

**Distributed at the Special Planning and Development Council Meeting of
March 22, 2021**

**Re: Item 1 – Public Meeting Report - Town-initiated Official Plan Amendment -
Midtown Oakville Urban Growth Centre (File No. 42.15.59)**

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

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

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

into the area development plans early in the process to ensure the pedestrian friendly new urban design vision is realized.

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

Thank you for your consideration of these matters.

Joshua Creek Residents' Association Board of Directors

From: **Angela Parsons** [REDACTED]
Date: Mon, Mar 22, 2021 at 1:58 PM
Subject: ROPA 48 - Citizen Input
To: <mayor@oakville.ca>, <clerk@oakville.ca>, <council@oakville.ca>

I am writing to provide citizen input which I hope will be considered at the Special Planning and Development Council Meeting being held this evening.

When thinking to the future of our Town and Region, I have three areas of particular concern: food security, mental and physical wellness, commercial land use/urban sprawl, and addressing the climate and biodiversity crisis.

Over the last year, it has been clearer than ever that we must protect our local agricultural areas. We must not become wholly dependent on other regions or, worse still, other countries for our food supply. I realize that 'food insecurity' is not new but hearing it repeatedly over the last year has made me much more aware that it a growing threat to more and more of the population. We are a resource-rich country and no region should squander its ability to grow and harvest its own food. Paving over our agricultural lands would have disastrous consequences for farmers through to consumers.

In the interest of the population's mental and physical well-being, we must protect our natural spaces. There is an abundance of research available indicating that outdoor space is critical for positive mental health. From the US National Library of Medicine, "Research to date has shown that nature exposure can provide a wide range of mental health benefits, related to attention and cognition, memory, stress and anxiety, sleep, emotional stability, and self-perceived welfare or quality of life."¹ Over this year of limited social interaction and outdoor activity, we have all witnessed a marked

deterioration in the level of respect and courtesy in online interactions. While this has been an unusual year, we must not minimize the importance that outdoor space has on both mental and physical wellness.

I favour mixed-use commercial areas over industrial. Mixed-use areas create varied employment opportunities increasing the likelihood that residents can find a job 'in their field' without having to commute long distances. Enabling people to work closer to home has an obvious environmental benefit as well as improving personal work/life balance. This can only benefit a community. Zoning land for industry limits the type of employment opportunities and is a step in the direction of urban sprawl.

Regarding urban sprawl, I respectfully ask that we put a stop to it while we still can. We are facing a climate and biodiversity crisis which we can begin to control now by strictly designating growth areas and preserving agricultural land.

I realize that growth is inevitable and we are merely custodians of this special part of the province. I do not expect to be alive in 2051 to see how Oakville and the Region of Halton evolved but that does not mean I can relinquish responsibility or accountability for that outcome. The Plan needs to balance the current needs of Oakville and the Region with the needs of the future generations who will one day hand over the reigns to those who follow them. I urge Town and Regional Council to take great care in amending the Official Plan. If we allow urban sprawl to consume our agricultural areas and green spaces we will be leaving a grim legacy of which we will not be proud.

Respectfully,
Angela J. Parsons

1. Ralf C. Buckley, Paula Brough, Diane Westaway. (2018, May 3). Bringing Outdoor Therapies Into Mainstream Mental Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5944462/>

March 22, 2021

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

TownClerk@oakville.ca

Dear Mayor Burton and Members of Council:

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

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

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

Subject Lands: Context

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

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

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

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

Previous Submission - 2017

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

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

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

Halton Region: Transportation Network

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

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

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

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

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

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

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

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

Region Official Plan Amendment 48 (ROPA 48)

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

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

And 79.3(7.3):

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

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

Midtown Oakville: Proposed Official Plan Amendment Draft Policies Applicable to Subject Land

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

20.3.4 Trafalgar District

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

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

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

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

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

- Phasing/Transition:
Existing buildings and uses will be permitted to continue, but are intended to redevelop as envisioned by the proposed policies and schedules.
- Additional Building height:
The current permissible building heights are being increased from 6 to 12 storeys to the proposed 8 to 20 storey heights. Additional heights may be considered in exchange for required segments of future roads; or an additional storey for each storey of above-ground structure parking (to a 3 storey additional maximum); or one additional storey for every 800 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 and shared parking facilities is encouraged;

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

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

Impacts for 359 Davis Road

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

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

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

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

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

Policy Recommendations

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

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

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

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

Thank you.

Yours Truly,

MHBC

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

Oz Kemal, BES, MCIP, RPP

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

March 19, 2021

Bruce Engell
Partner
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VIA EMAIL (townclerk@oakville.ca)

File 04007.00002

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

Attention: Vicki Tytaneck, Town Clerk

Dear Ms. Tytaneck:

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

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

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

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

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

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

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

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

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

Yours truly,

WeirFoulds LLP



Bruce Engell
Partner

BE/PC/bt

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

15967708.2



March 22, 2021

Refer To File: 1370-001

By E-mail only to TownClerk@oakville.ca

Mayor and Members of Council
c/o Town Clerk
Clerk's Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON
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Dear Mayor Burton and Members of Council:

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

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

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

DH 01693754

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

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

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

Impact on the Settlement:

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

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

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



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

Urban Design and Public Realm

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

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

Access:

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



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

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

Parking:

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

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

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



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

Implementation:

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

“20.8.4 Landowners’ Agreement(s) / Cost Sharing

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

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

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

DH 01693754



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

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

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Karen Bennett, MCIP, RPP
Senior Associate

Cc: Client
R. Miller, Davies Howe LLP

DH 01693754

Turkstra Mazza

Hamilton London Toronto

Scott Snider
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ssnider@tmalaw.ca
skaufman@tmalaw.ca

March 22, 2021

By email: townclerk@oakville.ca

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

Attention: Mayor Rob Burton and Members of Council

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

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

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

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

The Draft Oakville Urban Growth Centre OPA

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

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

Summary Overview

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

Specific Draft Policy Comments

20.1 Goal and 20.2 Objectives:

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

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

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20.3 Development Concept:

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

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

20.4.6 Housing:

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

20.5.3 Block Design and 20.8.2 Block Design Plans:

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

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

20.5.4 Built Form

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

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Policy 20.5.5 Building Heights and 20.8.3 Future Roads:

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

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

20.6 Land Use Policies

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

20.8 Implementation Policies:

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

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

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

Schedule L2 Midtown Oakville Building Heights:

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

Schedule L3 Midtown Oakville Transportation Network:

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

Midtown Oakville UGC – Continued Engagement of the Landowner

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

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

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

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

Yours truly,

Yours truly,



Shelley Kaufman

Scott Snider

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

Skssnd
Att'd.
13646/3

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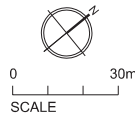



HIGHWAY 403

ARGUS RD

CROSS AVENUE

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



 Subject Lands

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

AIR PHOTO

165 CROSS AVENUE
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON

March 22, 2021

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

TownClerk@oakville.ca

Dear Mayor Burton and Members of Council:

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

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

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

1. Section 20.8.1 (Phasing/Transition)

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

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

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

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

3. Section 20.8.2 (Block Design Plans)

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

4. Schedule L3 (Midtown Oakville Transportation Network)

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


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


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

Thank you.

Yours truly,

MHBC


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


Andrew Palumbo, MCIP, RPP
Associate

cc.: Kimberly Koenig, Home Depot

March 22, 2021

VIA EMAIL

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

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

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

Dear Planning and Development Council,

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

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

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

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

Comments on the Draft Policies and Maps

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

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

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

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

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

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

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

Sincerely yours,

KORSIAK URBAN PLANNING



Jacob Kaven, MES, RPP

Encl.

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

March 22, 2021

VIA EMAIL

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

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

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

Dear Planning and Development Council,

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

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

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

Comments on the Draft Policies and Maps

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

- **Policy 20.2.1, Objectives:** While the policy speaks to creating transit-supportive development and promoting a compact urban form with higher density and intensity of land uses, it is our opinion that it should also specify that the greatest heights and densities will be encouraged in proximity to the Oakville GO Station.
- **Policy 20.2.3, Objectives:** The policy provides opportunities for increased building height in exchange for required segments of future road, provision of office uses, and/or providing of above-grade parking structures. In our opinion, the location of the Property together with the provincial policy regime warrants additional height irrespective of the infrastructure items enumerated in this policy.

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

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

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

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

Sincerely yours,

KORSIAK URBAN PLANNING



Jacob Kaven, MES, RPP

Encl.

Copy: Bernard Woo
Uri Salmona, Salmona Development Consultants



March 22, 2021

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

To Whom it May Concern:

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

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

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

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



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

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

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

Best,



Rick Perciante
Executive Director



March 22, 2021

Town Clerk Of Oakville
1225 Trafalgar Road,
Oakville, ON
TownClerk@oakville.ca

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

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

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

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

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

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

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

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

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

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

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

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



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

Sincerely,

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

March 22, 2021

Via E-mail

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

Attention: Mayor Burton and Members of Council

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

File 16474.00001

Dear Mayor Burton and Members of Council:

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

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

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

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

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

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

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

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc client

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