

November 29, 2017

Mary Lou Tanner, MCIP RPP
Director of Planning and Building
City of Burlington
426 Brant Street, Box 5013
Burlington, ON
L7R 3Z6

Dear Ms. Tanner:

**RE: City of Burlington New Draft Official Plan (November 2017)
Glanelm Property Management- 5353 Lakeshore Road, Burlington
(Lakeside Village Plaza)
OUR FILE: 15218A**

As you know, MHBC has been retained by Glanelm Property Management as part of a team to prepare and implement a comprehensive master plan for the property located at 5353 Lakeshore Road in the City of Burlington and colloquially known as Lakeside Village Plaza (the “Subject Lands”).

Further to our submission to the City at the Official Plan Review Workshop in April of 2017, we provided formal comments on the draft Official Plan to you in our letter dated June 30, 2017. In that letter we noted the significant history of our client’s engagement with the City related to the redevelopment of the Subject Lands and the broader Lakeside Village community. We also provided a detailed chronology of that engagement.

In our letter dated June 30, 2017, we also identified the proposed Official Plan designation and policies proposed for the Lakeside Plaza property and noted our concerns with the lack of recognition of the Subject Lands as a “primary intensification site” as initially envisioned and directed by Council. We also reiterated, as we had done at the community visioning session, the significant opportunity to plan for and comprehensively redevelop the Subject Lands with a mix of uses and built forms –including tall buildings – given the Subject Lands’ location, context and size.

Further to our June 30, 2017 submission, we had the opportunity to meet with staff again to discuss the City’s proposed new policy framework. At the meeting with staff we outlined a more flexible policy approach that would allow the redevelopment of the Subject Lands as a large, contiguously owned Neighbourhood Site. That policy approach was based on policy language that defined expectations around phasing and height transfer which would provide greater transparency and understanding to the deployment of height and density – while maintaining the built form and other objectives of the draft Official Plan.

Draft Official Plan (November 2017)

We have now had an opportunity to review the draft updated policies in the recently released Official Plan (November 2017) (the "Draft Plan"). We were pleased to see a number of revisions to accommodate some of the concerns we raised in relation to the Neighbourhood Centres and the Subject Lands.

We offer the following comments for your consideration:

Neighbourhood Centres

- The Subject Lands have been maintained as a **Neighbourhood Centre** (Schedule C) and part of the **Mixed Use Nodes and Intensification Corridor** (Schedule B) and **Secondary Growth Area** (Schedule B-1). We are pleased to see the recognition of Lakeshore Road as a **Frequent Transit Corridor** and Hampton Heath Road as a **Transit Support Corridor** (Schedule B-2).
- We recognize there are some updated policies that are also applicable to redevelopment in the Neighbourhood Centres including the new consolidated urban design policies in Section 7 of the Draft Plan. Our intention, as conveyed to staff during our recent meetings, is to address the objectives and policies for design excellence as proposed in the Draft Plan in addition to the current urban design policies of the in-force Official Plan including the approved Tall Building Guidelines.
- In relation to the specific policies in the Mixed Use Nodes, we appreciate the added flexibility to accommodate the phasing of redevelopment, especially on larger sites, and to allow interim expansions and renovations to existing buildings. The maintenance of a "food store" where one exists in a Mixed Use Node has always been contemplated as part of the Subject Lands' redevelopment and as such we would continue to meet the intent of this policy.
- We appreciate the consideration for the protection of the planned commercial function of Neighbourhood Centres as set out in the proposed policies. We initially had concerns with the language in Section 8.1.3(4.2) but staff have clarified that the policies in Section 8.1.3(4.2)(i) requiring that proposed Neighbourhood Centres "maintain the Gross Leasable Area (GLA) within Neighbourhood Centres" will be amended to read that redevelopment of a Neighbourhood Centre "should" retain the existing retail and service commercial floor area on the site, in accordance with subsection 8.1.3 (4.1) b), to the satisfaction of the City.

This language will provide greater flexibility to accommodate appropriate retail and service commercial uses within a mixed use development that maintains the planned function without the requirement to maintain the precise amount of GLA on the site and will also allow for the flexibility to respond to transformation in the ever-changing retail market. However, we would also suggest that a policy be added that reflects how retail and service commercial GLA can also be replaced with other complimentary uses such as small offices, medical offices and offices of other regulated health care professionals which would also ensure the planned function of the Neighbourhood Centres is preserved.

- We are pleased to see the updated Neighbourhood Centre policies also support the transformation of large sites into areas with a mix of uses balanced with an intensity of development and integration with surrounding context. This is further assisted by the additional

policy that provides that applications introducing one or more tall buildings as part of comprehensive development shall be processed through an Official Plan Amendment.

As we had provided in our meetings with staff, a special policy for the Subject Lands as a Neighbourhood Centre which is comprehensively developed to include one or more tall buildings can address several redevelopment objectives. This policy does not restrict the ability to consider tall buildings, which again, are highly appropriate given the size, locational context and single ownership of the Subject Lands. We are pleased that staff has acknowledged that our approach to the redevelopment of the site, which recognizes minimum and maximum height and density considerations through an amendment to the Draft Plan, can be accommodated.

Affordable Housing

- We recognize the City's objectives related to affordable housing include Policy 3.1.1. (2) i) which requires the submission and implementation of a housing impact statement for developments greater than 200 dwelling units.

As noted at our updated pre-consultation meeting with staff and in our presentation to Council in April, the proposed redevelopment is intended to provide for a range of housing types, sizes and tenure. However, the Draft Plan does not provide clarification as to how this policy is to be implemented. We would trust that the City will be supporting, through funding, incentives and/or other mechanisms, the delivery of affordable housing where applicable and that our client can further clarify how City, Regional, Provincial and Federal programs can be leveraged to facilitate this policy. Policies reflective of such intention should also be considered and included.

Transition

- Policy 12.1.1(3) c) states that requests for Official Plan Amendments shall not be accepted by the City for the period of 2 (two) years from the date of approval of any part of this Plan. This reflects a similar prohibition already contained in the *Planning Act*. Policy 12.1.1(3) d) further provides that the City may, by Council Resolution, set out the circumstances under which an Official Plan Amendment may be accepted during the period of 2 (two) years from the date of approval of any part of this Plan.

Given the policy in the Neighbourhood Centre, which states that one or more tall buildings may be considered through an Official Plan Amendment, we request that Policy 12.2.1(3) c) be augmented to recognize that applications for Official Plan Amendments that might have been filed prior to adoption of the Draft Plan shall be deemed to be satisfy the requirements of Policy 12.1.1.(3) d).

Alternatively, language could be added to ensure our client can proceed with its application. without the need for a further Council resolution. Our client is currently in the process of completing the requisite components for a complete application. The application requirements were established and discussed at a meeting with staff. Respectfully, we suggest it would not be fair if, as a result of inadvertence, the effort and resources our client expended was nullified.

We would appreciate a meeting with staff to discuss the transition policies as they relate to applications in process given the pending *Planning Act* amendments.

We appreciate the opportunity to continue comment on the City's proposed New Official Plan as it applies to the Subject Lands and we look forward to continuing to work with the City staff, Council and the community on the great opportunity to revitalize and redevelop the Lakeside Village Plaza.

Please do not hesitate to contact me with any questions or comments on this matter.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over the printed name below.

Dana Anderson, MCIP, RPP
Partner

Cc: Joe Elmaleh, Glanelm Properties
Cynthia Zahoruk, Zahoruk Architects
Aaron Platt, Davies Howe LLP
Amber LaPointe, City of Burlington Committee Clerk