

Monday, January 20, 2025

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

Attention:	Town Clerk Sybelle von Kursell, MCIP, RPP Manager, Midtown Oakville and Special Programs Planning and Development Gabe Charles, MCIP, RPP Director, Planning and Development
Re:	Town Initiated Proposed Official Plan Amendment – Midtown Oakville and Community Planning Permit System 177 Cross Argus Development Inc. c/o Sam Ganni and Nawar Mahfooth 177 Cross Avenue, 185 Cross Avenue, 187 Cross Avenue, and 580 Argus Road

On behalf of 177 Cross Argus Development Inc c/o Sam Ganni and Nawar Mahfoot (herein referred to as 'Client'), Corbett Land Strategies Inc. (herein referred to as 'CLS') is pleased to submit this letter to the Town of Oakville containing our response to the Midtown Oakville Proposed Official Plan Amendment (Proposed OPA), released on January 8, 2025. This letter is being submitted in advance of the Public Statutory Meeting to be held on January 20, 2025, which is intended to receive public feedback on the Proposed OPA. While this is the first submission on behalf of the Client with respect to the Midtown Oakville Official Plan Amendment, the comments stated herein reinforce the concerns of other Landowners who have previously submitted comments to the Town of Oakville.

This submission relates to the lands legally described as Part of Lot 14 Concession 3 South of Dundas Street, Town of Oakville, and municipally known as 177 Cross Avenue, 185 Cross Avenue, 187 Cross Avenue, and 580 Argus Road (herein referred to as the 'Subject Lands'). The Subject Lands are approximately 2.5 acres (1.0 hectare) at the intersection of Cross Avenue and Argus Road within the 'Trafalgar Precinct'.

The Client is proposing to develop three (3) high-rise residential buildings with building heights ranging from 50 to 60 storeys and one (1) mid-rise 6 storey residential building with commercial use at grade. There will be a total of 1,895 residential units with a mix of one- to three-bedroom units and 1,219 parking spaces at and below grade that will accommodate the diverse residential needs in Oakville.

CLS is pleased to advise that the Client has participated in several meetings and discussions with other landowners in the area on the formation of a landowner group. This coordination is in response to the proposed policies of the OPA which require the formation of a landowner group. Given the wide range of property owner timelines and development objectives, it is felt amongst many landowners that the current OPA landowner group policies do not establish an appropriate framework which facilitates the development of lands on the short-term. The Client is appreciative of the importance of landowner coordination on the delivery of public and community infrastructure, and believes that direction should be contained within the OPA, however greater consideration on the implementation of the current landowner group policies is necessary and whether the current policies, which may prevent an application from being deemed complete, help or harm the realization of the housing and intensification goals of the Town.



FIGURE 1 SUBJECT LANDS

Executive Summary

As a Major Transit Station Area (MTSA) and Urban Growth Centre, Midtown Oakville is to accommodate a significant amount of Oakville's overall population growth and development forecasted to 2051. The exercise to plan for that growth has been ongoing for several years, with several iterations of policy being released for public review and comment. However, the most recent provisions and schedules outlined in the Proposed OPA are inconsistent with provincial interests and significantly restrict the development potential of the Subject Lands.

The Proposed OPA is dismissive of the growth aspirations of the Provincial Planning Statement, in particular the Ministry of Finance population and employment forecast for the Region of Halton and Oakville to 2051. Current provisions which cap the Floor Space Index at 6 and building height at 20 storeys for the Trafalgar Precinct are insufficient and will not satisfy the infrastructural needs to accommodate the population projections through to 2051 and beyond. The concerns outlined below will lead to increasing development pressure, as other MTSA's are currently experiencing, and increasing demand for intensification to satisfy Town, Regional or Provincial growth targets.

Overall Comments

As you are aware, the Subject Lands are proposed to be designated as part of the 'Urban Core,' of the 'Trafalgar Precinct' within the Proposed OPA. This area is envisioned to be a mix of various land uses, creating a highly walkable community in Midtown Oakville. It will include a variety of office, civic, cultural, residential, and recreational spaces, along with public areas.

Oakville is considered the Town's primary *strategic growth area* and *protected transit station area*, located along the Lakeshore West GO *provincial priority transit corridor*. Within the Provincial Planning Statement (PPS), the Province advises that Major Transit Station Areas (MTSA) are to promote development and intensification and must achieve a minimum density target of 200 jobs and residents combined per hectare as outlined by Section 2.4.2.2.a. of the PPS.

It is clear that the Proposed OPA released on January 8, 2025, does not uphold Provincial interests based on the above stated policy. Rather, previous iterations of the OPA, published in the Spring of 2022, 2023, and 2024, more appropriately adhere to Provincial objectives, as growth was promoted through the intensification of Strategic Growth Areas. This in turn would ensure that future community needs were met while encouraging diversity in housing options. The current approach, however, hinders the possible development opportunities for Midtown Oakville, thereby negating the Strategic Growth Area potential for this area.

We hold concerns with respect to the height and density provisions of the Proposed OPA as Schedules L2, L3, and L4 are unassuming and do not satisfy the previously anticipated non-restrictive growth policies. Below are our comments for consideration.

Commentary on Density Provisions with Respect to Schedule L2, L3, and L4

Floor Space Index:

The density provision negates the development potential for the Subject Lands, as the proposed development anticipates a residential density of 13.19 FSI. In previous submissions, the Draft OPAs released in May 2022 and May 2023 facilitated growth through density ranges, while in the April 2024 Draft OPA, density provisions did not exist. As such, the proposed development was closer in alignment to the density expectations in the previous iterations of the Midtown Oakville OPA. Regardless, the proposed mixed-use development will accommodate a significant amount of population and employment growth that will assist Midtown Oakville in achieving its minimum density target of 200 residents and jobs per hectare combined by the year 2051.

During previous community engagement events, while opposition from certain resident associations has been noted, several Oakville residents, landowners and associations have responded positively to intensification and concentrated density. Specifically, feedback provided by residents who participated in the "Meet Midtown Public Engagement Event" on February 15, 2024, supported higher density to enable younger residents and first-time home buyers within the housing market. Despite density support from both planning staff and residents, the Draft OPA released in September 2024 revised the schedules to reduce total FSI to a minimum of 3 FSI and a maximum of 6 FSI within the Cross Avenue and Argus Road intersection of the Trafalgar Precinct. If the densities are to be applied to the subject lands, given the geographical characteristics, the development potential would be significantly restricted and likely uneconomic feasible to achieve the development goals of the property. This change, upheld in the December 2025 Proposed OPA, significantly restricts development potential within Midtown Oakville and undermines the density provisions that Town has been working towards for several years.

Building Heights:

Within Appendix A of the January 2024 Committee Meeting, it was noted that Midtown Oakville is expected to include a range of tall and mid-rise built forms, with 57% of the total developable area for tall buildings expected to have height ranges of 8 to 48 storeys (see Schedule A). To accommodate the height restrictions, taller buildings can abide by built form with appropriate design and setbacks to ensure the Town satisfies growth targets and does not sacrifice liveability elements (i.e., parks and open spaces, transportation networks etc.) that are important to residents in Oakville.

In review of other similar planning practices, other Urban Growth Centres and Protected MTSA have height maximums of 48 to 60 storeys. Council previously acknowledged that Midtown Oakville should adopt policies that resemble the best planning practices of other MTSA's within Greater Toronto and Hamilton Area (GTHA) (see Schedule B). Outlined within the April 2024 Draft OPA, the Trafalgar Precinct was supposed to feature the highest densities and tallest buildings in Midtown Oakville. Due to schedule revisions, the current Proposed OPA has recommended a building height threshold of 5 to 20 storeys. This is the lowest proposed building height maximum since the Town began the Midtown OPA endeavour. Therefore, the previous suggested density targets were unequivocally more inclusive and did not limit the development potential in the same ways that the current Proposed OPA does.

Adding to this frustration is the removal of *bonusing* in Midtown Oakville. Outlined in Section 20.7.2 of the Livable Oakville Official Plan (2009), the Town allowed increases in building height [in areas of Midtown Oakville (see Schedule C) without an Official Plan Amendment, in exchange for the provision of public benefits. Eligible bonusing was conditional upon development phasing/transition as outlined in Section 20.7.1 of the Official Plan. Furthermore, Section 20.7.2.d. stated that there is no prescribed

building height limit. All versions of the OPA have removed bonusing provisions as they relate to Midtown Oakville, which directly affects development within the previously eligible Trafalgar Precinct.

Not only has the Town hindered development potential through the Proposed OPA but has subsequently chosen to remove a positive development policy that could help the Town satisfy their projected growth targets. It is essential that the Town strategically revisit their proposed density policies to ensure they are planning for present and future development opportunities through to 2051 *and beyond*. As it stands, the proposed height and density caps, coupled with the removal of lands eligible for bonusing, restrict the growth potential of this Strategic Growth Area and infringe upon non-negotiable growth targets.

Growth Targets:

According to the Joint Best Planning Estimates prepared by Halton Region and local municipalities, the population forecast for the Town of Oakville is estimated at 442,941 people and 212,116 jobs in 2051, compared to the suggested 349,990 residents and 181,120 jobs outlined in ROPA 49. More specifically, it is expected that Midtown Oakville will have a minimum of 32,468 people and 17,998 jobs (50,466 total) by 2051. This approximates to 490 residents and jobs per hectare by 2051. In a memo presented to Mayor Burton and Members of Council from the Planning, Design and Development Department of Oakville in April 2024, it was acknowledged that the Joint Best Planning Estimates Report offer the most reliable and relevant population estimates for the Region and Town to 2051. It is recognized by planning staff that underestimating growth jeopardizes the Region and local municipalities' ability to finance hard and soft infrastructure required to support residents.

In a Special Council Report published June 2024, the Community Development Commission highlighted the gross underestimation of capping development to accommodate 35,000 residents and jobs, a figure informed by Watsons & Associates Growth Analysis Study 2024, as it significantly undermines the Joint Best Planning Estimates. The Report notes that planning for 35,000 residents and jobs would require shifting approximately 15,500 residents and jobs to other areas in Oakville, which would increase planning pressure on the Town leading to significant infrastructural shortages that will not satisfy growth needs. In the January 9, 2025, Staff Report, it was confirmed once again that establishing a more detailed estimation of jobs (using a smaller square meter per job type rates than the average 30 square meters per job initially used in staff calculations), allows Midtown to accommodate 38,150 residents and 16,400 jobs if the Gross Floor Area were to be maximized across Midtown. Therefore, we strongly advise that Midtown Oakville is planned to accommodate the Joint Best Planning Estimates of 50,466 people and jobs by 2051. Adhering to this projection will ensure Midtown is planned to maximize its land-use potential thereby satisfying current and future population needs

Planning Implications:

Designing inclusive policy that accounts for current and future development targets will alleviate the development infractions, Official Plan Amendments (OPA) and Zoning By-law Amendments (ZBA) that will inevitably ensue to accommodate growth within Midtown Oakville. According to Watson & Associates, currently there are 7,021 units that are under appeal at the Ontario Land Tribunal in Midtown Oakville. This is only going to increase if the Town is unable to adequately accommodate the development potential of Midtown. Already municipalities governing Urban Growth Centres have received applications that request OPA/ZBA applications greater than the maximum permitted heights or densities. For example, the City of Markham received an OPA/ZBA application for a 55-storey development within the Urban Growth Centre where the maximum permitted height is 15 storeys. Development pressures will ensue if intensification is not appropriately planned for within Official Plans.

The Client will proceed to take the Town of Oakville to the Ontario Land Tribunal unless the Proposed OPA can establish development-friendly policy that accommodates the much-needed proposed development. We predict that this course of action will become more frequent for the Town, as developers are wanting to provide sound solutions to help Midtown Oakville achieve their density targets to 2051 and beyond but are currently facing undue barriers.

Landowner Group

The proposed draft OPA includes policy which requires the formation of a landowner group to share in the costs associated with the development of community infrastructure. Policies which require the coordination of public services like parkland, school sites and stormwater management are increasingly being established in similar policy exercises to ensure that infrastructure is located and distributed in a fair and equitable manner. Of late, the proposed policies have been updated to establish that the requirement of the participation in a landowner group be determined by the Town following the pre-submission and, if determined to require the participation, that the application not be deemed complete until such participation occurs.

While we agree with the need to have landowner coordination, it is recommended that greater flexibility be established within the proposed policies. Overall, the policies should consider the variety of time frames that each individual landowner may have on the development of their respective lands. Given the size and current land use composition of Midtown, many landowners may not wish to advance their lands, creating tremendous burden on other landowners. The current format of the policies will therefore delay the advancement of lands wishing to develop immediately as well as delay the ultimate funding and construction of the identified facilities necessary to ensuring a complete community.

Conclusion

Given the above, we respectfully request the Town of Oakville and Project Team to:

1. Reconsider the density and height proposed on Midtown Oakville. The Town of Oakville should strongly consider greater density and intensification at Midtown Oakville to assist the Province in meeting its housing needs.
2. Implement a minimum of 10 FSI across all lands in the Midtown area, recognizing the area as the primary location in the Town to achieve density.
3. Return provisions which facilitate the concept of 'bonusing' above the maximum height restriction, instead of "prior to" the maximum restriction.
4. Establish greater flexibility in the landowner agreement/cost sharing policies to allow the landowners to define the terms in which the provision of community infrastructure is delivered.

We hope the following comments will be considered in approving the Proposed Midtown Oakville OPA. While we appreciate the effort and consideration that the Town has undertaken to prepare the Midtown OPA, too much is at stake for the growth and development of Midtown. Please do not hesitate to contact the undersigned with questions or if you require clarification regarding our comments and submissions.

Sincerely,

Nick Wood

Nick Wood, MES(PI), MCIP, RPP
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Schedule A

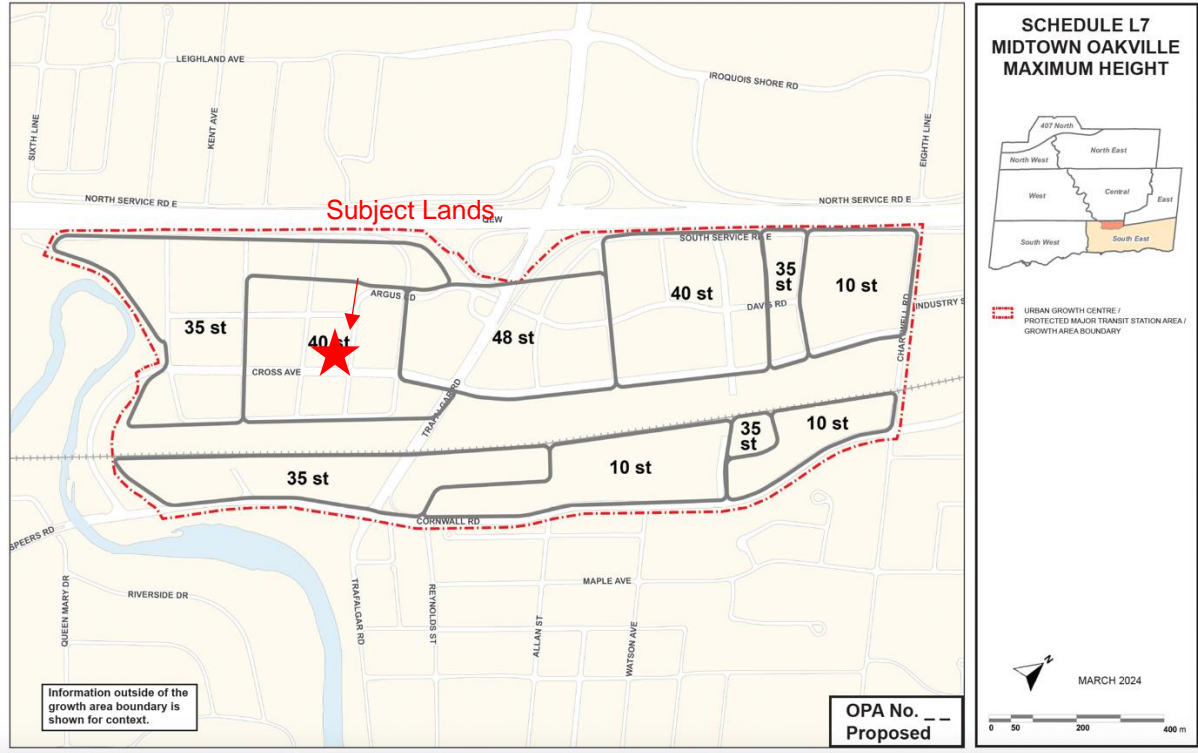


FIGURE 2: APRIL 2024 DRAFT OPA HEIGHT MAXIMUMS

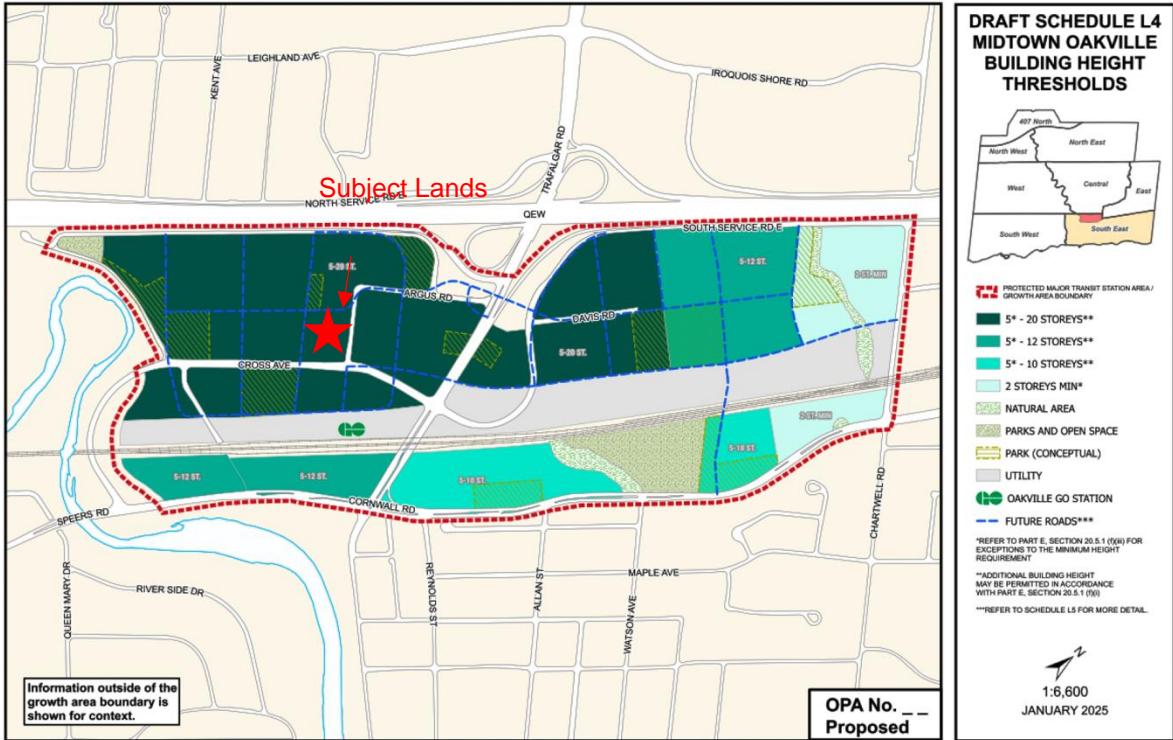


FIGURE 3: DECEMBER 2024 PROPOSED OPA HEIGHT MAXIMUMS

Schedule B

Urban Growth Centre comparators to Midtown Oakville as identified by the Planning, Design and Development Department from the Town of Oakville.

Urban Growth Centre Comparator	Hectares	Gross Planned Density	Height and Density Permissions
Downtown Burlington	86 Ha	284 P+J/Ha	Min Height: 2 storeys Max Height: 30 storeys Min FSI: N/A Max FSI: 4 FSI
Downtown Milton	139 Ha	200 P+J/Ha	Min Height: 4 storeys Max Height: 33 storeys Min FSI: 2.0 FSI Max FSI: 6.0 FSI
Downtown Brampton	93 Ha	580 P+J/Ha	Min Height: 4 storeys Max Height: No maximums Min FSI: No minimums Max FSI: No maximums
Downtown Oshawa	106 Ha	310-350 P+J/Ha	Min Height: 4 storeys Max Height: 25 metres, or 8 storeys Min FSI: N/A Max FSI: 3.0 FSI
Downtown Pickering	67.5 Ha	200 P+J/Ha	Min Height: 3-16 storeys Max Height: 37 storeys Min FSI: 0.75 FSI Max FSI: 5.75 FSI
Downtown Hamilton	105.1 Ha	500 P+J/Ha	Min Height: 2 storeys except for Pedestrian Focus Streets (min 3 storeys) Max Height: 30 storeys Min FSI: 0.75 FSI Max FSI: 5.75 FSI
Downtown Mississauga (City Centre)	37.8 Ha	400 P+J/Ha	Min Height: 3 storeys Max Height: 35 storeys Min FSI: 1.0 FSI (unless in PMTSA) Max FSI: N/A
Downtown Kitchener	N/A	225 P+J/Ha	Min Height: N/A Max Height: 35 storeys Min FSI: 1.0 FSI Max FSI: 3.0 FSI within City Centre, 7.5 FSI for lands within Multi-Modal Transit Hub
Uptown Waterloo	N/A	200 P+J/Ha	Min Height: 2 storeys Max Height: 25 storeys Min FSI: N/A Max FSI: N/A
Markham Centre	N/A	250 P+J/Ha	Min Height: 3 storeys Max Height: 15 storeys Min FSI: N/A Max FSI: 3 FSI

Schedule C

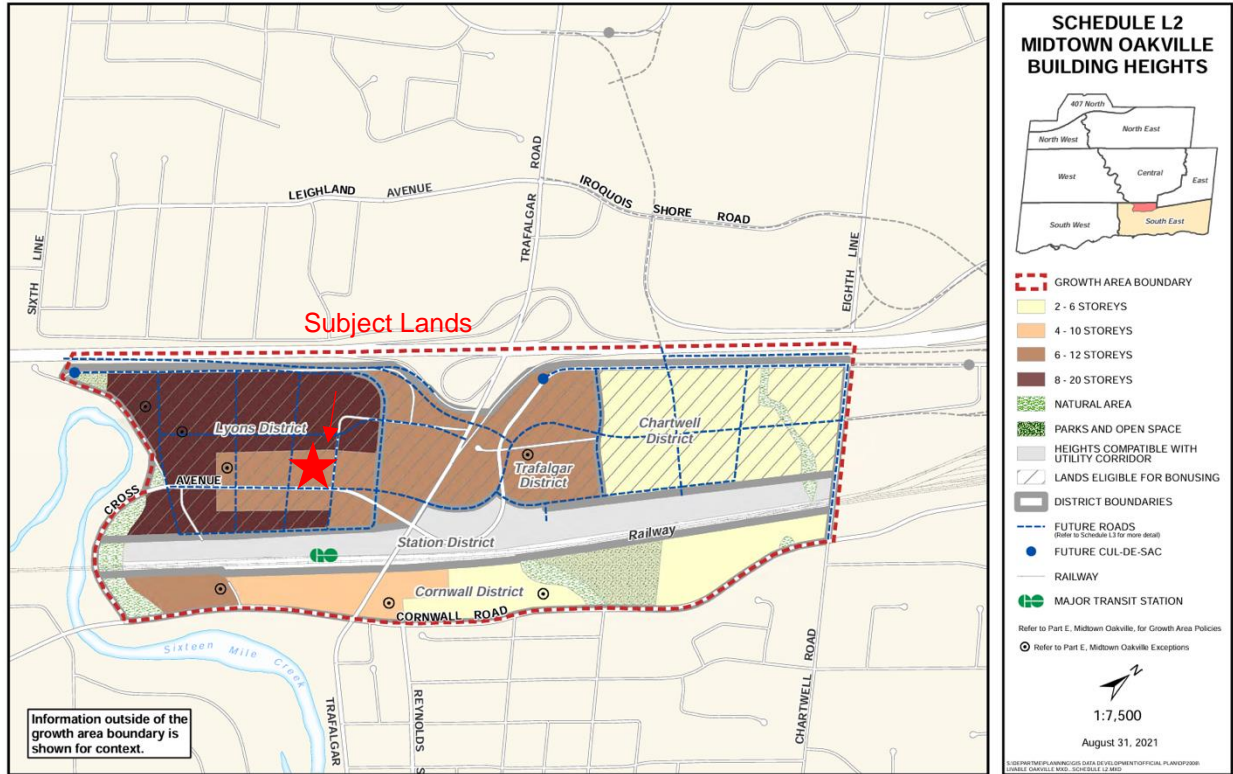


FIGURE 4 SCHEDULE L2 IN THE LIVABLE OAKVILLE OFFICIAL PLAN 2009