

Distributed at the Planning and Development Council Meeting of August 6, 2019
Re: Item 2 - Public Meeting Report - Zoning Amendment and Draft Plan of Subdivision -
157 Cross Avenue - File No.: Z. 1614.73 and 24T-19002/1614

August 6, 2019

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File No. 04007.00030

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

Dear Sir/Madam:

Re: Letter of Objection
157 Cross Avenue
Town File Nos. Z.1614.73, 24T-19002/1614

We act for Centre City Capital Limited which owns the property on the west side of the subject property (the "Site"). Our client's property is occupied by the Trafalgar Village Centre complex, municipally known as 105, 111, 117 and 125 Cross Avenue.

We have reviewed a copy of the Statutory Public Meeting Notice for the meeting to be held August 6, 2019 as well as the Staff report and supporting documentation related to the above-noted zoning by-law amendment and draft plan of subdivision applications. The Site is located to the immediate east of our client's property. The Site is a narrow lot with a width of less than 30 metres at its narrowest point. Based on this review, we are hereby registering our objection to the proposed development for the following key reasons:

1. The Conceptual Layout drawing in the Staff report shows a tower separation of 20.0 metres to the "potential proposed development" to the east of the site. However, there is no conceptual layout for our client's lands to the immediate west, despite our client's lands having the same development potential.

All these lands are located in Midtown Oakville under the Official Plan, which is identified as an Urban Growth Centre, and identified as a Mobility Hub by Metrolinx, and the policy direction is for this area to provide a concentration of mixed use and higher density development. Under Schedule L2 – Midtown Oakville Building Heights in the Official Plan, the Urban Centre and Urban Core designations are also applicable to our client's lands providing height permissions of 6 to 20 storeys.

The Midtown Oakville Urban Design Guidelines in Section 6.1.3.3 “Tall Buildings Adjacent to Other Properties” identifies a minimum 15 m building setback from the property line for tall buildings below 30 storeys. The floor plans show the proposal is to have only a 4.51 metre setback (or 4.57 metre as shown on the concept plan) along the westerly property line shared with our client and either a 9.03 metre or 6.51 metre setback is proposed to the current property line on the other side of the Site.

Under Section 6.1.2.1 “Mid-rise Building Separation and Side Property Setbacks”, the guidelines state that where two mid-rise buildings have facing secondary windows, a minimum 7.5 metres setback from the adjacent property line is required, resulting in a 15 m separation. Where two mid-rise buildings have facing primary windows, a minimum 10 metre setback from the adjacent property line is required, resulting in a 20 m building separation.

This will mean that should any proposed towers be contemplated on the Trafalgar Village Centre property, to achieve even a 25 metre tower separation, those buildings would have to be set back 20.49 m from the property line to make up the shortfall proposed for the Site. This would represent a significant adverse impact to Trafalgar Village Centre. In addition, should Trafalgar Village Centre have the intention to develop higher than 30 storeys in the future, a 50m separation is required, which would further compound the separation distance issue.

2. Additional areas where the proposal on the Site appears to not comply include:

- Based on Guideline 3.1.24, on the property itself the proposed towers do not maintain the minimum 25m setback between each other as 20m is proposed.
- Under Guideline 3.1.16, a building podium or base has a maximum length of 55m before the base requires a significant break. No break appears to be contemplated within a footprint that appears to be over 100m.
- As per Guideline 3.1.20, the tower component is to be set back a minimum of 5m from the building base. Based on the proposal, no setback is proposed from the podium base.
- Guideline 3.1.22 provides the tower floor plate size is to be a maximum dimension of 40m in length. Based on the concept, it is not clear if those dimensions are being met, particularly the north tower.
- As per Guideline 3.1.27, the tops of towers are intended to be articulated separately from the middle tower component. Based on the renderings and elevations, no clear articulation or differentiation is made to the top of the towers.

Based on the currently proposed setbacks, a significant setback will be required on our client's lands for any proposed mid-rise or high-rise development, which will seriously impair proper development of our client's property and compromise its ability to implement the Town's policies for our client's lands.

Although the Site appears to be the only development application that has been submitted for this area currently, in order for the Town to protect and achieve the long term vision for this Urban Growth Centre, it is imperative that any approved development does not constrain adjacent properties and prejudice the ability for those properties to be developed in the future and contribute to the full potential envisioned by the policies and direction of the Province and the Official Plan as a "complete urban community". In the same respect that there is a conceptual layout shown for the adjacent lands to the east, a similar concept should be prepared demonstrating the maximum development potential of our client's lands.

3. With respect to the proposed road running east/west along the north of the Site (and therefore crossing our client's lands), we note that in OPA 14, which in part remains under appeal, the future road network in this area has not yet been finalized, including the alignment and location of those roads. Our client has not been informed of any specific details regarding the proposed alignment of the proposed east/west road in this location.

In conclusion, we are of the opinion that the zoning amendment and draft plan of subdivision applications in their current form for the Site are premature as they do not take into consideration the overall vision of the Lyons District Community within Midtown Oakville, does not appropriately respect the Urban Design Guidelines for Mid-rise and Tall Buildings and will have significant impact on our client's lands. The development as proposed has no regard for the impacts on adjacent properties and limitations it will place on their developability in the context of the long term vision of the Province and Town for this Urban Growth Centre.

We request that we be formally notified of any decision of the Town of Oakville with respect to these applications.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "B. H. Engell", written in a cursive style.

Bruce H. Engell

BHE

cc. Eldon Theodore, MHBC
Client