

May 24, 2024

Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario, L6J 5A6

Attention: Leigh Musson, B.E.S., MCIP, RPP
Senior Planner, Current Planning - East District

Re: Planning Justification Letter
Zoning By-law Amendment
Mattamy (Joshua Creek) Limited
Part of Lots 7 & 8, Concession 1, NDS
Block 146, 20M-1229 & Block 20, 20M-1269 (Bressa)
1415 & 1426 Dundas Street E., 3006 & 3008 William Cutmore Blvd.
Town of Oakville

Ms. Musson,

Please accept this Planning Justification Letter, which is intended to supplement the materials being submitted with the application for a Zoning By-law Amendment for the above noted lands. The purpose of this letter is Mattamy (Joshua Creek) Limited is seeking to amend the zoning to remove the Floor Space Index (FSI) requirement on the Dundas Urban Core (DUC) Blocks for the Bressa lands. It is located on the north side of Dundas Street East, located west of William Cutmore, on the east side of John McKay Boulevard (see *Figure 1 – Aerial Photo*).

By way of background, Official Plan Amendment (OPA) 321 was adopted by the Town of Oakville in June 2018, and was approved by the Region, with modifications, in September 2018. OPA 321 modified *Section 7.6.5.3 – Dundas Urban Core* of the North Oakville East Secondary Plan (NOESP), removing the requirements of a minimum density of 0.5 FSI up to a maximum of 2.5 FSI, leaving Building Heights as the sole governing factor. The text removed from the NOESP is provided below (in red):

A mix of uses shall be permitted at the following heights and densities:

- Minimum density – FSI of 0.5, with the exception of service station sites and as set out in Subsection c);*
- Maximum density – FSI of 2.5*
- Medium Density Residential Density – Notwithstanding the foregoing, where medium density residential uses are permitted such development shall have a minimum density of 25 units per hectare and a maximum density of 75 units per net hectare. However, development at less than 30 units per net hectare will be limited to areas between the nodes;*

- *Minimum height – 5 meters for a commercial building; 3 storeys for other development within nodes; 2 storeys for other development; and*
- *Maximum height – 8 storeys.*

Within By-law 2009-189, under Section 7.0 – Dundas Urban Core Area, Table 7.2.2 – Building Types Permitted and Related Standards (see below) outlines the zoning requirements for the DUC.

7.2.2 Building Types Permitted and Related Standards						
Building Type	Min Floor Space Index	Max Floor Space Index	Min Front Yard and Flankage	Max Front Yard and Flankage	Min Interior Side Yard Setback	Minimum Rear Yard Setback
<ul style="list-style-type: none"> • Mixed use building; • Apartment; • Office Building; • Hotel; • Institutional building; • Parking garage; • Commercial/residential building 	0.5	2.5	0.0 m	6 m	0.0 m	1 m with rear lane access, unless there is a residential use at grade where the setback shall be 0.75 m, 6 m without rear lane access, except abutting lands in the NHS, CE, or P Zones where the setback shall be a min. of 3 m

As per Column Two and Three, the minimum and maximum FSI requirements are still applicable for lands within the DUC. Since OPA 321 was enacted, a number of site-specific by-laws have been passed to remove this FSI requirement for lands within the DUC. Two examples include Distrikt 393 Dundas (DUC sp: 73) and Martillac/Graydon Banning (DUC sp: 92).

Mattamy is requesting this rezoning for the Bressa DUC lands to remove the FSI requirement under By-law 2009-189, making the by-law consistent with the NOESP policy direction and conforming to the OPA (see Draft ZBA in *Appendix I*). The DUC blocks within Bressa have large areas, however, these blocks are divided into separate phases. With this division, the limits of the condominium corporations for each phase will create new ‘lot’ areas. Some of these lot areas will respect the maximum 2.5 FSI requirement; however, others do not. Therefore, to prevent having to go through the Committee of Adjustment for each phase that becomes an issue, the requested zoning by-law amendment will remove the FSI requirement.



FIGURE 1 – AERIAL PHOTO

The Region of Halton, through ROPA 49, approved an updated Regional Urban Structure Plan. The ROPA 49 was approved in November 2022 to help the Region meet the Provincial targets under the Growth Plan. The site is designated as Dundas Urban Core – Primary Regional Node (see *Figure 2 - Halton Region ROPA 49: Regional Urban Structure*). This Primary Regional Node is intended for intensification, to permit more housing, by removing density limits in these areas.

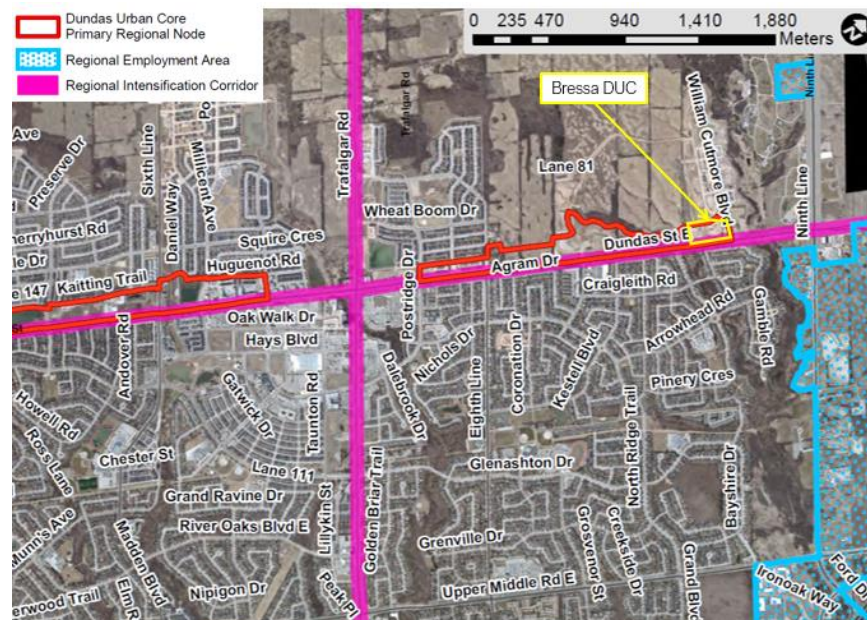


FIGURE 2 – HALTON REGION ROPA 49: REGIONAL URBAN STRUCTURE

The Existing Zone is the Dundas Urban Core – Performance 1 (DUC-1). We will request the Holding Provision (H26) to be lifted for the rest of the site, once servicing allocation is received and the NHS area to left (Joshua Creek – 31) is fully completed (see *Figure 3 – Existing Zoning Context*).

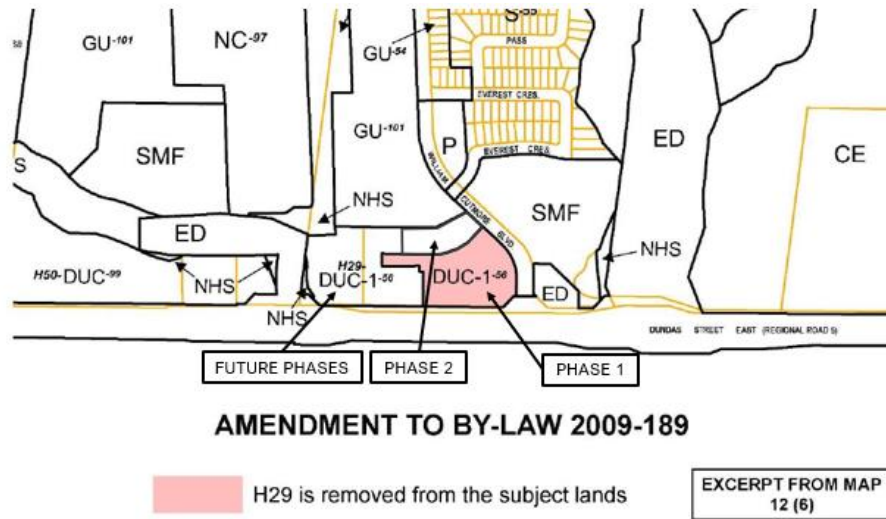


FIGURE 3 – EXISTING ZONING CONTEXT

A Public Information Meeting (PIM) regarding this Zoning By-law Amendment application was held on May 14, 2024. A summary of PIM is included in *Appendix II*.

Should you have any questions or require any further information, please don't hesitate to contact me.

Sincerely yours,

KORSIAK URBAN PLANNING

Wayne Coutinho, MPI, BSc (Env)
Encl.

Copy: Catherine McEwan, Korsiak Urban Planning

Appendix I: Draft Zoning By-law Amendment

**THE CORPORATION OF THE TOWN OF OAKVILLE
BY-LAW NUMBER 2024-XXX**

A by-law to amend the North Oakville Zoning By-law 2009-189 to permit the use of lands described as Part of Lot 7 and 8, Concession 1, N.D.S., Town of Oakville

(Mattamy (Joshua Creek) Limited)

File No. Z.xxxx.xx

COUNCIL ENACTS AS FOLLOWS:

1. Section 8.56.2, Special Provisions, of By-law 2009-189, as amended, is further amended, as follows:

56	Mattamy (Joshua Creek) Limited	Parent Zone: DUC-1
Map 12(6)	Part of Lot 7 and 8, Concession 1, N.D.S	(2024-###)
8.56.2 Zone Regulation		
The following regulations apply:		
n)	Minimum and maximum <i>floor space index</i> shall not apply.	

2. This By-law comes into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED this XXth day of _____, 2024

Appendix II: Summary of Public Information Meeting (PIM) held on May 14, 2024

Purpose: A public information meeting held prior to a planning application for rezoning to remove the Floor Space Index (FSI) limits, to align with the existing Official Plan, per OPA 321.

Distribution: The notice was mailed out to a list provided by the Town with over 275 addresses. A radius of 240m surrounding the property was used, which is 2x times the amount required. Notice was also posted on the Town's website.

Format: The PIM was held virtually, with 1 hour allotted. A presentation was made by the applicant's planner, followed by a Question-and-Answer (Q&A) period.

Attendees: Approximately 15 individuals participated, including the Town's Councillor. Due to virtual format, there was no sign-in required. Some attendees did not choose to provide/share their contact details.

Summary of Comments: Comments raised at the PIM were related to any development, increased growth and densification, traffic congestion, and safety concerns.

- The purpose of the meeting is not clear. Is it to seek input from homeowners around the subject lands?
- What does the removal of the FSI entail? Does it increase the height, or the size of buildings and density? More units per condo? Will the 7-storey height increase without notice?
- What does conditional approval regarding phase 2 entail? (Holding Provision)
- What is the future development plan west of phases 1 and 2?
- Traffic congestion is already an issue on Dundas St E. There should be plans to alleviate traffic on William Cutmore Blvd and Dundas St (e.g. provide another access point).
- Concerns raised about current construction activities such as dust, fumes, noise, traffic, lack of vegetation. Will more vegetation be planted?
- Concerns raised around safety as more buildings pose a fire hazard. Fire trucks blocking single roads and entrances/exits to streets (previous fire in the area).
- Concern regarding depreciation of home values.
- Homeowners felt blind-sighted. They were not informed about the additional phases, or were told it would be a parking lot.
- Initial understanding that the Dundas Urban Core would include more stores and restaurants but not additional condos.
- Some residents are opposed to an increase in densification (additional condos).
- There will be hostility, petitions, etc. for any intensification or for any by-law changes.

Response to Comments: The applicant's planner and Town Councillor responded to the comments at the meeting.

- 1. Purpose and Process:** The purpose of the PIM is to provide information about the application to the public, seek comments and input, and relay those comments to Town staff, Mattamy, Region of Halton, and any other respected experts to review and consider. More details will be given during the Site Plan Application stage with more studies.
- 2. Amendment:** The removal of the FSI is to bring the by-law into conformity with the Official Plan. We were requested by the applicant to initiate this process for the subject lands to move forward with the rest of the DUC properties.
- 3. Conditional Approval:** Some conditions are placed on site plan approval that need to be met prior to final approval. One such item would be the holding provision (H29) with conditions in the Zoning Bylaw to be met.
- 4. Height, massing, intensification:** Proposed buildings conform to permitted heights (i.e., will not be higher) than the approved and in-effect height limits in the Zoning By-law. The removal of the FSI is not necessarily associated with an increase in width or length of buildings. The removal of the FSI will permit future phase to be developed as intended.
- 5. Traffic:** Comments will be relayed to Traffic Engineers to consider. This is a master-planned community; the Town and Region will work with regional roads. A second access, such as a right-in/right-out access on Dundas Street is not proposed as part of the Zoning application. Any future access points will be subject to review under future planning application(s). Traffic on Dundas is a broader issue, as it is a major arterial road, planned for Bus Rapid Transit (BRT), currently under construction moving from east to west. Additional transit / bus stops are proposed as part of the overall function of Dundas Street.
- 6. Noise, Vegetation, and Fire Hazard:** Through future Site Plan Applications the technical details are reviewed through various approval authorities, such as the Fire Department. Increased vegetation may be considered at Site Plan details as a visual mitigation, but is considered as a noise barrier. The buildings themselves act as noise barriers from Dundas Street traffic / road noise.
- 7. Home Values:** The changing market and home values is outside of the scope of planning applications. We are not qualified to speak on home market values.

All comments were reviewed and taken into consideration prior to the application.