



**SUBJECT: Proposed New Official Plan, November 2017:
Public Release and Statutory Public Meeting**

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-50-17

Wards Affected: All

File Numbers: 505-08

Date to Committee: November 30, 2017

Date to Council: December 11, 2017

Recommendation:

Receive planning and building department report PB-50-17 regarding proposed new official plan (November 2017): public release and statutory public meeting, in conjunction with planning and building department report PB-81-17 regarding proposed downtown mobility hub precinct plan and proposed official plan policies;

Receive the proposed new official plan (November 2017), as Appendix A to planning and building department report PB-50-17;

Receive the proposed sustainable building and development guidelines (November 2017), attached as Appendix B to planning and building department report PB-50-17; and

Direct the Director of planning and building and Council to consider the community feedback received as part of this statutory public meeting, prior to bringing forward a subsequent staff report recommending adoption of the proposed new official plan in January 2018.

Purpose:

The purpose of this report is to:

1. release the proposed new Official Plan (November 2017) for community and Council consideration;
2. highlight the key areas of change between the release of the draft new Official Plan (April 2017) and the proposed new Official Plan (November 2017), including additions, modifications and deletions to policies and schedules based on community feedback.
3. transmit a summary of feedback received from the public, stakeholders, and agencies on the draft new Official Plan, along with staff responses to the feedback;
4. outline next steps to the recommendation for adoption of the proposed new Official Plan.
5. receive the proposed Sustainable Building Development Guidelines (November 2017) with the intention of recommending their approval, subject to the adoption of the new Official Plan in January 2018.

This report aligns with the City's Strategic Plan 2015-2040.

Background and Discussion:

1.0 Proposed New Official Plan

Burlington's new Official Plan (OP) project originally started as an Official Plan Review conducted under Section 26 of the *Planning Act*. On October 31, 2016, Council closed the Official Plan Review process and transitioned the project to a new Official Plan conducted under Section 17 of the *Planning Act*. Rationale for this project transition is detailed in previous staff report PB-84-16. Hereon, the combined process is referred to as the new Official Plan project.

The draft new Official Plan, containing city-wide goals, objectives and policies for guiding land use and development in Burlington to 2031, was released in April 2017 for public comment. Since that time, staff have been considering feedback received in preparing the new proposed Official Plan dated November 2017. This report provides an overview of the key revisions.

Previous reports pertinent to this report

As part of the new Official Plan project, a total of 38 staff reports, and two public policy briefs have been prepared and have served as a basis for the preparation of the proposed new Official Plan. A listing of staff reports related to the new Official Plan project is provided in Appendix C.

2.0 Key Changes between Draft New OP (April 2017) and Proposed New OP (November 2017)

Upon release of the draft new Official Plan in April 2017, staff received considerable feedback from the public, agencies and stakeholders. Staff assessed this feedback, and revised the draft policies and structure of the April version of the draft new Official Plan.

Below is a list of the various Chapters and Schedules of the proposed new Official Plan along with a brief summary of the key changes that occurred within each section. Other minor edits were made throughout the plan to improve clarity and respond to feedback.

Appendix D of PB-50-17 contains a tracked changes version of the proposed new Official Plan to assist in identifying the policy changes that occurred between the versions. This document has been prepared to assist the public in understanding the scope of changes to the revised Official Plan. It does not include notations to describe edits to mapping and there may be errors and omissions in the tracked changes. Please refer to the draft new Official Plan (April 2017) version and the proposed new Official Plan (November 2017) version for a complete record.

Chapter 1: Introduction

This chapter was modified to:

- Include a guide on how to read the plan, highlighting the importance of several key terms, cross-references as well as describing the parts of the Official Plan that should always be read together.
- Include more references to people and the social aspects of the City as well as reinforcing important objectives including climate change, active transportation and transit, urban greenspace and the natural heritage system, and resiliency.

Chapter 2: Sustainable Growth

This chapter was modified to:

- Add language related to ensuring sustainable, resilient and transit supportive development.

- Provide clarity on the components of the Green System depicted within the City System schedule.
- Move the Development Criteria from Chapter 2 to Chapter 12 related to planning process and development applications.
- Make significant modifications to the Growth Framework to:
 - Retain the message within the Growth Framework policies where growth and intensification are planned, and where only limited opportunities for intensification exist.
 - Remove reference to how Official Plan Amendments will be considered in the Growth Framework, rely instead on Official Plan Amendment criteria specific to Secondary and Established Neighbourhood Areas found in Chapter 12.
 - The Official Plan Amendment criteria have been modified to incorporate additional requirements, specific to the Secondary Growth Area and Established Neighbourhood Area. These additional requirements address other city building objectives such as increasing the supply of affordable, rental and/or family-oriented housing. Below is a summary of the changes, comparing the draft versus proposed new OP:

Section of Plan	Draft OP (April 2017)	Proposed OP (November 2017)
Secondary Growth Area	OPA* discouraged	An OPA would be provided guidance through a set of criteria specific to OPA applications, and generally to all development applications (refer to Chapter 2 and 12 of the new OP).
Established Neighbourhood Area	OPA shall not be supported; limited opportunities for intensification are identified.	Intensification is discouraged; limited opportunities for intensification are identified. An OPA would be provided guidance through a set of criteria specific to OPA applications, and generally to all development applications (refer to Chapter 2 and 12 of the new OP). Added text to state that growth within this area, other than the existing permissions and the limited infill opportunities described, is not required to support meeting the City’s growth distributions established by the Region.

*OPA: (Official Plan Amendment)

Chapter 3: Complete Communities

This chapter was modified to:

- Make significant revisions to the housing policies to clarify policy objectives, policies and definitions, and section was reorganized.
- Remove requirement for a city-initiated official plan amendment related to public service facilities or institutional sites, such as closed school and church sites where proponents are seeking additional height, density or land use permissions.
- Clarify that redevelopment of sites containing public service facilities or institutional uses that propose increased height, density or uses would be subject to an official plan amendment, similar to any other property type in the city.
- Simplify the policies related to requirements for considering sensitive Institutional uses within the Area of Employment. Provide the opportunity for institutional uses within the Urban Corridor – Employment Lands designation.
- Remove direction for the establishment of a new zoning category applicable to publicly owned sites containing public service facilities through the comprehensive zoning by-Law review.
- Change wording and organization to clarify intent of policies, in particular those pertaining to use and treatment of cultural heritage resources and application requirements.
- Updated cultural heritage definitions to be consistent with new provincial plans.

Chapter 4: Environment and Sustainability

This chapter was modified to:

- Integrate climate change policies to address greenhouse gas emissions, resiliency, the Community Energy Plan, and local agriculture and food production.
- Clarify the relationship between the Natural Heritage System and Natural Hazards.
- Simplify the process for refining the boundaries of Key Natural Features and for identifying features that have not been adequately evaluated and mapped.
- Establish clear policies respecting: 1) the dedication of lands of natural heritage significance and of hazard lands through the planning process; and (2) collaboration with public agencies and private conservation groups in the voluntary securement of natural heritage lands by means such as donations, purchases and bequests.
- Clarify waterfront policies related to public access and land dedication.

Chapter 5: Economic Activity

This chapter was modified to:

- Acknowledge that innovation districts can be located within a variety of locations, including the Downtown, in addition to other Areas of Employment.
- Reinforce that the city's identified Mobility Hubs will be planned to accommodate employment uses which are compatible with other sensitive land uses and contribute to the development of vibrant, mixed use and transit supportive areas.
- Encourage home occupations and small-scale neighbourhood commercial uses, subject to appropriate considerations.
- Clarify the nature of employment lands designations within the City's Mixed Use Intensification Areas.
- Add a new Strategic Employment Area described as Existing and Emerging Mixed Use Intensification Areas.
- Modified Area of Employment as identified on Schedule B of the Official Plan as described below:
 - 1309 Appleby Line (Parcel No. 16 in City's vacant employment lands supply). The area that was recommended for residential uses was slightly enlarged, to support an appropriate transition to the adjacent neighbourhood and appropriate buffering from the future employment uses to the future residential uses.
 - 1167 Plains Road East (Parcel No. 49 in City's vacant employment lands supply). These lands have been added to Urban Corridor designation located directly south of the subject site, enabling this relatively isolated parcel to consolidate with abutting lands to the south to permit a mixed use/residential development.

Chapter 6: Infrastructure, Transportation and Utilities

This chapter was modified to:

- Moved select infrastructure policies from Chapter 9 to this chapter.
- Remove reference to a hierarchy prioritizing various modes of travel.
- Clarify that decision making to support sustainable transportation measures such as walking, biking and transit should be made according to context.
- Update transportation policies and schedules to include additional information from the Halton Region Official Plan, and added policy that the City will continue to advocate for context sensitive design of roads (Refer to Section 5.0 of this report for more discussion related to this matter).

- Add policies to acknowledge emerging trends in transportation such as autonomous vehicles, integrated mobility solutions and ridesharing.
- Update transit policies and the Frequent Transit Corridors to reflect analysis done to support the Integrated Transit Mobility Plan.
- Simplify Table 1 - Classification of Transportation Facilities, to summarize the general function, land-use and people moving capacity of each street and road type.

Chapter 7: Design Excellence

This chapter was modified to:

- Clarify the role of Council-approved design guidelines in the review of development applications.
- Provide flexibility and communicate design priorities and non-prescriptive guidance.
- Introduce design considerations to be addressed in the planning of new communities and existing community areas, identified in the Growth Framework as Primary and Secondary Growth Areas; Established Neighbourhood Areas and Employment Growth Areas.
- Relocate policies pertaining to the design of accessory drive-throughs from Chapter 8, Section 8.7 to Chapter 7.
- Remove mid-rise and tall building policies and refer to addressing a series of design considerations and the utilization of design guidelines and other tools.
- Incorporate elements of the concept of “Placemaking”, a concept that considers the role of the community-based participation in the designing of public places, neighbourhoods and cities, throughout the Plan.

Chapter 8: Land Use Policies – Urban Area

Key modifications to this chapter are identified within each of the urban structure element below:

Mixed Use Intensification Areas

[Note: The following summary of modifications apply to all Mixed Use Intensification Areas, excluding the Downtown as that area is undergoing an Area-Specific Plan process]

- Increase flexibility for commercial centres to develop single-storey expansions to existing uses, while retaining the vision for increased height and mix of uses through redevelopment of the site.
- Continue to require 2-storey minimums in Urban Corridor and Urban Corridor – Employment Lands, and Uptown Local Corridor designations; in other mixed use

designations, increase flexibility by changing the 2-storey minimum requirements from “shall” to “encourage”.

- Increase flexibility related to maximum floor area restrictions; establish vision in the OP, and enable the Zoning By-law to set floor area maximums.
- Remove commercial unit cap requirements and enable the Zoning By-Law or Area-Specific Plans, where applicable, to set the appropriate commercial unit cap.
- Increase flexibility in requiring a food store to be retained through redevelopment; change requirement from “shall” retain to “should” retain a food store.
- Add policy to require a phasing strategy as a commercial site redevelops to ensure that there is no long term impact to the planned commercial function of the site.
- Add policies to encourage a diverse range of household sizes and incomes.
- Move site and building design direction to revised Chapter 7.

Urban Centres

1) Downtown Urban Centre

- Establish a precinct system of 13 areas.
- Add vision statements and permitted land uses and heights for each of the precincts.
- Introduce a new framework that establishes maximum building heights which are inclusive of any required development conditions, Section 37 community benefits or other requirements (Refer to staff report PB-81-17 for more detailed discussion related to the Downtown policies).

2) Uptown Urban Centre

- Add policy to ensure that future redevelopment of Millcroft Plaza is done comprehensively.
- Modify objectives to clarify that through redevelopment of Uptown that the vision is to create a mix of uses, finer grain road network and open spaces throughout the urban centre.
- Modify policy to restore existing commercial permission to 1830 Ironstone Drive.
- Modify Schedule E to increase area of land available for residential uses at 1309 Appleby Line.

Mixed Use Nodes and Intensification Corridors

- Increase the number of Neighbourhood Centres in the City that can submit a rezoning application for 11-storeys without an official plan amendment; the draft new OP identifies only Neighbourhood Centres south of the QEW to be subject to these policies, whereas the proposed new OP identifies all neighbourhood centres to be subject to these policies.
- Add policy to provide an exception to Secondary Growth Framework policies which generally restrict heights to mid-rise form. The exception acknowledges that the tall building form may be considered in the context of an official plan amendment for sites that have significant constraints, or for large sites located within Neighbourhood Centres such as Roseland and Lakeside Plazas, and select Urban Corridor locations. Further, the exception acknowledges that the tall building form may be considered in the context of an area-specific plan process, for Mixed Use Commercial Centres.
- Increased flexibility of the 1,000 m² minimum floor area requirement for retail uses within Employment Commercial Centre by changing the requirement from “shall” to “should”, if objectives of the designation is maintained.
- Add policy to discourage the re-designation from one Mixed Use Node and Intensification Corridor designation, to another Mixed Use Node and Intensification Corridor designation, protecting for the planned commercial functions throughout the City.

Employment Lands

- Establish a minimum floor area ratio applicable to Business Corridor, acknowledging that modification may occur through Zoning By-Law Amendment or minor variance.
- Modify the criteria for stand alone recreational uses.
- Move retail and service commercial, and recreation uses to the general policies section to simplify the Business Corridor and General Employment designations.
- Relocate design direction to Chapter 7, Design Excellence.

Residential Neighbourhood Areas

- Establish a new objective and associated policy related to the accommodation of a diverse range of household sizes and incomes.
- Within Medium Density Residential new non-ground oriented buildings are permitted only at the periphery of existing neighbourhoods.
- Within High Density Residential modifications related to when the city may consider a zoning by-law amendment to exceed the maximum density of 185 units per net hectare.

- Relocate Day Care policies to within the Residential Neighbourhood Policies.
- Relocate Accessory Dwelling Unit, now referred to as Secondary Dwelling Unit, policies to Specific Use Policies which are applicable to the entire Urban Area.
- Establish a site-specific exception for density for 238 Sumach Drive, in relation to the City's employment conversion processes.
- Policies added to ensure the accommodation of a diverse range of household sizes and incomes.

Specific Use Policies

- Added policies to prohibit drive throughs in Mobility Hubs and clarified Zoning By-law amendment requirements in certain other areas in the city.
- Move design direction to revised Chapter 7.

Chapter 9: Land Use Policies – Rural Area

This chapter was modified to:

Rural Community

- Move the policies regulating lot creation in the Rural Area to Chapter 12.
- Include policies respecting the expansion of existing uses that are not permitted uses in the Rural Area such as golf courses, campgrounds and cemeteries.
- Permit the development of Bruce Trail access points.
- Updated special events policies to strengthen the support for commercial agriculture and permit special events supporting charitable organizations.
- Moved select infrastructure policies from the General Policies to Chapter 6, Infrastructure, Transportation and Utilities.

Agricultural System

- Add policies permitting the severance of surplus farm dwellings subject to criteria in Chapter 12.

Rural Settlement Areas

- Include policies addressing lot creation and the protection of water resources based on the policies in the current Official Plan.
- Add policies from the current Official Plan establishing residential development standards such as minimum lot sizes and setbacks.
- Change Institutional designation to permit small scale accessory retail uses.

Chapter 10: Land Use Policies – North Aldershot Area

This chapter was modified to:

- Add area-specific policies related to lands located west of Waterdown Road, in the vicinity of the Highway 403 interchange to broaden the range of permitted uses, subject to criteria.

Chapter 11: Public Participation and Engagement

This chapter was modified to:

- Refer the reader to the City's Engagement Charter for additional detail.
- Strengthen the connection to the consultation and engagement requirements of other legislation.
- Add policies related to city awareness programs and using community based participation in the planning of the public realm.

Chapter 12: Implementation and Interpretation

This chapter was modified to:

Implementation

- Significantly reorganize the sections to improve the readability and numbering of the policies.
- Add policy stating that the City may, through resolution of Council, consider official plan amendments, within the 2-year freeze, that is afforded to a municipality as a result of recent changes to the *Planning Act*.
- Add several new evaluation criteria for official plan amendments that fall within either the Secondary Growth Area, or the Established Neighbourhood Area, that go beyond standard development criteria, in order to explore broader city-building objectives such as rental, affordable and family-oriented housing.
- Relocate development criteria from 2.5 of the Official Plan to this section.
- Modify the development criteria to refine and add several considerations and to clarify that the criteria are to be administered according to the context of the planning matter under consideration, and in proportion to the complexity and scale of the planning matter being considered
- Revise text to clarify that there can be varying degrees in scope of area-specific plans; some with extensive scope, while others focused on key planning issues, depending on the context.

Interpretation

- Move Growth Framework interpretation policies from Chapter 2 to this section.
- Add further general interpretation guidance to support the reader.

Chapter 13: Definitions

This chapter was modified to:

- Modify the definitions of “Agriculture“, “Complete Community“, “Cultural Heritage Resources“, “Delineated Built Boundary“, “Delineated Built-Up Area“, “Higher Order Transit“, “Municipal Comprehensive Review“, “Major Office“, “Modal Share“, “Multi-Modal“, “Public Realm“, “Significant Wetlands“, “Transit-Supportive Land Use“, to conform to updated Places to Grow definitions.
- Modify the definition of “compatibility” to assist in interpreting the term in the context of the development application review.
- Modify the definition of “Physical Character” to expand the list of elements that defines it.
- Add definitions of “Abutting” and “Farm Consolidation” to support the surplus farm dwelling policies.
- Delete the definition of “Density“, “Low Density Residential“, “Medium Density Residential” and “High Density Residential”.
- Prepare a number of other technical and clarity changes to definitions within the plan.

Schedules to the Official Plan

- Modifications to Schedules, Tables and Appendices were also made to respond to the community feedback. Please refer to Appendix A to review the revised elements of the Plan.

3.0 Staff Responses to Community Feedback

Previously in staff report PB-47-17, staff presented summarized community feedback into the following tables and reports:

1. Table No. 1: Preliminary Staff Responses to Key Issues on New Draft Official Plan
2. Appendix C: Stakeholder Feedback Summary
3. Appendix D: Agency Feedback Summary
4. Appendix E: Public Feedback Summary
5. Grow Bold - *Draft New Official Plan: Public Engagement Data Analysis*

This report, PB-50-17, builds on the tables and appendices noted above to provide staff responses to the issues. Section 3.1 provides staff comments to the key issues that emerged during the community consultation phase, whereas, Appendices E, F and G of this report provide staff comments to the specific issues presented through various submissions during the community consultation phase. Staff responses contained within Appendices E-G do not necessarily represent the totality of staff's views on a particular issue. The staff responses are intended to provide clarity as to whether a change was made as a result of the community comment, and at times, the responses are expanded with brief commentary on why the policy was modified or maintained.

3.1 Staff Responses to Key Issues on the New Draft Official Plan

Table No. 1: Responses to Key Issues on New Draft Official Plan

Issue 1: The Draft OP does not provide sufficient information to demonstrate how the City will achieve objectives.

Staff Comment

As a summary, the proposed new Official Plan has been prepared with the following considerations:

- That the city is currently tracking well against its population growth targets and is expected to exceed the 2031 population forecast, in advance of 2031. Information on how the city is tracking against projected city-wide population growth; population and job density within the Urban Growth Centre and residential intensification within the Built Up Area, can be found in two staff prepared memos dated September 8 and 15 titled *Burlington's Urban Growth Centre Density Analysis* and *City-wide Population and Built-Up Area Residential Unit Growth Analysis*, respectively, which were distributed through Council Information Packages.
- That it is important that the City confirm its urban structure through this project, including which lands to "convert" allowing non-employment uses. This will clarify what parts of the city will change through intensification.
- That the new OP is to conform to the Halton Region Official Plan (Regional Official Plan Amendment No. 38), including the existing population and job target to the planning horizon of 2031, and that it would be premature to specify new growth ahead of the Region's current OP Review and growth allocation process. This means that the City must find the balance in advancing its local vision to 2031 and beyond, while aligning with Regional planning processes.
- That the City will evolve the vision, beyond what is described in the proposed new OP, through the comprehensive area-specific planning projects currently being conducted in the mobility hub areas. This enables the City to be ready to provide a local vision for growth as part of the Region's Official Plan Review, rather than be in

a position to react to a growth allocation. This means that those planning processes need to occur now, but elements of the amendments cannot occur until the conclusion of the Region's OPR. This is because the Region is the approval authority for employment conversions and new population and employment growth distribution.

- The future planning exercises, such as an update to the 2011 Best Planning Estimates, will re-examine future growth estimates across various geographies across the City. The assumptions related to these estimates will differ from Greenfield estimates. Growth through intensification, unlike Greenfield development, is harder to predict and quantify. Intensification occurs broadly across many landowners, each with different interests in retaining existing uses or redeveloping, and generally does not occur with elaborate timed phasing plans associated with Greenfield growth (e.g. phased plans of subdivision).

Issue 2: The structure of the Draft OP is too complicated

Staff Comment

Additional direction has been provided to improve clarity. Chapter 1 now provides direction on how to read the plan, outlining which sections are important to be read together and outlining the general approach to cross-references. Some sections have been moved and reformatted to reduce duplication. Examples of this are sections pertaining to development criteria for development applications, and urban design policies. Some cross-references have been added to assist the reader.

Issue 3: The Growth Framework

Issue 3.1: The Growth Framework is too restrictive in the Established Neighbourhood Area and the Secondary Growth Area.

Staff Comment

Balancing flexibility with prescriptiveness remains an important consideration in the preparation of the new proposed Official Plan. The Growth Framework policies have been modified as outlined in Section 2 of this report to increase flexibility related to development applications. However, the Growth Framework remains firm on the requirement for a transparent public process and rigorous decision making process to ensure that the proposed development meets the tests of the new proposed OP.

Issue 3.2: The Growth Framework is too permissive in the Established Neighbourhood Area.

Staff Comment

As stated above in Issue 3.1.

Issue 4: The Mixed Use Nodes and Intensification Corridors in general and the Neighbourhood Centres in particular, contain policies that are too rigid. This limits the ability to respond to market shifts and trends, and to achieve redevelopment.

Staff Comment

The proposed new OP has added some flexibility with respect to minimum building height requirements in commercial/mixed use areas. Refer to Section 2 of this report for summary of changes in Chapter 8 of the proposed new OP.

Issue 5: Incomplete without the findings of the Area Specific Plans to understand growth allocation and timing.

Staff Comment

In addition to the comments above, it is important to note that Burlington's new OP project process is straddling two significant Regional processes:

- 1) the Region's last OPR, and
- 2) the Region's current OPR, which also serves as a conformity exercise to the provincial plan released during the summer of 2017.

Therefore, Burlington's OP must find the balance to conform to ROPA 38, and to ready itself to influence a local long term vision as part of the current Regional OPR. It is also important to note that there are a number of employment lands that are preliminarily recommended for conversion, which can only occur through a Regional municipal comprehensive review. It would not be possible for the City to have an in force and effect plan with new population and growth targets, in advance of the Region's OPR and growth allocation process.

The City is actively conducting area specific planning, to enable the City to convey a "local" vision for consideration to the Region's OPR and upcoming growth allocation process, rather than be reactive to a population and job allocation that the city has not readied itself for.

Issue 6: Guidance, language and level of prescription
6.1 Language is unclear, inconsistent and requires careful review.
Staff Comment Staff have carefully reviewed the plan for appropriate use of terms and made numerous changes. Chapter 1 outlines the use of terms such as “will” and “shall”, “should”, and “may” to guide interpretation of policies throughout the plan.
6.2 Remove too much detail from the Official Plan
Staff Comment Staff is of the opinion that a fair amount of detail should remain in the Plan in order to guide complex development application processes, and in recognition that the City is intensifying through building up, not out. The document needs not only direction on permitted land uses, heights, and uses, but on processes and criteria for decision making for the coming years. Also, it is important also to note that Burlington is different from many other municipalities. It is comprised of three distinct planning areas, being Urban Area, Rural Area and North Aldershot, and each requiring policies and schedules. Essentially, the new Official Plan serves as three official plans in one document. However, staff have examined opportunities to remove detail and the prescriptive nature of policies from the Design Excellence chapter. This is to clarify and provide direction to address design considerations as part of a development application process and to differentiate OP policy from urban design guidelines.
6.3 Design Policies are overly prescriptive and rigid and could result in unnecessary process.
Staff Comment See comment 6.2 above.
Issue 7: A number of employment land conversions that were not preliminarily recommended for conversion remain a concern for specific sites.
Staff Comment Staff comments related to submissions received on site-specific conversions are provided in Appendix E of the Stakeholder Response table. Those employment land conversions which were preliminarily recommended for conversion were reflected in the draft new Official Plan. Other than the minor refinements to the areas preliminarily recommended for conversion as identified above in the Chapter 5 summary (Economic Activity), staff’s opinion remains as presented in the draft Official plan as supported in staff report PB-30-16.

Staff's recommendations to date on which properties should be converted, and which should remain as employment has involved careful consideration of study findings, policy context, and city building objectives in alignment with the City's Strategic Plan.

Issue 8: Regional Conformity Must be Achieved

Staff Comment

Regional staff commented that there are four main areas of policy where more work was required to achieve conformity with the Halton Region Official Plan: 1) Municipal Comprehensive Review; 2) Natural Heritage System; 3) Housing; 4) Transportation and Transit. All areas have been revised, with the exception of transportation and transit policies, to conform to the Halton Region OP. These changes were made to achieve alignment to the Halton Region OP. Remaining areas of divergence to the Region's OP are outlined in Section 5 of this report.

Issue 9: Environmental Impact Assessment (EIA) requirements for agricultural buildings

Staff Comment

The agricultural community has voiced concerns regarding the Region's requirements for EIAs for agricultural buildings in the Natural Heritage System. The City is obligated to include these requirements in its new Official Plan to conform to the Region's Official Plan. The City will work to have the agricultural community's concerns considered through the Region's upcoming review of the Region's EIA Guidelines and through the Region's Official Plan review. The City implements EIA requirements only through a *Planning Act* application; most agricultural buildings do not require approval through *Planning Act* applications.

Issue 10: Severance of surplus farm dwellings should be permitted

Staff Comment

Halton Region staff are currently preparing a regional plan amendment to the Region of Halton Official Plan enabling local municipalities to adopt Official Plan policies and zoning by-laws permitting the severance of surplus farm dwellings. City staff have been consulted on these draft policies and are supportive. Based on the draft regional amendment, City staff have included similar policies in the City's proposed new Official Plan (see Chapter 12, Subsection 12.1.12 (4.10) c) of the new Plan).

Issue 11: The OP references many external strategies and plans. The OP should omit these items and/or a work plan including budget and timelines should be presented.

Staff Comment

Staff have edited policies to ensure that external strategies and plans referenced in the Official Plan are relevant to the successful implementation of the Official Plan.

Prioritization of the various initiatives referenced in the Official Plan are considered on an annual basis to determine timing, budget and resources.

3.2 Community Feedback and Staff Response Table

As noted above, previous staff report PB-47-17 and related appendices summarized all the public, stakeholder and agency feedback received on the draft new Official Plan (April, 2017) . The tables were released so that the community and Council could be kept apprised of the scope of feedback received.

Staff have now expanded upon the information contained within those tables contained in staff report PB-47-17, and have now provided staff responses in Appendix E: Stakeholder Feedback Summary, Appendix F: Agency Feedback Summary, and Appendix G: Public Feedback Summary, to this report.

The tables are sorted by:

1. Name: This column identifies the member of the public, organization or agency.
2. OP Section: This section identifies to which section of the draft new Official Plan (April 2017) the comment is connected.
3. Community Comment: Provides an extract or a summary of the specific comment received.
4. Staff Response: This column states whether the policy was modified, maintained or deleted, or in some cases, if the comment is beyond the scope of what the OP can address. Additional commentary on the modification was added where appropriate. **Note that the policy sections referred to in this column correspond to the proposed new Official Plan (November 2017).**

Original submissions have been included in the city's public record, and were directly referred to in considering the feedback and in preparing the response.

3.3 Grow Bold Feedback

As part of the release of the draft new Official Plan, staff conducted a Grow Bold engagement and consultation program with the general public. Results of this public engagement program was summarized in a report titled, “*Grow Bold - Draft New Official Plan: Public Engagement Data Analysis*”. The results are summarized below, along with staff commentary on how the desire or concern has been addressed in the proposed new OP, or in other city initiatives.

The community expressed a desire for:

1. More urban greenspace, including trees, landscaping, natural areas and parks

Staff response: The new Official Plan supports urban greenspace through the introduction of natural heritage system policies, urban forestry policies and water resource policies. Also, through the mobility hubs area-specific planning processes, greenspace and community connectivity will be increased, including natural heritage planning. Following the adoption of the new Official Plan, a new Parks Master Plan will be developed, along with updated parkland dedication policies.

2. Improved transit service

Staff response: The new Official Plan introduces the long term Frequent Transit Corridors aligned with growth areas, and other policies to achieve transit supportive development and to support multimodal transportation. The Integrated Transit Mobility Plan (ITMP) and further long range transit infrastructure and service planning is required to support the implementation of these policies.

3. Intensification focused in specific areas ready for intensification and protect neighbourhoods

Staff response: The Official Plan introduces a Growth Framework that targets growth to specific areas, and in particular the Primary Growth Areas that include the Downtown, Uptown and Mobility Hubs. Area Specific Planning is underway for the Mobility Hubs to provide further direction on these areas.

4. Pedestrian friendly and vibrant/interesting streets

Staff response: The Official Plan includes improved transportation and design policies to achieve pedestrian friendly and vibrant streets. This direction will be further supported by the mobility hub area-specific plans, Transportation Plan, a Complete Streets Strategy and streetscape design guidelines.

5. Different and affordable housing options

Staff response: The Official Plan includes improved affordable housing policies, to be implemented in conjunction with the Region of Halton, and addresses affordability by providing for a wide range of housing choices.

6. Protecting the existing character of the City

Staff response: The Official Plan includes improved physical character and compatibility policies to both protect and enhance the character of the city, including established neighbourhood areas.

7. Having a variety of amenities, recreation choices, jobs and shops.

Staff response: Primary and Secondary Growth Areas are being planned as mixed use areas with a range of amenities in accordance with their underlying land use designations. The Official Plan also contains policies to support economic activity and employment lands, and policies to support public service facilities, such as schools, parks and community centres, and institutional uses.

8. Safe cycling infrastructure

Staff response: The Official Plan contains improved cycling policies that will be supported and implemented through an updated Cycling Master Plan that is currently underway.

9. Beautiful buildings and public space

Staff response: The Official Plan includes a chapter on Design Excellence, addressing public space, urban design and built form and sustainable design. The city will also implement a number of initiatives to support urban design, including an urban design panel, various new and updated design guidelines, and a design awards program.

The community expressed a concern about:

1. Traffic congestion

Staff response: See staff response nos. 2, 4 and 8 above.

2. Tall buildings that would block sunlight/views to the lake, with a preference for midrise buildings

Staff response: The Downtown Precinct Plan includes the objective of maintaining view corridors to the lake. The proposed Growth Framework identifies Primary Growth Areas such as Mobility Hubs as the predominant location for tall buildings. The city will use urban design guidelines to ensure these matters are considered as part of development application review.

3. Loss of community

Staff response: Staff acknowledge that intensification brings change. The Official Plan contains policies that recognize existing neighbourhoods, as well as future neighbourhoods that will contribute to sense of community to new residents and employees in the city. The city also administers a number of Community Support Programs such as Love My Hood to foster community building.

4. On-road cycling lanes

Staff response: See staff response to no. 8 above.

5. Availability of parking

Staff response: The city is currently conducting a Parking Study. Findings have been released for public consultation. A City-initiated zoning by-law amendment will be brought to Committee/Council in early 2018. The parking study is the right tool to address this issue.

In addition to the desires and concerns of the community, feedback was also received about the Rural Area. There was strong support for the continued protection of Burlington's rural area and a desire to see this area remain the same over time. The key matters that residents value about the rural area are:

- Hiking and conservation areas;
- Nature;
- Local farms and local food; and
- Unique landscapes like Mount Nemo.

Staff response: The Official Plan confirms a firm urban boundary and includes policies to protect and strengthen the rural community, including the Natural Heritage System and Agriculture System, cultural heritage landscape policies for Mount Nemo, policies addressing mineral aggregate and infrastructure development, and policies to support recreation like the Bruce Trail.

Previous staff report PB-83-16 which recommended policy directions on rural, natural heritage and sustainability policy, identified a number of potential initiatives to support agriculture and the rural community that can occur beyond the scope of the New Official Plan. These initiatives range from the development of a new rural Community Improvement Plan, to working with the Region to address the agricultural community's

concerns with EIA requirements. They involve:

- Developing and implementing City projects and programs, such as a rural Community Improvement Plan;
- Advocating for improvements to Provincial and Regional plans, policies and programs to better address local goals and local circumstances;
- Participating in the Region's OP review and in updating the Region's EIA guidelines which are under review; and,
- Supporting the Region in implementing Halton's Rural Agricultural Strategy.

4.0 Sustainable Building and Development Guidelines

The proposed Sustainable Building and Development Guidelines (November 2017) are included in Appendix B of the subject report. The Sustainable Design policies in Section 7.4 of the proposed new Official Plan enable the implementation of the Guidelines.

The Sustainable Building and Development Guidelines implement direction from the Strategic Plan 2015-2040. Please refer to staff report [PB-83-16](#) for background and policy direction related to the Sustainable Design Policies in the new Official Plan and the Sustainable Building and Development Guidelines.

The Guidelines serve as a supportive tool in evaluating development applications, and identify which of the Guidelines are required and which are voluntary. The required Guidelines are in alignment with existing City by-law regulations or standards. The voluntary Guidelines provide an opportunity for the proponent of a development application to advance the sustainability of the development, and in so doing, be recognized through the City's awards program for commitment to progressive measures.

Public engagement and consultation was undertaken on the draft Sustainable Building and Development Guidelines in conjunction with consultation on the draft new Official Plan.

Minor revisions were made to respond to verbal feedback received from the Hamilton-Halton Homebuilders Association and feedback received from the Sustainable Development Committee. This includes revisions to clarify wording in the Guidelines, to better align the guidelines with existing third party standards such as LEED and to other provincial requirements, and to identify additional resource and reference documents.

Staff will recommend adoption of the Sustainable Building and Development Guidelines (November 2017), in a future staff report, subject to the adoption of the new proposed Official Plan.

5.0 Alignment with Provincial and Region Planning Context

The new proposed Official Plan has been prepared to have regard for matters of provincial interest outlined in the *Planning Act* and to be consistent with requirements of the Provincial Policy Statement.

While the new Official Plan project was not conducted as a conformity exercise to the updated provincial plans that were released in July 2017, the new Plan has been reviewed to identify any potential areas of conflict with the new provincial plans. Conformity to the new Provincial Plans will occur following the Region's current Official Plan Review and will serve as the basis for the City's future Official Plan Review.

Initial consultation with the Region and Provincial staff, identified one area of conflict which relates to the draft new Official Plan's definition of Municipal Comprehensive Review (MCR).

As a result of the recent update to Places to Grow: Growth Plan for the Greater Golden Horseshoe (July 2017), now only single and upper-tier municipalities may conduct a Municipal Comprehensive Review (MCR). A MCR is a process that commonly runs concurrent to an official plan review, and is the process that is required to consider significant urban structure matters such as urban boundary expansions, and employment conversions. As a result of these changes, staff modified the definition of MCR to conform to the provincial policy as this would be considered an area of conflict with the updated Places to Grow.

Region of Halton Official Plan

Subject to Burlington Council adoption of the new proposed Official Plan, the City will submit the Plan to the Region of Halton for review, potential modifications where required, and approval. The proposed new Official Plan has been prepared to conform to the Halton Region Official Plan; however, there is one area of divergence related to transportation and transit policies, and is discussed below.

Transportation planning

The proposed new Official Plan contains policies and schedules that translate the City's local vision for transportation and transit planning. The Region in its comments on the new draft Official Plan identified areas of concern related to identification of jurisdiction on transportation schedules to the OP, and related to alignment issues between the Regional Transit Mobility Strategy and Burlington's local transit strategy.

While staff modified policies in the areas outlined above, staff withheld making changes with respect to selected transportation and transit policies. This is because it is staff's recommendation that the City continue to pursue context sensitive design and alternative road standards for Regional Roads in intensification areas to better integrate

land uses, and to support pedestrians, cyclists and transit. Also, it is staff's recommendation that Burlington's local transit strategy, including the Frequent Transit Corridor policies in the proposed new Official Plan, be reflected in the Region's mobility management strategy.

As such, staff recognize that some elements of Burlington's new OP remain not in conformity with the Halton Region Official Plan. City staff have acknowledged this circumstance to Regional staff and have requested that:

- Burlington's vision be considered in the context of the Region's Official Plan Review, Regional Transportation Plan, and other transportation planning processes (e.g. environmental assessments); and that,
- select transportation/transit policies that are not in conformity with Region's OP be deferred until these matters can be considered as part of current and future Regional initiatives, rather than be modified through the new Official Plan approval process.

Employment Conversions

As noted above, staff revised the definition of Municipal Comprehensive Review to not conflict with updated provincial policy. As a result of the change, Burlington is no longer in a position to be able to conduct a locally-driven municipal comprehensive review. This has required staff to reconsider the employment conversion process. The process to date sets out two paths for considering conversions:

1. Lands in the Region's Area of Employment

Sites preliminarily recommended for conversion will be submitted to the Region for consideration of conversion as part of the Region's OP Review/MCR processes; decision on these lands as part of the proposed new Official Plan will be deferred until the conclusion of the Region's MCR process.

2. Lands outside of Region's Area of Employment but identified as employment in the current City's OP

Sites preliminarily recommended for conversion will be recommended for conversion upon conclusion of the City's new Official Plan project, and submitted to the Region, for consideration as part of the standard review and approval process related to Burlington's new proposed OP.

Staff's preferred modified process is to maintain two paths; however, that path no. 2 be modified (e.g. lands outside of the Region's Area of Employment). Rather than "converting" lands under the process of an MCR, staff recommend redesignating lands under the process of the new OP project, for lands that are designated as employment in the City's Official Plan, but not designated for employment in the Region's Official Plan.

In some cases, lands that are outside of the Region's Area of Employment are recommended to be retained as an area of employment and added to the Region's Area of Employment through the Region's MCR process. This recommendation is presented on the premise that, as a result of changes to the Provincial Plans and through the consideration of the Region's OP Review/MCR, the Region and City would develop a unified Area of Employment.

Further discussion with the Region and Province is required on this matter and the City may be advised of an alternate approach.

6.0 Related Planning Matters

There are a number of planning matters relevant to the new Official Plan that are still under review. The following provides an update of these matters.

Mobility Hub Area Specific Planning Process

Please refer to staff report PB-76-17, scheduled for the December 4, 2017 Planning and Building Committee meeting for discussion on this planning matter and relationship to new proposed OP. As noted in that report, the Mobility Hub planning processes are underway. The Downtown policies are advanced in the process and have been included in the proposed new OP. The remaining downtown policies that will emerge upon conclusion of the Downtown ASP, and policies related to the Aldershot, Burlington and Appleby mobility hubs will be incorporated into the new OP by way of amendment to the new OP, or through the Halton Region approval process as a modification to the adopted new OP.

Region of Halton/ROPA 38 OMB Hearing

The Burlington new OP project was conducted, in part, as a conformity exercise to the Halton Region Official Plan. There remain a number of outstanding appeals to ROPA 38, the disposition of which could require the further modification of the new Proposed OP, depending on their outcome.

Tremaine/Dundas Secondary Plan

The Tremaine/Dundas secondary plan is scheduled to be brought forward for Council adoption in Q1 2018. Subject to Council adoption, the Secondary Plan will be sent to the Region to be included as a modification to the revised new Official Plan, subject to that Plan being adopted by Council.

Strategy/process

Adoption and Approval

Staff have released the proposed new Official Plan in Appendix 'A'. The release of the Plan in November provides an opportunity for final public review and consideration of delegations through the statutory Public Meeting process. Staff are recommending that the proposed new Official Plan be scheduled for consideration for adoption by Committee/Council on January 16 and January 29, 2018, respectively.

Notice of the January 16, 2018 Planning and Development Committee meeting at which the Committee will be considering adoption of the new Official Plan will be given by email to all who have requested notification during the new Official Plan project process.

Upon Council adoption, the new Official Plan will be forwarded to the Region of Halton for approval.

Transition Practices for Development Applications

Upon Council adoption of the new Official Plan, the following will apply to the processing of development applications:

- Complete development applications submitted after Burlington Council adoption, but prior to Regional Council approval, will continue to be processed under the in force and effect Official Plan (1994, as amended), but during the review of the application, staff will be referring to the new Official Plan, and encouraging the applicant to consider the objectives and policies of the new Official Plan.
- Complete development applications submitted after Regional approval must conform to the new Official Plan, with exception of any policies that are under appeal.

In addition, any Official Plan Amendments that are approved by Council under the current Official Plan (1994, as amended) prior to Regional approval of the new Official Plan will be submitted to the Region for approval as a modification to the new Official Plan.

Comprehensive Zoning By-law Project

The Zoning By-law is required to implement the policies of the new Official Plan through regulations. Subject to Council adoption of the new Official Plan, the Zoning By-law review will commence. It is expected that the Review will be significant, given that the City will be operating with a new Official Plan.

Integrated Transit Mobility / Transportation Plan

The Integrated Transit Mobility Plan will provide a short term plan to present service alternatives using existing service hours, and will be followed by a five year business plan which includes a growth strategy. The Transportation Plan will provide a long term strategic vision that will help guide transportation and land use decisions and public investment for the years ahead. These two documents are important plans that support the implementation of the proposed new Official Plan.

Community Improvement Policy Review

As the City transitions to building in complex urban environments, new planning tools may be necessary. One that is emerging as a priority is Community Improvement Plans and Programs. Community Improvement Plans are developed through broad based community engagement to identify areas of the City where more complex issues require programs and services beyond land use policy and development applications. Examples include brownfield remediation, commercial façade improvement, affordable housing, rental housing upgrade/investment, and tax increment financing. Community Improvement Plans are typically developed through identification of the city building issues for defined geographic areas of the City (e.g. affordable housing). Staff anticipate commencing this work in late 2018/early 2019 with the development of background research and a project scope. There is a need to do this work in a broad based collaborative way with Council, the community, and the development industry.

Financial Matters:

New Official Plan Project

There is currently \$136,000 remaining which is sufficient in staff's assessment to fund the delivery of the new Official Plan. Any remaining funds will be used to supplement funding the new Zoning By-law and Grow Bold community engagement.

Human Resources:

The new Official Plan project will continue to require significant effort from the Policy and Research staff through Council adoption, Regional modification and approval process, potential Ontario Municipal Board appeals and completion of area-specific planning processes.

Connections:

The Downtown Mobility Hub Area Specific Planning process was initiated in 2017 and has been conducted concurrently to the new Official Plan process. The Downtown Mobility Hub process has resulted in new policies, and schedules that have been incorporated into the proposed new OP. Staff report PB-81-17 (*Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies*) is related to this report, and is also being considered as part of the November 30 statutory Public Meeting.

Public Engagement Matters:

The subject staff report considered at the November 30, 2017 Planning and Building Committee serves as the Special Meeting of Council in relation to the New Official Plan project and meets the requirements of Section 17 of the *Planning Act*.

Public and stakeholder engagement has occurred, and the feedback has been considered, through the duration of the project process. For more information regarding community consultation and feedback received, please refer to Public Engagement Matters section within the various OP project reports listed in Appendix C of this report.

Specifically, feedback received upon release of the draft new Official Plan in April 2017, to time of preparing this report (October 29), has been considered and responses provided in the Appendices E, F and G to this report. Submissions received between October 29, 2017 and the statutory Public Meeting on November 30, 2017 will be provided to Council for consideration as part of the Statutory Public Meeting process and will be provided under separate cover prior to the Committee meeting.

Conclusion:

The community engagement and consultation period of the new Official Plan project has served as a critical component of Phase 3 (Developing and Finalizing the Plan) of the project. The new proposed Official Plan has been prepared with consideration of community feedback received to date. Also, the Plan has been prepared to conform to the Region's Official Plan, and not to conflict with Places to Grow, Niagara Escarpment Plan and Greenbelt Plan.

Respectfully submitted,

Andrea Smith, MCIP, RPP
Manager of Policy and Research
(905) 335-7600 x. 7385

Appendices:

- a. Proposed New Official Plan (November 2017)
- b. Sustainable Building and Development Guidelines (November 2017)
- c. List of Staff Reports Regarding New Official Plan Project to November 2017
- d. Proposed New Official Plan – Tracked Changes Version
- e. Draft New Official Plan: Stakeholder Feedback and Response Table
- f. Draft New Official Plan: Agency Feedback and Response Table
- g. Draft New Official Plan: Public Feedback and Response Table

Notifications:

Curt Benson, Region of Halton
Dan Tovey, Region of Halton
Niagara Escarpment Commission
Conservation Halton
New OP Project Mailing List

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.