

**Via Digital Delivery**

April 2, 2024

Muzaib Riaz, Planner  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario.  
L6H 0H3

Dear Mr. Riaz:

**Re: *Planning Rationale Addendum Letter  
Official Plan Amendment, Zoning By-law Amendment and Plan of  
Subdivision Application Resubmissions  
590 Argus Road  
File Numbers OPA 1614.81, Z.1614.81 & 24T-23001/1614***

---

**1.0 INTRODUCTION**

As you are aware, we are planning consultants for 590 Argus Developments Inc, the Owners of a 1.5-hectare property located on the north side of Argus Road, approximately 250 metres west of Trafalgar Road in the Town of Oakville. The property is municipally known as 590 Argus Road (the “subject site”) and is currently occupied by a hotel complex (Holiday Inn Hotel) and surface parking. On behalf of the Owner, we are pleased to submit the following Planning and Urban Design Addendum Letter in support of a revised proposal to redevelop the subject site.

In April 2023, our office filed applications on behalf of the Owner for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision (the “initial applications”) in support of a proposal to redevelop the subject site with a new, multi-tower mixed-use development. Since the initial applications were filed, the development concept (referred to as the “Revised Proposal”) has been modified to respond to comments received by members of the public as well as Town Staff and other commenting agencies. The Revised Proposal continues to contemplate a three-tower mixed use development on the subject site; however, changes have been made to the massing and height of the podium element along South Service Road, as well as the distribution of height across the tower elements in the proposal.

Notwithstanding the revisions made to the Original Proposal, the Revised Proposal continues to contemplate a mixed-use community comprised of a range and mix of

residential units, at-grade retail uses, a potential daycare, and two large privately owned publicly accessible open spaces (“POPS”) to serve the existing and future residents of the area. The proposed development also includes lands to be conveyed to the Town to facilitate the widening and realignment of South Service Road East (along the north and east edges of the site), as well as the widening of Argus Road (along the south edge of the site).

The Revised Proposal includes three towers that are 45-, 50-, and 57-storeys in height, positioned above a shared 'E'-shaped podium. The Revised Proposal will continue to provide approximately 1,043 square metres of at-grade retail uses and 1,059 square metres of office space as well as a unit at-grade for a potential daycare. The balance of the proposal will continue to be for residential uses, comprised of a mix of unit suite sizes that will add to the supply of housing in Midtown Oakville and improving the diversity of housing options available in the immediate area. The total gross floor area of the development has increased to approximately 149,907 square metres, resulting in a density equivalent to 9.73 floor space index (FSI). In addition, the building will continue to provide residential amenity spaces, in the form of indoor and outdoor spaces, to serve the future residents of the development.

The purpose of this letter is to provide an assessment of the Revised Proposal within the context of the applicable planning framework and urban design guidelines, as well as emerging policies applicable to Midtown Oakville. This addendum will address the numerous recent legislative changes enacted and/or proposed to the *Planning Act*, Provincial Policy Statement, Region of Halton Official Plan, Livable Oakville Official Plan, and the Town of Oakville Zoning By-Law 2014-014. Subject to the additional comments set out herein, the findings and analysis set out in our April 2023 Planning and Urban Design Rationale Report (“2023 Rationale”) and Urban Design Brief continue to be relevant and accurate.

As set out below, it is our opinion that the Revised Proposal is appropriate and desirable in land use planning and urban design terms. The Revised Proposal will continue to intensify an underutilized site with a mix of uses in support of existing and future Midtown residents, as well as make a positive contribution to the emerging road and public realm networks through the conveyance of lands for roads and open spaces. The Revised Proposal will continue to support the development of a complete community in Midtown Oakville.

## **2.0 APPLICATION HISTORY**

The initial applications were filed with the Town on April 28, 2023, and proposed a new mixed-use development on the subject site. The initial proposal contemplated the redevelopment of the subject site with a new, three tower development containing a

range and mix of residential units, new office and retail uses, as well as two large POPS at-grade, fronting on Argus Road. The initial proposal also contemplated the conveyance of lands to the Town to facilitate the widening and realignment of South Service Road East (along the north and east edges of the site), as well as the widening of Argus Road (along the south edge of the site). The initial applications contemplated tower heights of 44, 50, and 58-storleys atop a shared 'E'-shaped podium. The Town deemed the initial applications complete on May 16, 2023,

Prior to the submission, a virtual Public Information Meeting was held on January 16, 2023, and attended by the Owner, members of the consulting team, including our office, Town Staff, and members of the local community. As noted in the Public Information Meeting Report filed with the initial applications, a range of feedback was provided by meeting attendees, with a particular focus on community benefits, parking, as well as building design and height. Following the initial submission, Town Staff and commenting agencies issued their comments and feedback on the initial proposal.

Prior to the Planning and Development Council (“PDC”) meeting on September 11, 2023, the applications were appealed to the Ontario Land Tribunal (OLT File No. OLT-23-000599) due to Council’s failure to make a decision in the prescribed timelines set out in the *Planning Act*. Notwithstanding the appeal, the Owner and representatives of the project team attended the PDC meeting, along with members of the community. During this meeting, Town Staff presented their recommendations to Council, as set out in the Public Meeting Report (dated August 29, 2023), and Council directed that the comments from the public be received, and that Town Staff consider the matters of interest to Council as part of the recommendation report.

With respect to the active appeal, the first Case Management Conference (“CMC”) took place on September 12, 2023, and was later adjourned. A second CMC took place on December 14, 2023, in which a six-week hearing was scheduled for Spring 2025. Irrespective the appeal, the Owner and consulting team look to continue working with Town Staff to refine the development proposal.

### **3.0 REVISED DEVELOPMENT PROPOSAL**

As noted above, comments were provided by the Town and commenting agencies on the initial applications and have been reviewed by the Owner and consulting team. Following the receipt of the Town’s comments, the Owner met with Town Staff to discuss revisions to the development proposal. Bousfields was involved in the discussions and has worked closely with the owner and consulting team to prepare the Revised Proposal. Notwithstanding the height and massing modifications made to the proposal, the Revised Proposal continues to represent a vision to revitalize an underutilised site with a high-

quality development featuring public realm improvements and new housing and commercial opportunities near existing higher-order transit.

Since the initial applications were made, the the distribution of tower heights across the site has been revised as outlined in **Table 1** below. However, the Revised Proposal continues to provide for the same number of overall storeys shown in the initial applications. The proposal will continue to provide the necessary conveyances to accommodate improvements to the existing and emerging road network, as well as the required Ministry of Transportation setback.

By virtue of the built-form changes, there are various other components that have changed including the overall GFA, number of units, amenity space, vehicular and bicycle parking. A summary setting out a comparison of the Revised Proposal to the initial applications is provided in **Table 1** below. It is important to note that since the initial applications were filed, the Town enacted By-law 2023-065, which amended Zoning By-law 2014-014 to establish a new definition for gross floor area. The Revised Proposal is consistent with the new definition of gross floor area, and consequently, the floor area has increased in part due to the new formulation for calculating floor area and the permitted exceptions. By-law 2023-065 is discussed in greater detail in Section 4 below.

### **Site Organization**

The Revised Proposal continues to contemplate three towers (known as Tower A, Tower B and Tower C), situated above a shared 'E'-shaped podium that frame the proposed courtyard POPS, and have frontage onto South Service Road East to the north, the planned north-south extension of South Service Road East to the east, and Argus Road to the south.

Tower A is located in the western portion of the subject site and is proposed to have a height of 45-storeys (159.3 metres, including a 9-metre mechanical penthouse), Tower B is located in the centre of the subject site and is proposed to have a height of 50-storeys (174.3 metres, including a 9-metre mechanical penthouse) and Tower C is located in the eastern portion of the subject site and is proposed to have a height of 57-storeys (195.9 metres, including a 9-metre mechanical penthouse).

As previously mentioned, the Revised Proposal continues to incorporate two POPS space; an approximate 1,244 square metre POPS area between Towers A and B (herein referred to as "East POPS"), and an 1,171 square metres POPS area between Towers B and C (herein referred to as "West POPS"). The proposal also continues to convey

lands to support the new local road network in Midtown Oakville. To the east, an approximate 12.3-metre-wide, land conveyance will be provided along the east property line to accommodate the planned future local road, to the south an approximate 3.4-metre-wide land conveyance will be provided to achieve the right-of-way width of Argus Road and to the north, a minimum 10-metre-wide land conveyance will be provided for the realignment of South Service Road East. The Revised Proposal also continues to account for a 14-metre-wide setback for the Ministry of Transportation (the “MTO Setback”), which has been taken from the post-development property line.

### **Ground Level and Podium**

The podium structure of the development maintains an 'E'-shaped layout, consisting of three wings with individual towers situated atop each. In the Original Proposal, the podium included a 6-storey (24.6 meters) streetwall along South Service Road East, gradually decreasing in height to 2-storeys (10.0 meters) adjacent to the POPS areas. However, in the Revised Proposal, the podium height has been reduced to 2- and 3-storeys along South Service Road East (9.5 and 13.9 meters, respectively).

Along Argus Road, the podium continues to have a 6-storey streetwall, however, the metric height has also increased from 24.6 meters to 26.4 meters. Moreover, in the Original Proposal the podium height increased to 12-storeys (46.1 metres) along Argus Road, however, in the Revised Proposal, the podium steps up to 13-storeys (49.1 metres).

The podium also continues to incorporate a series of stepbacks of 3.0 metres at the base of Buildings A, B and C on Levels 7 to 13. Moreover, at the northeast portion of the podium, at the base of Building C, the podium has decreased in height from 12 storeys (46.1 meters) to 6-storeys (26.4 meters), and stepping down to 5- and 4-storeys at the northeast corner.

At grade, the podium is now set back upwards of 3.5 metres from the east property line, a minimum of 1.4 metres from the south property line and approximately 11.0 metres from the west property line. To the north, the podium is proposed to be generally constructed to the MTO Setback. With respect to uses at grade, the uses at grade continue to include the residential lobby, retail and potential daycare uses, however, amenity spaces are now provided above grade. The area of the podium at grade along South Service Road East continues to primarily be used for loading and servicing activities, including back-of-house and staging areas.

Level 2 of the podium now overhangs above grade along Argus Road and is generally built flush to the newly established property line. To the west, Level 2 is set back between 11.9 and 16.3 metres from the lot line and continues to be built generally to the north and east property lines. To the south, the central building wing cantilevers over the ground floor to generally be flush with the property line. With respect to uses, Level 2 now includes office spaces in the western wing, indoor amenity areas in the northern section, and the remainder of the floorplate is comprised of residential uses.

Levels 3 to 5 generally maintain the setbacks established at Level 2, except for the northern building face at Levels 4 and above. At Level 4, the podium steps back to reveal the three distinct podium shapes. The western and eastern wings of the podium will incorporate outdoor amenity terraces in the setbacks. Level 5 sees additional step backs to these podium wings.

With respect to uses, Level 3 continues to include indoor amenity space that is connected to a central outdoor amenity area terrace in the northern portion of the building. The remaining floorplate on Level 3 is designated for residential units. Similarly, on Level 4, the western and eastern podium wings will continue to contain both residential and amenity uses whereas the central wing will contain only residential uses. Level 5 will be used exclusively for residential units.

At Level 6, the podium setbacks are generally maintained, apart from a step back in the northern face of the eastern podium wing.

Level 7 of the podium is where it diverges forming three separate towers (Towers A, B and C). As noted earlier, the podium incorporates a series of stepbacks at the base of Towers A, B, and C, providing a visually appealing transition to the tower elements above. At Level 7, the podium includes a setback ranging from 3.6 meters to 7.5 meters, with subsequent levels maintaining a consistent 3.0-meter setback from Levels 8 to 13. In terms of uses, Levels 7 to 13 remain dedicated to residential uses.

### **Tower A**

Tower A continues to be situated in the western portion of the site. The overall height of the building has increased from 44-storeys (152.5 metres, including an 9.7-metre mechanical penthouse) to 45-storeys (159.3 metres, including a 9-metre mechanical penthouse).

The tower setback from the western property line slightly increased from 12.6 metres to 12.7 metres, increasing to 16.8 metres in the southern portion of the tower. To the north,

the tower is set back between 4.3 metres and 6.0 metres, whereas in the Original Proposal, it was set back a minimum of 5.8 metres. Lastly, to the south, the tower setback continues to be a minimum of 35.2 metres. With respect to uses, the tower continues to be exclusively for residential uses.

The tower floorplate continues to be irregular in shape and has a floorplate of approximately 850 square metres (gross construction area).

### **Tower B**

Tower B continues to be located in the centre of the site, however, the overall height of the building decreased from 58 storeys (196.5 metres, including a 9.7-metre mechanical penthouse) to 50 storeys (174.3 metres, including a 9-metre mechanical penthouse).

The tower continues to be set back a minimum of 10.6 metres from South Service Road East and 25.7 metres from Argus Road to the south. The tower separation distance between Tower A and Tower B is approximately 26 metres. With respect to uses, the tower continues to be exclusively for residential uses.

Lastly, similar to Tower A, the tower floorplate continues to be irregular in shape and has a floorplate of approximately 850 square metres (gross construction area).

### **Tower C**

Tower C continues to be located in the eastern portion of the subject site. The overall height of Tower C has increased from 50 storeys (171.5 metres, including a 9.7-metre mechanical penthouse) to 57 storeys (195.9 metres including a 9-metre mechanical penthouse).

The tower continues to be set back 0 metres from the newly established east lot line, whereas the setback from the south lot line has decreased from 26.7 metres to a minimum of 21.8 metres. The tower separation distance between Tower B and Tower C is 25 metres. With respect to uses, the tower continues to be exclusively for residential uses.

Lastly, similar to Towers A and B, the tower floorplate continues to be irregular in shape and has a floorplate of approximately 850 square metres (gross construction area).

### **Programming**

The Original Proposal initially contemplated a mix of residential, retail and daycare uses. However, the Revised Proposal now includes residential, retail, daycare and office uses.



Retail uses are now planned at ground level within the podium building with frontages on the new local road to the east of the subject site, Argus Road and the new POPS areas. The potential daycare continues to be located at grade, in the western wing of the podium building. With respect to the office uses, they are proposed to be located on Level 2 of the eastern wing of the building.

### **Residential Units and Amenity Space**

The Revised Proposal will continue to provide for a range of residential units across the development, however, the proportion of two- and three-bedroom sized units has increased. The Original Proposal contemplated 455 two-bedroom units (26%) and 77 three-bedroom units (4%); however, the revised proposal increased the proportion of two- and three-bedroom units. The Revised Proposal contemplates a total of 585 (31.8%) two-bedroom units and 125 (6.8%) three-bedroom units.

With respect to amenity space, the Original Proposal provided approximately 3,007 square metres of residential amenity space, which includes 2,621 square metres of indoor space and 386 square metres of outdoor space. Whereas the Revised Proposal contemplates approximately 6,431 square metres of amenity space, which includes 3,852 square metres of indoor amenity space and 2,579 square metres of outdoor amenity space. As illustrated, the Revised Proposal greatly increases the amount of outdoor amenity space proposed and continues to contemplate the shared of amenity area for the entirety of the development.

### **Public Realm**

As previously mentioned, the Revised Proposal will continue to provide for new public spaces in the form of two POPS areas situated in between the buildings, along the Argus Road frontage. In the Revised Proposal, the West POPS area has decreased in size from 1,319 square metres to 1,171 square metres and the East POPS has also decreased in size from 1,787 square metres to 1,244 square metres.

Notwithstanding the built form changes made to the podium buildings, the Revised Proposal will continue to activate and improve the streetscape along both existing and future roads. This enhancement will involve the inclusion of at-grade retail establishments, the incorporation of new hardscape and softscape elements, as well as the planting of new street trees.



## **Road Conveyance**

The Revised Proposal continues to convey lands to permit the future development of the mobility network envisioned for Midtown Oakville. Lands along the eastern portion of the site will be conveyed to allow for the development of a north-south local road with a right-of-way width of 19 metres, lands to the south will be conveyed to accommodate the planned right-of-way width of Argus Road, and to the north, lands will be conveyed for the realignment of South Service Road East. The required MTO setback will continue to be provided *in addition* to the land conveyance.

## **Access, Parking and Loading**

Vehicular parking for the development continues to be provided in a 6-level underground parking garage. Entrances to the underground parking continue to be provided from two ramps off of South Service Road East; one is located at the northwest corner of the subject site and a second is located in the centre of the site. The Revised Proposal will provide a total of 1,189 vehicular parking spaces, 892 of which will be for residents, 261 will be for residential visitor and 36 of which will be for the remaining non-residential uses (retail, daycare and office uses).

Loading and servicing activities will continue to be centralized at the ground level of Tower A. The proposed loading and servicing area will serve all three buildings. Access to the loading area will be from the South Service Road East driveway entrance, and the ramp to the underground garage will continue to be exclusively used for passenger vehicles.

In addition to the primary loading area in Tower A, the Revised Proposal continues to provide separate loading spaces and garbage rooms are provided for Buildings B and C. The loading spaces are located at grade, while the waste storage areas are located on the P1 level, adjacent to their respective elevator cores. A total of four loading spaces are provided in the development: three for the purposes of moving, and one space to support retail and residential garbage.

With respect to bicycle parking space, the Revised Proposal will continue to provide for an adequate supply of bicycle parking spaces. A total of 1,850 bicycle spaces are proposed, of which 1,382 spaces will be for long-term residential uses and 462 will be for short-term residential uses and 6 will be for non-residential uses.

**Table 1: Comparative Statistics Summary**

	<b>April 2023 Submission</b>	<b>April 2024 Resubmission</b>
<b>Site Area</b>	<b>15,378 sq.m</b>	<b>15,378 sq.m</b>
<i>Road Conveyance</i>	<i>3,288 sq.m</i>	<i>3,288 sq.m</i>
<i>Net Site Area</i>	<i>12,088 sq.m</i>	<i>12,088 sq.m</i>
<b>POPS Areas</b>	<b>3,106.3 sq.m</b>	<b>2,415.3 sq.m</b>
<i>East POPS</i>	<i>1,7887.2 sq.m</i>	<i>1,244.1 sq.m</i>
<i>West POPS</i>	<i>1,319.0 sq.m</i>	<i>1,171.1 sq.m</i>
<b>Building Height (including MPH)</b>		
<i>Tower A</i>	<i>44 storeys (152.5 m)</i>	<i>45 storeys (159.3 m)</i>
<i>Tower B</i>	<i>58 storeys (196.5 m)</i>	<i>50 storeys (174.3m)</i>
<i>Tower C</i>	<i>50 storeys (171.5 m)</i>	<i>57 storeys (195.9 m)</i>
<i>Total Floors</i>	<i>152 storeys</i>	<i>152 storeys</i>
<b>Total Gross Floor Area</b>	<b>135,792.48 sq.m</b>	<b>149,907.9 sq.m</b>
<i>Residential</i>	<i>134,048.83 sq.m</i>	<i>147,012.4 sq.m</i>
<i>Non-residential</i>	<i>1,743.66 sq.m</i>	<i>2,895.5 sq.m</i>
<b>Floor Space Index</b>	<b>8.95 FSI</b>	<b>9.73 FSI</b>
<b>Unit Mix</b>	<b>1,750 units</b>	<b>1,842 units</b>
<i>Studio</i>	<i>0 units (0%)</i>	<i>102 units (5%)</i>
<i>1-Bedroom Units</i>	<i>1,218 units (70 %)</i>	<i>1,030 units (56%)</i>
<i>2-Bedroom Units</i>	<i>455 units (26%)</i>	<i>585 units (32%)</i>
<i>3-Bedroom Units</i>	<i>77 units (4%)</i>	<i>125 units (7%)</i>
<b>Amenity Area</b>	<b>3,007.85 sq.m</b>	<b>6,431.35 sq.m</b>
<i>Indoor</i>	<i>2,621.32 sq.m</i>	<i>3,851.4 sq.m</i>
<i>Outdoor</i>	<i>386.53 sq.m</i>	<i>2,579.9 sq.m</i>
<b>Total Vehicle Parking</b>	<b>1,255 spaces</b>	<b>1,189 spaces</b>
<i>Residential</i>	<i>880 spaces</i>	<i>892 spaces</i>
<i>Visitor</i>	<i>357spaces</i>	<i>261 spaces</i>
<i>Non-Residential</i>	<i>18 spaces</i>	<i>36 spaces</i>
<b>Bicycle Parking</b>	<b>1,750 spaces</b>	<b>1,850 spaces</b>

#### 4.0 POLICY AND REGULATORY CONTEXT

Since the submission of the initial applications, a number of new policy documents have been proposed or enacted by Provincial and Regional governments. Furthermore, the Town has advanced the Midtown Oakville Growth Area review and a summary of the draft development concepts have been provided below. Those applicable to the subject

site and the Revised Proposal are summarized below, but many of the policies and urban design guidelines set out in Section 4 of our 2022 Rationale Report continue apply to the subject site.

## **Enacted Policies and Provincial Regulations**

### Bill 23 – More Homes Built Faster Act 2022

On October 25, 2022, the Province of Ontario introduced Bill 23, the *More Homes Built Faster Act*, which introduced legislative changes to the *Planning Act* to streamline the construction of 1.5 million new homes by 2031. These sweeping legislative changes aimed at addressing Ontario’s housing crisis received Royal Assent on November 28, 2022.

Notable changes include, but are not limited to, requiring municipalities to update zoning and establish minimum as-of-right heights and densities within approved Major Transit Station Areas (“MTSA”s). Furthermore, Bill 23 encouraged “gentle density” through increased permissions regarding additional units in low-rise dwelling types, capping and allowing for flexibility with regard to parkland dedication, removing approval authority from upper-tier municipalities, limiting appeal rights, and reducing the scope and applicability of site plan control.

### Region of Halton Official Plan Amendment No. 49

Since the Original Submission was filed, the Ministry of Municipal Affairs and Housing approved Official Plan Amendment No. 49 (“ROPA 49”) on November 4, 2022. Below is an overview of the Halton Region Official Plan, as amended by ROPA 49.

ROPA 49 provides a framework for accommodating growth in Halton Region to the 2051 planning horizon. The amendment included changes to the policies and mapping related to existing Settlement Area boundaries, the Regional Urban Structure, Strategic Growth Areas, and Employment Areas, as well as forecasts and targets for population and employment growth, intensification, density, and Regional Phasing.

The subject site is located within the Town of Oakville, which is one of the four lower-tier municipalities comprising the Regional Municipality of Halton. As such, the policies of the ROP apply to the subject site, and any decisions related to the proposed development must conform to the policies of the ROP.

### *Urban Area and the Regional Urban Structure*

Policy 75 of the Regional Official Plan provides that the Urban Areas are to be planned to accommodate the distribution of population and employment as set out in Table 1 (as amended by ROPA 49), which identifies that the Town of Oakville is planned to have a population of 331,500 and 161,000 jobs by 2041. Table 2, Intensification and Density Targets provides that the Town of Oakville is to add a minimum of 19,400 new housing units to the built-up area between 2022 and 2041.

### *Regional Urban Structure*

Policies 78 to 83 of Part III of the Regional Official Plan provide Regional Urban Structure Policies. Policy 78.1, as amended by ROPA 49, provides the objectives of the Regional Urban Structure, including:

- to provide a structure and hierarchy in which to direct population and employment growth within the Urban Area to the planning horizon of this Plan;
- to focus significant proportion of population and certain types of employment growth within Strategic Growth Areas through mixed-use intensification supportive of the local role and function and reflective of its place in the hierarchy of Strategic Growth Areas identified in this Plan;
- to provide increased opportunities for the development of affordable housing particularly within Strategic Growth Areas;
- to identify Regional Employment Areas and to protect them for long-term employment use, while providing flexibility to address changes in the role and function of these areas in relation to prevailing trends in the economy of the Region; and
- to support climate change mitigation by directing growth to areas that will support achieving complete communities and the minimum intensification and density targets of this Plan as well as reducing the dependence on the automobile and supporting the existing and planned transit and active transportation.

Policy 79.1, as amended by ROPA 49, states that Strategic Growth Areas are integral to the Regional Urban Structure within the Urban Area and consist of *Urban Growth Centres*, MTSAs, Primary and Secondary Regional Nodes, Regional Intensification Corridors and Local Nodes and Local Intensification Corridors, which have a concentration of residential and/or employment uses with development densities and patterns supportive of active transportation and public transit.

Policy 79.3 (2), as amended by ROPA 49, requires Local Official Plans to identify Strategic Growth Areas with detailed boundaries in accordance with the objectives and

policies of this plan, and for *Urban Growth Centres*, MTSAs and Primary Regional Nodes, in accordance with the boundaries provided on Map 1H and Map 6.

New development applications are monitored by the Region to achieve, at all times, a minimum three-year supply of draft approved and/or registered residential units for the Region as a whole. In this regard, the ROPA 49 provides the following housing targets:

- that the percent of new housing units produced annually in Halton in the form of the townhouses or multi-storey buildings be at least 65 percent to 2031 and at least 75 percent each year thereafter; and
- that at least 30 per cent of new housing units produced annually in Halton be Affordable or Assisted Housing.

The Region requires the Town of Oakville, through their Official Plan and Zoning By-laws to provide an appropriate mix of housing by density, type, and affordability, consistent with current and projected demands reflecting socio-economic and demographic trends. The proposed site-specific Official Plan and Zoning By-law Amendments will implement the Region's housing objectives.

#### *Healthy Communities*

Policy 152 (1) in Part IV, Healthy Communities, as amended by ROPA 49, provides that it is the policy of the Region to develop and adopt Healthy Communities Guidelines which include:

- a description of general characteristics of a healthy community;
- a desirable mix of land uses within the community; and
- community design features that will promote integration of the community and accessibility by residents to services within and outside the community through active transportation and public transit (among others).

#### Zoning By-law 2023-065

On June 27, 2023, the Commissioner of Community Development passed By-law 2023-065 under section 34 of the *Planning Act*. The purpose of the amendment to Town of Oakville Zoning By-law 2014-014, as amended, is to make a number of housekeeping, technical and other modifications affecting all Zones, which would assist in the use and interpretation of the Zoning By-law and implement the Official Plan.

Zoning By-law 2014-014 applies to all lands south of Dundas Street and north of Highway 407, including the subject site. All lands subject to Zoning By-law 2014-014 are affected by the amendments to the text of the By-law. A few individual sites are also

affected by the proposed amendments through amended or additional site-specific regulations.

Through By-law 2023-065, the definition of *Floor Space Index* is amended by deleting “net floor area” and replacing it with “gross floor area” to be consistent with the definitions used in the Livable Oakville Official Plan. As well, a new definition for *Floor Area, Gross* has been added to mean the total area of all of the floors in a building measured from the exterior faces of the exterior walls, but shall not include an attic, basement, or mechanical penthouse.

We acknowledge that the Original Proposal predated the introduction of the new definition of gross floor area. The Revised Proposal is consistent with the definitions set out in By-law 2023-065.

## **Emerging Policy and Provincial Regulations**

### Draft Provincial Planning Statement (June 2023)

The draft Provincial Planning Statement was released on April 6, 2023, for public input with an update on June 16, 2023, to the natural heritage policies. This document combines the elements of the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement into a new land use policy document to support the achievement of Provincial Direction on matters including increasing the supply of housing.

The proposed policies of the draft Provincial Policy Statement are grouped under five pillars:

1. Generate an appropriate housing supply.

With respect to generating an appropriate housing supply, the proposed policies identify large and fast-growing municipalities, with specific directions to plan strategically for growth. The specific directions in this regard include establishing and meeting minimum density targets for major transit station areas, nodes and corridors, and urban growth centres, as well as encouraging transit-supportive greenfield density targets.

The proposed policies require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit typologies, as well as require all municipalities to implement intensification policies.

The proposed policies also require municipalities to align land use planning policies with housing policies, including addressing homelessness and facilitating the development of a full range of housing options and affordability levels to meet local needs.

## 2. Make land available for development.

The proposed policies provide flexibility for municipalities to use government or municipally established forecasts (at minimum). For municipalities in the Greater Golden Horseshoe, a transition phase is provided. The proposed policies now require the municipalities to plan for a minimum 25-year horizon, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.

Furthermore, the policies allow municipalities to undertake settlement area boundary expansions without being required to demonstrate the need for expansion. Municipalities will be required to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a new definition of “area of employment.” The policies also provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context.

## 3. Provide infrastructure to support development.

The proposed policies require municipalities to plan for infrastructure and to protect major infrastructure to accommodate growth. The policies also require the integration of land use planning and transportation as well as planning for schools and growth to ensure a coordinated approach.

## 4. Balance housing with resources.

In this regard, the proposed policies eliminate the requirement to use the Provincial agricultural system mapping and require municipalities to designate specialty crop areas and prime agricultural areas. However, the policies still require protection of specialty crop areas by maintaining minimum separation distances between livestock operations and houses.

## 5. Implementation.

The implementation policies speak to alignment with recent legislative amendments, requiring municipalities to undertake early engagement with Indigenous communities and coordinating with them on land use planning matters.



The Province collected feedback on the draft Provincial Planning Statement through its Environmental Registry which closed on August 4, 2023. The Minister has not yet made a decision on the new Provincial Policy Statement.

#### Midtown Oakville Growth Area Review

Since the submission of the initial applications, the Town of Oakville has established a new consortium team of consultants to assist with the review and update of the Midtown Oakville Growth Area policies, which is part of a comprehensive review of the Livable Oakville Plan. As you are aware, the purpose of the proposed amendment is to update the land use policies applying to Midtown Oakville Urban Growth Centre in the Liveable Oakville Plan to the year 2051, in accordance with the updated Growth Plan. The amendment is to replace Section 20, Midtown Oakville, in its entirety.

The Town, along with the consortium team, released a series of development concepts for public and stakeholder comment in November 2023. The development concepts illustrated the ways in which Midtown could be subdivided into use-focused districts. Following a series of consultation meetings and open houses, the Town and consortium team presented their preferred development concept for Midtown (the “preferred development concept”) at the Committee of the Whole (“COW”) meetings on January 30 and 31, 2024. Refinement of the preferred development concept and the accompanying policies were released on April 2nd 2024 and Statutory Public meeting is scheduled for April 22, 2024 to present the Draft OPA, with a final version expected to go to Council by mid-2024. It our opinion that the draft policies are informative but not determinative with respect to the Applications. Due to the timing of the release of the draft policies and the resubmission of the Applications, our comments with respect the draft policies will be prepared and filed under separate cover to the Town Clerk in advance of the Statutory Public meeting.

#### *Preferred Development Concept Plan*

The preferred development concept is a product of three previous iterations of the concept plan, which had been presented to the COW on November 14, 2023. Following public input and consultations with key stakeholders, the Town and consortium team presented the development concept to the COW in January 2024. The preferred development concept indicates how land uses and community infrastructure are expected to be distributed amongst Midtown, as well as the maximum building heights and densities.

The preferred development concept subdivides Midtown into several precincts, comprised of three *mixed-use residential* precincts, a *mixed-use arts, culture, and shopping focus* precinct, a centrally located *mixed-use office and education* precinct, and

an *office employment* precinct. The subject site is located within the *mixed-use arts, culture, and shopping focus* precinct, which is expected to contain arts, culture, and shopping uses, public commons, urban squares, and required retail frontages along Cross Avenue and Argus Road. In this regard, the preferred development concept indicates that the frontages of the subject site are to have retail a primary main street frontage.

As it relates to height and density, the preferred development concept provides that the northern portion of the subject site have a maximum building height of 35-storeys and a maximum density of 4.5 FSI. The greatest heights and densities are planned southeast of the subject site, around the intersection of Cross Avenue and Trafalgar Road (the *central office/education precinct*). The preferred development concept anticipates this precinct to have the heights and densities up to 48-storeys and 6.0 FSI, with a stepping down of built form intensity away from the *central office/education precinct* towards the periphery of Midtown.

With respect to the road network, the concept proposed a future local road with a planned right-of-way width of 20 metres along the eastern property boundary and the widening of Argus Road to achieve a right-of-way width of 26 metres.

#### *Emerging Policy Directions*

A series of six livability strategies were presented as part of the January 2024 COW meeting. These key strategies are related to housing, precincts, mobility, open spaces, height and density, as well as destinations, and are intended to be integrated into the OPA. To accompany the strategies were a series of key policy directions were shared for implementing the key strategies.

## **5.0 PLANNING ANALYSIS**

### **Intensification**

It continues to be our opinion that the proposed residential, mixed-use intensification of the subject site is appropriate, desirable and supportive of policy directions articulated in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Regional Transportation Plan, the Region of Halton Official Plan and the Town of Oakville Official Plan (Livable Oakville), all of which promote intensification on sites within built-up urban areas, with a particular focus on sites located within “urban growth centres” and “strategic growth areas”, including major transit station areas, which will accommodate a significant share of the population and employment growth.

As noted in our 2023 Rationale Report, the subject site is located in Midtown Oakville, which has been included within a delineated urban growth centre and major transit station area by Regional Official Plan Amendment 48. The Region has assigned a minimum density target of 200 residents and jobs per combined hectare to Midtown Oakville. From a municipal policy perspective, strong policy support is expressed in the Livable Oakville Plan for intensification within Growth Areas, including Midtown Oakville. As such, the Revised Proposal will continue to contribute to the policy objectives of Midtown as a mixed-use centre that is anticipated to accommodate significant growth in the coming decades.

### **Land Use and Housing**

With respect to land use, the Revised Proposal continues to provide a broad mix of land uses, including, residential, retail office and potential daycare uses, as well as two new publicly accessible open spaces, all of which are permitted within the *Urban Core* land use designation applicable to the subject site. The Revised Proposal will continue to frame Argus Road the proposed POPS with at-grade retail uses, as well as the potential daycare, located in the western wing of the podium building. On Level 2, the office uses proposed in the eastern wing of the podium will continue to elevate the building's programming beyond the ground floor.

With respect to housing, the Revised Proposal will continue to provide for a range of housing options that are not currently provided for in the Midtown Oakville area, and will be appropriate for residents of all ages and life stages. In this regard, the Revised Proposal now provides for a more diverse mix of unit types, including larger family-sized units. The Revised Proposal provide for 585 two-bedroom units (31.8%) and 125 three-bedroom units (6.8%).

As noted in our 2023 Rationale Report, the proposed uses are not currently permitted within the applicable Midtown Transitional Commercial (MTC) zone under By-law 2014-014. Among other built form permissions, the revised Zoning By-law Amendment will bring the site into the Urban Core (MU4) in order to permit the proposed residential mixed-use development.

As such, it continues to be our opinion that that the proposed mix of uses and new residential population will contribute to the evolution of Midtown Oakville as a complete community and conforms to the *Urban Core* designation applicable to the subject site. Moreover, bringing the subject site into the Urban Core (MU4) zone is appropriate for facilitating the proposed development.

## **Height, Massing and Density**

With respect to the proposed building heights, it continues to be our opinion that the subject site is a contextually appropriate location for tall buildings given its location within the Midtown Oakville urban growth centre and its proximity to existing higher-order GO Transit and future planned BRT along Trafalgar Road.

As noted in our April 2023 Rationale Report, the Livable Oakville Plan provides that the greatest levels of height and density in the Town are planned for Midtown Oakville and that taller residential buildings are to be located in the vicinity of Sixteen Mile Creek and the railway. Moreover, building heights are anticipated to peak within the Midtown Oakville Growth Area, with lesser heights and densities within the Uptown Core and Palermo Village primary Growth Areas.

The Revised Proposal illustrates a redistribution of height across the Revised Proposal. In this regard, the initial applications contemplated heights of 44 storeys for Tower A, 58 storeys for Tower B and 50 storeys for Tower C, resulting in a total of 152-storeys on the subject site. The Revised Proposal contemplates heights of 45 storeys for Tower A, 50 storeys for Tower B and 57 storeys for Tower C. These changes resulted in the transfer of a total of 8-storeys across the three Towers. In this regard, Tower A increased by a single-storey, Tower B decreased by 8-storeys and Tower C increased by 7-storeys. The shifting of heights has moved the height peak to the eastern portion of the subject site.

With respect to the massing of the towers, their massing and siting continue to provide for appropriate setbacks from the podium buildings. Moreover, they have been sited in a manner that achieves a minimum setback of 12.5 metres from all property lines and a minimum tower separation distance of 25 metres.

With respect to density, it is our opinion that a density of 9.73 FSI is appropriate and desirable. It is important to highlight that while the density has increased from 8.95 FSI to 9.73 FSI in the Revised Proposal, this is largely due to the difference in the way that the floor area has been calculated. As noted in Section 4.0 of this letter, By-law 2023-065 introduced a revised definition for gross floor area. The total gross floor area noted in the initial application was calculated according to the Town's former definition whereas the Revised Proposal followed the updated definition outlined in By-law 2023-065. Therefore, there are inconsistencies in the calculation of floor area due to the change in the definition used.

Furthermore, within a policy context that promotes intensification, as is the case with the subject site, the optimization of land and infrastructure is in fact a desirable planning outcome, provided that there are no unacceptable impacts either in terms of built form or the capacity of infrastructure. As detailed in our 2023 Rationale Report, the proposed

development has no unacceptable built-form impacts, represents good urban design, and is supported by existing and planned infrastructure.

### **Shadow Impacts**

A shadow impact analysis was prepared by Teeple Architects in support of the proposed development in accordance with the Town's Terms of Reference. The shadows cast by the proposed development are demonstrated in the shadow impact analysis and summary, filed under a separate cover.

## **6.0 CONCLUSIONS**

Based on the analysis set out above and in our Planning and Urban Design Rationale Report (April 2023) it is our opinion that the Revised Proposal is appropriate and desirable in both land use planning and urban design terms. It is our opinion that the proposed development is in keeping with the planning and urban design framework set out in the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019), the Region of Halton Official Plan, as amended by ROPA 49, and the Town of Oakville Official Plan, as well as relevant urban design guidelines.

The Revised Proposal will provide for residential/ mixed-use intensification on an underutilized site which is well served by higher-order transit, providing significant new public realm elements as well as the introduction of new housing in a compact urban built form, at-grade retail spaces, as well as new open space uses, including POPS.

We trust that this letter is satisfactory for your review. If you have any questions and/or comments regarding this addendum letter, please do not hesitate to contact the undersigned at your convenience.

Yours truly,  
**Bousfields Inc.**



Tyler Grinyer, MCIP, RPP