



SUBJECT: Tremaine Dundas Draft Secondary Plan

TO: Committee of the Whole

FROM: Planning and Building Department

Report Number: PB-52-17

Wards Affected: 6

File Numbers: 520-02-63

Date to Committee: June 26, 2017

Date to Council: July 10, 2017

Recommendation:

Receive and file the Draft Tremaine Dundas Secondary Plan for the lands bound by Bronte Creek, Highway 407, Tremaine Road and Dundas Street, attached as Appendix A to planning and building department report PB-52-17; and

Direct the Director of Planning and Building Services to complete the Secondary Plan in alignment with the Draft Land Use Concept included in Appendix A for these lands and bring the revised document and Official Plan amendment to Council in the fourth quarter of 2017.

Purpose:

The report relates to the following objectives of the City of Burlington Strategic Plan:

A City that Grows

- Promoting Economic Growth
 - 1.1 d) Employment lands are connected to the community and region and through transportation links and options that are easy to access and contribute to a sustainable, walkable and bikeable community.
- Focused Population Growth
 - 1.3 a) Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

A City that Moves

- Increased Transportation Flows and Connectivity

- 2.1 c) Complete Streets vision is put in place through a co-ordinated plan, which will include on-road and off-road bike lanes, sidewalks, multi-use paths and trails and a public transit system that are all well-connected throughout the city.
- 2.1 g) Walkability has guided the development of new/transitioning neighbourhoods and the downtown so that people rely less on automobiles.

A Healthy and Greener City

- Healthy Lifestyles
 - 3.1 a) Every resident of Burlington lives within a 15 to 20-minute walk from parks or green spaces
 - 3.1 b) Parks and green spaces are multi-dimensional. Residents and visitors will be able to use them in a number of ways.
- Environmental and Energy Leadership
 - 3.2 a) The city has a healthy, natural heritage system that is protected, well connected, conserved and enhanced and forms a fundamental component of the city's urban and rural areas.

An Engaging City

- Good Governance
 - The city actively encourages and welcomes collaboration with residents and stakeholders in the decision-making process.

Executive Summary:

In November 2012, Council directed staff “to prepare a Secondary Plan for the Evergreen Community based on Concept A or Concept B or a “hybrid” of the two concepts in principle, and providing land use policies that can achieve between 816 and 980 jobs. Both concepts A and B were mixed use in nature with varying areas and locations for employment, mixed use and residential uses.

The purpose of this report is to provide preliminary draft Secondary Plan land use concept and policies, attached as Appendix A, in an effort to keep Council informed and continue to move the process forward. The draft land use concept plan is a hybrid of Concepts A and B that is the result of collaboration with Halton Region, Conservation Halton, Town of Oakville and the primary landowner in addressing technical issues and challenges associated with the various concepts. There are still items that have not been finalized at this time and as a result it is anticipated that there will be refinements and modifications to both the draft policies and the draft land use concept.

Background and Discussion:

Chronology

On September 26, 2011, Council received the Tremaine Dundas Secondary Plan Background and Options report and supported a mixed-use development concept for these lands. Council directed staff to prepare a Secondary Plan and “incorporate environmentally sustainable neighbourhood development and building policies as criteria for approval of residential subdivision, site plan and employment lands” within the area.

In November 2012, Council directed staff “to prepare a Secondary Plan for the Evergreen Community based on Concept A or Concept B or a “hybrid” of the two concepts in principle, and providing land use policies that can achieve between 816 and 980 jobs, according to the concept ultimately determined and supported by an assessment of the issues outlined in report PB-82-12, including the comments from consultation with departments, agencies and the public”.

On April 29, 2013, Council approved Planning report PB-31-13 recommending that the Tremaine Dundas Secondary Plan be deferred until the resolution of the OMB hearing for Regional Official Plan Amendment (ROPA) 38.

On December 16, 2015, City Council instructed the Director of Planning and Building to reactivate and complete the secondary plan for the Evergreen community with a target of Q2 2016. At this time, Evergreen Community (Burlington) Limited submitted planning applications for an Official Plan Amendment, Zoning By-law Amendment and plan of subdivision (File No's: 505-06/15, 520-09/15 and 510-03/15). The applications were deemed complete and were circulated to technical and external agencies and the public for comment. Although, the applications are deemed complete, staff cannot bring a recommendation forward until the Tremaine Dundas Secondary Plan is approved establishing the land uses on these lands. The secondary plan will provide the basis for review, analysis and recommendation on the applications.

The OMB ROPA 38 decision was issued by the Ontario Municipal Board on April 6, 2016 and is attached as Appendix B to this report.

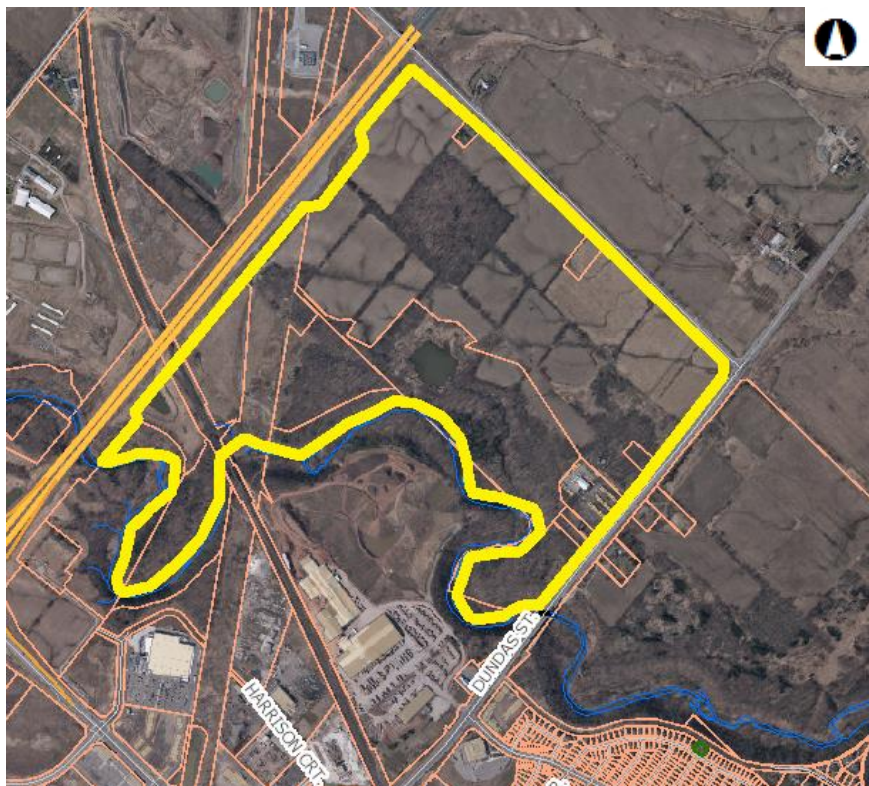
In May 2016, with the resolution of the appeal, the secondary plan process resumed with meetings of the Technical Team that included City planning, engineering, parks and transportation staff as well as Halton Region and Conservation Authority staff.

Site Location and Surrounding Uses

The Tremaine Dundas Secondary Plan Area is bounded on the north-west by Highway

407, on the south-east by Dundas Street, on the south by Bronte Creek valley and on the easterly boundary by Tremaine Road which is the municipal boundary between the City of Burlington and Town of Oakville, as illustrated on Figure 1: Location Map.

Of the 150 hectares that comprise the Tremaine Dundas Secondary Plan area, approximately 67 hectares of that land are owned by one developer, Evergreen



Community (Burlington) Limited, with the remainder of the lands being comprised of an existing school bus terminal with frontage on Dundas Street, two single detached residences (one with frontage on Tremaine Road, one with frontage on Dundas Street), the future potential Highway 407 Transitway, a functional hydro corridor, a CN Railway line, as well as the extensive Bronte Creek valleylands that provide the natural heritage “backbone” for the area.

Discussion

The Council direction in 2012 was for staff to prepare a Secondary Plan for the Evergreen Community based on Concept A or Concept B or a “hybrid” of the two concepts in principle with the final concept being determined and supported by an assessment of the issues outlined in report PB-82-12, including the comments from consultation with departments, agencies and the public.

The key matters identified in PB-82-12 with implications on moving forward included the need for a defined and detailed land use concept plan identifying the natural heritage system, land use compatibility and the timing of secondary planning process with respect to Ontario Municipal Board appeals. Other issues that need to be addressed through the Secondary Plan process are outlined below.

There are outstanding issues that at this time have yet to be finalized, such as approval of the Tremaine Dundas Secondary Plan Sub-watershed Study Update, Transportation

Impact Study Update and review and approval of Urban Design Guidelines. As such, the draft Secondary Plan policies and concepts are presented for information purposes only at this time. It is anticipated that these items will be resolved in the coming weeks and that final policies and land use schedules will be brought forward in Q4 of 2017.

Natural Heritage System

The Tremaine Dundas Secondary Plan area is located adjacent to the Bronte Creek valleylands identified as Greenbelt Natural Heritage System with two significant woodlands identified as Regional Natural Heritage System. A site specific appeal was launched by Evergreen Community (Burlington) Limited to Regional Official Plan Amendment No. 38 with respect to the Regional Natural Heritage System.

In April 2016, an Ontario Municipal Board decision outlined that there was agreement between Evergreen Community (Burlington) Limited and the Region of Halton that Key Feature boundaries for the Natural Heritage System could be confirmed in the field through feature limit confirmation (staking). It was also agreed that it was appropriate to map linkages and enhancements to the Key Features with the proviso that the extent and limits of the linkages could be refined through planning process at a later stage.

The only item where agreement could not be reached was with respect to buffers and enhancements. The Board decision outlined that buffers are integral to the systems based approach of assessing and mapping the Natural Heritage System, which had been achieved through ROPA 38. The decision stated that the 30 metre buffer for significant woodlands and 15 metre buffer for wetlands and watercourses reflected the flexibility provided for in Section 116.1 of ROPA 38 which has been applied consistently by the Region. Section 116.1 reads:

“The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

- a) a Sub-watershed Study accepted by the Region and undertaken in the context of an Area-Specific Plan;*
- b) an individual Environmental Impact Assessment accepted by the Region, as required by this Plan; or*
- c) similar studies based on terms of reference accepted by the Region.*

Once approved through an approval process under the Planning Act, these refinements are in effect on the date of such approval. The Region will maintain mapping showing such refinements and incorporate them as part of the Region’s statutory review of its Official Plan.”

The draft Secondary Plan concept mapping reflects the key feature limits as staked by the Region and Conservation Halton in June 2016 and identifies the 30 metre buffer

around the woodlands and the 15 metre buffer around the wetland features of the Region's Natural Heritage System in accordance with the OMB decision.

Staff anticipate the Natural Heritage System will be refined (both mapping and associated policies) when the Updated Tremaine Dundas Secondary Plan Sub-watershed Study, April 2016 has been reviewed and accepted by the Region and Conservation Halton. These refinements may include additions, deletion and/or boundary adjustments which may affect the conceptual land uses proposed. Staff expects to continue to work with the Region and Conservation Halton, once their review of the Sub-watershed Study is complete and detailed comments are received, to identify any necessary refinements to both the secondary plan mapping and policies.

It is noted that further refinements may also occur on a more detailed level through the an accepted Environmental Implementation Report that will be submitted as part of updated development applications for draft plan of subdivision and zoning by-law amendment.

This fall, the final Secondary Plan policies will be brought forward with an implementing Official Plan amendment that will ensure the protection and enhancement of the significant Natural Heritage System features within the secondary plan area in line with Provincial, Regional and City policies.

Land Use Compatibility

The draft Tremaine Dundas Secondary Plan proposes a hybrid concept that includes employment, commercial and residential land uses. The Plan designates the area along Tremaine Road as business corridor and mixed-use employment and the area along Dundas Street as mixed-use general. Residential – medium density uses are proposed for the internal area of the overall developable lands. This hybrid concept helps to address concerns raised by the Region and Town of Oakville as outlined in report PB-82-12 with respect to land use compatibility.

The Ministry of the Environment and Climate Change (MOECC) has established a series of guidelines to aid in evaluation of proposals for land use changes with respect to compatibility between potentially incompatible land uses. Of relevance is the Ministry's D-6 Guideline which deals with compatibility between industrial facilities and sensitive land uses primarily regarding noise, vibration, dust and odour.

These guidelines apply to existing development and to lands designated for certain land uses, such as the employment district within the North Oakville West Community Secondary Plan. As a result, separation distances from the designated land on the Oakville side of Tremaine Road would apply.

There are three classes of industrial facilities set out in the guidelines being Class I to Class III, with Class III being a heavy industrial use with the greatest potential for noise,

vibration, odours and/or dust emissions. The minimum separation distances and areas of influence are identified below.

Industrial Class	Separation Distance (metres)	Area of Influence (metres)
Class 1	20	70
Class 2	70	300
Class 3	300	1000

Figure 2 - MOECC D-6 Guidelines

The lands to the east of the Tremaine Dundas Secondary Plan area are designated for Employment uses in both the Region's and the Town's of Oakville Official Plans which are meant to protect and establish employment generating uses. The North Oakville West of Sixteen Mile Creek Secondary Plan (NOWSP) provides for a full range of prestige employment opportunities and service-related employment uses, such as industrial, office and service commercial employment. These uses are to be zoned in a separate zone in the implementing Zoning By-law.

The NOWSP policies stipulate that light industrial uses east of Tremaine Road will provide a range and scale of uses designed to reflect a visible location on and exposure to highway corridors and major roads. As such, it is anticipated that these Class 1 employment uses will provide a minimum buffer of at least 80 to 120 metres between Tremaine Road and any potential Class II industrial uses located in Oakville. These Class I uses may include lighter industrial uses within enclosed buildings, business and professional offices and medical clinics, research and development, call centres, public uses including schools, sports and recreational uses, service establishments and commercial uses. Class II uses are permitted within the central area of the NOWSP area not fronting on the Highway 407 or arterial roads. These uses may include: general industrial operations within enclosed buildings including manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution, and wholesaling; outside storage, and outside operations incidental to industrial operations; transportation terminal, works yard and outside storage yard or a waste processing or transfer station subject to a zoning by-law amendment. Any proposed Class III use is not anticipated as the use would require a site specific zoning by-law amendment and would have to meet Town's By-law 2010-035 with respect to major emissions and air quality.

The Tremaine Road right-of-way will provide an additional 35 metre separation between development on the Evergreen lands and potential heavier industrial uses within Oakville, The draft Tremaine Dundas Secondary Plan Business Corridor incorporates an additional 70-90 metre buffer and an approximate 19-20 metre local collector road

between the Business Corridor and Residential uses resulting in a total separation of 204 to 265 metres.

As such, the hybrid land use concept in the draft Tremaine Dundas Secondary Plan is proposing new “sensitive” land uses beyond the Class II separation distance of 70 metres but within the 300 metre area of influence of future industrial uses in Oakville. It is uncertain whether this proposed separation distance will be sufficient or what impacts could be anticipated within the area of influence as development within Oakville has not occurred. Typically, negative impacts within an area of influence can be mitigated, however, there is a possibility that potential industrial uses within Oakville may need to provide additional noise, air quality and odour mitigation at source. It is noted that currently there is an existing residential use located on Tremaine Road that will require any future Class 1 use within the secondary plan Business Corridor or Class I or Class II employment use located in Oakville to consider as part of their approval process.

Over the past several months, the technical team has worked to address concerns raised with regards to land use compatibility from both a noise and air quality perspective which has resulted in the draft land use concept. The draft Secondary Plan includes policies that require the submission of an air quality, noise and vibration study for proposed development applications including sensitive uses within 70 metres of an employment designation or where there is a proposed increase in height. This study will identify potential issues and prescribe appropriate mitigation measures, such as building setbacks, orientation, landscaping, etc. to ensure no negative impacts.

The Burlington Official Plan also speaks to the use of the Ministry’s guidelines and separation distances as a means for ensuring land use compatibility. Section 2.7.3 n) states:

“Exposure of residential and other land uses sensitive to vibration, noise, dust, odours or other effects caused by transportation or industrial facilities, and likewise, the encroachment of sensitive land uses on these facilities, shall be minimized through the use of separation distances, the placement of non-sensitive land uses as buffers, and/or other means. Provincial guidelines should be referred to for direction in land use planning decisions.”

The draft Secondary Plan land use concept minimizes land use compatibility concerns through separation distances, non-sensitive land uses as buffers and mitigation measures that may be recommended in air quality, noise and vibration studies submitted as part of the development application process.

Distribution of Population and Employment (Best Planning Estimates)

The Region of Halton Official Plan distributes population and employment across the Region with anticipated population and employment numbers and intensification and density targets for each local municipality. The Best Planning Estimates are a planning

tool used to identify where and when development is expected to take place across the Region. This was done using specific “traffic zones” within each municipality to determine the approximate population and jobs in each zone. The draft Tremaine Dundas Secondary Plan area is identified as Zone 399 which was assigned 374 residential units and 814 jobs by 2031, reflecting a mixed use development of both residential and employment uses.

The upcoming Regional Official Plan and Municipal Comprehensive Review will be the opportunity for the Region of Halton to redistribute population and employment across the Region to 2041, which will also have to accommodate the recent revisions to the Places to Grow – Growth Plan for the Greater Golden Horseshoe that increased minimum density targets for designated greenfield lands from 50 to 80 people and jobs per hectare. Until such time as this work is complete, the Region will only support the approval of 400 residential units within the first phase of development in keeping with their Best Planning Estimates. The draft Secondary Plan provides for phasing policies with respect to residential units that require Regional approval prior to the commencement of any residential development beyond the 400 units.

The inclusion of Employment uses within the draft Tremaine Dundas Secondary Plan envisions a broad range of office or light industrial uses compatible with the uses permitted in the North Oakville West Secondary Plan and the proposed residential uses in other parts of the Tremaine Dundas Secondary Plan area.

Based on the direction of the draft Official Plan, it is recommended that a large proportion of employment uses not be dedicated to office uses because the draft Official Plan envisions prioritizing office uses within the Downtown, Mobility Hubs and several other key corridors, such as the QEW corridor. Additional uses can also be considered for development within the Business Corridor such as automotive, recreational and institutional facilities.

Sustainability

The draft Tremaine Dundas Secondary Plan provides policy direction that encourages sustainable development. These policies provide for a variety and range of opportunities for the incorporation of sustainable design features. Policies encourage built forms to be designed to promote energy efficiency and water conservation as well use of low impact development (LID) stormwater management methods within road right-of-way and on private property.

Staff appreciates the use of the LID's as a best management practice in creating a green community and as an environmentally friendly approach to development. The Secondary Plan area has clay soils and a high water table which is not conducive to infiltration and will not allow for the sole use of LID in replacing conventional stormwater management facilities. As such, policies have been incorporated into the draft

Secondary Plan that provide for use of other LID features such as reduced lot grades, increased topsoil depths, roof drainage control or storage, infiltration galleries, porous pavements, rain gardens and grassed swales, infiltration measures to improve groundwater recharge including infiltration basins and trenches and rain barrels located on private property. It is noted that these features can be implemented through Site Plan Control for properties located within the Business Corridor and Mixed-Use designations; however, there is no mechanism to prevent private homeowners from removing LIDs on residential properties. Alternatively, there may be opportunities to incorporate features within the public realm in areas such as City right-of-ways or parkland where they can be enforced and maintained.

City staff are open to consideration of a hybrid approach where the conventional stormwater management approach may be augmented with an LID strategy within the public realm for quality controls and potentially quantity controls that may reduce the ultimate size of the stormwater management ponds. This approach would be subject to approval of a stormwater management plan by Conservation Halton, Region and City.

Other green design elements shall be incorporated into the design of the Tremaine Dundas Secondary Plan area in order to reduce long-term energy costs, decrease environmental impacts, increase the environmental character and public realm. Certain green elements are more appropriate in specific uses and building forms and are outlined in the policies. Some of these features include but are not limited to green or “cool” (high albedo) roofs, high albedo hardscaping, permeable paving, on-site storage facilities to retain stormwater on-site via underground cisterns and/or storage ponds for irrigation and process water purposes, bio-retention areas and grassed swales to maintain pre-development hydrology and enhance stormwater quality, LEED or other Green Building Standards such as Energy Star and R-2000 Certification for residential uses.

Transportation

The draft Tremaine Dundas Secondary Plan does not identify a road or trail network or cross-sections because the update to the Transportation Impact Study has not been completed at this time. As such, the draft policies are broad to provide for refinement and future flexibility so that alternative designs can be considered upon review and approval of the Transportation Impact Study by the Region and City.

The final Secondary Plan will include proposed local collector roads and trail networks. It will also include conceptual cross-sections that reflect the elements that must be incorporated into any right-of-way, such as pavement width, cycling and pedestrian accommodation, utilities, bioswales and future transit stop provision if required.

Once the updated Transportation Impact Study is reviewed and approved, these networks will be added to the Secondary Plan schedules and any additional policies will be incorporated into the final Secondary Plan.

Parks

The City's Parks and Recreation Cultural Master Plan stipulates that residents should be within a walkable distance of 0.8 km to a neighbourhood park. As such, the draft Secondary Plan contains policies with respect to the provision for and dedication of parkland for future development within the Secondary Plan.

Strategy/process

The preliminary draft Tremaine and Dundas Secondary Plan, attached as Appendix A, is being brought before Council in an effort to keep Council informed of the direction and process of the Tremaine Dundas Secondary Plan.

Options considered

The Tremaine Dundas Secondary Plan will amend the existing Official Plan. However, the development of policies has also considered the direction and policies within the new Draft Official Plan to ensure that the overall direction and vision are consistent in both documents.

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Connections:

City staff would like to acknowledge the participation of Urban Strategies Inc. in the preparation of the draft Secondary Plan policies and Urban Design Guidelines for the Tremaine Dundas Secondary Plan. These draft policies and guidelines form the basis for the draft Secondary Plan policies presented to Council which have been amended and expanded by staff to incorporate all interests.

Once the Secondary Plan Official Plan amendment is adopted by Council, it will be referred to the Region for approval with a request that the Tremaine Dundas Secondary Plan be included in the New Official Plan as part of its' approval.

Public Engagement Matters:

Prior to the drafting of report PB-82-12, the public was consulted in a variety of ways that included notification sent to owners and tenants within 300 metres of the Secondary Plan area, Public Information Centres (afternoon and evening sessions), a Neighbourhood Meeting/Design Workshop and the City website. This information helped form the basis of the recommendation in report PB-82-12.

Since the drafting of report PB-82-12, notification of the Tremaine Dundas Secondary Plan has been sent to owners and tenants within 300 metres of the Secondary Plan area, applicable agencies and City departments providing background on the process and an up-date as to where we are in the process. The notification included a draft land use concept and an overview and description of each of the proposed land uses.

Planning staff received written comments in support of the proposed Secondary Plan concept and one written submission expressed concerns with the proposal which are attached as Appendix C.

A summary of the issues raised and staff's consideration of these comments is provided below.

Burlington Sustainable Development Committee

Concern: Development reflects typical suburban planning as opposed to urban planning. The plan should be reconsidered in the current planning context allowing for more residential/commercial units on the property ideally approximately 1,200 to 1,500 units.

Response: The Secondary Plan identifies residential uses within the Residential and Mixed-use General designations. The Secondary Plan includes policies for Phasing which allow for 400 units within the first phase of development based on comments received from the Region based on their Best Planning Estimates. The mixed use component originally considered for the Secondary Plan area along Tremaine Road was replaced with the Business Corridor designation to address compatibility concerns with industrial uses designated in the Town of Oakville. Upon submission of a future

draft plan of subdivision application, a planning analysis and review will be completed to determine the the total number of residential units that should be accomodated on Phase Two of the site.

Paletta International Corporation

Concern: That residential uses are being proposed without consideration of Bronte Creek Meadows lands.

Response: The Bronte Creek Meadow lands are not located within the Secondary Plan area and as such potential land uses for the Bronte Creek Meadow lands were not evaluated.

Conclusion:

With the resolution of the appeal to the Regional Official Plan amendment 38, the secondary plan process resumed with Technical Team meetings which included City planning, engineering, parks and transportation staff as well as Halton Region and Conservation Authority staff. Considerable progress has been made, which has resulted in the draft Secondary Plan land use concept and policies, attached as Appendix A. The draft policies and land use concept will provide the basis for the final Secondary Plan.

There are still outstanding issues that need to be resolved in the coming weeks that will result in an Official Plan amendment, being the final Secondary Plan policies and land use schedules, being brought forward in Q4 of 2017.

Respectfully submitted,

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Senior Planner

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Appendices:

- A. Draft Secondary Plan and Land Use Concept
- B. OMB decision of ROPA 38
- C. Public Consultation

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.