



PARTNERS:

GLEN SCHNARR, MCIP, RPP

GLEN BROLL, MCIP, RPP

COLIN CHUNG, MCIP, RPP

ASSOCIATES:

JASON AFONSO, MCIP, RPP

KAREN BENNETT, MCIP, RPP

CARL BRAWLEY, MCIP, RPP

JIM LEVAC, BAA, MCIP, RPP

November 29, 2017

Ms. M L Tanner
City of Burlington –Department of City Building
426 Brant Street, PO Box 5013,
Burlington, ON
L7R 3Z6

Our File: 1087-001

Attention: Ms. Mary Lou Tanner - Director of Department of City Building

RE: Commentary on Burlington's Proposed New Official Plan

Glen Schnarr & Associates Inc. are the planning consultants acting on behalf of King Paving and Materials Ltd. and 2033940 Ontario Inc. whom are the registered owners of the properties located at 1070 Waterdown Road and 1093 Howard Road, Burlington. Both registered owners are corporate entities associated with KPM Industries Ltd. On behalf of our clients, we have been actively engaged in monitoring the development of the City of Burlington's new Official Plan as well as the Aldershot Mobility Hub Study. To date, we along with our client, have been active participants in a number of the City's Open Houses and have provided commentary at many of the City's workshops and roundtable discussions. We have reviewed the proposed new Official Plan policies and land use designations as they apply to our client's lands and would like to provide commentary in support of the proposed new Official Plan to be considered by Council on November 30th, 2017.

Based on our review, the new Official Plan appears to represent a balanced approach to achieving the City's mandated growth obligations while at the same time preserving the established character of the City's mature neighbourhoods. Where appropriate, the new Official Plan has allowed for significant increases in height and density thus realizing the full development potential of areas of strategic planning importance to the City. Council and City Staff are to be commended for their efforts in this regard.

Given the location of our client's properties in the Aldershot Mobility Hub Area, the polices and land use designations applicable to the area are of great importance to our clients. We are pleased with the proposed policy direction that the new Official Plan is taking with respect to recognizing the importance of providing a range of land uses and development densities around the City's major transit stations and priority transit corridors. Of particular interest is the designation of the Mobility Hub Areas as Primary Growth Areas as shown on Schedule B-1 Growth Framework and described in Section 2.4.2. (1). of the new Official Plan. The policies relating to the Primary Growth Areas confirm that these areas are intended to be the focus for future growth, development and infrastructure investments. We note that *Schedule C – Land Use Urban Area* of the new



Official Plan continues to apply the ‘*Urban Corridor – Employment Lands*’ and ‘*General Employment*’ land use

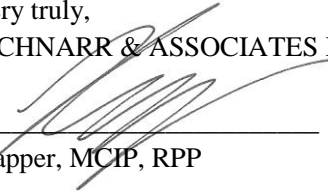
designations to our client’s properties. We understand that until such time that an Area Specific Plan for the Aldershot Mobility Hub area has been prepared, the applicable objectives and policies for the underlying land use designations, those being ‘*Urban Corridor – Employment Lands*’ and ‘*General Employment*’, shall apply.

Based on our discussions with Planning Staff, we understand that the employment land use designation is required to be maintained in the City of Burlington Official Plan in order to ensure conformity with the Region of Halton Official Plan which designates the properties within the Regional Employment Overlay. Furthermore, we understand that the Regional Employment Overlay is to be reviewed through the next Municipal Comprehensive Review (MCR) conducted by the Region of Halton. It is our hope that during the Region’s MCR, the proposed Area Specific Plan for the Aldershot Mobility Hub is sufficiently advanced to inform the Region’s MCR process and therefore provide appropriate direction to the Region of the City’s planning intentions for the area. It is our submission that an emphasis should be placed on finalizing the Aldershot Mobility Area Study as soon as possible so as to be able to inform the Region’s MCR process.

Although not considered part of the new Official Plan, our support is based, in part, on the draft land use concepts that have been prepared as part of the Aldershot Mobility Hub Area Study. It is recognized that these land use concepts have not been considered by Council, nor have they been vetted through the full public consultation process. The draft land use concepts do however provide insight on the preliminary direction for a future Area Specific Plan for the Aldershot Mobility Hub Area. The proposed land uses, densities and building heights appear to be aligned with the direction of the proposed new Official Plan policies relating to the Mobility Hub Areas. The draft concepts illustrate an appropriate development framework for achieving the City’s growth obligations in proximity to a major transit station. As such, we are in support of the proposed Official Plan policies relating to the Aldershot Mobility Hub Area.

On behalf of our client’s, Glen Schnarr & Associates Inc. would like to thank the City of Burlington for the opportunity to provide comments on the new City of Burlington Official Plan. We would be pleased to meet to discuss our comments further if required. We finally request that we be kept apprised of this important process as it evolves. If you have any questions regarding these comments, please do not hesitate to contact the undersigned.

Yours very truly,
GLEN SCHNARR & ASSOCIATES INC.



David Capper, MCIP, RPP
Associate

November 30, 2017

Ms. Angela Morgan
City Clerk
City of Burlington
426 Brant Street
P.O Box 5013
Burlington, ON
L7R 3Z6

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017
LBS Group Limited
1830 Ironstone Drive
City of Burlington**

We are the solicitors for LBS Group Limited (“LBS”). LBS owns the property and building located at 1830 Ironstone Drive which is presently occupied by RONA. Our client, through its land use planning consultants, Wellings Planning Consultants Inc., has made several submissions on behalf of LBS with respect to the latest submission dated June 27, 2017 pertaining to the April 2017 version of the Draft Official Plan. Wellings Planning Consultants Inc. has also previously submitted a Planning Justification Report dated November 2014 regarding an Employment Conversion Request for the subject lands.

RONA and its predecessors have been at this location since 1989. This property has served a commercial rather than an employment function since 1989 and it would seem reasonable and appropriate that the commercial function be continued in the new Official Plan. RONA being a commercial use, has always been accessory to the broader area serving businesses, employees and nearby area residents.

We were pleased to see some positive changes between the April 2017 and November 2017 draft versions of the Official Plan for the subject lands including a site-specific policy allowing for the existing home improvement use and reinstatement of the permission for entertainment and recreation uses. Despite these changes, LBS remains concerned with the proposed “Uptown Business Corridor” designation for the property and the recent change to include the LBS lands within the employment overlay. The designation and overlay severely limit the redevelopment potential of the subject lands and are not consistent with the current commercial use of the property. The proposed policy framework also ignores the fact that these lands have never contributed to or served an employment function in the City or broader Region.

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

We are hopeful that these concerns can be resolved prior to the final Official Plan being presented to Committee and Council in January 2018 and welcome further dialogue with City staff in this regard.

We will not be in attendance at the Planning and Development Committee meeting on November 30, 2017, as the writer is currently out of the country, but we trust that the Committee will receive this letter and that our concerns will be noted for the record.

We respectfully request to be notified of any future meetings and/or Council decisions with respect to the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,

A handwritten signature in black ink that reads "R. D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

cc. Alison Enns/Andrea Smith, City of Burlington Planning
Jim Maxwell, LBS Group Limited
Glenn Wellings



PARTNERS:

GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP

ASSOCIATES:

JASON AFONSO, MCIP, RPP
KAREN BENNETT, MCIP, RPP
CARL BRAWLEY, MCIP, RPP
JIM LEVAC, BAA, MCIP, RPP

November 30, 2017

Our File: 1173-001

The City of Burlington
Planning and Building Department
426 Brant Street
Burlington, ON L7R 3Z6

**RE: Proposed New Official Plan
Block D, RCP PL1421
The Hudson's Bay Lands, Burlington Mall
777 Guelph Line, Burlington**

Glen Schnarr & Associates Inc. are the planning consultants for 3056376 Canada Inc., owner of the above-noted lands.

The subject lands are part of the Burlington Mall and are comprised of the Hudson's Bay building, associated parking, and one one-storey automotive centre building. The property has an area of approximately 4.86 hectares (12 acres) and has frontages of approximately 136 metres (446 feet) on Fairview Street and 150 metres (492 feet) on Prospect Street.

We have reviewed the land use policies of the Proposed New Official Plan as they apply to the subject lands and provide the following comments for your consideration.

The Burlington Official Plan (July 2015 Office Consolidation)

Schedule A, Settlement Pattern of the current Burlington Official Plan indicates that the subject lands are within a "Major Retail Area". Section III – Land Use Policies – Urban Area indicates that "Major Retail Areas" provide locations where the primary use of land involves the buying and selling of services and goods on a City-wide or community-wide basis. Four Commercial Area land use designations, which include "Regional Commercial", "Community Commercial", "Employment Commercial", and



“Neighbourhood Commercial”, are identified on Schedule B, Comprehensive Land Use Plan – Urban Planning Area (“Schedule B”).

Schedule B designates the subject lands “Regional Commercial”. Section 4.2.2, Policies indicates that “Regional Commercial” areas will provide a wide range of retail and service commercial uses and community facilities. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all the City, as well as population in adjacent municipalities. They are to be mainly developed for retail and service commercial uses. Offices and residential uses may, however, also be permitted.

Section 4.3, Regional Commercial Designation indicates that the following uses may be permitted subject to the evaluation of site specific criteria:

- All types of retail uses;
- Supermarkets/grocery stores;
- Service commercial and personal service uses;
- Department stores;
- Warehouse clubs;
- Home and auto supplies;
- Furniture stores;
- Financial institutions and services;
- Offices;
- Entertainment, recreation and other community facilities such as daycares; and
- Medium and high density residential uses to a maximum height of 12 storeys. A minimum building height is not specified.

The floor area of a property designated “Regional Commercial” that is devoted to freestanding residential, hospitality, entertainment, recreation and office uses shall not exceed half of the total floor area on the property. Development is subject to policies, which include:

- b) Development in a Regional Commercial Area or node shall be a commercial centre functioning primarily for Regional scale shopping, where a group of retail, service commercial or other uses function with some common parking and loading facilities, and egress and ingress, and may include lands on other quadrants of an intersection. Freestanding buildings shall be permitted on the site provided they do not adversely affect access or traffic circulation within the commercial area;



- c) Residential uses shall be located in buildings exclusively used for residential use or in upper storeys of commercial buildings;
- d) Office uses shall be located in freestanding buildings, within the shopping centre building, or on upper storeys of commercial buildings.
- e) A Regional Commercial area or node shall be at least 20 ha in size and have a total retail building area of approximately 45,000 sq. m. or greater; and
- h) Regional commercial areas or nodes shall be fully served by public transit services

The Proposed New Official Plan

Chapter 2, Sustainable Growth, of the Proposed New Official Plan (the “Proposed Plan”) outlines a community vision for the Plan and provides the framework to guide growth and development. It outlines a proposed Urban Structure and describes the function of each element within this structure. Schedule B, Urban Structure indicates that the subject lands are within a “Mixed Use Intensification Area” and are a “Mixed Use Node and Intensification Corridor”.

Section 2.3.1, Mixed Use Intensification Areas, indicates that lands identified as “Mixed Use Intensification Areas” provide locations where a range and intensity of employment, shopping, public service facilities, residential uses and complementary uses such as open space and parks, institutional, and cultural uses will be developed with transit supportive densities in compact built form. “Mixed Use Intensification Areas” offer substantial development opportunities and represent a key element in the Proposed Plan’s strategy to accommodate and direct growth in the city over the planning horizon and beyond. Development within these areas will be guided by the underlying land use designation of the Plan.

The “Mixed Use Nodes and Intensification Corridors” section contains policies for “Mixed Use Nodes” and “Intensification Corridors”. Lands identified as “Mixed Use Nodes” represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas. Nodes are generally located at points where two or more transit routes intersect. Lands identified as “Intensification Corridors” consist of areas of street oriented uses which incorporate a mix of commercial, residential and employment uses, developed at overall greater intensities, serving as important transportation routes along higher order transit corridors and selected arterial streets.



Chapter 2 also contains policies that are used in conjunction with the Urban Structure policies to outline the relative priority, degree, type and location of growth among four Growth Framework areas proposed by the Proposed Plan. These areas are “Primary Growth Areas”, “Secondary Growth Areas”, “Employment Growth Areas”, and “Established Neighbourhood Areas”. Schedule B-1: Growth Framework, identifies the subject lands as a “Secondary Growth Area”.

“Secondary Growth Areas” are recognized in the Proposed Plan policies as distinct areas within the city’s Urban Area that will accommodate growth primarily within the permissions and densities of the land use designations. These Areas are areas expected to transition over the planning horizon and will not result in a significant relocation of planned growth outside of the Primary Growth Areas. Development is limited to a mid-rise building form, unless otherwise permitted by the policies of the Proposed Plan and, where applicable, shall support the frequent transit corridors and accommodate development that is compact, mixed use and pedestrian-oriented in nature.

The objectives and policies for the major land use designations of the Proposed Plan are outlined in Chapter 8, Land Use Policies – Urban Area. Schedule C, Land Use – Urban Area indicates that the subject lands are within a Mixed Use Intensification Area and a Mixed Use Nodes and Corridor. They are designated “Mixed Use Commercial Centre”.

The applicable policies indicate that “Mixed Use Nodes and Intensification Corridors” are locations where mixed commercial, residential and employment uses will be developed and integrated in a compact built form and at greater development intensities, to encourage the efficient use of physical resources and municipal infrastructure. They will serve as areas for more intensive integration of uses such as retail, service commercial, offices, institutional and entertainment uses with residential uses, public service facilities, cultural facilities, institutional uses and open space to provide amenities and services closer to where people live. A diverse range of household sizes and incomes is encouraged to be accommodated in these areas. Proper integration with surrounding established Neighbourhood Areas to ensure that development is compatible with the area is also required.

Section 8.1.3(3), Mixed Use Commercial Centre Designation indicates that this designation provides locations for Mixed Use Commercial Centres that offer a wide range of retail and service commercial uses, office uses, residential uses, public service facilities and open spaces. They are intended to serve a regional market as well as provide retail goods and services to residents in the immediate area and the city.

The designation recognizes locations that are currently characterized by one or several space-extensive, automobile-oriented large retail uses on one or more properties, which have the potential to re-develop in the long-term in a more intensive, mixed use, pedestrian and transit-oriented manner. It is the objective of



this designation to protect the planned commercial function within “Mixed Use Commercial Centres” while encouraging job creation and residential uses, public service facilities, and public outdoor amenities for employees, residents and visitors where appropriate. The development of surface parking lots and the intensification of under-utilized lands and buildings is also encouraged.

The following uses may be permitted on lands designated “Mixed Use Commercial”:

- All types of retail and service commercial uses;
- Automotive commercial uses;
- Residential uses except for single-detached and semi-detached dwellings;
- Office uses;
- Entertainment uses; and
- Recreation uses.

Notwithstanding the permitted residential uses, other forms of ground-oriented dwellings may be permitted as a component of an overall development of mixed residential or residential/commercial building forms, provided that the ground-oriented residential portion of the development:

- (i) Does not abut an identified Major Arterial, Multi-Purpose Arterial Street, Urban Avenue or Industrial Connector;
- (ii) Is developed in conjunction with, and is accessory to, a multi-residential or mixed use building; and,
- (iii) Does not compromise the long-term objectives of the Mixed Use Commercial Centre designation with respect to such matters as mix of uses, retail and service commercial function, site design, building form and intensity.

Within the designation, development is encouraged to have a minimum building height of two storeys and a maximum building height of 12 storeys. Development applications on large sites that propose one or more *tall buildings*, which are defined as buildings twelve storeys or higher, as part of a comprehensive site development shall be subject to the preparation of an *area specific plan* in conformity with the approved policies and design guidelines of the City. Office uses may be in freestanding buildings, within a shopping centre building, or on upper storeys of commercial buildings.

The ground floor frontage of buildings fronting a Major Arterial or Multi-Purpose Arterial Street such as Guelph Line or Fairview Street respectively, or public open space must consist of retail and service commercial uses. Residential uses are also encouraged in the upper storeys of commercial buildings and may be permitted in buildings exclusively used for residential use provided that the proposed development



does not adversely impact the capacity of the “Mixed Use Commercial Centre” to provide for the retail and service commercial function established in the Plan. The residential building must also be part of an overall development of mixed residential/commercial building forms.

Comments

We have reviewed the land use policies of the Proposed New Official Plan and support the proposed “Mixed Use Commercial Centre” designation. We also agree that it is important to maintain the planned retail and service commercial function set out in the Plan. To achieve this, we believe that it is important that the existing commercial permissions from the current Official Plan be maintained for the subject lands and that they not be restricted or limited in the Proposed New Official Plan. We therefore provide the following comments:

1. The Proposed Plan contains policies for “Mixed Use Nodes” and “Intensification Corridors”. It is not clear; however, which policies apply to the subject lands since they appear to meet the criteria for both. Please clarify which policies are applicable.
2. The current Official Plan may permit specific uses including supermarkets/grocery stores, department stores, and warehouse clubs. These uses are defined in the Proposed Plan but, unlike the current Official Plan, are not specifically listed as permitted uses in the “Mixed Use Commercial Centre” designation. Given this, we request that you please confirm that these uses will continue to be permitted in the Proposed Plan.
3. The current Official Plan also permits *community facilities*, which are defined as a facility provided by a service agency, service club, church or non-profit organization for social, cultural, religious, welfare, athletic or *recreational* purposes. This term is not, however, carried over in the Proposed Plan. Please confirm that the “community facilities” uses will continue to be permitted in the Proposed Plan.
4. The current Official Plan does not specify a minimum building height for lands designated “Regional Commercial”. In contrast, the Proposed Plan “encourages” a minimum building height of two storeys. To protect the planned commercial function within Mixed Use Centres and the viability of future commercial uses, it is important that one storey commercial buildings continue to be permitted. We therefore request that the Proposed Plan be revised to eliminate the minimum two storey height.



5. The current Official Plan may permit medium and high density residential uses in buildings used exclusively for residential uses or in the upper storeys of commercial buildings provided that the floor area of a property designated “Regional Commercial” that is devoted to freestanding residential, hospitality, entertainment, recreation and office uses does not exceed half of the total floor area on the property.

The Proposed Plan, however, may permit ground-oriented dwellings as a component of an overall development of mixed residential or residential/commercial building forms, subject to criteria including a requirement that they not be not abut a Major Arterial, a Multi-Purpose Arterial Street (Fairview Street), an Urban Avenue (Guelph Line) or an Industrial Collector. They must also be developed in conjunction with, and be accessory to, a multi-residential or mixed use building.

We agree that it is appropriate to allow freestanding ground-oriented dwellings as part of the “Mixed Use Commercial Centre” but are not clear on what constitutes a “mixed residential” building form and what is meant by “accessory to” as required by the proposed policies. The meaning of the words “as a component of an overall development” are also unclear in the context of the subject lands, which are physically part of the larger Burlington Mall but are owned separately from the remainder of the mall.

6. We recognize that both the current and Proposed Plan indicate that a maximum building height of twelve storeys is encouraged. It may also allow taller buildings as part of a comprehensive site development that is subject to the preparation of an area-specific plan and conformity with the policies and design guidelines approved by the City. We are unclear, however, how this policy would be applied to the subject lands given that it is physically part of the larger Burlington Mall but owned separately from the remainder of the mall. We therefore request that you clarify how these policies would be implemented on the subject lands.

We appreciate your consideration of our comments and request a meeting with staff to discuss them further. If you have any questions in the meantime, please do not hesitate to contact me.



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Colin Chung, MCIP, RPP
Partner

RENIMMOB PROPERTIES LIMITED

242 Main Street East
Hamilton, Ontario L8N 1H5

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

NOV 28 2017

November 28, 2017

Sent via Email: 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

242 Main Street East
Hamilton, Ontario L8N 1H5

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

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

RUSSELL D. CHEESEMAN
- Barrister & Solicitor -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

November 29, 2017

VIA COURIER

The Mayor and Council Members
The Corporation of the City of Burlington
City Hall
425 Brant Street
Burlington, Ontario
L7R 3Z7

Attention: Ms. Angela Morgan, City Clerk

Dear Mayor and Members of Council:

NOV 30 AM 11:40

Re: New City of Burlington Official Plan

We are solicitors for First Urban Inc. and Bloomfield Developments Inc., the owners and developers of lands within the City of Burlington.

We have reviewed the Agenda of the November 30, 2017 Planning and Development Committee, as well as the staff report that was prepared in respect of the new draft Official Plan of the City of Burlington. Our clients' land use planning consultants, Weston Consulting, submitted two letters to the City as part of the Official Plan Review process. The first was dated November 14, 2016 and related to concerns about the proposed Official Plan as it related to lands at 800 Lasalle Park Road, and the second was dated April 5, 2017 and raised concerns about the Official Plan as it related to lands known as 140 Blue Water Place and 105 Avondale Court. Copies of those two letters are attached for your reference.

In our review of the newly revised draft Official Plan, it appears that the concerns raised in our letters have not been suitably addressed. As such, we would ask Planning and Development Committee of the City of Burlington, and ultimately the Council of the City of Burlington to delay any adoption of the proposed draft Official Plan until such time as our clients' concerns can be addressed in a manner that would be suitable to both the City and our clients.

Royal Building
277 Lakeshore Road East, Suite 211
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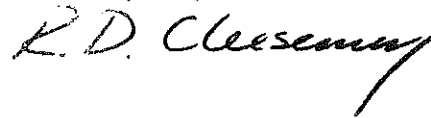
www.MunicipalLawChambers.com

Planning and Development Committee and Council should both be aware that the lands at 140 Blue Water Place and 105 Avondale Court are currently the subject of an Ontario Municipal Board Hearing scheduled to commence on May 14, 2018. It would be desirable for the outcome of that Hearing to be consistent with the new Official Plan.

We will not be in attendance at the Planning and Development Committee meeting on November 30, 2017, as the writer is currently out of the country, but we trust that the Committee will receive this letter and that our concerns will be noted for the record.

If you have any questions, or require any further information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink that reads "R.D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

cc. Mr. T. Perruzza (via e-mail)
Mr. S. Chelliah (via e-mail)
Mr. M. Quarcoopome (via e-mail)



**WESTON
CONSULTING**

planning + urban design

Clerks Department
426 Brant Street
Burlington, Ontario
L7R 3Z6

April 5, 2017
File 7643

Attn: Ms. Angela Morgan, City Clerk

Dear Ms. Morgan

**Re: 143 Blue Water Place & 105 Avondale Court
Response to Draft Official Plan, April 2017**

Weston Consulting is the Planning Consultant for the owners of the above referenced lands. This letter is in response to the new draft 2017 Official Plan policies that are being presented to the Committee of the Whole on April 6, 2017. Following are our concerns related to height and the provision for new rights of ways.

Height

The subject lands are designated *Residential- Low Density* in the current in-force Official Plan. Section 7.5.6- Residential Areas of the OP prescribes the development policies for these areas which include, building type, density and compatibility.

It is recognized that the majority of the existing policies in the in-force Official Plan have been duplicated in the new draft 2017 OP. However, additional policies have been added, specifically related to height:

Section 8.3.2.1 d) On lands designated Residential – Low Density, the maximum height of *development shall* be established through the implementing Zoning By-Law.

Section 8.3.2.1 e) For development, *re-development* or *infill developments* on lands designated Residential- Low Density, the following additional criterion *shall* be considered when evaluating minor variance applications for increased height:

- (i) the maximum building height *should* be comparable to the average height of the highest points of the rooflines of existing residential buildings on

the immediately adjoining properties sharing lot lines with the lands under application.

It is our opinion that these polices are too prescriptive and redundant. Section 8.3.2.1 b) requires that other ground orientated dwellings, not including single and semi- detached housing types, *be compatible with the scale, urban design and community features of the neighbourhood.* Compatibility is a defined term in the draft OP: *development or redevelopment which may or may not be the same as or similar to existing development, but can co-exist with the surrounding areas without unacceptable impacts.* This approach to determine maximum height is appropriate as it does not limit redevelopment to existing by-laws or lands immediately around any property. It is also reinforced through Section 2.5.1 a) Development Criteria Objectives and Section 2.5.1 a).i Development Criteria Polices of the new draft Official Plan.

Right of Ways:

Blue Water Place is a private road which provides access to not only residence on the subject property, but provides direct and indirect access to several residential dwellings. New draft OP policies seek to *encourage* new redevelopment projects to provide/ dedicate these roads to the City:

Section 8.3.1.2 d) *Development* which proposes the creation of a new common roadway *shall be encouraged* to provide the roadway in the form of a public right-of-way.

It is unclear how this provision is intended to implemented. If the City requests that an existing private road to become public, compensation to the landowner should be made.

We ask the Committee consider implications of the above referenced policies and request Planning Policy staff to remove or provide additional clarity.

Yours truly,

Weston Consulting

Per:



Martin Quarcoopome, BES, MCIP, RPP
Associate

- c. T. Perruzza, First Urban Inc.
- S. Chelliah, Bloomfield Homes



**WESTON
CONSULTING**

planning + urban design

Andrea Smith
Manager of Policy and Research
426 Brant Street
Burlington, ON
L7R 3Z6

November 14, 2016
File 7692

**RE: 800 Lasalle Park Road, Burlington
City of Burlington – Official Plan Review**

Weston Consulting has been retained by First Urban Inc. to provide planning assistance regarding the property municipally known as 800 Lasalle Park Road, Burlington (herein referred to as the 'subject lands'). This letter has been prepared on behalf of our client who wishes to participate in the City of Burlington's Official Plan Review process and proposes a re-designation of the subject lands.

The subject lands are located in the City's Aldershot community. The lands are 11,897.72 square metres (2.94 acres) and contain an existing detached dwelling. The lands have water frontage and a shared inlet on the site's west side with the adjacent homeowner. The subject lands are surrounded by a high-rise residential apartment building (La Salle Towers) to the north, Lasalle Park and Marina to the east, the Burlington Bay/ Hamilton Harbour to the south, and single detached dwellings to the west.

The City's current Official Plan designates the subject lands *Residential – Low Density*. Given the ongoing Official Plan Review, we believe it is the appropriate time to seek re-designation of these lands to *Residential – High Density* as part of the ongoing Official Plan Review process.

The requested land use change is consistent with the immediate area as the 15- storey La Salle Towers apartment building is situated to the north of the lands, and is designated *Residential – High Density*. This re-designation request is also in keeping with the City's Urban Structure and Intensification Policy Directions Report from July 2016. The report details how growth should be managed within the City, and this includes accommodation through targeted intensification and development that is supportive of the City's transit initiative. The immediate community includes the following amenities that can support high-density residential intensification:

- Lasalle Park: this 57 acre full- service park includes a playground, splash pad, washrooms, picnic area, baseball diamonds, passive recreational lands, and a portion of the Waterfront Trail; and
- Lasalle Marina: the only public docking facility within the City of Burlington who are seeking a multi-million dollar expansion which includes a new permanent break wall and increase of boat slips from 219 to 349.

The subject lands are located approximately 1 km south (10 mins walking distance) of Plains Road East, which is identified as a *Primary Intensification Corridor* on the City's Draft Intensification Framework Mapping (PB-29-16 Appendix C). This corridor is a primary transit route in the City and is intended to absorb growth to meet Provincial growth mandates. Additionally, the lands are less than 2 km south of the Aldershot GO Station and are less than 1 km from the Aldershot Mobility Hub Study Area identified on the City's Transportation Network Mapping (PB-29-16 Appendix D).

The Aldershot GO Station is one of the City's key major Transit Station Areas and is a critical location for intensification and achieving transit-supportive densities. The Mobility Hubs initiative is intended to make more efficient use of the surrounding lands to help guide growth and development. Considering these Official Plan Review objectives, the subject lands provide a development opportunity which will help the City achieve its intensification targets and support their transit initiatives.

It is our opinion that the re-designation of the subject lands to *Residential – High Density* is compatible with the surrounding area and consistent with the City's objectives for future growth and intensification. We appreciate the opportunity to take part in the City's Official Plan Review and kindly request that we be notified of any future reports and/or public meetings regarding this matter.

If you have any questions or would like to discuss this letter further please contact the undersigned at ext. 266.

Yours truly,

Weston Consulting

Per:



Martin Quarcoopome, BES, MCIP, RPP
Associate

- c. Mark N. Emery, President, Weston Consulting;
Tony Perruzza, First Urban Inc.;
Russell Cheeseman, Municipal Law Chambers.

FPD

F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: gdf@nas.net

June 28, 2017

Andrea Smith, MCIP, RPP
Manager of Policy and Research
Planning & Building Department
City of Burlington
426 Brant Street
Burlington, Ontario L7R 3Z6

Dear Andrea:

Re: Meehan & Wilson - 2070 and 2090 Queensway Drive

Please accept this submission on behalf of Mr. Don Meehan and Mr. Brad Wilson, owners of 2090 and 2070 Queensway Drive respectively. Through the process of considering employment lands that may be converted to non-employment uses last year, the above property was identified as a site that could be converted to non-employment uses to a form of mixed use development.

From my reading of the plan, I note that the subject property is identified in Schedule B as being within a "Mixed Use Intensification Area" with a specific designation identified with a purple colour which notes: "*Mixed Use Nodes and Intensification Corridors*". This designation in Section 8.1.3 allows a range of uses including residential. This designation appears to be consistent with the Council direction to permit mixed uses on this property and is supported by the owner.

However, there appears to be a conflict with Schedule C which notes that the lands are designated General Employment. From a review of policies in Section 8.2.2 General Employment designation, it would appear that this designation does not permit residential uses.

We would recommend that Schedule C - Land Use - Urban Area - will be modified to replace the General Employment designation on these properties to Urban Corridor in order to be consistent with the intent of Council decision and the designation in Schedule B.

We would also ask for two amendments to the standard Urban Corridor policies, including elimination of floor area ratio and maximum building height. We believe these measures should be included in the implementing Zoning By-law to provide clarity for development expectations and also to allow for any minor modifications that may be desirable from a design perspective without the need for an official plan amendment should a desirable project come forward that exceeds these limits.

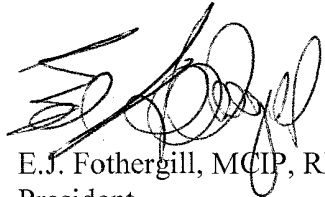
If a limit is to be established, we would suggest that a floor area ratio of 6.0:1 be utilized to reflect future expectations based on current built form as well as applications that are being considered by the City. We believe the provision found in Policy 8.1.3.6.2(i) be retained to permit an increase in floor area ratio beyond this limit subject to fulfilling the five criteria set out in the draft plan.

With respect to height, if a height limit is required, we would suggest a limit be set at 25 storeys to reflect the importance of this site given its location within a Mobility Hub and proximity to the Burlington GO Station as well as the form and nature of surrounding land uses.

Thank you very much for the consideration of this submission.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Don Meehan
Brad Wilson

FPD

F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

62 DANFORDIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0345 • E-MAIL: edf@nas.net

November 29, 2017

Ms. Angela Morgan
City Clerk
City of Burlington
426 Brant Street P.O. Box 5013
Burlington, ON L7R 3Z6

Dear Ms. Morgan:

**Re: City of Burlington Official Plan
Public Meeting - Thursday November 30, 2017**

Please accept this submission on behalf of the Molinaro Group and its associated companies with respect to three sets of property holdings within the limits of the Urban Growth Centre. Staff are to be congratulated for producing a comprehensive planning document that, for the most part, has been able to respond to a variety of competing interests in the Urban Growth Centre.

1. Cannery Precinct

The Molinaro Group supports the intent to establish tall buildings in the precinct and agrees with the identification of the north-east corner of Brant and Lakeshore as a node which deserves special attention. They would, however, like to propose a change to the plan to allow for a range of heights between 22-27 storeys. This would allow for an appropriate degree of flexibility in terms of design options for the site which would take into account the need to provide significant public space that is being contemplated in the plan. While we agree with the principles associated with the establishment of a public space on this site, we would suggest that the extent of the open space as shown on page 9 in the documentation included in the Mobility Hub Workbook Study should be reviewed as a conceptual illustration and not used to precisely define the extent of open space that might also be established on this site. The size, shape, and function of this space should be left to a later date at which time very detailed site assessment and building design can be undertaken.

The request for flexibility is important to ensure that the planning process which will lead to the creation of a specific development project on this site achieves the best possible outcome for the City and the proponent. The flexibility of additional height allows for better consideration of achieving more affordable limits, minimizing impacts on abutting properties, and accommodating the significant loss in building area associated with the public space objectives. It also allows for more creative design alternatives to be considered and a greater ability to achieve the design objectives of the Urban Design Guidelines. The presence of two heritage buildings in this block also contributes to the need to consider additional height to be able to properly accommodate the limitations and restrictions that may arise out of design efforts to respond to heritage matters.

From the extensive experience of the developer and the City with respect to creating successful and innovative tall buildings, it has become evident that the design exercise associated with a successful project must be carefully crafted with input from the City. This will ensure that the variety of often conflicting objectives of both the City and the developer are taken into account to achieve a well designed, well balanced project that responds to not only the site opportunities and limitations, but also contributes to the enhancement of the design of the downtown core. Until this design exercise is completed, it is difficult to pre-determine with any great precision all the design outcomes of that process, including building height. As a result, strategic sites such as this should be provided with a range of height options that allow for bringing forward a built form which is the best possible fit for this site.

We would therefore suggest that the Official Plan add flexibility by providing a 22-storey limit as of right with the possibility of up to 27 storeys in this strategic location subject to the assessment of criteria which could include the provision of public open space, and the consideration of potential impacts on abutting properties, building separation, creative urban design and other matters.

2. Lakeshore Road between John Street and Elizabeth Street

The Molinaro Group agrees that the expectations with respect to this site are different than those of the property to the west located at the corner of Brant Street and Lakeshore Road. However, for the same reasons as articulated above, it is recommended that the Official Plan contain flexibility in terms of ultimate building height and for this site would suggest a range from 17-23 storeys as being appropriate with additional height being provided based on the same criteria as noted above.

3. Brant and Ghent Avenue

The Molinaro Group has purchased properties at the north-west, north-east and south-east corners of Ghent Avenue and are considering an integrated development project that would meet the objectives of the Upper Brant Precinct and establish a desirable precedent for future development within this Precinct.

The Molinaro Group supports the 25 storey height limit for the properties located at the north-west and north-east corners of Brant and Ghent Avenue. However, it is recommended that the Official Plan contain a policy to permit flexibility to allow for a different distribution of height between the two sites. This would allow for the consideration of differing heights of one or more buildings on each site which could improve the architectural context of the two sites in a manner similar to that successfully implemented in the award-winning Paradigm project. In that case, design excellence was achieved through the creative distribution of height on the site to create a more architecturally pleasing project without exceeding overall development limits.

In the same fashion, there may be an opportunity, for example, to add some height to the north-east corner which is adjacent to a more high-rise context, and perhaps a somewhat lower height on the north-east corner on a site which is closer to lower-rise residential development. If an absolute height limit is required for the north-east corner, it is suggested it be set at 30 storeys.

The Molinaro Group does not disagree with the direction of reducing building heights on the south-east corner given the proximity of low-rise residential uses to the east. Our background studies for this site would confirm that the recommendation from staff of 11 storeys in this location is appropriate. However, for the same reasons outlined earlier, we believe this is a site that could also warrant additional height if special design considerations were undertaken.

As an example, from preliminary work undertaken by the Molinaro Group, we believe that a tower feature on the site of up to 15 storeys would be appropriate with the impact on the neighbourhood being minimized by lower rise, i.e. 4-storey buildings north and south of the proposed tower. We believe this would have less of an overall impact on the community, would better assist in achieving some of the objectives of the Urban Design Guidelines. It would also result in a much more integrated urban design that would tie in better to the anticipated built form on the north-east and/or the west corners. Given these design details have not been finalized and there has not been an opportunity for full input to this form of development which could very well end up resulting in a superior design that is better accepted by the community, we believe the Official Plan policy for this site should include a provision to allow up to 15 storeys subject to a further design exercise and consideration of the matters addressed earlier.

We believe that the changes we are proposing can be accommodated within the plan in a manner that will complement and not adversely affect any other policies or designations within the Urban Growth Centre. More importantly, we believe these changes are necessary to ensure the enhanced standard of urban design that is expected to be generated through the implementation of these Official Plan policies can be achieved.

The success of the Molinaro Group in terms of both creating and implementing award winning design projects and playing a key role in the transformation of the Burlington downtown has been attributed in part to their ability to work with the City and staff in a creative fashion to generate projects which not only establish the highest architectural precedents in the City, but also have been functional and have contributed significantly to attracting new residents to the downtown area. The amendments being proposed will allow that process of dialogue and collaboration to continue and believe that the changes being proposed will result in a much better outcome for the City and establish an even higher standard of excellence for subsequent development projects.

We note that in some of the background documents, one of the objectives of the downtown Mobility Hub is: "*where possible, establishing maximum building heights which are consistent with existing development precedent*".

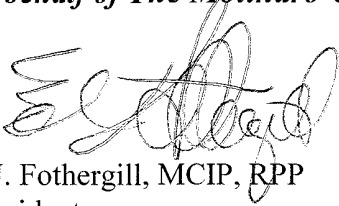
We would suggest that this objective be modified to replace the word "consistent" with "compatible". Pursuing building heights which are compatible with existing development precedent but may not be necessarily consistent with existing development. Given that the intent of the Official Plan review is to "grow bold", this objective could be seen as a contradiction if the template for the consideration of building heights is limited to that of existing development. The use of the word "compatible" provides more flexibility and does not tie future design elements of new and exciting built form to the downtown to existing development, some of which has existed for more than 50 years. If the intent is to truly break from past practices and precedents, limiting new development to current standards should not be an impediment to "growing bold".

We thank you for the opportunity to have input to the new Official Plan and look forward to continuing our ongoing dialogue with staff.

Thank you very much.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.
on behalf of The Molinaro Group

A handwritten signature in black ink, appearing to read "E.J. Fothergill", written over a faint, illegible typed name.

E.J. Fothergill, MCIP, RPP
President

cc. Vince Molinaro
Sam DiSanto
Rob Molinaro
Kristen Baugaard
Andrea Smith
Mary Lou Tanner



IBI GROUP
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November 30, 2017

Mayor Goldring and Members of Council
City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Dear Mayor Goldring:

**COMMENTS ON PROPOSED NEW CITY OF BURLINGTON OFFICIAL PLAN - RE: 1309
APPLEBY LINE - TAYLOR FARM**

We are the planning consultants retained by the Owner to review the subject lands in the context of the City's Official Plan exercise, and specifically the sub-component which reviewed City-wide employment land designations and needs. The Owners are not able to attend the Public Meeting on November 30. However, please accept these comments under the requirements of the Planning Act with respect to written submissions prior to a decision being made, and consider them also as part of the official public meeting proceedings.

With respect to the subject lands, we have made previous submissions to staff and Council. These included:

1. Initial screening request under the employment lands review
2. Detailed Planning Justification Report for a proposed conversion from employment designation to primarily a residential designation
3. Delegation and presentation to Planning Committee in support of report submission and to address recommendations on the employment land review

Following this process, we have reviewed the proposed Official Plan document to be presented and discussed on November 30. We note that the subject lands are identified/proposed to be designated on the following Schedules:

1. Mixed Use Intensification Area (Urban Centre) and Areas of Employment Overlay (Employment Designations within Urban Centres) on Schedule B – Urban Structure
2. Primary Growth Area on Schedule B-1 – Growth Framework
3. Mixed Use Intensification Area (Urban Centre – Uptown Urban Centre) on Schedule C – Land Use-Urban Area
4. Uptown Business Corridor, Uptown Residential – Medium Density, Natural Heritage System and Uptown Major Parks and Open Space on Schedule E – Uptown Urban Centre

With respect to the previous employment lands review process, it appears that the proposed Official Plan is adopting a recommendation by the City's consultant, which proposed partial conversion of the lands from employment to residential designations, as it pertains only to the easterly portion of the site along Lampman Ave. While this recommendation should not be completely disregarded, it does not align with our previous submissions and the detailed

Mayor Goldring and Members of Council – November 30, 2017

justification we provided, which proposed that the bulk of the lands should be re-designated to residential uses. Our opinion remains that the majority of the lands are best-suited to residential uses, which would assist the City in meeting a range of stated city-building goals, such as accommodating residential intensification at appropriate locations. Within our previous recommendation, we also proposed that a portion of the lands at the corner of Lampman Ave and Mainway be maintained as designated employment lands, which would still maintain some employment lands in an appropriate location within the Uptown Urban Centre. With this proposal, the City can still maintain an appropriate range and mix of uses at this location.

At this stage, rather than re-submit the material already provided, we are taking this opportunity to re-iterate our position that the lands should be designated from employment to residential uses, as we previously proposed. Such a conversion is only possible at the time of a comprehensive review exercise such as this, and thus the opportunity is now for this decision to be made.

Thank you

A handwritten signature in black ink, appearing to read 'Mike Crough', with a stylized flourish at the end.

Mike Crough RPP MCIP
Senior Planner

From: Deby Morrison [REDACTED]
Sent: Thursday, November 30, 2017 12:31 PM
To: Mailbox, OPRReview
Cc: LaPointe, Amber; ecob47@gmail.com; Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Taylor, John; Lancaster, Blair; Dennison, Jack; Sharman, Paul
Subject: Do not rush the Adoption of this Official Plan tonight

It is unacceptable to be rushing this Official Plan through Development and Committee tonight to head to Council for a vote when the public has been given 14 days to comment on such major and drastic changes to the future of this City.

The Official Plan was released November 9, 2017 to the public, an email went out Nov 13/17 and the public was given 14 days to Nov 27/17 to comment. After only 14 days, why is this plan being considered today, November 30, 2017, at a Planning & Development committee meeting to be sent to Council for a vote? Noted, there were three public open house presentations of this plan from November 16 to 20th, 2017, 4 days, during which time I was out of the Country; I am sure that I am not alone in this situation. Many Burlington residents are still unaware that the Official Plan has been released.

This Plan is recommending drastic changes to the City and is going to forever change the landscape and culture of Burlington and our Downtown. This should not be rushed to Council prior to a specific, detailed design of the Downtown Core has been established and further public consultation and discussion. I haven't had time to review the entire report, but I do not agree with raising heights to 17 to 25 storeys from 4 to 8 storeys in entire precincts and changing precinct borders without a more refined, detailed design of the Downtown Core.

I am pro development, but I am NOT pro development of a canyon of 25 storey condo buildings up the entire length of Brant Street. What a sure way to kill the Downtown core for people and entrepreneurial business and encourage car traffic. What is being proposed would create a most unfriendly environment for people and create a congested traffic mess. This City is going to end up with what King Street in Toronto has become. Toronto is spending millions trying to figure out how to end the daily traffic gridlock and bring people back to King Street at night. We have history and lessons close by to draw from, why would we do this to our Downtown Core? Who is benefitting from this type of Development and why are we in such a rush to move forward in this manner?

I attended many of the public sessions on developing the new official plan and the grow bold initiatives and was left with the impression that the majority of residents did not support this level of increased height and density in the core. The City is on target to meet their intensification targets of 200 people/jobs per hectare as we are already at 174 jobs/hectare, without this level of intensification in the Core.

It would be irresponsible to change these zoning laws without having a Downtown Design, Transit, Traffic and Infrastructure Plans in place. The traffic and construction time and effect of these buildings will gridlock the downtown in the near term and forever be a detriment to

the appeal and draw to our downtown core. Any successful City needs a successful Downtown.

Making zoning law changes for Developers over these past years has led Developers to overpay for downtown properties as they gambled on whether or not they would be able to build 23 storeys vs. the zoned 4 to 8 storeys. These Developers have allowed the Downtown Core to become somewhat shoddy as they have not kept their properties in good repair nor have they allowed entrepreneurial business owners to sign long term leases. Developers wanted to be ready to go when "the height was right". Should Developers be rewarded for these actions; driving up property prices and encouraging decaying property conditions. Why should the residents of the City have to pay the price because Developers are lamenting that they can't make a profit on 4 to 8 storeys as a direct result of their own decision to overpay for property. Should Developers be driving the design and future of our Downtown Core? Or should the citizens of Burlington be the driving force behind the design of our Downtown?

A wonderful Downtown 'culture' has been emerging the past few years with interesting entrepreneurial businesses bringing residents and tourists alike to our Downtown Core. Kellys, a major draw for residents & young people from far and wide, Centro Garden Store & their Sunday Farmer's market & Maker's Markets, Tamp Coffee, a major meeting hub for business & residents, the Burro, draws a younger crowd from far and wide, just to name a few and none of these businesses will survive the higher rents these new high rise condos bring. In fact, Kellys has been given their walking papers by a Developer, Centro is slated for a 17 storey development and we won't get these businesses back. We should be nurturing and encouraging these business owners, as against all odds, they were building a culture and environment that was drawing young people, residents and tourists to the core. If there's any doubt about that just look at the current businesses at ground level in the current high rise condo towers: real estate, bank, mortgage, franchise, medical, empty; absolutely no draw or culture to be found.

Sometimes what's in the buildings is more important than the buildings and we have an opportunity to foster and create that environment in our City. Part of the Downtown Core should be developed into an area where these businesses can flourish, perhaps a Pedestrian Promenade. This should be designed prior to any change in the Official Plan. We only have one Downtown Core, there is no where else in our City for these businesses to relocate or this type of Pedestrian friendly area to be developed. I'm sure if this type of project was tendered to Developers, we'd see some wonderful plans.

We have a gem on the Lake, let's be careful going forward and foster a thriving "Niagara-on-the-Lake" destination, not a "Toronto Queen's Quay Nightmare" on the Lake.

I am pro development downtown, however, I am for reasonable, responsible development with a defined design plan prior to pushing forward.

Thankyou for your consideration,

Deby Morrison





ZELINKA PRIAMO LTD
A Professional Planning Practice

VIA EMAIL

November 30, 2017

Planning Department
City of Burlington
426 Brant Street, P.O. Box 5013,
Burlington, ON L7R 3Z6

Attention: Ms. Leah Smith, Senior Planner

Dear: Ms. Smith:

**Re: Official Plan Review – November 2017 Draft
Preliminary Comments on behalf of Terracap Management Inc., Glenwood
Brant Holdings Inc. and Cabo Two Investments Inc.
Burlington Power Centre
1220 Brant Street, 1250 Brant Street and 1326 Brant Street
Burlington, ON
Our File: TER/BUR/14-02**

We are the planning consultants for Terracap Management Inc. with regard to the City's Official Plan Review process for lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street in Burlington, Ontario.

On behalf of Terracap Management Inc., Glenwood Brant Holdings Inc. and Cabo Two Investments Inc. we provided the enclosed preliminary comments dated July 7, 2017 with regard to the April 2017 Draft Official Plan. Responses to our comments were provided in Staff Report PB-50-17 dated November 30, 2017.

On behalf of Terracap Management Inc., Glenwood Brant Holdings Inc. and Cabo Two Investments Inc. we have reviewed the November 2017 Draft Official Plan and associated Staff Report PB-50-17 and we have preliminary comments for the November 2017 Draft Official Plan as outlined below and may provide further comments as required.

Our preliminary comments for the November 2017 Draft Official Plan are as follows:

- In general, our comments dated July 7, 2017 were satisfactorily addressed as outlined in Staff Report PB-50-17 Appendix E, however, we will continue to monitor in order to ensure appropriate implementation;
- Section 7.3.2.(1) a)(i) d. relates to locating primary public entrances for each use located at grade towards a public right-of-way and immediately adjacent to the public right-of-way and Section 7.3.2.(1) a)(i) e. relates to including direct pedestrian access to the primary public entrances on the building façade. In our submission, policies related to the placement and orientation of entrances require flexibility in order to account for operational needs, irregular parcels, grades and

site context. Accordingly, we request the policies include “where possible” language;

- Section 8.1.3.(2) l) that relates to development applications proposing a comprehensive development of a site that includes the replacement of existing commercial floor area, we request clarification as to how Staff intend to evaluate whether a “development does not adversely [sic] impact the long-term provision of goods and services” and if changing retail demand will be considered. We are concerned that this policy may be implemented and interpreted in such a way that, in any redevelopment, the commercial gross floor area existing prior to redevelopment will be required to be replaced in any new development;
- Section 8.1.3.(2) m) where development proponents considering the development of a site that contains an existing food store should be required to retain the food store function as part of the overall development, in our submission, the policy should be revised to account for changes in demand, the introduction of new grocery stores in the immediate area and other circumstances that may ensure the continued provision of services to area residents and employees;
- Section 8.1.3.(3.2) e), in our submission, language should be included that, notwithstanding Section 8.1.3.(3.2) d) which states that the maximum building height shall not exceed twelve storeys, additional height for tall buildings (defined as a building twelve storeys or higher) may be considered on sites under the Mixed Use Commercial Centre designation, subject to an evaluation of site-specific criteria that may include, but not be limited to, traffic, land use compatibility and environmental factors, similar to the policy language found in Part III, Section 4.3.2 a) of the current Official Plan;
- Section 8.1.3.(3.2) g), in our submission, the requirement for retail and service commercial uses at grade should also include provision for lobbies and entrances into office and residential uses, office uses, entertainment uses and recreation uses, which represent the permitted uses under the Mixed Use Commercial Centre designation (Section 8.1.3.(3.2) b)). In addition, Section 8.1.3.(3.2) g) is inconsistent with Section 8.1.3.(3.2) i) where residential uses may be permitted in buildings exclusively used for residential uses; and
- Section 8.1.3.(3.2) k), where office uses (including dentist and medical offices) may be located in free standing buildings, within a shopping centre building, or on upper storeys of commercial buildings, we request clarification that office uses may be permitted in multi-unit commercial buildings (since “shopping centre building” is not defined) as well as on the ground floor of mixed use buildings.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments further. In addition, please kindly ensure the undersigned is listed to be given notice of any further public meetings, or meetings of Council or committees of Council at which the above-noted matter is considered.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, RPP, MCIP
Senior Associate

- cc. Terracap Management Inc. (via email at JMcCauley@terracap.ca)
- cc. Leah Smith (via email at Leah.Smith@burlington.ca)



ZELINKA PRIAMO LTD
A Professional Planning Practice

Via Email

July 7, 2017

Director of Planning and Building
City of Burlington
426 Brant Street, P.O. Box 5013,
Burlington, ON
L7R 3Z6

**Re: Official Plan Review – April 2017 Draft
Preliminary Comments on behalf of Terracap Management Inc., Glenwood
Brant Holdings Inc. and Cabo Two Investments Inc.
Burlington Power Centre
1220 Brant Street, 1250 Brant Street and 1326 Brant Street
Burlington, ON
Our File: TER/BUR/14-02**

We are the planning consultants for Terracap Management Inc. with regard to the City's Official Plan Review process for lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street in Burlington, Ontario.

We have been monitoring the Official Plan Review process and have reviewed the policies within the April 2017 Draft Official Plan on behalf of Terracap Management Inc. We have preliminary comments for the Draft Official Plan as outlined below and may provide further comments as required.

Our preliminary comments for the April 2017 Draft Official Plan are as follows:

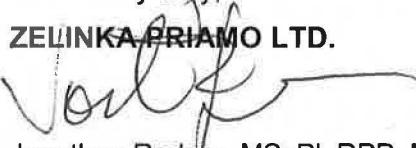
- Section 7.1.5 h): we are concerned with the prohibition of blank facades, and how it will impact commercial buildings that cannot provide consistent windows and openings at ground level due to the requirements of internal operations. We suggest that "shall" be replaced with "shall, where possible";
- Section 7.1.5 u): we request clarification as to what considerations are intended under the "where feasible" language. In our submission, the wording of the policy should be revised to "encourage" underground, internal or above-grade parking where appropriate;
- Section 8.1.3.1.2 n): whereby "for developed commercial sites... the minimum height and mixed use requirement... shall not apply for minor additions and renovations to existing buildings" in our submission, the Official Plan should include permissions for the addition of stand-alone infill buildings to existing sites to accommodate short and medium term infill that would otherwise be designed to meet the intent and standards of the in-effect Official Plan and Zoning By-law. As a result, the policies would implement the objectives under Section 8.1.3.2.1 b), that recognize the locations such as the Terracap Management Inc. lands, that are currently characterized by one or several space-extensive, automobile-oriented

- large retail uses that may generally retain their current character in the short and medium-term;
- Section 8.1.3.2.2 f): we request clarification as to whether the policy is intended to require or encourage a two storey minimum height. We are concerned that regulations requiring a two storey minimum building height may be incorporated into the implementing Zoning for areas designated Mixed Use Commercial Centre, and how this regulation would limit the potential to add stand-alone infill buildings to existing sites that would otherwise be designed to meet the intent and standards of the in-effect Official Plan and Zoning By-law; and
 - Section 8.7.1.2: we seek clarification as to whether new accessory drive-throughs will be permitted on the lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments further. In addition, please kindly ensure the undersigned is listed to be given notice of any further public meetings, or meetings of Council or committees of Council at which the above-noted matter is considered.

Yours very truly,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, RPP, MCIP
Senior Associate

cc. Terracap Management Inc. (via email)



ZELINKA PRIAMO LTD

A Professional Planning Practice

VIA EMAIL

November 29, 2017

City of Burlington
Planning and Building Department
426 Brant Street, PO Box 5013
Burlington ON L7R 3Z6

ATTN: Ms. Andrea Smith, Manager, Policy and Research

Dear Andrea:

**Re: City of Burlington New Official Plan Project
Preliminary Comments on Behalf of Choice Properties REIT & Loblaw
Companies Limited
Stratford, ON
Our File: CHO/GEN/17-01**

We are the planning consultants for Choice Properties REIT ("CP REIT") and Loblaw Companies Limited ("LCL") regarding the City of Burlington New Official Plan Project. CP REIT and LCL are the owners of the following lands within the City of Burlington:

- The multi-tenanted commercial plaza including No Frills Supermarket at 2400 Guelph Line (Burlingwood Shopping Centre, Guelph Line & Coventry Way);
- The multi-tenanted/building commercial plaza including uses such as a Fortinos Supermarket, Goodlife Fitness and a restaurant with accessory drive-through at 2545 Appleby Line (Appleby Line & Dundas Street);
- The multi-tenanted/building commercial plaza including Fortinos Supermarket and Sears Home Store at 1045 Plains Road East (Plains Road East & Designers Way);
- The multi-tenanted commercial plaza including No Frills Supermarket at 571 Brant Street (Brant Street & Victoria Avenue);
- The multi-tenanted/building commercial plaza including uses such as a Fortinos Supermarket and a restaurant with accessory drive-through at 2025 Guelph Line (Guelph Line & Upper Middle Road); and
- The Shoppers Drug Mart Store at 3023 New Street (New Street and Guelph Line).

On August 24, 2017 we met with City of Burlington Staff to discuss the April 2017 Draft New Official Plan. On behalf of CP REIT and LCL we submitted comments on September 5, 2017 with regard to the April 2017 Draft New Official Plan. Responses to our comments were provided in Staff Report PB-50-17 Appendix E dated to Committee on November 30, 2017. For the November 2017 Proposed Official Plan, we have preliminary comments as outlined below, and we may provide further comments as required. At this time, our preliminary comments are as follows:

- As outlined in our letter dated September 5, 2017, we reiterate our concern with proposed OP Section 8.1.1.(3.2)(e) (previously Section 8.1.1.2.2c in the April 2017 Draft New Official Plan), which states that *Development* along Main Street Retail Streets and Mixed Use Major Streets *shall* be required to provide a minimum floor-to-ceiling height at the ground floor. In response to our comment, Staff stated at the Public Open House on November 20, 2017 that the minimum height metric will be provided through an extensive future review of the Zoning By-law. As such, we respectfully request that the existing building heights be recognized in the future Zoning By-law provision(s), as requiring a minimum building height above the existing arrangement would create a legal non-conforming use, which results in unnecessary uncertainty for developers and investors.

Should you have any questions, or if you require information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Dave Hannam, BRP, MCIP, RPP

Senior Planner

Cc. Kathy Kakish, Manager, Development, Choice Properties REIT (Via Email)
Vincent Raso, Manager, Real Estate Development, Loblaw Companies Ltd. (Via Email)



November 30, 2017

Mr Hugo Rincon
Planner II – Policy
Planning and Building Development
City of Burlington
426 Brant Street
Burlington, Ontario
L7R 3Z6

Dear Mr. Rincon:

RE: Our Submission to Statutory Public Meeting for the proposed new Official Plan for the City of Burlington for our lands located south of Graham Lane adjacent to the hydro corridor.

We own the lands adjacent to the hydro corridor, south of Graham Lane that run parallel to Hager Ave in the City of Burlington. These lands were formerly owned by CN Rail but the track no longer exists. The Aerial Map highlights our site with a red border and shows the location of our lands in relation to the surrounding area.

As you are aware we have expressed concern on several occasions dating back to the summer and more recently at the Open House on November 20 2017 with respect to how our lands were being considered through the official plan review process.

Your email of November 28 2017 has alleviated some our concerns. You indicate that Schedule 'C' was revised to reflect the fact that the track no longer exists. You also provide a summary of the designations on our site based on the existing Official Plan and the proposed new designations in the new Official Plan. You state in the email the following:

The proposed new schedule C indicates the proposed land use designations of the property as follow:

Existing Official Plan

Proposed New Official Plan

Mixed Use Corridor – Employment

Urban Corridor-Employment Lands (Section 8.1.3(8))

Residential High Density

Residential High Density (Section 8.3.5)

Residential Medium Density

Residential Medium Density (Section 8.3.4)

Residential Low Density

Residential Low Density (Section 8.3.3)

4101 Steeles Ave. West Suite 201
Toronto, ON M3N 1V7
Tel: (416) 736-4900 Fax: (416) 736-4901

Aerial Map – Graham Lane Property



Based on these proposed new designations for our property in the proposed new Official Plan and pending confirmation of the approval and adoption of the new Official Plan by Planning Committee and Council we do not anticipate objecting to the new Official Plan at this time unless circumstances change.

Please maintain our status as an interested party and keep us apprised of all decisions reflecting this Plan and its impact on our property.

Sincerely,

REXTON Developments Ltd.

Al Ruggero

Al Ruggero, MCIP, RPP, OLE

4101 Steeles Ave. West Suite 201
Toronto, ON M3N 1V7
Tel: (416) 736-4900 Fax: (416) 736-4901



BOUSFIELDS INC.

November 30, 2017

Andrea Smith
Manager, Policy and Research
City Hall, 426 Brant Street
Burlington, ON, L7R 3Z6

Project No.:14145

Dear Ms. Smith:

***Re: Burlington Proposed New Official Plan, November 2017
Staff Report PB-50-17***

We are the planning consultants for bcIMC Realty Corporation, the owner of Georgian Court, located at 610 & 611 Surrey Lane, 865 King Road, 615 and 699 Marley Road, and 847, 871, 894 and 917 Warwick Drive. In September 2017, applications to amend the current City of Burlington Official Plan and Zoning By-law were filed in relation to a master planned redevelopment of Georgian Court.

Notwithstanding that the Draft Official Plan policies would not apply to the subject Georgian Court applications, we have reviewed the policies and recognize the significant changes to the previous draft, including what appears to be added flexibility. We are writing to advise that we are monitoring the ongoing Official Plan Review process and may provide further detailed comments at a later date.

Yours very truly,

Bousfields Inc.

Michael Bissett, MCIP, RPP