

**Via Digital Delivery**

March 28, 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 Applications  
217 and 227 Cross Avenue and 571, 581 and 587-595 Argus Road  
File Numbers OPA 1614.78, ZBA 1614.78, and 24T-22005/1614**

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**1.0 INTRODUCTION**

As you are aware, we are planning consultants for Oakville Argus Cross LP, the “Owner” of an approximate 1.2 hectare property located northeast of the intersection of Cross Avenue and Argus Road. The lands are municipally known as 207, 217, and 227 Cross Avenue and 571, 581, and 587-595 Argus Road in the Town of Oakville (the “subject site”) and are currently occupied by several small-scale commercial and office buildings, as well as vacant land. 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 May 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 was comprised of a two building, three tower development containing residential, office and retail uses as well as a centralized privately owned publicly accessible open space (“POPS”). Since the initial applications were filed, comments were issued by Town Staff and other commenting agencies, and modifications were 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 June 2022<sup>1</sup> 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 with a range of uses and a centralized POPS. In addition to modifications to the massing of the podium buildings and the northerly tower (known as “Tower A”), the overall height strategy has been revised by redistributing the height across the three towers. The Revised Proposal continues to provide for the same number of overall storeys as the original proposal, however, the number of storeys assigned to the respective towers has been revised, as discussed in detail below.

The total gross floor area of the development increased to approximately 146,738 square metres, of which 4,259 square metres will be for non-residential uses, resulting in a density of 11.65 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 Rationale 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 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 May 30, 2022 seeking the approvals to permit a new mixed-use development on the subject site.

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<sup>1</sup> The initial applications were filed on May 30, 2022, however, in response to minor comments issued by Town Staff after the initial intake, the Planning and Urban Design Rationale was revised and issued a June 2022 date.

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 in the centre of the site. Extensions of the POPS would connect to the existing and future public streets for a seamless transition to and through the subject site. The initial proposal also contemplated the conveyance of lands to the Town to facilitate the widening of Cross Avenue and Argus Road, as well as the development of a future local road along the eastern boundary of the subject site. The initial applications contemplated tower heights of 44-, 49- and 58-storeys. A description of the Original Proposal can be found in Section 3 of our 2022 Rationale Report, filed in support of the initial applications.

The Town deemed the initial applications complete on June 17, 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 of 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. Our office was involved in the discussions and has worked closely with the owner and consulting team to prepare the Revised Proposal.

The Revised Proposal continues to implement the vision for the subject site, which is to redevelop an underutilized site with a high-quality development featuring public realm improvements and new housing, employment, and commercial opportunities near existing higher-order transit. However, in response to the comments received and the detailed design work undertaken to support a new Site Plan Approval application (filed concurrently with this resubmission), modifications have been made to the podium base buildings, and the massing of the northerly tower (known as “Tower A”). As it relates to the podium buildings, Building 1 has been broken up into two buildings connected by a pedestrian bridge, and the footprint of Building 3 (previously Building 2) has been enlarged to accommodate a larger retail unit along Cross Avenue due to the reconfiguration of the loading area.

The towers generally retain the orientation illustrated in the Original Proposal; however, Tower A follows more of a point tower typology with a square-shaped floor plate.

By virtue of the built-form changes, there are various other components that have changed including the overall GFA, number of units, amenity space, and vehicular and bicycle parking as well as the size of the POPS, which has decreased to balance other objectives including the size, function and organization of the ground floors of the buildings. Despite these revisions, the proposal continues to provide a considerable contribution of open space on the Site.

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 of 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.

### **Podium and Tower Elements**

The Original Proposal contemplated two podium buildings and three residential towers on the subject site. The L-shape of the podium buildings framed the centralized POPS, with the towers above oriented perpendicular to Argus Road and the future north-south local road. The orientation of the buildings has remained unchanged, however, the Revised Proposal now contemplates three separate podium buildings. Building 1 is now situated at the northwest portion of the site and includes a 37-storey tower (Tower A), Building 2 is situated to the south of Building 1, along Argus Road and includes a 49-storey tower (Tower B). At the southeast corner of the subject site is Building 3 and a 65-storey tower (Tower C) above. Buildings 1 and 2 are connected by way of an enclosed pedestrian bridge on Level 2.

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

### Building 1 & Tower A

- The podium of the building remains at a height of 6 storeys; however, the metric height has increased slightly from 25.0 metres to approximately 29.3 metres, largely due to the inclusion of a mezzanine level. The proposed mezzanine will contain a residential long-term bicycle parking room.
- At grade, the podium has been setback from the property line to create a widened pedestrian sidewalk zone. Specifically, the ground floor setback has increased from 0 to a maximum of 2.4 metres to the north property line and from 0 metres to a minimum of 3.0 metres to the west property line. The northwest corner of the ground floor, containing the residential and retail entrance, are setback slightly more than 3.0 metres.
- To the east property line, the podium has been setback approximately 3.8 metres for a total setback of approximately 9.8 metres. This allows for a larger entryway and walkway to the central POPS from Argus Road.
- Above ground floor and mezzanine, the podium cantilevers over the northwest corner at Level 2 for a consistent street wall setback of 3.0 metres.
- With respect to uses, the Level 2 of Building 1 is now exclusively comprised of indoor and outdoor spaces, which are intended to be shared with Building 2. An enclosed pedestrian bridge connects the buildings and provides access to the amenity areas.
- Levels 3 to 6 of the podium maintain the revised building setbacks and will contain residential units with projecting private balconies. To Building 2 to the south, an approximate 10.0 metre separation distance will be provided between buildings.
- Level 7, the first floor of the tower, will be setback from the building below to accommodate a large outdoor amenity area and serve as a visual break between the podium and tower elements.
- The overall height Tower A has been revised from 58-storeys (184.8 metres, including a 5 metre mechanical penthouse (“MPH”)) to 37-storeys (131.5 metres, including a 6 metre MPH).
- Tower A is situated in the northwestern portion of the podium building and is now set back approximately 5.3 metres from the northern property line, 19.9 metres from the east property line, and 8.2 metres from the west property line. To Tower B to the south, an approximate 27 metre separation distance has been proposed.
- The tower floorplate has increased to 850 square metres.
- The tower continues include a mix of residential unit types and sizes.

### Building 2 (formerly part of Building 1) & Tower B

- Similar to Building 1, the metric height of the 6-storey podium has increased from 25.0 to 29.3 metres, in part due to the inclusion of a mezzanine level. The proposed mezzanine will be used for long-term resident bicycle parking.
- At grade, the building has also been setback 3.0 metres from the west property line with further insets for the retail and residential lobby entrances. The podium continues to be built flush to south property line.
- With respect to uses, retail and residential lobbies continue to be provided on the ground floor. A potential daycare space is no longer contemplated for this development.
- Above the ground floor, Level 2 generally maintains the building setbacks, however the easterly façade cantilevers approximately 5.6 metres over the ground floor.
- As mentioned above, Level 2 of Building 2 contains indoor and outdoor amenity areas, intended to be shared with Building 1.
- Building setbacks have been maintained up to Level 6. At Level 7, the north, west and south tower faces are setback from the podium building below.
- The height of Tower B remains at 49-storeys; however, the metric height has increased from 158.2 metres (inclusive of a 5-metre MPH) to 165.3 metres (inclusive of a 6.0-metre MPH).
- Tower B continues to be oriented in the north-south direction, running parallel to the north-south segment of Argus Road. The tower element is now set back approximately 7.4 metres from the west property line and a minimum of 5.1 metres from the south property line.
- The floorplate of Tower B has increased to 850 square metres; however, the tower separation distances exceed 25 metres to Towers A and C.

### Building 3 (formerly referred to as Building 2) & Tower C

- The massing of Building 3 has been revised to integrate greater step backs within the podium massing along Cross Avenue but maintains a 6-storey street wall along both existing and future street frontages.
- Along Cross Avenue, the podium steps up to a height of 8-storeys, 37.4 metres, and the 6-storey podium element along the future north-south local road measures 27.6 metres in metric height.
- Similar to the other Buildings on the site, the podium is now set back a minimum of 4.4 metres from Cross Avenue to the south, stepping back to approximately 10.0 metres at the southeast corner, approximately 2.0 metres from the future local road to the east, upwards of 7.9 metres from the north property line and 10.0 metres from the west lot line.

- The retail unit previously fronting onto the easterly POPS connection, from the future road, has been eliminated due to the requirements of the loading and servicing area, as well as underground garage ramp. In light of this, the retail unit along Cross Avenue has increased in size.
- A mezzanine level has been proposed above the ground floor and will contain resident long-term bicycle parking as well as indoor amenity spaces earmarked for co-working space.
- On Level 2 above, the podium cantilevers over the north and south podium walls below, decreasing the setbacks to approximately 6.3 and 4.4 metres, respectively. The Level continues to be dedicated for office uses.
- On Level 3, the podium steps back from the interior building face to accommodate terraces for the north and west facing units. These building setbacks are maintained to Level 6.
- On Level 7, the podium provides for generous setbacks from Level 6 below to accommodate outdoor amenity terraces in the northern and western setbacks. Similarly, the podium is setback at Level 8 to accommodate a small indoor amenity area and adjacent terrace at the southwest corner of the Level. The podium mass is also pulled away from the south property line for a total setback of approximately 8.0 metres and shifts slightly to the east resulting in a setback of approximately 6.4 metres and a cantilever above Level 7. These setbacks are maintained in the Tower at Level 9 and above.
- The overall height of Tower C has increased from 44-storeys (141.3 metres, including a 5.0-metre MPH) to 65-storeys (209 metres, including a 10.7-metre MPH).
- The tower continues to be rectangular in shape and north-south orientation, parallel to the future local road, with a slightly larger floorplate of 850 square metres, however, an approximate 30.0 metre tower separation distance has been provided to Tower B to the east.

## **Programming**

With respect to the proposed non-residential uses, approximately 4,259 square metres of non-residential gross floor area has been proposed in the development for retail and office uses. All three buildings will continue to include at-grade retail uses fronting onto the street frontages and the proposed POPS. The proportion of at-grade retail uses has been reduced to approximately 1,565 square metres, from 3,921 square metres, due to the modifications made to the ground floors of the respective buildings stemming from the detailed design of the functional and operational aspects of the development. Irrespective of this change, the Revised Proposal but will continue to animate both the public realm and internal open spaces with ground floor retail uses.

The southern building (Building 3) continues to contemplate office uses within Level 2 of the podium element. The entirety of the Level 2 of Building 3 will be occupied by office uses.

### **Public Realm**

The Revised Proposal continues to provide a large, centralized open space with pedestrianized connections to the existing and future public streets. Due to the technical requirements of the at-grade loading and servicing areas, the area of the POPS has decreased from 3,921 to 2,846 square metres. Notwithstanding this change, the Revised Proposal continues to provide four (4) pedestrian access points to the POPS, all of which have been widened from the Original Proposal to enhance the visual connection to the public roads.

Additionally, the Revised Proposal continues 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 in support of the future mobility network envisioned for Midtown Oakville. The Revised Proposal continues to convey lands along the eastern portion of the subject site to allow for the development of a north-south local road with a right-of-way width of 19 metres and lands in the southern portion of the site to allow for the widening, and realignment, of Cross Avenue. Lands along Argus Road, both the east-west and north-south segments, will also be conveyed to support the widening of the road.

### **Access, Parking and Loading**

Vehicular parking for the development continues to be provided within a 6-level underground parking garage, however as mentioned, a mezzanine level P1 has been introduced to accommodate visitor vehicular, and short-term bicycle parking. Two ramps continue to be proposed and will be accessed from the shared vehicular and loading entrances off the east-west segment of Argus Road and the future north-south local road. The Revised Proposal will provide a total of 1,257 vehicular parking spaces, 920 of which will be for residents, 291 for residential visitors and a combined 46 spaces for the non-residential uses of the development.

Loading and servicing activities continue to be proposed within the envelopes of the Buildings 1 and 3. Through the detailed design work required as part of the Site Plan Approval application, modifications were made to ground floor areas of the proposed



buildings to accommodate the functional and servicing requirements for a development of this scale.

With respect to bicycle parking, the Revised Proposal will provide a total of 1,944 parking spaces, 1,454 of which will be for long-term residential uses, 485 will be for short-term residential uses and 5 will be for non-residential uses. In the Original Proposal, the bicycle parking areas, for long- and short-term use, were located among the underground garage levels. In the Revised Proposal, the building mezzanines will house most of the long-term bicycle parking for the development. As such, access to the bicycle parking within the buildings will be from the communal elevator lobby provided for each building.

### Phasing

The Revised Proposal now incorporates a phasing plan, which outlines the sequential development stages. The plan envisions the following phases:

1. Phase 1: The development of Building 3.
2. Phase 2: The development of Building 1.
3. Phase 3: The development of Building 2.

**Table 1: Comparative Statistics Summary**

	<b>May 2022 Submission</b>	<b>March 2024 Resubmission</b>
<b>Site Area</b>	<b>12,617 sq.m</b>	<b>12,598 sq.m *</b>
<b>Building Height (including MPH)</b>		
<i>Tower A</i>	<i>58-storeys (184.8 m)</i>	<i>37-storeys (131.5 m)</i>
<i>Tower B</i>	<i>49-storeys (158.2 m)</i>	<i>49-storeys (165.3 m)</i>
<i>Tower C</i>	<i>44-storeys (141.3 m)</i>	<i>65-storeys (209.0 m)</i>
<i>Total Storeys</i>	<i>151-storeys</i>	<i>151-storeys</i>
<b>Total Gross Floor Area</b>	<b>120,803 sq.m</b>	<b>146,738 sq.m</b>
<i>Residential</i>	<i>112,558 sq.m</i>	<i>134,685 sq.m</i>
<i>Non-residential</i>	<i>5,085 sq.m</i>	<i>4,259 sq.m</i>
<b>Land Conveyances</b>	<b>2,391 sq.m</b>	<b>2,686 sq.m</b>
<b>POPS Area</b>	<b>3,921 sq.m</b>	<b>2,846 sq.m</b>
<b>Unit Mix</b>	<b>1,748 units</b>	<b>1,938 units</b>
<i>Bachelor Units</i>	<i>0 units (0%)</i>	<i>98 units (5%)</i>
<i>1-Bedroom Units</i>	<i>1,223 units (70%)</i>	<i>1,164 units (60%)</i>
<i>2-Bedroom Units</i>	<i>455 units (26%)</i>	<i>542 units (28%)</i>

<i>3-Bedroom Units</i>	<i>70 units (4%)</i>	<i>134 units (7%)</i>
<b>Amenity Area</b>	<b>5,747 sq.m</b>	<b>6,574 sq.m</b>
<i>Indoor</i>	<i>3,160 sq.m</i>	<i>3,857 sq.m</i>
<i>Outdoor</i>	<i>2,587 sq.m</i>	<i>2,717 sq.m</i>
<b>Vehicular Parking</b>	<b>1,286 spaces</b>	<b>1,257 spaces</b>
<i>Residential</i>	<i>876 spaces</i>	<i>920 spaces</i>
<i>Non-Residential (incl. visitor)</i>	<i>410 spaces</i>	<i>337 spaces</i>
<b>Bicycle Parking</b>	<b>1,754 spaces</b>	<b>1,944 spaces</b>

*\* Due to a calculation error in the Original Proposal, the site area has increased slightly*

#### **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 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 (“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 Region Official Plan apply to the subject site, and any decisions related to the proposed development must conform to the policies of the Region Official Plan.

### *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 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* 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.

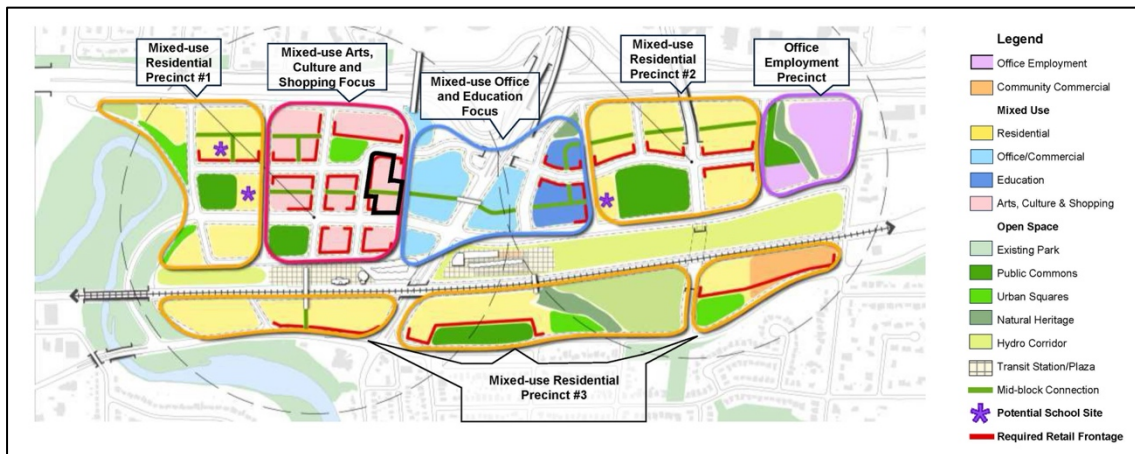
#### Midtown Oakville Growth Area Review

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 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 are planned to be released in early April 2024. A Public Statutory meeting is scheduled for late April 2024 to present the Draft OPA, with a final version expected to go to Council by mid-2024.

*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. As illustrated in **Figure 1** below, 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.



*Figure 1 - Preferred Development Concept Plan (January 2024)*

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 and secondary retail street frontages (see **Figure 1** above).

As it relates to height and density, the preferred development concept illustrates that the subject site has a maximum building height of 40-storeys and a maximum density of 5.25 FSI (see **Figures 2** and **3**). 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.





Figure 2 - Midtown Draft Height Ranges (January 2024)



Figure 3 - Midtown Draft Gross Density by Area (January 2024)

With respect to open space, the preferred development concept contemplates a comprehensive network of new open spaces and connections throughout Midtown (see **Figure 4**). As it relates to the subject site, the preferred development concept provides for an east-west mid-block connection to bisect 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 (see **Figure 5**).



Figure 4 – Midtown Draft Open Space and Connections Plan (January 2024)

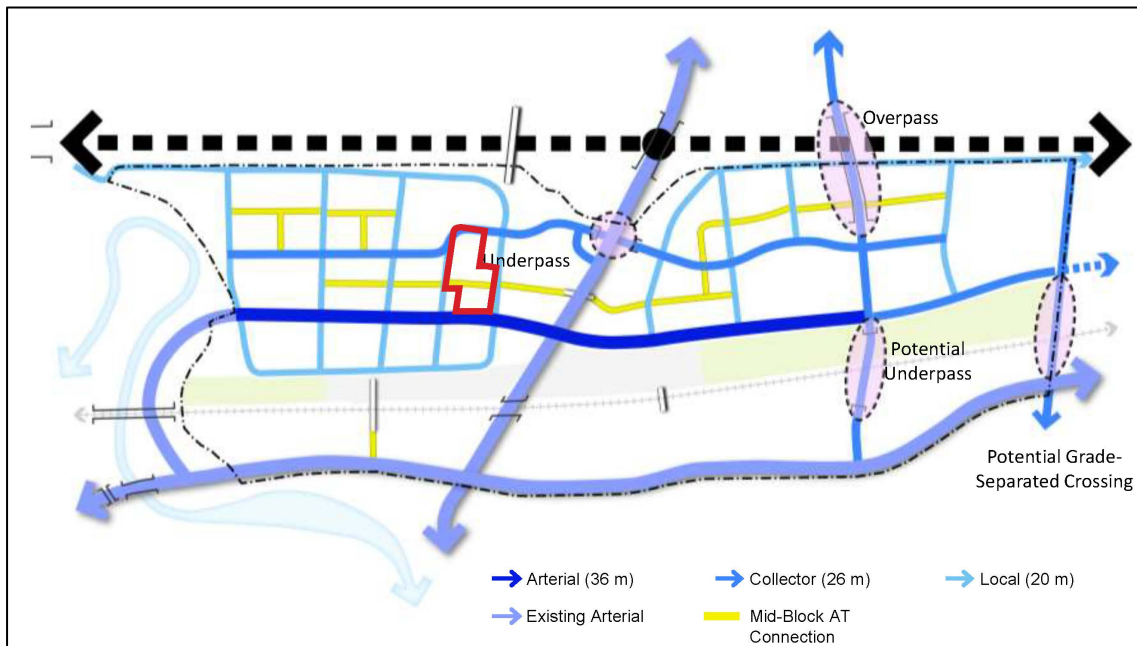


Figure 5 – Midtown Draft Road Network Plan (January 2024)

### 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, a series of key policy directions were shared for implementing the key strategies.

It is our opinion that the subject site is governed by the in-force Midtown Growth Area policies, however, regard will be had for the emerging direction for Midtown as it relates to the accommodation of new residents and employment opportunities.

## **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 office uses, as well as a new open space (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 along the north-south and east-west segments of Argus Road, Cross Avenue and the future local road to the east. Moreover, the Revised Proposal continues to provide for office uses on Level 2 of Building 3. It continues to be our opinion that the proposed mix of uses, including retail, office, 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 542 two-bedroom units (28%) and 134 three-bedroom units (7%).

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 subject site. In this regard, the initial applications contemplated heights of 58-storeys for Tower A, 49-storeys for Tower B, and 44-storeys for Tower C, resulting in a total of 151-storeys on the subject site. The Revised Proposal contemplates heights of 37-storeys for Tower A, 49-storeys for Tower B and 65-storey for Tower C. These changes resulted in the reorganization of heights on the subject site, placing the greatest height in the southern portion of the subject, along Cross Avenue. Based on the foregoing, it continues to be our opinion that the proposed heights are appropriate and will fit in with the planned context for Midtown Oakville.

With respect to the massing, it is our opinion that the revised podium and tower elements respond appropriately to the existing and planned surrounding context through building orientation, floor plate size and separation distances. The Revised Proposal continues

to provide for a well-defined street wall along the public frontages and incorporates step backs that minimize the scale of the podium levels above. The tower elements above continue to be sited in a manner that achieves minimum 25 metre tower separation distances to limit overlook and privacy impacts. The revised orientation and shape of Tower A further diversifies towers, beyond their height.

With respect to density, it is our opinion that a density of 11.65 FSI is appropriate and desirable. It is important to highlight that while the density has increased from 9.6 FSI to 11.65 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 of this letter, By-law 2023-065 introduced a revised definition for gross floor area. The Original Proposal followed the Town's former definition of net floor area, whereas the Revised Proposal followed the updated definition of gross floor area 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 BDP Quadrangle 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 May 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 will appropriately intensify an underutilized site with significant new public realm elements as well as the introduction of new housing in a compact urban built form, at-grade retail spaces and office uses.

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