

**Emberson, Lola**

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**From:** [REDACTED]  
**Sent:** Tuesday, May 16, 2017 1:47 PM  
**To:** Emberson, Lola  
**Cc:** Minaji, Rosalind; Smith, Leah; Robichaud, Lynn; timgpark; Jim Feilders; Barnes, Carolyn; Chris Maynard; Ramsha Ahmed; Henry Onah; Gareth Williams  
**Subject:** Northwest corner of Tremaine Road & Dundas Street Request for Comments  
**Attachments:** RC N W Corner Dundas Tremaine Draft Sec Plan 5200263.doc

Hello Lola:

Upon reviewing the Request for Comments dated April 20, 2017, SDC comments remain unchanged.

As outlined in our comments dated December 2016 we stated:

"Through the lens of Burlington's Strategic Plan 2015-2040 and associated plans such as the Burlington Economic Development Strategic Plan, **allowing development to proceed in accordance with this Draft Plan of Subdivision would represent an enormous wasted opportunity for both the City and Evergreen.** When this Plan is revisited in the current planning context, the Committee believes that development can meet the newly-expressed strategic goals and emerging policies of the City with respect to mixed use development and neighbourhood design, and at the same time, allow Evergreen to incorporate more residential/commercial units on the property. The City and Evergreen should independently and jointly evaluate what benefits could accrue from adding 1,200 to 1,500 units to the current Plan for the property."

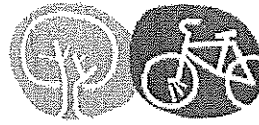
As discussed on May 4, 2017, we look forward to meeting with Evergreen Community (Burlington) Ltd. and you to discuss this further.

Yours sincerely

Guy Sheppard

Chair, Policy and Development Sub-committee

Sustainable Development Committee



December 2016

BURLINGTON  
Sustainable  
Development Committee

RE: 5421, 5453, and 5463 Dundas Street and 3232 Tremaine Road  
File No. 505-06/15, 520-09/15 and 510-03/15  
Evergreen Community (Burlington) Ltd.

Evergreen Secondary Plan Comments

|   |   |
|---|---|
|   | Introduction and Overview   |
| <i>Allowing development to proceed in accordance with this Draft Plan of Subdivision would represent an enormous wasted opportunity for both the City and Evergreen</i> | <p>The Burlington Sustainable Development Committee has carefully examined the documents submitted by Evergreen Community (Burlington) Ltd. ("Evergreen") under File Numbers 505-06/15, 520-09/15 and 510-03/15 (24T-15003/B) pertaining to proposed development at 5421, 5453, 5463 Dundas Street and 3232 Tremaine Road ("the Property").</p> <p>Through the lens of Burlington's Strategic Plan 2015-2040 and associated plans such as the Burlington Economic Development Strategic Plan, allowing development to proceed in accordance with this Draft Plan of Subdivision would represent an enormous wasted opportunity for both the City and Evergreen.</p> |

When this Plan is revisited in the current planning context, the Committee believes that development can meet the newly-expressed strategic goals and emerging policies of the City with respect to mixed-use development and neighbourhood design, and at the same time, allow Evergreen to incorporate more residential/commercial units on the property. The City and Evergreen should independently and jointly evaluate what benefits could accrue from adding 1,200 to 1,500 units to the current Plan for the property.

Respecting the earnest work done by both the City and Evergreen on this file, and noting that this application has evolved through a process of discussions, it is the Committee's opinion that the Draft Plan of Subdivision reflects legacy planning policies as described in Official Plan (OMB - Oct. 24, 2008), the pre-restructuring "Growing in Place" Official Plan review process, and the Burlington, Our Future Strategic Plan 2011-2014 (published November 14, 2011). Policies around commercial planning were described by urbanMetrics Inc. in a March 2104 report to the City as follows:

*"Burlington's existing commercial hierarchy and land use policies signal a shift towards phasing out post-war commercial development patterns, but retain traditional language (i.e. designation titles) and protections for car-oriented retail uses and built forms. The existing policies also continue to segregate commercial uses from the places where most people live. Rather than comprehensive framework for complete and walkable communities with integrated amenities and services for residents, the existing commercial planning framework takes a more selective approach to introducing new forms of commercial development in mixed use, intensification areas, while maintaining the status quo in 'stable' areas."*

General observations of the Committee with respect to the Draft Plan of Subdivision include:

1. Land use within the site is highly segregated, with clusters of residential, naturalized zones, a business corridor, and mixed-use corridors. While these are comparatively near each other, they have been kept separate on the site. This design approach, reminiscent of streetscapes like Alton, produces a homogeneous neighbourhood character, and fails to inspire a sense of "community".
2. Evergreen has felt it necessary to tiptoe around the boundaries of natural heritage areas and what the City might find acceptable in terms of development density. The result is islands of single family home parcels with pockets of higher density townhomes, and some multi-unit buildings at the streetscape. The City should grant clear permission to Evergreen to develop with higher density provided it is able to achieve the aims expressed in the City's emerging planning approach.

#### Context of Burlington's Strategic Plan 2015-2040

In its latest Strategic Plan, the Municipal Council of the City of Burlington sets out a vision for the development of the city over the next 25 years based on 4 key elements.

|                                   |  |
|-----------------------------------|--|
| <b>A City that Grows</b>          | The City of Burlington attracts talent, good jobs and economic opportunity while having achieved intensification and balanced, targeted population growth for youth, families, newcomers and seniors.  |
| <b>A City that Moves</b>          | People and goods move throughout the city more efficiently and safely. A variety of convenient, affordable and green forms of transportation that align with regional patterns are the norm. Walkability within new/transitioning neighbourhoods and the downtown are a reality. |
| <b>A Healthy and Greener City</b> | The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles.   |
| <b>An Engaging City</b>           | Community members are engaged, empowered, welcomed and well-served by their city. Culture and community activities thrive, creating a positive sense of place, inclusivity and community.  |

Burlington's approach to achieving targeted growth is expressed in the [Burlington Economic Development Strategic Plan](#) and the Official Plan Review: Proposed Commercial Lands Policy Directions.

In particular, the Commercial Lands Policy Directions suggest an emphasis towards the creation of complete communities using a placemaking approach to design.

The term “complete communities” refers to communities that are vibrant, mixed use, pedestrian-oriented, transit supportive and human-scale. The approach suggests a tight integration of a wide range of land uses, including community infrastructure such as facilities, programs and social networks that improve quality of life.

Placemaking is a multi-faceted approach to the planning, design and management of public spaces, the public realm and communities that involves including people in the discussion of designing public spaces that reflect shared value and support healthy communities.

The City seeks to have its mixed use areas follow patterns of urban (rather than suburban) design, and Council should insist on application of high-quality urban design guidelines as part of the Evergreen development process. These design guidelines will ensure that the principles of sustainability, compatibility, placemaking, pedestrian and transit-oriented development and efficient and attractive urban form are achieved.

By contrast, the current Draft Plan of Subdivision follows a distinctly suburban development pattern.

#### **Brent Toderian Recommendations**

First and foremost, Toderian recommends that the City of Burlington understand its planning context as “urban”, and for planning not to follow the suburban context of the past with all of its policy baggage.

Walking, cycling and transit modes must be prioritized, so that single-occupancy motor vehicles are not the default choice for trips. With respect to the Draft Plan of Subdivision, this means a) that the City of Burlington must integrate well-serviced transit routes with the new development, and b) that safe walking and cycling routes be created across Bronte Creek, to points in Oakville and across Dundas St. to the Bronte Creek Trail System.

Densifying a suburban plan will only create gridlock and traffic congestion. Accordingly, if the property is to accommodate a plan with higher density, streets must be designed to support the efficient movement of people and goods, including some that follow a “complete street” format.

Density is not about building height, it is about the quality of the built form with respect to visual interest, variety of building massing, and landing properly on the street front to achieve human scale, community connectedness, control of wind and solar shading, and animation of streetscape from the activity within and around the building.

The Committee’s observations on the Draft Plan of Subdivision with respect to these statements:

1. The homogeneity of building types and the clustering of these by function as shown on the Draft Plan of Subdivision do not support a dense development pattern, and largely miss the concept that building design is paramount to creating community character. The Committee would expect to see

a lot more detail about how the developer will accomplish placemaking with landmark design buildings and homes.

2. An urbanized street plan will accommodate many different functions within a parcel, most notably public-oriented retail (e.g. restaurants, pubs, grocery stores, pharmacy, health clinics, hardware and clothing stores) with residential and other community services in a way that creates vibrancy. These are elements that will attract all age groups to the development, particularly younger adults who do not wish to own cars and are seeking affordable properties within convenient walking distance to services and transit.
3. Transit should be integrated with the development and must be available at the outset and without fail. The City will need to invest heavily up front with expectation that investment will be recovered over a longer timeframe, and must understand that it is making this investment in alignment with its long-range strategic goals. It is not sufficient for the City to presume that routes can be established once population density is achieved. High-frequency transit links to regional transit and key community areas must be operational when the parcels are marketed or the community will absolutely fail to attract non-driving clientele.

#### Principles and Objectives of Sustainable Development Committee

The Sustainable Development Committee bases much of its commenting on the following Principles and Objectives of Sustainable Development, as developed by the committee, endorsed by Council and found in Appendix E of the City's Official Plan:

| PRINCIPLES   | COMMENTS  |
|--|---|
| Support responsible development that promotes efficiency and enhances the quality of life.                     | This development has potential to support quality of life, based on its proximity to an extensive natural heritage system that can be easily accessed. Focus is required on establishing walkability to community services and maintaining accessibility to all areas of the development.                                 |
| Protect the environment in both a proactive and remedial manner, with emphasis on anticipation and prevention. | The approach to handling protection of the natural heritage system through buffer zones, connections to other natural heritage areas, and links under roadways for small mammals and amphibians is certainly proactive. However, the committee notes that the integration of natural heritage only goes as far as needed. |
| Make decisions that recognize the interdependence of humans and nature in a common ecosystem.                  | Decisions made in the Plan are certainly heading in the right direction, but the residential area is a homogenous desert. Green space should be near or surrounding the residential areas and these can be improved by tying them together with the natural heritage system.  |
| Promote responsible resource use   | The plan to train each house owner about the area is good. More trees and green space are required. Integration of  |

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| and conservation practices.   | residential horticulture, perhaps a community garden, is seen as essential elements.   |
| Have regard for environmental, economic and social costs and benefits in the development and use of resources, products and services.                                   | The Fiscal impact Study shows a surplus of \$66,300 per year when development is fully operational. The developer could increase this surplus while providing additional sustainable features by following a higher-density, sustainable Plan per LEED Neighborhood Design principles. |
| Promote responsible stewardship to ensure equitable use of natural and environmental resources in order to meet essential needs of both present and future generations. | The developer appears to have done a reasonably good job in this area, but the Plan could and should go much further. See comment above regarding LEED Neighborhood Design.  |

| OBJECTIVES  | COMMENTS  |
|---|---|
| <b>Protection of Natural Resources:</b><br>Preserve and extend accessible green spaces, shorelines, natural water courses and the Niagara Escarpment for future generations.                                | The developer has done a good job of preserving the natural heritage system. SDC has some concerns with the isolated natural heritage system in Block 428 on south side of property.  |
| <b>Reforestation of the City:</b> Promote the replanting and management of vegetation on private and public property within the city.   | The developer is preserving two large areas of woodlands (NHS Blocks 429 and 431).<br><br>Regarding replanting, the developer needs to consider tree planting, particularly in the residential areas. Plantings should also be considered along the 407 corridor to reduce impact of CO <sub>2</sub> emissions. SDC would like to see more details around a Tree Conservation Plan. |
| <b>Full Public Participation in Development Decisions:</b> Allow the public to be part of all planning decisions. Economic, environmental and social impacts of proposed developments should be considered. | There should be a neighbourhood meeting to review this Secondary Plan, and recommendations should be incorporated into an amended Plan.   |
| <b>Actively Promote Sustainable Development:</b> Advocate changes at the senior levels of government, as  | The City is missing an opportunity to implement its goals for the Strategic Plan with respect to sustainable development, urban   |

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| well as in the city, in order to evolve towards sustainability.  | built form, economic prosperity, and intensification.  |
| <b>Make the Best Use of Land:</b> Land-use decisions based upon an ecosystem approach to ensure environmental integrity and diversity. To include, but not be limited to, promoting environmentally sensitive lands and using fertile soil for agriculture throughout the municipality.                    | <p>Though the Secondary Plan has conformed to rules around allowable density and protection of the natural heritage system, and has tried to maintain the integrity and diversity of the parcels, it fails to reach full potential.</p> <p>Space has not been used to maximum potential, and the result is a Plan that achieves conformance, but misses the goals of the new Strategic Plan.</p>   |
| <b>Protection and Enhancement of Natural Features:</b> Protect and enhance Burlington's natural features by ensuring that the physical features of shorelines, agriculture lands, flood plains, forestry tracts and notable landmarks such as the Niagara Escarpment are preserved for future generations. | See comments from previous section.  |
| <b>Natural Storm Water Management:</b> Protect water courses in their natural state and for those water courses that have been significantly altered, restoration to a more natural state will be encouraged as opportunities arise.   | The use of LID techniques like rainwater harvesting, rain gardens, stormwater capture, bioswales and bioretention cells, permeable pavement surfaces and other innovative stormwater management techniques is commendable.   |
| <b>Balanced Development:</b> Provide a community plan and an economic strategy aimed at creating sustainable and appropriate forms of development that reflect human scale and a sense of community as well as representing a balance between urban development and natural surroundings.                  | <p>The overall concept of the development started off fairly well with split among Business Corridor, mixed corridor-employment, mixed use corridor general and residential medium density. This provides a balance of between employment uses and three difference housing types. The developer indicates this will provide 1300 jobs and 900 residential units with a combined people and jobs of 73.3/ha which exceeds the 50/ha mandated under the Ontario Growth Plan.</p> <p>Although the Employment Land Use was addressed in a balanced manner – the proposed Business Corridor does not include any light industry.</p> |

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|  | <p>The site plan suggested for residential does not inspire us. The developer needs to incorporate more green in the design through more connections to the natural heritage areas, more park area within the community and public amenity areas. The built-forms proposed do not totally reflect the human scale or provide a sense of neighbourhood. We need the proper balance between urban development and natural surroundings. The natural heritage has to blend more into the neighbourhood.</p> <p>To accomplish this and make better use of land, we feel more density is required.</p> |
| <p><b>Efficient Urban Design:</b> Increase the efficiency of land use in the urban community in terms of energy and time; promote intensification and diversification policies rather than policies that generate urban sprawl.</p>  | <p>Development reflects typical suburban planning, as opposed to urban planning. This approach lends itself to sprawl patterns as opposed to intensified, integrated, community-oriented planning.</p>  |
| <p><b>Minimal Discharge of Toxic Pesticides and Other Toxic Chemicals:</b> Promote the elimination of private and public use of toxic pesticides and other chemicals that have negative effects on the environment, particularly those known to be persistent.</p>             | <p>N/A</p>  |
| <p><b>Accessible Community Development:</b> Form a new type of community development which includes readily available local community components such as commerce, shopping, employment, education and recreation within walking distance of all residences.</p>               | <p>This community is laid out with trails and sidewalks. Links to natural heritage system and employment lands are good, but streetscape can use more work in achieving a walkable urban form.</p>  |
| <p><b>Responsible Use of Natural Resources:</b> Encourage conservation of natural resources; the city should work towards ensuring that users are charged for the full local costs of their individual use of water, electricity and sanitary sewers. There should also be</p> | <p>This does not appear to be addressed.</p>  |



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| educational programs to encourage conservation of natural resources.  |  |
| <b>Integration of Natural Features and Green Space:</b> Integrate natural features and green space in all new developments and intensification projects.  | The site has plenty of green space surrounding in the form of the natural heritage system, but SDC has concern with amenity areas. Parkland within the site is about two acres, and does not appear to incorporate spaces for community-based activities such as sports.   |
| <b>Energy Conservation:</b> Promote energy conservation through efficient land use planning and building design.  | The developer needs to consider district energy, renewable energy, and efficient building envelope. SDC asks that the developer carefully examine and address the Sustainable Building Guidelines when putting forward its built form.   |
| <b>Ecosystem Auditing:</b> City of Burlington should prepare an objective ecosystem audit of the entire municipality at regular intervals.  | N/A  |
| <b>Balanced Transportation System:</b> Develop a balanced transportation system including transit, pedestrian, and cycling amenities and best use of the road system for movement of goods and people, with the existing facilities used to their fullest capacity. | The Transportation Study primarily addresses cars, and contains little about transit. The Plan and supporting documents address trail systems for walking and cycling; however, it is still incomplete and should be much more clear about how walking, cycling, transit are prioritized and how movement of goods is accommodated within the plan. SDC would also like to see cross sections of connecting streets to see how walking, cycling, and car uses are integrated. Developer should address ways that transit will be routed through and around the property to serve residents and businesses. |
| <b>Evaluation of Development:</b> Continuous monitoring and evaluation of development should take place to ensure that it does not have adverse impacts on the city's finances and the environment.   | Planners should evaluate the development on an ongoing basis to ensure that developers and builders are following the established Plan and report recommendations.   |

### Principles of LEED Neighborhood Design

The Principles of LEED for Neighborhood Design should be incorporated into a new Plan of Subdivision, to ensure that the resulting design and land use meet the aspirational goals expressed in Burlington's Strategic Plan. The location and features of this property offer opportunity to meet these objectives, while providing excellent financial return for developers, builders and companies involved with realizing a new mixed-use, employment lands vision.

#### Smart Location and Linkages

Good neighborhood design requires connections to adjacent development and transit. The property is bounded on the south by a busy regional road with potential linkages to Burlington Transit, Oakville Transit and regional transit services. Despite the proximity of these, the development team will need to put significant effort into overcoming potential obstacles to connectivity arising from Bronte Creek immediately bordering the property on the west, Highway 407 to the north, and the lack of pedestrian and cycling infrastructure on the property boundaries.

Good neighborhood design requires very careful consideration of how natural heritage is enhanced and preserved on site. The presence of creeks, ponds and forested lots will require all stakeholders to collaborate on creative ways to integrate built form with this natural heritage so that it is preserved, enhanced and made accessible to the public for recreation and enjoyment.

Challenges may exist on the site with respect to providing resilience against climate-change-induced weather events and integrating stormwater control with natural features on the site. The Sustainable Development Committee expects the development team to engage with Conservation Halton and City engineering staff to develop effective strategies and plans to mitigate potential risks.

#### Neighbourhood Pattern and Design

It is crucial that site development respect the fact that humans interact with the built form. Compact development forms with a variety of massing and human-scale structure at street level will be far more appealing to people than monolithic, separated, single-story, single-use structures cropping up between roads and parking lots.

Sustainable Development Committee expects to see complete streets (see Official Plan definitions); compact mixed-use form, particularly along the service road corridor; traffic calming and other measures to significantly reduce the speed of automobile traffic through the property; and significant integration of landscaped natural features (e.g. trees, natively-planted medians) within pedestrian, parking and roadway areas.

The integration of public commons with building clusters is a hallmark of well-designed communities. Amenities such as community gardens, playgrounds and covered bicycle storage must be included within these commons spaces.

Deliberate, planned connectivity among the various parcel groupings must be established from the outset. Sustainable Development Committee does not yet see a vision from these developers for how

the Evergreen property might achieve connectivity to services at Appleby Line and Dundas Street, the 12-Mile Creek Trails, cycling routes to the north, or services in Oakville.

Developers and planners will need to devise extremely creative strategies to ensure that two primary objectives are met:

1. Goods travel easily to and from destinations within the property (e.g. manufactured products, raw materials, retail stock).
2. Street infrastructure supports walking, cycling, transit and automobile traffic in that priority order.

These two objectives should be met with separate infrastructure, not a blended system. 55' trucks moving at high speed or with heavy loads are not compatible with pedestrian traffic.

#### Green Infrastructure and Buildings

This design branch comprises two distinct, yet integrated aspects – green infrastructure AND green buildings. Sustainable Development Committee is adamant that the development, design and construction teams carefully plan, design and construct the elements of these two strategies throughout the property. It is at this precise stage of development that decisions be made about how energy and transportation systems will be organized to achieve future carbon neutrality. While the development may be initially low-carbon, and not officially carbon neutral, flexible thermal and electrical infrastructure with high-quality buildings provide a solid foundation upon which to build to carbon neutrality.

Green infrastructure includes a comprehensive district energy system supplying thermal energy to each parcel, a low-impact stormwater system to effectively manage the quality and quantity of stormwater from site, an integrated major stormwater conveyance system to handle what have historically been 100-year storm events (though increasing in frequency due to climate change), methods to manage the quality and quantity of material leaving the property through the sanitary sewer system, a system for collecting, sorting and otherwise managing waste and recyclables so that resources are conserved and reused.

Green building includes all aspects of efficient and renewable construction as specified in City of Burlington's Sustainable Building Guidelines. All construction on site should adhere to these guidelines, particularly where they are integrated to the district energy system.

Because of the required subsurface infrastructure and space allocation, Evergreen should already be considering the life-cycle benefits and costs of various air- and water-based zone cooling and heating infrastructure such as district-energy-connected fan coil units, inverter-driven heat pumps, geo-exchange, etc. with respect to such elements as fuel price escalation, fuel source security, equipment maintenance, equipment lifetime, capital cost, overall energy consumption/efficiency, efficiency of source fuel use, carbon emissions, carbon cost, and energy recovery.

The same consideration must be given to infrastructure for electric/hybrid vehicles, including car sharing programs, shuttles and similar services.

#### Conclusions

Given the limitations of the proposed Draft Secondary Plan as outlined in this letter, Sustainable Development Committee recommends and expects that the City of Burlington and Evergreen Community (Burlington) Ltd. will re-engage in discussion about how the Plan can be re-envisioned in the context of Burlington's Strategic Plan 2015-2040, LEED Neighborhood Design, and principles of sustainable development. A significant opportunity will be missed if an urgent course correction is not immediately taken on this file.

Respectfully submitted by,

Guy Sheppard, Chair  
on behalf of the Policy & Development Subcommittee  
Burlington Sustainable Development Committee

#### Attachments

Attachment A - Conceptual Photographs for Evergreen Secondary Plan – Attached are some photographs to provide you with a better idea of some concepts we feel should be included in the Evergreen Secondary Plan.

Attachment B – Evergreen LEED Neighbourhood Checklist



1. Hammarby Sjöstad. Aerial view of the community.



2. Hammarby Sjöstad. Public commons with integrated stormwater and wastewater management, green spaces and cultural objects.





3. Hammarby Sjöstad. Integration of wetland margin natural heritage system with built form.



4. Hammarby Sjöstad. Integration of wetland margin natural heritage system with built form.



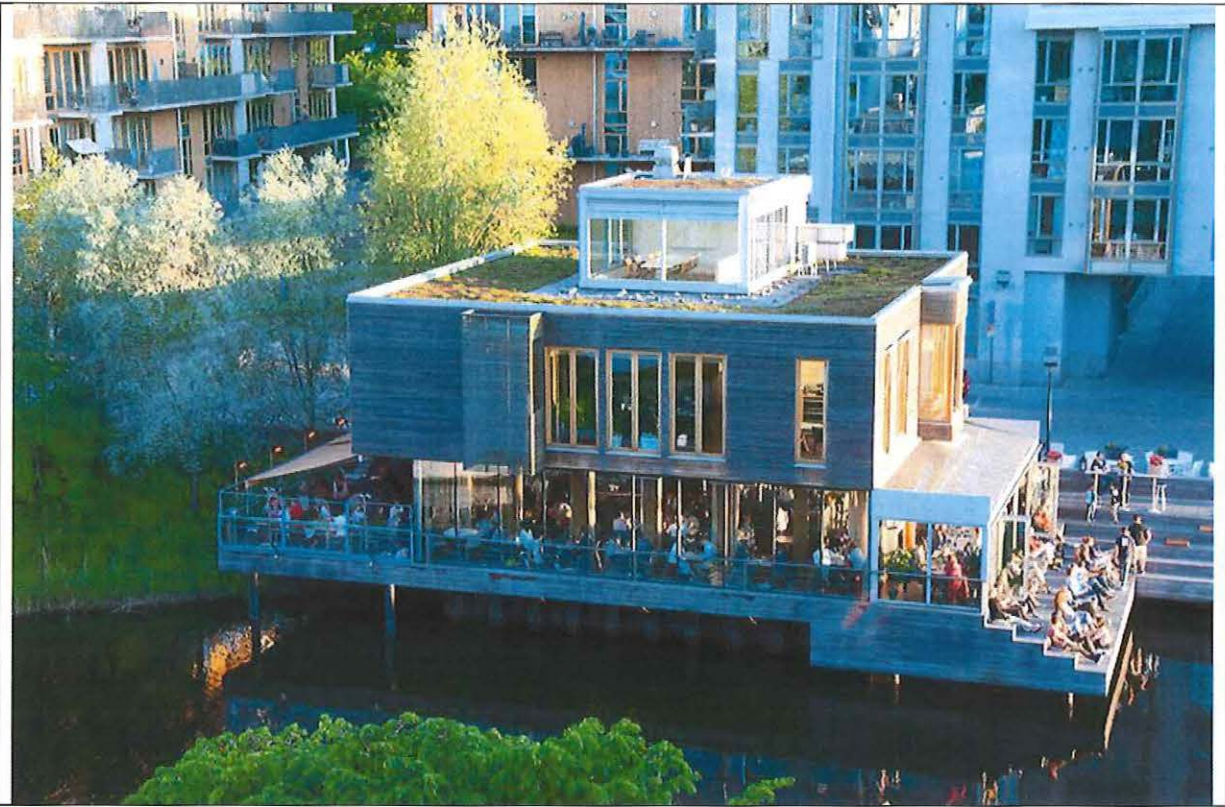


5. Hammarby Sjöstad. Integration of archipelago and wetland margin natural heritage system with built form.

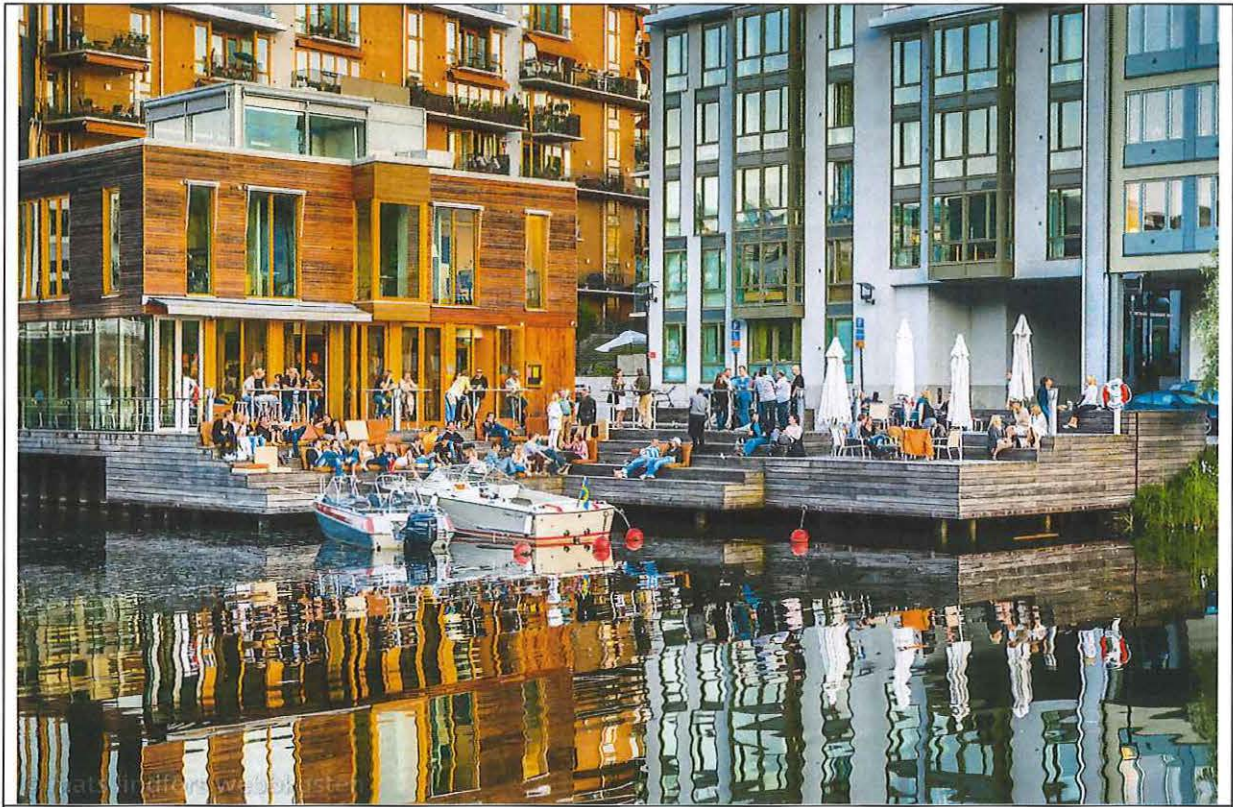


6. Hammarby Sjöstad. Public space meets retail meets natural heritage system at the margin of the development.





7. Hammarby Sjöstad. Restaurant and public commons.



8. Hammarby Sjöstad. Restaurant and public commons.





9. Hammarby Sjöstad. Residents socializing in the public commons.

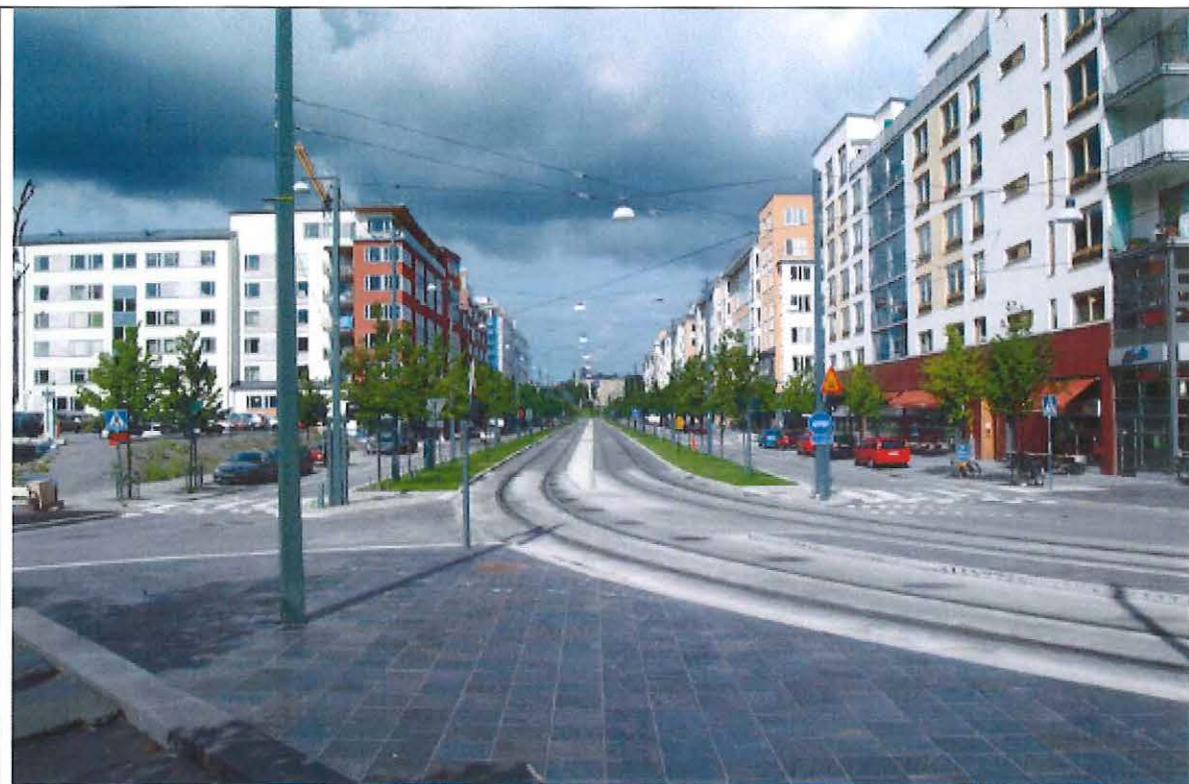


The rendering shows the central square of a prototypical neighborhood for east El Paso, Texas. Through changes in El Paso's zoning regulations, the inclusion of public spaces such as the one shown can again become a feature of new neighborhoods.

Credit: Dover,  
Kohl & Partners.

10. El Paso, TX. Rendering of a central square public commons for a proposed neighborhood design.





11. Hammarby Sjöstad. Complete street.



12. Hammarby Sjöstad. Complete street 2.





13. Vancouver, BC. Segregated bike lanes, pedestrian-friendly sidewalks.



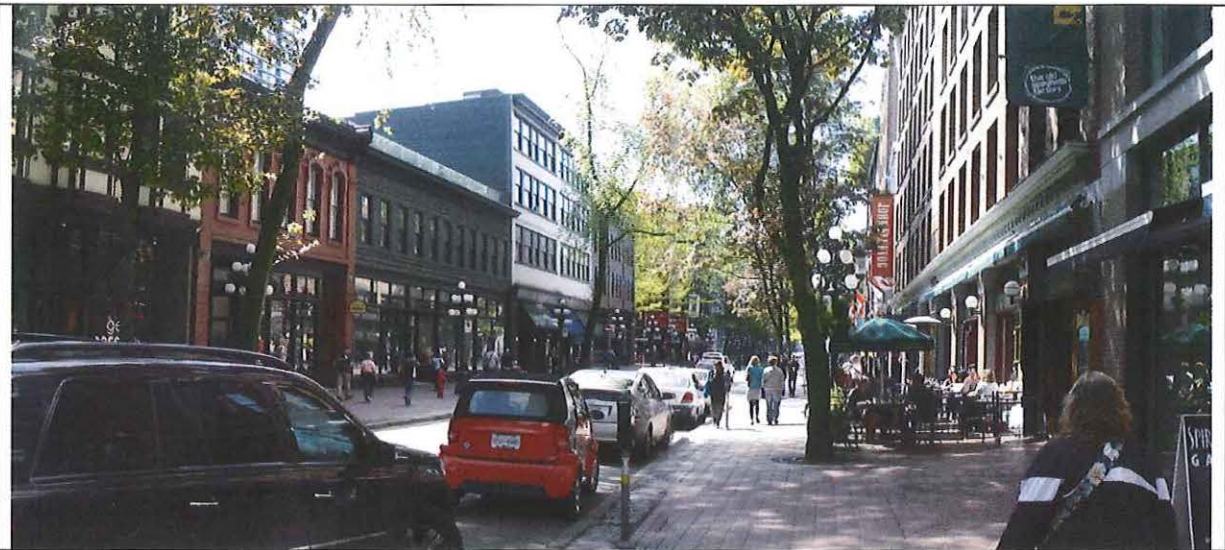


14. Orenco Station. Human-scale streetscape with pedestrian-friendly sidewalks and crossings.

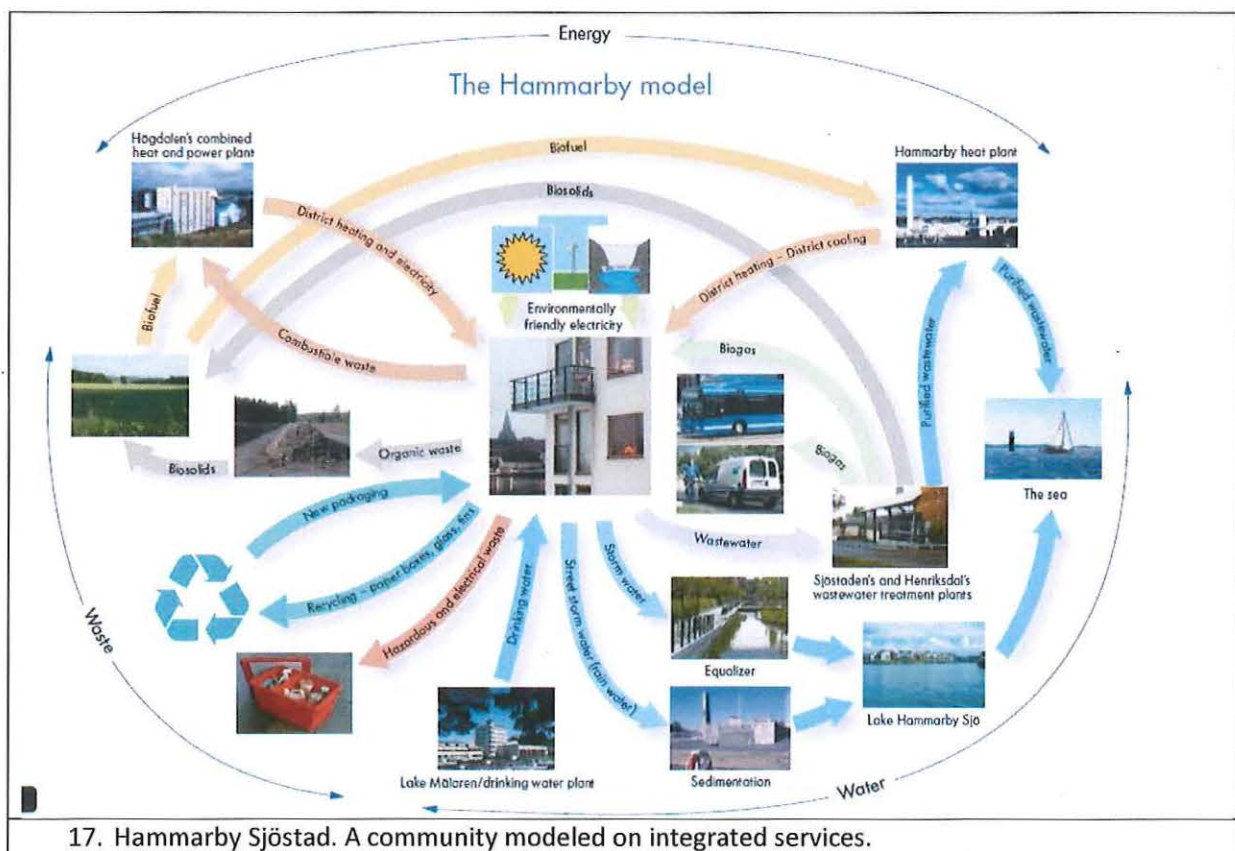


15. Vancouver, BC. Pedestrian laneway in residential neighborhood.





16. Vancouver, BC. Pedestrian-friendly sidewalk and human-scale construction along Water St.

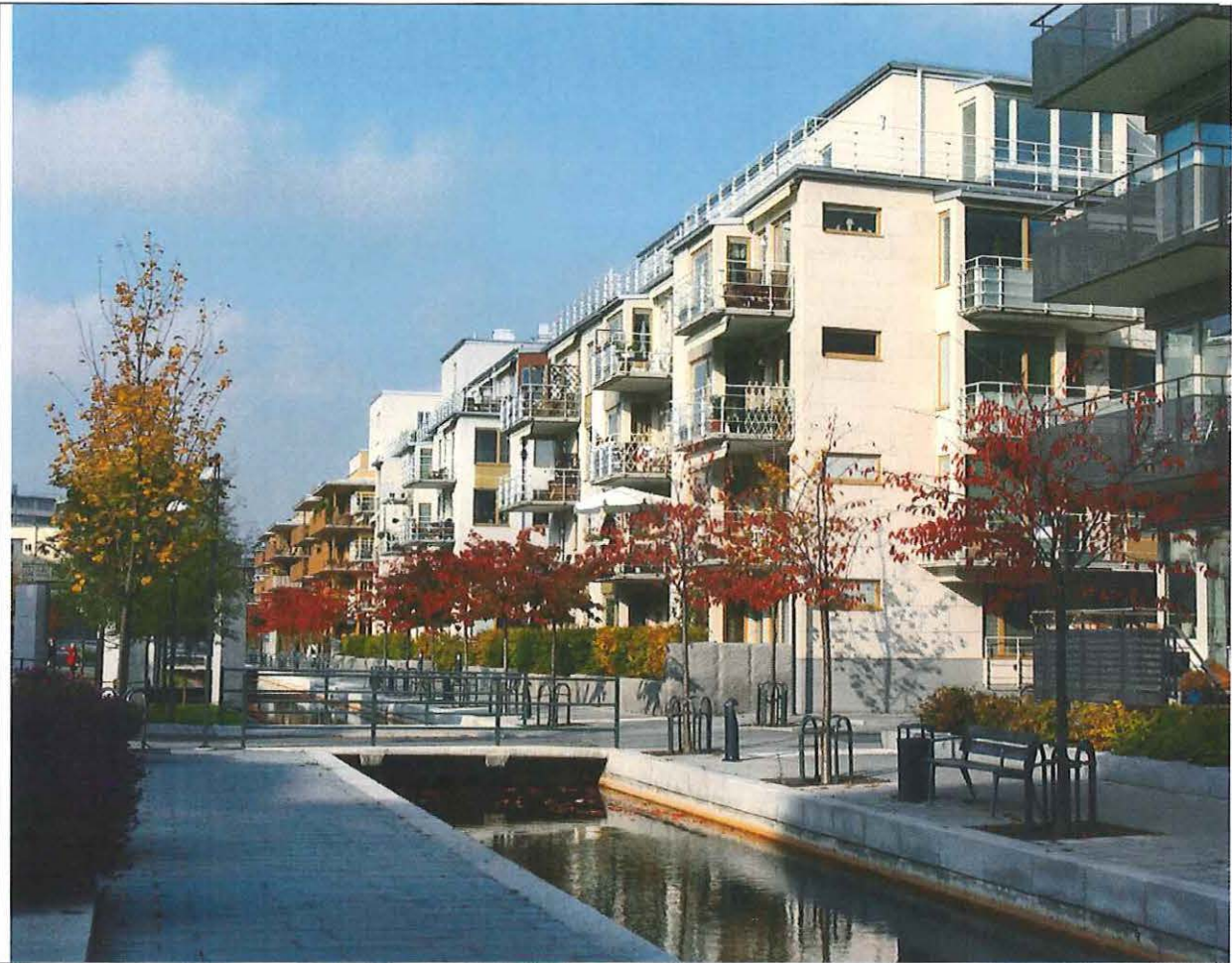


17. Hammarby Sjöstad. A community modeled on integrated services.



18. Hammarby Sjöstad. Bioswale integrated to natural landscape and walkways.





19. Hammarby Sjöstad. Public commons with integrated stormwater and wastewater management, green spaces and cultural objects.

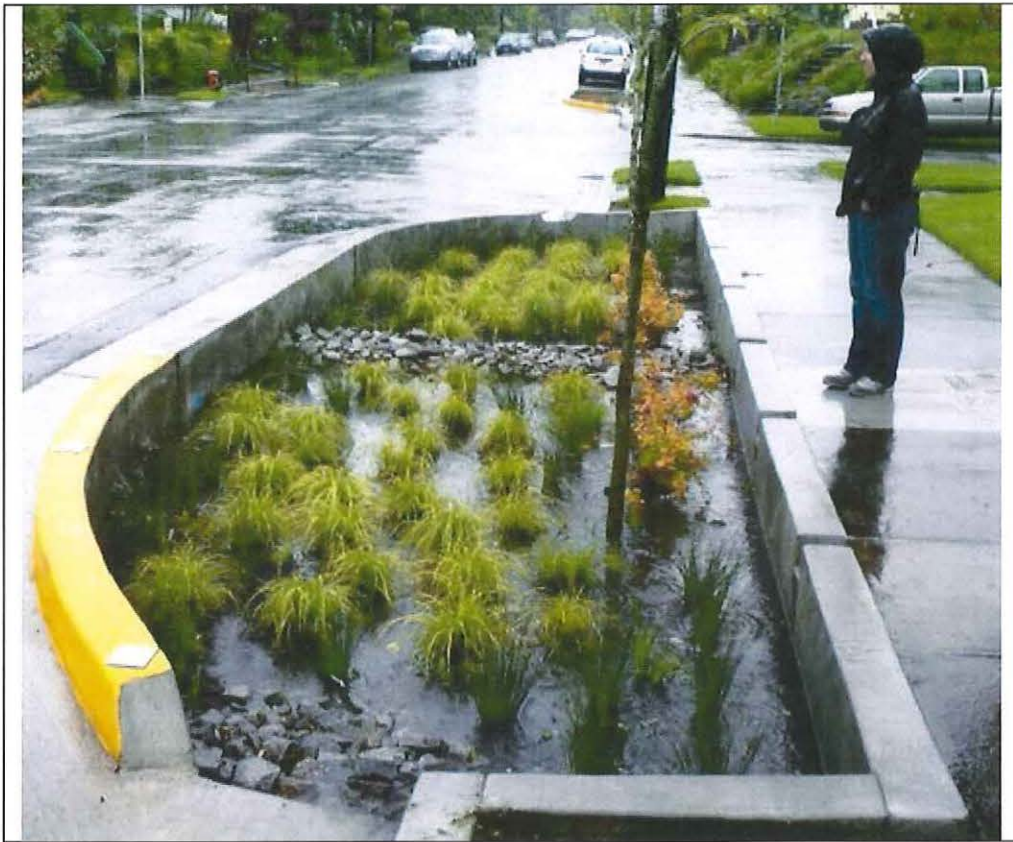


20. Portland, OR. Bioswale integrated between roadway and sidewalk.



21. Portland, OR. Bioswale integrated between roadway and sidewalk.





22. Portland, OR. Bioswale integrated between roadway and sidewalk.



23. Hammarby Sjöstad. Developer concept for multi-story (typically 6) residential buildings with integrated public commons.





24. Hammarby Sjöstad. Public commons in central courtyard incorporating community garden, ground level patios, benches and waste handling.



25. Hammarby Sjöstad. Typical view from balcony.





26. Hammarby Sjöstad. Covered bicycle storage with vegetated roof and permeable ground cover for managing stormwater.



27. Southeast False Creek. Interior courtyard with public gardens and play space.





28. Southeast False Creek. Community garden in public commons.

**Sustainability & LEED Neighbourhood Checklist - New Developments**  
**City of Burlington**  
**Sustainable Development Committee**

**Project Name:** Evergreen

**Address:** 5421, 5453 and 5463 Dundas St. and 3232 Tremaine Rd

**Project Type:** Mixed Use Development

**Objective:**

This checklist will assist the Sustainable Development Committee in reviewing new development and/or major reconstruction projects which should meet LEED Sustainable Neighborhood standards. Reviews can be focused on specific sections of a project or overall neighborhood compliance.

**Topics:**

| Smart Location and Linkages   | Neighbourhood Pattern and Design   | Green Infrastructure and Buildings   |
|---|--|--|
| <ul style="list-style-type: none"><li>• Location</li><li>• Ecosystems and Open Spaces</li><li>• Contaminated Sites</li><li>• Transit-Accessible Locations</li><li>• Cycling Facilities</li><li>• Jobs and Housing Proximity</li></ul> | <ul style="list-style-type: none"><li>• Walkable Streets</li><li>• Compact Development</li><li>• Neighbourhood Connections</li><li>• Mixed Uses</li><li>• Affordable and Diverse Housing</li><li>• Parking and Transportation Demand</li><li>• Parks and Recreation</li><li>• Universal Design</li><li>• Community Participation</li><li>• Local Food</li><li>• School Access and Design</li></ul> | <ul style="list-style-type: none"><li>• Construction Techniques</li><li>• Energy Efficiency and Conservation</li><li>• Energy Production and Distribution</li><li>• Water Efficiency and Conservation</li><li>• Storm water and Wastewater</li><li>• Green Building Process</li><li>• Historic and Existing Building Reuse</li><li>• Recycling and Reuse</li><li>• Light Pollution</li></ul> |

**Official Plan / Existing By-Law Exception:**

If any exception to the current Official Plan or existing By-Law is required, please note the current state and the requested future state details.

| Current Official Plan/<br>By- Law | Requested Exception | What is the difference? | Impact(s) |
|-----------------------------------|---------------------|-------------------------|-----------|
|                                   |                     |                         |           |

**Checklist:**

| Topic                                    | Criteria   | Yes | No | Maybe/NA | Solution(s) | Comment(s)  |
|--|--|-----|----|----------|-------------|---|
| <b>SMART LOCATION AND LINKAGES (SLL)</b> |  |     |    |          |             |   |
| <b>Location</b>                          | <i>Develops on a site that is infill, connected to adjacent development or served by transit or neighborhood amenities</i> |     | ✓  |          |             | Located on lands that have been designated for future growth or development, but have not yet been developed. The current landscape is largely agricultural in nature, consisting of farm fields and hedgerows. |
|  | <i>Develops on a site that is connected to an existing street network</i>  | ✓   |    |          |             | Includes an internal grid oriented network of streets connecting to the existing major arterial roads of Tremaine and Dundas.   |

|                            |  |   |   |   |  |
|----------------------------|--|---|---|---|--|
| Ecosystems and Open Spaces | <i>Develops on a site that is located in an economically distressed area which also provides affordable housing</i>                | ✓ |   |   | Will affordable housing be provided on the site.   |
|                            | <i>Develops on a site that is highly accessible and connected to other nearby development</i>                                      | ✓ |   |   | The site does not provide cycling or walking accessibility from the outside to the inside of the development.                        |
|                            | <i>Conserves any on-site imperiled &amp; endangered species and habitat</i>  | ✓ |   | <i>Develop and action a habit conservation plan</i>                         | Channel development to urban areas with existing infrastructure, protecting greenfields and preserving habitat and natural resources |
|                            | <i>Does not build near or on wetlands or water bodies and leaves buffers of undeveloped land around them of at least 30 metres</i> | ✓ |   | <i>Develop a long-term management plan to protect habitat and woodlands</i> | The major wetlands will be incorporated. Buffers of 30m will be created.   |
|                            | <i>Protects prime agricultural land</i>  |   | ✓ |   |  |
|                            | <i>Prevents most building on floodplains and high water table areas</i>  | ✓ |   | <i>Comply with Ontario Building Code section 9.13.3</i>                     |  |
|                            | <i>Conserves pre-existing on-site habitat, wetlands or water bodies in perpetuity</i>  | ✓ |   |   |  |
|                            | <i>Restores degraded on-site habitat, wetlands or water bodies and conserve in perpetuity</i>                                      | ✓ |   |   | Section 2.2 of the PPS directs planning authorities to protect, improve or restore the quality and quantity of                       |

|                                   |  |   |  |   |
|-----------------------------------|--|---|--|---|
|                                   |  |   |  | surface and groundwater water resources through watershed and land use planning   |
|                                   | <i>Implements a long term, well-funded management plan for on-site habitat, wetlands or water bodies</i>         | ✓ |  | Develop a long-term management plan to protect habitat and woodlands  |
|                                   | <i>Protects steep slopes from development</i>  | ✓ |  | Steep slopes that could potentially represent slope hazards are only found in the Bronte Creek valley lands outside the Subject Property. By providing buffer zones of 30m we are protecting the development from steep slopes. |
| <b>Contaminated Sites</b>         | <i>Remediates a contaminated site and redevelops</i>   | ✓ |  | Refer to Phase 1 ESA.   |
| <b>Transit Oriented Locations</b> | <i>Develops in an area that is well-served by transit (within 400 metres) or has a low average driving range</i> | ✓ |  | <i>Incorporate transit shelters</i><br>Burlington Transit provides service west of the site and Oakville Transit provides service east of the site. The   |

nearest Burlington route extends as far east as Sutton Drive (1.3 km away). The nearest Oakville route extends as far west as Colonel William Parkway (1.1 km away). The transit service currently is not available for the Tremaine-Dundas Secondary Plan Area.

| <b>Cycling Facilities</b>                      | <i>Located along a bicycle network and provide bicycle storage and facility</i>               |     | ✓  |          | <i>Build bicycle storage and facility</i>  | Include bicycle racks and shelters for high density residential and employment. Cycling lanes are needed on Dundas. |
|--|---|-----|----|----------|--|---|
| <b>Jobs and Housing Proximity</b>              | <i>Locates jobs and housing, particularly affordable housing, nearby each other</i>           |     | ✓  |          | This needs to be addressed in the proposal | Increasing density can lower cost of housing.   |
| Topic  | Criteria  | Yes | No | Maybe/NA | Solution(s)                                | Comments  |
| <b>Neighbourhood Pattern Development (NPD)</b> |   |     |    |          |  |   |
| <b>Walkable Streets</b>                        | <i>Includes public-facing building entries, building height appropriate to street widths,</i> |     | ✓  |          | <i>Human scale architecture to</i>         | Applicable for high density housing and   |



|                            |  |   |   |  |
|----------------------------|--|---|---|--|
|                            | <i>continuous sidewalks and limited garage entries</i>   |   | <i>promote site interaction e.g. A minimum 'building-height ratio of 1 to 3 (1 ft. of height for 3 ft. of width along 30% of street length or garage doors no more than 20% of street length)</i> | <i>employment.</i>   |
|                            | <i>Improves the pedestrian experience at the street level by providing: frequent building entries, ground level windows, on-street parking, elevated ground to floor units, low street speeds and/or minimal driveway interruptions of sidewalks</i> | ✓ | <i>Human scale architecture to promote site interaction</i>   | <i>Should be part of the design for the employment land and the high density housing.</i>  |
|                            | <i>Lines and shades sidewalks with non-invasive trees for 60% of street length</i>   | ✓ | <i>Plant trees every 15 metres from tree trunk centre</i>   | <i>Trees should be different non-invasive species.</i>   |
| <b>Compact Development</b> | <i>Meets minimum density threshold</i>   | ✓ | <i>Various with forms of housing types (at least 50 units per hectare for residential and 0.50 floor-area ratio for non-residential. Use the official plan for reference purposes</i>             | <i>Meets density level.</i>  |
|                            | <i>Exceeds increasing density thresholds.</i>  | ✓ | <i>At least 75 dwelling units per ha for residential and 0.75 floor-area for non-residential</i>  | <i>Increase density in the residential area from 900 units to 1200-1500 units to provide more affordable housing and increase green space.</i> |

|                                   |  |   |  |  |  |
|-----------------------------------|--|---|--|--|--|
| Neighborhood Connections          | Connects neighbourhood streets to each other and adjacent areas  | ✓ |  | Construct pedestrian paths/walkways to create seamless transitions and avoid cul-de-sacs   | Neighborhood streets are connected well within the development but are not connected to adjacent areas.  |
|                                   | Enables walking access within 400 metres to commercial or civic facilities such as restaurants, schools, pharmacies, theatres, parks, libraries or retail (min 7-10 uses)    | ✓ |  |  | Mixed uses should increase and they should be defined in the report. No mention of pharmacies, libraries. Could a recreation center or library be provided?        |
| Affordable and Diverse Housing    | Provides multiple housing type of different sizes & high levels of affordability, and allocate 20% to rental units, and affordability levels                                 | ✓ |  |  | We would like to see a better mix of housing types and affordable housing and rental units.  |
| Parking and Transportation Demand | Minimizes total surface parking area (no more than 20%).<br>Discourage them along building frontages.<br>Provide bicycle, car-share parking and electrical charging stations | ✓ |  | Underground parking; promote & accommodate alternative transit options (Includes shelters, benches, lighting and information displays at transit stops)<br>Build E/V plugin (4-5 plus-in at ground level | Include underground parking to make better use of land and develop more community space, gardens, and parks. Natural space should include more trees and greenery. |
|                                   | Encourages use of environmentally preferable transportation choices with transit passes, shuttles, vehicle sharing and/or unbundled parking pricing                          | ✓ |  |  | Oakville and Burlington should link by bus between Sutton and Colonel Williams Parkway.  |

|                      |  |   |   |  |  |
|----------------------|--|---|---|--|--|
|                      |  |   |   |  | <p>Transit should be placed at the development to encourage sustainable habits even before demand to allow citizens to make healthy decisions from the start and begin their lives at the development in a more sustainable way.</p> <p>City of Burlington and the Town of Oakville, is undertaking an environmental assessment study to consider Bus Rapid Transit along Dundas Street in Burlington and Oakville between Brant Street to Oak Park Boulevard.</p> |
| Parks and Recreation | <i>Enables access (within 400 metres walk distance) to public spaces such as squares, parks, paseos and plaza, and provides squares, parks and plazas within walking distance of resident and commercial tenants</i> | ✓ |   |  | <p>Include more parks and outdoor green space, and public squares for the community to use. This will create more sense of community.</p>  |
|                      | <i>Enables easy access to publicly accessible indoor or outdoor recreational facilities</i>  |   | ✓ |  | <p>Create community recreation space to</p>  |

|                                 |  |   |  |  |
|---------------------------------|--|---|--|--|
| <b>Universal Design</b>         | <i>Designs public spaces and an acceptable amount of dwelling units for all abilities</i>  | ✓ | <i>For residential projects provide universal accessibility for people of diverse abilities in 20% of dwelling units and non-residential projects provide 100% of public rights-of-way for universal accessibility</i> | <p>promote healthy lifestyles.</p> <p>Development of accessible dwellings should be created to allow integration of all members of society with ease. Accessible dwelling could include house structural changes, ramps to commercial businesses and employment. This needs to be addressed in the report.</p> |
| <b>Community Participation</b>  | <i>Bases project designs on community input by providing a forum where public feedback is collected and incorporated into development design</i> | ✓ |  | <p>Open houses were conducted for members of the community to voice their opinions. Neighborhood meeting should be scheduled to discuss proposed Secondary Plan as further details have been developed.</p>  |
| <b>Local Food</b>               | <i>Provides access to gardening space, local produce or a farmer's market</i>  | ✓ | <i>Parcel land for food production use</i>   | Gardening space and a neighborhood community garden should be provided for residents living in medium rise buildings.  |
| <b>School Access and Design</b> | <i>Located within 1 km walking distance to local schools for young children (Elementary/Middle School)</i>                                       | ✓ |  |  |

| Green Infrastructure and Building (GIB)                                 |   |     |    |          |   |  |
|---|---|-----|----|----------|---|--|
| Topic   | Criteria  | Yes | No | Maybe/NA | Solution(s)   | Comments   |
| Construction Techniques   | <i>Implements an erosion and sedimentation control plan for construction</i>  |     |    | ✓        | <i>Develop and implement an erosion and sedimentation plan</i>  | The erosion and sediment control plan was proposed but was not created.  |
|   | <i>Preserves heritage trees and previously undeveloped land</i>   | ✓   |    |          | <i>Preserve an appropriate amount of heritage and non-invasive trees</i>  | Protects surrounding woodland and provides appropriate buffer zones. Provided overall plan of preserving trees and planning new trees but more details are needed. |
| Energy Conservation & Efficiency Conservation and Green House Reduction | <i>Provides superior building energy efficiency by having 90% of building square footage exceed increasing thresholds per ASHRAE 90.1</i> |     | ✓  |          |   |  |
|   | <i>Increases passive and solar access by orienting buildings or dense blocks to maximize north and south facing exposure</i>              |     | ✓  |          |   |  |
| Energy Production and Distribution                                      | <i>Generates 12.5% of renewable energy on-site equal to offset equivalent carbon emissions from fossil fuel sources</i>                   |     | ✓  |          | <i>Utilize space conditioning (heating &amp; cooling); hot water systems; renewable electricity systems (solar, wind)</i> |  |
|   | <i>Provides 80% of building heating and cooling through a shared neighbourhood wide district energy system</i>                            |     | ✓  |          | <i>Put district energy where appropriate</i>  |  |
|   | <i>Provides energy-efficient neighborhood infrastructure such as traffic lights and waste</i>   |     | ✓  |          | <i>Provide LED lights for traffic lights.</i>   |  |

|                                      |  |   |   |  |  |
|--------------------------------------|--|---|---|--|--|
| Bicycle and Green vehicle Facilities | <i>water pumps</i>   |   | ✓ |  |  |
|                                      | <i>Provides bicycle storage, electric/hybrid vehicle charging stations, car charging programs, shuttles and similar services</i> |   | ✓ |  |  |
| Water Efficiency and Conservation    | <i>Meets minimum requirements for building water efficiency</i>  |   | ✓ |  | <i>A minimum of 20% reduction over baseline</i>  |
|                                      | <i>Provides superior building water efficiency</i>   |   | ✓ |  | <i>A minimum of 40% reduction over baseline</i>  |
|                                      | <i>Reduces water consumption for outdoor landscaping</i>   |   | ✓ |  | <i>A minimum of 50% reduction over baseline (e.g. plant water efficient plants for landscape and xcsaping)</i> |
| Storm water and Wastewater           | <i>Retains and treats storm water on-site from 90<sup>th</sup> percentile rainstorm</i>  | ✓ |   |  |  |
|                                      | <i>Reuses 50% of treated wastewater</i>  |   | ✓ |  |  |
| Green Building Process               | <i>Includes multiple buildings certified under LEED or a similar green building rating system</i>                                |   | ✓ |  |  |
| Historic and Existing Building Reuse | <i>Reuses and restores at least 20% of the existing building stock including historic or re-habilitated buildings</i>            | ✓ |   |  |  |
| Heat Islands                         | <i>Uses roofing, shading and paving that reflects instead of absorbs heat</i>  |   | ✓ |  | <i>Utilize solar reflective roofs; shade, open grid pervious paving</i>  |
| Reuse and Recycling                  | <i>Use recycled content in neighborhood public infrastructure</i>  |   | ✓ |  |  |
|                                      | <i>Provides neighborhood composting, recycling, re-use and hazardous waste</i>   |   | ✓ |  |  |

Was not addressed in the proposal

Was not addressed in the proposal

6.6 Stormwater Management Strategy  
Check wastewater guide.

ESA Phase 1

Not addressed in material provided.

Not addressed in material provided.  
Not addressed in material provided.



|                 |  |   |                        |                                     |
|-----------------|--|---|------------------------|-------------------------------------|
|                 | collection (e.g. recycle or salvage 50% of construction waste)               |   |                        |                                     |
| Light Pollution | Limits exterior illumination and directs it downward within the city by-laws | ✓ | Utilize motion sensors | Not addressed in material provided. |

# Turkstra Mazza

Hamilton London Toronto

**Scott Snider**

Professional Corporation

15 Bold Street

Hamilton Ontario Canada L8P 1T3

Direct Line 905 526-6183 ext. 289

Receptionist 905 529 3476 (905 LAW-FIRM)

Facsimile 905 529 3663

[ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca)

Via email [lola.emberson@burlington.ca](mailto:lola.emberson@burlington.ca)

May 9, 2017

City of Burlington  
Planning and Building Department  
**Attn: Lola Emberson, Senior Planner**  
426 Brant Street, PO Box 5013  
Burlington, Ontario  
L7R 3Z6

Dear Ms. Emberson,

**Re: Community Consultation | File: 520-02-63  
Evergreen Community Secondary Plan  
Paletta International Corporation - Bronte Creek Meadows  
Our File No. 13122**

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We are counsel to Penta Properties/Paletta International Corporation ("Paletta") in this matter. Paletta owns a large vacant site north of Mainway, west of Burloak Drive and south of Upper Middle Road known as Bronte Creek Meadows ("BCM").

On February 16, 2016 we wrote to the City of Burlington outlining Paletta's position on planning for the Evergreen Community (Burlington) Ltd. lands ("Evergreen"). A copy of the letter is attached. It was, and remains, our position that if the City is considering designating any portion of the Evergreen lands for residential uses, it is duty bound to put that consideration in the proper context of the City of Burlington as a whole and consider the relative merits of BCM for residential uses.

As part of the public consultation on the Evergreen Community Secondary Plan ("Secondary Plan") we are writing to reiterate these concerns. To date, there has never been an analysis of the relative merits of the Evergreen lands for employment and residential uses versus the BCM lands. It is our view that the BCM lands are inferior employment lands with

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

City of Burlington  
Attn: Ms. L. Emberson  
May 9, 2017

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poor access to and no frontage on a 400 series highway and in a relative backwater from an employment perspective. Furthermore, the BCM lands are ideal residential lands given their proximity to other residential uses, natural areas and schools. Meanwhile, the proposed Secondary Plan for this area includes large areas of residential uses adjacent to the 407. Our client welcomes any fair and independent comparison of the locational attributes of these two sites for employment and residential uses. In our view, the relative merits could not be clearer. Council should require a comprehensive comparative analysis before taking any further steps in respect of this Secondary Plan.

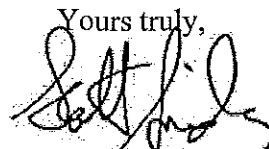
This is not simply a planning exercise. The only purpose behind designating lands for employment purposes is to attract jobs. Council must ask itself: which of these two sites is more likely to attract real employment users? To press forward without a clear answer to that question would not simply be unfair to Paletta - it would do a great disservice to the people of Burlington. Residents of Burlington will not be able to find a job on vacant lands no matter what they are designated.

This Secondary Plan is premature at best and represents piecemeal planning.

We respectfully request to be added to the circulation list to receive copies of all notices with respect to the Secondary Plan. We also ask that all such notices continue to be provided directly to Paletta International Corporation as follows:

**Paletta International Corporation**  
**Attn: Dave Pitblado, Director of Real Estate Development**  
**4480 Paletta Court**  
**Burlington, Ontario L7L 5R2**  
**Email: dpitblado@paletta.ca**

If you have any questions please do not hesitate to contact us.

Yours truly,  
  
Scott Snider

cc: Angelo Paletta  
Dave Pitblado

atss  
13122\227

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TURKSTRA MAZZA ASSOCIATES, LAWYERS



Hamilton London Toronto

## ATTACHMENT

**Scott Snider**  
Professional Corporation  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Direct Line 905 526-6183 ext. 289  
Receptionist 905 529 3476 (905 LAW-FIRM)  
Facsimile 905 529 3663  
[ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca)

Via post & email [mike.greenlee@burlington.ca](mailto:mike.greenlee@burlington.ca)

February 16, 2016

City of Burlington  
Burlington Planning and Building Department  
Attn: Mike Greenlee, Senior Planner  
426 Brant Street  
Burlington, Ontario L7R 3Z6

Dear Mr. Greenlee:

Re: Evergreen Community (Burlington) Ltd. ("Evergreen")  
Official Plan Amendment, Rezoning and Plan of Subdivision  
Applications for 5421, 5453 and 5463 Dundas Street  
and 3232 Tremaine Road  
City File Nos. 505-06/15, 520-09/15 & 510-03/15  
Paletta International Corporation  
Our File No. 13122

As you are aware, we are counsel to Paletta International Corporation ("Paletta") in this matter. Paletta has substantial land holdings throughout the City of Burlington, including a site north of Mainway, west of Burloak Drive and south of Upper Middle Road known as Bronte Creek Meadows ("BCM"). BCM has a long history which is known to many councillors and staff.

In 2011, we made submissions to the Community Development Committee with respect to the proposed Tremaine and Dundas Secondary Plan Study for the Evergreen lands. In our submissions at the CDC meeting, and in subsequent correspondence dated September 23, 2011, we highlighted Paletta's concerns with any isolated consideration of residential uses for the Evergreen lands. We made the point in 2011, and reiterate it now, that if the City is considering designating any portion of the Evergreen lands for residential uses, it is duty bound to put that consideration in the proper context of the City as a whole and certainly to consider the relative merits of BCM for residential uses. This is necessary not only because it is good and sensible planning to evaluate all of the City's options when considering the designation of new residential lands, but also based on commitments made by the City to the Ontario Municipal Board in the context of the BCM hearing back in 2004.

**Background:**

Paletta purchased BCM in 1998/1999. Just as Evergreen is doing now, Paletta made applications for an official plan amendment, rezoning and plan of subdivision for residential uses on the BCM site. These applications were opposed by the City Council at the time for a variety of reasons, with the principle focus of the City being that BCM was required for employment uses over the planning period to the year 2021. Appeals were filed with the Ontario Municipal Board and a hearing was conducted in 2004. Ultimately, the Board refused to approve Paletta's applications.

In considering this outcome, it is absolutely essential to understand the Board's findings and the fundamental basis for its decision to refuse the applications. The Board found that BCM was suitable for either residential or employment uses. The Board noted as follows:

"The developable portions of Bronte Creek Meadows present no constraints to residential development. The site is well serviced by arterial roads and can be integrated into the City's public transit system.

Bronte Creek Meadows is within the City's urban boundary and contains woodlots, valley lands and stream corridors that would provide amenities for residential uses.

Bronte Creek Meadows would be well served with retail uses. A large-scale shopping centre is located at the northwest corner of Upper Middle Road and Appleby Line.

To the north of Bronte Creek Meadows is a residential community of Orchard. Approximately 75% of the lots within Orchard are registered.

To the west is the Sheldon Creek Valley that is a well-treed, incised valley feature. West of that Valley is the Sheldon Creek residential neighbourhood that is planned for semi-detached, street townhouses and low-rise apartments.

East of Burloak Drive is the Bronte Creek Provincial Park, which contains amenities and activities suitable for residential development." (at pp. 3-4)

The Board preferred the evidence tendered by Paletta on the environmental issues, transportation issues and fiscal impact issues finding that none of those matters presented any impediment to the designation of BCM for residential uses.

As you might expect, there was substantial evidence presented dealing with residential and employment land needs. **Significantly, in every employment land needs study conducted by the City, the Region and Paletta, the Evergreen lands were included as part of the City's employment lands inventory.** While the Evergreen lands were designated, as they are today, "Land Use Designation to be Determined", the lands were consistently and repeatedly included

as part of the City's employment land inventory without objection from anyone. This was understandable as the lands abut Hwy 407 and are immediately across the street from Town of Oakville employment lands.

Relying on the evidence of the City and the Region, the Board concluded as follows:

"The Board further finds that the Bronte Creek Meadows lands are required for employment uses and are not required for residential uses over the period to 2021."  
(at p. 40)

Given the size of the Evergreen lands, this conclusion would obviously apply equally to the Evergreen lands which, as noted, were consistently included as part of the City's employment land inventory as presented to the Board.

Needless to say, the employment and residential forecasts were hotly contested at the hearing. It is now 2016 and there are only five years remaining in the 2021 planning period. With respect, the ongoing lack of interest in Bronte Creek Meadows for employment purposes and the extremely constrained supply of residential lands in the City strongly suggests that the Board should have preferred Paletta's evidence on those issues.

Be that as it may, it is clear from the Board's decision that it was also strongly influenced by two other factors; namely, a concern that BCM had not been properly marketed for employment purposes and assurances given by the City that the designation of BCM would be reviewed in the future. On the first issue, the Board made a number of comments:

"The Board agrees with the Region's submission that from 1998, the lands were effectively taken off the market for employment land uses, save and accept for the efforts by the City and Paletta to secure a semi-conductor manufacturer on the lands. In November of 1998, the then owner, Richview Investments Limited, filed an official plan amendment application for a residential designation.

Paletta did not list the lands with any commercial brokers nor was the property signed. The message to the market place that these lands were going to be developed for residential land uses..." (at p. 6)

"Paletta moved quickly after it acquired all of the Bronte Creek Meadows lands to seek a re-designation of the site to residential, which the Board takes no issue with, provided that the proposal does not prejudice the public interest and provided it constitutes good land use planning." (at p. 38)

"The Board furthermore does not accept the implication that the City is attempting a land banking exercise by opposing the re-designation of the subject site. Permitting a site to remain idle is contrary to one of the goals of the PPS of promoting the cost effective use of land and infrastructure. The Bronte Creek



Meadows site has up until now, never been considered by the City as a residential site and the Board is of the view that properly marketed, has a reasonable opportunity of attracting employment opportunities..." (p. 39)

In terms of the City's assurances that the designation of BCM would be reconsidered in the future, the Board reiterated the evidence of the City's principal planner, Mr. Lehman, as follows:

"Mr. Lehman could see no reason for the City to the risk of running out of employment land and losing the opportunity to foster its economic base. He saw no need to re-designate Bronte Creek Meadows at this time, advising the Board that the issue should be revisited in 5 years time." (at p. 18)

Most significantly, the concluding paragraph of the Board's decision was as follows:

"The Board is satisfied the City has put forward a bona fide and a reasonable position that the continued designation of the Bronte Creek Meadows lands for a use other than residential is a valid and appropriate one. The City has assured Paletta that it intends to review the designation of the subject site from time to time, in the context of a wider review of all of the other lands within its boundaries. The Board heard no evidence or suggestion that the City will not do so, when it considers it to be in the public interest." (at p. 40, emphasis added)

Simply put – this has never occurred. These assurances provided by the City to the Board need to be fulfilled. Since the City is now considering residential uses on a large portion of the Evergreen lands that were consistently included within the City's employment land inventory as presented to the Board, now is the time to also consider residential uses for BCM as part of a "wider review".

Paletta is simply asking that the City fulfill its commitment to the Board and to Paletta – a commitment that requires, at a minimum, an evaluation of the competing merits of the Evergreen lands with the BCM lands for residential and employment purposes. In our view, there is simply no doubt that the BCM site is substantially inferior for employment uses and exceptional for residential uses. We invite staff and the City to test these assertions. We do not view this as a controversial suggestion in the slightest. To the contrary, surely it is in the public interest for the City to identify the best lands for residential uses and, contrastingly the best lands for employment uses among the options available to the City. This is one of the functions of good land use planning. Our client welcomes any fair comparison and evaluation of its lands versus other options for residential or employment uses in the City.

We simply cannot imagine that the City would consider designating new residential lands without ensuring that it was making the highest and best use of the limited land resources available to the City within its urban area for both residential and employment uses.

**Subsequent Events:**

In 2009, the City and Paletta entered into comprehensive Minutes of Settlement dealing with a variety of outstanding land use planning issues. This included Bronte Creek Meadows. One of the fundamental objectives of the Minutes in respect of BCM was to address the concern identified initially by the City and the Region, and accepted by the Board, that the lands had not been adequately marketed for employment purposes. In good faith, assuming the City would fulfill the assurances it made to the Board about reconsidering the BCM designation in due course Paletta agreed to withdraw its appeals of OPA 55 and Zoning Bylaw 2020.205 in respect of a portion of BCM now known as the "Burloak Employment Estates". This is the portion of BCM which immediately abuts Burloak Drive and was considered to have the best potential for employment uses. Paletta also agreed to actively market the Burloak Employment Estates in cooperation with the Burlington Economic Corporation for a period of at least five years.

Paletta has fulfilled its obligations fully. It has actively marketed Burloak Employment Estates for employment uses. It has cooperated fully with the BEDC to advance the development of the lands. Unfortunately, despite years of effort, there has been very little interest of any kind and no sales. The lands sit vacant and underutilized. Quite frankly, this is not surprising because the lands have no access to rail, no visibility to 400 series highways and relatively poor access to 400 series highways. The marketing of the Burloak Employment Estates has continued well beyond the requirements of the Minutes of Settlement, to no avail.

**Conclusion:**

Paletta has fully complied with its agreement to market the Burloak Employment Estates. It has been almost 12 years since the Board's decision which raised the concern about the lack of marketing of the site and the site remains vacant. It is long past time for the City to fulfill its assurances made to Paletta and the Board that it will review the designation of BCM in the context of a wider review of other lands. It would be fundamentally inconsistent with those assurances to proceed designating new residential lands on lands consistently included within the City's employment land inventory without at the same time also considering the options for BCM.

Our client fundamentally objects to any initiative to designate any portion of the Evergreen lands for residential uses unless it is done so in the context of a wider review which includes BCM. The Evergreen lands have no higher claim to residential status than any other lands in the City simply because they are designated "Land Use to be Determined." The City should apply the most appropriate designations in the context of its other options in the City.

We respectfully request to be added to the circulation list to receive copies of all notices and any Notices of Decision with respect to these applications. We also ask that all such notices be provided directly to Paletta International Corporation as follows:

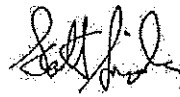
City of Burlington  
Attn: Mr. M. Greenlee  
February 16, 2016

Page 6

**Paletta International Corporation**  
**Attn: Dave Pitblado, Director of Real Estate Development**  
**4480 Paletta Court**  
**Burlington, Ontario L7L 5R2**  
**(email [dpitblado@paletta.ca](mailto:dpitblado@paletta.ca))**

We would be happy to meet with Staff to discuss these issues at your convenience.

Yours truly,



Scott Snider

SSnd  
13122\215  
Cc: Angelo Paletta  
Dave Pitblado  
Peter Walker



**Emberson, Lola**

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**From:** [REDACTED]  
**Sent:** Thursday, May 04, 2017 1:53 PM  
**To:** Emberson, Lola  
**Subject:** Evergreen Plan

As a Realtor in Burlington, I see first hand that there is an extreme shortage of housing in the GTA resulting in huge price increases. Desperate buyers from Toronto must come further out of the city core to find low rise homes for less than \$1MM.

As much as the Ontario government wants to see intensification of residences the dream remains to have a detached house with a yard. Next in demand are semi-detached and then freehold townhouses with the emphasis on a passion for ownership for the dirt around their house. High rise condos have their place but it is having even a small piece of land to call their own.

Any further zoning and/or plans for additional housing is desperately needed.

Best regards,  
Kathryn Nestor  
Right At Home Realty Inc.

**Emberson, Lola**

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**From:** [REDACTED]  
**Sent:** Monday, May 08, 2017 12:31 PM  
**To:** Emberson, Lola  
**Subject:** Dundas and Tremaine

Hello,

I feel that there is a need for more residential development in Burlington. This parcel is ideally located near the new hospital and highway access and would provide housing for hospital employees and commuters

Regards

[REDACTED]

[REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**Sent:** Monday, May 01, 2017 11:39 AM  
**To:** Emberson, Lola  
**Subject:** Evergreen Community Secondary Plan

Lola, regarding the Evergreen secondary plan, we need more single family residents in Burlington. The market is overpriced because there is not enough inventory available. More single family homes are desperately needed.

Regards, Gail

***Gail Fabiani***

*Sales Representative*



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