

Planning and Development Council Meeting
March 22, 2021

Comments Received Regarding Item 1
Town-initiated Official Plan Amendment

Midtown Oakville Urban Growth Centre
File No. 42.15.59

March 19, 2021

VIA EMAIL

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

Dear Sirs

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

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

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

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

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

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

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

Yours very truly

A handwritten signature in black ink that reads "R.D. Cheeseman". The signature is written in a cursive style with a prominent flourish at the end.

Russell D. Cheeseman

RDC/saf

cc: Michael Hohnjec @ michael@mbhassociates.com

From: [john sidler](#)
To: [Town Clerk](#)
Subject: Fwd: re amendment to official plan in midcore area of Oakville.
Date: March 19, 2021 4:12:00 PM

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

Fyi

----- Forwarded message -----

From: **john sidler**
Date: Fri., Mar. 19, 2021, 3:26 p.m.
Subject: re amendment to official plan in midcore area of Oakville.
To: Geoff Abma <geoff.abma@oakville.ca>
Cc: John Sidler , Ed Sajecki

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

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

March 19, 2021

VIA E-MAIL

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

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

File 18869.00003

*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

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

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

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

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

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

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

Comments on the Draft Policies and Maps

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

WeirFoulds LLP



Denise Baker
Partner

DB/mw

Cc Client

15962905.1

March 18, 2021

VIA E-MAIL

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

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

File 16644.00001

*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

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

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

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

Minutes of Settlement, OMB Case PL080691

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

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

d. Urban Design Matters

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

e. Road Improvements

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

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

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

f. Section 37 Agreement

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

g. Holding Provisions

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

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

Halton Region: Current and Proposed Policies

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

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

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

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

And 79.3(7.3):

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

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

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

20.3.3 Lyons District

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

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

- Reconfiguration of Roads
The abandonment of Lyons Lane and the introduction of a new north-south lane connecting Cross Avenue and South Service Road along the current rear property line;
- Site Access from Lyons:
Temporary or interim vehicular access from an existing road may be permitted as a condition of development approval, or through an agreement with the Town, until such time that a new local road and access driveway are constructed;
- Land Uses:
Single-use major office building; single use residential buildings; public services facilities;
- Additional Building height:
May be considered in exchange for required segments of future roads; or an additional storey for each storey of above-ground structure parking (to a 3 storey additional maximum); or one additional storey for every 800 m² of gross floor area of office uses (to a maximum of 5 additional storeys); or gross floor area of no more than five times the area of the right-of-way of the future local road to be conveyed to Town may exceed the maximum building heights.
- Parking:
Parking structures above grade are preferred; no more than 25% of required parking should be surface parking in the Lyons District; shared parking facilities is encouraged;
- Parkland:
One or more areas of public parkland must be accommodated in the Lyons District; consolidation of parkland dedication from multiple sites is encouraged; a development applicant must provide parkland concept plans to demonstrate how the parkland objectives will be satisfied;
- Block Design:
Development blocks are formed by the proposed transportation network. The blocks shall be designed comprehensively through property consolidation and coordinated development with adjacent landowners.
- Site Specific Exception
Site Specific Exception policy has been eliminated in proposed section 20.7 but shown on proposed Schedules L1 to L4 (current Section 20.6 Midtown Oakville Exceptions).

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

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

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

Potential Impacts

The revised policies will materially impact the Property as follows:

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

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

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

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

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

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

- Cost-Sharing Agreement

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

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

Policy Recommendations

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

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

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

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

Yours truly,

WeirFoulds LLP



Denise Baker
Partner

DB/mw

Cc Client

March 19, 2021

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

File 16088.00001

Via E-mail

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

Attention: Ms. Vicki Tytaneck, Town Clerk

Dear Mayor Burton and Members of Council:

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

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

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

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

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

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

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

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

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc client

15944570.1

March 19, 2021

VIA E-MAIL

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

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

File 18740.00012

*Partner through a professional corporation

Dear Mayor Burton and Members of Council:

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

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

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

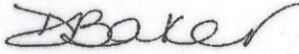
The Town of Oakville proposes to repeal all of Livable Oakville’s Section 20, Midtown Oakville policies, and replace it with revised policies. These policies continue to identify the Property as part of the Town’s Urban Growth Centre and propose to identify the Property as part of a Major Transit Station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

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

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

Yours truly,

WeirFoulds LLP



Denise Baker
Partner

DB/mw

Cc Client

15947144.1

March 22, 2021

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

Attn: Town Clerk townclerk@oakville.ca

Dear Mayor Burton and Members of Council:

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

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

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

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

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

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

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

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

Development Concept

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

20.3.4 Trafalgar District

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

20.3.5 Chartwell District

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

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

Functional Policies

Population and Employment

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

General

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

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

Transportation

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

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

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

Housing

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

Urban Design

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

Public Realm

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

Block Design

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

Built Form

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

Building Heights

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

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

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

Parking

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

Land Use

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

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

Implementation

Parkland

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

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

Block Design Plans

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

Cost-Sharing Agreement

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

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

Implementation Strategy

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

Summary

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

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

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

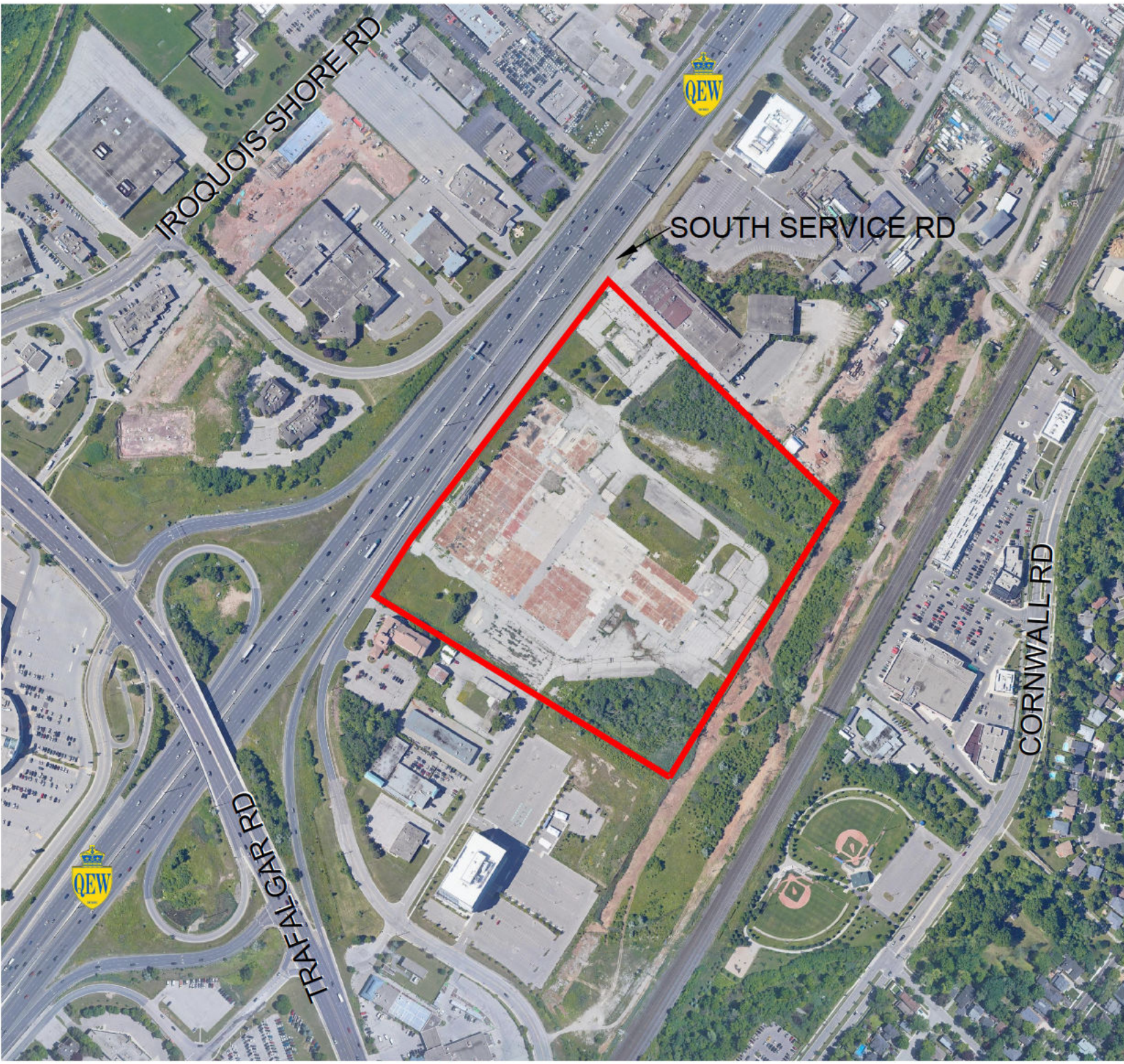
Sincerely,

MHBC



Dana Anderson, FCIP, RPP
Partner


Cc. Karen Simons, General Electric Company



Attachment A
LOCATION MAP

420 to 468 South Service Rd,
Oakville, Ontario

LEGEND

 Subject Lands

DATE: March 19, 2021

SCALE: 1:5000



Data Source: Google Satellite via QGIS | First Base Solutions

N:\20 06A - 20- 68 South Service Road, Oakville\Tech\an Data\Attachment A - Locat on Map.dwg

EMBEE ARGUS LIMITED

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

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

March 16, 2021

VIA EMAIL: townclerk@oakville.ca

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

Attention: Geoff Abma, Senior Planner, Planning Services department

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

Dear Mr. Abma:

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

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

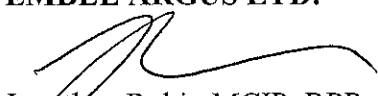
Embee had attended previous Public Information Meetings and has provided numerous written correspondence (i.e. July 10, August 30, September 11, 2017) to the Town. In addition, Embee has reviewed the recent documentation prepared by staff.

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

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

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

Yours very truly,
EMBEE ARGUS LTD.


Jonathan Rubin MCIP, RPP
Phone: 416.250 5858 ext.34
E-mail: jonathan@embeeproperties.ca

cc: Michael Baker- Embee Argus



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

March 15, 2021

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

Mayor Burton and Council,

TCRA's Position Statement

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

Pedestrian access to and from Midtown via existing infrastructure:

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

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

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

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

Building Height South of Railway Tracks:

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

Built Form at Midtown Perimeters

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

Schools:

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

Tree Canopy and Open Space:

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

2031 to 2051:

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

Sincerely,
The Board, Trafalgar Chartwell Residents' Association