

**From:** [Meed Ward, Marianne](#)  
**To:** [Dave Lawson](#)  
**Cc:** [Mailbox, Clerks](#)  
**Subject:** Re: Planning and Development Committee Meeting, 30 Nov - Written Submission  
**Date:** Wednesday, November 29, 2017 9:13:01 AM

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Thanks Dave. I appreciate the thoughtful feedback.  
I will ask the clerks to include this as correspondence for all of committee members for the Nov. 30 deadline.

On Nov 28, 2017, at 3:13 PM, Dave Lawson <[REDACTED]> wrote:

To the Clerks,

As advised by a current sitting councillor, I would like to submit in writing the following information to be conveyed to council and those present at the subject meeting with respect to items 2.1 and 2.2 of the agenda.

It has become a point of recent discussion and debate within the City of Burlington on the matter of the Official Plan and specifically with respect to the intention for intensification of the downtown area. I attended an public meeting at the Art Gallery of Burlington a few weeks ago and made myself familiar with the broad strokes of the plan. With the helpful assistance of a few of the city staff, I was able to get some detail of what is, and what is not, contained within the Official Plan.

With respect to the broad concept of Mobility Hubs, it is clear that this is necessary to address the current and anticipated growth of the city. The prime hub locations, aligned with existing GO infrastructure, and encompassing much existing mix use lands, is generally sensible and appears to be sustainable for the foreseeable future.

With respect to the Downtown Core, however, the plan and the information presented in the information session was found quite lacking. What was presented reads as an unguided proposal to permit very significant increases (2 or 3 times) in building heights and includes most of the lands immediately fronting on Brant Street. At the same time, there is no mention or proposal for a complimentary transit and traffic plan to accommodate the increase. Secondly, the notion of "podiums" (a couple or several stories high) will yield a complete deconstruction of the Brant Street character.

We have seen countless incursions on the existing Official Plan. It was directly stated by City Staff that this has been made easy by the relative porosity of the current plan as approved by councils past, including some individuals who sit on the council to this day. It has been unambiguously stated by city staff that the new Official Plan is required urgently to prevent many more incursions against the existing plan. Thus, based on this information it would seem the council itself has failed the residents of Burlington. Now you present a rushed plan with incomplete planning to support it. This is

unconscionable.

The City has chosen a slogan “Grow Bold”. Two words. Two words that ought inspire change and trigger an evolutionary pathway, blazing us towards a bright future.

They are, of course, meaningless. They connote no grand plan, no vision, just more and more and more in the core of our city. The very things that Burlingtonian’s often point with pride; the waterfront, Sound of Music, Ribfest, and countless other uses in addition to it simply being a nice place to bring your family on the weekend seem to have become lost in the hunger for growth, as though growth for its own sake is desirable.

So, I seek to see the vision behind this. What experiences of the downtown core will the citizens of Burlington, or our thousands of visitors each year, report? From what I see, it is likely that the most common response will be “just like Toronto”. Just what is the grand vision here?

Don’t show us maps, with numbers and 15 different colour codes and cross-hatches in their bizarrely irregular borders.

Show us a vision.

Tell us what we should expect to experience, and why.

Now, I accept that progress is necessary. I would think that Burlington has seen its share of debate over the decades as we grew from village to city. In much of those times it was to provide for expansion of housing and retail shopping for the growing population. That was largely a modernization and spreading out of the existing character. Undoubtedly items like a new central library, city hall, reconstruction of the waterfront, etc all posed challenges that triggered debate. It is good that we see it here now. My firm expectation for council is that this debate be taken with great seriousness and value. Failure to do so would be at their own democratic peril.

With respect,

Dave Lawson  
377 Cosburn Crescent  
Burlington, ON  
L7L 2W5





# Ruth Victor & Associates

481 North Service Road West  
A-33, Oakville, ON L6M 2V6  
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E [admin@rvassociates.ca](mailto:admin@rvassociates.ca)

November 29, 2017

City of Burlington  
426 Brant Street,  
Burlington, ON L7R 3Z6

Dear Mayor and Members of Council:

**Re: New Draft City of Burlington Official Plan**  
**2095 Prospect Road**  
**City of Burlington**

This letter is submitted on behalf of Welwyn Interests who are the owners of the properties located at 2095 Prospect Road in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

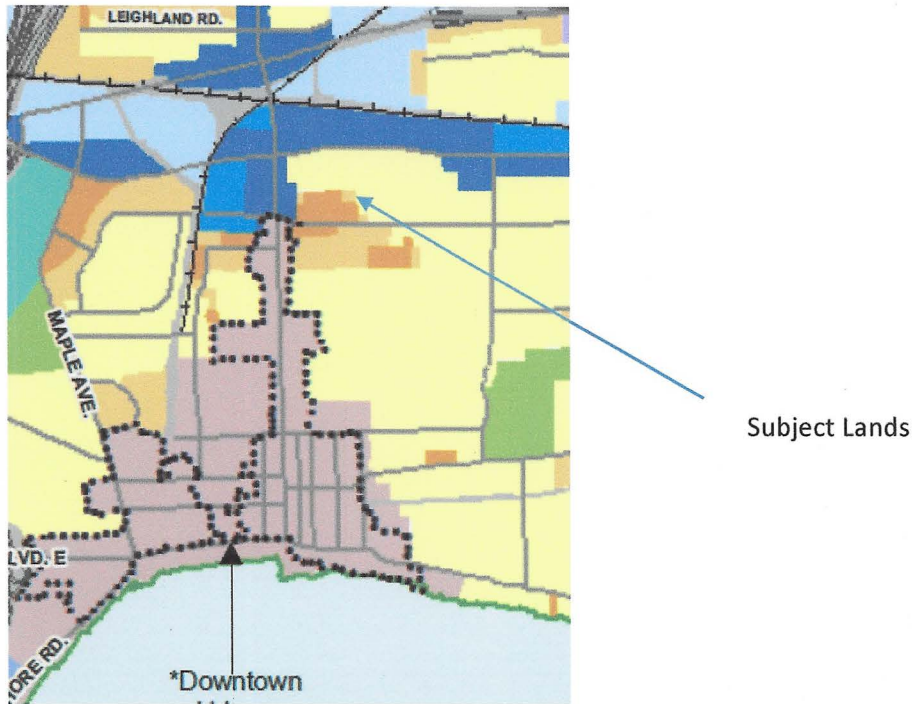
The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning & Development Council at a Public Information Meeting on November 30, 2017 prior to being brought before Council for adoption in January 2018.

As per the proposed Official Plan, the subject lands are located within the Residential Neighbourhood Area and are designated as Residential Medium Density. The owners have explored with City of Burlington Planning Staff the proposed redevelopment of the rear of these lands for stacked townhouses as approved for the two properties immediately to the west on Prospect Road. The redevelopment of these lands would be for rental housing.

As part of the approval process for the lands to the west, the City determined that the preferred approach would be to designate the entirety of the site including the lands at the rear as high density residential although the rear was to be redeveloped for medium density uses. We anticipated that the same approach would be the preferred approach for these lands as part of the upcoming application. Within the proposed official plan Section 2.4.23. restricts development to the underlying designation and intensification to the maximum density permitted under that designation.

In addition, Section 12.1.1(3) would restrict requests for any official plan amendment for a period of 2 years from the date of approval unless Council by resolution identifies circumstances where an amendment could be accepted. It is not known whether this type of application could proceed.





Section 12.1.1(3)(x) sets out criteria for an official plan amendment which cumulatively would make the redevelopment of these lands unviable which would prevent these lands from being redeveloped for much needed rental housing.

There is a major concern that these policies would unduly restrict the opportunity to develop the last remaining piece of land along this street for the same use approved next door and would remove the opportunity for adding needed rental housing.

We would request that the City of Burlington consider revisions to these policies to permit the opportunity to file an application amend the designation on these lands to Residential High Density and review and amend the policies to appropriately facilitate the production of rental housing within this community.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,

**Ruth Victor, MCIP RPP MRTPI**



# Ruth Victor & Associates

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November 29, 2017

City of Burlington  
426 Brant Street,  
Burlington, ON L7R 3Z6

Dear Mayor and Members of Council:

**Re: New Draft City of Burlington Official Plan**

**431, 425, 419, 415 Burlington Avenue and 1421, 1415, 1407 Lakeshore Road,  
City of Burlington**

This letter is submitted on behalf of Welwyn Interests who are the owners of the properties located at 431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning & Development Council at a Public Information Meeting on November 30, 2017 prior to being brought before Council for adoption in January 2018.

As per the proposed Official Plan, the subject lands are located within the “Urban Centre” (see Figure 1), as well as being within the Downtown Urban Centre Area (see Figure 2). The Downtown Urban Centre is an area of the Mobility Hub Study, which are areas within the City that were identified as being able to accommodate the majority of the city’s future growth until 2041. These Mobility Hub Studies were completed throughout 2017, and their findings and land use designations are included in the land use mapping (Schedules D-H) of the proposed Official Plan.

As per Schedule C (Land Use), the subject lands are located partially within the Urban Growth Centre boundary, and this is translated into two separate land use designations as laid out in Schedule D (see above). The lands located at 1421, 1415, and 1407 Lakeshore Road as well as 415 Burlington Avenue, are designated “Downtown Mid-Rise Precinct – Special Planning Area”, while the properties at 431, 425, and 419 Burlington Avenue are designated “St. Luke’s/Emerald Neighbourhood Precinct” designated “St. Luke/Emerald Neighbourhood”. Both these designations offer differing policies as the type of development that is permitted in each respective area.



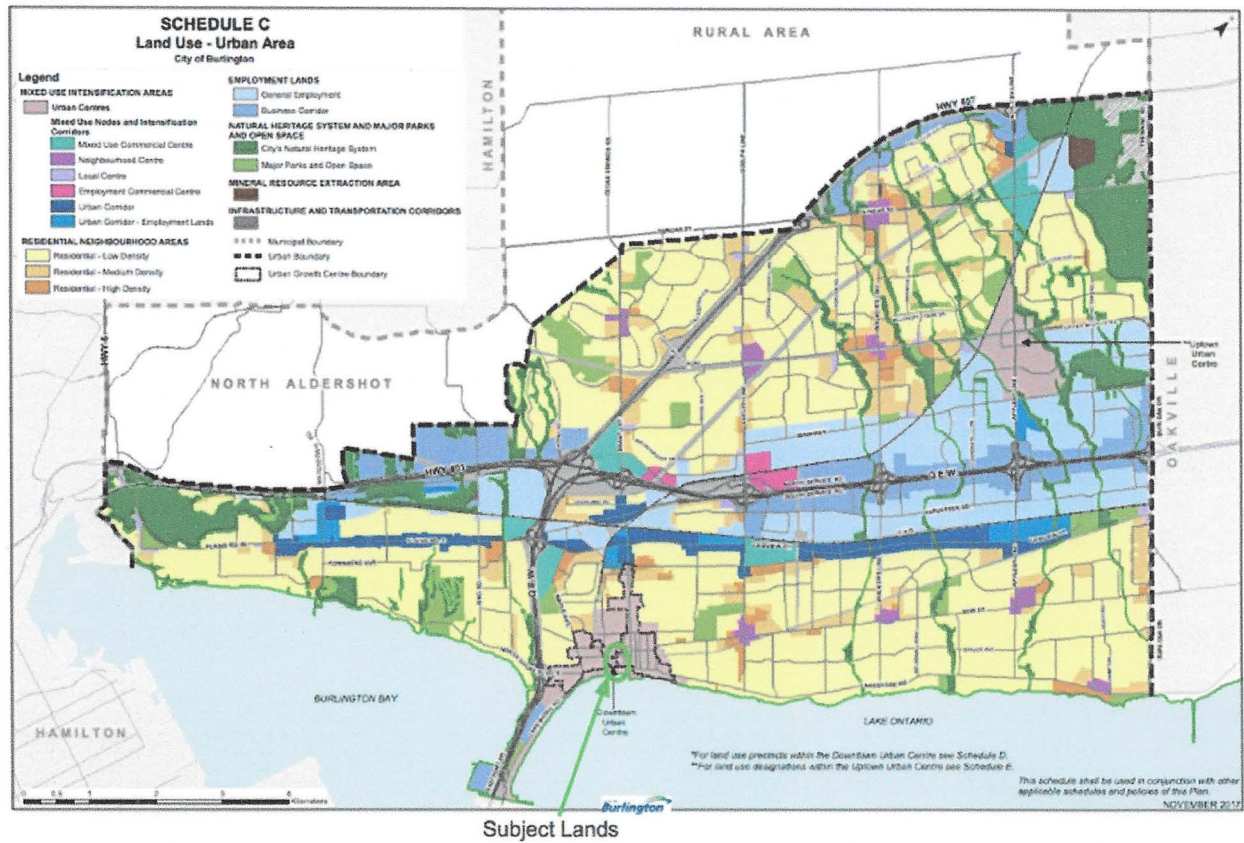


Figure 1 — Schedule C (Land Use – Urban Area) of the proposed Official Plan with the subject lands circled. The subject lands are within the “Urban Centre”.

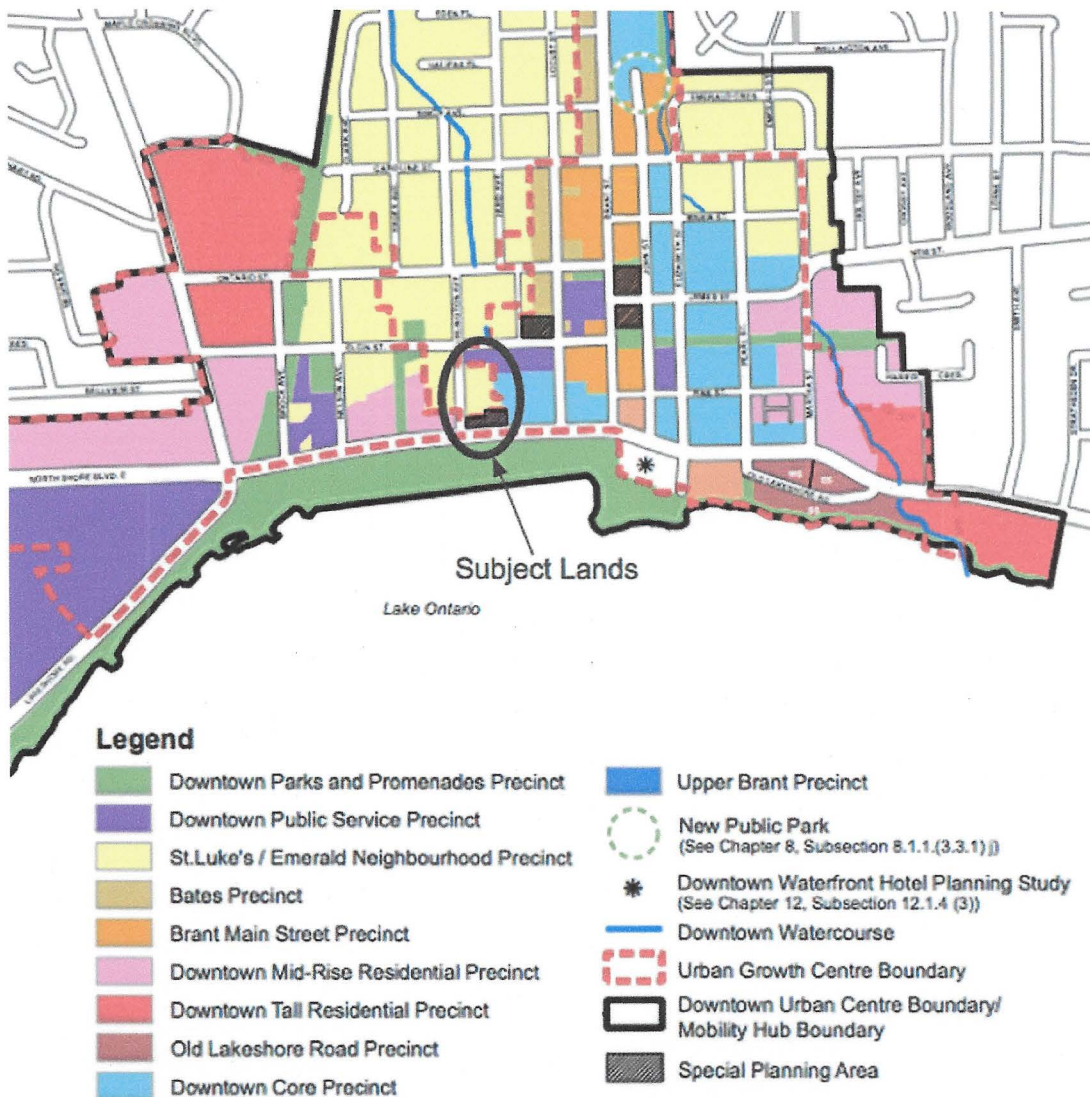


Figure 2 — Schedule D (Downtown Urban Centre) of the proposed Official Plan with the subject lands circled. The subject lands are designated both “St. Luke’s/Emerald Neighbourhood Precinct” and “Downtown Mid-Rise Precinct – Special Planning Area” within the Downtown Centre.

The “Downtown Mid-Rise Precinct – Special Planning Area” is to recognize the area’s function as a gateway to the established, low-density St. Luke’s neighbourhood from Lakeshore Road along Burlington Avenue (Section 8.1.1(3.8.2)), while the “St. Luke/Emerald Neighbourhood Precinct” designation is to maintain the existing established residential and historic character of the neighbourhood (Section 8.1.1(3.5)).

The subject lands are located within the Downtown Urban Centre, and represent an important gateway between the Downtown Core Precinct and the established St. Luke’s neighbourhood to the north and west. Burlington Road would function as a more effective boundary between the two areas versus a rear lot line adjacent to an existing apartment building. It is our request that the designation of the entirety of the subject lands should be within this Special Planning Area to allow for an appropriate transition in built form and density from the existing uses to the adjacent low density neighbourhood.

We would request that the City of Burlington consider revisions to these policies to permit this type of intensification.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Ruth Victor', with a stylized flourish at the end.

**Ruth Victor, MCIP RPP MRTPI**



**VIA E-MAIL**

November 28, 2017

**Denise Baker**  
Partner  
T: 905-829-8600  
dbaker@weirfoulds.com

File 16121.00001

City of Burlington  
426 Brant Street  
PO Box 5013  
Burlington, Ontario  
L7R 3Z6

Attention: Angela Morgan, City Clerk  
Mayor Goldring and Members of Council

Dear Mayor and Members of Council:

**RE: City of Burlington Proposed New Official Plan (November 2017)**

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We are solicitors for A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA), (collectively, "Clients"). We are providing this written submission to you on behalf of our Clients after having reviewed the proposed Burlington Official Plan (November 2017 version).

In this regard, we understand that a comment letter from our Clients' planning consultants Labreche Patterson & Associates Inc. dated June 30, 2017 (see attached) was previously provided to the City. We are also advised that at least two previous written submissions were provided to the City in response to the Commercial Policy Review Direction Reports, as well as attending a "workshop" on drive-through facility policies.

We also understand that a meeting between City staff, Andrea Smith and Hugo Rincon and Victor Labreche (Labreche Patterson & Associates) and Greg Hogarth (local owner/operation of Tim Hortons Restaurants) occurred on July 12, 2017 wherein Mr. Labreche and Mr. Hogarth. Irrespective of these submissions and meetings, our concerns have not been addressed, necessitating this further correspondence.

Our concerns with the latest draft of the Official Plan can be summarized as follows:

1. Chapter 7 – "Design Excellence", Policy 7.3.3 Specific Use Policies

The reference to “emissions” in policy 7.3.3 a) (iv) is not acceptable. Based on related studies that our clients have had completed, there is no evidence to support that the operation of a Drive Through Facility (“DTF”) results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. To our knowledge, no such study supporting this policy has been commissioned by the City of Burlington, and if it has been, it has not been shared with the public.

2. Chapter 8 – 8.7 “Specific Use Policies”, Policy 8.7.1 “Accessory Drive Throughs”

We object to the opening paragraph of policy 8.7.1 as proposed. We ask that this policy be deleted and replaced as follows:

*“An accessory drive-through provides an added convenience to people travelling by private automobile. Although convenient, accessory drive-through may present transportation management, planning and urban design challenges. The addition of an accessory drive-through to commercial uses, needs to ensure compatibility with the stated objectives for an area or designation so they do not alter the form, function and compatibility of a principal use and compromise other city objectives including intensification and pedestrian oriented development.”*

3. Policy 8.7.1. (2) “Policies”

We object to the proposed policy as it notes that accessory drive-throughs “shall be prohibited” in the Urban Growth Centre and mobility hubs. We ask that the reference to “shall be prohibited” be replaced with “*may be permitted through a site specific Zoning By-law Amendment*”.

4. Policy 8.7.1. (2) b); we object to this policy in its entirety.

5. Policy 8.7.1.(2) (c); as proposed it is acceptable however this policy needs to be reconciled with proposed policy 8.7.1. (2).

Our clients have satisfactorily resolved many of their concerns pertaining to the use of prohibitions of DTF in Official Plans in numerous other municipalities without the need for a contested hearing as the use of prohibitions of the type proposed is not in accordance with related case law. Notwithstanding this, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan policies such as build form, density and massing requirements that are typical of most urban downtown and intensification areas, the same as any other land use within these areas. As such, it is our position that a specific prohibition has not been justified.

In summary, we request that the current proposed policies be revised. As we believe it would assist in your considerations, we would like the opportunity to discuss the above and other alternative language with you that have been successful in other municipalities to address our concerns.

Finally, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council decisions on this matter.

Yours truly,

**WeirFoulds LLP**



Denise Baker

DB/mw

Encls.

cc : [newop@burlington.ca](mailto:newop@burlington.ca)

Clients

Victor Labreche, Labreche Patterson & Associates Inc.

11133741.1





## Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL ([newop@burlington.ca](mailto:newop@burlington.ca))

**Our File: P-375-EEE**

June 30, 2017

Official Plan Review Staff  
City of Burlington  
426 Brant Street, PO Box 5013  
Burlington, Ontario  
L7R 3Z6

**Re: Draft Official Plan for the City of Burlington**

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As you are aware based on our previous submissions on the past Official Plan direction reports leading to the preparation of the draft Official Plan for the City of Burlington, we represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Horton's Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the current draft Official Plan.

Our comments relate to our client's current and future business, employment and operating interests for the above noted brands and their industry association. As you know several of our client's locations includes an accessory drive-through facilities (DTF) and our comments specifically related to *Chapter 8.7 – Specific Use Policies* of the draft Official Plan which contain proposed land use policies on DTF. Based on our review of these policies (attached hereto) and as we have consistently stated in our previous written comments and at workshops held on considerations of new DTF policies, we object to the proposed specific prohibition of DTF that is proposed in policy 8.7.1.1 b) and policy 8.7.1.2 a) in the draft Official Plan. As we have previously stated, we object to any proposed Official Plan based prohibition as such prohibition is principally not in accordance with related OMB and judicial review case law relative to such prohibition. In this regard we cite OMB case No. PL031324, PL050759, PL050584 – Order No. 2649, Sept. 21, 2006 wherein OMB Member R. Makuch states:

*The Board finds that drive-through facilities need to be carefully controlled and that the proper approach for controlling these is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its official plan. Official Plans do not need to be prescriptive like zoning by-laws.*

We and our clients as well as legal counsel have referenced this noted case and others over the last 10+ years to mutually resolve with any municipalities that have initially proposed prohibition at the level of an Official Plan as such prohibition is not in accordance with related case law. In this regard, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan based policies such as minimum build form, density, massing, mixed use requirements that are typical of most urban downtown and intensification areas just like any other land use would have to meet. As such, a specific prohibition is not justified as the existing policies would have to be complied with no matter

what the proposed use to ensure all policy requirements to direct required built form; density etc. of the plan is achieved.

As a related OMB case example of what we mean in this regard on the fact that OP policies would need to be met for any land use and as such a specific prohibition is not justified comes from a case in the Town of Grimsby. OMB Case No. PL111079 presided by Vice-chair Susan de Avellar Shiller, decision date May 10, 2012, relative to a proposed new OP for the Town of Grimsby. The relevant statements in the OMB decision are as follows:

*"The official plan has four policies which place restrictions on the locations of drive-through facilities in the downtown and in the Winston neighbourhood area. Mr. Seaman (Director of Planning, Town of Grimsby) testified that the particular concern regarding drive-through facilities in these areas related to matters of urban design and quality of pedestrian realm.*

*Mr. Seaman noted that the official plan already had a large number of sections dealing with urban design and the quality of the pedestrian realm that would govern any development in these areas, including drive-through facilities. Some of these policies include front and flanking façade treatments, building location on site and driveway access and circulation that is sensitive to pedestrian needs.*

*Having reviewed several of these sections the Board finds that the area-specific policies regarding design and pedestrian realm provide important and appropriate protection. On this basis, the appeals by A&W Food Services of Canada Inc., McDonalds Restaurants of Canada Inc., Wendy's Restaurants of Canada Inc., Ontario Restaurant Hotel & Motel Association and TDL Group Corp. are allowed in part.*

*The Board modifies subsection 3.5.3.3(a), subsection 3.5.4.2(a) and subsection 11.3.3.1(b)(i) to remove the prohibition on drive-through in these sections."*

Based on our overall review of the draft Official Plan, we found it to be overall very comprehensive particularly in the *Mixed Use Nodes and Intensification Corridors, Urban Centres, Mobility Hubs and Urban Corridor* designations with regard to the required density, massing and overall built form to be achieved in these areas. The policies for these areas, indirectly of course, relates to the principle findings and above noted decision in the case noted above. We submit that, given the fact that specific study and proper justification has not been completed to justify a specific prohibition of DTF with regard to the draft City of Burlington Official Plan, our clients in any event would have to meet the same policies for these areas just like any other land use would without any justified need for a specific prohibition.

We wish to note that our work with several municipalities over the years on behalf of our noted clients including surrounding municipalities to Burlington being the City of Hamilton, City of Mississauga and Town of Oakville regarding resolution of new DTF policies that where essentially performance based policies regarding specific built form criteria that would have to be met for specific areas of those municipalities. In some cases a zoning by-law amendment would also be required in specific areas as a further process to implement Official Plan policies for a specific area. No specific prohibition of DTF in the respective Official Plans of these municipalities was implemented.

Relative to proposed policy 8.7.1.2 b) we object to this policy as it is currently written. Relative to this policy the reference to *"shall be prohibited"* in this context is not acceptable wherein the policy then provides for a Zoning By-law amendment. We note that of the 27 DTF locations operated by our clients in the City of Burlington 10 of these are located in the designation areas noted in policy 8.7.1.2 b) as well as in the proposed *Mixed Use Nodes and Intensification Corridors*. Again, a specific prohibition at the level of the Official Plan is not acceptable.

Further with regard to policy 8.7.1.2 b) we object to the specific need for a zone change in the noted areas. We state this as the over arching policies of the plan would seem to require any use not just a DTF that may locate in these areas would have to meet similar policies in other parts of the plan that are similar to those noted in 8.7.1.2 b) to f). Further, we are very perplexed why a site specific amendment to the Official Plan or the Zoning By-law is not required when a DTF is located within the same building as a motor vehicle service station but requires at least a zoning amendment or it would be outright prohibited for a DTF to locate within its own self contained building or multi-use/tenant building or plaza arrangement?

Also, as per policy 8.7.1.2 b) (i) and f) (iii) the context or notion that a DTF cannot exist with or abutting a mixed use type zone permitting "sensitive land uses" such as residential uses is not acceptable. Planning policies are more and more encouraging mixed uses particularly along urban corridors and within intensification areas with policies to direct buildings to be placed as close to heavy travelled vehicle corridors and intersections carrying 20,000+ cars a day in many cases. The various negative impacts from immediately abutting roads in our opinion is far greater than a single DTF lane which can be properly screened and located based on basic and reasonable site plan control requirements.

Based on the foregoing, we object to Chapter 8.7.1 in its entirety as currently written in the draft Official Plan. We request an opportunity to meet with you at your earliest opportunity to discuss resolution options to our concerns. The approach of performance based type policies that are noted in policy 8.7.1.2 b) to f) we would suggest provides a basis to consider which of these are acceptable as written, should be revised or removed and where the consideration of a site specific Zoning By-law amendment is appropriate.

The above reflects our comments on the current draft Official Plan for the City of Burlington. We reserve our rights to comment further on this matter as the process proceeds and new information or material is brought to our attention.

Finally, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations on this matter.

Yours truly,

**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Principal, Senior Planner**

Attach.

Copy: *Leslie Smejkal, ORHMA*

*Riley Hallwood, A&W*

*Julie May Rodgers, McDonalds Restaurants*

*Carol Patterson, Restaurant Brands International (Tim Hortons)*

*Denise Baker, WeirFoulds, LLP*



## 8.7 SPECIFIC USE POLICIES

### 8.7.1 ACCESSORY DRIVE THROUGHS

*Accessory drive-throughs* are an automobile-oriented amenity which can alter the form, function and *compatibility* of a principal use. The addition of an *accessory drive-through* can result in otherwise permitted commercial uses becoming not *compatible* with the stated objectives for an area or designation.

#### 8.7.1.1 OBJECTIVES

- a) To ensure that principal uses which include an *accessory drive-through* adopt a form and function that responds to and supports the planned *development* of an area.
- b) To prohibit new *accessory drive-throughs* in specific Mixed Use Intensification Areas which are intended to accommodate higher *intensity developments*, pedestrian and transit-oriented *development* and where a high level of *compatibility* amongst a wide range of uses, including *sensitive land uses* within a building, site or area, will be required.
- c) To ensure that *developments containing accessory drive-throughs*, where permitted and appropriate, are developed with minimal impacts on the functionality, *compatibility* and urban design of a site or area.

#### 8.7.1.2 POLICIES

- a) *Accessory drive-throughs* within the Downtown Urban Growth Centre, as identified on Schedule B, Urban Structure, *shall* be prohibited.
- b) Within the Uptown Urban Centre and Mobility Hubs, as identified on Schedule B, Urban Structure, as well as lands designated Urban Corridor on Schedule C, Land Use – Urban Area, of this Plan, *accessory drive-throughs shall* be prohibited except where the proposed *accessory drive-through* is the subject of a Zoning By-Law amendment application and where the following criteria are met to the satisfaction of the *City*:
  - (i) the applicable Official Plan and Zoning By-law designations for the subject site do not permit residential or other *sensitive land uses*;
  - (ii) the *accessory drive-through* will not impede current or future opportunities for *intensification*, including the *development of sensitive land uses*, on or adjacent to the site;
  - (iii) the *accessory drive-through* will not impede the *development* of private or public *development* or facilities located on the same site,

## CHAPTER 8 – LAND USE POLICIES – URBAN AREA

adjacent sites or public rights-of-way which would contribute towards the creation of a transit and pedestrian supportive environment; and

- (iv) the *accessory drive-through* does not conflict with or compromise the objectives or policies of the applicable land use designation as stated within Chapter 8, Land Use Policies-Urban Area, of this Plan.
- c) Notwithstanding Subsection 8.7.1.2 b) of this Plan, an *accessory drive-through* may be permitted without a site-specific amendment to this Plan or the Zoning By-Law where:
  - (i) the *accessory drive-through* was existing or approved prior to the coming into force of this Plan; or
  - (ii) the *accessory drive-through* is associated with, and located within the same building as, a *motor vehicle service station*.
- d) An *accessory drive-through* shall not be located between a building façade and a public right-of-way.
- e) *Accessory drive-throughs* shall be designed in a manner which promotes pedestrian safety and accessibility.
- f) *Accessory drive-throughs* shall be designed to address the following functionality, *compatibility* and urban design considerations through the site plan review process, to the City's satisfaction:
  - (i) sufficient dedicated vehicle queuing areas;
  - (ii) sufficient separation distances between an *accessory drive-through* and a site access/egress area shared with a private or public roadway;
  - (iii) sufficient separation distances, with respect to mitigating noise and/or emissions, between an *accessory drive-through* and current or future *sensitive land uses*, including residential uses, where identified as a permitted use on the subject site or adjacent sites through this Plan;
  - (iv) associated buildings and facilities that incorporate urban design that is *compatible* with the surrounding context or area; and
  - (v) site location which minimizes the presence and impact of the *accessory drive-through* on the surrounding *streetscape*.

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**From:** Steve Cogeco [<mailto:sanderson39@cogeco.ca>]

**Sent:** Wednesday, November 29, 2017 10:38 AM

**To:** Goldring, Rick; Craven, Rick; Meed Ward, Marianne; Taylor, John; Dennison, Jack; Sharman, Paul; Lancaster, Blair

**Cc:** Tellier, Jamie; 'Steve Cogeco'

**Subject:** The Future of Burlington November 30th

My vision of Burlington five years ago was one of mid-sized architecturally compatible mixed use buildings with a mixture of 2-8 and 9-16 storey buildings.

I approve of moderated growth and controlled management of our vertical and core downtown spaces.

So, why are we so eager to give in to the approval of new developments with storeys of 20++?

Today the city staff and council have not provided a vision of a new downtown City of Burlington or at least a vision pictured 5 years out to 2023.

Like a puppy dog in the back of a car window, council nods approval of multiple concrete towers with no overall vision of the endgame for the City of Burlington.

How do the developments fit together? Approvals are so rapid it is impossible to understand how the buildings, roads, sewers, sight lines, ..., will work in harmony.

What would a citizen experience when walking downtown after all the tall buildings have been completed? Better than a lunch time walk today?

I am disappointed we are thrusting unwanted growth on our citizenry and we have lost the ability to have our concerns heard and acted upon.

I ask you to reduce the height in the official plan.

Say "NO" to development requests that do not benefit a walkable, breathable, enjoyable City of Burlington free of uninspiring lofty edifices.

Sincerely,

Steve Anderson

2183 Harris Crescent  
Burlington

November 29, 2017

Amber LaPointe  
Committee Clerk  
Planning and Development Committee  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Ms. LaPointe:

**RE: City of Burlington New Official Plan (November 2017 Proposed Draft)**  
**Public Meeting November 30, 2017**  
**5166-5170 Lakeshore Road, Burlington**  
**OUR FILE: 10501**

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MHBC is retained by GWL Realty Advisors ("GWL") in relation to their property located at 5166-5170 Lakeshore Road in the City of Burlington (the "Subject Lands"). The Subject Lands are approximately 2.13 hectares and are currently occupied by two ten (10) storey apartment buildings.

#### **Current Official Plan Framework**

The subject lands are currently designated **Residential Areas** (Schedule A) and **Residential High Density** (Schedule B) in the in-force City of Burlington Official Plan.

#### **Proposed Official Plan Framework (Draft 1-March 2017)**

On March 24, 2017, the City released the new Draft Official Plan, in which the subject lands were proposed to be designated **Residential Neighbourhood Areas, Established Neighbourhood Area** (Schedule B and B-1), and **Residential High Density** (Schedule C).

On June 30, 2017, we provided comments to the City on behalf of GWL on the first draft new Official Plan as they pertained to the Subject Lands. In our previous comments, we identified several concerns with the proposed policy framework which are briefly summarized again, below, for your information:

- The draft Official Plan contains language which states that Official Plan Amendments "shall not be supported", which restricts redevelopment and infill on lands within the Residential High Density Designation, and removes the decision making ability of Council and pre-supposes that any location for increased density cannot be justified; and,
- The proposed Official Plan includes a policy which states development on lands designated Residential High Density shall provide a functional outdoor common amenity area at grade level, which we believe is overly restrictive.

In general, based on the above concerns, we recommended the City adopt a more flexible policy approach for the High Density Residential Designation to allow for appropriately designed and sited infill.

#### **Comments on the Proposed Draft Official Plan (November 2017)**

The subject lands are proposed to be designated **Residential Neighbourhood Areas** (Schedule B), **Established Neighbourhood Areas** (Schedule B-1) and **Residential High Density** (Schedule C). Additionally, they are located along a **Frequent Transit Corridor** (Schedule B-2). We have reviewed the proposed updated draft Official Plan, as it applies to the Subject Lands, and offer the following comments:

- Policy 2.4.2 (3) c) has been revised to state “In the Established Neighbourhood Area, land assembly for development applications that are not compatible is discouraged” whereas this policy previously stated “In the Established Neighbourhood Area, Official Plan Amendments for increased height and/or density/intensity beyond that which is currently permitted in the underlying land use designation shall not be supported. Where such an amendment is submitted, it shall be subject to the policies of subsection 2.5, Development Criteria, of this Plan.” **We recognize that the strong language which was previously contained in this policy has been removed, however, we are unsure of the intent of the new policy which has been included in its place in the most recent draft. We question whether it is necessary to include such a policy as it leads to more uncertainty. Further clarification on the intent of this policy is required. Specifically, what are the compatibility criteria that development applications must meet? Does this policy apply to all development within the Established Neighbourhood Area, or only to development proposing increased height/density than what is permitted in the underlying designation? Alternatively, is it the intent of this policy to discourage private developers from purchasing and assembling land for the purposes of redevelopment in the form of infill or intensification? While we are supportive of the removal of the previous policy per our request, given the ambiguity of the revised policy, we recommend it be reviewed and clarified in future drafts.**
- We note new Policy 2.4.2 (3) a) ii) has been added which states that Established Neighbourhood Areas shall be recognized as a distinct area within the City’s Urban Area where intensification is generally discouraged. Previously, Policy 2.4.2.3 a) iii) stated that Established Neighbourhood areas shall be identified as areas with limited opportunities for intensification, and shall accommodate growth opportunities restricted to the permissions and densities established in the underlying land use designation. A new notwithstanding clause is proposed, via Policy 2.4.2(3) b) which identifies the types of intensification opportunities that may be permitted. **It is our opinion that the proposed revised policy may actually be more prohibitive than the previous policy with respect to infill and intensification, which is now discouraged, notwithstanding certain exceptions where opportunities for intensification may be permitted especially in High Density Residential Areas. In contrast, the previous framework contemplated limited intensification within Established Neighbourhood Areas and identified the forms of intensification which may be permitted. The addition of the new policy and subsequent notwithstanding clause does not respond to or address our previous comment and concern. Accordingly, we request that this policy be revised such that Residential High Density areas within Established Neighbourhood Areas are regarded as areas which have opportunities for intensification (as contained in the first draft). Providing a framework which is supportive of appropriate intensification within the Residential High Density areas in Established Neighbourhoods would allow flexibility for appropriately designed and sited infill.**



- With respect to amenity areas, Policy 8.3.5(1) e) has been revised to state *“Development on lands designated Residential- High Density should provide a functional outdoor amenity area at grade level for use by residents”*. **This policy revision removes “shall” and replaces it with “should “which provides additional flexibility with respect to the location of amenity area and addresses our previous comments.**

We appreciate the opportunity to comment on the updated draft of the new Official Plan as it applies to our client’s lands. We will continue to monitor the Official Plan processes and provide additional comments, as necessary, and ask that you keep us informed throughout the process. Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**

A handwritten signature in dark ink, appearing to read 'Dana Anderson', with a stylized, flowing script.

Dana Anderson, MCIP, RPP

A handwritten signature in dark ink, appearing to read 'Kelly Martel', with a stylized, flowing script.

Kelly Martel, M.Pl

Cc: Lilly Wu, GWL Realty Advisors  
Adrian Frank, Devine Park  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington

November 29, 2017

Amber LaPointe  
Committee Clerk  
Planning and Development Committee  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Ms. LaPointe:

**RE: CITY OF BURLINGTON NEW DRAFT OFFICIAL PLAN (NOVEMBER 2017)**  
**419 PEARL STREET, BURLINGTON**  
**OUR FILE: 17119A**

---

We are writing on behalf of our clients, Holy Protection of BVM Ukrainian Catholic Church, located at 419 Pearl Street ("the Subject Lands"), in the City of Burlington. Further to our previous commenting letter dated June 30, 2017, our clients continue to have concerns with the land use policies proposed in the most recent draft Official Plan (November 2017) which incorporates the Downtown Mobility Hub study findings and recommended policies.

The Subject Lands are approximately 0.3 ha in area and are currently occupied by the Holy Protection of the Blessed Mary Ukrainian Catholic Church and a community centre. A Pre-Consultation Meeting was held in the spring of 2017 with City staff regarding the potential redevelopment of the southern portion of the church lands to include a residential development.

Under the Current Official Plan, the subject lands are currently designated as **Mixed Use Activity Area, Mixed Use Centre, Downtown Urban Growth Centre, Downtown Core Precinct** in Schedules A, B, E in the in-force City of Burlington Official Plan. The Downtown Core Precinct permits a range of uses including high-density residential apartments with a minimum density of 51 units per hectare and a maximum floor space ratio of 4.0:1.

The first draft of the New Official Plan (April 2017) identified the subject lands as being located within the **Downtown Mobility Hub Boundary, Urban Growth Centre and Urban Centre, Primary Growth Area and Downtown Urban Centre**. The first draft also proposed to designate the subject lands as Downtown Core Precinct. Given that the Downtown Mobility Hub policies were not yet developed, our comments

related to ensuring a comprehensive block redevelopment for this area of the Downtown was contemplated.

The second draft of the **New Official Plan (November 2017)** did not change any of the proposed designations for the Subject Lands, but did incorporate the Downtown Mobility Hub Study recommended policies. Policy 8.1.1.(3.1.2.1)b) requires a minimum of two land uses in any development. Policy 8.1.1.(3.12.1).d) then requires office uses to be on the entire second and third floor of any development. While our client supports both retail and office uses in the Downtown, the proposed policies, in our opinion, are overly prescriptive especially given the evolving planning framework which will soon no longer permit any amendments to the Official Plan or appeals to such Plans should they not be appropriate to achieve a development in both a locational and market context. The mandatory requirement for retail and office uses with residential development on the Subject Lands given their location within the Downtown is not appropriate.

We recommend consideration be given to soften this restrictive policy approach to allow flexibility to adapt to changing market conditions and to respect site locations which are not main street locations within the Downtown.

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

Yours truly,

**MHBC**



Dana Anderson, MA, MCIP, RPP  
Partner



Amanda Wyszynski, MES (Pl)  
Planner

cc: *Father Zenon Walnyckyj*  
*Cynthia Zahoruk, CZ Architects*  
*Mary Lou Tanner, City of Burlington*  
*Andrea Smith, City of Burlington*

NOV 28 PM 1:10

VIA E-MAIL

November 28, 2017

Denise Baker  
Partner  
T: 905-829-8600  
dbaker@weirfoulds.com

File 16121.00001

City of Burlington  
426 Brant Street  
PO Box 5013  
Burlington, Ontario  
L7R 3Z6

Attention: Angela Morgan, City Clerk  
Mayor Goldring and Members of Council

Dear Mayor and Members of Council:

**RE: City of Burlington Proposed New Official Plan (November 2017)**

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We are solicitors for A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA), (collectively, "Clients"). We are providing this written submission to you on behalf of our Clients after having reviewed the proposed Burlington Official Plan (November 2017 version).

In this regard, we understand that a comment letter from our Clients' planning consultants Labreche Patterson & Associates Inc. dated June 30, 2017 (see attached) was previously provided to the City. We are also advised that at least two previous written submissions were provided to the City in response to the Commercial Policy Review Direction Reports, as well as attending a "workshop" on drive-through facility policies.

We also understand that a meeting between City staff, Andrea Smith and Hugo Rincon and Victor Labreche (Labreche Patterson & Associates) and Greg Hogarth (local owner/operation of Tim Hortons Restaurants) occurred on July 12, 2017 wherein Mr. Labreche and Mr. Hogarth. Irrespective of these submissions and meetings, our concerns have not been addressed, necessitating this further correspondence.

Our concerns with the latest draft of the Official Plan can be summarized as follows:

1. Chapter 7 – "Design Excellence", Policy 7.3.3 Specific Use Policies

The reference to "emissions" in policy 7.3.3 a) (iv) is not acceptable. Based on related studies that our clients have had completed, there is no evidence to support that the operation of a Drive Through Facility ("DTF") results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. To our knowledge, no such study supporting this policy has been commissioned by the City of Burlington, and if it has been, it has not been shared with the public.

2. Chapter 8 – 8.7 "Specific Use Policies", Policy 8.7.1 "Accessory Drive Throughs"

We object to the opening paragraph of policy 8.7.1 as proposed. We ask that this policy be deleted and replaced as follows:

*"An accessory drive-through provides an added convenience to people travelling by private automobile. Although convenient, accessory drive-through may present transportation management, planning and urban design challenges. The addition of an accessory drive-through to commercial uses, needs to ensure compatibility with the stated objectives for an area or designation so they do not alter the form, function and compatibility of a principal use and compromise other city objectives including intensification and pedestrian oriented development."*

3. Policy 8.7.1. (2) "Policies"

We object to the proposed policy as it notes that accessory drive-throughs "shall be prohibited" in the Urban Growth Centre and mobility hubs. We ask that the reference to "shall be prohibited" be replaced with "may be permitted through a site specific Zoning By-law Amendment".

4. Policy 8.7.1. (2) b); we object to this policy in its entirety.

5. Policy 8.7.1.(2) (c); as proposed it is acceptable however this policy needs to be reconciled with proposed policy 8.7.1. (2).

Our clients have satisfactorily resolved many of their concerns pertaining to the use of prohibitions of DTF in Official Plans in numerous other municipalities without the need for a contested hearing as the use of prohibitions of the type proposed is not in accordance with related case law. Notwithstanding this, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan policies such as build form, density and massing requirements that are typical of most urban downtown and intensification areas, the same as any other land use within these areas. As such, in is our position that a specific prohibition has not been justified.

In summary, we request that the current proposed policies be revised. As we believe it would assist in your considerations, we would like the opportunity to discuss the above and other alternative language with you that have been successful in other municipalities to address our concerns.

Finally, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council decisions on this matter.

Yours truly,

WeirFoulds LLP

*DBaker*

Denise Baker

DB/mw

Ends.

cc : [newop@burlington.ca](mailto:newop@burlington.ca)

Clients

Victor Labreche, Labreche Patterson & Associates Inc.

11133741.1

CLERKS DEPARTMENT			
Action Required		Council Agenda	
Info Only		Standing Comm. Agenda	
Reply to Clerk		Council Information Pkg.	
COPY TO			
City Mgr Office		Human Resources	
Clerks	<i>ADA</i>	I.T.S.	
Councillors Office		Legal	
Capital Works		Mayor's Office	
		Parks & Recreation	
Finance		Planning & Building	<input checked="" type="checkbox"/>
Fire		Roads & Parks Maint.	
B.I.T.		Transportation	
Comments:		File No: _____	
<i>emailed.</i>			

To: Amber LaPerle

November 30<sup>th</sup>, 2017

**RE: Proposed November 2017 Burlington Official Plan ('OP')**

To: Council Members:

I wish to make you aware of a number of objections that I have with regard to the proposed plan. I'm of the view that the proposed plan will have a serious impact on the resident's standard of living. My specific objections are as follows:

1. Identifying downtown as a 'mobility hub'; we would recommend that the downtown be reclassified as a 'historical or heritage district' and with protection rights

The present proposal would significantly alter the makeup of the area and amount to serious 'over intensification'. Furthermore this area in becoming a mobility hub would not be of benefit to its surrounding landscape or the environment, to the contrary it would lead to the loss of valuable light and urban space.

In particular, the scale and proportions of surrounding buildings, would be dwarfed by new development through new height permissions which does not respect the local context. This would be entirely out of character for the area, to the detriment of the local environment.

In addition, the definition of 'mobility hub' as described in the OP does not apply to the downtown core since the level of transit service that is planned for this area and the contemplated development cannot accommodate different modes of transportation without significant investment in infrastructure.

2. Loss of privacy and overlooking, increase of noise pollution

The OP does not make clear that development will be expected to provide high standards of layout and design that ensures adequate privacy for the occupant of adjacent residential properties. The Human Rights Act, Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the OP allows for development which would have a detrimental impact on residents and their right to quiet enjoyment of their property.

Noise pollution affects both health and behavior and the OP does not clearly address the heightened need to ensure the wellbeing of its residents.

3. Inadequate parking, traffic and access

Although the OP is making attempts to increase public transit, there is no clear outline as to how this is achieved in a high density area. I have serious concerns on land use, the plot size and orientation of structures each of which will not easily adapt to increased ridership.

In conclusion I would also request that Council consider waiting until all assessments and studies are completed prior to approval of the OP. Also more time for public review and comment needs to be provided. While I understand and appreciate that the city is creating an

Urban Design Panel and would strongly recommend that residents also participate on such panel.

I would be grateful if Council would take my objections into consideration when reviewing this OP and would welcome the opportunity to meet with a representative of the Planning Department to discuss in more detail my objections.

Thank you.

Susan Goyer

1401 Elgin Street

Burlington, On L7S 1E6



November 29, 2017

Amber LaPointe  
Committee Clerk  
Planning and Development Committee  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan (November 2017 Proposed Draft)**  
**441 Maple Avenue, Burlington**  
**OUR FILE: 16295A**

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MHBC is retained by Better Life Retirement Residence Inc. who is the owner of the property located at 441 Maple Avenue in the City of Burlington ("the Subject Lands"). The Subject Lands are 1.23ha in area and currently contain a two-storey, 93 bed, long-term care facility known as the Maple Villa Long Term Care Centre. This facility is proposed to be closed, with the residents relocated to a new, modern and accessible, facility in the next several years. Once the residents have been moved to the newly developed facility, it is the intent that the existing use on the site be redeveloped with a high-rise residential building with underground parking. A pre-consultation meeting with respect to the proposed redevelopment of the Subject Lands was held on May 17, 2017. We are currently working with our clients towards submitting a complete application for the proposed redevelopment.

#### **Current Official Plan**

The Subject Lands are currently designated **Mixed Use Activity Area, Mixed Use Centre- Downtown Urban Growth Centre** and **Downtown Residential- Medium and/or High Density Residential Precinct** in accordance with Schedules A, B and E of the in-force City of Burlington Official Plan. The current policy framework permits ground or non-ground oriented housing units ranging between 26 and 185 units per net hectare with no height limit prescribed by the plan. Height is to be implemented through the City's Zoning By-law.

#### **Proposed Draft Official Plan (April 2017)**

The first draft of the new Official Plan was released in April of 2017 and identified the Subject Lands as being located within an **Urban Centre (Urban Growth Centre), Primary Growth Areas and Downtown Urban Centre** in accordance with Schedule B, B-1 and C of the draft Official Plan. The Subject Lands were also proposed to be designated as **Downtown Residential Medium and/or High Density Precinct**, with a note that the lands were under review through the Mobility Hubs Study and revised policies and map changes would follow (Schedule D).

Given that the Mobility Hub study was in the beginning stages at the time of our first draft comment submission dated June 29, 2017, we provided general comments and requested further information with respect to the process upon which changes to the current policy would be provided including the detailed analysis of how each site would be assessed for its redevelopment potential and how considerations for height and density throughout the Downtown would be analyzed.

#### **Proposed Draft Official Plan (November 2017)**

The Proposed Draft Official Plan (November 2017) has been revised to include a policy framework for the Downtown Mobility Hubs. In accordance with the November 2017 Draft Official Plan, the Subject Lands continue to be identified as **Urban Centre (Urban Growth Centre), Primary Growth Areas and Downtown Urban Core** in accordance with Schedules B, B-1 and C, consistent with the April 2017 Draft. However, this version of the Plan now proposes a **Mid-Rise Residential Precinct** designation on the Subject Lands.

The Proposed Draft Official Plan (November 2017) states that the function of the Downtown Mid-Rise Residential Precinct is to accommodate existing residential development consisting of eleven (11) storeys or less. Permitted uses include residential uses; townhouse developments only when incorporated into a mid-rise building; retail and service commercial and office uses within the first and/or second storey of a development; and, recreation uses within the first and/or second storey of a development. No density cap for development is provided.

As noted above, we attended a pre-consultation meeting with City staff in May 2017 where we provided preliminary concepts for a high rise residential building (20 storeys). We have noted staff's initial comments and concerns related to the proposed height and are currently working with our clients to finalize a submission to the City for both Official Plan and Zoning By-law Amendment applications to facilitate a revised plan for the site redevelopment.

Given the development concept for the Subject Lands envisions a high rise residential building, we have concerns with the mid-rise residential designation proposed for the Subject Lands. First, we note that the Subject Lands are currently designated as Medium and/or High Density Residential Precinct where the surrounding context consists of buildings between 12 and 20 storeys. In particular, a 15-storey building and a 14-storey building are located at the intersection of Maple Avenue and Elgin Street, opposite and adjacent to the Subject Lands. The adjacent lands, on the opposite side of the intersection of Maple and Elgin, are proposed to be designated Downtown Tall Residential Precinct, where a minimum height of 12 storeys, but no maximum height, is proposed. We question the City's rationale for the down-designation of the Subject Lands, given:

1. The existing context contains several tall buildings; and,
2. Surrounding blocks are proposed to continue to be permitted to develop with tall buildings in this new framework.

We have still not seen the detailed planning analysis or report that identifies how the proposed height was established. It is our position that the Subject Lands, located within a precinct that contains some of the tallest and most dense developments within the Downtown, can appropriately achieve a compatible height and density through a tall building development that incorporates terracing and step backs and maintains view corridors. It is our opinion that the Downtown Tall Residential Precinct designation should be extended to include the Subject Lands and, accordingly, we request that the City revise the draft Official Plan such that our client's lands are designated Downtown Tall Residential Precinct.

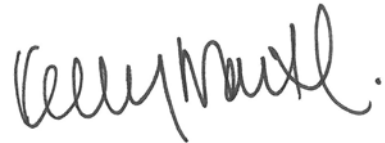
We appreciate the opportunity to comment on the proposed updated draft Official plan as it applies to our client's lands. We will continue to monitor both the Official Plan and Downtown Mobility Hub planning processes and are available to discuss our comments further with staff. We look forward to working with the City moving forward to facilitate the redevelopment of this site.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Dana Anderson'.

Dana Anderson, MCIP, RPP  
Partner

A handwritten signature in black ink, appearing to read 'Kelly Martel'.

Kelly Martel, M.Pl  
Planner

Cc: Sameer El-Fashny and Sam Badawi, Better Life Retirement Residence Inc.  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington

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 Official Plan  
441 North Service Road, 891 North Service Road, & 1450 King Road, Burlington  
OUR FILES: 1743A, 1743F & 1743D**

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MHBC is currently retained by Quantum Automotive Group and Astra Capital Inc. in relation to the properties located at 441 North Service Road, 891 North Service Road, & 1450 King Road in the City of Burlington.

#### **Site Description**

The property located at 441 North Service Road is located on the north side of the North Service Road, between Hickory Lane and Yorkton Court, with a site area of approximately 2.4 ha. It is currently occupied by Mercedes Benz Burlington. It is also the subject of a current rezoning application to expand the facility which was recently approved by Planning and Development Committee.

The property located at 891 North Service Road is located on the north side of the North Service Road and east of King Road, with a site area of approximately 3.6 ha. It is currently vacant.

The property at 1450 King Road is located at the northwest corner of King Road and the North Service Road. It is also currently vacant. We recently attended a pre-consultation meeting for this site with the City and are in the process of preparing a development application for the site.

#### **Current Official Plan Framework**

All three properties are currently designated **Employment Lands** (Schedule A) and **Business Corridor** (Schedule B) in the in-force City of Burlington Official Plan.

Site-specific policies currently apply to the property located at 441 North Service Road which permit the motor vehicle dealership facility. Additional site specific policies apply to the redevelopment of 441 North Service Road and 1450 King Road which require: an Environmental Impact Assessment as described in Part II, section 2.5 of the Official Plan; a viewshed study and calculations of maximum building heights; and compliance with the criteria of Part V, Section 2.4, related to design.

The property at 891 North Service Road is also subject to a number of specific policies as stated in Section 3.4.3.a of the Official Plan.

**Proposed Draft Official Plan (April 2017)**

The Subject Lands were identified as an **Urban Area** on Schedule A, **Employment Lands** in Schedule B, **Employment Growth Area** and **Developed Area Outside Built Boundary** in Schedule B-1 and **Business Corridor** in Schedule C of the April 2017 Draft Official Plan.

The Business Corridor land use designation remained relatively unchanged in the April 2017 Official Plan, however, large scale motor vehicle dealerships were permitted subject to criteria on all lands and the site specific exception for 441 North Service Road was removed.

**Comments on Proposed Draft Official Plan (April 2017)**

We provided a letter dated June 30, 2017, which conveyed our support for the addition of the motor vehicle dealership use to the Business Corridor designation and the additional flexibility provided for accessory uses. In relation to the current Mercedes Benz facility at 441 North Service Road, we requested confirmation that the current facility and its range of supportive uses were reflected in the new draft Official Plan. We also wanted to ensure that the expanded facility, now approved through the rezoning process, is recognized in the new Official Plan including those lands on which the expanded parking area is to be located. We did not receive any formal response from staff on these clarifications.

We noted that the properties at 1450 King Road and 891 North Service Road will benefit from the flexibility provided in the new Business Corridor policies.

**Comments on Proposed Draft Official Plan (November 2017)**

We note that the latest draft Official Plan (November 2017) continues to designate the properties as Business Corridor. We further note that the majority of the policies appear to remain the same with two differences:

- i) Automotive commercial uses are now removed as a permitted use; and,
- ii) The requirement for a large-scale motor vehicle dealership to be located on an Industrial Connector is a “should”.

While we are supportive of the continued flexibility provided in the criteria for the location of the large-scale motor vehicle dealerships, we are concerned about the removal of automotive commercial uses from the list of permitted uses in the Business Corridor designation. These uses as defined in the latest draft Plan and would include those uses contemplated by our client as part of their overall facility operations in the area on the three properties noted. We believe these uses should remain as permitted uses within the Business Corridor designation.

We would appreciate a response from staff on these comments. We would also request that we are notified of all future meetings in relation to the new Official Plan and any further changes to the Business Corridor policies or other policies that may impact the development potential for all three sites.

We look forward to continuing to participate in the City's Official Plan review process and will provide additional comments as the policies are further developed. Please do not hesitate to contact us should you have any questions.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP  
Partner

Cc: Shaun Harcus, Quantum Automotive

November 29, 2017

Andrea Smith, MCIP, RPP  
Manager of Policy Planning  
Planning and Building Department  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Ms. Smith:

**RE: City of Burlington New Official Plan  
1549 and 1569 Yorkton Court, Burlington  
OUR FILE: 1743C & 1743H**

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MHBC is currently retained by Quantum Automotive Group and Astra Capital Inc. in relation to the properties located at 1549 and 1569 Yorkton Court in the City of Burlington. The properties are located north of the North Service Road. The lands located at 1569 Yorkton Court are currently vacant whereas the lands located at 1549 Yorkton Court contain a multi-tenant industrial building.

#### **Current Official Plan Framework**

The Subject Lands are currently designated **Employment Lands** (Schedule A) and **Business Corridor** (Schedule B) in the in-force City of Burlington Official Plan.

#### **Proposed Draft Official Plan (April 2017)**

The Subject Lands were identified as an **Urban Area** on Schedule A, **Employment Lands** in Schedule B, **Employment Growth Area** and **Developed Area Outside Built Boundary** in Schedule B-1 and **Business Corridor** in Schedule C of the draft proposed Official Plan (April 2017).

#### **Comments on Proposed Draft Official Plan (April 2017)**

We provided a letter to the City with our comments on the April 2017 draft Official Plan as it related to 1569 Yorkton Court on July 21, 2017. As you may know, our client is proposing the development of a 130,000 square facility at 1569 Yorkton Court. The facility is primarily designed to be a sales, service and finishing hub for Mercedes-Benz' line of utility vans and to provide Q-aesthetics services to eight or more other dealerships. The facility will include the following uses:

- Show rooms for utility vans and van kits (specific groups of additional vehicle components which are installed based on the particular occupation / trade of the customer);
- Full service department geared toward servicing utility vans;
- Q-aesthetics department which includes body shop, paint shop, vehicle wrapping and detailing
- Assembly department where van kits are installed into stock utility vans;

- Storage of vans and vehicle components; and
- Office and employee amenity areas.

We were supportive of the addition of the large-scale motor vehicle dealership use to the Business Corridor designation and the additional flexibility provided for accessory uses. It is our interpretation that the aforementioned facility represents a sales, service, and assembly facility that could fall under the definition of a large-scale motor vehicle dealership but could also be defined through a combination of other permitted uses listed in Policy 8.2.3.2 of the Draft Official Plan: *industrial* (assembling / fabricating), *automotive commercial*, and *warehousing*.

We also noted that Yorkton Court was not identified as an Industrial Connector and if defined solely as a large-scale motor vehicle dealership would require a site specific amendment to be permitted.

**Comments on Proposed Draft Official Plan (November 2017)**

Since our July comments, our clients have purchased the lands at 1549 Yorkton Court. We note that the latest draft continues to designate the two properties as Business Corridor. We further note that the majority of the policies appear to remain the same with two differences:

- i) Automotive commercial uses are now removed as a permitted use; and,
- ii) The requirement for a large-scale motor vehicle dealership to be located on an Industrial Connector is a "should".

While we are supportive of the flexibility provided in the criteria for the location of a large-scale motor vehicle dealership, we are concerned about the removal of automotive commercial uses from the permitted uses in the Business Corridor. These uses as defined in the latest version of the Plan would include those uses contemplated by our client as part of their overall facility operations in the area. We believe these uses should remain as permitted uses within the Business Corridor designation as they will allow the associated and supportive dealership facilities proposed by Quantum to be developed.

We would appreciate a meeting with staff to clarify the Business Corridor policies as they relate to the business needs of Quantum Automotive. Please contact us should you have any questions.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP  
Partner

Cc: Shaun Harcus, Quantum Automotive



# RENIMMOB PROPERTIES LIMITED

242 Main Street East  
Hamilton, Ontario L8N 1H5

Tel: (905) 528-8956  
Fax: (905) 528-2165

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November 28, 2017

Sent via Email: [amber.lapointe@burlington.ca](mailto:amber.lapointe@burlington.ca)

**City of Burlington  
Clerk's Department  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6**

**Attention: Amber La Pointe, City Clerk's Department**

**Re: New Draft Official Plan & Downtown Mobility Hub Precinct Plan  
535 - 553 Brant Street**

Dear Ms. La Pointe:

We are the owners of property known municipally as 535-553 Brant Street. It has come to our attention that the City of Burlington is currently reviewing its Official Plan and preparing a secondary plan for the Downtown – the Downtown Mobility Hub Precinct Plan - that may impact the redevelopment potential of our properties. We are also aware that our properties are included within an area designated by the Province of Ontario as Burlington's "Urban Growth Centre".

In the second draft of the New Official Plan, our properties are located within a portion of an area proposed to be designated in the New Official Plan as "Downtown Core Precinct" and that more detailed land use and redevelopment policies are proposed to be prepared and included in the new Precinct Plan.

While monitoring the evolution of the new planning policies for the Downtown and their direct relationship to the redevelopment of our properties, we are concurrently examining the redevelopment potential of our lands. We have concluded that our properties are suitable for high density/tall buildings.

In previous versions of the draft land use plans that have been prepared by the City's consultants, we note that open space was being considered as a potential land use for an area including our properties. We would strongly object to any and all land use policies that would promote parkland uses for our properties.

# RENIMMOB PROPERTIES LIMITED

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We want to be active participants in the planning process that affects our properties and we trust that the City will amend appropriate policies accordingly.

We look forward to a response and working with the City of Burlington on this.

Yours truly,

**RENIMMOB PROPERTIES LIMITED.**



Per:  
Gerald Asa