

Planning and Development Council Meeting
March 22, 2021

Comments Received Regarding Item 2
Town-initiated Official Plan Amendment

The North West Area and Palermo
Village, Excluding the Hospital District
File No. 42.24.23

March 19, 2021

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

**RE: OFFICIAL PLAN AMENDMENT FOR THE NORTH WEST AREA AND PALERMO VILLAGE
COMMENT LETTER ON BEHALF OF 2507 DUNDAS STORAGE GP CORPORATION
OUR FILE: 16257U**

On behalf of our client, 2507 Dundas Storage GP Corporation (part of the Dymon Group of Companies), the owners of 2507 Dundas Street West, we provide this letter in response to the draft Official Plan Amendment for the North West Area and Palermo Village (hereinafter the "Proposed OPA") being considered for approval by Council. Our client has recently submitted an Official Plan Amendment and Zoning By-law Amendment for their lands located at 2507 Dundas Street West to permit a non-residential mixed use development consisting of self-storage, retail and office uses.

We thank Council and Town Staff the opportunity to comment on the Proposed OPA, which our client supports subject to only a few issues of concern. We provided a comment letter on November 23rd, 2020 speaking to our proposed concerns, mainly considering Self-Storage within a mixed use built form within the Urban Core Designation.

Town Staff noted in their report dated November 11, 2020:

"18. Commercial Self Storage Facility Comments received asked that staff consider permitting commercial self-storage facilities within the Mixed Use, Urban Core land use designation within Palermo Village. Staff are of the opinion that commercial self-storage facilities are more appropriately located within the town's employment land use designations, and should be directed away the town's mixed use nodes and corridors that are intended to support high density residential and high employment generating uses, which support achieving transit supportive densities. Uses within the town's mixed use nodes and corridors are to be provided in a compact built form and which are pedestrian oriented and support active transportation and transit usage. It is staff's opinion that commercial self-storage facilities do not achieve these objectives."

We continue to hold the same opinion where we believe that self-storage within a mixed use built form is appropriate within an Urban Core Designation. As previously stated, the Proposed OPA's Schedule N1 Palermo Village – Land Use ("Schedule N1") contemplates an "Urban Core" designation for our client's

lands. Urban Core designation reflects the most urban part of the North Oakville West Plan area, providing the highest densities and activity order which is to include a broad range of significant residential, retail and service commercial, entertainment, cultural, business and institutional uses. Lands designated Urban Core are encouraged to have a mixed use built form.

In addition to the uses contemplated by the Urban Core designation, our client continues to request that “Self-Storage Facility” be added as a permitted use within the Urban Core designation with the condition that said use be located within an urban or mixed use built form.

There are a number of innovative examples throughout the Greater Golden Horseshoe where urban self-storage facilities developed by the Dymon Group of Companies (referred to as Dymon Centres because of their multi-use orientation) are being located in growth areas, such as mixed use designated lands and lands in proximity to major transit facilities.

Example projects (including the proposed building at 2507 Dundas Street West) by ***our client*** are illustrated below:

2507 Dundas Street West, Oakville



850 York Mills Road, Toronto



3621 Dufferin Street, Toronto



6333 Hurontario Street, Mississauga



As illustrated in the images above, Dymon Centres within a mixed use built form can be designed to improve the existing pedestrian environment and provide attractive architectural and urban design. Dymon Centers are changing the traditional built form of storage facilities, which typically are one-storey in height usually in the form of storage garages surrounded by barbed wire. Dymon prides themselves is

providing centres that function with a range of uses to support an urban built form, similar to uses contemplated for the Urban Core designation. Dymon Centres, provide a number of uses, where the self-storage component is more of an accessory use and residential, office and/or retail are more prominent.

It is our opinion, the addition of Dymon Centres, which includes self-storage use, within a mixed use built form would be appropriate within an Urban Core designation as they would support Provincial, Regional and Town intensification initiatives and provide significant amenity and desired services within the community.

Rationale for Self-Storage within a Mixed Use Built Form

There is an increasing demand for self-storage facilities as people continue to downsize their housing options and new residential developments continue to be meet the Provincial directives for more intensified and compact forms within urban areas. Furthermore, commercial tenants are increasingly seeking additional space to store older files and office materials not required for daily use. Self-storage facilities provide convenient storage solutions to residents and employers as the space available in homes and offices continues to shrink. In our opinion, self-storage is an important component of today's urban fabric and the need for such uses can, and should, be incorporated into growing areas of intensification such as Palermo Village, utilizing a modern, urban, compact built form.

Self-storage facilities within a mixed use built form allows the management, operation, and design of these buildings to integrate fully into a variety of uses within one building. When self-storage facilities are integrated within a mixed use built form they differ fundamentally from traditional self-storage warehouses. The latter were primarily designed as single storey, land extensive developments with little regard for urban design (or any design for that matter). Conversely, when integrated into an urban, mixed use format the applicable urban design requirements are applied resulting in an appropriately designed and planned addition to a Growth Area, such as Palermo Village.

While we have requested to be notified online, we are formally requesting to be included on the distribution list of any and all information related to the Proposed OPA moving forward including, without limitation, notice of any further reports, meetings or decisions of any kind related to the Proposed OPA.

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

Yours truly,

MHBC



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



Celeste Salvagna, B.U.R.PI
Senior Planner

cc: *Clients*
Project Team



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March 18, 2021

BY EMAIL

Diane Childs
Manager of Policy Planning and Heritage
Planning Services Department
Town of Oakville
1225 Trafalgar Rd
Oakville, ON L6H 0H3

Our File No. 155273

Email: diane.childs@oakville.ca

Dear Ms. Childs:

**Re: Town File No. 42.24.23
Official Plan Amendment No. 34 – North West Area and Palermo Village
Recommendation Report**

As you are aware, Aird & Berlis LLP is counsel to Palermo Village Corporation. My client has reviewed with interest the Planning Services Department's recommendation report to Town Council concerning the Town-initiated Official Plan Amendment for "The North West Area and Palermo Village" (the "Staff Report"), which is scheduled to be considered by Planning and Development Council at a special meeting on Monday, March 22, 2021.

Under separate cover, my client will be providing its feedback comments on the draft version of OPA 34 that is attached to the Staff Report. The purpose of this letter is to address a series of comments made in the Staff Report that we believe may be misleading. These comments concern OPA 15, being the amendment that approved the Town's Urban Structure.

Samples of the comments of concern include the following:

Although the lands north of the proposed Palermo Village Growth Area are under appeal as part of OPA 289, these lands are reflected as Employment Area in the Town's approved Urban Structure (OPA 15), which are not under appeal by area landowners. These lands are intended as Employment Area to maintain employment lands in close proximity to the Provincial Highway system, which is a predominant land use pattern across the town□

The conversion of Employment Areas can only be considered by Halton Region as part of their Municipal Comprehensive Review. At the time of developing the recommended Official Plan Amendment, it is expected that Halton Region intends to maintain the council adopted position for an Employment Area overlay in this area□

Although the linkage area is under appeal as part of OPA 289, it is reflected as part of the town's Urban Structure (OPA 15), which has not been appealed by area landowners□

With respect, these passages misrepresent the legal status of OPA 15. On this point, I refer you to the language of OPA 15 itself:

3. URBAN STRUCTURE

The urban structure sets out the framework for where and how the Town will grow and how to determine Oakville's character and form. Urban structure elements are not intended to be land use designations, and are not intended to grant development rights or to predetermine the specific land uses that will be permitted on any particular parcel of land.

□

28.1.5 Urban structure elements as shown on Schedule A1, Urban Structure are not intended to be land use designations, and are not intended to grant development rights or to predetermine the specific land uses that will be permitted on any particular parcel of land.

The Staff Report's references to OPA 15 being "*not under appeal by area landowners*" implies that an amendment or revision to the Town's Urban Structure is required in order to proceed with certain revisions to The North West Area and Palermo Village, including the removal of Employment Area overlays or the re-allocation of the linkage area. As confirmed in the excerpts provided above, this is not the case. OPA 15 did not implement land use designations – it created a guidance map (and a series of guidance policies) for the Town to use in the evaluation of future applications and amendments. This guidance does not itself require revision in order to proceed with applications or amendments (publicly or privately initiated) that are not fully consistent with the Town's Urban Structure. Put another way, while consistency with the Town's Urban Structure is an element of "good planning", it is legally not the same as consistency with the land use designations and policies found elsewhere in Livable Oakville. For example, it is not a "conversion" under the 2020 PPS, the 2019 Growth Plan if lands shown on the Urban Structure Schedule (A1) as "Employment Areas" are designated for mixed-use on the actual Land Use Schedules of Livable Oakville.

Our request is that the status of OPA 15 in relation to the Town-initiated OPA for North West Area and Palermo Village be clarified when the matter comes before Council. The clarifications we are requesting are simple:

1. OPA 15 did not implement new land use designations under Livable Oakville.
2. Council is at liberty to approve an OPA that does not precisely match Schedule A1.

We thank you for your attention to this matter and look forward to the staff presentation on March 22.

March 18, 2021
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Yours truly,

AIRD & BERLIS LLP

A handwritten signature in dark ink, reading "Patrick J. Harrington". The signature is written in a cursive, flowing style.

Patrick J. Harrington

PJH/np

cc. Client

AIRD BERLIS