

REPORT

Special Council

Meeting Date: June 3, 2024

FROM: Community Development Commission

DATE: May 21, 2024

SUBJECT: Midtown Oakville Considerations

LOCATION: Midtown Oakville Urban Growth Centre

WARD: Ward 3

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RECOMMENDATION:

That the report entitled “Midtown Oakville Considerations” be received for information.

KEY FACTS:

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

- This report is provided in response to Council’s request for information as identified in the petition for this [Special Council Meeting](#).
- The concept provided in Appendix B of this report, which illustrates a potential built-form that could accommodate a total of 35,000 residents and jobs within Midtown, is for discussion purposes only.
- A cap to growth within Midtown of 35,000 residents and jobs would require shifting approximately 15,500 estimated resident and jobs from Midtown to other locations within the town and/or region to continue to achieve Joint Best Planning Estimates, as explained in Section 1 of this staff report.¹
- Information provided in this report is compiled by staff and consultants based on information presently available and, in some cases, is preliminary and would require further investigation through land use planning, development engineering, and financial planning processes. It is provided solely in response to Council’s request.

¹ Best Planning Estimates to 2051 for Midtown is 50,466 residents and jobs, as of the fall of 2023, see [Halton Joint Best Planning Estimates](#).

BACKGROUND:

On [April 22, 2024](#), members of Council signed a petition for a special meeting of Council to be held on June 3, 2024 for “the purpose of receiving and clarifying information in relation to a future decision to be made with respect to a Midtown Oakville Official Plan Amendment.”

The agenda items for that meeting were noted as follows:

1. Staff shall provide Council with a report on the net developable areas for each growth node in Oakville recognizing their classification, for Council to consider the distribution of our population over the next 30 years while remaining committed to achieving our Provincial population targets.
2. Staff shall provide a revised concept for Midtown for consideration with a population of 35,000 people and jobs. The revised concept shall be accompanied by a Land Use schedule to include an FSI for each precinct as well as maximum heights in each precinct for all buildings.
3. Staff shall provide a report on how they can incorporate the following needs in a Midtown OPA:
 - a) The provision of a mix of built forms including supporting low rise multi-unit, and mid-rise construction that is sustainable;
 - b) A demonstrated commitment to Climate action with “shall” language including but not limited to compliance with Green Development standards, environmental sustainability.
 - c) Enabling language for Inclusionary Zoning in support of providing affordable housing within developments;
 - d) Enabling language for the implementation of Community Permit Planning;
 - e) A commitment to a phasing plan for local park, and ATMP concurrent with building occupancy;
 - f) Early inclusion within the developments of daily living essentials including medical, groceries and daycares;
 - g) That Buildings shall have a minimum 35 metre separation distance with specific height transitions between towers greater than 10 stories;
 - h) A mix of ‘homes/units’ with a minimum requirement that 35% of the residential units for each building shall be 2 and 3 bedrooms;
 - i) That the built out form for the 43 hectares, assuming maximum use of permissions by all builders, shall not exceed a projected population of 35,000 people and jobs;
 - j) To incorporate urban design guidelines including child friendly regulations

Staff shall provide a report on the implications of Bill 185 on a revised Midtown Official Plan amendment.

Staff shall provide:

4. A Transportation/Mobility Report assessing the impacts of a reduced population compared to their traffic analysis of the proposed OPA and explain the potential phasing of transportation infrastructure.
5. A Financial report estimating the cost of the hard and soft infrastructure and the estimated contribution each of the stakeholders would need to make.

INFORMATION

To assist Council with the discussion for this Special Council Meeting, the following information is provided.

1. Growth Node Net Developable Area

Growth Nodes

Appendix A of this report provides a map along with a table that identifies:

- each of the Town's strategic growth nodes,
- their classification in accordance with the official plan's urban structure,
- the gross and net land area for each node,
- their associated minimum density target in accordance with the Growth Plan and Halton Region Official Plan, as well as
- the Joint Best Planning Estimates (JBPE) of projected residents and jobs within each node to 2051.

In accordance with the Town's Urban Structure, as established in Schedule A1 of the Official Plan, these growth nodes are where the majority of residential growth is proposed to be accommodated over the long term, especially where the growth node is located within the Town's built-up area (i.e. south of Dundas Street) wherein the Region directs that 45% of new residential development is to be located.²

In terms of net area, this is the land area that remains available for development (i.e., to site buildings) after lands attributed to existing and future public realm (i.e., streets, parks, storm water management facilities) and lands associated with natural heritage and utilities (i.e., railway and hydroelectric corridors) are netted out from the gross land area.

In terms of forecasted growth to 2051 for each node, Halton Region applies an exercise called the Joint Best Planning Estimates (JBPE), which is described as follows:

The "Best Planning Estimates" are a planning tool used to identify where and when development is expected to take place across the

² Per Table 2 and policy 77(2.1) of the [Halton Region Official Plan](#).

Region. It breaks down the timing of anticipated growth within specific geographic areas known as Traffic Zones and Small Geographic Units (SGUs) to assist the Region and the Local Municipalities in planning complete communities, including the establishment of the supply of housing, type of housing and jobs across the Region. The Best Planning Estimates also provide direction in determining the timely provision of both hard infrastructure (roads, water and wastewater) and community infrastructure (schools, community recreation etc.).

The JBPEs are informed by Growth Plan policy direction, which requires planning for residents and jobs as forecasted in Schedule 3 of the Growth Plan (or to a higher number determined by the Region), and allocating that forecasted growth to lower tier municipalities, and also policy direction regarding minimum intensification and density targets. The JBPE also takes into consideration local context, including availability of existing and planned infrastructure, and market trends (including active development applications), for all municipalities within Halton Region. As such, any change to JBPEs from one traffic zone or small geographic unit will require changes to others to ensure that the total forecasted growth is planned for, and that each municipality is meeting its requirements to accommodate allocated growth.

A summary of the Appendix A table is provided in Table 1 below.

Table 1 Summary of Statistics for Strategic Growth Nodes

Growth Area Oakville Urban Structure	Land Area Gross Net Net as % of Gross	Min. Density Target and R:J ratio (Per Halton OP ³)	JBPE by 2051 (residents and jobs combined)	JBPE R:J ratio by 2051	JBPE R&J/ha (gross area) by 2051
Neyagawa Urban Core Node	89.7 ha 42.5 ha 47.4%	160 85:16	11,938	88:12	133
Hospital District Node	74 ha 53.5 ha 72.3%	160 40:60	12,259	33:67	166
Palermo Village Proposed Regional Transit Node	161.6 ha 91.6 ha 56.6%	160 85:15	24,999	78:22	155
Uptown Core Regional Transit Node	114.9 ha 63.7 ha 55.5%	160 85:15	20,685	70:30	180
Bronte GO Major Transit Station Area, Regional Transit Node	156.2 ha 104.1 ha 66.7%	160 40:60	10,293	44:56	66
Midtown Urban Growth Centre, Major Transit Station Area, Regional Transit Node	103 ha 43 ha 42%	200 by 2031 65:35	50,466	64:36	490

Four key observations can be made about this information:

³ Per [Halton Region Official Plan](#) Table 2B.

1. The JBPE, in accordance with direction from the Growth Plan, prioritizes Midtown Oakville as a key area to which growth is directed over the next 27 years. While the above noted SGAs in total make up 19% of estimated population and 23% of estimated jobs by 2051, Midtown alone is assigned 7% of the estimated population and 9% of the estimated jobs within the Town overall.⁴
2. Growth nodes that are projected to have a larger proportion of employment uses within them tend to have a smaller proportion of land attributed to public realm (i.e. streets and parks). As such, less land is “netted out” when calculating net land area. This is because less parkland is needed in employment areas, and development blocks are designed to accommodate buildings with larger footprints.
3. The Joint Best Planning Estimates associated with each area and the resulting density target is representative of what is anticipated to be achieved by 2051, but is not necessarily representative of the node’s capacity to accommodate growth, which may have a longer planning horizon than the 27 years that is provided by the 2051 forecast estimate.
4. Some nodes are estimated to reach and exceed their minimum density target within the 2051 planning horizon. However, for some areas for which the transition or redevelopment of the land is anticipated to take longer, the minimum target is estimated to be achieved some time after 2051. Nevertheless, official plan policy and schedules plan to accommodate a greater capacity for growth to occur over the fullness of time. According to the JBPE, by 2051 44% of estimated population and 45% of the estimated jobs is anticipated to locate within all of the Town’s nodes and corridors, whereas the balance population would be/are within the Residential areas, and the balance of jobs would be/are within employment and commercial areas. Post 2051, as the residential areas and employment areas build out, a larger proportion of population and jobs will likely occur within the nodes and corridors, where the capacity for intensification can accommodate it.

Growth Forecast

Policy 2.2.1 (1) of the Growth Plan requires municipalities to use the population and growth forecast provided in Schedule 3 of the Growth Plan, or a higher forecast established by the upper or single tier, to plan and manage growth. As is noted in the [memo](#) dated April 11, 2024, various population and job forecasts have been established for the Town of Oakville. These forecasts are prepared for land use planning, infrastructure planning and financial planning, among other matters. The forecasts are based on numerous assumptions. Furthermore, the forecasts are not static, but rather are updated based on new information, extension of a planning horizon, changes in policy direction, monitoring, and trends.

⁴ The Town’s [Data Hub](#) provides the planning estimates for the town by policy area and 5-year increments.

Table 2 provides an overview of changes in the forecast for Oakville and Midtown in specific by planning horizon. The table provides forecast information starting with the Regional Official Plan as adopted in 2009, its update in 2022 via ROPA 49, that was informed by its Land Needs Assessment (completed in February 2022). On May 16, 2024, Bill 162 received Royal assent which reinserts 2051 allocations for Oakville of 349,990 people and 181,120 jobs into the Region’s Official Plan. Table 2 also includes the latest JBPE released in the fall of 2023, which takes into account Census 2021 findings, approved and proposed development, and updated municipal and regional planning policy, as well as changes in Federal and Provincial policy regarding matters such as: immigration and municipal housing pledges, as described in detail in the Town’s August 2023.

Table 2 Oakville and Midtown Forecasted Population and Jobs

Horizon	Town Population + Jobs	Midtown Population + Jobs	Source
2021	220,143 + 110,839	639 + 5,459 (6,098 combined)	JBPE 2023 (per Census and Employment Survey)
2031	255,000 + 127,000	20,000 combined	ROP 2009/Current OP
2041	331,500 + 161,000	n/a	Halton Region ROPA 49 (adopted June 2022)
2051	375,000 + 180,000	n/a	Halton Land Needs Assessment (as of February 2022)
	349,990 + 181,120	n/a	MMAH ⁵
	442,941 + 212,116 (+92,951 in residents and +30,996 in jobs from MMAH allocation)	32,468 + 17,998 (50,466 combined)	Halton Joint Best Planning Estimates (fall 2023) ⁶

The Minister’s modification to ROPA 49 redistributes Halton Region population and job allocations from Oakville and Burlington to Milton and Halton Hills, and allocates forecasts to 2051 (whereas ROPA 49 had only provided a Regional forecast to 2041). Other Minister modifications that are reinstated by Bill 162 are related to settlement area boundary expansions that create new community and employment areas in Halton Hills, Milton and a portion of Oakville.⁷ These are greenfield areas to which new infrastructure such as water and wastewater servicing will be required

⁵ Per MMAH approval of ROPA 49 in November 2022, which was subsequently rescinded by [Bill 150, Planning Statute Law Amendment Act, 2023](#); but is reinstated in accordance with [Bill 162, Get it Done Act, 2024](#), which received Royal Assent on May 16, 2024. Accordingly, changes to the Halton Region Official Plan are deemed to have come into force as of December 6, 2023.)

⁶ Per [Appendix B](#) of Staff Report Midtown Program – Report 2024-02-27 from the February 27, 2024 Special Council Meeting.

⁷ See [Appendix 8 of the Minister’s Decision](#) regarding ROPA 49, lands are located south east of Lower Base Line and 4th Line.

and the timing for new development is likely to occur in the latter decade of the planning horizon.

In the meantime, the Federal and Provincial push to meet housing targets by 2031 to address unmet demand,⁸ and the need for affordable housing continue. As such, development in the built-up areas is still required to be prioritized.

2. Midtown Concept at 35,000 people and jobs

In accordance with Council's request, Appendix B provides a concept for Midtown Oakville that could accommodate approximately 35,000 residents and jobs.

Concept

The concept in Appendix B provides a basic illustration of built-form to accommodate 35,000 residents and jobs within Midtown. This concept maintains all of the public realm as proposed in the [April 2 draft official plan amendment](#), and applies a 35 metre (instead of 30 metre) tower-separation distance (as per agenda item 3(g)). This concept also continues to apply residents to job ratios in accordance with the Halton Region Official Plan of 65 residents to a minimum of 35 jobs (65:35). The concept results in an overall decrease in density and height of buildings from what was contemplated in the April 2, 2024 draft OPA.

This concept does not account for proposed policies provided in the April 2, 2024 draft OPA that direct for mid-block connections, height variations, and precinct visions. This concept also does not account for alignment with market trends (as is observed via development proposals received by the Town within Midtown⁹), nor does it ensure that the minimum 200 residents and jobs per hectare target of the Growth Plan [by 2031](#) is achievable. Furthermore, this concept does not account for how tools such as the community planning permit system or inclusionary zoning may be implemented within Midtown.

To address those matters, further adjustments would be required, particularly an increase to the overall growth estimate within Midtown.

Land Use

Appendix B includes a land use schedule that consists of the following land uses: urban core, office employment, community commercial, natural areas, parks and open space, and utility. Complementary to the Land Use Schedule are two other

⁸ See [Examining Escalating House Prices in Large Canadian Metropolitan Centres \(cmhc-schl.gc.ca\)](#), one of many foundational documents that has led to the development of the National Housing Strategy.

⁹ Active development applications may be reviewed via the Town's [Development Applications](#) website, some of which are now with the Ontario Land Tribunal, are proposing building heights of 27 – 61 storeys and greater per recent resubmissions. north of the CN tracks.

schedules: Parks and Open Space and Transportation Network. These are the same schedules provided in the April 2 draft OPA given that this concept continues to rely on the same infrastructure requirements and land use permissions.

Precinct Density and Height

A separate figure provides average density and range of building heights provided in the concept, per precinct. Please note that the concept and the associated figure do not take into account the provision of above ground structured parking that may occur within the podium of a building, which would have an impact on total building height.

Furthermore, this figure is not representative of an Official Plan schedule. To develop such a schedule, further analysis would be required to delineate boundaries and distribute height and/or density within blocks that would align with policy direction provided in the official plan as amended.

3. Midtown Official Plan Amendment elements, how they can be incorporated

The petition requested that staff report on how the following ten items could be incorporated in the Official Plan for Midtown.

- a) The provision of a mix of built forms including supporting low rise multi-unit, and mid-rise construction that is sustainable

Low and Mid-rise Development Permission

Permission for low- and mid-rise construction is already present in the official plan land use policies for lands designated “urban core, community commercial and office employment”¹⁰ which are the applicable land uses within Midtown. Low and mid-rise development may occur in stand alone commercial, office and residential development or within podiums of buildings. This includes the provision of town-houses and stacked townhouses, as well as stand alone schools and commercial facilities. It should be noted however, that development of tall buildings is also required to be located within Midtown, in order to meet overall density requirements and accommodate anticipated growth, while also taking into consideration the provision of new infrastructure, such as streets and parks, and accounting for lands that are not developable (i.e. natural heritage features and utility corridors).

Sustainable Construction

See item (b) below.

¹⁰ Section 12.5, 13.4 and 14.3 of the Official Plan provides permitted uses for lands designated Urban Core, Community Commercial, and Office Employment, respectively.

- b) A demonstrated commitment to Climate action with “shall” language including but not limited to compliance with Green Development standards, environmental sustainability

Sustainable Development Policy

Presently, the official plan provides policy guidance regarding various sustainable development matters, from high-level direction for more compact urban form to more discrete policy direction related to the implementation of low impact development techniques, provision of active transportation facilities, and requirements for studies related to determining the limits of development and achieving water balance, among other matters.¹¹

It should be noted, however, direction that is specific to a building’s construction is governed by the Ontario Building Code.

Green Building Standards

At previous Council meetings, reference has been made to the Toronto Green Standards (TGS). The TGS itself is not official plan policy, however approval of site plan applications does include consideration of TGS standards. The program is established using four tiers of sustainable development standards. Tier 1 standards are mandatory as authorized by the Building Code and/or provisions in the *City of Toronto Act, 2006*¹², whereas subsequent tiers are voluntary and/or incentivized using development charge rebates.¹³

At the March 18, 2024 Planning and Development Council meeting, Council directed staff to investigate and, if deemed appropriate, undertake the development of a community planning permit system and community improvement plan. Both of these *Planning Act* tools can be used to encourage or require development to incorporate sustainable development measures. As such, through consideration of those tools, staff can undertake further research, consult with stakeholders, and report back to Council as to how those tools can be applied to achieve sustainability.

¹¹ Several sections of the official plan include policy direction for the following matters: universal accessibility (policy 6.9.12), environmental sustainability (section 10), cycling and pedestrian facilities (section 8.10), provision and protection of trees (section 10.2) and landscaping (section 6.0), building orientation to maximize passive solar heating and lighting (policy 6.9.15), low impact development measures (Section 10.10), and waste management (Section 10.8).

¹² The *City of Toronto Act* provides unique powers to the City that are not similarly provided to other municipalities. One of those powers permits the City to pass a by-law requiring and governing the construction of green roofs or alternative roof surfaces that achieve similar levels of performance. This power is not yet authorized by the *Municipal Act* for all other municipalities in Ontario because the Province has not yet issued the required enabling regulation.

¹³ See [Toronto Green Standard – City of Toronto](#) for more information.

- c) Enabling language for Inclusionary Zoning in support of providing affordable housing within developments

Inclusionary Zoning – Staff Action to date

At the March 18, 2024 Planning and Development Council meeting Council directed staff to investigate and, if deemed appropriate, implement inclusionary zoning within protected major transit station areas (PMTSA) such as Midtown Oakville. Part of that investigation requires undertaking a Housing Needs Assessment (HNA). Staff have issued the request for proposal (RFP) for this Assessment and expect to begin the research and consultation starting in July 2024.

This HNA will determine what are the Town's housing needs and also undertake analysis to determine how IZ policies and provisions can be established that ensure long term affordable housing is provided along with market rate housing in a manner that is viable. It should be noted that based on similar assessments prepared for other municipalities, viability of IZ is strongly correlated with permission for high-density development and/or provision of financial incentives. The greater the increase in density from pre-IZ zoning permissions to post-IZ zoning, the greater the viability of the program, which results in the ability to secure more IZ units and/or secure units at a deeper level of affordability.

Until such time as the HNA is completed, staff are unable to develop the enabling inclusionary zoning (IZ) policies that are required to be in the official plan. Furthermore, without the HNA being completed, staff are not able to confirm that any proposed IZ policies would allow for viable residential development to occur within the IZ area, which is a prerequisite to adopting IZ by-laws. As such, at this time, a place holder policy is included in the draft Midtown OPA, to indicate the Town's preference to adopt IZ policies and provisions to ensure a transparent process for current and future development.

The proposed placeholder policies for IZ and CPPS (see item 'd' below), indicate to the development community and to the public that height, density and land use permissions within Midtown come with caveats. The extent of those caveats will be determined following the approval of the OPA that is adopted and approved, and a completed HNA to ensure viability of development.

- d) Enabling language for the implementation of Community Permit Planning

Community Planning Permit System – Staff Action to date

At the March 18, 2024 Planning and Development Council meeting Council directed staff to investigate and, if deemed appropriate, implement a community planning permit system within Midtown Oakville, and possibly other parts of Oakville. As noted during that meeting, the *Planning Act* requires enabling official plan policies which may be adopted prior to or concurrent with the community planning permit by-law. The *Planning Act* identifies both mandatory and optional enabling official plan policies. Staff's recommendations within the White Paper received by Council were

that only the mandatory official plan policies be adopted as part of the Midtown Oakville official plan amendment, and that the optional policies be adopted concurrent with the Midtown Oakville community planning permit by-law. In so doing, the Town is signalling to the development community and public its intent to use this regulatory tool, and its desire to undertake necessary consultation prior to establishing the enabling official plan policies and by-law provisions.

As noted at the April 8, 2024 Planning and Development Council meeting, the use of the community planning permit system allows the Town to work with the development community to integrate community benefits as a condition of development. These conditions may be requested for any and all development within the CPP by-law area in accordance with *Planning Act* rules. For example:

- all development may be required to provide parkland in accordance with the Town's parkland dedication by-law,
- development that is adjacent to a right-of-way that requires widening may be required to dedicate land to enable the expansion (provided the official plan identifies the need for the ROW expansion), or
- development that proposes a height and/or density that is higher than the 'as-of-right' threshold established in the by-law, may be requested to provide a benefit on-site or cash-in-lieu of the on-site benefit.

In terms of these types of "trade-off" conditions, where the delta between the "as-of-right threshold" and the maximum height and/or density is nominal, the resulting negotiated benefit is limited. At a minimum, the Town should ensure that resulting community benefits would be on par with the in-effect Community Benefits Charge Strategy and By-law. Work on this preliminary analysis is underway. (See Section 6 of this report regarding additional information on the CBC.)

- e) A commitment to a phasing plan for local park, and ATMP concurrent with building occupancy

Parkland and Active Transportation facilities

Phasing of parkland and active transportation facilities occurs through various tactics that include: Official Plan policy and schedules, master and capital planning, and acquisition via development approval and/or purchase.

Identifying the desired number, type and location of parkland and active transportation facilities in the Official Plan (as are provided through the schedules that are complementary to the land use schedule included in Appendix B of this staff report) is an important step. These policies and schedules ensure that parkland is provided in a manner that serves the needs of existing and future residents and is complementary to the Town's broader park, open space and active transportation networks.

Inclusion of these facilities in the Park and Transportation Master Plans ensure that they are accounted for when preparing development charge and parkland dedication by-laws, which are means to finance their future acquisition.¹⁴

Another means of acquisition is through the development approval process related to site plans and land division (i.e., subdivision and consent) in accordance with *Planning Act* provisions. In those circumstances, land is generally assumed by the Town once it is confirmed that it is free of encumbrances and a record of site condition per the *Environmental Protection Act* is approved, where required.

Cash-in-lieu of land and development charges are, generally, paid at the time of building permit issuance. For lands not acquired through the development approval process, the Town will need to purchase them. The timing of purchase will likely be based on availability and/or need in order to ensure that new development is supported with necessary services.

An additional means of phasing in parkland may be through the establishment of landowner agreements. The intent of such an agreement is to facilitate cost-sharing and the delivery of infrastructure among landowners. This can extend to hard infrastructure (i.e. water and sanitary servicing) as well as the location of parkland. An agreement amongst landowners prior to development commencing helps distribute responsibility of community infrastructure fairly and equitably.

Based on preliminary analysis, the amount of parkland that can be acquired using the Town's adopted parkland dedication by-law provisions does not change from what was calculated for the April 2 draft OPA, however, the cost of that parkland dedication, on a per capita basis or per unit basis, would be higher due to the overall reduction in development within Midtown, which could impact the affordability of future housing units within Midtown.

- f) Early inclusion within the developments of daily living essentials including medical, groceries and daycares

Population Related Businesses and Services

The current official plan and draft April 2 official plan policies for Midtown encourage and require the provision of non-residential land use within Midtown.

The April 2 draft OPA proposes to designate land within Midtown as: Urban Core, Office Employment and Community Commercial wherein businesses and facilities to serve the daily needs may be provided. Seven precinct areas are also identified. Within these precincts, the draft OPA provides policy direction regarding a ratio of ground floor area to be attributed to non-residential uses. Furthermore, the draft

¹⁴ These plans and by-laws are updated on five-year cycles, to ensure timely delivery of services and account for any changes in service standards and need.

OPA identifies primary and secondary main streets wherein there are requirements for non-residential uses at grade to animate streets. The objective of these policies and schedules is to ensure that Midtown achieves its goal of being a place to live, work and play, and to achieve targeted ratios of residents and jobs within the area. Tables 3 and 4 below provide an overview of the draft April 2 OPA key policy directions to ensure that businesses and services are integrated with development.

Table 3 Permitted uses within Midtown Oakville land use designations

Land Use	Current OP Permissions	Proposed additional Permissions
Urban Core	<p>Per Policy 12.5.1</p> <ul style="list-style-type: none"> - retail and service commercial uses, including restaurants, commercial schools, major office, offices and residential. - Places of entertainment, indoor sports facilities and hotels may also be permitted. - Office uses and ancillary residential uses may be provided on the ground floor and above the ground floor. 	<p>Per draft policy 20.4.2.</p> <ul style="list-style-type: none"> - Educational facilities, cultural uses and facilities, municipal parking facilities - All non-market housing, including but not limited to special needs housing - Transit supportive facilities adjacent to utility designation (bus terminals, pick-up/drop-off, etc.)
Employment	<p>Per Policy 14.3</p> <ul style="list-style-type: none"> - major offices and offices, - hotels, - public halls, - light industrial uses and training facilities and - commercial schools. - Limited convenience retail, accessory retail and service commercial uses, including restaurants, may be permitted in conjunction with the permitted uses 	<p>Per draft policy 20.4.3</p> <ul style="list-style-type: none"> - Municipal parking facilities - Convenience retail, accessory retail and service commercial uses, including restaurants
Community Commercial	<p>Per Policy 13.4.1</p> <ul style="list-style-type: none"> - a range of retail and service commercial uses including restaurants, food stores and motor vehicle service stations. - Places of entertainment and indoor sports facilities may also be permitted. - Offices may be permitted provided they serve a secondary function and are small in scale. 	<p>per draft Policy 20.4.4</p> <ul style="list-style-type: none"> - Office
All		<p>Per draft policy 20.4.1</p> <ul style="list-style-type: none"> - Public service facilities (see also draft policies in section 20.12) - existing motor vehicle dealerships may redevelop in a compact urban form - redevelopment of non-residential uses must replace all of existing non-res. GFA - mix of commercial uses at grade is encouraged throughout Midtown

Table 4 Precinct specific land use direction for non-residential use

Precinct	Sixteen Mile	Argus	Trafalgar	Davis	Cornwall	Office	Community Commercial
Non-Res GFA minimum	n/a	15%	30%	n/a	n/a	100%	100%
Main Street Requirement	Secondary	Primary Secondary	Primary Secondary	Primary Secondary	Secondary		Secondary

The draft policies regarding main streets specifically direct for animated streets. The draft policies require non-residential uses to be provided at the base of buildings for a minimum of 70% of frontage of buildings facing “primary” main streets and 40% of the frontage of buildings facing “secondary” main streets. Despite the wide range of permitted uses provided in the official plan, the nature of these spaces and the tenancy of them will depend on market demand and will change over time as Midtown evolves.

Public Facilities

Draft policies in section 20.12 provide further guidance regarding public service facilities, which include publicly funded facilities, programs and services, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. The draft policies speak to the Town’s responsibility to monitor growth within Midtown, update master plans/strategies as needed, and to work with development proponents to provide necessary facilities that are integrated with development and delivered in a timely manner.

Draft policies in section 20.12.2 are specific to educational facilities, and predetermine a need for four school sites and envision other school sites to be established without the need to amend the official plan. This ensures that as school boards continue to update their school needs and forecasting work, the official plan continues to accommodate their needs over the long term. Should the projected growth for Midtown be reduced to 35,000 residents and jobs, further review and assessment by the school boards would be required to determine the likely number of school sites required to service this area.

- g) That Buildings shall have a minimum 35 metre separation distance with specific height transitions between towers greater than 10 stories

The purpose of tower separation is to provide enhanced privacy for building units and access to sky views and sunlight. Studies have shown that tower separation distances are appropriate for tall towers, and are recommended to increase in proportion with tower height.

Presently, the [urban design guidelines](#) for the Town requires a minimum 25 metre separation distance between towers, and a podium separation distance of at least 11 to 15 metres. The current Midtown specific urban design guidelines [Designing](#)

[Midtown Oakville](#), in section 6.1.3.2 Towers, states: “There should be a minimum separation of 30 m between any two tower elements with less than 30 storeys, minimum 50 m between towers over 30 storeys, and 25 m between convex towers.” The April 2 draft OPA for Midtown proposes a new policy requiring a minimum separation distance of 30 metres between towers and, a minimum of 15 metres separation between the base of mid-rise and high-rise buildings.

As is shown in figure 1, exceeding the 25m tower-separation is appropriate when buildings exceed a certain tower height to ensure sky light may enter into lower levels of a tower. Assuming a 15-degree angle is applied at grade, and applying simple math, a 25m separation between towers (per the townwide current minimum standard), would be suitable for total building heights of up to 30 storeys; whereas a separation distance of 35-metres would be suitable for building heights of 42 storeys.

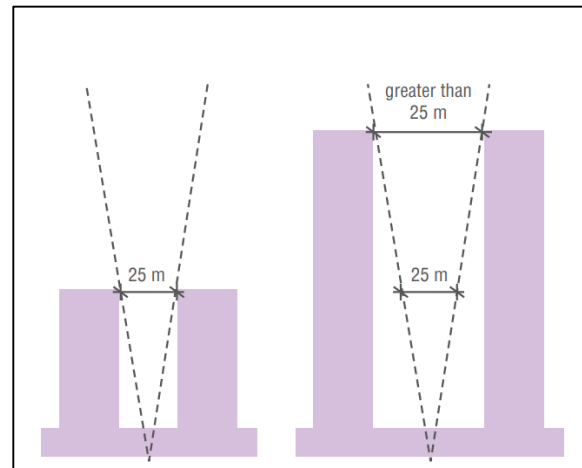


Figure 1 Illustration from City of Toronto [Tall Buildings Guideline](#), 2013

- h) A mix of ‘homes/units’ with a minimum requirement that 35% of the residential units for each building shall be 2 and 3 bedrooms;

Based on a review of approved and in-process development proposals within Oakville and west-central Greater Toronto Area, policy direction to require residential development to provide a minimum of 35% of units with two or more bedrooms appears reasonable.¹⁵ Data shows that development of both condominium and rental tenure are providing in the range of this proportion.

- i) That the built out form for the 43 hectares, assuming maximum use of permissions by all builders, shall not exceed a projected population of 35,000 people and jobs Including a policy and/or maximum density schedules are means to implement a cap on growth within Midtown.

Official Plan Amendments are subject to approval by the Approval Authority¹⁶, who will be evaluating the OPA against regional and provincial policy direction and has the ability to approve, modify and approve, or refuse policies and schedules of the OPA.

¹⁵ Per research undertaken by N. Barry Lyon Consultants to assist with preparing this staff report.

¹⁶ Halton Region is presently the approval authority, however, should Bill 185 be enacted as proposed, as of July 1, 2024 the Minister of Municipal Affairs and Housing would be the approval authority.

The approval authority will consider policy direction from the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and Regional Official Plan that:

- direct for compact, transit supportive development that is in accordance with allocated growth forecast and urban structure to accommodate a significant share of that forecast¹⁷,
- require meeting and exceeding minimum intensification and density targets to achieve transit-oriented development and sustainability objectives, including Midtown's ability to maximize potential transit users within walking distance of the existing (VIA and GO) and planned (bus terminal) stations,¹⁸ and
- is responsive to climate change.

The approval authority will also take into consideration policy direction which directs for a mix of housing options and densities to meet market-based and affordable housing needs of current and future residents by establishing (at the upper tier level) and implementing minimum affordable housing targets; and permitting and facilitating residential development that minimizes cost of housing and facilitates compact form, while maintaining appropriate levels of public health and safety.¹⁹

A [memo](#) was provided to Council and the public dated April 11, 2024 regarding the rationale for proposed population and jobs within Midtown Oakville, which was intended to address the expectation of an overall accelerated rate of growth within Halton Region and Oakville in particular. As is noted in the memo, there is a danger to underestimating growth in relation to funding and providing right-sized and timely hard and soft infrastructure. The memo also notes that underestimating growth is likely to lead to incremental and poorly co-ordinated planning.

j) [To incorporate urban design guidelines including child friendly regulations.](#)

As is noted in the Midtown slide decks shared with Council and the public, Phase 5 of the Midtown Program is proposed to proceed following adoption of a Midtown OPA. Within this phase, Urban Strategies Inc. will be preparing urban design guidelines as well as a public realm plan. As noted in figure 2 below, this work will also inform the development of a Midtown regulatory by-law (i.e., the community planning permit by-law or zoning by-law, whichever tool Council deems appropriate).

¹⁷ Policy 80 (Urban Growth Centres) of the Halton Region Official Plan provides specific direction for urban growth centres and their build out over time as focal areas for investment and a large array of land use, key transit connection points, as well as places to attract provincially, nationally and internationally significant employment uses.

¹⁸ In accordance with Policy 81 (Major Transit Station Areas) of the Halton Region Official Plan.

¹⁹ In accordance with the [Provincial Policy Statement, 2020](#), section 1.4 Housing.

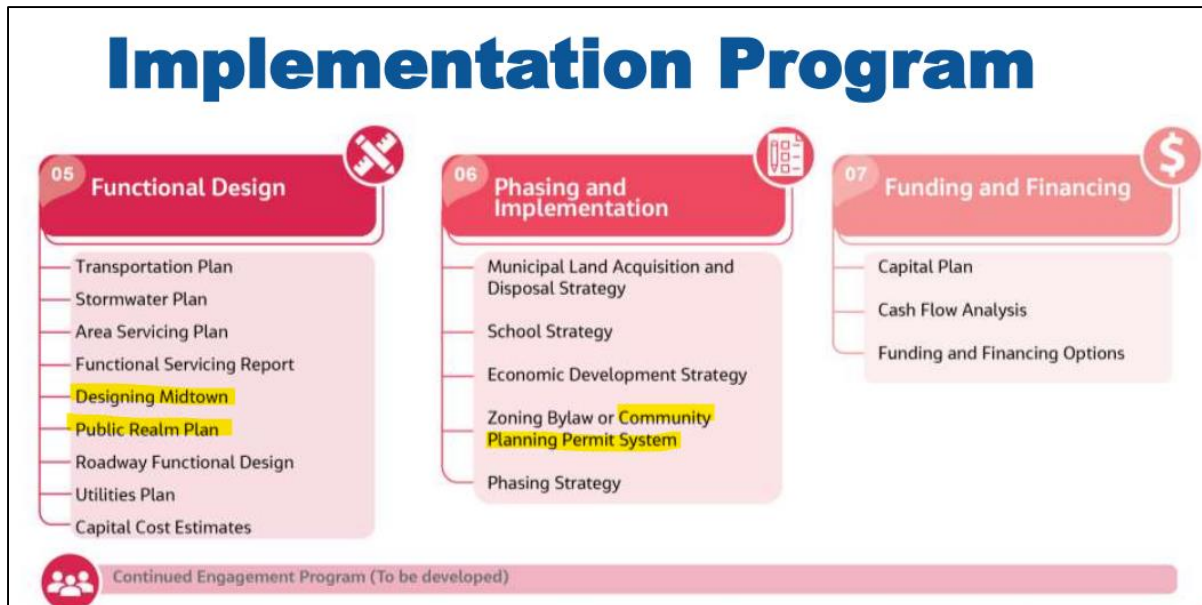


Figure 2 Phases 5-7 of the Midtown Program, following OPA adoption.

It is worth noting that Urban Strategies Inc. was part of the consultant team who prepared the City of Toronto’s [Urban Design Guidelines: Planning for Children in New Vertical Communities](#), 2020. These guidelines apply a holistic approach that considers design that is responsive to the needs of children and their families at the scale of the neighbourhood, building, and unit. The Guidelines inform design at each stage of development and are to be applied by the City as well as development proponents and other public bodies.

4. Implications of Bill 185 on a revised Official Plan Amendment

Bill 185, Cutting Red Tape to Build More Homes Act, 2024

On May 6, Council received a report entitled: “[Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and Proposed Provincial Planning Statement, 2024](#),” which provided an overview of proposed changes to the *Planning Act*, *Development Charges Act*, and *Municipal Act* and their likely impact on the Town of Oakville. The following comments are supplementary to that report and are specific to the adoption of a Council initiated official plan amendment to update Midtown Oakville policies and schedules.

Relevant elements of Bill 185 for consideration are as follows:

- i. Approval authority and timing
- ii. Appeals
- iii. Prohibition of minimum parking rates

The implications are explained in the table below:

Element	Pre-Bill 185	Post-Bill 185
Approval authority and timing	<ul style="list-style-type: none"> • Halton Region, delegated to staff. • Ministry of Municipal Affairs may be circulated for comment. • Region may refuse, approve, or modify and approve the OPA. • Decision to be made within 120 days. 	<ul style="list-style-type: none"> • Minister of Municipal Affairs and Housing (as of July 1, 2024). • Minister may refuse, approve, or modify and approve the OPA. • Decision to be made within 120 days, unless Minister chooses to suspend approval time.
Appeals	<ul style="list-style-type: none"> • Town may appeal lack of decision after 120 days; • Town, Minister, Public Body, or person may appeal decision within 20-days of notice of decision. 	<ul style="list-style-type: none"> • Town may appeal lack of decision after 120 days, unless Minister issues notice of suspension of time. • Minister’s decision is not subject to appeal . •
Prohibition of minimum parking rates	<ul style="list-style-type: none"> • N/A (no minimum parking rate policies are proposed in the draft OPA) 	

5. Transportation/Mobility Report

Appendix C provides the requested report. The report compares the April 2 OPA , which estimates a total of approximately 50,000 residents and jobs (by 2051), to the requested concept (Concept provided in Appendix B) that would accommodate 35,000 residents and jobs from a traffic and transportation infrastructure perspective.

The report indicates that accommodating 35,000 residents and jobs in Midtown, instead of 49,740²⁰ would result in a reduction in trips, however, the analysis to date does not account for the impact of moving approximately 15,000 residents and jobs to other areas of the Town. The report also indicates that with less residents and jobs located in Midtown, there is a change in overall modal split, whereby in the April 2 OPA there is a greater proportion of people using active transportation modes than in the requested concept.

²⁰ This number is based on the August 2023 version of the Joint Best Planning Estimates, as reported to Council through the staff report entitled: [Update Report - Halton Region, Joint Best Planning Estimates, August 15, 2023](#), and dated August 10, 2023.

Preliminary traffic modelling indicates that changes in travel demands due to the reduction in population and jobs from the April 2 OPA to the requested concept do not result in substantial differences in congestion levels or overall infrastructure requirements. A significant amount of congestion in the network is due to increases in background traffic by 2051 and continued vehicle access and use of the Midtown GO station from other areas of Oakville. Local roads within the Midtown area are not congested and will be designed to prioritize safety and access by all modes.

Due to the nominal reduction of trips, the report indicates that all of the transportation infrastructure and improvements proposed in the April 2 OPA are required, along with the same phasing timelines, irrespective of the anticipated population and jobs to 2051. Infrastructure is required to be provided within the 2031, 2041 and 2051 planning horizons. Some of it is required to be initiated by public bodies (Town, Region and/or Province for matters such as arterial roads, highway interchanges, and transit station/terminal), while others are expected to be provided as part of the development process (i.e., local roads, pedestrian bridges).

With the existing congestion in the area, the report highlights that accommodating the travel demands of Midtown growth will require: increased use of transit, increased use of active transportation, and moderate capacity improvements into and out of Midtown via new roadways to connect to Trafalgar and the QEW. The improvements identified within Midtown will encourage shorter distance trips, which can be made by walking or cycling as a result of mixing residential, job and retail opportunities within a small urban area along with a high-quality active transportation network. It will also leverage provincial/regional investments in transit to improve Lakeshore West GO and the planned Trafalgar BRT/LRT, which can significantly increase transit mode share.

6. Financial Report

The following responds to the request for a financial report estimating the cost of the hard and soft infrastructure, and the estimated contribution each of the stakeholders would need to make. In brief, the long-term cost of hard and soft infrastructure is estimated to be \$770 million over thirty years and these costs are proposed to be shared by the Town, Region, Province, and development proponents.

The town is required to grow in population, and as such, is required to provide infrastructure to support that growth. There are financial tools at the town's disposal, such as development charges, that are used to minimize the impact of growth-related costs on existing taxpayers. While the town seeks to ensure growth pays for growth, tax-supported funding is also required to provide new infrastructure.

The Town's portion of the cost is \$450M, of which 3.7% is anticipated to be tax supported, 82% is supported by development charges, and 14.3% is supported by other government funding. As noted in the Transportation Report provided in

Appendix C, certain improvements in Midtown are needed to serve existing and future development within the Town and Region. As such, the redevelopment of Midtown needs to be financed by all of the above noted parties over the fullness of time to not only implement the official plan direction for Midtown but to also address the broader realization of the Town and Region's urban structure.

The following sections outline the estimated infrastructure costs by stakeholder, and information on the tools the town will use to finance its share of the infrastructure.

Infrastructure Costs

Staff provided information on transportation related infrastructure costs and anticipated funding in the report titled [Midtown Program](#) at the Special Council meeting on February 27th. These costs were based on the 2022 Development Charge (DC) Background Study and the town's 2024-2033 Capital forecast. Staff have updated these costs, including the cost for hard and soft infrastructure for services beyond transportation at a high level based on information known at this time. How Midtown is to be developed is complex, will require further work by staff, and will be determined as the Midtown implementation program takes shape. The preliminary cost estimate of the infrastructure is approximately \$770 million and includes the cost of infrastructure that will be the responsibility of the landowner, the town, and the region. The estimated costs for the requested concept of 35,000 residents and jobs is consistent with the estimated cost of the April 2 draft OPA that included 49,740 residents and jobs by 2051.

Local service infrastructure costs related to roads, stormwater, and water and wastewater infrastructure are estimated to be approximately \$225 million. Local service infrastructure is the responsibility of the landowner, as it has a direct benefit to the development or redevelopment. The town's Local Service Policy, which is included in the 2022 DC Background Study, identifies the type of projects that are the responsibility of the town as development charge projects and the type of projects that are considered a local service and are the responsibility of landowners.

Town and regional infrastructure costs related to roads, active transportation, stormwater, water and wastewater, parks, and emergency services are estimated to be approximately \$545 million.

Of the \$545 million in costs, \$95 million are related to regional transportation and water and wastewater infrastructure, the majority of which is expected to be funded by regional development charges (DCs). The region does have projects underway for both water and wastewater and is in the process of updating their water and wastewater master plan. For the cost estimates in this report, the values presented in the 2017 Area Servicing Plan (ASP) and the 2021 Water and Wastewater ASP for Midtown Oakville-Addendum were used as a basis to estimate the supply and

storage infrastructure requirements. The region is also in the process of updating its Integrated Master Plan which includes water and wastewater planning based on regional growth forecasts and will determine future upgrades.

The town portion of infrastructure is estimated to be \$450 million, and relates to town roads and active transportation, park development, and emergency services. Estimated costs and funding sources are as follows:

Town-related Projects (\$ millions)	Cost Estimate	Financing		
		Development Charges	Tax Supported	Other Government
Transportation	\$ 335	\$ 253	\$ 17	\$ 65
Park Development	\$ 77	\$ 77		
Emergency Services	\$ 38	\$ 38		
Total	\$ 450	\$ 368	\$ 17	\$ 65

The majority of the costs associated with infrastructure in Midtown are anticipated to be funded by DCs. There is a portion of funding from tax supported reserves, as there are projects that include the reconstruction of existing roads, thereby benefiting existing residents. The town also anticipates cost sharing arrangements with the Ministry of Transportation and Metrolinx for projects that involve infrastructure from each government entity (Queen Elizabeth Way, Railway).

The transportation and park development costs are estimates based on the proposed road network land use schedule. Capital cost estimates for park development are based on a variety of assumptions related to the design treatments, level of amenity, and the facilities provided within an individual park space and will be further defined through the implementation program. The costs related to emergency services are estimates based on a new Station 11 as recommended in the recently approved Fire Master Plan.

The town provides services on a town-wide basis, and that growth related infrastructure is constructed to maintain service levels as the town grows also on a town-wide basis. The costs of the infrastructure identified are geographically associated with the Midtown growth area; however, people who live and/or work in Midtown will use and benefit from infrastructure that is outside of the Midtown growth area, just as people who live and/or work outside the Midtown growth area will use and benefit from infrastructure within Midtown.

The timing of the infrastructure identified is reviewed on an annual basis. Actual and anticipated growth is reviewed during the budget process, and programs assess current and expected service levels in order to align the capital forecast with program needs. The timing of projects is established so that infrastructure to

accommodate growth is in place at the time new residents and businesses are using town services, so that service levels are maintained, and additional property taxes are being collected from growth to fund added operational requirements. The below chart illustrates the estimated timing of town-related capital projects. There is no significant difference in the infrastructure needs of the Midtown Area for the two concepts. As a result, the same phasing plan is proposed for both.

Town-related Projects	Capital Costs (\$ millions)			
	to 2031	2032-2041	2042-2051	Total
Transportation	\$ 148	\$ 78	\$ 109	\$ 335
Park Development	\$ 16	\$ 26	\$ 35	\$ 77
Emergency Services	\$ 22	\$ 17		\$ 38
Total	\$ 186	\$ 121	\$ 144	\$ 450

Town Financing

The majority of the funding required to pay for infrastructure in Midtown is anticipated to be from DCs. The town utilizes this financial tool to fund additional land and infrastructure needed as a result of growth so that services can continue to be provided at established levels, while minimizing the financial impact of growth-related needs on existing residents and businesses. The funding identified in this report are estimates based on the town’s previous DC Background Study and information known at this time and will be confirmed through the next DC Background Study. Key factors that require further analysis include:

- Town-wide considerations:** in recognition of the provision of services on a town-wide basis, the town collects DCs on a town-wide basis. The DC by-law is updated periodically through the DC Background Study process, and reflects the anticipated costs and growth forecast over a specific time horizon. The current DC Background Study uses the 2031 time horizon and service area master plans that identified the infrastructure required within this time horizon. Master plans identify the land and infrastructure needed to maintain service levels as the town grows and are currently being updated using a 2051 time horizon (the Fire Master Plan was the first to be completed and was approved by Council on April 29, 2024). The infrastructure required across the town using the 2051 time horizon and growth forecast is required to fully assess the ability of DCs to provide the funding needed for the infrastructure both in Midtown and town-wide.
- Service standards:** The Development Charges Act (DCA) includes a number of rules in the calculation of DCs that are intended to ensure that growth infrastructure is not providing for increased service levels. DCs are a tool to

collect for the land and infrastructure required to maintain service levels for anticipated growth. A level of service ceiling, calculated using a historic cost per capita metric, is meant to ensure that the capital costs included in the DC by-law do not include an increase to existing levels of service for new development. It is difficult to assess this metric at this time, as master plans are ongoing and will identify the required infrastructure for growth across the town to 2051. The service standard limitation underscores the importance of long-term infrastructure planning to ensure that the town identifies and collects for the infrastructure needed based on anticipated growth, as the DCA does not allow a municipality to address existing infrastructure gaps through DCs, as these are a benefit to existing residents and to be funded by taxes. Planning for the right amount of growth and associated infrastructure is imperative, as underestimating growth can result in infrastructure needs that cannot be funded by DCs and must be funded by property taxes.

- **Impact on other areas:** Should the estimated growth for Midtown be reduced to 35,000 residents and jobs, it is unclear where the balance of residents and jobs would be reallocated in order for the town to accommodate its townwide growth forecasts. This may impact the infrastructure required in other areas or result in impacts to service levels. Preliminary analysis shows that the reduction of growth allocated to Midtown will not result in significant changes to the costs of key infrastructure improvements, which are similar to the concept from the April 2nd draft OPA. The efficient use of DCs is important, as these charges impact the overall cost of housing development. While the town is able to use DCs to recover growth related costs, there are a number of exemptions for types of development that limit the extent that the town can do this. These exemptions, which have been increasing and are expected to continue to increase with changes from Bill 23, are funded by existing taxpayers.

Beyond DCs, another financial tool that the town may use is the Community Benefits Charge (CBC). The CBC is a tool that can recover growth-related costs that are not being recovered for under DCs or Parkland dedication. It is chargeable against development and redevelopment that is five or more storeys with 10 or more residential units and is limited to a maximum charge of 4% of land value. At this time, it is assumed that Midtown will have a significant amount of this type of development, which would result in funding for growth-related infrastructure for services not eligible under DCs due to limitations in the DCA (parking, public art, public realm, culture). CBCs may also be used for infrastructure that cannot be fully funded by DCs due to restrictions in the DCA such as service standard caps, or limits to Parkland Dedication under the *Planning Act*. While the town is exploring a CPPS, which would not allow for use of the CBC in Midtown, the town would seek to

negotiate these type of benefits under the CPPS. It is difficult to estimate the potential for CBC revenue as land values depend on site specific characteristics and permissions.

CONSIDERATIONS:

(A) PUBLIC

The public who attended the April 22 public meeting and/or reviewed the minutes of the meeting are aware of this Special Council meeting and the agenda items for it. Further notification of this meeting is provided on the Town's Council Calendar and on the [Midtown Oakville Growth Area Review](#) web page.

All information, including meeting links, memos, presentation material, reports, etc. regarding the Midtown program are available at the Town's website: [Midtown Oakville Growth Area Review](#).

(B) FINANCIAL

There are no financial implications in receiving this report for information. See Section 6 of the report with respect to financial matters as requested by Council.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

This report was prepared in consultation with various departments across the Town and with assistance from the Town's consultants. Given that the report is for information purposes only, there is no impact on other departments or users.

(D) COUNCIL STRATEGIC PRIORITIES

A key strategy within the Council's strategic priority is to develop plans that support the town's urban structure to manage forecasted growth while protecting natural areas, preserving cultural heritage, and maintaining the character of existing neighbourhoods. The Midtown Oakville Growth Area review is specifically identified as a key action to fulfill the Town's Growth Management priority of "managing growth for a vibrant local economy, meeting infrastructure needs, and ensuring the development of complete communities along with efficient mobility across the town."

(E) CLIMATE CHANGE/ACTION

Planning for Midtown as a high-density mixed use urban node provides numerous intrinsic GHG reduction opportunities. Climate change is a consideration within the development of the Midtown Oakville official plan update.

APPENDICES:

Appendix A – Developable Area of Growth Nodes

Appendix B – Midtown Oakville Concept (Land Use, and Height and Density Figure)

Appendix C – Transportation / Mobility Report

Prepared By:

Sybelle von Kursell
Manager - Midtown Oakville Program

Submitted by:

Neil Garbe
Commissioner, Community Development

Phoebe Fu
Commissioner, Community Infrastructure