

Via Digital Delivery

April 2, 2024

Geoff Abma, Senior Planner
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario.
L6H 0H3

Dear Mr Abma:

**Re: *Planning and Urban Design Rationale Addendum Letter
Official Plan Amendment, Zoning By-law Amendment and Plan of
Subdivision Applications
166 South Service Road East, Town of Oakville
File Numbers OPA.1614.79, ZBA 1614.79, and 24T-22006/1614***

1.0 INTRODUCTION

As you are aware, we are planning consultants for 166 South Service Inc., the “Owner” of an approximate 2.94-acre property located on the south side of South Service Road East, between Trafalgar Road to the east and Lyons Lane to the west. The property is municipally known as 166 South Service Road East in the Town of Oakville (the “subject site”) and is currently occupied by a single-storey commercial/retail plaza. 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 June 2022, 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 (the “Original Proposal”). The Original Proposal contemplated a three tower, two building development framing a centralized privately owned publicly accessible open space. Since the initial applications were filed, comments were issued, and modifications have been made to the development proposal.

Notwithstanding the revisions made to the Original Proposal, the revised development proposal (referred to as the “Revised Proposal”) continues to uphold the key principles and objectives set out in Section 3 of our 2022 Planning and Urban Design Rationale Report (the “2022 Rationale Report”). The Revised Proposal continues to contemplate a

three-tower mixed use development on the subject site, however, modifications have been made to the massing of the podium buildings and towers to reflect the new commercial use in the development. As a result of the changes made to the podium buildings, the size of the at-grade privately owned publicly accessible open space (“POPS”) has been slightly reduced. Further to these changes, the overall height strategy has been revised by redistributing the height across the three towers. The Revised Proposal continues to provide the same number of overall storeys as the Original Proposal, however the number of storeys assigned to the respective towers has been revised. In this regard, the revised towers will have heights of 44-, 52-, and 56-storeys, and will be situated above two, 3-storey podium buildings. The tallest tower, Tower 2, will be located in the center of the development.

The total gross floor area of the Revised Proposal increased to approximately 133,310 square metres, of which 5,313 square metres will be for non-residential uses, resulting in a density of 11.21 times the area of the site. The Revised Proposal will provide for a modified mix of residential unit sizes, which will continue to add to the supply of housing and diversity of housing options available in Midtown Oakville. With respect to public realm improvements, the Revised Proposal will continue to support the expansion of Midtown’s roadway and public space networks.

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 2022 Planning Justification Report 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 inclusion of open spaces. The Revised Proposal will continue to support the development of a complete community in Midtown Oakville.

2.0 APPLICATION HISTORY

On behalf of the Owner, our office filed the initial applications with the Town on June 16, 2022, seeking the approvals to permit 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 a large POPS at-grade along the western property boundary. The initial proposal also contemplated the conveyance of lands to the Town to facilitate the development of a future local road along the eastern boundary of the subject site and the widening of South Service Road East. The initial applications contemplated tower heights of 50-, 44- and 58-storeys. A description of the Original Proposal can be found in Section 3 of our Planning and Urban Design Rationale, filed in support of the initial applications.

The Town deemed the initial applications complete on July 22, 2022. Prior to the submission, a virtual Public Information Meeting was held on February 3, 2022, and attended by the Owner, members of the consulting team, 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 development proposal.

On February 7, 2023, the initial applications were presented to Planning and Development Council, including Town Staff's recommendations as set out in the Public Meeting Report (dated January 24, 2023). The Council meeting was attended by representatives of the project team as well as members of the community, and ultimately, 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.

On June 8, 2023, the applications were appealed to the Ontario Land Tribunal (OLT File No. OLT-23-000599), and the first Case Management Conference ("CMC") took place on September 12, 2023, and was later adjourned. A second CMC took place more recently 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 development, 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, a new commercial use has been introduced to the development resulting in changes to the massing and orientation of the podium elements and their respective towers above. Further to this, the distribution of tower heights across the site has been revised as outlined in **Table 1** below. Due to the built form changes made to the podium elements, site access and servicing areas have been modified, in addition to the size of the at-grade POPS, however, 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.

Building Programming

With respect to the proposed non-residential uses, an approximate 4,601 square metre commercial use has been proposed within the podium of Building 1 in the form of a potential fitness centre and co-working facility. Due to the anticipated size requirements for this use, the size and orientation of Building 1 has been revised, as discussed below. The potential fitness centre and co-working facility will occupy a portion of the ground floor of Building 1, and the majority of Level 2.

With the reconfiguration of Building 1, and subsequently Building 2, the proportion of at-grade retail uses have been reduced to approximately 1,252 square meters but will continue to front onto the proposed north-south future local road in the eastern section of the subject site and the planned east-west future local road in the southern section of the site, as well as frame the interior POPS. The proposed office use in the development has also been removed in lieu of the fitness centre and co-working facility.

Podium and Tower Elements

The Revised Proposal continues to contemplate two podium buildings with three towers positioned above, however, the podium buildings have been reconfigured to accommodate the 3-storey potential fitness centre and co-working facility. Building 1, will now serve as the podium base for Towers 1 and 2. Building 1 will be positioned immediately south of South Service Road East, in the northern extent of the subject site, with Tower 1 oriented parallel to South Service Road East, and Tower 2 fronting the north-south future local road. As discussed below, the floor plate of Tower 2 has been reconfigured into a more traditional point tower.

Building 2, located in the southern portion of the subject site, will have a single tower (Tower 3) situated above. Tower 3 will continue to be oriented east-west, parallel to the future east-west future local road. An above-grade enclosed bridge will continue to be provided to connect Buildings 1 and 2.

The section below provides a detailed summary of the proposed height and massing changes that have been made since the initial submission.

Podium Building 1

- The podium building remains at a height of 6-storeys, however, the metric height slightly increased from 26.0 to 27.2 metres.
- The podium building is now shared between Towers 1 and 2, stepping down to 3-storeys (14.0 meters) in the center of the site, between the two towers.
- The podium setbacks to the north and east have decreased. It is now built flush to the newly established lot line along South Service Road East, whereas the Original Proposal included a 1.0 metre setback. The setback from the east lot line has also decreased from 3.6 meters to 2.6 meters.
- With respect to the set back from the west lot line, at Levels 1 to 3, the podium is now built flush to the west lot line in the rear portion of the building, and on Levels 4 to 6, the podium setback to the west property line has slightly increased from 7.2 meters to 7.5 meters.
- With respect to uses, the podium element at grade now includes a residential lobby entrance, retail spaces, and a commercial space proposed as a fitness club. Above grade, Levels 2-3 of the podium consist entirely of commercial space, while on Level 4, the podium element includes indoor and outdoor amenity spaces, and Levels 5 and 6 are comprised of residential uses only.

Towers 1 and 2

- The height of Tower 1 has increased from 50-storeys (170.0 meters, including a 12.0 metre mechanical penthouse) to 52-storeys (190 meters, including a 10.0-metre mechanical penthouse).
- The height of Tower 2 has decreased in storeys from 58-storeys (194.0 meters, including a 12.0 metre mechanical penthouse) to 56-storeys (202.5 meters, including a 10.0 metre mechanical penthouse).
- Tower 1 remains situated along South Service Road in an east-west direction. The tower setback has decreased from 4.0 to 2.0 meters from the South Service Road East property line, from 6.0 to 5.7 meters to the east lot line, and from 1.4 meters to 12.5 meters to the west lot line.
- The tower floorplate has increased from 750 square meters to 815 square meters.
- Tower 2 is now located in the southern portion of the shared podium with Tower 1, and the setback from the future north-south local road has slightly increased from 5.5 to 5.6 meters. The floorplate of Tower 2 has increased from 750 square meters to 816 square meters.
- Similar to the Original Proposal, the separation distance between Towers 1 and 2 remains at 25.0 meters.
- Both Towers 1 and 2 continue to be exclusively for residential purposes.

Podium Building 2

- Building 2 remains situated in the southern portion of the subject site and has frontage on the proposed east-west future local road in the southern portion of the site and the future north-south local road in the eastern portion of the subject site. However, Building 2 now comprises only one tower (Tower 3).
- The podium building maintains a height of 6-storeys, although the metric height has slightly increased from 26.0 meters to 27.4 meters.
- The setbacks of the podium building have decreased. It is now set back a minimum of 2.6 meters from the east lot line, 3.6 meters from the south lot line, and 7.5 meters from the west lot line. In contrast, the Original Proposal contemplated a minimum setback of 3.6 meters from the east lot line, 4.6 meters from the south lot line, and 7.5 meters from the west lot line.
- The podium building now includes retail uses at ground level, with residential units above on Levels 2 to 6.

Tower 3

- Tower 3 continues to be situated in the southern portion of the site in an east-west direction. The tower maintains a similar height of 44-storeys, but the metric height has increased from 152.0 meters (including a 12.0 metre mechanical penthouse) to 168.6 meters (including a 12.1metre mechanical penthouse).
- Tower 3 is now set back 6.0 meters from the east lot line, 6.6 meters from the south lot line, and 12.5 meters from the west lot line. In comparison, the Original Proposal included setbacks of 5.7 meters from the east lot line, 6.6 meters from the south lot line, and 13.0 meters from the west lot line.
- The tower floorplate has increased from 750 square meters to 830 square meters.
- The tower separation distance between Tower 2 and 3 remains a minimum of 25.0 meters.
- Tower 3 continues to be exclusively for residential purposes.

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 406 two-bedroom units (25.3%) and 72 three-bedroom units (4.5%); however, the revised proposal increased the proportion of two- and three-bedroom units. The Revised Proposal contemplates a total of 503 (27.2%) two-bedroom units and 130 (7.0%) three-bedroom units.

With respect to amenity space, the Original Proposal provided approximately 6,221 square metres of residential amenity space, which includes 1,649 square metres of indoor space and 4,572 square metres of outdoor space. Whereas the Revised Proposal contemplates approximately 6,309 square metres of amenity space, which includes 3,717 square metres of indoor amenity space and 2,592 square metres of outdoor amenity space. As illustrated, the Revised Proposal greatly increases the amount of indoor 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 a new public space in the form of a POPS situated in the southwestern portion of the subject site. In

the Revised Proposal, the POPS has been reduced in size from approximately 4,572 to 1,926 square metres due to the reconfiguration of Building 1. Pedestrian connections to the POPS will still be provided from the future local roads via a mid-block connection between Buildings 1 and 2, and a second entrance from the new east-west road to the south.

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 Conveyances

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 future local road with a right-of-way width of 19 metres, 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 consolidated into an underground parking garage. Due to the changes in building uses and total units, an additional level of underground parking will be required, for a total of 7 levels. Entrances to the garage will be provided in Buildings 1 and 2 from South Service Road East and the future 19-metre future local road. The Revised Proposal will provide a total of 1,297 vehicular parking spaces, 872 of which will be for residents, 278 will be for residential visitor and 147 of which will be for non-residential uses (commercial and retail uses).

Loading and servicing activities will continue to be enclosed within the building envelope in a central location on the ground level of Building 1 and will continue to serve the entirety of the development. Access to the loading spaces will be from the shared servicing and vehicular entrance off of South Service Road East.

With respect to bicycle parking space, the Revised Proposal will continue to provide for an adequate supply of bicycle parking spaces. A total of 1,858 bicycle spaces are

proposed, of which 1,388 of which will be for long-term residential uses, 463 will be for short-term residential uses and 7 will be for non-residential uses.

Phasing

The Revised Proposal now incorporates a preliminary phasing plan, which outlines the sequential development stages. The preliminary phasing plan envisions the subject site to develop in accordance with the following phases:

1. Phase 1: Construction of Building 1 and Tower 1.
2. Phase 2: Construction of Tower 2.
3. Phase 3: Construction of Building 2 and Tower 3.

Table 1: Comparative Statistics Summary

	June 2022 Submission	April 2024 Resubmission
Site Area	11,887.3 sq.m	11,887.3 sq.m
<i>Road Conveyance</i>	<i>2,934.4 sq.m</i>	<i>2,809.0 sq.m</i>
<i>Net Site Area</i>	<i>8,952.9 sq.m</i>	<i>9,078.3 sq.m</i>
POPS Area	4,572.0 sq.m	1,926 sq.m
Building Height (including MPH)		
<i>Tower 1</i>	<i>50 storeys (170 m)</i>	<i>52 storeys (188 m)</i>
<i>Tower 2</i>	<i>58 storeys (194 m)</i>	<i>56 storeys (200 m)</i>
<i>Tower 3</i>	<i>44 storeys (152 m)</i>	<i>44 storeys (164 m)</i>
<i>Total Storeys</i>	<i>152-storeys</i>	<i>152-storeys</i>
Total Gross Floor Area*	107,986.5 sq.m	133,310.9 sq.m
<i>Residential</i>	<i>102,081.3 sq.m</i>	<i>127,457.0 sq.m</i>
<i>Non-residential</i>	<i>5,905.20 sq.m</i>	<i>5,313.9 sq.m</i>
Floor Space Index	8.95 FSI	11.21 FSI
Unit Mix	1,606 units	1,851units
<i>Bachelor Units</i>	<i>0 units (0%)</i>	<i>107 units (5.8%)</i>
<i>1-Bedroom Units</i>	<i>1,128 units (70.2%)</i>	<i>1,111 units (60.0%)</i>
<i>2-Bedroom Units</i>	<i>406 units (25.3%)</i>	<i>503 units (27.2%)</i>
<i>3-Bedroom Units</i>	<i>72 units (4.5%)</i>	<i>130 units (7.0%)</i>
Amenity Area	6,221.50 sq.m	6,309.38 sq.m
<i>Indoor</i>	<i>1,649.13 sq.m</i>	<i>3,717.37 sq.m</i>
<i>Outdoor</i>	<i>4,572.37 sq.m</i>	<i>2,592.01 sq.m</i>

Total Vehicle Parking	1,119 spaces	1,297 spaces
<i>Residential</i>	<i>805 spaces</i>	<i>872 spaces</i>
<i>Visitor</i>	<i>322 spaces</i>	<i>278 spaces</i>
<i>Non-Residential</i>	<i>64 spaces</i>	<i>147 spaces</i>
Bicycle Parking	1,613 spaces	1,858 spaces

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 the June 2022 Planning and Urban Design 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 set out legislative changes to the *Planning Act* in effort 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 (“MTSAs”). 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 Regional Official Plan that apply to the subject site, and any decisions related to the proposed development must conform to the policies of the Regional Official Plan.

The following policies within the Regional Official Plan were modified through ROPA 49.

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 sets out the 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 set out the following housing targets:

- 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
- 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. At the time this letter was prepared, no instruments have been released by the Town.

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* was 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 released shortly after on June 16, 2023. 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 Liveable 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 primary retail and secondary main street frontages.

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 east 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 open space, the preferred development concept contemplates a comprehensive network of new open spaces and connections throughout Midtown. As it relates to the subject site, the preferred development concept provides for an east-west, and north-south mid-block connections bisecting and flanking the subject site. In terms of the road network, the concept proposed a future north-south local road with a planned right-of-way width of 20 metres along the eastern property boundary, and east-west oriented collector along the southern property line with a planned 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 2022 Rationale Report, the subject site is located in Midtown Oakville, which has been identified as 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 use, including, residential, retail and commercial uses, as well as a new open space (i.e., POPS), all of which are permitted within the *Urban Core* land use designation that applies to the subject site.

The Revised Proposal will continue to provide at-grade retail uses lining the future local roads, located along the eastern and southern boundaries of the subject site. While the Revised Proposal no longer contemplates office uses, it now includes a large commercial space in Building 1 which is proposed to be a potential fitness centre and co-working facility. It continues to be our opinion that the proposed mix of uses, including retail, commercial, residential, and open spaces, will contribute to the evolution of Midtown Oakville as a complete community, and conforms to the *Urban Core* designation applicable to the subject site.

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 a more diverse unit mix, including larger family-sized units. The Revised Proposal includes 503 two-bedroom units (27.2%) and 130 three-bedroom units (7.0%).

As noted in our 2022 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.

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 2022 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 50-storeys for Tower 1, 58-storeys for Tower 2, and 44-storeys for Tower 3, resulting in a total of 152-storeys on the subject site. The Revised Proposal contemplates heights of 52-storeys for Tower 1, 56-storeys for Tower 2 and 44-storey for Tower 3. These changes resulted in the transfer of 2-storeys from Tower 2 to Tower 1. Based on the foregoing, it continues to be our opinion that while the proposed heights are appropriate and will fit in with the planned context for Midtown Oakville.

With respect to the siting and massing of the towers, it is our opinion that appropriate podium step backs and separation distances have been achieved in the development. The tower step backs above the podium continue to create a clear distinction between the podium and tower elements, as well the definition of a pedestrian-scaled street wall along the proposed future north-south and east-west roads. The towers themselves continue to be 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 11.21 FSI is appropriate and

desirable. It is important to highlight that while the density has increased from 8.95 FSI to 11.21 FSI in the Revised Proposal, this is largely due to the difference in the way that the floor area is 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 2022 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 Sweeny & Co 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 June 2022 Planning and Urban Design Rationale Report, 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 continues to be in keeping with the planning and urban design framework set out in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, 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 continues to contemplate a development that will intensify an underutilized site in proximity to the Oakville GO Station, with new housing forms in a compact urban built form, a contemporary commercial use, at-grade retail spaces, as well as new open space uses, including a POPS.

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

Yours truly,
Bousfields Inc.



Tyler Grinyer, MCIP, RPP