

April 5, 2017

Mayor Rick Goldring and Members of Council
City of Burlington
426 Brant Street, PO Box 5013
Burlington, Ontario L7R 3Z6

**RE: Submission on New Draft Official Plan
OUR FILE 16173A**

On behalf of our client Playacor Holdings Ltd. (the "Owner"), we provide this submission with respect to the new Draft Official Plan ("OP") and the proposed designations and policies respecting their lands at 1450 Headon Road (the "Subject Lands" or "Client's Lands").

Staff's recommendation to endorse the commercial policy directions greatly affects the redevelopment of our Client's Lands. More specifically, to designate the Subject Lands as a Secondary Growth Area and a Local Centre within a Mixed Use Node and Intensification Corridor restricts the short-term ability to realize any feasible redevelopment in this area of the City.

The main concerns with the proposed new OP are the following:

- 1) Policy 8.1.3.4.2 (d) (i) discusses the permitted uses in the Local Centre Designation and permits *"residential dwellings in the upper storeys of retail/commercial buildings"*.

Issue: If stacked townhouse units were contemplated as a mid-rise form of development, they would not be permitted under the proposed new policy framework and would require an amendment to the Official Plan to permit stacked townhouses on a site specific basis. This is no different from the current OP framework, which would require an OPA to permit stacked townhouses on the site as well. However it is our belief that stacked townhouses would meet the intention of the Local Centre designation and be compatible with the surrounding area.

- 2) Policy 8.1.3.4.2 (f) states *"The minimum building height shall be two (2) storeys and the maximum building height shall be four (4) storeys."*

Issue: If development of the Subject Lands contemplated 10-storey buildings on the site which would require an Official Plan Amendment even under the current OP policies, the new Draft OP policies pertaining to Secondary Growth Areas in the proposed new OP discourages Official Plan Amendments for increased height and or density/intensity.

- 3) Policy 2.4.2.2 (b) states *"Within the Secondary Growth Area, any Official Plan Amendments for increased height and or density/intensity beyond that which is currently permitted in the underlying land use designation shall be discouraged."*

Issue: The proposed policy may prohibit an OPA for the redevelopment of the Subject Lands.

- 4) Policy 2.4.2.2 (b) (iv) is one of the criteria an OPA must fulfill in order to be considered which states development *"shall in no case exceed the mid-rise building form."*

Issue: The proposed policy states that in the Secondary Growth Area, in order to fulfill the criteria to receive an OPA, the proposed height cannot exceed the height of a Mid-Rise Building. Under Chapter 13 Definitions, a Mid-Rise Building is defined as:

"A building with a maximum height that is no taller than the actual width of the abutting street right-of-way, or between five (5) to eleven (11) storeys in height, whichever is lesser. On a corner lot, the lesser of the two abutting street right-of-way widths may be used for the purposes of determining maximum building height."

The Subject Lands are located on the southwest corner of Upper Middle Road and Headon Road. Based on the Mid-Rise Building definition the maximum permitted height is the right-of-way width of Headon Road. The current right-of-way width of Headon Road is 20 m, which would restrict the development to a maximum height of 6 storeys. Under this policy if an OPA proposes a height greater than 6 storeys (20 m), the development criteria would not be met and an OPA would not be permitted.

- 5) Policy 8.1.3.4.2 (h) states *"Individual non-residential uses may be permitted to a maximum floor area of 1,200 sq. m."*

Issue: The existing Shopper's Drug Mart is greater than 1,200 square metres and has no intention of relocating. This new policy differs from the current policy framework, which permits a maximum floor area of 2,500 square metres for small scale commercial centres and 12,500 square metres for large scale commercial centres. A proposal for the Subject Lands may contemplate a total commercial gross floor area greater than 1,200 square metres given the size of the site. Individual uses would be subject to comply with the floor area policies outlined above.

Overall, the proposed policy changes, as they apply to the Subject Lands and their future redevelopment, could have negative consequences. We have concerns with the proposed Secondary Growth Area designation discouraging OPAs for increased height/density. The Subject Lands are located at the intersection of Upper Middle Road and Headon Road, within a Mixed Use Node and Intensification Corridor, on an identified Candidate Frequent Transit Network. It is unclear why the Draft OP would impose a height restriction of 4 storeys and discourage OPAs in an area identified for intensification.

We request the Committee consider:

- 1) Our primary concerns of the commercial policy directions being developed and recommended to be endorsed without public consultation or engagement, and

- 2) Our high level concerns with the restrictive policies regarding applications for OPAs in Secondary Growth Areas.

We further request to be circulated any Decisions, correspondence, and Notices of Stakeholder and Public Consultation Meetings as the new Draft OP progresses through the public process.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'David McKay', written over the 'MHBC' stamp.

David McKay, BES, MSc, MCIP, RPP
Vice President & Partner

A handwritten signature in black ink, appearing to read 'Lisa La Civita', written over a faint rectangular stamp.

Lisa La Civita, HBA, MES, MCIP, RP
Planner

cc. *Andrea Smith, Manager of Policy and Research.*