse in combination with high density residential</li> </ul>	<ul style="list-style-type: none"> <li>▪ Single-use major office building</li> <li>▪ Single use residential buildings;</li> <li>▪ Multiple Attached Dwellings, min. 3 storey height, in combination with permitted residential or mixed-use buildings</li> <li>▪ Public services facilities;</li> <li>▪ Creative Centre</li> <li>▪ Municipal Parking Facilities</li> </ul>
Density	No maximum residential density	200 people & jobs/hectare
Maximum Building Height	8 to 20 storeys; Lands eligible for bonusing	8 to 20 storeys <ul style="list-style-type: none"> <li>▪ Additional height may be permitted subject to implementation policies</li> </ul>
Additional Building Height	6 storeys, site specific	Increased height in exchange for: <ul style="list-style-type: none"> <li>▪ Required segments of future roads</li> <li>▪ Provision of office uses</li> <li>▪ Provision of parking in above-grade parking structures</li> </ul>
Lyons Lane	<ul style="list-style-type: none"> <li>▪ Existing Road Network</li> <li>▪ Pedestrian Cycling Route</li> </ul> Encroachment into Creek setback s.20.6.2.b – underground structures, above-ground features, utilities, driveways may encroach into 15 m setback, subject to Conservation Halton requirements and regulations.	Road proposed to be abandoned (Sched L3 Transportation Network)
Schedules	Current	Proposed
A1: Urban Structure	Growth Areas	
A2: Built Boundary and Urban Growth Centre	Midtown Oakville Urban Growth Centre	
G: South East Land Use	Growth Area designation * Refer to Part E, Growth Area Policies	
L1: Land Use	High Density Residential, Exception	Urban Core designation, Exception Subject Lands – Refer to Part E, Exception symbol, subject lands
L2: Building Heights	8 to 20 storeys, Lands eligible for bonusing Exception symbol, subject lands	8 to 20 storeys Additional building heights may be permitted Exception symbol, subject lands
L3: Transportation Network	Existing Road Network (Lyons Lane) Pedestrian Cycling Route Exception symbol, subject lands	Future 19 m north/south Local Road Lyons Lane to be abandoned Exception symbol, subject lands

## Potential Impacts

The revised policies will materially impact the Property as follows:

- Development Delays  
Delays to development applications due to negotiations that will be required beforehand with adjacent landowners, the Town and Halton Region, to agree to block design, future roadway provision and to cost-sharing agreements.
- Building Height Loss  
Loss of the site specific exception policy allowing additional 6 storeys in current High Density Residential designation. The proposed schedules L1 to L4 show that 599 Lyons Lane has an 'exception' policy, but the proposed section 20.7 Midtown Oakville Exceptions, does not contain an exception policy for 599 Lyons Lane. This may be an oversight on the part of the Town.

While the proposed policy 20.8.3.b) states: "For a future local road, gross floor area of no more than 5 times the area of the right-of-way of the future road that is to be conveyed to the Town may exceed the maximum building heights," the amount of land required from the Property is insufficient to replace a loss of 6 storeys.

- Density Loss  
The proposed redesignation of the Property from High Density Residential to Urban Core, indicates that the current policy 20.5.4 has been eliminated. This policy stated that there was no maximum residential density.
- Abandonment of Lyons Lane  
The proposed Schedule L3 Transportation Network, identifies that Lyons Lane will be abandoned and a future road is to be constructed to the rear of the current property. The loss of Lyons Lane will require the owner to convey the lands for the new road right of way to the Town. While this may permit the applicant to gain additional building height over what is permitted by policy, it will be less than what is currently permitted through the existing site specific policy applicable to the Property.

Moreover, as shown in the proposed amendments the proposed new local road along the rear property line that replaces Lyons Lane may only benefit the Property and could result in a loss of lands for the adjacent property owners and an interruption in their current business operations. As such, the timing of such a new local road remains unknown.

- Block Design  
Under the proposed section 20.8.2 Block Design Plans, an applicant, when submitting a development application, will be required to submit a Block Design with the application. This indicates comprehensive knowledge of adjacent landowner's development interests and intentions. It also assumes a cohesive partnership amongst adjacent and area



landowners to work together in redesigning their individual properties in advance of any intentions to redevelop. This is contrary to the site specific development permission for the Property at this time.

- Cost-Sharing Agreement

The proposed policies in section 20.8.4, Landowners Agreement(s)/Cost Sharing, require that the 'block' of landowners enter into a cost-sharing agreement in advance of development. The agreement is to cover the costs of providing parkland, parking, infrastructure and servicing. This indicates negotiations, not only with adjacent landowners, but with both the municipalities of the Town of Oakville and Halton Region. If the adjacent landowners are not ready to develop, this policy will preclude any development of the Property.

It is submitted that these policies are contrary to the policies in the proposed ROPA 48 to ensure that lands are development ready.

### **Policy Recommendations**

Having reviewed the proposed new policies for section 20 of Livable Oakville that will guide development of Midtown Oakville for the next decade to 2031, under the current Halton Region Official Plan (ROPA 38), the following recommendations are provided for consideration:

1. Return the exception policies for the Property to reflect the Tribunal approved development;
2. Remove the reference that Lyons Lane is a "road proposed to be abandoned" on proposed Schedule L3: Midtown Oakville Transportation Network. Lyons Lane should not be abandoned as it provides the Property's access;
3. Remove the policy requiring private landowners, who have no intentions to redevelop their developed lands, to undertake block design planning (s.20.8.2) and cost-sharing agreements (s.20.8.4). The intent of municipal land use policies is to determine a vision for a neighbourhood and plan the land uses within the blocks that deliver on that vision;
4. Approve and implement, under *Planning Act*, Section 37(2) a Community Benefits Strategy and Community Benefits Charge By-law (CBC), wherein Council can impose a community benefits charge against land in Midtown Oakville, to pay for the capital costs of facilities, services and matters required;
5. Remove the requirement under proposed section 20.8.4 Landowners' Agreement(s) / Cost Sharing, that private landowners enter into a Cost Sharing Agreement with the Town of Oakville.



The above policy recommendations ensure that that the Town continues to abide by the Minutes of Settlement entered into to permit a high density residential development with road access via Lyons Lane on the Property.

As always, we look forward to working with the Town for the development of the Property and remain available for discussions with staff at their convenience.

Yours truly,

**WeirFoulds LLP**



Denise Baker  
Partner

DB/mw

Cc Client

March 19, 2021

**VIA EMAIL**

Town Clerk  
Clerk's Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Dear Sirs

**Re: Midtown Oakville and Proposed Official Plan Amendment  
Your File No. 42.15.39**

We represent Mr. Michael Hohnjec, the owner of 564 Lyons Lane Oakville. This property is located within Midtown Oakville and will be greatly affected by the proposed Official Plan Amendment (the “OPA”). We therefore write to the Town of Oakville on Mr. Hohnjec's behalf to object to the proposed OPA.

564 Lyons Lane is a six-unit residence first constructed in 1929. This property is currently within the Mid-Town Oakville Urban Growth Centre on the Livable Oakville Plan.

The proposed OPA will place 564 Lyons Lane within the “Natural Area” designation for the Town. This will obviously disallow his current use of the property and make any attempt to use or sell the property in the future almost impossible. It will also greatly affect the value of the property. As such, Mr. Hohnjec wishes to register his strong objections to the re-designation of his property and asks that, in the alternative, the property be excluded from the “Natural Area” designation, based upon the afore-mentioned history of same.

We would note that this property is one of only rental properties in the Midtown area of Oakville, and particularly one of the only ones to offer low-cost rentals. Its removal will affect the stock of housing in the area.

A lawyer from our office will attend the March 22, 2021 meeting on behalf of Mr. Hohnjec to register his objections.

Yours very truly

A handwritten signature in cursive script, reading "R. D. Cheeseman". The signature is written in black ink and is positioned above the printed name.

Russell D. Cheeseman

RDC/saf

cc: Michael Hohnjec @ michael@mbhassociates.com

March 22, 2021

Mayor Burton and Members of Council  
c/o the Town Clerk  
Town of Oakville, Clerk's department,  
1225 Trafalgar Road, Oakville, ON L6H 0H3

TownClerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: DRAFT MIDTOWN OAKVILLE OPA – COMMENT LETTER  
HOME DEPOT OF CANADA INC.  
MHBC FILE: 9316HA-28**

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On behalf of our client, Home Depot of Canada Inc., we have reviewed the most recent Draft Midtown Oakville OPA policies and mapping (herein "Draft OPA") issued on February 25, 2021. As you are aware, Home Depot owns and operates one of its stores located in the Trafalgar Village Mall at 99 Cross Avenue (i.e. the Subject Site), and is located within the "Lyons District" as identified in the Draft OPA, which is identified as an area that is intended to evolve from its current focus on strip malls and large format retail uses into an urban mixed use neighbourhood.

While Home Depot is not fundamentally opposed to the overall mixed use vision for the Subject Site and the Lyons District, we provide the following comments for the Town's consideration prior to finalizing the Draft OPA for Council adoption.

**1. Section 20.8.1 (Phasing/Transition)**

We appreciate that these current Draft OPA policies recognize the continued permission of legally existing uses prior to the adoption of the OPA, as well as the permission of low-rise commercial centres to gradually redevelop in a phased manner, provided that ultimately the Subject Site is intended to be redeveloped in conformity with the approved OPA. These policies protect the existing Home Depot use and potential future expansions to this store and/or redevelopment of the Subject Site, provided it does not preclude the overall long-term redevelopment as envisioned by the Draft OPA. We would appreciate that these policies remain as currently proposed moving forward to Council adoption of the Draft OPA.

**2. Section 20.8.4 (Landowners' Agreement(s) / Cost Sharing)**

We would request that the Town remove the requirement under proposed section 20.8.4 (Landowners' Agreement(s) / Cost Sharing), that private landowners enter into a Cost Sharing Agreement with the Town of Oakville. Entering into a multi-party agreement of this nature does not provide any guarantees that Halton Region's current water and wastewater infrastructure has the

capacity in the system to support current growth, not to mention future growth. While Halton Region supports "growth paying for growth", the Region should provide confirmation that the infrastructure system is currently in place and can accommodate the current and future projected growth and intensification that the Region has allocated, and will allocate, to Midtown Oakville. As such, it is recommended that Halton Region include policies in its Region Official Plan that allows landowners to enter into a Cost-Sharing Agreement to cover the costs of infrastructure.

### **3. Section 20.8.2 (Block Design Plans)**

Current policies in this section of the Draft OPA will require applicants submitting "any development application in Midtown Oakville" to submit a Block Design Plan. This indicates comprehensive knowledge of adjacent landowner's development intentions and interests, and also assumes a collaborative partnership amongst adjacent landowners to work together in redesigning their individual properties in advance of any redevelopment intentions. Given that the intent of municipal land use policies is to determine a vision for an area of the Town and plan the land uses within the blocks that deliver on that vision, it is requested that the Town consider removal of these policies that require Block Design Plan submission as part of "any development application in Midtown Oakville" (which also covers a very broad range of applications that require approval under the *Planning Act*).

### **4. Schedule L3 (Midtown Oakville Transportation Network)**

The current proposed future road network as shown on Schedule L3 (Midtown Oakville Transportation Network) of the Draft OPA does not appear to reflect the existing Home Depot store operations (i.e. parking, access, loading, etc.). We would object to any future (final) road alignments that compromise the function of the Home Depot store, as well as any substantive changes to the current road network that may jeopardize existing and future Home Depot store operations at the Subject Site (considering that Home Depot does not have any long-term redevelopment intentions at this time).

We will continue to monitor the Draft OPA on Home Depot's behalf leading up to, and following the statutory public meeting scheduled for March 22, 2021, reserve the right to respond accordingly following Council's decision on the Draft OPA.

If you have any further questions please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

**MHBC**



David A. McKay, MSc, MCIP, RPP  
Vice President and Partner



Andrew Palumbo, MCIP, RPP  
Associate

cc.: Kimberly Koenig, Home Depot



March 19, 2021

**Bruce Engell**  
Partner  
t. 416-947-5081  
bengell@weirfoulds.com

**VIA EMAIL (townclerk@oakville.ca)**

File 04007.00002

Clerk's Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Attention: Vicki Tytaneck, Town Clerk**

Dear Ms. Tytaneck:

**Re: Statutory Public Meeting- Proposed Official Plan Amendment Midtown Oakville  
Town-initiated 42.15.59, Ward 3**

---

We are legal counsel for Centre City Capital Limited ("**CCCL**"), the owners of lands at the intersection of the northeast corner of Cross Avenue and Lyons Gate, municipally known as 105, 111, 117 and 125 Cross Avenue and more commonly referred to as the Trafalgar Village Shopping Centre Mall (the "**Site**"), in the Town of Oakville (the "**Town**"). The Site comprises approximately 8.97 acres in a key location in the Town with frontage on three public streets.

As the Town is aware, CCCL has an active appeal of OPA 14 before the Local Planning Appeal Tribunal (the "**LPAT**", Case No. PL171100). This appeal predominantly relates to the future "Local Roads" that are variously shown on Schedules L1-L3 in Section 20, Midtown Oakville, of the Livable Oakville Plan. CCCL had attended previous Public Information Meetings and has provided correspondence (i.e. July 10, August 18 and November 21, 2017) to the Town. These Local Roads were described, at various public meetings, to be conceptual in nature. However, OPA 14 failed to include flexible policy wording to reflect the conceptual nature of these Local Roads. CCCL's appeal letter is attached which elaborates on the concern.

We understand that the Town has initiated a proposed official plan amendment (the "**OPA**") to the Livable Oakville Plan that, amongst other purposes, implements the findings of the Midtown Oakville Growth Area Review by updating the land use policies and mapping related to Midtown Oakville, the Town's Urban Growth Centre. Included in this OPA is a review of the policies and schedules associated with the Local Roads.

CCCL continues to object to the proposed OPA's Transportation Network Updates. The proposed update to Schedule L3 (Midtown Oakville Transportation Network) that adds a grey underlay

placed under certain street segments on the schedule to identify where 'Final road alignment may be subject to further study' does not address our current appeal interests. In our opinion, the grey underlay should be placed on all the Local Roads within the Site and appropriate policies be included that captures the conceptual nature of these Local Roads. In the absence of these amendments, the Schedules lack the policy direction and will have the effect of pre-determining alignments, limiting or precluding refinement opportunities during any future development application. This concern is amplified with development applications that are progressing. For example, the proposed development at 157 and 165 Cross Avenue (which will be subject to a public meeting later this month), if approved, would have the potential of establishing a fixed point to the immediate Local Road network which abutting owners would need to eventually tie-in. In the absence of settled Local Road policies, any applications that would commence the establishment of a Local Road would be prejudicial to further alignments on adjoining sites.

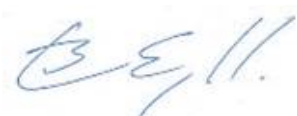
We recognize that the Town has introduced new proposed incentives policies (Section 20.8.3) as an attempt to achieve the delivery of Local Roads through density bonus. We are in the process of examining how these policies could apply to the Site while at the same time protecting the integrity and flexibility of the site specific exception, which is being carried forward in the OPA.

While efforts to respond to the appeal of the Local Roads in OPA 14 are recognized and welcomed, we believe further dialogue is appropriate and we encourage the Town to consider wording to reflect the conceptual nature of these Local Roads.

Thank you for your consideration of this submission. Please do not hesitate to contact the undersigned, or Paul Chronis, Senior Planner in our offices, should you have any questions or require additional information.

Yours truly,

**WeirFoulds LLP**



Bruce Engell  
Partner

BE/PC/bt

cc: Client  
Geoff Abma, Planning Services Department (Geoff.abma@oakville.ca)  
Paul Chronis

15967708.2

March 22, 2021

VIA EMAIL

Town of Oakville  
Town Council, c/o Clerk's Department  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Town Council c/o the Town Clerk at the Town of Oakville

**Re: Comment Letter  
Draft Midtown Oakville Official Plan Amendment  
SD Capital Management  
157 & 165 Cross Avenue**

Dear Planning and Development Council,

On behalf of SD Capital Management and their property municipally known as 157 & 165 Cross Avenue, Oakville, please accept the following as our preliminary comments on the Draft Midtown Oakville Official Plan Amendment (OPA).

We are pleased to see that the Town is updating the land use policies applying to the Midtown Oakville Urban Growth Centre in the Livable Oakville Plan (Official Plan) to the year 2051 in accordance with the requirements of the Province's Growth Plan for the Greater Golden Horseshoe.

However, our client has a number of concerns including: the lack of recognition of additional height/density considerations in proximity to the Oakville GO Station (Major Transit Station Area); the proposed landowners cost sharing arrangements; the proposing phasing; the proposed additional height formulas and limits; and the proposed podium height performance standard.

By way of background, our client intends on filing applications for Zoning By-law Amendment and Draft Plan of Subdivision in the near future to permit a comprehensive mixed-use redevelopment comprised of two high-rise buildings.

#### **Comments on the Draft Policies and Maps**

In addition to the comments provide above, we wish to provide the following comments regarding specific proposed policies:

- **Policy 20.2.1, Objectives:** While the policy speaks to creating transit-supportive development and promoting a compact urban form with higher density and intensity of land uses, it is our opinion that it should also specify that the greatest heights and densities will be encouraged in proximity to the Oakville GO Station.

- Policy 20.2.3, Objectives: The policy provides opportunities for increased building height in exchange for required segments of future road, provision of office uses, and/or providing of above-grade parking structures. In our opinion, the location of the Property together with the provincial policy regime warrants additional height irrespective of the infrastructure items enumerated in this policy.
- Policy 20.5.4(d), Built Form: This policy provides that the height of the building base (podium) should be no greater than 80% of the width of the adjacent right-of-way or six storeys. The prescribed base building heights could limit creativity in the use of massing and architectural elements. The addition of the word “generally” would add a modest and desirable degree of flexibility.
- Policy 20.5.5, Building Height and Map L2: In our opinion, this policy should recognize the proximity to the Oakville GO Station as one of the criteria for evaluating additional building height. On Map L2, we would request that the lands within proximity to the Oakville GO Train Station allow for heights of up to 30 storeys before additional height is permitted as proposed.
- Policy 20.5.5(c), Building Height: In our opinion, the numerical formulas with respect to additional building height in relation to above-ground structured parking and gross floor area for office uses, as well as the maximum number of storeys associated with each, is too prescriptive. It is counterproductive to apply restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized. As-of-right maximum heights should be greatest in the immediate vicinity of the Major Transit Station Area.
- Policy 20.6.1(c), Land Use: The policy requires that prior to the approval of any development application, the proponent shall provide a parkland concept plan to demonstrate how the Town’s parkland objectives for the Midtown Oakville urban growth centre will be satisfied. It appears that the intent is that as part of a site-specific application for redevelopment, a parkland concept plan is to be created for the pertinent UGC development district. The Town should determine where parkland is desirable within the urban growth centre/individual development districts and evaluate each site when development proposal are submitted.
- Policy 20.6.4, Land Use: The policy notes that through the review of proposed development on lands designated Urban Core, a school board may determine that real property or a lease is required for a school. It is unclear what is needed to satisfy this policy.
- Policy 20.8.1(b), Phasing/Transition: The policy indicates that the timing of development will be subject to the availability of required infrastructure, including but not limited to future transportation network improvements and water and wastewater services. This policy is unclear and will have the potential to delay the buildout of the Midtown. The intent of this Urban Growth Centre is that it be development ready in order to achieve the density targets as set out in the Growth Plan. Because these policies make individual developers responsible for the timing of development, further delays will result.
- Policy 20.8.2(b), Block Design Plans: The policy requires a block plan of all properties within 100 metres of the subject lands to be part of any development application and stipulates a number of

criteria that the block plan needs to meet. This policy will allow any single property owner to hold up development should they wish it not to proceed. Such a policy fails to conform to the Growth Plan as it has the potential to prevent necessary heights and densities from being achievable and relying on the significant investment in transit infrastructure that has been made by the Province.

- The last criteria specifically mentions that the block plan shall demonstrate compliance with the Livable by Design Manual. Given that the Livable by Design Manual are guidelines and not policy, the words “compliance with” should be replaced with something along the lines of “appropriate regard for”.
- Policy 20.8.3(a), Future Roads: The policy provides that additional height may be considered for properties that contain any portion of a future road. In our opinion, there is no planning rationale for tying the area of a roadway conveyance to the height of a building, without site-specific considerations being taken into account. The maximum height being contemplated in the UGC should be reserved for locations immediately adjacent the Oakville GO Station (Major Transit Station).
- Policy 20.8.3(b), Future Roads: The policy indicates that additional building height shall be limited to: for future local roads: a gross floor area of no more than 5 times the area of the right-of-way conveyance; and/or for future arterial roads: a gross floor area of no more than 2 times the area of the right-of-way conveyance; and the maximum additional building height that can be applied to a single tower shall be 10 storeys. The addition of wording to note that on sites with multiple towers, any additional height allowance can be applied to other towers would be helpful.
- Policy 20.8.4, Landowners’ Agreement(s)/Cost Sharing: The policy requires that development in certain areas, including the Lyons District, shall only proceed when a significant number of landowners within the district have entered into a cost sharing agreement among themselves to ensure that the costs associated with development (i.e. parkland, parking, infrastructure and servicing) are distributed in a fair and equitable manner.

While we understand the intent to provide a mechanism to distribute costs in a fair and equitable manner, the requirement for a significant number of landowners will severely impact the ability to redevelop lands in this area and is not a feasible approach, particularly in a Provincially designated Urban Growth Centre. The approach relies on other landowners, many of whom are not developers and have no interest in becoming part of such a group, in order to proceed with redevelopment of the entire area and will in fact severely inhibit redevelopment, possibly stopping it all together. In our opinion, policy 20.8.4 should be deleted.



We trust that the aforementioned comments are of assistance in refining the proposed draft policies. Please feel free to contact me directly should you have any questions or require any further information.

Sincerely yours,

**KORSIAK URBAN PLANNING**



Jacob Kaven, MES, RPP

Encl.

Copy: Victor Huo, SD Capital Management  
Uri Salmona, Uri Salmona, Salmona Development Consultants



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Professional Corporation  
**Shelley Kaufman**  
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[skaufman@tmalaw.ca](mailto:skaufman@tmalaw.ca)

March 22, 2021

**By email: [townclerk@oakville.ca](mailto:townclerk@oakville.ca)**

Town of Oakville  
c/o Town Clerk  
Clerk's Department  
1225 Trafalgar Road  
Oakville, Ontario L6H 0H3

**Attention: Mayor Rob Burton and Members of Council**

**Re: Proposed Town-initiated Official Plan Amendment –  
Midtown Oakville [Ward 3]  
Town File No. 42.15.59  
165 Cross Avenue Partnership  
Our File No. 13646**

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We are counsel to 165 Cross Avenue Partnership (“165 Cross”), the owner of the lands located at 165 Cross Avenue (the “subject site”). The subject site is a narrow rectangular site with an area of 0.58 ha (1.43 acres) and frontage on Cross Avenue of approximately 43 metres. The current use includes office and commercial uses in a three-storey building.

The subject site is located immediately to the east of 157 Cross Avenue and immediately to the west of 177/185 Cross Avenue in Midtown Oakville. Vehicular access to the subject site is shared with 157 Cross Avenue. These properties are all located west of Argus Road, north of Cross Avenue and south of the QEW. Draft Schedule L3 includes proposed new local roads to the east and north of 165 Cross Avenue predominantly made up of lands on the subject site (see locational map attached).

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## The Draft Oakville Urban Growth Centre OPA

The Town of Oakville (“Town”) has proposed an amendment (“Draft OPA”) to the Livable Oakville (Official Plan) (“OP”) to update the land use policies that apply to the Midtown Oakville Urban Growth Centre (“UGC”) to the year 2051 as required by the Province’s Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The subject site is within the *Lyons District* on a *Primary Street* and designated *Urban Core* in the Draft OPA.

We have reviewed the March 9, 2021 Public Meeting Report -Town initiated Official Plan Amendment – Midtown Oakville Urban Growth Centre (“Staff Report”) and the Draft OPA, including the Schedules. Our client makes the following submissions with respect to the Draft OPA and its potential impact on the subject site.

### Summary Overview

The Draft OPA is intended to provide a vision for Midtown Oakville as a key feature in the Town and Region’s urban structure that will accommodate significant numbers of people and jobs to assist the Town in meeting its goals as a provincially-designated UGC under the Growth Plan with targeted intensification. Meeting these goals while creating a complete community with broad benefits can result in concomitant impacts and limitations placed on individual landowners. The proposed local roads on Schedule L3 occupy a substantial portion of the subject site for a public use. 165 Cross questions the location and size of these proposed roads. The Town can be commended where some of the draft policies appear to take landowner impacts into consideration, for example with height and density transfers for local road improvements. However, equitable distribution of the burdens, or appropriate recognition for benefits provided to the broader community by individual landowners, must be fair and reasonably implemented. Direct consultation with landowners must occur going forward to further inform Town Staff regarding these recommendations.

### Specific Draft Policy Comments

#### 20.1 Goal and 20.2 Objectives:

The Goal of the Draft OPA is that, “Midtown Oakville will be a vibrant, *transit supportive*, urban *complete community*.” The Draft OPA sets out specific objectives to achieve this goal and to enable Midtown Oakville to evolve as an *urban growth centre* through its draft policies.

- Policy 20.2.3.a) - The Growth Plan specifically states that the minimum persons and jobs allocated to the *Urban Growth Area* are a minimum and can be exceeded. The staff report and draft policies contain the word ‘minimum’, but it is important that there be policy support to encourage this;
- Policy 20.2.3.b) – 165 Cross supports the provisions for additional floors for required roads, office uses and above-grade parking.

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### 20.3 Development Concept:

This section speaks to the distinct *character* of each district in terms of land use and built form in accordance with the Schedules and 20.3 policies.

- Policy 20.3.1 – This policy speaks to the evolution of Cross Avenue as a Midtown Main Street. While 165 Cross supports the principle of a pedestrian-oriented animated streetscape, there is no guidance on the amount of land the City is looking for to achieve this. Will there be minimum building setback on the Main Street, or will a retail use be sufficient, and development can extend to the property line? More guidance is needed to understand the development implications (see also 20.5.2 Public Realm);
- Policy 20.3.3 – The Lyons District vision speaks to an evolution of an urban mixed-use neighbourhood together with public parkland and privately-owned public spaces (“POPS”) to serve the area needs. Underground parking should be accommodated below the POPS;

### 20.4.6 Housing:

- Policy 20.4.6 states that development should include purpose built rental housing. Similar to office uses, there should be incentives to providing rental housing within a development. ie. up to three storeys of rental housing could be provided, but not counted toward the maximum height;

### 20.5.3 Block Design and 20.8.2 Block Design Plans:

This policy speaks to comprehensive and coordinated design of *development* blocks and implementation.

- Policy 20.5.3. 165 Cross generally agrees with the Block Design approach to protect the development potential on other parcels within the block. At the same time, the design for the adjacent lands must be conceptual and shall not be used as directive when development applications are submitted for the adjacent lands;

### 20.5.4 Built Form

- Policy 20.5.4.e) is unclear. If the Town is looking for a ‘slender’ tower, more direction is required. Is a slab building located perpendicular to the Main Street considered slender as that is the main view angle or is the Town looking for point tower floor plates? Without direction, this could be too subjective;

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Policy 20.5.5 Building Heights and 20.8.3 Future Roads:

These policies are critical to 165 Cross. Specifically, the Draft OPA and Schedules have the potential to impose serious implications on the development potential for the subject site to the benefit of the community if the future roads proceed as proposed. The ability for the additional building height policies to work for 165 Cross is particularly important considering the proposed future road and parking implications. The Future Roads policies appear worthy of support if it can be established that they will in fact maximize development on the site.

- Relevant considerations regarding Policies 20.5.5 and 20.8.3 include:
  - The encouragement of above grade parking is critical if the subject lands are to absorb the density from the adjacent roadways.
  - Any concept plan on this subject site will require significant road dedications and the additional GFA this would generate is important.
  - How a concept plan would also result in above grade parking would be relevant in terms of the permissions in policy 20.5.5.c.i).
  - 20.8.3 Implementation Policies of the Future Roads needs further consideration and consultation:
    - a) To ensure the individual landowner is not being asked to shoulder an inequitable burden even with the additional building height with both the dedication and requirement to construct the future road; and
    - b) To assess how this would translate into additional permitted floors would need to be considered in some detail to understand the potential costs and benefits, particularly with the maximum 10 floors that can be added to each building and limits on the GFA.

20.6 Land Use Policies

- Policy 20.6.3.b) removes the requirement for commercial on the ground floor for the frontages of the two 'Future Roads' in the concept. 165 Cross supports this policy where it is more difficult for commercial to succeed away from the Main Street;

20.8 Implementation Policies:

Some of these policies are already addressed above (20.8.2 and 20.8.3).

- Policy 20.8.4 Landowner's Agreement(s)/Cost Sharing: This Implementation Policy speaks to cost sharing agreement requirements for *Development* to proceed.

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- Cost sharing generally requires deep pockets for upfront development costs. The staff report references the varied nature of the land ownership in this area. It is important to consider whether the existing landowner structures will be able to achieve this type of arrangement and whether the policy as proposed can be achieved;
- In offloading infrastructure costs onto development, the policies must be clear whether this will reduce development charges (“DC”), or that landowners will be credited for overlap so there is no double payment for the same infrastructure;
- Similarly, it should be clear where the Town will provide a share of collected DC’s to the landowners for infrastructure in this area;
- Will development applications be considered ‘premature’ if there is no landowner agreement? Will development be held up or approved with an ‘H’ if there is no landowner’s agreement?
- Policy 20.8.4.b) should require a landowner to be a member in good standing. If costs are going to be shared, it needs to be across ‘all’ lands. In this respect, how is the Town addressing already approved developments? If those landowners cannot be made to pay retroactively, will the Town recognize a reduction in a proportionate share?

Schedule L2 Midtown Oakville Building Heights:

165 Cross supports the increased building heights and the potential for additional building height recognized in this Schedule.

Schedule L3 Midtown Oakville Transportation Network:

165 Cross remains concerned with the impact of the proposed Transportation Network and the taking of a disproportionate amount of land from the subject site to the north and east. It was previously understood that OPA 14 was not finally approved with respect to the future road network. While the draft policies attempt to address impacts raised by this planned network, further consideration and discussion with the Town is required in this respect.

**Midtown Oakville UGC – Continued Engagement of the Landowner**

165 Cross is generally supportive of the Draft OPA with the exception of ongoing concerns regarding the local road network proposed. 165 Cross reiterates the importance of securing effective recognition of the landowner burdens for benefits provided to the broader community plan for Midtown Oakville. Direct consultation with the landowners must occur going forward to further inform the Town Staff regarding these recommendations and to ensure

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they can be effectively, fairly and equitably implemented. 165 Cross must be satisfied in this regard to support the OPA.

By way of this correspondence, we respectfully request future notice regarding the Proposed OPA, including notice of all related Committee and Council meetings and notice of any decision of the Town with respect to the Proposed OPA.

If you have any questions, please do not hesitate to contact us.

Yours truly,



Shelley Kaufman

Yours truly,



Scott Snider

cc: G. Abma, Planner, Planning Services department  
R. Boratto, 165 Cross Avenue  
K. Franklin, Weston Consulting

Skssnd  
Att'd.  
13646/3

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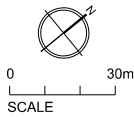



HIGHWAY 403

ARGUS RD

CROSS AVENUE

Date: 2021-03-19  
File: 8251/air photo/Air photo.dgn



 Subject Lands

Source: Air photography from First Base Solutions Inc., 2019 image.

AIR PHOTO

165 CROSS AVENUE  
TOWN OF OAKVILLE  
REGIONAL MUNICIPALITY OF HALTON

March 22, 2021

VIA EMAIL

Town of Oakville  
Town Council, c/o Clerk's Department  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Town Council c/o the Town Clerk at the Town of Oakville

**Re: Comment Letter**  
**Draft Midtown Oakville Official Plan Amendment**  
**177-185 Cross Avenue & 580 Argus Road, c/o Bernard Woo**

Dear Planning and Development Council,

On behalf of our client Bernard Woo and his property municipally known as 177-185 Cross Avenue & 580 Argus Road, Oakville, please accept the following as our preliminary comments on the Draft Midtown Oakville Official Plan Amendment (OPA).

We are pleased to see that the Town is updating the land use policies applying to the Midtown Oakville Urban Growth Centre in the Livable Oakville Plan (Official Plan) to the year 2051 in accordance with the requirements of the Province's Growth Plan for the Greater Golden Horseshoe.

However, our client has a number of concerns including: the lack of recognition of additional height/density considerations in proximity to the Oakville GO Station (Major Transit Station Area); the proposed landowners cost sharing arrangements; the proposing phasing; the proposed additional height formulas and limits; and the proposed podium height performance standard.

#### **Comments on the Draft Policies and Maps**

In addition to the comments set out above, we wish to provide the following comments regarding specific proposed policies:

- **Policy 20.2.1, Objectives:** While the policy speaks to creating transit-supportive development and promoting a compact urban form with higher density and intensity of land uses, it is our opinion that it should also specify that the greatest heights and densities will be encouraged in proximity to the Oakville GO Station.
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- Policy 20.5.4(d), Built Form: This policy provides that the height of the building base (podium) should be no greater than 80% of the width of the adjacent right-of-way or six storeys. The prescribed base building heights could limit creativity in the use of massing and architectural elements. The addition of the word “generally” would add a modest and desirable degree of flexibility.
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- Policy 20.8.2(b), Block Design Plans: The policy requires a block plan of all properties within 100 metres of the subject lands to be part of any development application and stipulates a number of criteria that the block plan needs to meet. This policy will allow any single property owner to hold up development should they wish it not to proceed. Such a policy fails to conform to the Growth Plan as it has the potential to prevent necessary heights and densities from being achievable and relying on the significant investment in transit infrastructure that has been made by the Province.



- The last criteria specifically mentions that the block plan shall demonstrate compliance with the Livable by Design Manual. Given that the Livable by Design Manual are guidelines and not policy, the words “compliance with” should be replaced with something along the lines of “appropriate regard for”.
- Policy 20.8.3(a)(ii), Future Roads: The policy provides that additional height may be considered for properties that contain any portion of a future road. The concern is with respect to the requirement that the landowner construct, or pay to construct, the future road on the right-of-way to be conveyed to the Town. Given the complexity of timing/phasing of potential road construction and the cost to construct the road in relation to the additional height permission (i.e. additional gross floor area that would be granted), this is an unreasonable, burdensome and costly requirement that our client feels would significantly impact the viability of many development sites.
- Policy 20.8.3(a), Future Roads: The policy provides that additional height may be considered for properties that contain any portion of a future road. In our opinion, there is no planning rationale for tying the area of a roadway conveyance to the height of a building, without site-specific considerations being taken into account. The maximum height being contemplated in the UGC should be reserved for locations immediately adjacent to the Oakville GO Station (Major Transit Station).
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While we understand the intent to provide a mechanism to distribute costs in a fair and equitable manner, the requirement for a significant number of landowners will severely impact the ability to redevelop lands in this area and is not a feasible approach, particularly in a Provincially designated Urban Growth Centre. The approach relies on other landowners, many of whom are not developers and have no interest in becoming part of such a group, in order to proceed with redevelopment of the entire area and will in fact severely inhibit redevelopment, possibly stopping it all together. In our opinion, policy 20.8.4 should be deleted.

We trust that the aforementioned comments are of assistance in refining the proposed draft policies. Please feel free to contact me directly should you have any questions or require any further information.

Sincerely yours,

**KORSIAK URBAN PLANNING**



Jacob Kaven, MES, RPP

Encl.

Copy: Bernard Woo  
Uri Salmona, Salmona Development Consultants

**Strategy 4**

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t : (905) 829-2544 w : www.strategy4.ca

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April 30<sup>th</sup>, 2021

Mr. Geoff Abma  
Planning Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Re: Draft Midtown OPA Public Information Meeting of March 22<sup>nd</sup>, 2021**

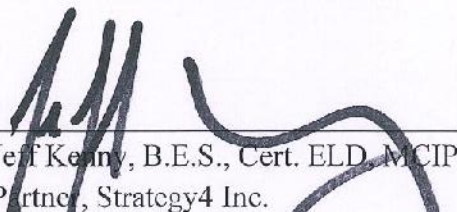
Dear Geoff,

Strategy4 Inc. is the land use planning consultant for 915643 Ontario Inc., owners of 177 & 185 Cross Ave & 580 Argus Road.

We previously obtained the re-zoning for the property under by law 2016-038 for three condominium towers with at grade commercial and second story office space.

On behalf of the property owners, we hereby notify the Town that we have interest in the OPA for Midtown and wish to be provided with all relevant materials. We are also available to attend workshops and discussions on the OPA, as alluded to in the Public Meeting Presentation by staff, and to provide our input.

Yours truly,

  
\_\_\_\_\_  
Jeff Kenny, B.E.S., Cert. ELD, MCIP, RPP  
Partner, Strategy4 Inc.



## Strategy 4

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July 23<sup>rd</sup>, 2021

Mr. Geoff Abma  
Planning Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Re: Draft Midtown OPA – Commentary on Behalf of 915643 Ontario Inc.**

Dear Geoff,

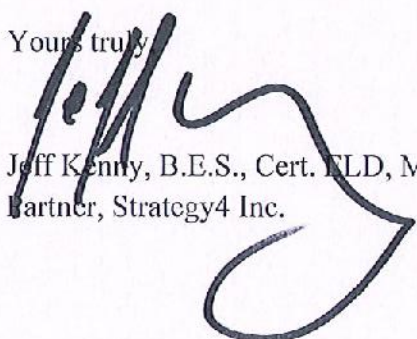
Strategy 4 Inc. is the land use planning consultant for 915643 Ontario Inc., owners of 177 & 185 Cross Ave & 580 Argus Road.

We previously obtained the re-zoning for the property under by law 2016-038 for three condominium towers with at-grade commercial and second story office space.

Considering the current Town-initiated OPA for Midtown, we have prepared the attached submission, on behalf of our client. Our submission is two-fold. We are responding to the proposed OPA as it relates to our clients' lands, and as it relates to Midtown as a whole. If our understanding of the affect of the Draft OPA is inaccurate, we would expect clarification by Staff, otherwise, we anticipate concurrence with our statements.

We trust that our comments will be reviewed as positive and helpful to the goal of bringing Midtown to fruition. We are available at your convenience to discuss our comments in further detail.

Yours truly

  
Jeff Kenny, B.E.S., Cert. ELD, MCIP, RPP  
Partner, Strategy4 Inc.





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### 1. Key Extracts from March 22<sup>nd</sup>, 2021, Staff Presentation:

The emphasis of the OPA is to facilitate a “complete community,” primarily via the consolidation of parcels of land and block master planning to address infrastructure, parks and open space, transportation, etc. It is expected that Midtown develop on a block-by-block basis. In terms of the Cross Avenue / Argus Road Properties, the block would be bound by Cross Avenue and Argus Road, existing, and by the future E/W and N/S local roads. The consolidation would be the Cross Avenue / Argus Road owners and the “garage” site at 570 Argus Road.

The acquisition of the local roads is stated to be “more complicated” than simply protecting for them. Staff indicated in the presentation that it is not financially viable for the Town to expropriate all the necessary land. It appears that the incentive of exchanging building density and height for the land dedication and building the roads is a replacement of the lost bonusing provisions, and one method to try to get the roads built.

Staff are expecting that development will proceed based on large parcels capable of providing the “complete community” attributes, with landowners’ cost-sharing agreements.

Staff foresee a linear park along Cross Avenue comprising both public and private open space.

Staff foresee one or more areas of public parkland within each of the major districts.

Staff foresee a decrease in the demand for parking, therefore, above-grade structures for parking are being encouraged, in exchange for increased height, since they foresee the redevelopment potential over typical underground parking which they note cannot be viably repurposed.





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### 2. Effect of the OPA on the Combined 177 / 185 Cross Avenue and 580 Argus Road:

As the properties noted above owned by our client have been re-zoned to permit residential high-rise, commercial, and office uses, with Holding provisions, our intention is to assess the effect of the OPS on the approvals in place.

**2.1 Current Zoning:** The Draft OPA does not negate any of the regulations entrenched in the re-zoning previously obtained. The OPA would in fact provide for policy that would allow for a broadening of the current re-zoning regulations. The three Hold conditions are as follows:

**2.1.1 Obtain a Record of Site Condition:** The Draft OPA does not adversely affect this condition.

**2.1.2 Adequate Water and Wastewater Capacity to be in Place:** The wastewater capacity remains inadequate. Arrangements for our client to front-end the installation of upgrades with the Region were unsuccessful. The Draft OPA makes note that it is the Region's responsibility to provide the services necessary for the development of Midtown. It is our understanding that the OPA does not affect this condition.

**2.1.3 Obtain Approval of the Traffic Impact Study:** The approval was previously obtained on condition that Hold items 1 and 2 are cleared by December 31<sup>st</sup>, 2021. The OPA does not affect this condition.

**2.2 The Local Roads:** The Draft OPA does not change the configuration of the local roads within Midtown. The portions of the proposed local roads that encroach onto our client's property, both on the west and the north, have been previously protected for in the current re-zoning that applies to the lands. At the time of the re-zoning, the area of future local roads was not required to be conveyed. Further, Town staff indicated in a May 27<sup>th</sup>, 2014, Council Meeting, that portions of the local roads that are not required to be conveyed through a development application would be purchased by the Town at fair market value through Development Charges. Our client's legal counsel at the time, Turkstra Mazza, provided an opinion letter on this subject, dated November 21<sup>st</sup>, 2014, attached to this memo for reference (Appendix A). The Draft OPA does, however, allow for acquisition of the roads including the cost of construction in exchange for increased building height and floor area. The Draft OPA states that this exchange "may be





considered,” with no statement about it being compulsory. As such, it is our understanding that the OPA does not adversely affect the current re-zoning of our client’s property.

- 2.3 Consolidated Development:** The Draft OPA has conditions for consolidated development and block master planning. During our clients’ re-zoning, various discussions occurred regarding the land at 570 Argus Road, or the “garage” site, which our client’s property wraps around on three sides. The outcome was that Town Staff ensured at the time that this property could be developed independently of our clients’ property, and that the re-zoning of our client’s property did not preclude the development of the “garage” site. Sufficient setbacks were stipulated in the re-zoning regulations to ensure this. Relevant correspondence dated February 18<sup>th</sup>, 2016, from Town staff, is attached (Appendix B). Our client has approached the “garage” owner regarding a purchase, to no avail. It is conclusive through the re-zoning obtained by our client that the Town was satisfied that development of the “garage” site was not precluded. Therefore, consolidated development in principle can be said to have been achieved, and as such, it is our understanding that the Draft OPA does not adversely affect our client’s lands.

### **3. General Comments on the Draft OPA Related to Midtown:**

While the general principles of Midtown Oakville are sound, i.e., the mix of uses, the density, and the transition to a new and complete community, the implementation of the plan would appear stalled. The Staff Report and public presentation on March 22<sup>nd</sup>, 2021, emphasize that the OPA is focused on implementation. Of interest, the May 2008 Draft Midtown Business and Development Plan by Urban Strategies Inc., outlines several aspects of implementation, which presumably have not advanced Midtown’s transformation in the interim. Some observations and comments are as follows:

- 3.1 The Local Roads:** It is stated in various documents how critical the proposed local road pattern is to the development of Midtown. It is currently stated that the biggest challenge to the street network is funding. Previously, in a May 17<sup>th</sup>, 2014, Council Meeting, it was indicated by Town Staff that the roads would be acquired and built via Development Charges. It is now stated that it is not financially viable. Currently, an incentive is proposed whereby a developer is granted increased height and GFA in exchange for building and dedicating the roads. The local roads are intended to divide Midtown into developable blocks, and that is





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practical. What is not practical, from a landowner's point of view, is that the road pattern requires the removal of several buildings, of which many are viable and income-producing. The slate is not clean as it might be in a greenfield scenario. The incentive of an exchange for height and GFA does not appear to be financially calculated, rather, based on a notion of developers always wanting more. Without a thorough financial analysis, the local roads may remain in limbo. Of interest, the May 2008 Urban Strategies Inc. report references "innovative and new approaches to financing public development and incentivizing prospective developers." The report identifies financing methods such as Tax Increment Financing, a Tax Increment Equivalent Grant, and a special Development Charge area for Midtown. Perhaps the funding of the local roads has not been fully explored by the Town?

- 3.2 Consolidated Development:** The Draft OPA speaks to consolidated development, landowner cost-sharing agreements, and Master block planning. There is also emphasis on a complete community, with one or more areas of public parkland, urban squares, and plazas in each district. The planning exercise for this is relatively straightforward, however, the execution is perhaps prohibitively complex. In the case of greenfield development, land is generally vacant. In Midtown, there is an array of existing businesses and income-producing properties. While it is generally acknowledged that this area is ripe for transitioning to a higher-order built form, the financial incentive to do so may be less imminent. The previous comments about financial incentives apply here as well.

We were pleased to hear from the Town during our June 1<sup>st</sup>, 2021, virtual meeting that the intent of the proposed policies is not necessarily to have large blocks develop unto themselves but rather that block plans shall be prepared as a part of any approval to ensure that the development of individual properties within the block is not precluded.

The cost sharing method proposed for Midtown as a part of the Town's latest OPA is a greenfield development protocol whereby typical subdivisions are built with all relevant infrastructure such as parks, schools, servicing, and roads with landowners cooperating via a cost-sharing agreement. This most likely is not a viable development model for Midtown, which is closer to a brownfield scenario of development in transition.





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The landowners' cost-sharing agreement method works in greenfield scenarios where developers make every effort to acquire lands based on the original Lot/Concession system implemented in Ontario, which provides a solid foundation for owners to gain absolute, unqualified title to their lands, and provides the basis for a predictable cost-sharing formula. The proposed local road network in Midtown creates a fractured ownership situation, which precludes the orderliness of the original Lot/Concession system and may introduce confounding factors regarding land titles. In addition, the presence of properties in transition with varying degrees of contamination (and requiring environmental remediation) and existing buildings of various asset classes, further confound the landowners' cost-sharing agreement formula proposed by the Town to stimulate development.

### 4. Civic Presence:

The notion of civic presence in Midtown is conspicuous in its absence. The 2008 Urban Strategies Report describes in some detail, both verbally and graphically, a new Civic Centre including a "central address for the Town Hall, new multi-purpose indoor and outdoor public space, civic offices, and other Town cultural, recreational, or destination uses." It is not clear if this notion of a civic centre was sanctioned by the Town at the time, but clearly there was emphasis on it. Of note, during the May 31<sup>st</sup>, 2021, Council Workshop, the issue of a new Town Hall location was responded to by Mayor Burton with the comment "a future Council decides where to put a new Town Hall." Regardless, Midtown is, in our opinion, an ideal location for a strong civic presence, and one that could precipitate further Midtown development by setting a strong leading example in the areas of development and overall design. We would like to request clarity from the Town of Oakville on the status of these plans or discussions related to the plans for a new Town Hall specifically.

### 5. Publicly Owned Lands:

The May 2008 Urban Strategies report claims that the phasing for Midtown development "is largely influenced by the location of the publicly owned lands," and that "these lands, through an agreement among relevant government agencies, will be made available to development first to kick start investment and interest in Midtown." It is apparent that this might be a lofty goal, as there seems to be no motivation on the part of Metrolinx to kick start anything in Midtown. On the other hand, the Urban Strategies statement about public land development kick starting other Midtown development is sound.



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### 6. Regional Services:

A major impediment to development in Midtown is the lack of sanitary wastewater capacity in the existing Regional infrastructure. Upgrades to the existing infrastructure on Trafalgar Road, south of Cornwall, are required to handle the projected flows. Our client previously explored a front-ending agreement with the Region to have this upgrade work constructed, but the financial aspects of reimbursement and posting security for work done by the Region became impediments. The value of work itself, in the range of \$6 million, was not a problem as an upfront payment, so long as repayment conditions could have been defined. At the time of our meetings, re-payment terms were not defined. We have seen from our experience in completing planning applications across Halton Region that front ending agreements completed by others in the early to late 1990s are still being reimbursed. The Region is responsible for providing the services necessary to facilitate the development of Midtown, however, there is currently no schedule to do so. It is our understanding that for sewers 450mm and above, Halton Region funds improvements through the collection of Development Charges. It is also our understanding based on the functional studies of our consulting team that the required upgrades will constitute a sewer between 525mm and 675mm, which would place them within the size range to be funded by the Region.



## Turkstra Mazza

Hamilton London Toronto

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November 21, 2014

Strategy 4  
Attn: Mr. Dan Tregunno & Mr. Jeff Kenny  
2620 Bristol Circle Suite 100  
Oakville, Ontario  
N0N 1T0

Dear Mr. Tregunno & Mr. Kenny:

Re: 915643 Ontario Inc.  
177 Cross Avenue, Town of Oakville  
Our File No. 13527

### Background

The subject site is approximately 2.5 acres located on the northwest quadrant of Cross Avenue and Argus Road in the Town of Oakville's Mid-Town Urban Growth Centre. The client is proposing a new development on the site consisting of three residential condominium towers.

As part of the Town's long term plans for the intensification of Mid-Town, it has identified a proposed road pattern that would require the creation of new roads to service future development. One of those new roads is shown traversing the site along its northerly boundary ("new road"). The Town has advised that it will seek the dedication of the land necessary to accommodate the right-of-way for the new road ("ROW") through the current development application process. We understand that process involves a site plan, re-zoning and possibly an official plan amendment. No plan of subdivision or consent is required.

It is also central to our understanding of the facts and our opinion that the new road is not required to accommodate the current development proposal.

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We have been informed that the client was at one time in discussions with the Town about a possible increase in height and density in return for dedication of the ROW. However, in the event the client chooses not to engage in bonusing, as it may have no need for increased height and density beyond what is contemplated by the Town's Official Plan, it wants to know whether the Town can *compel* the dedication of the ROW (ie. for free) for the new road.

We have been asked to research the powers of a municipality under the site plan control process to determine if the Town can *compel* the dedication of the land for the ROW. This research will assist the client in establishing its parameters for negotiation with the Town.

### Opinion

In our view, the Town could not compel the dedication of the ROW for the new road through the site plan approval process. The Town's powers under that process are limited and do not include the power to compel such a dedication, at least in the context of the facts of this case. This view is premised on our understanding that the new road is not required for the proposed development.

This view is fortified by the fact that there is a development charge regime in Ontario that provides for the financing of capital costs for new development, such as land for new roads, through development charges. The appropriate course for the Town is to collect those development charges and acquire the lands through purchase or expropriation. In this way the burden for infrastructure for new development that is not specifically tied to any particular development (like the new road here) is shared according to the rules in the *Development Charges Act*.<sup>1</sup>

We also considered the potential for the Town to impose the dedication as a condition on the re-zoning. Once again, our conclusion is the same - it would not be an appropriate condition, although this view is less certain given the lack of clear guidance from the Ontario Municipal Board ("Board") or the courts on this question. Part of the problem here is that "conditional" zoning is relatively new in Ontario and therefore there is little jurisprudence on the rather vague language in the *Planning Act*<sup>2</sup> which authorizes it.

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<sup>1</sup> S.O. 1997, CHAPTER 27

<sup>2</sup> R.S.O. 1990, CHAPTER P.13

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Finally, we caution that the transportation policies in the new Secondary Plan require that new development not *preclude* the future local road network. If our client requires the land that is proposed for the future ROW to accommodate this development (perhaps even for coverage or landscaping purposes) this may offer the Town some leverage. We could appeal these policies of course, since we understand they have not been approved, but such policies are not unusual and our chances of success in opposing them limited.

## Discussion

### i) Site Plan Control

Section 41(7) of the *Planning Act* outlines the types of conditions a municipality has the jurisdiction to impose through the site plan approval process. These powers do not expressly include the authority to take land for the creation of new roads. Although there are provisions that speak to road widenings and public transit ROWs, none of them expressly address the creation of a new road.

#### **“Conditions to approval of plans**

41. (7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
  - 4.1 Facilities designed to have regard for accessibility for persons with disabilities.

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5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);

(c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);

(d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7)."

From a statutory interpretation perspective, the fact that the *Planning Act* is explicit about the circumstances under which a conveyance of land can be required (widening, transit ROWs) is a strong indication that the Legislature did not intend for such authority to be interpreted to include dedications in other circumstances. Indeed the case law supports that view. The Board and the courts generally discourage attempts by municipalities to expansively interpret or apply their powers under site plan control.

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For instance, in a case in Vaughan the City attempted to impose a condition of site plan approval requiring the applicant to pay half of the construction costs for a portion of a future road. The Board rejected the condition and said the following:

"The matters which are appropriate to the Section 41 conditions are specifically identified by inclusion and exclusion and are itemized and carefully cross-referenced. These matters do not allow the discretionary exercise the City now seeks."<sup>3</sup>

In the case of *High Meadow Ltd. v. Cambridge (City)*,<sup>4</sup> the City attempted to impose a condition of site plan approval which required the owners to provide an inter-connection with adjoining properties. The Board, at para 6, held that,

"...the Act does not confer to the City the jurisdiction to impose a condition which requires the inter-connection and access, over private lands which in reality establishes a defacto right-of-way between private properties, unless there is an agreement from the property owner."<sup>5</sup>

As noted, we understand that the new road is not required for the proposed development but is instead required to service future development in the broader area. The site plan process is generally limited to features that are located on the site in question or required to service the particular development contemplated by the site plan. In this regard, the courts have held that the provisions of section 41(7) of the *Planning Act* are,

"...to be restrictive, rather than discretionary, and to be concerned with conditions relating to the internal arrangements of buildings and facilities and provision of services and access to the specific development under consideration."<sup>6</sup>

## ii) Development Charges

Our view on the appropriate interpretation of the site plan powers is fortified by the development charge regime in Ontario.

As you know, development charges may be charged to pay for increased capital costs related to development. The cost of roads is a standard, eligible development charge item.

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<sup>3</sup> *Ontastion Investments Inc. v. Vaughan (City)* [1996] O.M.B.D. No. 1125, at para. 17

<sup>4</sup> [1999] O.M.B.D. No. 220

<sup>5</sup> *ibid*

<sup>6</sup> *Polla v. Toronto (City) Chief Building Official* [2000] O.J. No. 4399, at para. 12

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Section 5(3) of the *Development Charges Act* identifies what capital costs can include and 5(3)1 specifically includes costs to acquire land. Further to this, there is no percentage reduction listed under Section 5(5) of the *Development Charges Act* for roads. What this means is that a municipality can collect the full eligible amount for the cost of acquiring land for new roads through development charges. In this way the costs of capital improvements that serve new development generally are shared equitably and not imposed based on the particular location of any particular development or the relative timing of development or redevelopment.

We reviewed the Town's most recent development charge background study. The schedules appear to include Cross Avenue in the development charge calculation. We have attached the relevant excerpts. It would be useful to have an engineer review the schedules to determine whether acquisition of the land for the proposed road has been included in the background study. If it has, clearly the appropriate course is to have the development charges collected to acquire the ROW and not to require its dedication as part of the Town's development approval.

### iii) Bonusing

Section 37 of the *Planning Act* deals with the issue of bonusing. It is our understanding that at one point there were discussions with the Town in connection with the bonusing of additional height and density for the dedication of the ROW. There is nothing in the *Planning Act* which would permit the Town to *force* bonusing in exchange for a new road.

#### **"Increased density, etc., provision by-law**

37. (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

#### **Condition**

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.

#### **Agreements**

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

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**Registration of agreement**

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.”

**iv) Midtown Oakville Official Plan Amendment**

We have looked through the applicable transportation policies pertaining to Midtown Oakville in the current Official Plan as well as the proposed amendment, but it would be useful for the planners to also review these documents to ensure there is nothing else that is relevant.

The proposed amendment has added provisions relating to future roads,

“20.4.1

c) Development shall not preclude the following as contemplated in this Plan:

iv) the future local road network

f) The need for the future local road between South Service Road and the intersection of Cross Avenue and Lyons Land, as identified on Schedule L3, shall be determined through the planning application process.”

If approved, the intent of the policies is clear: the Town does not want new development to frustrate its future road network. This strategy in an Official Plan is by no means unique but is often controversial. How long can a municipality delay or prevent development before it is forced to actually acquire land and build infrastructure? Regardless, this is distinct from the Town’s attempts to actually take the land for free. The proposed policy certainly does not go that far. If it did suggest compelling dedications, that would be well worth challenging. In that event, our client would probably not be alone.

However, if the land required for the ROW is needed for the proposed development (perhaps even just for coverage or landscaping) this policy could give the Town some leverage in negotiations on this issue. The Town could take the position that the re-zoning and site plan are contrary to this policy or at least premature. It may be worth appealing any approval of these policies just to forestall such an argument.

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**v) Traffic Report prepared by HDR Corporation, dated November 2012**

We have reviewed the Report prepared by HDR Corporation, which concludes the following:

“Study intersections are operating with excess capacity and with acceptable level of service under existing conditions. Under background and total traffic conditions signalized study intersections are approaching capacity, but have some excess capacity. No modifications to the existing road network are recommended.”<sup>7</sup>

The Town would have difficulty advancing the argument that the new road is necessary for the development based on the conclusions reached in this report. However, there is one curiosity in the record. We noted in the file a letter dated April 11, 2014, which was included with the re-submission of reports. This letter purports to withdraw the HDR traffic assessment and replaces it with the Parking Assessment completed by MMM Group Limited. Unfortunately, the MMM report does not provide an opinion on traffic capacity. This is something that may need to be corrected in the record.

**vi) Conditional Zoning**

We understand there is also an application to re-zone the subject property. Section 34(16) of the *Planning Act* permits conditional re-zoning and the Town has included this in their official plan,

“28.3.1 The Town may, in a zoning by-law, permit a use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions on the use, erection or location.”

Both the *Planning Act* and the Official Plan are vague as to what the conditions might include. We have conducted some case law research and the matter does not appear to have been addressed by the Board or the Courts.

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<sup>7</sup> HDR Corporation. 177 Cross Avenue Transportation Study. November 2012, at pg. 27

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

Mr. D. Tregunno  
Mr. J. Kenny  
November 21, 2014

Page 9

### Conclusion

Our inclination at this stage is that it is unlikely the dedication of the ROW could be supported as a condition of re-zoning. Once again, there is express language in the *Planning Act* on the dedication of land and when and how it can be achieved. For example, Sections 41 and 51 of the *Planning Act* both have provisions relating to parkland dedication and road widenings. This suggests that the Legislature has not left the dedication of land to more general language such as the powers for conditional zoning. Also, all zoning must conform to the Official Plan and there is nothing in the Official Plan, even with the new proposed policies discussed above, that would support the dedication of land for the new road as a condition of re-zoning.

We trust this is of assistance. If you have any questions or concerns, please let us know.

Yours truly,



Scott Snider

SS:AT:nd  
13527/1

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

## EMBEE ARGUS LIMITED

88 Sheppard Avenue West, Suite 200  
Toronto, ON M2N 1M5

Tel: (416)-250-5858  
Fax: (416) 250-5860

March 16, 2021

VIA EMAIL: [townclerk@oakville.ca](mailto:townclerk@oakville.ca)

Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Attention: Geoff Abma, Senior Planner, Planning Services department

**Re: Statutory Public Meeting- Proposed Official Plan Amendment  
Midtown Oakville Town-initiated 42.15.59, Ward 3**

Dear Mr. Abma:

Embee Argus Limited is the registered owner of 587, 589, 591, 593 and 595 Argus Road. The property supports a fully occupied, multi-tenant, 7,000 SF commercial building.

As the Town is aware, Embee has an appeal at the LPAT Case No. PL171100.

Embee had attended previous Public Information Meetings and has provided numerous written correspondence (i.e. July 10, August 30, September 11, 2017) to the Town. In addition, Embee has reviewed the recent documentation prepared by staff.

Embee Argus Limited continues to object to the proposed Official Plan Amendment and Transportation Network Updates.

The proposed road pattern and notation "final road alignment may be subject to further study" shown on Schedule L3 (and others) will render our existing buildings 100% unsustainable.

We continue to welcome the opportunity to review this with staff. Please do not hesitate to contact should you have any questions or require additional information

Yours very truly,  
**EMBEE ARGUS LTD.**



Jonathan Rubin MCIP, RPP  
Phone: 416.250 5858 ext.34  
E-mail: [jonathan@embeeproperties.ca](mailto:jonathan@embeeproperties.ca)

cc: Michael Baker- Embee Argus



March 19, 2021

VIA E-MAIL

Mayor Burton and Members of Council  
c/o Town Clerk, Vicki Tytaneck  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Denise Baker  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 18869.00003

\*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

**Re: Proposed Midtown Oakville Plan Amendment  
217-227 Cross Avenue and 517 Argus Road**

We act for Distrikt Developments Inc. with respect to their property municipally known as 217-227 Cross Avenue and 571 Argus Road, Oakville (the "**Property**"). Please accept the following as our preliminary submissions on the Draft Midtown Oakville Official Plan Amendment (OPA).

At the outset, we are pleased to see updated policies for Midtown Oakville and we see it as an attempt to realize the importance of this Urban Growth Centre.

As a general comment, we note that this Official Plan is much more akin to a zoning by-law and, as such, it makes the document unnecessarily complex for a policy document that is intended to be flexible. The specific numerical limitations will make Official Plan amendments unavoidable.

Specifically, our client has a number of concerns including, among other matters, the lack of recognition of additional height/density considerations in proximity to the Oakville GO Station; the proposed landowners cost sharing arrangements; the proposing phasing; the proposed additional height formulas and limits; and the proposed podium height performance standard.

For context, our client has not yet filed OPA and Rezoning applications for the Property, however, they intend on filing applications in the near future to permit a comprehensive mixed-use redevelopment comprised of high-rise buildings.

Comments on the Draft Policies and Maps

In addition to the comments set out above, we wish to provide the following comments regarding specific proposed policies:

- Policy 20.2.1, Objectives: While the policy speaks to creating transit-supportive development and promoting a compact urban form with higher density and intensity of land uses, it is our opinion that it should also specify that the greatest heights and densities will be encouraged in proximity to the Oakville GO Station.
- Policy 20.2.3, Objectives: The policy provides opportunities for increased building height in exchange for required segments of future road, provision of office uses, and/or providing of above-grade parking structures. In our opinion, the location of the Property together with the provincial policy regime warrants additional height irrespective of the infrastructure items enumerated in this policy.
- Policy 20.5.3(c), Public Realm: The policy specifically provides that along Cross Avenue and the extension of Cross Avenue, ground-level amenity spaces and privately-owned public spaces should be positioned between the municipal right-of-way and the building face to enhance the streetscape and provide vibrancy to the public realm. In our opinion, it is unclear what is meant by “ground-level amenity spaces”. We assume that this reference is meant to capture publicly accessible outdoor areas that may include patios etc., rather than the required indoor/outdoor “amenity” spaces for a residential building, however, clarity on this would be appreciated.
- Policy 20.5.4(d), Built Form: This policy provides that the height of the building base (podium) should be no greater than 80% of the width of the adjacent right-of-way or six storeys. The prescribed base building heights could limit creativity in the use of massing and architectural elements. The addition of the word “generally” would add a modest and desirable degree of flexibility.
- Policy 20.5.5, Building Height and Map L2: In our opinion, this policy should recognize the proximity to the Oakville GO Station as one of the criteria for evaluating additional building height. On Map L2, we would request that the lands within proximity to the Oakville GO Train Station allow for heights of up to 25 storeys before additional height is permitted as proposed.
- Policy 20.5.5(c), Building Height: The numerical formulas with respect to additional building height in relation to above-ground structured parking and gross floor area for office uses, as well as the maximum number of storeys associated with each, is too prescriptive. It is counterproductive to apply restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized. In our opinion, the formula and maximum number of storeys associated with each should be deleted. If the numerical formula is to be retained, we would request that the additional height limit for above-grade structured parking be increased from 3 additional storeys to 7 additional storeys.



- Policy 20.6.1(c), Land Use: The policy requires that prior to the approval of any development application, the proponent shall provide a parkland concept plan to demonstrate how the Town's parkland objectives for the Midtown Oakville urban growth centre will be satisfied. Based on our reading of this policy, it appears that the intent is that as part of a site-specific application for redevelopment, a parkland concept plan is to be created for the entire urban growth centre. It is up to the Town to determine where parkland is desirable within the urban growth centre and evaluate each site when development proposal is submitted to determine whether it is appropriate for on site dedication or cash in lieu of parkland. It is submitted that requesting a parkland concept to be prepared by each individual landowner will be counter intuitive to the Town's objective of having usable parkland.
- Policy 20.6.4, Land Use: The policy notes that through the review of proposed development on lands designated Urban Core, a school board may determine that real property or a lease is required for a school. It is unclear what is needed to satisfy this policy.
- Policy 20.8.1(b), Phasing/Transition: The policy indicates that the timing of development will be subject to the availability of required infrastructure, including but not limited to future transportation network improvements and water and wastewater services. This policy is unclear and will have the potential to delay the buildout of the Midtown. The intent of this Urban Growth Centre is that it be development ready in order to achieve the density targets as set out in the Growth Plan. Because these policies make individual developers responsible for the timing of development, further delays will result.
- Policy 20.8.2(b)(v), Block Design Plans: The policy requires a block plan of all properties within 100 metres of the subject lands to be part of any development application and stipulates a number of criteria that the block plan needs to meet. This policy will allow any single property owner to hold up development should they wish it not to proceed. Such a policy fails to conform to the Growth Plan as it has the potential to prevent necessary heights and densities from being achievable and relying on the significant investment in transit infrastructure that has been made by the Province.
- The last criteria specifically mentions that the block plan shall demonstrate compliance with the Livable by Design Manual. Given that the Livable by Design Manual are guidelines and not policy, the words "compliance with" should be replaced with something along the lines of "appropriate regard for".
- Policy 20.8.3(a)(ii), Future Roads: The policy provides that additional height may be considered for properties that contain any portion of a future road. The concern is with respect to the requirement that the landowner construct, or pay to construct, the future road on the right-of-way to be conveyed to the Town. Given the complexity of timing/phasing of potential road construction and the cost to construct the road in relation to the additional



height permission (i.e. additional gross floor area that would be granted), this is an unreasonable, burdensome and costly requirement that our client feels would significantly impact the viability of many development sites.

- Policy 20.8.3(b), Future Roads: The policy indicates that additional building height shall be limited to: for future local roads: a gross floor area of no more than 5 times the area of the right-of-way conveyance; and/or for future arterial roads: a gross floor area of no more than 2 times the area of the right-of-way conveyance; and the maximum additional building height that can be applied to a single tower shall be 10 storeys.

Firstly, numerical formulas with respect to additional building height in relation to road conveyances, are too prescriptive and will fail to recognize each individual circumstance. As noted above, it is counterproductive to apply restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized.

Secondly, in our opinion, there is no planning rationale for tying the area of a roadway conveyance to the height of a building, without site-specific considerations being taken into account.

Finally, in terms of the subsection noting that maximum additional building height that can be applied to a single tower shall be 10 storeys, the wording is unclear relative to the explanation of the policy intent outlined in the March 9, 2021 Report from Planning Services, which explains that the intent is that the additional building height granted through these policies be distributed among multiple towers on a large development site. In our opinion, this numerical height limit should be deleted. However, if it remains, the addition of wording to note that on sites with multiple towers, any additional height allowance can be applied to other towers would be helpful.

- Policy 20.8.4, Landowners' Agreement(s)/Cost Sharing: The policy requires that development in certain areas, including the Lyons District, shall only proceed when a significant number of landowners within the district have entered into a cost sharing agreement among themselves to ensure that the costs associated with development (i.e. parkland, parking, infrastructure and servicing) are distributed in a fair and equitable manner.

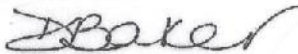
While we understand the intent to provide a mechanism to distribute costs in a fair and equitable manner, the requirement for a significant number of landowners will severely impact the ability to redevelop lands in this area and is not a feasible approach, particularly in a Provincially designated Urban Growth Centre. The approach relies on other landowners, many of whom are not developers and have no interest in becoming part of such a group,

in order to proceed with redevelopment of the entire area and will in fact severely inhibit redevelopment, possibly stopping it all together. In our opinion, policy 20.8.4 should be deleted.

We trust that the foregoing comments are of assistance in refining the proposed draft policies. Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned.

Yours truly,

**WeirFoulds LLP**



Denise Baker  
Partner

DB/mw

Cc Client

15962905.1



March 22, 2021

**Sent Via Email:** [geoff.abma@oakville.ca](mailto:geoff.abma@oakville.ca)

Geoff Abma, Senior Planner  
Planning Department  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Dear Geoff,

**Re: Draft Midtown Oakville Official Plan Amendment  
217-227 Cross Avenue and 571 Argus Road, Oakville**

---

We have recently been retained by Distrikt Developments Inc. with respect to their above-referenced properties located within the northeast quadrant of the Cross/Argus intersection (the "site"). Please accept the following commentary regarding the Draft Midtown Oakville Official Plan Amendment (OPA).

On behalf of our client, we have reviewed the draft Midtown Oakville OPA policies, and wish to provide the following comments. We are pleased to see updated policies for Midtown Oakville and we see it as an attempt to realize the importance of this Urban Growth Centre.

As a general comment, we note that some of the draft policies are extraordinarily detailed. While it is understood that a degree of complexity is unavoidable given the scope and scale of the OPA, a simplification of the document and, in particular, the elimination of numerical limits except where necessary would result in a plan that allows for greater flexibility in implementation and remove the need for future site-specific OPAs to simply adjust a standard that would be better set out in a guideline and implemented as a zoning regulation (e.g. additional building height in relation to above-ground structured parking, office GFA, road conveyance GFA, etc.).

Generally speaking, our client has a number of concerns including, among other matters, the lack of recognition of additional height/density considerations in proximity to the Oakville GO Station; the proposed landowners cost sharing arrangements; the proposing phasing; the proposed additional height formulas and limits; and the proposed podium height performance standard.

For context, our client has not yet filed OPA and Rezoning applications for the site however, intends on filing applications to permit a comprehensive mixed-use redevelopment comprised of high-rise buildings.

### Comments on the Draft Policies and Maps

In addition to the comments set out above, we wish to provide the following comments regarding specific proposed policies:

- Policy 20.2.1, Objectives: While the policy speaks to creating transit-supportive development and promoting a compact urban form with higher density and intensity of land uses, it is our opinion that it should also specify that the greatest heights and densities will be encouraged in proximity to the Oakville GO Station.
- Policy 20.2.3, Objectives: The policy provides opportunities for increased building height in exchange for required segments of future road, provision of office uses, and/or providing of above-grade parking structures. In our opinion, the location of the site together with the provincial policy regime warrants additional height irrespective of the infrastructure items enumerated in this policy.
- Policy 20.5.3(c), Public Realm: The policy specifically provides that along Cross Avenue and the extension of Cross Avenue, ground-level amenity spaces and privately-owned public spaces should be positioned between the municipal right-of-way and the building face to enhance the streetscape and provide vibrancy to the public realm. In our opinion, it is unclear what is meant by “ground-level amenity spaces”. We assume that this reference is meant to capture publicly accessible outdoor areas that may include patios etc. rather than the required indoor/outdoor “amenity” spaces for a residential building however, clarity on this would be appreciated.
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- Policy 20.5.5, Building Height and Map L2: In our opinion, this policy should recognize the proximity to the Oakville GO Station as a one of the criteria for evaluating additional building height. On Map L2, we would request that the lands within proximity to the Oakville GO Train Station allow for heights of up to 25 storeys before additional height is permitted.
- Policy 20.5.5(c), Building Height: The numerical formulas with respect to additional building height in relation to above-ground structured parking and gross floor area for office uses, as well as the maximum number of storeys associated with each, is too prescriptive. It is counterproductive to apply

restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized. In our opinion, the formula and maximum number of storeys associated with each should be deleted. If the numerical formula is to be retained, we would request that the additional height limit for above-grade structured parking be increased from 3 additional storeys to 7 additional storeys.

- Policy 20.6.1(c), Land Use: The policy requires that prior to the approval of any development application, the proponent shall provide a parkland concept plan to demonstrate how the Town's parkland objectives for the Midtown Oakville Urban Growth Centre will be satisfied. Based on our reading of this policy, it appears that the intent is that as part of a site-specific application for redevelopment, a parkland concept plan is to be created for the entire Urban Growth Centre. It is up to the Town to determine where parkland is desirable within the Urban Growth Centre and evaluate each site when development proposal is submitted to determine whether it is appropriate for on-site dedication or cash in-lieu of parkland. Requesting a parkland concept to be prepared by each individual landowner will be counter intuitive to the Town's objective of having usable parkland.
- Policy 20.6.4, Land Use: The policy notes that through the review of proposed development on lands designated Urban Core, a school board may determine that real property or a lease is required for a school. It is unclear what is needed to satisfy this policy.
- Policy 20.8.1(b), Phasing/Transition: The policy indicates that the timing of development will be subject to the availability of required infrastructure, including but not limited to future transportation network improvements and water and wastewater services. This policy is unclear and will have the potential to delay the buildout of the Midtown. The intent of this Urban Growth Centre is that it be development ready in order to achieve the density targets as set out in the Growth Plan. Because these policies make individual developers responsible for the timing of development, further delays will result.

In our opinion, the policy should recognize that, while the existing physical infrastructure may not support all of the proposed area developments at the time of approval, infrastructure improvements will occur over time and there are planning tools (such as Holding provisions) that can be used to ensure that the phasing of development and infrastructure improvements are integrated.

- Policy 20.8.2(b)(v), Block Design Plans: The policy requires a block plan of all properties within 100 metres of the subject lands to be part of any development application and stipulates a number of criteria that the block plan needs to meet. This policy will allow any single property owner to hold up development should



they wish it not to proceed. Such a policy fails to conform to the Growth Plan as it has the potential to prevent necessary heights and densities from being achievable and relying on the significant investment in transit infrastructure that has been made by the Province.

The last criteria specifically mentions that the block plan shall demonstrate compliance with the Livable by Design Manual. Given that the Livable by Design Manual are guidelines and not policy, the words "compliance with" should be replaced with something along the lines of "appropriate regard for".

- Policy 20.8.3(a)(ii), Future Roads: The policy provides that additional height may be considered for properties that contain any portion of a future road. The concern is with respect to the requirement that the landowner construct, or pay to construct, the future road on the right-of-way to be conveyed to the Town. Given the complexity of timing/phasing of potential road construction and the cost to construct the road in relation to the additional height permission (i.e. additional gross floor area that would be granted), this is an unreasonable, burdensome and costly requirement that our client feels would significantly impact the viability of many development sites.
- Policy 20.8.3(b), Future Roads: The policy indicates that additional building height shall be limited to: for future local roads: a gross floor area of no more than 5 times the area of the right-of-way conveyance; and/or for future arterial roads: a gross floor area of no more than 2 times the area of the right-of-way conveyance; and the maximum additional building height that can be applied to a single tower shall be 10 storeys.

Firstly, numerical formulas with respect to additional building height in relation to road conveyances, are too prescriptive and will fail to recognize each individual circumstance. As noted above, it is counterproductive to apply restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized.

Secondly, in our opinion, there is no planning rationale for tying the area of a roadway conveyance to the height of a building, without site-specific considerations being taken into account. In our opinion, this numerical formula tying roadway conveyance area to additional height should be deleted. However, if it remains, the gross floor area multiple (i.e. 5 times and 2 times) should be increased.

Finally, in terms of the subsection noting that maximum additional building height that can be applied to a single tower shall be 10 storeys, the wording is unclear relative to the explanation of the policy intent outlined in the March 9, 2021 Report from Planning Services, which explains that the intent is that the

additional building height granted through these policies be distributed among multiple towers on a large development site. In our opinion, this numerical height limit should be deleted. However, if it remains, the addition of wording to note that on sites with multiple towers, any additional height allowance can be applied to other towers would be helpful.

- Policy 20.8.4, Landowners' Agreement(s)/Cost Sharing: The policy requires that development in certain areas, including the Lyons District, shall only proceed when a significant number of landowners within the district have entered into a cost sharing agreement among themselves to ensure that the costs associated with development (i.e. parkland, parking, infrastructure and servicing) are distributed in a fair and equitable manner.

While we understand the intent to provide a mechanism to distribute costs in a fair and equitable manner, the requirement for a significant number of landowners will severely impact the ability to redevelop lands in this area and is not a feasible approach, particularly in a Provincially designated Urban Growth Centre. The approach relies on other landowners, many of whom are not developers and have no interest in becoming part of such a group, in order to proceed with redevelopment of the entire area and will in fact severely inhibit redevelopment, possibly stopping it all together. In our opinion, policy 20.8.4 should be deleted.

We trust that the foregoing comments are of assistance in refining the proposed draft policies. Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned of our office.

Yours very truly,

**Bousfields Inc.**



Sasha Lauzon  
M.PL., MCIP, RPP

cc: *Paul Simcox, Distrikt Developments*  
*Emil Toma, Distrikt Developments*  
*Marcus Boekelman, Distrikt Developments*  
*Gabe Charles, Town of Oakville*  
*Heinz Hecht, Town of Oakville*  
*Tricia Collingwood, Town of Oakville*

March 22, 2021

Denise Baker  
Partner  
T: 416-947-5090  
dbaker@weirfoulds.com

File 16474.00001

*Via E-mail*

Town of Oakville  
c/o Town Clerk, Vicki Tytaneck  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Attention: Mayor Burton and Members of Council

Dear Mayor Burton and Members of Council:

**Re: Proposed Midtown Oakville Plan Amendment  
234 South Service Road East**

We are counsel for Woodworth Holdings Limited ("Client"), owners of property located at 234 South Service Road East, in the Town of Oakville (the "Property"). Please accept this correspondence as our comments on the proposed amendments to the Town of Oakville Official Plan ("OP") for Midtown Oakville.

We are in the process of reviewing the proposed Midtown Oakville Official Plan amendment ("OPA") as it affects the Property.

The Property is located in the Lyons District under the OPA. Our preliminary concerns with the OPA are centred around the policies that apply to the Lyons District relating to building height, including the additional height policies, development phasing policies, parkland dedication and cash in lieu policies, future roads policies as well as the cost sharing policies. From our initial read of the OPA, these policies may preclude the installation of appropriate public facilities and thus prevent the redevelopment of Midtown Oakville Urban Growth Centre from being built out in any reasonable timeframe.


Moreover, it appears that these policies shift the burden to the landowners for the comprehensive planning, which is more properly in the hands of the Town in order for matters to be dealt with in a timely fashion and in accordance with the Growth Plan.

It is our submission that these policies will continue to preclude or delay development in the Midtown and will continue to place development pressures on other areas of Oakville that have not been identified as part of the Urban Growth Centre.

We would be happy to be involved in future discussions regarding this OPA at staff's convenience.

Yours truly,

**WeirFoulds LLP**



Denise Baker

DB/mw

cc client

15944858.1



March 18, 2021

Our Project: OL.OA

**VIA EMAIL**

Mayor and Council  
c/o Town Clerk  
Clerks Department  
Town of Oakville  
1225 Trafalgar Road,  
Ontario,  
L6H 0H3

Dear Mayor Burton and Members of Council,

**Re: Official Plan Amendment – Midtown Oakville Urban Growth Centre (File No. 42.15.59) - Oak-land Ford**

Thank you for the opportunity to provide comments on the proposed Midtown Oakville Official Plan Amendment (OPA). SGL Planning & Design Inc. has been retained by Oak-land Ford, the owner of lands located at 570 Trafalgar Road to review and comment on the proposed changes in the OPA.

We have reviewed the proposed amendments applying to the Midtown Oakville Urban Growth Centre and we are in support of the changes proposed in the OPA. While we have a concern about this key development parcel being eroded by new and realigned road requirements (please see attached a map of the property with the proposed road requirements), we see an opportunity for future land exchanges and density transfers that will balance the public and private interest. We look forward to continuing working with staff and members of council through the OPA process. We provide these comments to Council in accordance with subs. 17(15)(d) and subs. 17(20) of the *Planning Act* and to preserve Oak-Land Ford's rights under subs. 17(24) of the *Planning Act*.

Yours very truly,

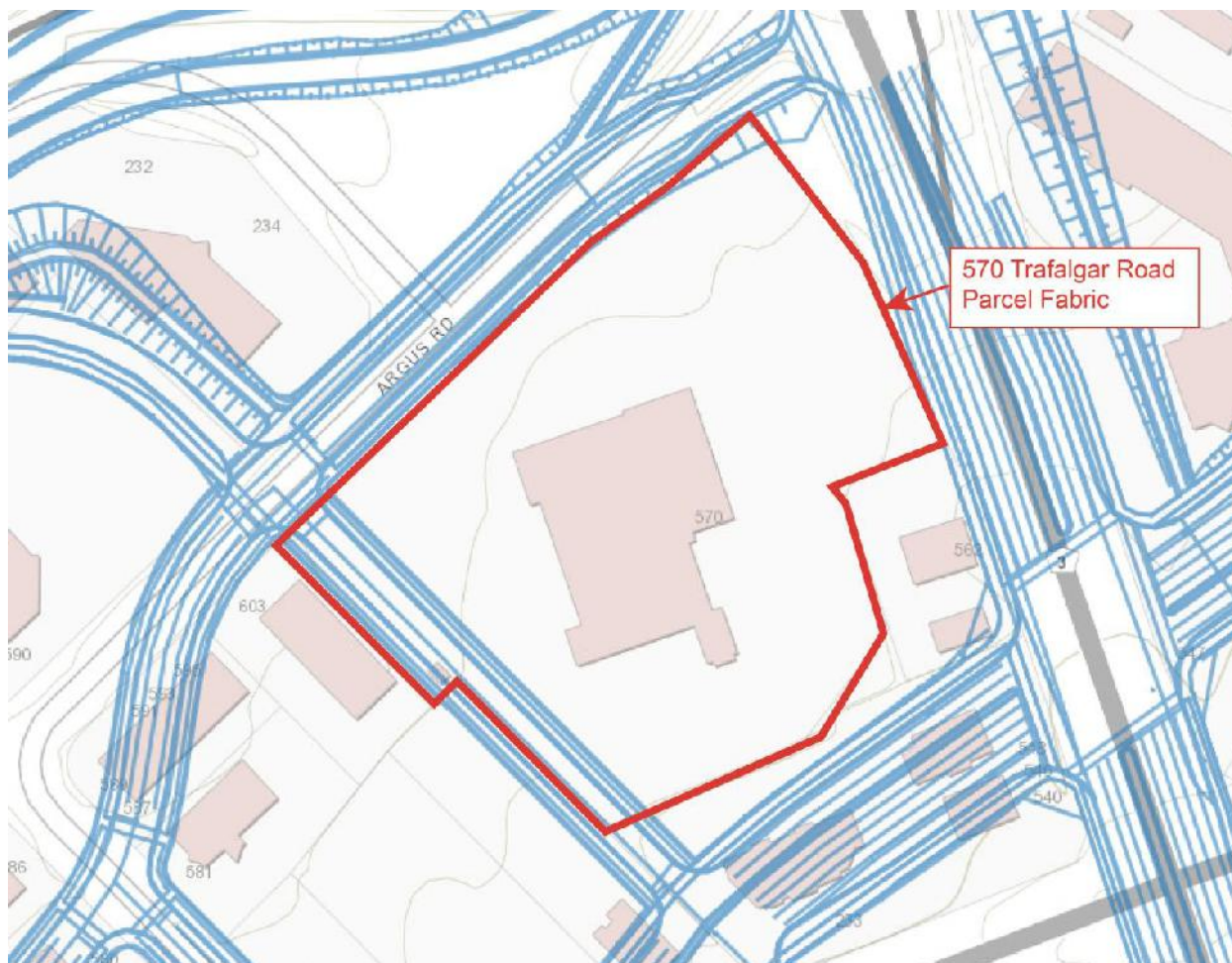
**SGL PLANNING & DESIGN INC.**



Paul Lowes, MES, MCIP, RPP

c.c. Geoff Abma  
Lesley Woods  
Diane Childs  
Gabe Charles  
Oak-land Ford  
Piper Morley, BLG

/Volumes/SGL Server Data/Projects/OL.OA Oak Lane Park Investments\_Oakville /Correspondence/Letters/Comment on OPA.docx





**Monday, November 23, 2021**

**Town of Oakville**  
1225 Trafalgar Road,  
Oakville, Ontario  
L6H 0H3

**Attention:** | **Geoff Abma, Senior Planner**

**Re:** | Draft Midtown Oakville Growth OPA – Formal Comments

---

On behalf of Powell Brothers Insurance Brokers (Client), Corbett Land Strategies Inc. (CLS) is pleased to provide formal comments on the Draft Midtown Oakville Growth OPA, dated February 25, 2021, and was presented to Council on March 2021. The Client owns the lands legally described as Part of Lot 12 Concession 3 South of Dundas Street, Town of Oakville, municipally known as 349 Davis Road (Subject Lands). The lands have a total site area of it has a site area of 0.42 hectares (1.05 acres) fronting Davis Road.

Please be advised that a request for a preconsultation meeting was submitted to the Town of Oakville on November 23, 2021, for a proposed application for a Zoning By-law Amendment to facilitate a proposed mixed-use commercial, office, and residential uses on the subject lands.

CLS has reviewed the proposed policies in relation to the subject lands. While the proposed policies establish a clear direction on how Midtown Oakville urban growth area is to evolve, there are several questions on the proposed policies, and schedules of the draft as they impact the development potential of the subject lands.

Through this letter, CLS would like to present the following comments on the Draft Midtown Oakville Growth OPA.

1. CLS understands that there is a perceived need to realign Cross Avenue for better urban mobility in Midtown Oakville. However, the proposed extension of Cross Avenue resulting to expropriation of lands will create land fragmentation which will seriously undermine the development potential of the area (see attached Schedule A). As shown in the attached Schedule A, approximately 10 small parcels of land will be created by the extension of Cross Avenue. The expropriation of lands limits the landowners and potential developers to develop the lands and contribute to the density targets by the Town of Oakville. In the case of the subject lands, the proposed realignment of Cross Avenue

as shown on Schedules L1 to L4 demonstrates that the entire property will be severed into two undevelopable parcels.

We respectfully ask that the Town to provide further information on the rationale for the proposed realignment of Cross Avenue specifically to the small undevelopable parcels that will result from the expropriation. Specifically, we are requesting if a cost/benefit analysis was undertaken to assess the planning merits and impacts of the proposed road extension.

2. It is our opinion that utilizing the existing Davis Road alignment for the proposed extension will be more efficient as this alternative option will both utilize existing municipal infrastructures and will allow for opportunities for potential development on lands which would otherwise be compromised or expropriated, such as the subject lands and/or those located at the north side of Davis Road. This opportunity for future developments will assist the Town in achieving density targets. Furthermore, the development of these lands aligns with the Town's goal for intensification and use of the lands to its full potential.

However, as shown on Schedules L1 to L4, the realignment of Cross Avenue will result to new construction of roads, and municipal infrastructures. We would like to request from the Town to further reconsider the direction of the realignment of Cross Avenue and provide a rationale as to why the existing Davis Road is not considered for such realignment.

3. As shown on Schedules L1 to L4, the subject lands are located within the 'Trafalgar District', specifically located at the north side of Davis Road and it is designated 'Urban Core' as shown on Schedule L1. Can staff confirm the interpretation of the of what is permitted on site.
4. CLS understands that one of the purposes of the Draft OPA is to eliminate the bonusing policies in the area-specific implementation. In areas that are not within the area-specific where bonusing policies applies, can you confirm if bonusing can be compounded such that can a proposed development add parking and office bonusing.
5. As mentioned, the subject lands are designated as Urban Core where permitted uses as stated in Section 20.6.3 Urban Core Land Use Designation permits single uses such as single use major office space and single use residential.

It is our opinion that permitted uses in the Urban Core area should be fully urban mixed-use neighbourhood, including major office, residential, retail and service commercial uses, and public service facilities with building height ranging 8-20 storeys. To permit single uses in Urban Core Land Use Designation will limit the achievement of the density target for residents and jobs in the area.

We respectfully ask the town to reconsider the permitted uses in the Urban Core Area to be more mixed-use driven and encourage other uses that will contribute to a transit-oriented, vibrant and complete community.

6. Lastly, in relation to the comment on item 2, in the assumption that the Town of Oakville will reconsider the direction of realignment to Davis Road and the expropriation of lands will not occur. CLS would like to request the following section to be included within the OPA, that reads:



- a. "On the lands designated Urban Core and known as 349 Davis Road, access shall be provided to the existing property at the time of construction of Davis Road, or as determined through an approved environmental assessment."

We hope that the following comments will be greatly considered in the approval of the Draft Midtown Oakville Growth OPA. Please do not hesitate to contact the undersigned should you have any questions or require anything further.

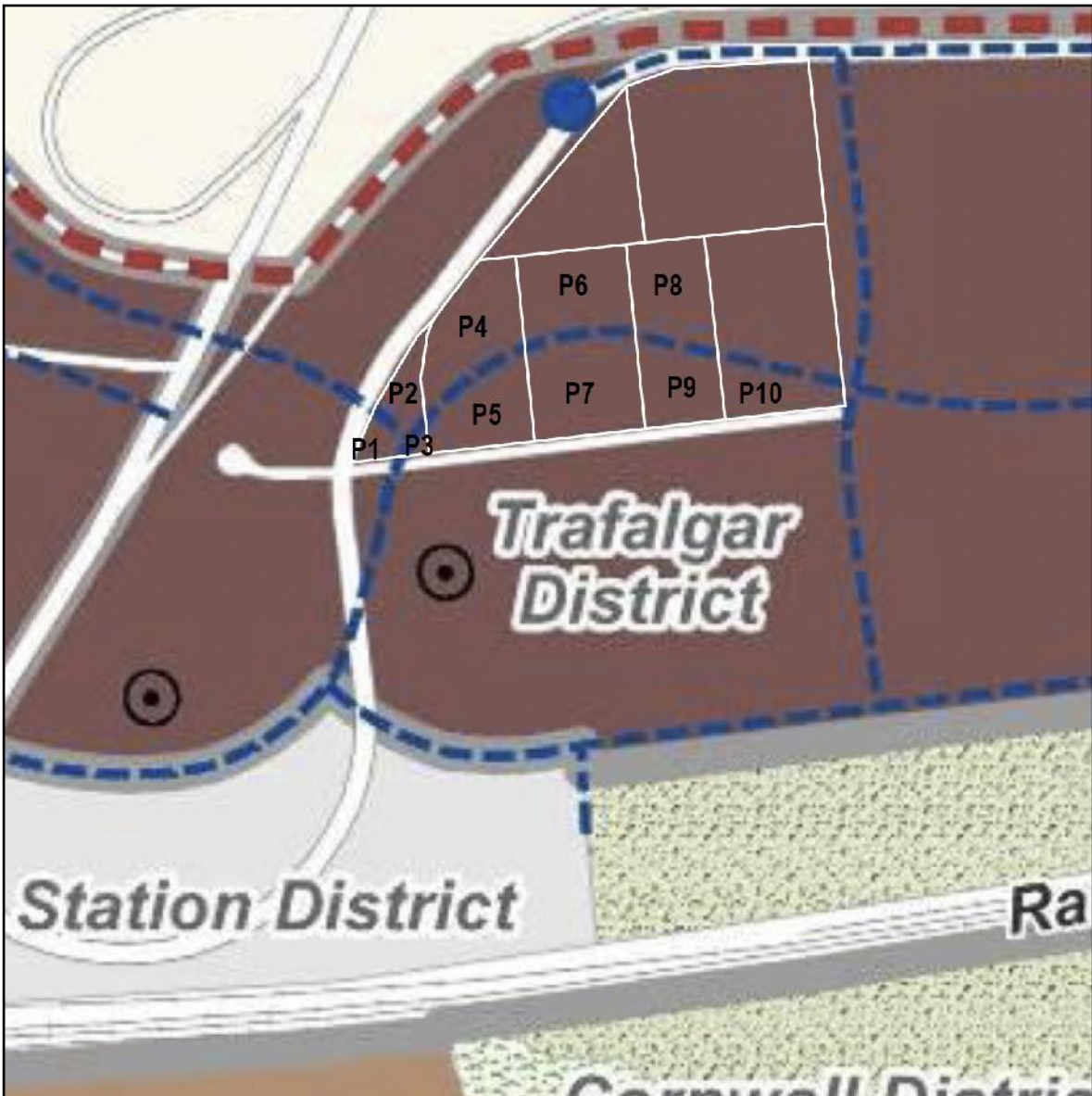
Sincerely,

*John Corbett*

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**John B. Corbett, M.C.I.P., R.P.P.**  
Corbett Land Strategies Inc. dan ama  
President  
[john@corbettlandstrategies.ca](mailto:john@corbettlandstrategies.ca)

## Schedule A





March 22, 2021

Refer To File: 1370-001

**By E-mail only to TownClerk@oakville.ca**

Mayor and Members of Council  
c/o Town Clerk  
Clerk's Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Dear Mayor Burton and Members of Council:

**Re: Town-initiated Official Plan Amendment:  
Proposed Midtown OPA  
Comments for Consideration- Formal Public Meeting March 22, 2021  
(Livable Oakville) – Town File No. 42.15.59  
Impacts on 354 Davis Road, Oakville**

We are the planning consultants representing Davis Road LP, the owner of the lands known municipally as 354 Davis Road in Oakville (the “**Subject Lands**”) and its parent company, Algonquin Power & Utilities Corp. (“**APUC**”). The Subject Lands are currently improved with a six storey multi-tenant office building, which was approved by the Town of Oakville in 2012 and constructed in Spring 2013.

In the past, on behalf of our client, we have been actively involved in the Midtown Oakville Class EA study (2014-2015) and in the process leading to the approval of OPA 14 (2017-2018), which introduced the current Midtown Oakville policies into the Livable Oakville Plan. At that time, our client had recently purchased and developed the Subject Lands. Our client had serious concerns about the then proposed new road network for the Midtown area and its potential impacts on the property, particularly, but not solely, regarding access. In 2018, our client appealed OPA 14 and their concerns were ultimately settled, on consent, at Local Planning Appeal Tribunal in November 2018.

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The settlement involved amending OPA 14 (and therefore the Livable Oakville Plan) to:

- add a site-specific policy, Policy 20.6.5, which confirmed that access to the Subject Lands shall be provided at the time of the construction of the future Cross Avenue and future ramp shown on Schedule L3; and
- to add the symbol for “Refer to Midtown Oakville Exception” (the “**Symbol**” to the Subject Lands on Schedules L1, L2 and L3 (the “**Settlement**”).

On behalf of our clients, we have reviewed the proposed Midtown Oakville Official Plan Amendment (the “**Proposed OPA**”) and submit the following comments:

**Impact on the Settlement:**

Our review of the Proposed OPA reveals that the site-specific policy (now Policy 20.7.5) and the Symbol on each of Schedules L1, L2 and L3 have been carried forward from the current Midtown Oakville policies. The wording of the site-specific exemption for the Subject Lands has been revised to add a reference to the access being constructed at the time of an EA. We seek clarification of the intent of this unilateral revision to the wording implementing the Settlement. Pending this clarification, our client remains concerned with this revision.

**Land Use Designation (L1) and Height (L2):**

We note that the Proposed OPA proposes a different land use designation for the Subject Lands. Specifically, the Proposed OPA proposes to designate the Subject Lands as “Urban Core” as opposed to the current “Office Employment” land use designation. We note that generally, this new land use designation continues to permit office uses on the site, which is the principle use on site. As well, we note that the “Urban Core” land use designation appears to allow for a wider range of retail and service commercial uses, entertainment facilities, hotels and also for a certain amount of residential uses. We would appreciate an opportunity to meet with staff to understand their objectives for changing the land use designation for these lands in particular. Further, we wish the opportunity to undertake a detailed, comprehensive and exhaustive review of the potential implications of this proposed new land use designation on the Subject Lands so we can properly advise our clients.

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The Proposed OPA proposes to change the height permission on the Subject Lands from 6-12 storeys to 8-20 storeys. It is unclear whether the Proposed OPA is merely changing the range of maximum heights or if it is imposing a minimum and maximum height. We wish to meet with staff to clarify if the Proposed OPA intends to impose a new minimum building height of 8 storeys on the Subject Lands and if so, we wish to request a site-specific exemption to this policy given that the existing recently constructed office building on site is only 6 storeys. We do not believe it appropriate for a recently constructed, modern office building to be rendered a legal non-conforming use by any zoning by-law enacted to implement the Proposed OPA.

### **Urban Design and Public Realm**

The Proposed OPA appears to contain more robust policy directives related to urban design, public realm, pedestrian-oriented development, architectural quality, and ground level amenity spaces than the current Official Plan policy directives for Midtown. Although our client has no imminent plans to expand the current use or to redevelop the Subject Lands, we are concerned that some of these proposed policies are too onerous and may unnecessarily restrict any potential expansion of the current use or redevelopment of the Subject Lands.

We question whether the policy directives in Section 20.5 have been fully vetted through a comprehensive urban design analysis. We also question the appropriateness of embedding urban design guidelines into a policy planning framework as a test for new developments. Specifically, Section 20.5.1 (b) requires that “*development and public realm improvements shall be evaluated in accordance with the detailed urban design direction provided in the Livable by Design Manual, which includes the Designing Midtown document.*” Giving conformity authority to a guideline document that is not subject to statutory requirements and can be modified without public input is, in our submission, inappropriate and overly prescriptive.

### **Access:**

Section 20.5.3 (c) (Block Design) of the Proposed OPA proposes a policy directive that “*vehicular access to parking, service facilities and loading areas should be from local roads or service lanes*”. Since 2014, we have maintained concern that the proposed relocated Cross Avenue Extension will have a serious negative impact on the building due to the close proximity of the proposed road to the northwest corner of the existing building. As well, we have expressed concern that the future of the

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existing access driveways into the property from South Service Road and Davis Road are in question as the new road network appears to change the geometry of South Service Road (to be renamed Cross Avenue and to close and replace Davis Road). These changes will negatively impact, if not eliminate those existing access points. The proposed intersection of the QEW eastbound off ramp with the reconfigured Cross Avenue will exacerbate these negative impacts by further limiting potential access locations.

We note that the new Cross Avenue is proposed to be a future Minor Arterial Road planned in Midtown, and we anticipate that it is likely that the future access for 354 Davis Road will be most appropriately sited from Cross Avenue. We are concerned that an access from Cross Avenue would not be in conformity with this proposed policy directive which seeks to locate accesses from local roads. Accordingly, in light of the fact this existing access will undoubtedly be reconfigured and possibly relocated to an as yet unknown location to accommodate the future road network in this location, we request a site-specific exemption to this policy directive to allow for as much flexibility as possible to site an appropriate and mutually agreeable future access location through an EA or other planning process, as required by the Settlement. We do not wish to have an overly restrictive policy directive limiting the process to determine the location of our clients' future access options.

**Parking:**

Currently, 100% of the required site parking for the development on the Subject Lands is provided through surface parking. The Proposed OPA restricts and discourages surface parking. Specifically, we note the following new policy is proposed:

*"20.5.6 (d) Surface parking is discouraged. However, where provided:*

- (i) Surface parking shall be located in the side or rear yard and the visual impact shall be mitigated by a combination of setbacks and landscaping in accordance with the Livable by Design Manual, which includes the Designing Midtown document.*
- (ii) No more than 25 percent of required parking should be provided as surface parking within the Lyons and Trafalgar Districts, or the Cornwall District west of Cornwall Road Park."*

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Since the existing, recently constructed development on the Subject Lands would not comply with this proposed policy, we request a site-specific exemption to this policy be included in the Proposed OPA for 354 Davis Road.

**Implementation:**

The Proposed OPA contains the following new policy directive, under the heading “Implementation”, relating to requirements for landowner cost-sharing agreements:

*“20.8.4 Landowners’ Agreement(s) / Cost Sharing*

- a) Development within the Lyons, Trafalgar or Chartwell District shall only be permitted to proceed when a significant number of landowners within the applicable district have entered into a cost sharing agreement among themselves to ensure that the costs associated with development, including but not limited to the provision of parkland, parking, infrastructure and servicing, are distributed in a fair and equitable manner among landowners.*
- b) Individual developments in Midtown shall generally not be approved until the subject landowner has become a party to the applicable landowners’ cost sharing agreement.”*

As noted above, our client has no imminent development or redevelopment plans for the Subject Lands. However, in our submission, a policy directive that requires them to enter into a landowner group or cost sharing agreement is overly restrictive and onerous and should not be included in the Proposed OPA; rather, it should be an option which is available to them if they choose to or are obliged to work with a neighbouring landowner. Accordingly, we request this language for this policy be softened to suggest this as an option or, alternatively, a site-specific exemption to this policy directive is requested.

We respectfully request an opportunity to meet with staff to review the Proposed OPA and its impacts on the Subject Lands. Thank you for the opportunity to provide our comments on this important proposed policy document. We look forward to the opportunity to meet with staff soon to discuss our concerns.

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**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

Please ensure we are on the formal record for making a submission at the Public Meeting pursuant to the Planning Act and keep us apprised as this process proceeds.

Yours very truly,

**GLEN SCHNARR & ASSOCIATES INC.**

Karen Bennett, MCIP, RPP  
Senior Associate

Cc: Client  
R. Miller, Davies Howe LLP

DH 01693754

March 22, 2021

Mayor Burton and Members of Council  
c/o the Town Clerk  
Town of Oakville, Clerk's department,  
1225 Trafalgar Road, Oakville, ON L6H 0H3

TownClerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: PROPOSED MIDTOWN OAKVILLE PLAN AMENDMENT**  
**359 DAVIS ROAD**  
**OUR FILE: 17270A**

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Kard Properties Limited, owners of land at 359 Davis Road, have retained MacNaughton Hermesen Britton Clarkson Planning Ltd. (MHBC) to represent their land interests in Oakville, Ontario. The property is located south of the QEW highway and east of Trafalgar Road central to the Midtown Oakville area. Kard Properties, through MHBC, is grateful that the Town of Oakville Council is receiving property owner comments and recommendations regarding the proposed amendment to Livable Oakville, under the *Planning Act*.

The recommendation to repeal Livable Oakville, section 20, Midtown Oakville, and applicable Schedules L1 to L3 (Land Use, Building Heights, Transportation Network) and replace the section with new policy text and schedules forms the basis of our input. The following provides an overview of: subject land context; previous comments submitted to the recent Midtown Oakville Official Plan Amendment (OPA) of 2017; the impact of the proposed policies on the subject lands; and recommendations regarding the amendment.

### **Subject Lands: Context**

The subject lands are contained within the policy area boundary of Midtown Oakville. This area is identified as the Town's Urban Growth Centre, and is currently designated 'Office Employment' within the Trafalgar District on Schedule L1, Midtown Oakville Land Use of the Livable Oakville Plan.

The subject property is approximately 0.51 ha (1.26 acres) in area and is located on the east side of Trafalgar Road, south of the QEW with frontage along Davis Road. There is an existing two storey structure on site that contains a commercial servicing use (auto collision repair) with a building footprint occupying 50%+ of the lot. To the east and west are existing one storey structures, and to the south is a six storey office building surrounded by three large areas of paved surface parking lots.

A significant number of adjacent parcels of land are vacant (or contain surface parking) as a result of current and ongoing appeals to OPA 4 (Midtown Oakville) and Zoning By-law 014-2014 ("InZone"). The zoning by-

law appeals pertain to proposed Part 7, Schedule 19(8b) and through Table 7.2: “legal uses of land, buildings, and structures existing on the lot as of the effective date of this By-law.” (Feb. 25, 2014). The proposed amendments and subsequent appeals have resulted in vacant and unbuilt lands in the surrounding area of the subject lands.

### **Previous Submission - 2017**

On September 20, 2017, Kard Properties voiced their concerns in a written submission to Town of Oakville Planning Services Department staff, regarding a Town-initiated Official Plan Amendment to the Transportation Network. Part of the amendment proposed a road realignment of Cross Avenue (By-law 2017-082, File No. 42.25.004). While supportive of the proposed OPA Schedule L3 transportation network, the submission noted that the Town-initiated Official Plan Review was proposing a new transportation network through a revised Schedule L3. The comments were as follows:

*Under the Official Plan Review, a future 28 metre minor arterial road (Cross Avenue extension) is proposed to extend in an east-west direction, therefore horizontally bisecting the subject lands. This new vision for the Transportation Network throughout the Midtown presents major issues for all of the properties located on the north side of Davis Road, including the subject lands. Furthermore, the proposed road configuration would be running through existing occupied buildings. The future 28 metre minor arterial road would negatively impact the subject lands as they are currently occupied by a building with surface parking which appears to be horizontally bisecting the subject lands, and running through the center of the existing building.*  
*<Kard Properties is> not supportive of the current road configuration as consideration to existing businesses in the area should be included as part of any future road alignment patterns.*

Council should be advised that existing businesses were not included in any discussions for the current and proposed Cross Avenue extension and its impacts to landowners.

### **Halton Region: Transportation Network**

Halton Region’s current Official Plan, Map 3: Functional Plan of Major Transportation Facilities, identifies Trafalgar Road as a Major Arterial road. Cross Avenue, west of Trafalgar Road is identified as a Minor Arterial road that ends at Trafalgar Road. Halton Region’s current, and in effect, Official Plan Map 3 does not show a Cross Avenue extension between Trafalgar Road and Chartwell Road.

Halton Region’s current Policy 173(1), states:

It is the policy of the Region to: Adopt a Functional Plan of Major Transportation Facilities, as shown on Map 3 and described in Table 3, for the purpose of meeting travel demands for year 2021 as well as protecting key components of the future transportation system to meet travel demands beyond year 2021. The alignments of entirely new sections of transportation facilities shown on Map 3 are conceptual only. The geometrics, design and construction of Provincial Freeways and Highways are under the jurisdiction of the Ministry of Transportation, and descriptions of these facilities in Table 3 are for information purposes only.

And, in 173(1.1), It is the policy of the Region to:

Work with the Province and Local Municipalities to plan for and protect planned corridors and rights-of-way for transportation and transport facilities, as shown on Map 3, to meet

current and projected needs. Development shall not preclude or negatively affect the use of the planned corridor for the purpose(s) for which it was identified or being actively planned.

As well as 173(5)a), It is the policy of the Region to:

Secure through the development process and, where necessary, in conjunction with the Local Municipalities: Arterial Road rights-of-way of widths as shown on Map 4; when securing these rights-of-way, it is the general policy of the Region that lands be acquired of equal distance on either side of the centre-line of the original road allowance but circumstances such as topographical features, building locations, transit stations or stops, facilities for active transportation, sensitive land uses, a change in the right-of-way requirement or other factors may result in more lands being secured from one side of the road than the other;

#### Region Official Plan Amendment 48 (ROPA 48)

Halton Region initiated its Official Plan Review in 2014 but recently determined to amend its Plan incrementally in a piecemeal manner. One of the first amendments, Region Official Plan Amendment 48 (ROPA 48), was released for public and agency consultation on February 17, 2021 as required under the *Planning Act*. This amendment “identifies non-discretionary components of a Regional Urban Structure that support local plans and priorities” (Region of Halton Staff Report: LPS17-21: Draft Regional Official Plan Amendment 48 – An Amendment to Define a Regional Urban Structure). Halton Region’s proposed Map 1H “Regional Urban Structure” shows Midtown Oakville having all lands within its boundary as now being contained within a delineated Major Transit Station Area. This signifies that Halton Region’s proposed Urban Structure mapping is based on the Town of Oakville’s current Official Plan’s urban structure, as found on Schedule A1: Urban Structure (April 28, 2018), which designates Midtown Oakville as “Growth Areas”.

The subject lands, under the proposed ROPA 48, will be within the new delineated Major Transit Station Area (MTSA) boundary of Oakville GO Station, which is identified as a priority station. The proposed amendment states that the Oakville MTSA density will be 200 people and jobs/hectare. This being a Strategic Growth Area, the Region also proposes a policy, s. 79.3(7.3) that states:

And 79.3(7.3):

“Ensure that Strategic Growth Areas are development-ready by: a) making available at the earliest opportunity water, waste water and transportation service capacities to support the development densities prescribed for Strategic Growth Areas.”

Halton Region, through ROPA 48 has not proposed an amendment to ROP Map 3 Functional Plan of Major Transportation Facilities showing a Cross Avenue Extension in support of maintaining minimum density requirements of 200 persons/jobs per hectare east of Trafalgar road. It may be assumed that the current local road network provides the traffic volume capacity to support the proposed densities in the current, town-initiated Midtown Oakville OPA.



## **Midtown Oakville: Proposed Official Plan Amendment**

### **Draft Policies Applicable to Subject Land**

The Town of Oakville proposes to repeal all of Livable Oakville's section 20, Midtown Oakville policies, as well as Schedules L1 to L3, and replace it with revised policies and schedule maps. The purpose of the amendment, in part, is to reflect Halton Region's delineation of the Oakville GO Major Transit Station Area (MTSA) boundary and to impose a new grid transportation network throughout the area. The revised vision for this MTSA will be to recreate a new 'downtown' or urban area along the QEW and the GO rail corridor. The policies envision a pedestrian-friendly network with mid- and high density residential and office buildings.

#### 20.3.4 Trafalgar District

The Trafalgar District shall also develop into an urban mixed use neighbourhood, including major office, residential, retail and service commercial uses, and public service facilities. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors. A municipal parking garage may provide shared parking facilities for uses in the area.

Overall, the proposed policies are somewhat similar to the current policies such as the proposed density for the area (e.g. 200 residents and jobs/hectare), but have introduced revisions that affect the subject lands, 359 Davis Road. Several key proposed amendments include:

- Reconfiguration of Roads

Existing roads and road networks are proposed to be abandoned, realigned, widened or replaced based on the new Schedule L3: Transportation Networks.

Schedule L3 shows that the new configuration of the Cross Avenue extension will cut through the subject property and adjacent properties. The current Schedule L3 shows the extension proceeding south of the southern property lines of the lots located south of Davis Road.

Also proposed is the closure of South Service Road to the north of the subject lands by means of a cul-de-sac.

- Phasing/Transition:

Existing buildings and uses will be permitted to continue, but are intended to redevelop as envisioned by the proposed policies and schedules.

- Additional Building height:

The current permissible building heights are being increased from 6 to 12 storeys to the proposed 8 to 20 storey heights. Additional heights may be considered in exchange for required segments of future roads; or an additional storey for each storey of above-ground structure parking (to a 3 storey additional maximum); or one additional storey for every 800 m<sup>2</sup> of gross floor area of office uses (to a maximum of 5 additional storeys); or gross floor area of no more than five times the area of the right-of-way of the future local road to be conveyed to Town may exceed the maximum building heights.

- Parking:

Parking structures above grade are preferred and shared parking facilities is encouraged;

- Development Constraints  
The proposed policies state that development: will not preclude the realignment/extension of Cross Avenue; will be subject to availability of infrastructure; will only be permitted to proceed when a significant number of landowners within Trafalgar District have entered into a cost-sharing agreement amongst themselves; and that individual developments will not be approved until a landowner is party to a cost-sharing agreement.
- Block Design:  
Block design, formed by the proposed transportation network of grid streets, must be designed comprehensively through property consolidation and coordinated development;
- Schedule L3: Midtown Oakville Transportation Network  
Davis Road is proposed to be abandoned and Cross Avenue will be extended directly through the subject lands although the final road alignment may be subject to further study. An off-ramp, or south service road east (west of Trafalgar Road) extension.

South Service Road East will be abandoned for the segment paralleling Trafalgar Road, between Trafalgar Road to the south and northward to the rear of the Subject Lands. South Service Road will end in a cul-de-sac to the north of the subject lands.

### **Impacts for 359 Davis Road**

The proposed amendment to the Midtown Oakville Official Plan policies will have both positive and negative impacts:

- Positive Impacts
  - Increased building heights
  - Increased population and employment densities

The proposed policies that increase building heights in the Trafalgar District will support investment and population/job growth in the area.

- Negative Impacts
  - Creation of a non-conforming use
  - Private land investment converted to a public road
  - Abandonment of Davis Road
  - Extension of Cross Avenue through 359 Davis Road
  - Cost-Sharing Agreements
  - Block Design

Overall, the proposed policies represent a complete loss of value of 359 Davis Drive through the proposed Cross Avenue extension and closure of Davis Road. As a non-conforming use, further investment in the area is not supported and represents the potential loss of current jobs in the long-term. The sterilization of the lands acts as a disincentive to enter into any cost-sharing agreements or block designs.

## Policy Recommendations

Having reviewed the proposed new policies for section 20 of Livable Oakville that will guide development of Midtown Oakville for the next decade to 2031, under the current Halton Region Official Plan (ROPA 38), the following recommendations are provided for consideration:

1. Maintain the proposed road network of the current Schedule L3 Midtown Oakville Transportation Network that Council adopted in 2017 as it does not negatively impact any landowner or existing building in the Trafalgar District.
2. Remove the reference in the introductory paragraphs of the proposed section 20 that claim that many lands are vacant and under-utilized as that infers that there has been a lack of interest on the part of landowners rather than it being a result of current zoning that has sterilized development in the area (and zoning which remains under appeal).
3. Remove the reference that Davis Road is a “road proposed to be abandoned” on proposed Schedule L3.
4. Remove the policies that require landowners to gift the Town with lands for new road construction through private properties and identify, through policies, the process that the Town will undertake to purchase the lands to implement their vision of a new downtown road network.
5. Add policies that identify how the Town will provide land exchanges at fair market value for any properties that are made undevelopable as a result of the new road network.
6. Remove the policy requiring private landowners, who have no intentions to redevelop their developed lands, to undertake block design planning (s.20.8.2). and cost-sharing agreements (s.20.8.4). If the Town is not interested in growth, these policies will ensure that development will not occur.
7. Approve and implement, under *Planning Act*, Section 37(2) a Community Benefits Strategy and Community Benefits Charge By-law (CBC), wherein Council can impose a community benefits charge against land in Midtown Oakville, to pay for the capital costs of facilities, services and matters required because of development or redevelopment (greater than 5 storeys/10 residential units) in the area.
8. The Town Council should recommend to Halton Region that a policy be included in the Region’s Official Plan for landowners to enter into a Cost-Sharing Agreement with the Region that identifies how the costs of infrastructure will be shared. Remove the requirement under proposed section 20.8.4 Landowners’ Agreement(s) / Cost Sharing, that private landowners enter into a Cost Sharing Agreement with the Town of Oakville. An agreement between landowners or between landowners and the Town, does not provide any guarantee that Halton Region’s current water and wastewater infrastructure has the capacity in the system to support either current or future growth.

The above policy recommendations ensure that development may continue to occur on the lands at 359 Davis Road. While the Town has a vision of a Midtown Oakville as an historic, high-rise downtown area with a new local grid street pattern, any attempt to construct such a road network through existing buildings and registered lot lines may not be feasible in the next decade to 2031 or to 2051.

While it is very disappointing that the Town has failed to discuss the proposed policy amendments with Kard Properties regarding the reconfiguration of roads, we are pleased that the subject lands are situated within a growth area as this provides investment potential. We hope that the Town of Oakville considers the above policy recommendations to ensure that 359 Davis Road remains a viable and developable property that can support the vision for Midtown Oakville growth.

Thank you.

Yours Truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Oz Kemal', written in a cursive style.

Oz Kemal, BES, MCIP, RPP

*cc. G.Bryant, D.D'Silva, R.D'Silva, Tony Canade, K.D'Silva, J.Meador*



March 22, 2021

Town Clerk Of Oakville  
1225 Trafalgar Road,  
Oakville, ON  
[TownClerk@oakville.ca](mailto:TownClerk@oakville.ca)

To the Town Clerk and Planning Department, Town of Oakville,

This letter serves to register my formal opposition to the Draft OPA Town-initiated Official Plan Amendment - Midtown Oakville Urban Growth Centre (02/25/2021).

The Town Of Oakville document can be found on the Town website here;

<https://www.oakville.ca/assets/2011%20planning/ProposedMidtownOPA-Web.pdf>

I am writing this letter to express my opposition to various aspects of the Town of Oakville Draft OPA for Midtown. As a commercial and residential land owner in Oakville, I am deeply concerned about the newly proposed policies for the Livable Oakville Plan. Many of the proposed policies negatively affect both my business and personal interests. I will speak about business and personal not separately, but concurrently, as both are a part of my life here in Oakville.

Approximately 7 years ago, I was informed by the Town that my commercial property would likely be subject to formal expropriation with the project in an imminent state. Although I didn't want to give up my land, the plan itself for the growth of Midtown Oakville made sense to me. I genuinely understood the need for the Town to develop the barren swath of land through the Midtown Core. More than just understand, I was excited that the Town was taking great steps to making Oakville an even better place to live.

From 2013 on, my wife and I attended all of the meetings, and regularly spoke with town planners and officials for updates on the progress of the Plan. As the years passed by, the "imminent state" regressed to a standstill. We were told on a regular basis that there was simply nothing to report as to progress, and that the project could take as many as 30 years to begin. I even went so far as to have an in-person meeting in August of 2017 with a town planner to get a better picture of what was happening. My commercial property had been stigmatized with expropriation, yet with apparently no intentions from the Town to ever do so.

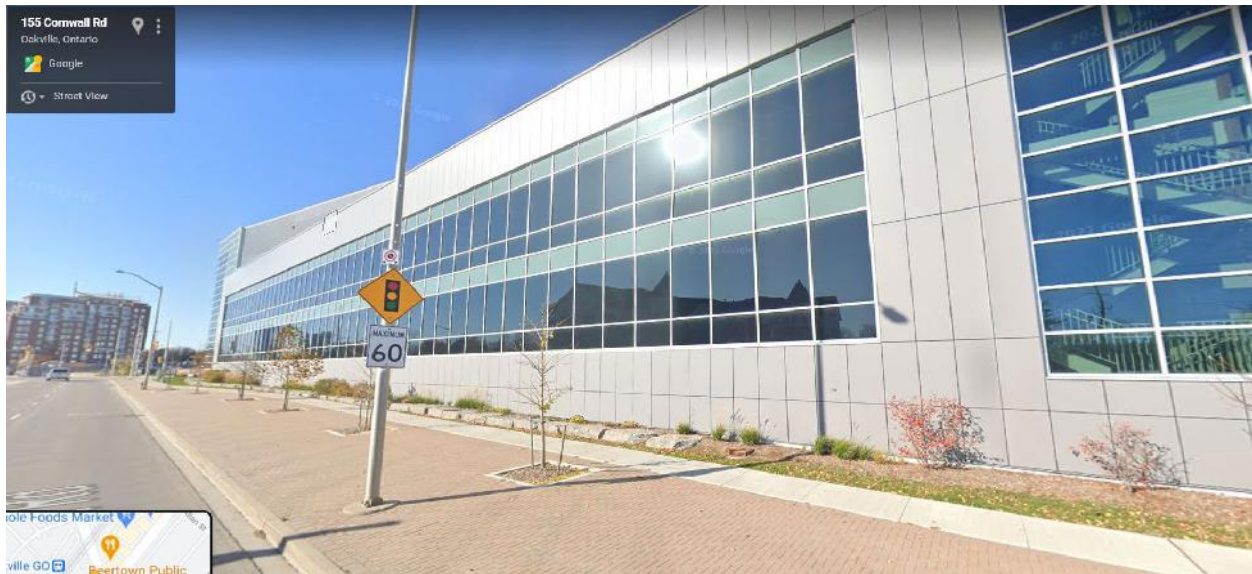
The Draft OPA focuses on a steep densification of the Midtown core. The proposals cut new roads through existing low-density properties and buildings in order to replace them with the high tax-yielding buildings the Town wishes for developers to erect. The costs involved in doing so are so high for infrastructure, that even the Town itself can't afford to take it on. The Town's plan is to have the future

developers pay for the infrastructure, and therefore only the deepest pocketed corporations need apply. This scenario eliminates any chance for smaller developers to participate, and certainly existing smaller property owners like myself will be forced to sell. Many of the property owners through Midtown have owned their properties for decades, and have also lived in Oakville for decades. These individuals and their businesses are part of the community, and wish to remain as part of the community. I understand the economics of city planning, and can see why at first glance having external corporations pay for infrastructure seems like a good idea. What I don't think is a good idea is letting large developers shape the future for the Town of Oakville. With this type of development, all decisions will be dictated by economics, with forced maximization of profit per square foot. Little room will be left for that often used word in the Plan, livability.

The Draft OPA states that "the Growth Plan requires that Midtown Oakville be planned to achieve a minimum density target of 200 residents and jobs combined by 2031." The gross area of the urban growth centre is 103 hectares, which means that for each hectare, the goal is approximately 200 residents/jobs. In Midtown, there are currently numerous single-story businesses and buildings that meet this goal. This begs the question of whether we absolutely need to impose minimum building heights from 8-30 stories throughout Midtown. There would seem to be an opportunity to take a more holistic approach to development, rather than reducing everything to the crudeness of numbers. Instead of forcing out the smaller individual property owners, there is an opportunity take advantage of their creativity, and their passion for the future of Midtown Oakville. The current Plan completely excludes these smaller owners from any participation in commercial property ownership.

It seems that the Town's current vision of "liveable" includes a dense network of hoped-for 20-story and higher buildings in a vast new grid of fast-moving, multi-lane roads. The Plan also refers to "gateways" to the town, but all I see is a massive, forbidding wall of buildings that will repel visitors and residents alike. As an avid road cyclist and runner for decades, I now see my hoped-for link from South to North vanishing before my eyes. All cyclists and pedestrians endeavour to stay away from cars and high-traffic areas, and this new plan makes this impossible. I believe all one needs to do is look east to the disaster that is the Square One Core area. You will be hard pressed to find a pedestrian, cyclist, or ray of sun anywhere near those bleak streets. Just because you paint a path in green and call it a bike lane, does not mean that it is bike-friendly. Just because you plant a few trees and a patch of grass on a concrete plaza does not mean people will think it is a park. And no, having green rooftops does not equal *actual* green space.

There are many other specific examples within the proposed Plan that further concern me. In the parking section 20.5.6 part (b), it states, "Parking structures are preferred for the provision of required parking and shall be designed to minimize the negative visual impact of blank walls and loss of activity at street level." One only needs to look at the newly constructed south side of the transit parking structure on Cornwall Road to give doubt to whether the Town has the intention or capacity of carrying through on this promise. If ever there were an example of "blank walls and loss of activity at street level", this is it.



To conclude my letter, I will re-iterate that I am in opposition to the newly proposed Draft OPA for Midtown Oakville. When given a near blank slate to develop and design the center of our Town, I am surprised that the visionaries lost out to the accountants at Town Hall. If this Plan goes through as proposed, it is an opportunity lost forever.

Sincerely,

Patrick McLoughlin  
President / Fine Time Holdings Inc.  
and  
Long-time resident of Oakville

March 22, 2021

Mayor Burton and Members of Council  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Attn: Town Clerk [townclerk@oakville.ca](mailto:townclerk@oakville.ca)

Dear Mayor Burton and Members of Council:

**RE: TOWN OF OAKVILLE INITIATED OFFICIAL PLAN AMENDMENT – MIDTOWN URBAN GROWTH CENTRE (File No. 42.15.59) – SPECIAL PLANNING AND DEVELOPMENT COUNCIL MEETING MONDAY MARCH 22, 2021 – ITEM 1  
GENERAL ELECTRIC LANDS (420-468 SOUTH SERVICE ROAD EAST, OAKVILLE)  
OUR FILE: 20406A**

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MacNaughton Hermesen Britton Clarkson Planning Limited ("MHBC") is currently retained by General Electric Canada Property Inc. ("GE") in relation to the lands municipally located at 420 to 468 South Service Road East in the Town of Oakville (the "GE Lands"). The GE Lands are approximately 11.08 ha (27.4 acres) in area. The GE Lands are located on the east side of Trafalgar Road, south of the QEW Highway with frontage along South Service Road East. A map illustrating the location of the GE lands is attached hereto as Attachment A.

As mentioned in the staff report, the GE Lands are currently part of an outstanding appeal relating to Official Plan Amendment 4 and Zoning By-law 2014-14..

The GE Lands are currently vacant, with the exception to the General Electric Lamp Plant Office Building façade which remains in place along the site's frontage. This building façade was designated in 2011 under Part IV of the Ontario Heritage Act, R.S.O. 1990. The remainder of the General Electric Plant was demolished in 2011 and the GE Lands have remained vacant for the last ten years.

The GE Lands represent one of the largest single-owned land parcels within the Midtown Urban Growth Centre ("Midtown") and thereby represent one of the most significant opportunities for transformative redevelopment. GE has a substantial interest in the policies that affect the long term redevelopment of its land and appreciates the opportunity to provide comments on the draft proposed Official Plan Amendment.



## **Proposed Official Plan Amendment - Draft Policies Applicable to the GE Lands**

The Town staff propose to update Section 20 of the Livable Oakville Plan, Midtown Oakville Growth Area policies, as well as Schedules L1 to L3, with revised policies and schedules. We understand the proposed amendment updates the policies to provide for growth to 2051, responds to directions from the Livable Oakville Sub-Committee and initial consultation on the Midtown Growth Area Review, and reflects the amended boundary for the Oakville GO Major Transit Station Area (MTSA), as provided in the Region of Halton's proposed Official Plan Amendment 48.

Our comments on the proposed changes to the policies as they affect the GE Lands are highlighted in the various policy sections as set out below.

### **Development Concept**

The proposed amendment now divides the GE Lands into two districts whereas they are currently all within the Chartwell District. The new districts are described in Section 20.3, Development Concept:

#### *20.3.4 Trafalgar District*

*The Trafalgar District shall also develop into an urban mixed use neighbourhood, including major office, residential, retail and service commercial uses, and public service facilities. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors. A municipal parking garage may provide shared parking facilities for uses in the area.*

#### *20.3.5 Chartwell District*

*The Chartwell District shall be the location of a diverse range of higher density employment uses. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors.*

GE generally supports the extension of the Trafalgar District over the westerly half of the Subject Lands. This shift allows for a wider range of uses and opportunities to support mixed use development on the lands and aligns with Provincial policies for Urban Growth Centres. It is a vital and important step forward to allow the GE Lands to be redeveloped within the time horizon envisioned for the Urban Growth Centre as set out in the Growth Plan.

### **Functional Policies**

#### *Population and Employment*

The Functional Policies in Section 20.4 of the revised policies provide for a redistribution of the target mix of residential population and jobs. GE supports this revision as it will facilitate new mixed-use opportunities that include residential development as well as greater opportunities for higher employment densities on the GE Lands.

#### *General*

The general policies under Section 20.4 now encourage alternative standards for infrastructure, parks and open space to support Midtown as a high density urban area with optimized environmental sustainability

as a key objective. GE supports innovative and sustainable approaches to support the implementation of Midtown as the key focus for future growth in the Town and within the Region's urban structure.

### *Transportation*

The Transportation policies in Section 20.4.3 set out a description of the new road network which is illustrated on revised Schedule L3. The GE Lands are transected by 5 new roads, two arterials and three new local roads. The policies note that the importance of the transportation network should not be underestimated and that improvements will be required as development takes place. The key road network improvements to support development are the proposed MTO interchange improvements at both Trafalgar Road and Royal Windsor Drive. Clarification is required on how the Town's policies will address coordination, alignment, implementation and timing of these improvements with MTO, understanding that some of these improvements are dependent on new Midtown road alignments and further that it may require a prioritization by MTO to support the policies and goals for developing Midtown.

It is also our understanding from the staff report that the Town is still in discussions with Metrolinx regarding details surrounding the long-term vision for the Oakville GO station and the extension of the station with related amenities to the east of Trafalgar Road. With current uncertainty surrounding the future specific plans for the GO station, we are unclear about the Town's plans for implementing transportation policies related to parking, transit service, active transportation support and interaction with and access to and from the surrounding road network (on an area road network specific basis).

The timing and phasing of the road network will be critical to the timing and phasing for future development. It will be beneficial to have further clarification in the policies on interim development without the full road network and whether there will be flexibility to assess the need for both proposed public roads west and east of the new arterial overpass.

### *Housing*

The added housing policies support a full range of unit types and tenures to accommodate a full range of household sizes. We support the housing policies directed at providing for a range of unit sizes and tenures.

## **Urban Design**

We generally support the updated urban design policies provided in Section 20.5 of the revised policies.

### *Public Realm*

We recognize that public realm improvements will rely upon the phasing and completion of the additional road network to provide for the full interconnected, pedestrian and active transportation network. The streetscape focus along Cross Avenue will also be challenging based on the timing of the construction of the new roads. We have noted there is a requirement for a new gateway feature on the Urban Design Schedule L4. It is not clear what "gateway elements" are envisioned for the easterly location of the GE Lands nor the proposed scale of these. We hope staff can provide more details in this regard and more clarity in the policies.

### *Block Design*

The policies in Section 20.5.3 define development blocks which are formed by the transportation network which are to be comprehensively designed and developed. The GE Lands will represent one of the largest comprehensive blocks in Midtown. It is GE's intent to provide an overall plan for its Lands that may have two components given the division of the land by the new north/south arterial road. As a result, the GE Lands should comprise its own development block and there is no need for additional lands other than GE's Lands to be required as part of a block plan. Also further clarification from staff on the process and requirements for a block plan for the GE Lands is required.

### *Built Form*

The built form policies appear to complement the Town's current urban design policies and guidelines and reflect the Designing Midtown document. The policies should continue to provide for flexibility to enable innovative and creative high-quality design. We understand from the staff report that modelling has been undertaken to illustrate the deployment of density and built form on the blocks and we would appreciate the considerations from the design guidelines that were used in this modelling for the GE lands.

### *Building Heights*

The amendments to Schedule L2 respecting Building Heights increases the height permissible on the GE Lands to a range of 8 to 20 storeys on the western portion and between 6 and 12 storeys on the eastern portion of the lands. In lieu of removing the density bonusing provisions, the draft policies have identified opportunities for the consideration of additional height through a series of proposed policies around density transfers. Additional height may be considered, under these policies, in exchange for the conveyance of the local roads (10 additional storeys), above-grade parking (3 storeys) and integrated office development (5 storeys).

While we support the new increased heights and opportunities to achieve additional height, based on the size of the GE Lands, its locational context and split in designation, we believe an increase in the height range up to a 25 storey height limit for mixed use development lands is warranted. The tallest buildings in the Town should be provided in the Urban Growth Centre and a base height maximum of 20 storeys is constraining. We note that the original Midtown Oakville policies in Livable Oakville provided for unlimited heights with bonusing which were amended to permit up to 30 storeys with bonusing to 2031. Given that the easterly portion of the lands are to achieve 6 to 12 storeys with new office development, it would be more appropriate for the GE lands to focus office development on the eastern portion of the lands and transfer the additional 5 storeys to the residential mixed use buildings. Taller mixed use buildings can provide for more ground level amenity space and allow for a better range of heights and design in the overall land development.

We would also recommend a revision to the base height maximum for office buildings from 12 to 17 storeys or consideration of the use of a floor space index to control density.

### *Parking*

We support the shift from surface parking to structured parking with incentives for additional height where parking structures are provided. Again, given the unique size and split of mixed use and employment designations on the Subject Lands, we would like to further explore with staff the opportunity for shared parking facilities which will allow for a more efficient use of lands within Midtown.

## Land Use

The revisions to the land use policies now provide for an Urban Core designation on the westerly half of the Subject Lands providing for a range of additional uses and opportunities. We support this revision as it provides an opportunity for a more complete and comprehensive plan and community for the GE Lands. The inclusion of mixed use and stand-alone residential uses with integrated multiple attached dwellings supports the provision of a full range of unit types and sizes.

Section 20.6.2 of the revised policies provides that on lands designated Urban Core, floor space should be provided to accommodate a similar number of jobs than what was previously provided on-site. It is not clear if this policy applies to vacant lands and how it would now apply in a mixed-use redevelopment. Clarification of these policies is required.

## Implementation

### *Parkland*

We support the further consideration of parkland dedication requirements as set out in the staff report. The use of the current alternative parkland dedication rate creates a conflict with the objectives of achieving higher density housing, especially in relation to Provincial policies which speak to the need to consider alternative standards that reduce the cost of housing. We are pleased to see the encouragement of the consideration for alternative standards that support the implementation and achievement of the growth objectives of the Urban Growth Centre. Although the alternative parkland dedication rate can be an important tool for the Town to achieve its parkland requirements, it is important in urban high-density areas like Midtown that the alternative parkland rate does not become a barrier for redevelopment.

The provision of parks and open spaces through urban parks and squares that can be public or privately owned public space will assist in providing for a range of public realm opportunities and the creation of a network of connected spaces. The Urban Design Schedule to the plan provides for an urban square on the GE Lands. We would request staff provide more details on the size, form and design of the urban square and the flexibility for the location.

### *Block Design Plans*

As already noted, while the policies require all lands within 100 metres of the development to be included in a block design plan, it is GE's intention to provide for a comprehensive plan for all of its lands, which therefore will meet the requirements of these policies. We recommend a policy be added to reflect that the GE lands already qualify as a defined block.

### *Cost-Sharing Agreement*

While the concept of cost-sharing is beneficial, we need more clarification on how this would apply to the Subject Lands given their size and considering that GE or any future owner is likely to be the sole land owner proceeding with the overall block development. Further discussions with staff on this issue and how it will relate to the Town's future Community Benefits Charge is required.

In relation to costs, we need clarification on how compensation for the arterial road construction would be provided if developed through a Draft Plan of Subdivision or site plan process and whether a Development Charge credit would be available.



### *Implementation Strategy*

We strongly encourage the Town staff to work with the Region and Metrolinx to advance the implementation strategy to ensure certainty in relation to parkland dedication, community improvements and a community improvement plan, in addition to the Town's existing brownfield community improvement plan. Additional identification of sustainability initiatives including district energy and confirmation of servicing capacity through the area servicing plan are all areas on which we wish to further engage with staff.

### **Summary**

We are very encouraged and support the vision that is being created by the proposed Official Plan Amendment for Midtown which is an important Urban Growth Centre in Halton Region. We welcome the opportunity to meet further with staff to go through our comments and questions in more detail and to receive clarification around some of the proposed policies. We also welcome the opportunity to provide recommended revisions to the policies to address some of our specific comments.

As noted, the GE lands represent one of the largest land holdings in Midtown and an incredible opportunity to transform and develop the easterly part of Midtown into part of the broader complete community. We agree with the staff comment that how and when growth will occur in Midtown is dependent on how the policies shape and encourage that growth. The staff report clearly recognizes the current challenges and barriers to development in Midtown, but also identifies the commitment by the Town and the Region to advance growth through its policy framework. It will be important to provide certainty regarding the timing for the required infrastructure and transportation network to ensure it aligns with the planned development opportunities and to ensure landowners are properly incentivized. The policies must also be supported by key implementation strategies and commitment by the Town and Region related to parkland, sustainability and community improvement incentives, all of which can leverage further investment and opportunity to ensure all elements of the complete community required for the area's redevelopment are provided.

We thank you again for the opportunity to comment at this stage and we look forward to our further discussions with staff.

Sincerely,

**MHBC**



Dana Anderson, FCIP, RPP  
Partner

Cc. Karen Simons, General Electric Company






Attachment A  
**LOCATION MAP**

**420 to 468 South Service Rd,  
Oakville, Ontario**

**LEGEND**

 Subject Lands

**DATE:** March 19, 2021

**SCALE:** 1:5000



Data Source: Google Satellite via QGIS | First Base Solutions

N:\20406\A - 420-468 South Service Road, Oakville\Technical Data\Attachment A - Location Map.dwg



March 14, 2022

Geoff Abma, MCIP, RPP  
Senior Planner  
Planning Services  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Dear Mr. Abma,

**RE: TOWN OF OAKVILLE INITIATED OFFICIAL PLAN AMENDMENT – MIDTOWN URBAN GROWTH CENTRE (File No. 42.15.59) – ADDITIONAL COMMENTS ON DRAFT POLICIES GENERAL ELECTRIC LANDS (420-468 SOUTH SERVICE ROAD EAST, OAKVILLE) OUR FILE: 20406A**

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MacNaughton Hermsen Britton Clarkson Planning Limited ('MHBC') is currently retained by General Electric Canada Property Inc. ('GE') in relation to the lands municipally located at 420 to 468 South Service Road East in the Town of Oakville (the 'GE Lands'). The GE Lands are approximately 11.08 ha (27.4 acres) in area. The GE Lands are located on the east side of Trafalgar Road, south of the QEW Highway with frontage along South Service Road East.

Our office provided initial comments on the Midtown Urban Growth Centre draft Official Plan Amendment to Council on March 22, 2021. Since then we have appreciated the opportunity to meet with planning staff on several occasions to discuss the draft policy framework and present and discuss the GE's draft concept master plan for the future development of the lands. We have also appreciated the opportunity to meet with the Town's transportation staff to discuss the proposed road network, in the context of the policy framework and the proposed GE draft concept master plan.

As a result of our discussions and the advancement of the GE draft concept master plan, we are proposing a number of modifications to the draft policies and schedules for Midtown to allow for implementation of the draft concept master plan development of the GE lands. A copy of the proposed changes are attached in a tracked change format.

Further to recent discussions with planning staff, we understand that a number of revisions and changes are forthcoming that will address our concerns through an alternative approach to the policies and land use designations. We are supportive of the GE lands being re-designated to Urban Core with policies that establish the location and direction for different uses.

As noted, the GE lands represent one of the largest land holdings in Midtown and an incredible opportunity to transform and develop the easterly part of Midtown into part of the broader complete

community. We agree with the staff comment that how and when growth will occur in Midtown is dependent on how the policies shape and encourage that growth.

As we noted in our initial comment letter from March 2021, it will be important to provide certainty regarding the timing for the required infrastructure and transportation network for Midtown to ensure it aligns with the planned development opportunities and to ensure landowners are properly incentivized. The policies must also be supported by key implementation strategies and commitment by the Town and Region related to parkland, sustainability and community improvement incentives, all of which can leverage further investment and opportunity to ensure all elements of the complete community required for the area's redevelopment are provided.

We thank you again for the opportunity to work with staff these past few months and to comment at this stage and we look forward to continuing to work with Town staff on the long term redevelopment of the GE Lands.

Yours Truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, flowing script.

Dana Anderson, MA, FCIP, RPP  
Partner

Attachment

Cc. Leslie Gill Woods, Town of Oakville  
Gabe Charles, Town of Oakville  
Karen Simons, General Electric Company



Draft Policy Assessment and Revisions, February 2, 2022

Section	Draft Midtown OPA Policy (February 25, 2021)
20.1	<b>Goal</b> Midtown Oakville will be a vibrant, <i>transit supportive</i> , urban <i>complete community</i> .
20.2	<b>Objectives</b> As Midtown Oakville develops, the Town will, through public actions and in the process of reviewing planning applications, use the following objectives to guide decisions:
20.2.1	To create <i>transit-supportive development</i> by: <ul style="list-style-type: none"> <li>a) ensuring the entire area is development as pedestrian-oriented environment;</li> <li>b) improving connections to and through Midtown Oakville year-round for public transit, pedestrians, cyclists and vehicles; and,</li> <li>c) promoting a <i>compact urban form</i> with higher density and higher intensity land uses.</li> </ul>
20.2.2	To create a vibrant and urban <i>complete community</i> by: <ul style="list-style-type: none"> <li>a) providing a mix of residential, commercial and employment, uses, and <i>public service facilities</i>, complemented by public open spaces and public art, to attract different users throughout the day and year-round;</li> <li>b) directing <i>major office</i> and appropriate large scale institutional <i>development</i> to Midtown Oakville;</li> <li>c) ensuring a high standard of urban design and architectural quality for <i>development</i> and the public realm that complements and contributes to the vitality of both Midtown Oakville and the Town;</li> <li>d) providing a transition between the concentration, mix and massing of uses and buildings in Midtown Oakville and neighbouring areas and properties;</li> <li>e) facilitating public investment in transit, <i>infrastructure</i> and <i>public service facilities</i> to support future growth; and,</li> <li>f) promoting <i>district energy</i> facilities and sustainable building practices.</li> </ul>
20.2.3	To enable the evolution of Midtown Oakville as an <i>urban growth centre</i> and the Town's primary growth area by: <ul style="list-style-type: none"> <li>a) planning for a minimum gross density of 200 residents and jobs combined per hectare – a minimum of 20,600 residents and jobs – in accordance with the <i>Growth Plan</i>;</li> </ul>

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	<p>b) providing opportunities for increased building height in exchange for the following:</p> <ul style="list-style-type: none"> <li>i) required segments of future roads;</li> <li>ii) provision of office uses to create true mixed use buildings; and/or</li> <li>iii) provision of parking in above-grade parking structures that meet applicable urban design criteria;</li> </ul> <p>c) ensuring that <i>development</i> occurs in a comprehensive and progressive manner by monitoring key <i>development</i> indicators at regular intervals; <u>and</u></p> <p><u>d) additional opportunities for increased height in addition to the items set out in b) above, may be considered collectively or independently and apply to one or more buildings within a development block. The transfer of height shall be secured through an agreement as part of the development process.</u></p>
<b>20.3</b>	<p><b>Development Concept</b></p> <p>Midtown Oakville is comprised of five <i>development</i> districts: four districts north of the railway to be linked by a main street; and, one district south of the railway. Each district shall have a distinct <i>character</i> in terms of land use and built form in accordance with Schedules L1, L2, L3 and L4 and the following policies.</p>
20.3.1	<p>Midtown's Main Street</p> <p>Over time, Cross Avenue and the extension of Cross Avenue should become an urbanized main street that links the <i>development</i> districts north of the railway and balances the movement of pedestrians, cyclists, transit vehicles, goods transport, and cars.</p> <p>a) Within the Lyons and Trafalgar Districts, it is intended to be an attractive pedestrian-oriented street animated by ground floor retail and service commercial uses and cohesive streetscapes, including landscaping and open spaces, which enhance the experience of the public realm.</p> <p>b) Within the employment-focused Chartwell District, it is intended that the streetscape treatments established within the Lyons and Trafalgar Districts will continue to Chartwell Road.</p>
20.3.2	<p>Station District</p> <p>The Station District includes the transit-related and <i>transit-supportive</i> uses and facilitates that define Midtown Oakville as a <i>major transit station area</i>. The lands are almost entirely in public ownership. The station includes the train platforms, station buildings, bus terminal, passenger pick-up/drop-off, and parking areas. The Town will work with the Province and Metrolinx to enhance station access and passenger amenities in this district, including public open spaces.</p>
20.3.3	<p>Lyons District</p>

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	The Lyons District shall evolve from its current focus on strip malls and large format retail uses into an urban mixed use neighbourhood. <i>Major office</i> and office uses, and <i>public service facilities</i> , should be located in proximity to the Oakville Station. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors.
20.3.4	<p>Trafalgar District</p> <p>The Trafalgar District shall also develop into an urban mixed use neighbourhood, including <i>major office</i>, residential, retail and service commercial uses, and <i>public service facilities</i>. Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors. A municipal parking garage may provide shared parking facilities for uses in the area <u>and the Chartwell District. The former General Electric site is divided between the Trafalgar and Chartwell Districts. Its redevelopment will form one of the most important community blocks within Midtown and a block plan for the site shall serve to integrate uses, the road network and facilities between the two districts.</u></p>
20.3.5	<p>Chartwell District</p> <p>The Chartwell District shall be the location of a diverse range of employment uses <u>as well as retail and service commercial uses, institutional and community uses.</u> Public parkland and privately-owned public spaces shall be provided to serve the needs of area residents, employees and visitors. <u>A municipal parking garage may provide shared parking facilities for uses between this area and the Trafalgar District.</u></p> <p><u>Residential uses may be permitted in a limited capacity in conjunction with live work units.</u></p>
20.3.6	<p>Cornwall District</p> <p>The Cornwall District shall include a mix of uses that define the southern edge of Midtown Oakville and are <i>compatible</i> with the residential neighbourhood south of Cornwall Road. Commercial areas and active parkland will serve the needs of area residents, employees and visitors. High density residential and mixed use buildings shall be located in the vicinity of the Oakville Station.</p>
<b>20.4</b>	<b>Functional Policies</b>
	In addition to the policies in Parts C and D of this Plan, the following functional policies apply specifically to Midtown Oakville.
20.4.1	<p>Population and Employment Density</p> <p>a) In accordance with the <i>Growth Plan</i>, Midtown Oakville has been planned to achieve a minimum gross density of 200 residents and jobs combined per hectare by 2031. Based on its gross area of 103 hectares, this translates to a minimum of 20,600 residents and jobs.</p>

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	<p>b) An overall mix of approximately 7,875 residential units and a gross floor area ranging from 165,000 to 510,000 square metres of retail, service commercial and employment space should be accommodated to provide for a minimum of approximately 13,390 residents and 7,210 jobs.</p>
20.4.2	<p>General</p> <p>a) Town master plans and implementation documents shall be updated to support the planned growth and change in Midtown Oakville to 2051 and beyond.</p> <p>b) Innovative engineering and design solutions or alternate standards for infrastructure, parks and open spaces, that are appropriate for a high density urban area and optimize environmental sustainability and life cycle costs shall be encouraged and implemented through master plans, implementation documents, <i>development</i> and infrastructure projects, subject to any necessary approvals.</p>
20.4.3	<p>Transportation</p> <p>The role of streets in the success of Midtown Oakville cannot be underestimated. They not only facilitate multi-modal movement year-round, but provide valuable frontage for <i>development</i> and the setting for the range of uses and activities that define Midtown Oakville. A fine-grain grid of streets will be fundamental to encouraging walking, which in turn promotes transit use.</p> <p>a) Significant road, transit and active transportation infrastructure, as shown on Schedules C, D, L3 and L4, is needed to accommodate the growth the Town is required to achieve in Midtown Oakville. Certain existing roads or road segments shall be abandoned, realigned, widened, extended or replaced in accordance with this Plan.</p> <p>b) The Town may secure rights-of-way on alignments as shown on Schedules C, D, L3 and L4 through the planning approval process. Final rights-of-way shall be consistent with Schedules C, D, L3 and L4, and shall otherwise be determined through detailed transportation studies, environmental assessments where required, and the planning approval process.</p> <p>c) Subject to section 8.2.3, changes to the requirements, location or alignment of new transit services, roads and pedestrian and cycling facilities, as shown on Schedules C, D, L3 and L4, will not require an amendment to this Plan provided that the general intent and purpose of this Plan is maintained and <i>intensification</i> opportunities are not precluded.</p> <p>d) The rights-of-way of future roads shall be required to achieve the maximum widths identified on Schedule L3.</p> <p>e) <i>Development</i> shall not preclude the following as contemplated in this Plan:</p> <p><b>i)</b> the realignment and extension of Cross Avenue from Lyons Lane to Chartwell Road as a multi-purpose arterial road;</p>



	<p><b>ii)</b> a new multi-purpose arterial road – the North-South Crossing – across the QEW/Highway 403 to link to the extension of Cross Avenue, east of Trafalgar Road, and Station Road;</p> <p><b>iii)</b> the future local road network as identified on Schedule L3;</p> <p><b>iv)</b> a grade separation of the railway at Chartwell Road or an alternate location east of Trafalgar Road as determined through an environmental assessment; and,</p> <p><b>v)</b> grade separated pedestrian and cycling facilities to be located across:</p> <ul style="list-style-type: none"> <li>• The QEW/Highway 403, east and west of Trafalgar Road; and,</li> <li>• The railway, east of Trafalgar Road.</li> </ul> <p>f) The Town will work with the Region and Metrolinx to implement the extension of the rail platform east of Trafalgar Road and improve transit passenger access from the east side of Trafalgar Road.</p> <p>g) The design of existing and new roads in Midtown Oakville shall prioritize year-round walking, cycling and transit use.</p>
20.4.4	<p>Rail</p> <p>It is recognized that while transit-oriented communities like Midtown Oakville support sustainable transit, areas in proximity to railway operations can be challenging settings for new <i>development</i>, particularly residential <i>development</i>.</p> <p>a) <i>Development</i> in proximity to the railway right-of-way or the railway freight yard east of Chartwell Road shall include measures to mitigate related safety, security, noise vibration and trespass issues in consultation with the owner of the railway.</p> <p>b) Conditions of <i>development</i> or warning clauses may be implemented, where appropriate, in consultation with the owner of the railway to:</p> <p><b>i)</b> ensure that property owners and tenants are notified of the existence and nature of the rail operations, the potential for increased rail activities, and the potential for annoyance and disruption; and,</p> <p><b>ii)</b> provide for the long-term maintenance of railway mitigation infrastructure.</p> <p>c) Minimum building setbacks from railway property shall be as follows, or as determined in consultation with the owner of the railway:</p> <p><b>i)</b> 30 metres from the nearest property line of the railway right-of-way; and,</p> <p><b>ii)</b> 300 metres from the nearest property line of the railway freight yard</p>

	d) Uses within a required setback from railway property may include public and private roads, parks and open space, outdoor amenity space, parking, and storage buildings.
20.4.5	<p>Stormwater Management</p> <p>a) <i>Development</i> within Midtown Oakville shall be required to implement stormwater management techniques in accordance with the policies of this Plan and the recommendations of the following studies and any other subsequent studies or updates:</p> <ul style="list-style-type: none"> <li>i) Flood Mitigation Opportunities Study for Lower Morrison and Wedgewood Creek Systems;</li> <li>ii) Stormwater Master Plan, 2019; <a href="#">and</a></li> <li>iii) Midtown Oakville Class Environmental Assessment, 2014.</li> </ul>
20.4.6	<p>Housing</p> <p>a) Within Midtown Oakville, residential <i>development</i> should include:</p> <ul style="list-style-type: none"> <li>i) purpose-built rental housing; and,</li> <li>ii) a range of building and unit types and sizes to accommodate a variety of households.</li> </ul> <p>b) <i>Development</i> with residential uses shall be designed to accommodate various household sizes and should include:</p> <ul style="list-style-type: none"> <li>i) storage for use by the unit occupant;</li> <li>ii) operable windows;</li> <li>iii) balconies or terraces, and common outdoor amenity areas; and,</li> <li>iv) common indoor amenity areas.</li> </ul>
<b>20.5</b>	<p><b>Urban Design</b></p> <p>In addition to the policies in Part C, Section 6, of this Plan, the following urban design policies apply specifically to Midtown Oakville.</p>
20.5.1	<p>General</p> <p>a) Midtown Oakville shall be designed as a regional destination and an urban centre with a compact urban form, complete with tall and midrise buildings that frame the pedestrian-oriented streetscape, which establish a vibrant public realm that promotes walking, cycling</p>

	<p>and transit use. <i>New development</i> and public realm improvements shall support this objective through its form, scale, architectural quality and detail.</p> <p>b) In addition to achieving conformity with the urban design policies of this Plan, including those in Part C, Section 6, <i>development</i> and public realm improvements shall be evaluated in accordance with the detailed urban design direction provided in the Livable by Design Manual, which includes the Designing Midtown document.</p> <p>c) Schedule L4 identifies urban design and public realm elements in support of the policies below. <u>The location and implementation of these elements shall be flexible and addressed through the block plan process.</u></p>
20.5.2	<p>Public Realm</p> <p>a) The public realm shall incorporate networks of accessible, interconnected and predictable pedestrian-oriented spaces and routes that enhance walkability year-round, reinforce the surroundings and provide quality spaces for public life.</p> <p>b) The public realm should include trees and landscaping, lighting, furnishings, urban amenities, wayfinding and public art that enhance the local context and create a sense of identity.</p> <p>c) The creation of new streetscapes and improvements to existing streets shall be designed and implemented in accordance with the Town of Oakville Streetscape Strategy, as amended.</p> <p><b>i)</b> A streetscape plan shall be developed for Midtown Oakville's main street: Cross Avenue and the extension of Cross Avenue from Lyons Lane to Chartwell Road. <u>The streetscape plan for main street should provide for a range of cross sections to accommodate flexibility to meet design objectives within different blocks along Cross Avenue.</u></p> <p><b>ii)</b> A streetscape master plan may be developed for all, or parts, of Midtown Oakville.</p> <p>d) Streetscapes shall reinforce the active pedestrian-oriented environment and provide a seamless interface between the public and private realms.</p> <p>e) As the Town's urban growth centre, Midtown Oakville will draw residents, employees and visitors from local and regional origins on a daily basis. Gateways provide a sense of arrival and identify a significant place. Gateway elements should be strategically positioned. <u>generally</u> at the following locations. <u>with the exact locations to be determined through the block plan process.</u></p> <p><b>i)</b> the intersection of Trafalgar Road and Cornwall Road;</p>

	<p><b>ii)</b> the intersection of Trafalgar Road and the QEW/Highway 403 east-bound off-ramp.</p> <p><b>iii)</b> at the eastern and western edges of Midtown Oakville along the QEW/Highway 403.</p> <p>f) Urban parks and squares, whether public spaces or privately-owned public spaces, should be designed and maintained as:</p> <p><b>i)</b> flexible spaces that are passive in programming and oriented to urban activities that occur throughout the day and year-round;</p> <p><b>ii)</b> places designed to complement the built form and public realm and incorporate hardscapes, softscapes, tree plantings, furnishings, context-sensitive lighting and other urban amenities;</p> <p><b>iii)</b> an extension of the public realm by providing predictable pedestrian routes and places to sit and gather.</p> <p>g) A network of public open spaces of varying sizes and activity levels should be planned throughout Midtown Oakville to support the recreational needs of residents and employees.</p> <p>h) Views of and physical connections between the abutting and nearby neighbourhoods, natural areas, and parks and open spaces should be maintained and enhanced.</p>
20.5.3	<p><b>Block Design</b></p> <p>a) <i>Development</i> blocks are formed by the planned transportation network and shall be designed comprehensively through property consolidation and coordinated <i>development</i>. Where properties cannot be consolidated, development on one parcel shall not preclude <i>development</i> on other parcels within the block. <u>Block plans shall be submitted and reviewed with development applications (Draft Plan of Subdivision and Rezoning). Block Plans shall establish the locations of urban squares and parks, gateways and other public realm and design elements.</u></p> <p>b) Blocks should be designed using the perimeter block concept with buildings situated along the edges of the block to support a vibrant public realm and with service spaces and outdoor amenity areas on the interior of the block.</p> <p>c) Along Cross Avenue and the extension of Cross Avenue, ground-level amenity spaces and privately-owned public spaces should be positioned along the interface of the municipal rights-of-way and the building face to enhance the streetscape and add vibrancy to the public realm.</p>



	<p>d) <i>Development</i> shall promote safe, convenient and pleasant pedestrian circulation routes to increase the permeability of blocks and to maintain connects to district places and amenities. Potential barriers along these routes, such as boundary fences or retaining walls, shall be discouraged.</p> <p>e) Vehicular access to parking, service facilities and loading areas should be from local roads or service lanes.</p> <p>f) Shared driveway access and sharing of service facility spaces internal to the block shall be proactively pursued through landowner agreements to facilitate the <i>development</i> objectives of the growth area.</p> <p>g) Temporary or interim vehicular access from an existing road may be permitted as a condition of <i>development</i> approval, or through an agreement with the Town, until such time that a new local road and access driveway are constructed.</p> <p>h) Utility vaults and meters should be located internal to the development block and/or the buildings to be concealed from view from the public realm.</p>
20.5.4	<p><b>Built Form</b></p> <p>a) It is intended that some of the Town's tallest buildings will be in Midtown Oakville. These buildings shall be designed to the highest architectural quality and detail to create landmark buildings that foster an active pedestrian environment and contribute to a distinct skyline.</p> <p>b) Buildings should incorporate distinctive architecture, contribute to a sense of district identity and be positioned on and oriented towards the street frontage(s) to provide interest and comfort at ground level for pedestrians.</p> <p>c) Buildings should be designed and sited to maximize solar energy, ensure adequate sunlight and skyviews, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows.</p> <p>d) The height of the building base (podium) should be no greater than <del>twelve storeys adjacent to OEW and step down to no higher than six storeys along the rail line.</del></p> <p>e) For buildings taller than 20 storeys, each tower floorplate above the building base will be determined through the <i>development</i> process to ensure the building tower is slender, which will minimize impacts and enhance the skyline.</p> <p>f) Green roofs and/or residential amenity space <del>are encouraged to</del> be provided on the roof of any building base or above-grade parking structure where the rooftop will be visible from nearby tall buildings.</p>
20.5.5	<b>Building Heights</b>

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	<p>a) Minimum and maximum building heights shall be permitted in accordance with Schedule L2 and the policies of this Plan, which may permit additional building height.</p> <p>b) Additional building height <u>shall</u> be considered in exchange for required segments of future roads in accordance with the applicable Midtown <u>Oakville</u> implementation policies.</p> <p>c) On lands designated Urban Core north of the railway, additional building height <u>shall</u> also be considered as follows:</p> <p><b>i)</b> one additional storey of building height for each storey of above-ground structured parking, up to a maximum of three additional storeys; and,</p> <p><b>ii)</b> one additional storey of building height for every 800 square metres of gross floor area of office uses, up to a maximum of five additional storeys.</p> <p>d) Notwithstanding subsections (b) and (c) above, additional building height may also be <u>increased</u> subject to a site-specific official plan amendment.</p> <p>e) Reductions to the minimum building heights required by Schedule L2 may be considered as part of a comprehensive redevelopment application to provide flexibility in building and site design. Such consideration shall only be given where it can be demonstrated that the policies of sections 20.2 and 20.3 of the Plan are met and the planned <i>intensification</i> for the site(s) can be achieved.</p>
20.5.6	<p>Parking</p> <p>a) Reduced or maximum parking standards will be considered in the implementing zoning.</p> <p>b) Parking structures are preferred for the provision of required parking and shall be designed to minimize the negative visual impact of blank walls and loss of activity at street level.</p> <p>c) Within the Lyons and Trafalgar Districts, a parking structure above grade that abuts a primary street shall incorporate permitted commercial, office or residential uses between the exterior wall and the area designated for parking.</p> <p>d) Surface parking is discouraged. However, where provided:</p> <p><b>i)</b> Surface parking shall be located in the side or rear yard and the visual impact shall be mitigated by a combination of setbacks and landscaping in accordance with the Livable by Design Manual, which includes the Designing Midtown document.</p>

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	<p>ii) No more than 25 percent of required parking should be provided as surface parking within the Lyons and Trafalgar Districts, or the Cornwall District west of Cornwall Road Park.</p> <p>iii) No more than 50 percent of required parking should be provided as surface parking within the Chartwell District, or the Cornwall District east of Cornwall Road Park.</p> <p>e) Shared parking facilities shall be encouraged <u>and supported between districts and, between public and private uses.</u></p> <p>f) Implementation of the Midtown Parking Strategy shall be undertaken.</p>
<b>20.6</b>	<p><b>Land Use Policies</b></p> <p>Land use designations are provided on Schedule L1. In addition to the policies in Parts C and D of this Plan, the following policies apply specifically to Midtown Oakville.</p>
20.6.1	<p>One or more areas of public parkland will be accommodated in each of the <i>development</i> districts north of the railway.</p> <p>a) <u>The consolidation of parkland dedication requirements from multiple sites within each district shall be encouraged.</u></p> <p>b) <u>The stratification of parks may be considered through development approvals.</u></p> <p>▼</p> <p>▼</p>
20.6.2	On lands designated Urban Core, redevelopment should maintain floor space to provide for a similar number jobs to remain accommodated on-site.
20.6.3	<p>On lands designated Urban Core, the following uses may also be permitted:</p> <p>a) single-use <u>or multiple-use</u> major office buildings;</p> <p>b) single-use residential buildings on sites without direct frontage on Cross Avenue, the extension of Cross Avenue, Cornwall Road or Trafalgar Road;</p> <p>c) <i>multiple attached dwellings</i> with a minimum height of 3 storeys, in combination with permitted residential or mixed use buildings on sites without direct frontage on Cross Avenue, the Cross Avenue extension, Cornwall Road or Trafalgar Road;</p>

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**Deleted:** The location, number and size of the park(s) shall be determined in conjunction with the *development* of the lands in each distric

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	<p>d) <i>public services facilities</i>;</p> <p>e) a creative centre to provide studio, office, exhibition, performance and retail space for the cultural community; and,</p> <p>f) municipal parking facilities.</p>
20.6.4	Through the review of proposed <i>development</i> on lands designated Urban Core, a school board may determine that real property or a lease is required for a school.
20.6.5	On lands designated Urban Core adjacent to the Station District, <i>transit-supportive</i> uses and facilities may also be permitted, including bus terminals, passenger pick-up and drop-off (PUDO) areas, structured parking and limited surface parking.
20.6.6	<p>On lands designated Utility within the Station District, transit-related and <i>transit-supportive</i> uses and facilities may also be permitted, subject to the protection of underground <i>utilities</i>, including:</p> <p>a) station buildings and related office uses;</p> <p>b) bus terminals;</p> <p>c) passenger amenity areas and public open spaces;</p> <p>d) passenger pick-up and drop-off (PUDO) areas; and,</p> <p>e) surface and structured parking.</p>
20.6.7	On the lands designated Parks and Open Space within the Station District, passive park uses and landscaping that provide for the protection of underground <i>utilities</i> may be implemented subject to the necessary approvals by the Town and Province.
20.6.8	On lands designated Office Employment within the Chartwell District, uses should provide for <b>a mix of commercial and employment uses</b> to ensure that the planned function and <i>intensification</i> of the site(s) can be achieved.
20.6.9	<p>Any drive-through facilities proposed in Midtown Oakville will require an amendment to the Town's Zoning By-law, subject to the demonstration that the proposed drive-through would:</p> <p>a) not preclude the planned function and <i>intensification</i> of the site;</p> <p>b) conform with the urban design policies of this Plan;</p> <p>c) comply with the Livable by Design Manual, which includes the Designing Midtown document and the Town's Drive-through Urban Design Guidelines;</p>

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	d) not affect the <i>character</i> of the planned streetscape or compromise the functionality of the site or block, including the safe and efficient movement of pedestrians and cyclists; and,
	e) is subordinate to the primary uses and functions of the site or block.
20.6.10	New motor vehicle related uses, including motor vehicle sales and motor vehicle service stations, shall not be permitted.
<b>20.8</b>	<b>Implementation Policies</b>
	In addition to the policies in Part F of this Plan, the following implementation policies apply specifically to Midtown Oakville.
20.8.1	<p>Phasing/Transition</p> <p><i>Development</i> will occur gradually over the long-term. This may include interim conditions and incremental implementation until full build-out.</p> <p>a) <i>Development</i> shall be coordinated with the provision of <i>infrastructure</i>, including:</p> <ul style="list-style-type: none"> <li>i) transit;</li> <li>ii) road network capacity;</li> <li>iii) pedestrian and cycling facilities;</li> <li>iv) water and wastewater services;</li> <li>v) stormwater management facilities;</li> <li>vi) streetscape improvements; and,</li> <li>vii) <i>utilities</i>.</li> </ul> <p>▼</p> <p>c) Initial phases of <i>development</i> shall not preclude the achievement of a compact, pedestrian-oriented and <i>transit-supportive</i> urban form, or the transportation network identified on Schedule L3.</p>

**Deleted:** b) Further to subsection (a) above, the timing of *development* will be subject to the availability of required infrastructure, including but not limited to future transportation network improvements and water and wastewater services.

	<p>d) The uses and buildings that legally existed prior to the adoption of this Plan shall be permitted to continue, however, they are ultimately intended to be redeveloped in conformity with this Plan.</p> <p>e) The redevelopment of existing low-rise commercial centres and uses may occur gradually in a phased manner. Notwithstanding the minimum heights shown on Schedule L2, building additions, alterations and/or replacements may be permitted, where they can be demonstrated not to preclude the long-term redevelopment of the property as set out in this Plan.</p>
20.8.2	<p>Block Design Plans</p> <p>a) As part of any <i>development</i> application in Midtown Oakville, a block design plan shall be submitted for the entirety of a block in which the subject lands are located.</p> <p>b) The block design plan shall:</p> <ul style="list-style-type: none"> <li>i) provide a comprehensive <i>development</i> scheme for the entirety of the block in which the subject lands are located;</li> <li>ii) demonstrate how the proposed <i>development</i> will not preclude <i>development</i> on adjacent properties in accordance with the policies of this Plan;</li> <li>iii) outline how <i>development</i> may be coordinated between the subject lands and adjacent properties, including properties across any public streets from the subject lands;</li> <li>iv) be prepared in accordance with terms of reference approved by the Town; and,</li> <li>v) demonstrate compliance with the Livable by Design Manual, which includes the Designing Midtown document.</li> </ul>
20.8.3	<p>Future Roads</p> <p>a) Additional building height <del>shall, be permitted,</del> for properties designated Urban Core that contain any portion of a future road identified on Schedule L3 subject to the following:</p> <ul style="list-style-type: none"> <li>i) the right-of-way of the future road identified on Schedule L3 is conveyed to the Town free and clear of any encumbrances and at no charge to the Town;</li> <li>ii) the landowner agrees to construct, or pay to have constructed, the future road on the right-of-way to be conveyed to the Town and has entered into a subdivision or other agreement with the Town and/or Region for this purpose;</li> </ul>

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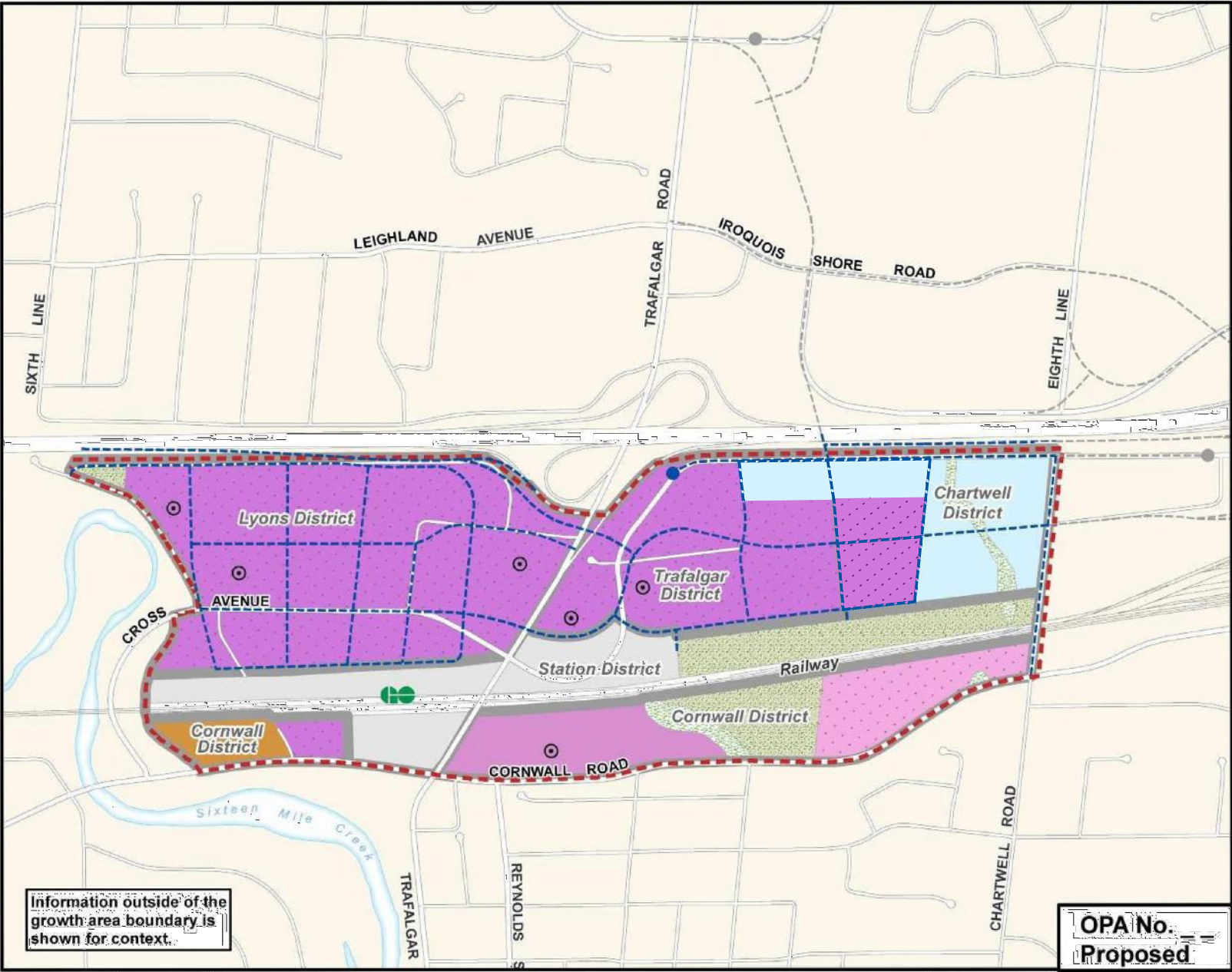
	<p>iii) the right-of-way being conveyed to the Town and the subject lands receiving the additional building height permissions are part of the same development site owned by a single landowner or landowner group; and</p> <p>iv) the right-of-way being conveyed to the Town and the subject lands receiving the additional building height permissions are being considered under the same planning application <u>or part of a phased development within the block</u></p> <p>b) The additional building height that may be considered in conjunction with subsection (a) above shall be limited to the following:</p> <p>i) For a future local road, gross floor area of no more than 5 times the area of the right-of-way of the future road that is to be conveyed to the Town may exceed the maximum building heights shown on Schedule L2; and/or,</p> <p>ii) For a future arterial road, gross floor area of no more than 2 times the area of the right-of-way of the future road that is to be conveyed to the Town may exceed the maximum building heights shown on Schedule L2.</p> <p>iii) The maximum additional building height that can applied to a single tower shall be <u>12</u> storeys.</p> <p><u>c) The transfer of height(s) for future roads as set out above shall be secured through an agreement as part of a Draft Plan of Subdivision, Rezoning or Site Plan Approval.</u></p>
20.8.4	<p>Landowners' Agreement(s)/Cost Sharing</p> <p><u>a) Based on Halton Region's 10 Year Capital Plans, the Region will enter into Cost Sharing Agreements with landowners based on Town approved block plans;</u></p> <p><u>b) The Town may enter into cost sharing agreement with land owners to address the provision parkland, parking, infrastructure and servicing and other matters to be addressed;</u></p>
20.8.5	<p>Implementation Strategy</p> <p>The Town shall develop, in conjunction with the Region, the Province and Metrolinx, implementation strategies to address:</p> <p>a) parkland and a parks strategy for Midtown Oakville;</p> <p>b) transportation and transit initiatives;</p> <p>c) streetscape plans;</p>

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**Deleted:** *Development* within the Lyons, Trafalgar or Chartwell District shall only be permitted to proceed when a significant number of landowners within the applicable district have entered into a cost sharing agreement among themselves to ensure that the costs associated with *development*, including but not limited to the provision of parkland, parking, infrastructure and servicing, are distributed in a fair and equitable manner among landowners. ¶  
b) Individual developments in Midtown shall generally not be approved until the subject landowner has become a party to the applicable landowners' cost sharing agreement.

	<p>d) parking demand management and a municipal parking strategy to implement the Midtown Oakville Parking Strategy;</p> <p>e) the extension of the rail platform in coordination with Metrolinx;</p> <p>f) <i>community improvements</i> through a <i>community improvement plan</i>;</p> <p>g) sustainability initiatives and environmental standards, including district energy;</p> <p>h) public sector partnerships and programs; and,</p> <p>i) the municipal acquisition and disposition of lands.</p>
20.8.6	<p>Monitoring</p> <p>a) The Town will monitor the level of <i>development</i> within Midtown Oakville.</p> <p>b) In order to track the pace of <i>development</i> and identify and plan for infrastructure improvements, including active transportation and transit, the monitoring program shall evaluate the following:</p> <p><b>i)</b> traffic characteristics on key routes and at key intersections, in accordance with the Town and Region's transportation study guidelines;</p> <p><b>ii)</b> existing, approved and proposed <i>development</i>, including the number of residential units and the amount of non-residential floor space;</p> <p><b>iii)</b> transit usage and <i>modal share</i>;</p> <p><b>iv)</b> population and employment generated by <i>development</i>; and,</p> <p><b>v)</b> indicators of sustainability to be determined by the Town.</p>





**SCHEDULE L1  
MIDTOWN OAKVILLE  
LAND USE**

Legend:

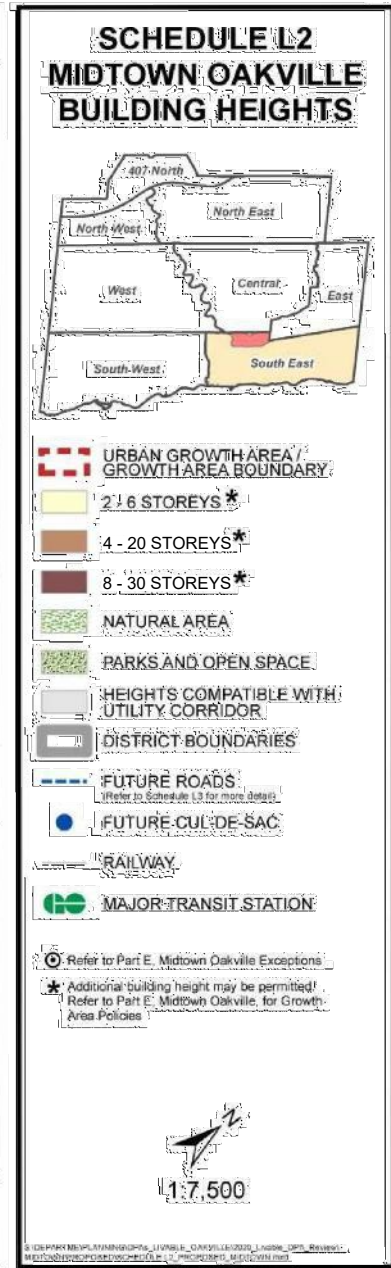
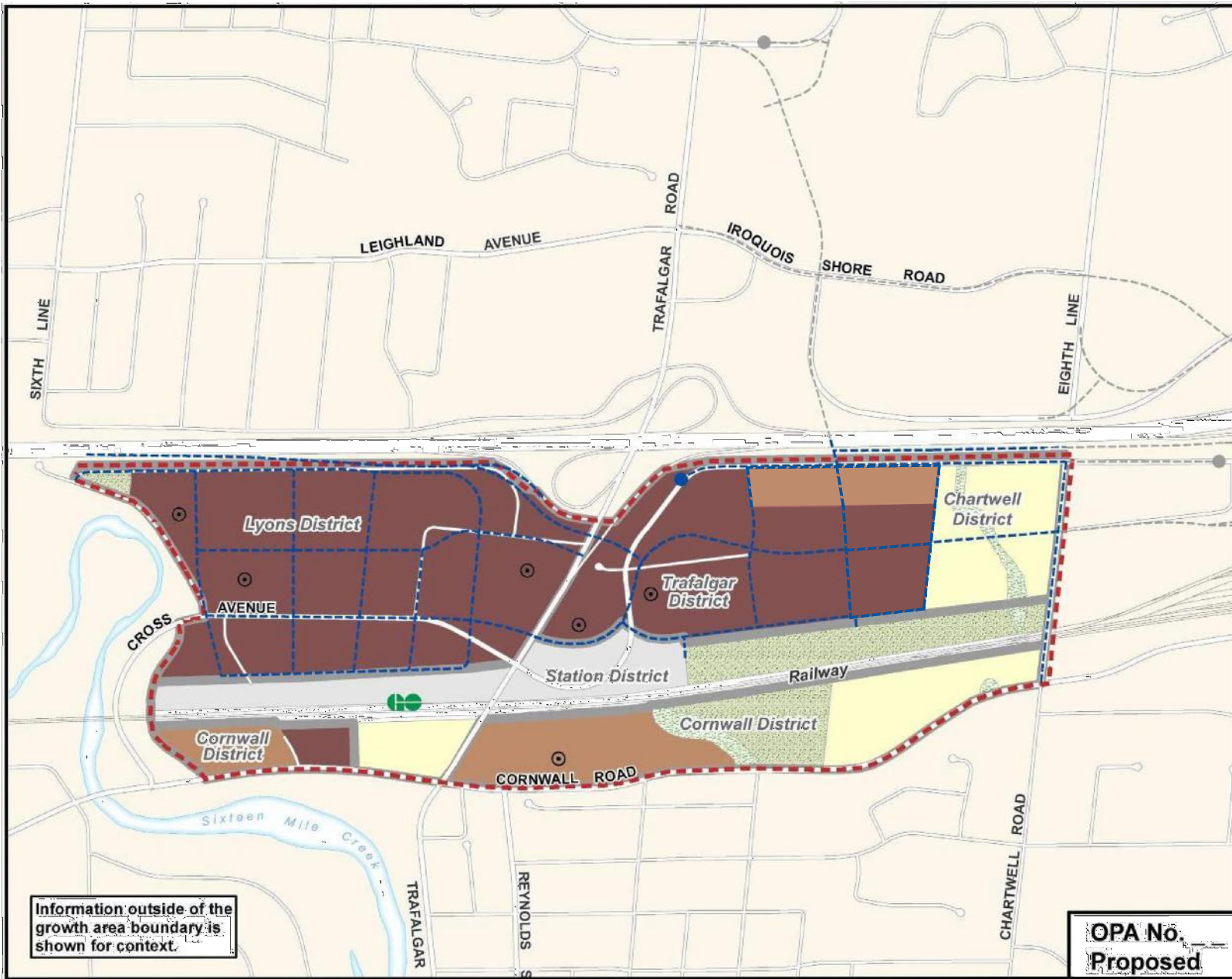
- URBAN GROWTH AREA / GROWTH AREA BOUNDARY
- HIGH-DENSITY RESIDENTIAL
- COMMUNITY COMMERCIAL
- URBAN CENTRE
- URBAN CORE
- OFFICE EMPLOYMENT
- NATURAL AREA
- PARKS AND OPEN SPACE
- UTILITY
- DISTRICT BOUNDARIES
- FUTURE ROADS (Refer to Schedule L2 for more detail)
- FUTURE CUL-DE-SAC
- RAILWAY
- MAJOR TRANSIT STATION

Refer to Part E, Midtown Oakville, for Growth Area Policies

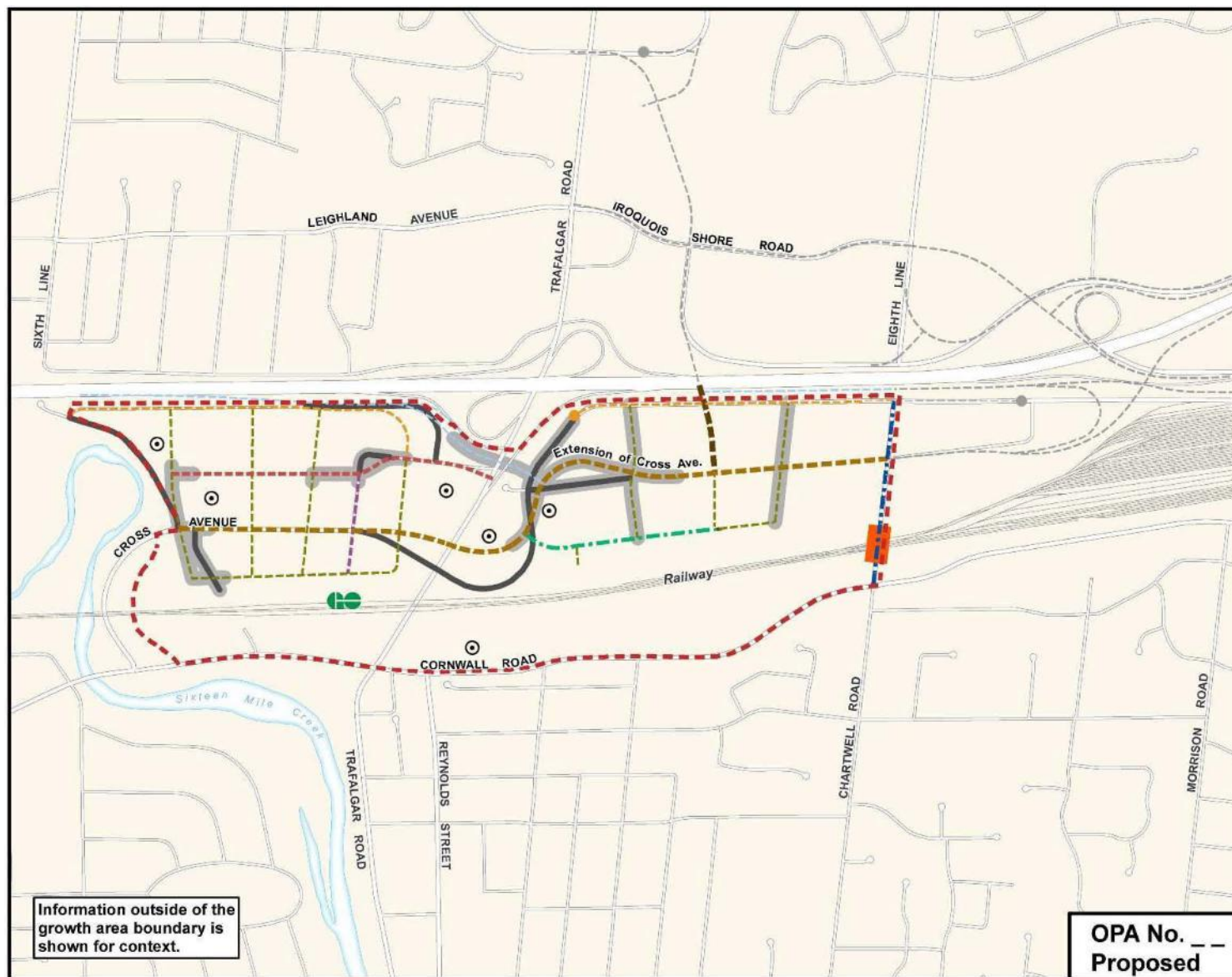
Refer to Part E, Midtown Oakville, for Exceptions

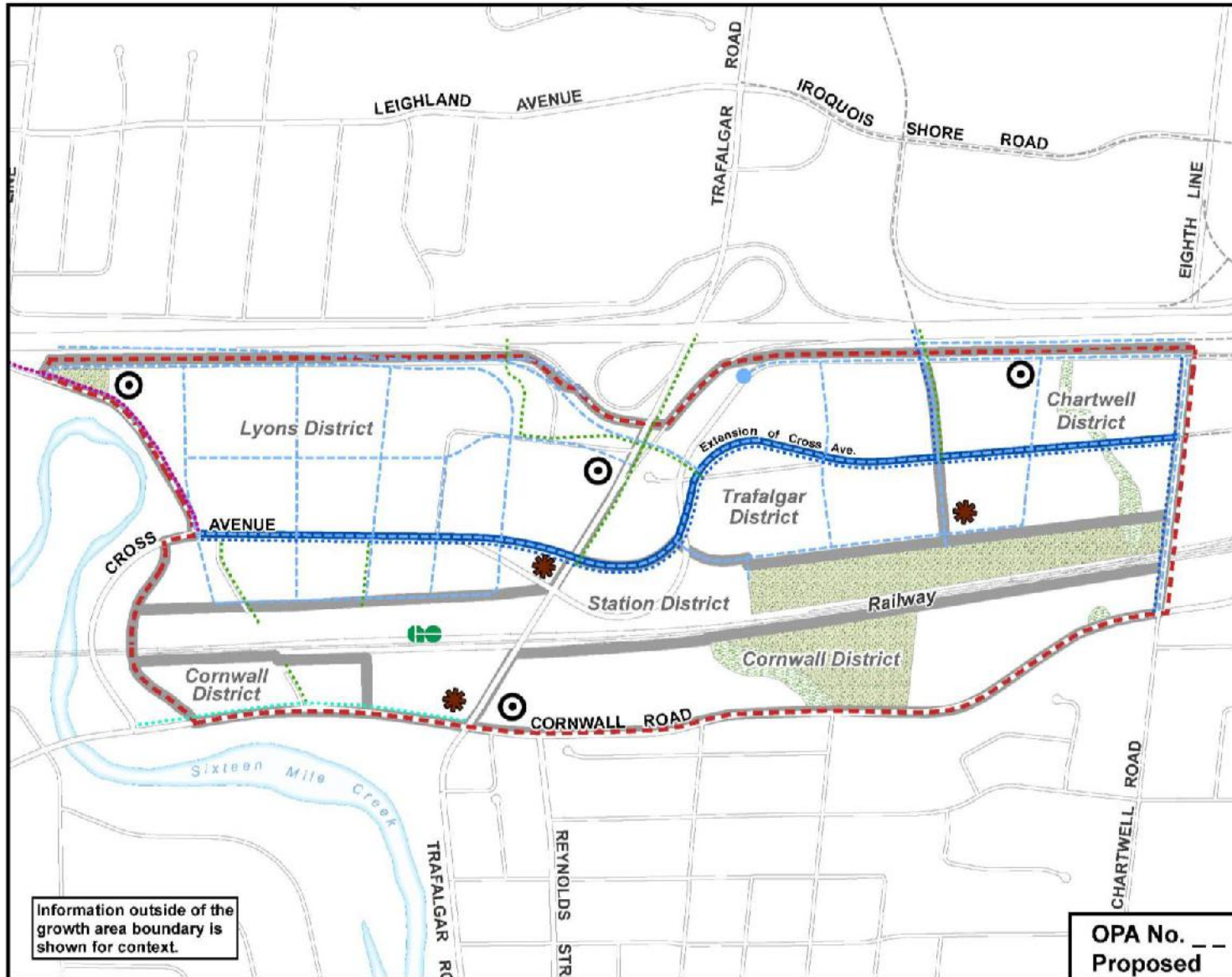
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OPA No. Proposed









OPA No. --  
Proposed

# SCHEDULE L4 MIDTOWN OAKVILLE URBAN DESIGN



- URBAN GROWTH AREA / GROWTH AREA BOUNDARY
- PRIMARY STREET
- URBAN SQUARE
- GATEWAY
- BIKE LANE (Proposed)
- BUFFERED BIKE LANE (Proposed)
- SIGNED BIKE ROUTE (Proposed)
- MULTI-USE TRAIL (Proposed)
- ACTIVE TRANSPORTATION FACILITY (Proposed)
- NATURAL AREA
- PARKS AND OPEN SPACE
- DISTRICT BOUNDARIES
- FUTURE ROADS (Refer to Schedule 23 for more detail)
- FUTURE CUL-DE-SAC
- RAILWAY
- MAJOR TRANSIT STATION

Refer to Part E, Midtown Oakville, for Growth Area Policies



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MIDTOWN OAKVILLE URBAN DESIGN - L4 - PROPOSED - MIDTOWN.mxd

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**From:** john sidler  
**Sent:** March 19, 2021 3:26:47 PM  
**To:** Geoff Abma  
**Cc:** John Sidler; Ed Sajecki  
**Subject:** re amendment to official plan in midcore area of Oakville.

**SECURITY CAUTION:** This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Geoff I would like to thank you for communicating with me by way of the zoom meeting a couple of weeks ago. As you are aware I owned the property at 482 South Service rd and two adjoining properties that are located on Chartwell. The total acreage is approximately 10 acres. It would appear that the most significant proposed change to the official plan is the introduction of permitting residential use. Specifically, a significant portion of the General Electric land will be permitted residential use.. I think this is a very positive approach to the land utilization in this area. I do find it a little confusing as to why none of my land has been designated for residential use also. In view of the proximity of my land to General Electric and also to the Go train I certainly can see the rational of having the front of my property that faces the south service rd and the Queen Elizabeth but I also would think that having the back portion of my property being designated for residential use would make sense. It is sometimes quite difficult to understand in the planning process how one determines where a line can be drawn on a siteplan and a designation of land use is determined.

Additionally, I was concerned to see that the future road that was going south on the adjacent property was to be moved and would be relocated on my property. This has the very distinct possibility of making it very difficult to build anything new on my site. This could also be of significant cost to the Town if my lands are expropriated. I look forward to your comments and participating in the Town hall meeting on the 22nd of March.



June 2, 2021

Mr. Heinz Hecht  
Manager, Current Planning – East District  
Building, Planning and Development  
Town of Oakville  
1225 Trafalgar Road,  
Oakville, ON  
L6H 0h3

Re 482 South Service Rd. East; 566, 572 and 574 Chartwell Rd.

Dear Mr. Hecht

I am the current owner through my corporations of 482 South Service Rd East, 566, 572 and 574 Chartwell Rd. This land comprises approximately 9.068 acres which is located in the Chartwell District as described in the most recent Official Plan Amendment, File No. 42.15.59. My planning consultant, Ed Sajecki, met with you and your team last year, in February 2020, about my properties. Thank you for that meeting and for the subsequent material provided to us by the Town.

I was very encouraged by the proposals in the amendment with respect to providing a mix of residential housing, creative green space and commercial. I can clearly envision the positive impact the integration of the green space along the railroad lines and my properties will have. The location of the north south road which is now proposed to be located on my property will no doubt eliminate the possibility to rebuild where the existing building of 482 South Service Rd stands as I would anticipate that the setback requirement from Morrison Creek ( which in our view, is essentially a neglected waterway that serves as a rudimentary storm water management system) will prevent any future development on that particular piece of land.

As I indicated in my previous correspondence to the Town I find it peculiar that one can draw a line and say that residential stops here. The Town's position that the developer will be incentivized for giving up land for road allowances in a manner that will allow them to increase their density is a great concept from the Town's perspective but the developer runs the real risk that the increase density may not be financially feasible. For example ,

if my site retains 4 acres of developable land ,assuming a 12 story commercial building, the developable square footage could possibly be in excess of what is commercially viable. My concern is that the financial viability of my site may be adversely affected if development is restricted only to commercial. However, as the Town has clearly visioned, mix use is good. Accordingly, I would like to meet, and simply discuss the possibility of having a portion of my property developed as residential. One 20 storey building at the rear of the property looking at the greenbelt along the railway lands and Lake Ontario. Just a short walk to the Go Station.

So consideration has to be given to a small reduction in GE residential land to compensate for the residential land that I will be provided. ???? I am not a planner. I am a CPA Chartered Accountant from Lakeview Ontario. Mr. Sajecki, as my advisor and consultant will be of great assistance to me in this planning process. We want to get it done, and done right.!!!

Yours very truly,

John M Sidler, CPA Chartered Accountant

March 19, 2021

Denise Baker  
Partner  
T: 416-947-5090  
dbaker@weirfoulds.com

File 16088.00001

*Via E-mail*

Mayor Burton and Members of Council  
c/o Town Clerk, Vicki Tytaneck  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Attention: Ms. Vicki Tytaneck, Town Clerk

Dear Mayor Burton and Members of Council:

**RE: Proposed Midtown Oakville Plan Amendment  
60 Old Mill Road**

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We are solicitors for Halton Condominium Corporation No. 397, the owners of 60 Old Mill Road, in the Town of Oakville.

We have had the opportunity to review the proposed Town-initiated Official Plan amendment for Midtown Oakville and provide the following comments for your consideration.

We are supportive of the proposed designation for 60 Old Mill and note that it remains as existing. Furthermore, we note that the proposed Town initiated Official Plan amendment deletes site specific exemption 20.6.1. We support this deletion as proposed.

However, as it relates to the property immediately to the east of and adjacent to 60 Old Mill Road, being municipally known as 70 Old Mill Road, it is our position that there should be a site-specific exemption to the high-density designation which reflects the current development approval for this site.

Finally, we question the rationale for designating the lands immediately east of Old Mill Road for heights of 8-20 storeys. These lands will be between the lands designated for heights of 6-12 storeys (being the lands west of Old Mill Road) and lands designated for heights of 2-6 storeys at the corner of Trafalgar Road and Cornwall Road. It is submitted that the lands that are directly

east of Old Mill Road should at most be designated for heights of 6-12 storeys, the same as the lands directly west of Old Mill Road.

We look forward to the opportunity to discuss this matter further with staff at their convenience.

Yours truly,

**WeirFoulds LLP**



Denise Baker

DB/mw

cc client

15944570.1



March 11, 2021

Ms. Diane Childs  
Manager, Policy Division  
Planning Services Department  
Town of Oakville  
1225 Trafalgar Road

By Email

Dear Ms. Childs:

Re: Draft Midtown Core OPA

We are the planning consultants for Mr. Malvinder Singh - 2317511 Ontario Inc., the owners of the property known as 70 Old Mill Road. We have reviewed the draft Midtown Oakville OPA and advise that we have two concerns as set out below.

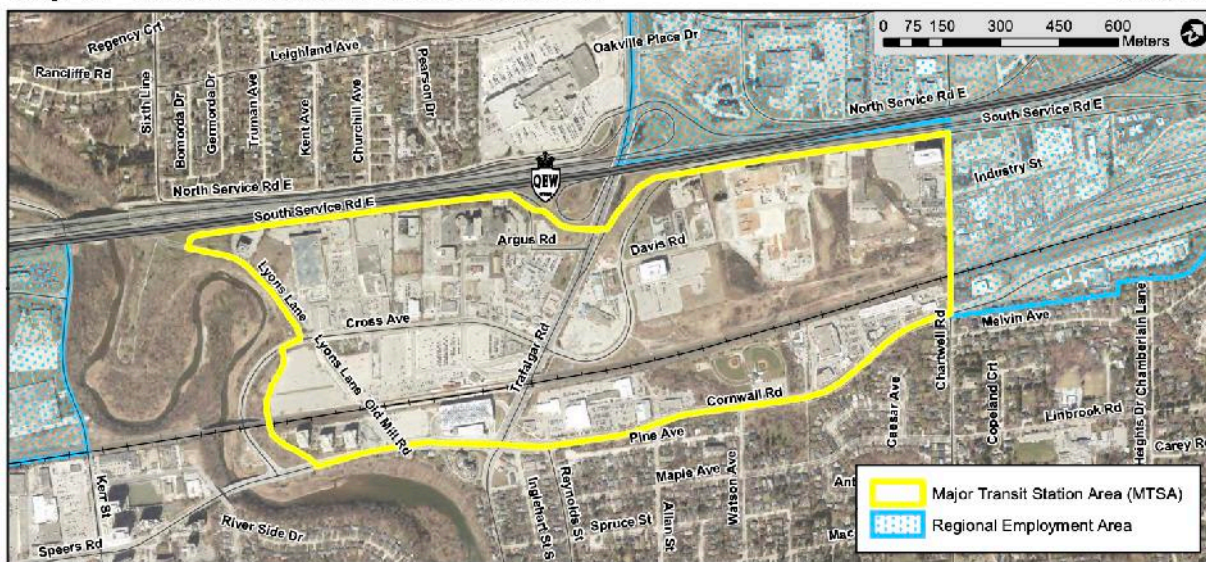
The first concern relates to the removal of the exception in Section 20.6.1 of the Livable Oakville which pertains to additional permissions for non-retail service commercial area of 2300 m<sup>2</sup> and a neighbourhood shopping centre with a maximum of 930 m<sup>2</sup> at the Northwest corner of Cornwall Road and Old Mill Road. We request that these additional permissions be retained in the proposed OPA.

The second matter relates to our client's request for consideration of redesignating the site at 70 Old Mill Road from the proposed High Density Residential designation to Urban Core to match the proposed land use designation on the east side of Old Mill Road. As per the policy found in the draft amendment at Section 20.6.3(b), this change in designation would permit flexibility in the uses permitted for the proposed building on this property and would provide for additional height to a maximum of 20 storeys as opposed to the 12 storeys shown on Figure L2, Midtown Oakville Building Heights.

In support of this request, we have attached Figure 6a of draft ROPA 48 which shows that the subject lands are located within the proposed boundary of the Oakville GO Station Major Transit Station Area.

**Map 6a - Midtown Oakville GO UGC/MTSA**Attachment #5 **DRAFT**

Jan. 25 2021



Under the proposed policies in ROPA 48, this area is to be the focus of higher density development to meet the Provincial Growth Plan requirement of 200 persons and jobs within the MTSA boundary for the Oakville GO Station.

Under proposed policy 20.4 of the draft Midtown OPA, it is noted that the policies in Parts C and D of Livable Oakville apply to the lands in Midtown Oakville. Part D, Section 11.4.2 limits development under the High-Density Residential land use designation to a maximum of 185 units per site hectare. Density ranges are not applied elsewhere in this area under the proposed OPA. Allowing for the increased height and density is in accordance with the MTSA designation on these lands. The subject lands are immediately adjacent to the Oakville Go Station. The increased height density on the 70 Old Mill Road property is reasonable given the direction provided on the Trafalgar Corridor. We also note that there is vacant land available for development on the Metrolinx surface parking area. Changing the proposed land use to Urban Core on all vacant lands south of the Oakville GO Station assists in providing the required population density within the MTSA.

We look forward to discussing this matter further with you.

Yours truly,

**Ruth Victor MCIP, RPP, MRTPI**

March 19, 2021

VIA E-MAIL

Mayor Burton and Members of Council  
c/o Town Clerk, Vicki Tytaneck  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Denise Baker  
Partner  
t. 416-947-5090  
dbaker@weirfoulds.com

File 18740.00012

\*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

**Re: Proposed Midtown Oakville Plan Amendment  
271 Cornwall Road and 485 Trafalgar Road**

We are solicitors for FCHT Holdings (Oakville) Corporation ("FCHT") regarding their properties located at 271 Cornwall Road and 485 Trafalgar Road, in the Town of Oakville (the "**Property**").

As you are aware, FCHT filed an application for an Official Plan Amendment and Zoning By-law amendment in September 2019 to facilitate the development of the Property for a mixed-use development consisting of two (2) buildings proposed at 14 and 19 storeys.

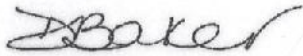
The Town of Oakville proposes to repeal all of Livable Oakville's Section 20, Midtown Oakville policies, and replace it with revised policies. These policies continue to identify the Property as part of the Town's Urban Growth Centre and propose to identify the Property as part of a Major Transit Station Area (MTSA) boundary.

The Town initiated Official Plan Amendment for Midtown Oakville proposes to designate the Property for heights ranging from 6-12 storeys. While we appreciate that this is an increase in the current permitted height of 4-10 storeys, it is our position that the Property should be designated for buildings with heights from 8-20 storeys due to its proximity to the GO Station platform and to implement the proposed development application. The proposed development application is, as shown through the submission of the required studies as part of the development application, compatible with the surrounding lands at 14 and 19 storeys.

We look forward to continuing our dialogue with staff with respect to the development application and the Town initiated Official Plan amendment.

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", is written over a faint, rectangular stamp or watermark.

Denise Baker  
Partner

DB/mw

Cc Client

15947144.1





March 22, 2021

Town Clerk  
Town of Oakville  
Clerk's Department  
1225 Trafalgar Road,  
Oakville, ON  
L6H 0H3

To Whom it May Concern:

The Oakville & Milton Humane Society has occupied our building at 445 Cornwall Road for almost seventy years. Throughout this time, the community has come to recognize our shelter as a safe haven for animals in our community who have been injured, abused, abandoned or in need of medical care. It is also a community hub known for high quality educational programs for children, a location to recover a lost pet or one where an adoption is possible to rescue an animal and provide it with a loving home.

In reviewing the plans for Livable Oakville, the OMHS acknowledges the important growth our community is witnessing and understands the necessity for long term planning to support our population growth. The OMHS shelter was constructed at a time when population was a mere 10,000- 13,000 and our facility is not equipped to support population expansion estimated to exceed 380,000 by 2030.

The OMHS Board of Directors has confirmed the need to build a new shelter to meet the growing demands and changing animal welfare needs of our community. A Building and Property Development Committee was struck in 2019 to review our future shelter needs, to review latest trends and building design for animal centres and to explore the feasibility to either rebuild at our current location or relocate to a different parcel of land in the region. Our committee has met with the Town Planning Department and understands that there is limited land available for the shelter to build on both because of availability and the unique zoning our shelter has. Any new build away from our current location would entail zoning changes, public consultation and may not be suitable due to the proximity of current and future residential development with that of an animal shelter. Additionally, the current cost of land is extremely high and long-term plans are already in place for the use of land.


Consideration has been given to remaining at our current location and building a new centre for the animals and the community. Land size is not ideal (as it currently is less than 2 acres) as it does not offer important green space and walking trails conducive for the animals. However, for proximity to community partners, services, a workforce of volunteers and staff, it is ideal. It

is also a known location by many in the community and an important contributor to the local economy employing almost 50 staff.

The OMHS is concerned that as a small charity, if we undertake a capital campaign within the next few years and construct a new facility at our current location, that it will need to last the Society for at least thirty years. This may conflict with the long-term planning efforts for mid-town Oakville and the area highlighted in your letter to the Society.

The Society is open to discussion to identify alternative land elsewhere in our community if it means we can meet the future growth needs for the OMHS and can support long term plans the Town of Oakville intends to pursue for mid-town Oakville.

Best,



Rick Perciante  
Executive Director