

Special Council Meeting
Monday, November 25, 2024

Comments Received Regarding Item 6.2

Town Initiated
Neyagawa Urban Core Review
Official Plan Amendments
File No. 42.15.60

By E-mail to townclerk@oakville.ca

November 22, 2024

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

Dear Mayor Burton and Members of Council:

**RE: North Oakville East Commercial Study
Comments – North Oakville Community Builders Inc.**

We are writing to you as the Group Manager on behalf of the North Oakville Community Builders Inc. (“**NOCBI**”), which is comprised of landowners within the North Oakville East Secondary Plan area (“**North Oakville East**”) bordered by Highway 407 to the north, generally Third Line to the west, Ninth Line to the east, and Dundas Street to the South. This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Appendix “A” to this letter provides a current list of the members of the Group.

Over the past few years, NOCBI has had numerous meetings and discussions with planning staff regarding the provision of commercial uses within North Oakville. One of the primary matters under discussion was the ongoing contention that commercial development was not occurring in North Oakville due to disinterest from the development community in providing these facilities. As explained to staff at length and supported by reports and submissions to staff on this issue, the primary reason for these uses not being constructed within North Oakville was that the existing official plan policy framework and urban design directions actively prevented market viable commercial buildings from being constructed. Simply put, the same community builders that own land in North Oakville are currently building commercial facilities in adjacent communities such as Milton because there is a more appropriate policy regime. These same uses would be under construction here now if the issues with the current policies were resolved in a manner which facilitated them.

The North Oakville East Commercial Study has several directions that could work and may support commercial activity occurring. There are also a significant number of directions which will hinder or outright prevent these uses from occurring.

It is in the interest of all involved, the community builders, Town Council, and the residents, to get this right. Grocery stores and other commercial uses are needed now in North Oakville.

NOCBI will be providing detailed comments directly to staff on this study.



We look forward to working with staff as they proceed to the next steps and create the appropriate framework to achieve a complete community within North Oakville including these important commercial facilities.

Sincerely,

On behalf of the North Oakville Community Builders Inc. (NOCBI)

Ore Alade, B.E.S
Project Manager III
Delta Urban Inc.

Cc North Oakville Community Builders Inc.
Ruth Victor, Ruth Victor & Associates
Daniel Steinberg, Loopstra Nixon LLP
Chris Mark, Director of Parks and Open Space, Town of Oakville

Enclosed. Appendix A – NOCBI Members



Appendix A – NOCBI Members

**NORTH OAKVILLE COMMUNITY
BUILDERS INC.
PARTICIPATING OWNERS**

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Lower Fourth Limited
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Bressa Developments Limited
1564984 Ontario Limited
Hulme Developments Limited (SGGC)
The Bar West Realty Corp.
Mattamy (Kaitting) Limited

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River Thames Building Group Corp.
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Flavia Homes Corp. (West)
Everton Gates Capital Corp.
Flavia Homes Corp. (1125/1137/1147)

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Ankara Realty Limited

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Star Oak Developments Limited - NORTH
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DGB Trafalgar Limited

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By E-mail to townclerk@oakville.ca

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Mayor and Members of Council
c/o Town Clerk
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1225 Trafalgar Road
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L6H 0H3

Dear Mayor Burton and Members of Council:

**RE: Town of Oakville Official Plan (the "Official Plan")
Draft Official Plan Amendment No. 326 ("Draft OPA 326")
Comments – North Oakville Community Builders Inc.
Statutory Public Meeting – November 25, 2024**

We are writing to you as the Group Manager on behalf of the North Oakville Community Builders Inc. ("NOCBI"), which is comprised of landowners within the North Oakville East Secondary Plan area ("North Oakville East") bordered by Highway 407 to the north, generally Third Line to the west, Ninth Line to the east, and Dundas Street to the South. This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Appendix "A" to this letter provides a current list of the members of the Group.

Over the past few years, NOCBI has had numerous meetings and discussions with planning staff regarding the Neyagawa Urban Core. These discussions also included the challenges within the current planning framework and how the Town's current policies were inhibiting the provision of much needed commercial uses within North Oakville East.

Ruth Victor and Associates, working with urban Metrics has completed a review of this Draft Official Plan Amendment as well as the North Oakville East Commercial Study. Detailed comments on the report and the draft Official Plan Amendment will be submitted to staff directly.

Below is a summary of some of the concerns:

- 1) Specific required minimums of commercial space in each quadrant of the NUC. One of the principles often considered in preparation of Official Plan policies is to focus on vision, goals, objectives and policy framework in Official Plan and to focus minimum numerical development standards within the zoning by-law. This approach ensures that there is some flexibility when processing development applications to ensure the application meets the intent of the Official Plan policies without requiring an amendment to the Official Plan if the specific minimum is not exactly achieved. It is also noted that the minimums set out in the draft OPA do not reflect the opportunity for commercial space within these quadrants. A target for the NUC overall would be



- a more appropriate policy direction.
- 2) Need for clear policy directions that will allow commercial sites to get established and provide much needed retail space AND provide policy direction to intensify and evolve over time. Other strategic growth areas within Oakville have policies in place for this to occur. Similar policies should be included for the NUC OPA. The minimum commercial space provisions as written may prevent this intensification.
 - 3) Mandating the use of LID within storm water management approaches. The Town, at this time, does not have a comprehensive approach regarding the use of LID. Mandating their use is not appropriate at this time and it would be more appropriate to have the use of LID explored and implemented through the EIR process. Policies regarding upgrades to existing roads should be clarified that this is the responsibility of the Town.
 - 4) Mandating urban design policies. We agree with the principles of good urban design and appreciate the process where the town implements these directions through urban design guidelines. The language for the urban design policies is more appropriate as “should” in lieu of “shall”. There is also concern about whether the proposed heights in the draft OPA would constrain achieving the overall objectives for the area. A two-storey minimum retail building is not viable in the market and simply eliminates the opportunities for commercial space being built. A minimum 5 storey-built form all along the north side of Burnhamthorpe Road and along both sides of Neyagawa Boulevard, north of Burnhamthorpe Road will not create the intended variation in built form along that road nor encourage much needed housing to be built in a timely manner.
 - 5) One matter of importance is the proposed policy regarding parkland within the Draft Official Plan Amendment. Attached to our letter is a letter from our solicitor setting out the details of that concern. It is NOCBI’s opinion that the additional public realm space can be resolved through creative and innovative approaches as set out within NOCBI’s discussions with Town staff to date.

As noted previously, detailed comments setting out these matters as well as other matters will be submitted directly to planning staff. We look forward to working with staff to resolve these issues prior to the adoption of the Official Plan Amendment for the NUC.

Sincerely,

On behalf of the North Oakville Community Builders Inc. (NOCBI)

Ore Alade, B.E.S
Project Manager III
Delta Urban Inc.

Cc North Oakville Community Builders Inc.
Ruth Victor, Ruth Victor & Associates
Daniel Steinberg, Loopstra Nixon LLP
Chris Mark, Director of Parks and Open Space, Town of Oakville



Gabriel Charles, Director of Planning Services, Town of Oakville

Enclosed. Appendix A – NOCBI Members
 Appendix B – Draft OPA 326 Comments Letter – Loopstra Nixon



Appendix A – NOCBI Members

**NORTH OAKVILLE COMMUNITY
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3275 Traflaagr Road Inc.

Neatt (16 Mile Creek) Inc.



Appendix B – Draft OPA 326 Comments Letter – Loopstra Nixon



Daniel Steinberg*
Tel: 289.904.2374
Email: dsteinberg@LN.Law
*Daniel H. Steinberg Professional Corporation

By E-mail to townclerk@oakville.ca

November 22, 2024

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

Dear Mayor Burton and Members of Council:

**RE: Town of Oakville Official Plan (the “Official Plan”)
Draft Official Plan Amendment No. 326 (“Draft OPA 326”)
Comments – North Oakville Community Builders Inc.
Statutory Public Meeting – November 25, 2024**

We are counsel to North Oakville Community Builders Inc. (“**NOCBI**”), trustee to the North Oakville East Developers Group (the “**Group**”), which is comprised of landowners within the North Oakville East Secondary Plan area (“**North Oakville East**”). This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Schedule “A” to this letter provides a current list of the members of the Group.

The Town of Oakville (the “**Town**”) and the Group are parties to the *North Oakville East Master Parkland Agreement* dated August 13, 2007 (the “**NOE Master Parkland Agreement**”). The NOE Master Parkland Agreement is a binding and comprehensive agreement that governs all matters pertaining to the dedication of parkland in the North Oakville East area.

Background

The Group and Town Staff have engaged extensively on matters related to the dedication of parkland for many years, based on a mutual understanding of the role of the NOE Master Parkland Agreement. This engagement is evidenced through correspondence between the Group (and its representatives) and Town Staff throughout the years.



Over the past year, the Group and its representatives have had ongoing discussions with Town Staff on various approaches to ensure there will be no deficit of the total parkland conveyances required under the NOE Master Parkland Agreement and to provide additional public realm space for higher density developments as part of the site plan approval process. The approaches proposed by the Group maintain the integrity of the NOE Master Parkland Agreement and incorporate the delivery of additional public realm space through mechanisms provided under the legislation such as the Community Benefits Charge.

Town's Parkland Dedication By-Law

The Town's Parkland Dedication By-law 2024-034, which came into effect on April 9, 2024, recognizes the role of the NOE Master Parkland Agreement as pertaining to the dedication of parkland in the North Oakville East area through the inclusion of the following provision:

7.2 Agreements Apply – *Notwithstanding any other provisions in this Parkland Dedication By-law, where before, or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an Agreement with respect to the dedication of parkland and/or the payment-in-lieu of parkland, the terms of that Agreement, including any subsequent amendments to that Agreement, shall remain binding between the parties, and any parkland dedication and/or payment-in-lieu of parkland shall be in accordance with the rates specified in the Agreement, rather than the rates provided for in this Parkland Dedication By-law.*

As noted in my correspondence to Mr. Gabriel Charles dated January 11, 2024, the Group confirmed its understanding that the above-noted Section 7.2 of the Parkland Dedication By-law is a clear affirmation that the NOE Master Parkland Agreement will continue to govern all matters pertaining to the dedication of parkland in North Oakville East.

Draft Official Plan Amendment No. 326

The Group has reviewed the updated Draft OPA 326 dated November 5, 2024, attached as Appendix A to Town Staff's Public Meeting Report to Planning and Development Council.

The Group is extremely concerned by the following proposed new subsection to Policy 7.7.4.5 of the Official Plan.

7.7.4.5 (f) – *In addition to the Master Parkland Agreement, urban squares, promenades, connecting links, and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:*

- i. Fee simple ownership;*
- ii. Stratified ownership;*



- iii. *Privately owned public spaces (POPS); and*
- iv. *Use Agreements/Easements*

This proposed policy suggests that the Town intends to enshrine in its Official Plan a policy that could directly contravene the NOE Master Parkland Agreement and the Town’s Parkland Dedication By-law.

As Town Staff is aware, the terms of the NOE Master Parkland Agreement are clear and unambiguous that the total parkland dedication requirement amount is **fixed** for North Oakville East.

However, the proposed wording of this policy provides that land dedications that include forms of creditable parkland under the NOE Master Parkland Agreement may be provided **“in addition to”** the NOE Master Parkland Agreement. It is not clear from the proposed wording if the Town would expect such dedications to be provided as a requirement or condition of development approval, if the dedications would be part of a Planning Act parkland dedication requirement or be provided pursuant to other legislative tools (such as the Community Benefits Charge), if the dedications would subject to compensation from the Town, or otherwise how this policy would not contravene the NOE Master Parkland Agreement.

As described above, the Group has engaged diligently with Town Staff to address parkland dedication matters for North Oakville East with the goal of coming to mutually acceptable and beneficial solutions. The Group has made proposals to the Town and continues to commit to working collaboratively, in good faith, to address these matters and achieve solutions under the parameters of the NOE Master Parkland Agreement and all governing legislation.

Accordingly, the Group requests that proposed Policy 7.7.4.5(f) of the Official Plan be removed and or sufficiently re-worded to address the concerns of the Group described in this letter.



Please provide the undersigned with notice of any decisions made by Council in relation to Draft OPA No. 326. Please note that this letter is only submitted on behalf of the overall Group. Individual landowners within the Group may have other comments to submit.

Yours truly,
LOOPSTRA NIXON LLP

A handwritten signature in black ink, appearing to read 'Daniel Steinberg'. The signature is fluid and cursive, with a prominent loop at the end.

Daniel Steinberg

Copy: Gabriel Charles, Director of Planning Services, Town of Oakville
Chris Mark, Director of Parks and Open Space, Town of Oakville
Ruth Victor, Ruth Victor & Associates
North Oakville East Developers Group

SCHEDULE "A"

**NORTH OAKVILLE COMMUNITY
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November 22, 2024

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
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L6H 0H3

Dear Mayor Burton and Members of Council:

Argo Development Corporation is a member in good standing of the North Oakville Community Builders Inc. (NOCB). We have reviewed the letter to council from Delta Urban on behalf of the NOCBI and support its conclusions and direction. We are committed to working to assist to ensure that the North Oakville commercial structure can be advanced in a manner which better serves the needs of the new community.

Yours truly,



Rowan Faludi
Partner,
urbanMetrics Inc.
rfaludi@urbanmetrics.ca

November 22, 2024

GSAI File: 792-036

In Memoriam, Founding Partner:
Glen Schnarr

(Via Email)

Chairman and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: Neyagawa Urban Core Review
Town File No. 42.15.60

Glen Schnarr and Associates Inc (GSAI) are the planning consultants to Argo Neyagawa Corporation (the 'Owner') of the lands municipally known as 505 Burnhamthorpe Road West and are legally described as PT LT 20, Concession 2 NDS, Town of Oakville, in the Town of Oakville (the 'Subject Lands' or 'Site'). On behalf of the Owner, we are providing this Comment Letter that outlines concerns in relation to the ongoing Neyagawa Urban Core Review initiative.

Background:

GSAI has been participating in various related Town initiatives, including the ongoing Official Plan Review. We understand that when complete, the Neyagawa Urban Core Review initiative (the 'NUC Review initiative') will culminate in a Town-initiated Official Plan Amendment ('OPA') that will modify the policy framework permissions for lands across the North Oakville East community, including the Subject Lands.

The Subject Lands are located on the north side of Burnhamthorpe Road West, west of Neyagawa Boulevard and south of the Highway 407. The Subject Lands have a total area of approximately 11.28 hectares (27.87 acres), with frontage along Burnhamthorpe Road West, Neyagawa Boulevard and Fourth Line. The Site is currently vacant. Mature vegetation and an agricultural field are also present. Based on the in-effect planning policy framework, the Site is located within the Designated Greenfield Area of the Town of Oakville, is located within the Halton Regional Urban Area, is located within a Primary Regional Node which is a Strategic Growth Area (in accordance with Map 1F, Regional Structure) and is located within the North Oakville East Secondary Plan area of the Town. It is designated Urban Area (in accordance with Map 1, Regional Structure) by the in-effect Halton Regional Official Plan and is further designated 'Employment District' (in accordance with Figure NOE 2, Land Use). Based on the above, the

Site has recognized development potential. This is further supported by the Site's inclusion within the Neyagawa Urban Core area and its inclusion within a Primary Regional Node.

When considered collectively, the in-effect policy framework identifies the Subject Lands as an appropriate and desirable location for compact, mixed use development to occur. As is further described in the Planning Justification Report, prepared by Korsiak, dated December 2023, there is also a policy discrepancy currently. More specifically, the Subject Lands are identified as having development potential for compact, mixed-use development by Provincial and Regional policy objectives. However, the local in-effect policy permissions do not reflect the Subject Lands' removal from the restrictive Employment Area land base in accordance with the Minister's approval of Regional Official Plan Amendment No. 49 ('ROPA 49'). The Subject Lands' development potential is strengthened by its removal from the Employment Area land base and its locational characteristics of being in proximity to various services, amenities, facilities and parks to meet the daily needs of residents and support North Oakville East as a vibrant, complete community.

In addition to the above, it is important to note that the Subject Lands are subject to an active Draft Plan of Subdivision ('Draft Plan'), Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') Application (collectively, the Application, Town File Nos. 24T-24001/1200.02, OPA 1220.02, Z.1220.02). This Application seeks to introduce a modified lot pattern and permissions for compact, mixed use development to occur. This includes permission for a broad range and mixture of built forms and densities to be provided across the Site, including a range and mixture of residential and non-residential land uses. Development blocks are to be organized around a new fine-grain, public road network, the provision of land in support of a future Highway 407 Transitway facility and the provision of a Stormwater Management ('SWM') Pond. Each development block may contain low-, mid- or high-rise built forms in order to support housing choice and compact urban forms.

Concerns Related to Neyagawa Urban Core Official Plan Amendment:

We have reviewed the draft Neyagawa Urban Core Official Plan Amendments ('OPAs'), referred to as Official Plan Amendment Nos. 326 and 45, released on November 14, 2024. The draft OPAs propose revisions to the Livable Oakville Plan and the North Oakville East Secondary Plan. More specifically, the draft OPA will introduce a delineation of the Neyagawa Urban Core strategic growth area and will introduce area-specific policies.

Overall, we are supportive of certain aspects of the proposed OPAs. More specifically, we are supportive of the inclusion of the Subject Lands within the parent Nodes and Corridor component of the Town Structure identified in OPA 45 and the introduction of a delineated Neyagawa Urban Core area identified in OPA 326 that includes not only the Subject Lands but surrounding lands as

well. We are also supportive of the general purpose and intent of OPA 326 which will serve to fully implement the previously completed and approved Employment Land Conversion at the Regional level and the increased building height permissions of up to 18 storeys. We are however concerned with other aspects of the proposed area-specific policies, identified in OPA 326. In particular, the following draft policies are concerning:

'7.6.6.1. The Neyagawa Urban Core Area designation on Figure NOE2 is intended to allow the creation of a core area at the intersection of Neyagawa Boulevard and Burnhamthorpe Road West. The intent of this Area is to create a mixed-use, complete community with densities that support higher order transit, including a 407 Transitway Terminal. ...'

The above captioned portion of the policy is concerning, we request that the last sentence be modified to reference a potential 407 Transitway Terminal. Furthermore, reference to the potential 407 Transitway Terminal should be modified to allow sufficient flexibility should the Station not be realized, that an appropriate use can be permitted to proceed without further amendment to the Plan. These above-noted revisions would enable consistency with the balance of the policy as drafted which refers to the future 407 Transitway Neyagawa Terminal and would reflect the ongoing efforts to study the proposed transitway facility. Given an approved design and location for the Station facility is not yet available, identification of the Transitway Terminal as being a potential station is key.

'7.6.6.2.e). Retail and service commercial uses should be located at-grade within mixed-use buildings and oriented towards the public realm.'

We are concerned with the above-noted policy and request that it be revised. More specifically, the use of the word **should** is concerning and unnecessarily restrictive. We request that the policy be amended to include the phrasing that at-grade non-residential uses, such as retail and service commercial uses, **may be** located at-grade within mixed-use buildings. This phrasing will enable greater flexibility in terms of tenants or users and an ability for developments to effectively respond to current market forces. The policy requirement of **should** is unnecessarily restrictive, does not adequately capture a developer's ability to right-size non-residential spaces based on market trends and tenant preferences and may result in an oversupply of non-residential areas which will create undesirable public realms and areas devoid of pedestrian activity. This would be contrary to the development vision established for the Neyagawa Urban Core.

'7.6.6.2.g). A minimum of 16,710 square metres of retail and commercial uses shall be required within the Neyagawa Urban Core and further provided per quadrant:

ii) A minimum of 3,250 square metres shall be provided in the north west quadrant.'

The above-noted policy as drafted requires revision. As is further discussed in the Comment Letter, prepared by urbanMetrics, dated November 22, 2024, regarding the Town's Commercial Study, the policy requirement to provide a minimum amount of non-residential floor space is unnecessarily restrictive, is not reflective of market trends or variations and is contrary to good planning practice. We request that the policy as drafted be revised to remove a minimum retail and commercial use floor area being required and furthermore, that no amount of retail and commercial uses be required by quadrant. As drafted, the amount of minimum non-residential space within developments is restrictive, may result in much needed housing not being delivered and may result in an oversupply of non-residential space that is not warranted nor desired by end-users and tenants.

'7.6.6.3.1. Transportation

- a) A transit terminal is required to serve inter-regional bus connections along Highway 407 and connect with local transit. The facility shall be located adjacent to the 407 Transitway in the area of Neyagawa Boulevard and Highway 407. It is also intended that this site be integrated with development, and become an anchor for the ongoing redevelopment of Neyagawa Urban Core as strategic growth area.*
- b) The province, the Ministry of Transportation/407 Transitway, the Town and landowners shall co-ordinate the delivery of a transit terminal in the area of Neyagawa Boulevard and Highway 407.*
- f) New road, transit, and active transportation infrastructure shall be provided to accommodate future growth and development.'*

The above-noted policy as drafted is overly restrictive and requires modification. As stated above, there remains uncertainty regarding the delivery of a Transitway Terminal. Given this uncertainty and absence of an approved Transitway Terminal location, the policy as drafted is restrictive. Greater flexibility is required to enable an alternate scenario should the Transitway Terminal not be pursued. Similarly, the requirement for landowners to work collaboratively is contrary to typical processes and would adversely impact the development potential of lands for an indefinite period of time. We request that subsection b) of the above-noted policy be revised to reflect that should the Transitway and Station be pursued, land requirements would be accommodated through an expropriation process. Should expropriation not be required, this would enable the land to be developed in a manner that supports the overall policy objectives for the Neyagawa Urban Core area.

Lastly, subsection f) of the above-noted policy is unnecessarily restrictive. As stated above, there remains significant uncertainty regarding the timing and delivery of higher order transit services. As such, the policy requirement that transit infrastructure be provided should be revised to state that such infrastructure should be encouraged. We acknowledge and agree that in order to accommodate compact, transit-supportive development forms, new roads and active transportation networks are required and should be encouraged. Furthermore, the policy requirement that new roads shall be provided is restrictive and does not enable sufficient flexibility should the classification or alignment of the road network require refinement as the planning processes proceed. Lastly, we request that the policy be modified to include a requirement that the Town of Oakville will be responsible for providing upgrades to existing roads, where such improvements and upgrades are necessary.

‘7.6.6.3.4. Urban Design

Built Form

- c) Tall and mid-rise buildings shall be designed and sited to maximize solar energy, ensure adequate sunlight and sky views, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows on the public realm*
- e) Tall and mid-rise buildings shall be designed to the highest architectural quality and detail, and shall ensure a pedestrian-oriented built form, provide active facades oriented to public streets, and contribute to a distinctive skyline.*
- f) For tall buildings, the height of the building base (podium) should generally be equivalent to the building-to-building distance across the adjacent right-of-way, up to a maximum of 25 metres in height, in order to frame the street and enhance pedestrian comfort.*
- h) For tall buildings, the floorplate of each tower (the portion of the building above the base or podium) shall provide a slender tower profile to minimize adverse shadowing, maximize sun exposure and enhance the skyline.*
- i) For tall buildings, the distance between the facing walls of towers shall generally be a minimum of 25 metres at the tower base.*
- j) For tall buildings, the distance between facing walls of podiums, where there are windows on both building faces, shall generally be a minimum of 15 metres.’*

The above-noted policies are unnecessarily restrictive, are concerning and require modification. To begin, as drafted, the policies do not define how a ‘tall’ building is to be understood. More specifically, the draft OPA and the in-effect North Oakville East Secondary Plan do not provide a policy nor definition of what constitutes a tall building. Given this, a ‘tall’ building can be subjective, variable and subject to varying interpretations. This variation can result in unnecessary restrictions and instances where a development that contemplates built forms of specified heights

to be classified as not conforming to the policy. Furthermore, the policy requirement that a built form or built form component relate to a Right-of-Way width on which it fronts is inappropriate. As written, the policy will apply a one-size-fits-all approach to sites across the City, regardless of their location. Furthermore, a limitation of building height to relate to the ROW width is contrary to the practice being implemented in other jurisdictions across the Greater Toronto Area, will challenge the delivery of high-quality, refined, efficient, compact, transit supportive development forms in the desired locations and will hinder the development potential of lands. This policy requires revision to eliminate a universal application of building height limits based on a site's location along a street.

Lastly, the policy requirement that a slender tower floorplate be provided is unnecessarily restrictive and does not afford sufficient flexibility. Flexible tower floorplates is required given individual site characteristics must be considered. As drafted, the policy does not adequately reflect that there are various design strategies that can be employed to enable high-quality, refined built forms to be provided. A policy requiring a slender tower floorplate does not enable sufficient flexibility nor the ability for variable built forms which effectively respond to the deployment of mass, scale and density across a site.

'7.6.6.3.2. Stormwater Management

- a) *Development shall implement stormwater management techniques and best practices, including low impact development, in accordance with provincial environmental permissions and obligations for municipal stormwater management systems and to the satisfaction of the Town and Conservation Authority.'*

The above-noted policy requires revision. More specifically, the policy as drafted is unnecessarily restrictive. While we are in agreement that appropriate stormwater management techniques are required, the policy phrasing of ***shall*** should be replaced with the phrasing "that appropriate stormwater management techniques, including low impact development, may be encouraged, subject to local conditions and the recommendations of technical studies". As suggested, the policy will enable appropriate stormwater management techniques to be implemented.

'7.6.6.4. Land Use Strategy, Neyagawa Urban Core Area, Land Use Policies

- b) *Building Heights*
 - i) *Residential and mixed use development within 50 metres from the north side of Burnhamthorpe Road West and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe West right-of-way shall be a minimum height of 5 storeys, excluding podium elements which may be lower*

- ii) *Residential and mixed use development beyond 50 metres from the north side of Burnhamthorpe Road West and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe Road West right-of-way shall be a minimum height of 3 storeys.'*

As drafted, the minimum height requirements for lands along Burnhamthorpe Road West is concerning. More specifically, the minimum height of 5 storeys for those lands within 50 metres of Burnhamthorpe Road West, on either side of Neyagawa Boulevard is overly restrictive. Furthermore, this minimum building height will challenge the ability to provide compact, high-quality built forms of varying heights and densities, in the midst of a Provincial housing crisis. While we support the intent to direct development to frame the street edge and be oriented toward the intersection of Burnhamthorpe Road West and Neyagawa Boulevard, the application of a five (5) storey minimum building height requirement for a significant segment of land beyond the right-of-way limit will challenge the delivery of compact, high-quality built form and housing. It will also adversely impact the ability for development proponents to effectively manage massing, scale and density. We request that the policy as drafted be modified to state that a minimum building height of 5 storeys be required for only the first 20 metres beyond the intersection of Burnhamthorpe Road West and Neyagawa Boulevard, and that a minimum building height of 3 storeys be required for the balance of the Neyagawa Urban Core area, regardless of location. This differentiation in minimum building height requirements will further support the delivery of human-scaled, compact built forms with appropriate massing, scale and density, while also having appropriate regard for local conditions.

'7.6.6.7.e. Urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

- i) *Fee simple ownership;*
- ii) *Stratified ownership;*
- iii) *Privately owned public spaces (POPS); and*
- iv) *Use Agreements/Easements.'*

'7.7.4.5.f).In addition to the Master Parkland Agreement, urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

- i) *Fee simple ownership;*
- ii) *Stratified ownership;*
- iii) *Privately owned public spaces (POPS); and*

iv) *Use Agreements/Easements.*

The above-noted policies are concerning and require revisions. As drafted, the policies do not sufficiently account for the provisions provided by the executed Master Parkland Agreement nor do they adequately recognize the possibility that no open space is provided. The concerns related to Policy 7.7.4.5.f) are also identified in the accompanying Comment Letter, prepared by Loopstra Nixon LLP, dated November 21, 2024. We request that the above-noted policies be modified to enable sufficient flexibility during the development process.

Summary

In summary, we are concerned about the proposed policy directions outlined in draft OPA 326 and request that modifications be made. It is our opinion that many of the proposed policies are overly and unnecessarily restrictive. Thank you for the opportunity to provide these comments. Our Client wishes to be included all further engagement related to the Neyagawa Urban Core initiative and wishes to be informed of updates, future meetings and the ability to review and provide comments on the final Official Plan Amendment prior to adoption.

We look forward to being involved. Please feel free to contact the undersigned if there are any questions.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.



Jim Levac, MCIP, RPP
Partner



Stephanie Matveeva, MCIP, RPP
Associate

cc. Owner
Catherine Buckerfield, Town of Oakville
Kirk Biggar, Town of Oakville
Robert Thun, Town of Oakville



November 22, 2024

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

Email: townclerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: PUBLIC MEETING - DRAFT OFFICIAL PLAN AMENDMENTS 45 & 326- NEYAGAWA URBAN CORE
WESTERKIRK CAPITAL INC.
NORTHEAST QUADRANT OF BURNHAMTHORPE ROAD WEST & NEYAGAWA BOULEVARD,
TOWN OF OAKVILLE
OUR FILE: 20262B**

Westerkirk Capital Inc. ("Westerkirk") are the registered owner of the lands located at the northeast quadrant of Burnhamthorpe Road West and Neyagawa Boulevard in the Town of Oakville (hereinafter referred to as the "Subject Lands"). The Subject Lands are located within the Neyagawa Urban Core ("NUC") area of the Town. This letter is submitted on behalf of Westerkirk.

Over the past few years, Westerkirk has participated in the Town's process to prepare policies for the NUC. Westerkirk is also a member of the North Oakville Community Builders Inc. ("NOCBI") and have participated in the NOCBI meetings with the Town on the NUC.

This letter provides Westerkirk's comments on the Town's most recent proposed Draft Official Plan Amendments ("OPAs") 45 and 326 for the NUC dated November 5, 2024. Westerkirk is supportive of the Town proceeding with updated policies for the NUC, and appreciates the opportunity to continue meeting with staff to discuss and refine the policy framework based on its concerns.

Westerkirk's concerns include the following:

Permitted Uses

Draft OPA 326 proposes a new Policy 7.6.6.2(d) which states the following:

"Places of entertainment, indoor sports facilities, and hotels may also be permitted provided that the overall development contributes to overall density targets".

A hotel use should be expressed as a permitted use without conditions. Rather than “may be permitted”, the policy should state that hotels “shall” be permitted as they are considered to be a service commercial use that contributes to the full range of activities, the number of jobs, and the vision of the NUC as a mixed-use urban area.

Retail and Commercial Use Requirements

Draft OPA 326 proposes a new Policy 7.6.6.2(g) which states the following:

"A minimum of 16,710 square metres of retail and commercial uses shall be required within the Neyagawa Urban Core and further provided per quadrant:

- i. A minimum of 9,280 square metres shall be provided in the north east quadrant;*
- ii. A minimum of 3,250 square metres shall be provided in the north west quadrant; and*
- iii. A minimum of 4,180 square metres shall be provided in the south east quadrant."*

The requirements for retail and service commercial uses should be expressed as a target for the whole of the NUC rather than as a minimum prescribed amount or a minimum prescribed amount per quadrant. A target, as a policy objective, can then be implemented through Draft Plans, Site Plans, and through Zoning By-law provisions which can set standards.

Interim Uses

Throughout the Draft OPA, there are policy references to “interim commercial uses located in standalone buildings” which are expected to support the commercial needs of the NUC, and transition and redevelop over time. Additional policy language is needed to more clearly and effectively define “interim” and “long term” uses and the phasing of development within the NUC. This distinction should then be better clarified in relation to permitted uses, heights, and other design considerations as the current policies are somewhat conflicting.

407 Transitway

The conceptual location of the 407 transitway is shown on the proposed changes to Figures NOE 1 & 2 of the 1984 Town of Oakville Official Plan for the North Oakville East Secondary Plan. There have been several iterations of the 407 transitway location and alignment since 2005. The 407 transitway alignments, as currently proposed in Figures NOE 1 & 2 are unclear as to the Town’s preferred alignment and should be clarified.

Urban Design

The Urban Design and Built Form policies provided throughout the Draft OPA are highly prescriptive in nature and restrict the ability for development to provide diversity and variation in architectural design, building placement and profile, as well as site layout through the transition phases. Urban design guidelines should be provided separate from OPA policies to provide flexibility in the consideration of these elements based on context and stage of development.

Minimum Heights

Policy 7.6.6.4. (d(i)) states that:

"Residential and mixed-use development within 50 m from the north side of Burnhamthorpe Road West and the east and west side of Neyagawa Boulevard north of Burnhamthorpe Road West shall be a minimum height of 5 storeys".

An exemption should be added to this policy to not preclude the development of standalone interim service commercial, and retail uses which are permitted and supported by the OPA for lands that will be redeveloped over time.

Policy 7.6.6.4. (d(ii)) states that:

"Residential and mixed-use development beyond 50 metres from the north side of Burnhamthorpe Rod West and the east and west side of Neyagawa Boulevard north of Burnhamthorpe Road West shall be a minimum height of 3 storeys".

To allow for a diversity of housing stock, including townhomes, the minimum height for development, beyond 50 metres from the north side of Burnhamthorpe Road West and the east of Neyagawa Boulevard north of Burnhamthorpe Road West right-of-way, should be reduced to a minimum of 2 storeys to allow for townhomes to be built.

Parkland Dedication

Draft OPA 326 proposes a new Policy 7.7.4.5(f) which states the following:

"In addition to the Master Parkland Agreement, urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

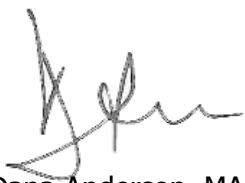
- i. Fee simple ownership;*
- ii. Stratified ownership;*
- iii. Privately owned public spaces (POPS); and*
- iv. Use Agreements/Easements".*

We request that the parkland dedication policy be removed as parkland dedication for the North Oakville East Secondary Plan is provided through the North Oakville Master Parkland Agreement.

We thank the Town for providing the opportunity to comment and look forward to further discussions with staff to update the proposed policies.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner

June 28, 2022

Lara Nelson
Policy Planner
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Ms. Nelson:

**RE: DRAFT OFFICIAL PLAN AMENDMENTS 45 AND 326 – NEYAGAWA URBAN CORE REVIEW
WESTERKIRK CAPITAL INC.
NORTHEAST QUADRANT OF NEYAGAWA BOULEVARD AND BURNHAMTHORPE ROAD
WEST, OAKVILLE
OUR FILE: 20262A**

On behalf of Westerkirk Capital Inc. (“Westerkirk”), we are providing the following comments on the proposed Official Plan Amendments (OPAs) 45 and 326 to implement the recommendations of the Neyagawa Urban Core (NUC) Review. Overall, Westerkirk are supportive of the Town proceeding with the updated policies for the Neyagawa Urban Core Area and appreciate the opportunities to meet with staff to discuss the policy framework.

BACKGROUND

The Westerkirk Capital Inc., lands are located on the northeast quadrant of Neyagawa Boulevard and Burnhamthorpe Road West in the Town of Oakville. The lands are approximately 18.8 hectares in size. A location map is provided in Figure 1. Westerkirk is seeking to redevelop its land with a mix of residential and retail commercial development as well as a hotel.

COMMENTS

Permitted Uses

Draft OPA 326 proposes a new policy (7.6.6.2) relating to permitted uses which states:

*7.6.6.2 a) A wide range of retail and service commercial uses, including restaurants, commercial schools, major office, offices, medium and high density residential uses, and related public uses such as urban squares, may be permitted. **Retail and service commercial uses shall be provided on the ground floor of mixed use buildings that directly front a public street.** These uses may also extend to the*

other floors. 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/or above the ground floor.

The permitted uses in policy 7.6.6.2 c) also includes the following:

*7.6.6.2 c) Permitted uses shall be primarily located in medium and high density residential, office and institutional buildings. Both mixed use and single use buildings shall be permitted and this may include single use retail and service commercial buildings in accordance with the provisions. **No single use or retail store shall exceed a maximum of 7,000 square metres of gross leasable area.***

We request clarification regarding the wording in the proposed policies above. Policy 7.6.6.2 (a) states that retail and service commercial uses *shall be* provided on the ground floor of *mixed use buildings*. However, the Dundas Urban Core policy (7.5.15 c) states that *retail and service commercial uses may be in stand alone stores **or** in the ground floor of mixed use buildings*. We recommend that retail and service commercial uses be expressly permitted as stand along uses and not just within the ground floor of mixed use buildings. In response to policy 7.6.6.2 (c), we request clarification on the term '**single use**' to identify what uses are subject to this term.

We also have a concern with the limitation of a single use to 7,000 square metres of gross leasable area if this is to apply to a hotel use. If this is the case, a hotel could not be developed. Generally, it is not clear why metrics for the size of uses are not moved into the implementing zoning. We ask that the Town please provide the rationale for the 7,000 square metres limit for single uses.

Private Roads & Parking

Draft OPA 326 proposes a new policy addition (7.6.6.3.1) in relation to private roads in the NUC:

7.6.6.3.1 b) Development should occur on public roads. Where it is demonstrated through an approved area design plan that a public road is not warranted, development through plans of condominium on private roads may be permitted, provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied.

Draft OPA 326 proposes a new policy addition (7.6.6.3.1) in relation to parking in the NUC that states:

7.6.6.3.1 d) iii. Where required surface parking is to be provided, the maximum portion of a lot used for commercial and visitor surface parking should be approximately 30 percent. Surface parking shall be appropriately sited and screened to minimize the view of the parking from the street.

The intent of the NUC area is to "create a mixed use, complete community with densities that support higher order transit." We recommend that private roads should not be restricted from the above policy stating *development should occur on public roads*. Both public and private roads are permitted within the North Oakville East Secondary Plan and should be provided within the NUC. In relation to the surface parking policy, the 30% maximum coverage is problematic for interim development and will provide a constraint to development.

District Energy

Draft OPA 326 proposes the addition of new policy (7.6.6.3.3) relating to district energy which states:

7.6.6.3.3 c) A district energy feasibility study may be required to be submitted as part of any application for Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium.

While we support the objectives for District Energy, without a major facility as a proponent, it is unclear how a district energy feasibility study by each landowner or proponent would add any value at the development stage. We would recommend that this policy should be revised to be a direction to the Town to undertake such a study in conjunction with Oakville Hydro.

Height

The draft OPA proposes the addition of a new policy (7.6.6.5) relating to height in the NUC which states:

7.6.6.5 e) i. For lands abutting and to the north of Burnhamthorpe Road West (and/or future William Halton Parkway as applicable), **a minimum height of three storeys** shall be permitted.

We recommend that the minimum height requirement be reduced, as a minimum of three storeys is problematic for stand alone retail and service commercial uses.

Parkland Dedication

Draft OPA proposed the addition of a new policy (7.6.6.7] relating to Parkland Dedication in the NUC which states:

7.6.6.7 The Town shall require the conveyance of land to the Town for park or other public recreational purposes as a condition of development, consent or the subdivision of land as per the provisions of the Planning Act.

We request that the parkland dedication policy in the draft OPA be removed as parkland dedication for the entire North Oakville East Secondary Plan is provided through the North Oakville Master Parkland Agreement.

Flexible Language and Removal of Metrics

In addition to the specified above policies, we also recommend using flexible language and removal of metrics in the written policies. While some of the policy language allows for flexibility ("is encouraged") many of the policies are mandatory ("shall be permitted") where we believe flexibility and discretion should be provided.

For example, in the Urban Core policy, 7.3.2 states *Mixed use development* **is encouraged**, while policy 7.5.16 states *Mixed use development* **shall be permitted and encouraged** throughout the area.

We also recommend that specific metrics for maximum floor areas be removed and implemented through zoning to allow for flexibility for phased developments.

We thank the Town for providing the opportunity to comment further and would be pleased to provide any additional information or clarification of our request.

Yours Truly,
MHBC

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

Dana Anderson, MA, FCIP, RPP
Partner

cc. *Nick Sabat, Westerkirk Capital Inc.*
Kirk Biggar, Town of Oakville