

December 4, 2017

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

Attention: Amber LaPointe, Committee Clerk:

**RE: City of Burlington Go Station Mobility Hubs Preferred Concepts (PB-76-17)**  
**Emshih Developments- 901 Guelph Line, Burlington**  
**OUR FILE: 1583D**

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As you know, MHBC is retained by Emshih Developments in relation to their lands located at 901 Guelph Line (the Subject Lands). Our client has continued to request that the Subject Lands be removed from the City's employment area and included with the City's Burlington GO Mobility Hub Boundary in order to allow for the comprehensive development of the site as a ***Special Policy Area***. The inclusion of the Subject Lands within the Burlington GO Mobility Hub Boundary will enable the redevelopment of a unique mixed use community that includes residential, retail commercial and employment uses.

As noted in our last submission to the City on the Draft Official Plan, Emshih has been actively involved in the City's Official Plan Review process since 2012. Since that time they have undertaken considerable work, providing the City with a justified rationale supporting the request that the Subject Lands be removed from the City's Employment Land inventory through the City's employment land conversion review process and Municipal Comprehensive Review. Emshih has continued to rationalize that request through recent presentations and submissions to Council and staff related to the Official Plan Review process. A detailed chronology of presentations, meetings and submissions by Emshih related to the Subject Lands was set out in the June 29<sup>th</sup> letter. Additionally, we have appeared before Council to speak with respect to our client's request through the City's Official Plan Process at the Committee of the Whole workshop Meeting on April 6, 2017 and again at the Statutory Public Meeting on November 30, 2017. A copy of our most recent submission regarding the Official Plan is attached to this letter, for your information.

During our past meetings with planning staff we have illustrated that the Subject Lands and lands along Fairview Street between the current boundary of the Mobility Hub and the Subject Lands should be added to the Burlington GO Mobility Hub Area to reflect a linear hub. This additional land can add a single owned, large contiguous parcel at a gateway location with limited impacts and constraints for redevelopment. The analysis of the current land areas within the Mobility Hub to determine actual redevelopment yields appears to be based on limited assumptions and it is difficult to understand from the very brief summary documents, the actual assumptions and analysis that were utilized. From our review, there appear to be numerous constraints to achieving the growth targets within the existing

mobility hub area due to a number of factors including the significant fragmentation of land parcels and multiple ownerships of small parcels and the number of viable existing land uses and businesses that are highly unlikely to vacate or redevelop in the next ten years.

The Subject Lands are approximately 1200 metres from the actual Burlington GO station. Other sites proposed to be redeveloped within the current boundary are less distant but are also located at major intersection locations along Fairview (Fairview and Brant) and Plains Road (Plains Road and Brant) and require street crossings at these intersections to reach the station. Heights and densities are proposed at these locations from 19 storeys and up and these areas are adjacent to low density residential areas. The lands located at Brant and Prospect are proposed for significant redevelopment of up to 25 storeys and are also located over 1,000 metres from Burlington GO station and at least 1,600 metres from the Downtown Transit Station. The Subject Lands are well within a reasonable distance to the station and comparable to lands within other mobility hubs in relation to distance from the station area.

We strongly urge the Committee to direct staff to further reconsider the Subject Lands for conversion and inclusion within the Burlington GO Mobility Hub. In addition, we request that staff be directed to further consider the recommended policy approach of a Special Policy Area to create opportunities for a comprehensive site redevelopment on the Subject Lands that can meet several of the City's objectives rather than constrain the site for the next ten years.

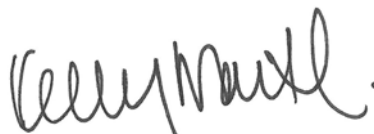
Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP  
Partner



Kelly Martel, M.Pl  
Planner

cc: Dr. Michael Shih, Emshih Developments  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington  
Rosa Bustamante, City of Burlington

November 28, 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 Draft Official Plan – November 2017 Draft  
Emshih Developments- 901 Guelph Line, Burlington  
OUR FILE: 1583D**

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As you know, MHBC is retained by Emshih Developments in relation to their lands located at 901 Guelph Line (the Subject Lands). Our client has continued to request that the Subject Lands be removed from the City's employment land designation to allow for the comprehensive development of the site as a **Special Policy Area** to enable the redevelopment of a unique mixed use community that includes residential, retail commercial and employment uses.

#### **Previous Submissions and Comments to the City**

As noted in our last submission to the City on the April Draft Official Plan, Emshih has been actively involved in the City's Official Plan Review process since 2012. Since that time they have undertaken considerable work, providing the City with a justified rationale supporting the request that the Subject Lands be removed from the City's Employment Land inventory through the City's employment land conversion review process and Municipal Comprehensive Review. Emshih has continued to rationalize that request through recent presentations and submissions to Council and staff related to the Official Plan Review process. A detailed chronology of presentations, meetings and submissions by Emshih related to the Subject Lands was set out in the June 29<sup>th</sup> letter.

As you know, on April 6, 2017, a detailed presentation was made at the Committee of the Whole Workshop meeting, with the following key points being expressed related to the Subject Lands:

- There are considerable transportation constraints as documented by the Ministry of Transportation, with regard to development of the site solely for office uses;
- Considerable effort has been made into creating a vision for the redevelopment of the site with the input of City staff, key stakeholders and residents;
- The Subject Lands' context lends itself to a redevelopment that has the potential to provide a unique opportunity for a new "modern" district with employment, residential, retail and

commercial uses, that will provide a higher ratio of jobs than what currently exists on the site and serve as a key gateway to the City;

- The April 2017 and now updated November 2017 Official Plan framework, which retains these lands for employment only uses [removing high-rise office development through the revisions to the site specific policy 8.2.4(3)(h)(i)], creates a restrictive framework that will stagnate development on this unique 6.4 ha (15.8 acre) site for at least a decade.

As noted in our earlier submission, we provided staff with details about the proposal and rationale for consideration of the Subject Lands for conversion. We further provided staff with a policy structure for how the opportunity for the site's inclusion in the mobility hub can and should be addressed. Our proposed mapping and policy wording would allow for the future development of the site to ensure a **minimum amount of employment** is incorporated in any future redevelopment and **enable several key City objectives** to be met including **sustainability and affordable seniors housing**. We have received no response from staff on these submissions. We have been further advised by staff that there will be no further changes to the draft November 2017 Official Plan without Council direction.

### **November 2017 Draft Official Plan**

The updated draft Official Plan framework (November 2017) maintains the site in the Employment Growth Area and the Subject Lands are designated as **Business Corridor**. There have been no considerations of any changes to the Burlington GO Mobility Hub boundary as requested in our meetings and submissions to staff and Council.

At this time we wish to strongly reiterate the reasons why the Planning and Development Committee should direct staff to provide an alternative policy approach which permits the conversion of the lands and allows for an amendment to the Plan subject to a set of performance measures.

- The subject lands can be readily developed as a gateway site to the City, and as part of the Burlington GO Mobility Hub, with a mix of uses (employment, residential, retail) to create a compact mixed-use site;
- The proposed comprehensive redevelopment of our client's lands, given their size, offers the ability to provide a minimum amount of employment uses with other uses which can be set out as conditions required for the development of the larger site.
- The site offers the opportunity to convey a percentage of units for seniors housing and affordable housing and there have been active discussions with the current President of Habitat for Humanity (Halton Peel) as to how to implement affordable housing through the redevelopment;
- Burlington Green remains as a strong supporter of the site for a mixed use redevelopment that can achieve a level of sustainability unmatched by any other site in the City.
- The subject lands should be considered as a "*Special Policy Area*" within the context of the Burlington GO Mobility Hub. From our review of the Burlington GO Mobility Hub information, there appear to be significant constraints to development and we seriously question the ability to redevelop the lands within the current boundary to meet the minimum growth targets given the servicing constraints, land fragmentation and existing uses within the area.

We strongly urge the Committee to direct staff to further reconsider the Subject Lands for conversion. In addition, we request that staff be directed to further consider the recommended policy approach to create opportunities for a comprehensive site redevelopment on the Subject Lands that can meet several of the City's objectives rather than constrain the site within the restrictive employment policy framework currently proposed.

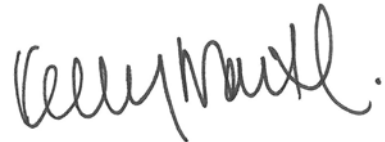
Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

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

Kelly Martel, M.Pl

cc: Dr. Michael Shih, Emshih Developments  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington

November 30, 2017

City of Burlington  
Planning Committee  
426 Brant Street, PO Box 5013  
Burlington, ON  
L7R 3Z6

Attn: Mayor and Members of Planning Committee:

**Re: City of Burlington Draft New Official Plan  
Habitat for Humanity Halton-Mississauga Comments**

Habitat for Humanity Halton-Mississauga is pleased to be providing comments on the draft New Official Plan (November 2017) for the City of Burlington. As a recognized provider of affordable housing in the City of Burlington, we have a vested interest in the future shape of the City, and the opportunities for the provision of more affordable housing.

Habitat for Humanity Halton-Mississauga has completed 23 homes in the City of Burlington within the past 16 years.

Habitat for Humanity Halton-Mississauga's mandate is the provision of affordable housing for all families. We believe that access to safe, decent and affordable housing is a basic human right that should be available to all.

In light of our mandate, we provided our comments to the previous draft Official Plan (April 2017) in our June 29, 2017 letter to the City of Burlington.

We appreciate that staff have acknowledged our comments in the latest draft of the Official Plan dated November 2017. We are pleased that Policy 3.1.1.(2) states *"that surplus lands owned by the City and other public authorities shall be considered for affordable and assisted housing before using them for other land uses."* This demonstrated commitment to housing affordability will be of great benefit to the City's residents.

However, we still have concerns with respect to the draft Official Plan being considered at the November 30, 2017 Public Meeting.

This letter provides our comments on the November 2017 draft New Official Plan, specifically related to definitions:

## ***Definition of “Assisted Housing”***

In our June 29th letter, we had expressed a concern with the definition of “Assisted Housing”. Habitat for Humanity requested confirmation that the current and future projects for which we are proponents are considered under the definition of “Assisted Housing”. The Assisted Housing definition reads:

*Housing that is available to low and moderate income households for rent or purchase where part of the housing cost is subsidized through a government program.*

Our concern with the definition is that Habitat for Humanity projects are not always subsidized through a government program, they are subsidized through private donations, and the housing serves the same function and purpose. We had requested that the definition of “Assisted Housing: be revised to include reference to subsidies other than from government ones would be appropriate and more reflective of the true function of assisted housing.

This requested change was not made to the November Draft Official Plan. On Page 150 of Appendix E of the Staff Report PB-50-17, Planning Staff’s response to our request was: “*Definition maintained. This is in conformity with the Regional Official Plan.*”

Notwithstanding the definition in the Halton Region Official Plan, we ask that Burlington consider including non-government supported/funded in the Burlington Official Plan definition of “affordable housing”. Charitable non-profit organizations and institutions can also deliver affordable housing and should have the same recognition in the Official Plan. The goal of providing Assisted Housing is in the public and City interest no matter the funding source.

We request the wording of the definition be amended to read:

*Housing that is available to low and moderate income households for rent or purchase where part of the housing cost is subsidized through a government program or charitable not-for-profit organization.*

The importance of the modification to the “Assisted Housing” definition to Habitat for Humanity is due to policy references to “assisted housing” in policies throughout the draft Official Plan.

This includes Policy 3.1.4 (2) (e):

- e) *The City will recognize the importance of development applications which will provide assisted and special needs housing, and further, will give priority to planning approval of those receiving funding from senior levels of government. Any development application shall be assessed by the relevant policies of this Plan.*

Assisted Housing applications, regardless of whether they receive funding from senior levels of government, should be given priority to Planning Approval. The policies within the Burlington Official Plan should be modified to reflect this.

Reference to “assisted housing” is also includes Policy 12.1.1.(3) l) (x) e. which reads:

*“l) Any privately or City-initiated Official Plan Amendment shall be assessed against the following criteria to the satisfaction of the City:*

*...*

*(x) an Official Plan Amendment in either the Secondary Growth Area or Established Neighbourhood Area, as identified on Schedule B-1: Growth Framework, of this Plan, shall deliver with any required agreements, and appropriately phase in the case of a major comprehensive development, one or more of the following city building objectives consistent with the City’s Strategic Plan, to the satisfaction of the City:*

- a. affordable, rental housing with rents equal to or less than the Local Municipal Average Market Rent (AMR) as per the CMHC annual rental report;*
- b. diverse, family oriented units with three (3) or more bedrooms;*
- c. community space, or the location of public service facilities which includes parks;*
- d. additional sustainable building design measures that contribute significantly towards the goals of the City’s Strategic Plan and/or the Community Energy Plan; and/or;*
- e. assisted or special needs housing.”*

There are other references to “assisted housing” throughout the Draft Official Plan. We believe it is in the City’s interest to make the modification to the definition to encourage affordable and assisted housing to meet the needs of the residents of Burlington.

We thank you for your consideration of our requests. In the meantime, we would be pleased to meet with City Planning staff to discuss our concerns prior to the new Burlington Official Plan being brought forward to Council for adoption.

If you have any questions, please contact me.

Yours truly,

Roger Broad



Director Property Development, Planning and Construction  
Habitat for Humanity Halton-Mississauga





# Halton District School Board

Planning Department

June 29, 2017

Planning and Development  
City of Burlington  
426 Brant St., PO Box 5013  
Burlington ON L7R 3Z6

Dear Ms. Andrea Smith:

Subject: **Burlington Official Plan – Draft 2017**  
**HDSB Comments**

Thank you for the opportunity to review the *Burlington Official Plan Proposed- November 2017*. The Halton District School Board (HDSB) represents English public schools in the four municipalities of Halton Region. In the 2016/17 school year, there were approximately 18 700 Burlington students registered in public elementary and secondary schools.

The Halton District School Board (HDSB) has reviewed the changes between the June and November version with the following comments.

*HDSB General Comments were provided and remains relevant for the City of Burlington's information. HDSB will continue to be an active agency in Halton Region. No immediate action is required.*

## General Comments

### *Development Intensification*

HDSB is supportive of development and will plan to accommodate students from intensification Redevelopments / or new developments.

*HDSB requests that consideration be given to increase availability of family size units when planning areas of intensification.*

### *Development Application*

HDSB relies on development information as provided by the City of Burlington's Planning Department for the formation of short-term and long-range enrolment projections. HDSB tracks all development applications circulated by the City of Burlington. It is imperative for the school board to monitor and maintain an up-to-date

list of development applications. All development applications circulated by the City of Burlington are included in the Board's Long Term Accommodation Plan (LTAP) enrolment projections.

*HDSB believes it is critical to continue the positive working relationship between the City Burlington and the Board and between Planning departments.*

*HDSB requests to continue to be circulated Official Plan Amendments, Zoning Amendments, Plans of Subdivision and Site Plans that contain more than two residential units.*

#### *Area Specific Planning, Precinct Planning and Mobility Hubs*

The Official Plan refers to Area Specific Planning, Precinct Planning, Mobility Hubs in a number of chapters. For these specific areas that include residential development, redevelopment or intensification, it is the intention of HDSB to include the new units in the long-range projections. As a result, HDSB can identify potential accommodation issues, prepare potential solutions, and plan accordingly.

*HDSB will request to be circulated and be included on area specific planning or precinct planning or Mobility Hubs with the purpose of providing comments, including residential units in the projections and seeking opportunities for partnerships.*

*HDSB requests when undergoing area specific planning or precinct planning or Mobility Hubs that the City be specific with the type and number of new residential units a being planned.*

#### *Partnerships*

HDSB is looking to partner with community organizations to share existing and proposed Board facilities through the Community Planning and Partnerships (CPP) process. This is part of HDSB's commitment to work with community partners to build a strong, vibrant and sustainable public education system benefitting the Board, its students and the wider community.

#### *Active Transportation*

HDSB supports and promotes the use of active transportation for daily trips to and from school. By choosing active transportation modes and/or school buses/public transit, students experience benefits in mental and physical health and well-being and improved safety for all members of the school community. It is the intention to continue to support and work with the City of Burlington and other agencies to increase active transportation participation.

### **Official Plan Specific Comments**

#### **Chapter 1 - Introduction**

**1.4.5 (previously 1.5.4) An Engaging City** HDSB supports the principles of an engaging city.

*HDSB requests to expand this list to include a statement to involve and to seek comments / participation from agencies such as schools boards to solidify working partnerships.*

*HDSB supports the inclusion of clause d, in the November 2017 revision.*



## **Chapter 2 – Sustainable Growth**

### **2.2.3 Provincial Plan Boundaries and Concepts, Growth Plan for the greater Golden Horseshoe Build**

**Boundary d) ii)** 8300 units within 16 years demonstrates a notable growth within the Urban Growth Centre. It would be beneficial to the HDSB Planning Department to know the approximate unit count by type and distribution. This information will be included in the Long Term Projections.

*Comments were discussed during a meeting with the City of Burlington. Based on the discussion the comments are withdrawn.*

**2.3.1 Mixed Use Intensification Areas** There are three active junior elementary school located in this designation. Tom Thomson PS is located within the Mobility Hubs area. Central PS and Maplehurst PS are located within Mixed Use Nodes and Intensification Corridors. At this time, HDSB plans the schools will continue to be an active part of the communities they serve. All three school are projected to remain above 70% capacity. Additional intensification may require support from adjacent community schools located in Residential Neighbourhood Area designations.

*Comments were provide for information, action is not required.*

**2.3.4 Residential Neighbourhood Area (formerly 2.3.3)** With the exception of the previously identified three schools, all remaining Burlington schools are within the Residential Neighbourhood Area designation.

*Comments were provide for information, action is not required.*

**2.4.2.1 Primary Growth Areas a)** HDSB request to add the following addition bullet to this sections.

*g) shall have regard to the proximity of existing elementary and secondary schools and their outdoor play yards when siting proposed new tall buildings shall mitigate impacts on the school property. This include but not limited to:*

*i) reduction of shadowing effects onto the school property*

*li) optimize traffic circulation for pedestrians, active transportation users, cars, busses and other forms of transportation.*

*ground floor retail uses that are sympathetic to an elementary and/or secondary school environments.*

*Comments were discussed during a meeting with the City of Burlington. Based on the discussion the comments are withdrawn.*

**New - 2.4.2.(1) Primary Growth Area d)** Comments are similar to Chapter 7 Design Excellence

*Halton DSB recognizes the importance of design to create high quality environments and sustainable buildings. Funding for school additions and renovations are provided by the Ministry of Education and PODs. Design guidelines should be feasible in order for the HDSB to provide a superior learning environment.*

**2.4.2.3 Establish Neighbourhoods Areas d)** HDSB is concerned with the inclusion of this clause for the following reasons:

- The terminology of “proposed” is vague and premature. Is is unclear when a school is proposed to close. A school may have a potential to close but not approved by Board. The Board must follow

Program and Accommodation policies and that a school(s) can only close with the Board of Trustee Approval.

- The lands are *owned* by the HDSB. Thus it is HDSB that is responsible for their future use and disposition, in accordance with the Education Act and its associated regulations.
- HDSB is concerned that this clause has the potential to devalue school property. As such reducing the ability for the Board to receive Proceeds of Dispositions (PODs) from the sale of these properties.  
PODs are a funding source for the board and are required to be re-invested into Halton schools. HDSB on occasion declares that property is not required for the purposes of the Board as per Section 194(3) (a) of the Education Act and may sell, lease or otherwise dispose of the property as per Ontario Regulation 444/98. In the event that a public body listed in the regulation does not acquire the property, the Board may dispose of the property at fair market value to any other body or to any person.
- Changing the Official Plan designation will likely reduce market value for any school properties.

*HDSB is does not support this clause and requests that it be removed.*

*HDSB supports the removal of this clause in the November 2017 revision.*

**2.5.2 Development Criteria Policies b) ii)** Through circulation of Zoning Amendments and Official Plan Amendments HDSB will respond with comments that will include available pupil accommodation at the schools. In cases where capacity is not available at local schools portables or boundary changes may be required.

*Clause deleted comments are withdrawn for the November 2017 revision.*

### **Chapter 3 – Complete Communities**

#### **3.1.3.(2) (formerly 3.1.2.2) Housing Affordability Policies e)**

*HDSB requests to be circulated with a copy of the Municipal Housing Statement.*

*Clause deleted comments are withdrawn for the November 2017 revision.*

**3.2.1 Public Service Facilities Objectives c)** HDSB would prefer that public education facilities remain in public ownership. HDSB on occasion declares that property is not required for the purposes of the Board as per Section 194(3) (a) of the Education Act and may sell, lease or otherwise dispose of the property as per Ontario Regulation 444/98. In the event that a public body listed in the regulation does not acquire the property, the Board may dispose of the property at fair market value to any other body or to any person.

*This objective should not impede the process of selling surplus school lands or devalue school board properties.*

*HDSB supports the rewording of this clause in the November 2017 revision.*

**3.2.2 Public Service Facilities Policies a)** HDSB supports public service facilities to be located in all land uses with the exception of Natural Heritage Systems, Agricultural Area and Mineral Resource Extraction Area designations.

*Comments were provide for information, action is not required.*



**3.2.2 Public Service Facilities Policies c)** HDSB will confirm Areas of Employment are not the preferred location of traditional K - 12 schools. The HDSB operates Gary Allan High School which is a non-traditional high school focused on Adult, Alternative and Continuing Education. It hosts a variety of alternative programs in each community of Halton. These programs are distinct, smaller and operate differently from traditional schools. Classes may be on-line, self-paced classroom based courses or co-operative education. Students typically take public transit. If the need should arise where an additional satellite location is required in Burlington, HDSB would prefer not to restrict Gary Allan HS from employment lands.

*HDSB requests to allow Public Alternative Education facilities to be permitted in Employment areas.*

*Our initial comments remain relevant for the November 2017 revision.*

**3.2.2 Public Service Facilities Policies j)** HDSB supports the inclusion of identifying public service facilities in area specific planning.

*Comments were provide for information, action is not required.*

**3.2.2 Public Service Facilities Policies k) i)** HDSB is concerned this clause will limit uses on surplus school board properties and will infringe on its ability to collect Proceeds of Disposition.

*HDSB requests that consideration be given that the specific zoning category not be to restrictive as to impede the HDSB receiving fair market value for surplus properties as approved by the Board of Trustees.*

*It should be clear this initiative of strictly limiting development potential is not applicable to any school board's lands.*

*HDSB supports the removal of this clause in the November 2017 revision.*

**3.2.2 Public Service Facilities Policies l)** The HDSB encourages municipalities to strongly consider the acquisition of surplus public education facilities to keep these building for public use. HDSB on occasion declares that property is not required for the purposes of the Board as per Section 194(3) (a) of the Education Act and may sell, lease or otherwise dispose of the property as per Ontario Regulation 444/98. In the event that a public body listed in the regulation does not acquire the property, the Board may dispose of the property at fair market value to any other body or to any person.

*HDSB request to change the terminology "Ministry of Education and Training Procedures" to "Ontario Regulation 444/98 - Disposition of Surplus Real Property under the Education Act."*

*HDSB supports the rewording of this clause in the November 2017 revision.*

**3.2.2 Public Service Facilities Policy m)** HDSB will express comments similar to 2.4.2.3 Establish Neighbourhoods Areas d) HDSB is concerned that this clause has the potential to devalue school property, thus reduce the ability to receive Proceeds of Disposition (PODs). PODs are a funding source for the board are required to be re-invested into Halton schools. HDSB is required to receive Fair Market Value for its properties once the Trustee have approved the sale of the property. HDSB on occasion declares that property is not required for the purposes of the Board as per Section 194(3) (a) of the Education Act and may sell, lease or otherwise dispose of the property as per Ontario Regulation 444/98. In the event that a public body listed in the regulation does not acquire the property, the Board may dispose of the property at fair market value to any

other body or to any person. Changing the Official Plan designation will likely reduce market value for the property.

*HDSB will not support any Official Plan Amendment that will reduce the Fair Market Value of its property. Any Official Plan Amendment, should occur after HDSB relinquishes the lands.*

*It should be clear this initiative of strictly limiting development potential is not applicable to any school board's lands.*

*HDSB supports the removal of this clause in the November 2017 revision.*

**3.2.2 Public Service Facilities Policy l) (formerly n)** HDSB is mandated to seek partnerships in community schools and will consider all expression of interest in compliance with our Community Planning and Partnerships (CPP) policies

*Comments were provide for information, action is not required.*

**3.2.2 Public Service Facilities Policy n) (formerly p)** HDSB operates at approximately six schools on local roads. Halton DSB is supportive of this notwithstanding clause.

*Comments were provide for information, action is not required.*

**3.2.2 Public Service Facilities Policy q)** Any City of Burlington requirements should align with the Early Years and Child Care Branch of the Ministry of Education,  
[http://www.edu.gov.on.ca/eng/parents/planning\\_and\\_design.pdf](http://www.edu.gov.on.ca/eng/parents/planning_and_design.pdf)

*Clause deleted comments are withdrawn for the November 2017 revision.*

**3.3.1 Parks, Recreation and Open Space Objective c)** HDSB is supportive of this objective and HDSB will remain interested in collaboration with the City of Burlington in the development of parks, and other recreation and leisure facilities.

*Comments were provide for information, no action is required at this time.*

## **Chapter 6 – Infrastructure, Transportation and Utilities**

**6.2.4.1 Active Transportation Objective f)** HDSB would like to express its support for this objective to ensure that the design of Area Specific Plans and new subdivisions provides active transportation access to schools etc. HDSB considers and encourages active transportation as the preferred method for students to attend schools.

*Comments were provide for information, no action is required at this time.*

**6.2.4.2 Active Transportation Policies f)** HDSB encourages the connection to Public Education Facilities including schools as a destination.

*HDSB will not encourage school facilities to be part of the trail system as HDSB does not want to encourage public access during school operating hours.*

*HDSB supports the rewording of this clause in the November 2017 revision.*

## **Chapter 7 – Design Excellence**



Halton DSB recognizes the importance of design to create high quality environments and sustainable buildings. Funding for school additions and renovations are provided by the Ministry of Education and PODs. Design guidelines should be feasible in order for the HDSB to provide a superior learning environment.

**7.1.1 Urban Design Objectives i)** HDSB currently refers to the Design Guidelines for School Site and Adjacent Lands Planning, dated May 2011, when reviewing schools sites.

*HDSB requests to be circulated on the Design Guidelines and will comment accordingly.*

*Clause deleted comments are withdrawn for the November 2017 revision.*

## **Chapter 8 - Land Use Policies - Urban Area**

**8.1.1 Urban Centres** It is understood that Urban Centres shall be primary areas for intensification and infill. There are no HDSB facilities within this land use. Several facilities are located in adjacent lands that would service these areas.

*Comments were provide for information, action is not required.*

**8.1.2 Mobility Hubs** it is understood that this section of the Official Plan does not provide land use designations, but will serve as a transitional role to guide new development applications that precede the development of Area Specific Plans in each hub. It appears that there are three schools located in the Mobility Hubs, two are located in the Downtown Mobility Hub and one located in the Burlington Go Mobility.

*Comments were provide for information, action is not required.*

**8.1.2.1 Objectives a) and s) (formerly q)** HDSB confirms it will comment and plan with regards to the accommodation of future population growth for these areas as circulated on Area Specific Planning.

*Comments were provide for information, no action is required at this time.*

**8.1.3 Mixed Use Nodes and Intensification Corridors** It is understood the intent is to provide a location of mixed land uses in a compact urban form with higher intensities while maintaining compatibility with adjacent uses. HDSB confirms there are two active schools in this land use, specifically the Intensification Corridor along Plains Road and Brant St.

*Comments were provide for information, action is not required.*

## **8.3 Residential Neighbourhood Areas**

The majority of HDSB schools are located within this designation.

*Comments were provide for information, action is not required.*

### **New - 8.3.10 Daycare Centres**

Any City of Burlington requirements should align with the Early Years and Child Care Branch of the Ministry of Education, [http://www.edu.gov.on.ca/eng/parents/planning\\_and\\_design.pdf](http://www.edu.gov.on.ca/eng/parents/planning_and_design.pdf)

**8.4.2.1 Major Parks and Open Space Designation c)** HDSB confirms its intent to continue to collaborate with the City of Burlington and other agencies in the planning of parks and other recreation and leisure facilities.

HDSB encourages the establishment of partnerships between the HDSB the City of Burlington and other agencies in accordance with our Community Planning and Partnerships (CPP) procedures.

*Comments were provide for information, no action is required at this time.*

#### **Chapter 9 – Land use Policies - Rural Area**

**9.5 Rural Settlement Areas** HDSB has one active school located within the Kilbride Rural Settlement areas.

*Comments were provide for information, action is not required.*

#### **Chapter 10 - Land Use Policies - North Aldershot**

**10.5 Sub Area Policies** HDSB would like to be continue to be notified of the progression of planning of these areas and expected timing in order ensure facilities are available and can accommodate students generated from new development.

*Comments were provide for information, no action is required at this time.*

#### **Chapter 11 - Public Participation and Engagement**

**11.1.1 Public and Agency Participation Objectives** HDSB is supportive of the Objectives as listed. More specifically, :

- a) HDSB is committed to continue to be engaged and to work with the City of Burlington and provide input on planning and related matters.
- e) HDSB appreciates the City of Burlington's commitment to making data freely available and accessible. This data is valuable to the HDSB's Planning Department.

*Comments were provide for information, no action is required at this time.*

**11.2.1 Public and Agency Participation General Policies a)** HDSB supports the provision of the opportunities to provide input particularly in development applications and area specific planning. HDSB will comment accordingly on the impact on accommodation of students at existing school facilities.

*Comments were provide for information, no action is required at this time.*

**11.3.1 Public and Agency Participation Procedures a) iv)** HDSB requires the circulation of all residential developments greater than two units.

*HDSB requests that Site Plans continue to be included in the Participation Procedures.*

*HDSB supports the rewording of this clause in the November 2017 revision.*

#### **Chapter 12 - Implementation and Interpretations**

**New -12.1.2.(2.2) Policies c) vi)** HDSB will comment on each development. School capacity should not impede development as HDSB has methods to address schools over enrolments challenges such as portables, boundary reviews, additions, new schools. HDSB will comment on each development

**12.1.4.2 Area Specific Planning Policies f) xv)** Halton DSB is supportive of phasing methods. Phasing methods allows the Halton DSB Planning Department to time to monitor development and adjust planning as developments become occupied.



*Comments were provide for information, no action is required at this time.*

If you have any questions or comment the do not hesitate to contact myself or Michelle D'Aguiar.

Sincerely,



Domenico Renzella

General Manager of Planning

cc Lucy Veerman Superintendent of Business Services

cc Alison Enns, Senior Planner, City of Burlington

cc Fred Thibeault, Administrator, HCDSB

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December 21, 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  
Reserve Properties Ltd.  
401-413 Brant Street, 444-450 John Street, and 2012 James Street  
City of Burlington  
Our File No.: 2017/31**

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We are Planning Consultants for Reserve Properties Ltd. ("Reserve") with respect to the above-noted lands. The subject lands were recently acquired by Reserve and form a contiguous 0.2031 hectare block with frontage on Brant, James and John Streets. The south boundary of the property abuts the City owned parking lot containing the Elgin Street Promenade. We provide the following comments on behalf of Reserve regarding the latest version of the Draft Official Plan dated November 2017.

Staff Report PB-68-17 recommended key land use policy directions put forth by City Planning staff for the Downtown Mobility Hub Draft Precinct Plan. The recommendations of Staff Report PB-68-17 were presented to Committee of the Whole on September 28, 2017 and endorsed by City Council on October 10, 2017. The Draft Precinct Plan identified the Reserve lands within a Special Policy Area of the "Brant Main Street Precinct". The key policy directions of the Special Policy Area "...include the enhancement of a civic node and permission for a modified built form and increased building heights of approximately 17 storeys in order to achieve a significant building setback, sight lines to key civic features and the creation of new public space at the corner of James and Brant Streets to serve as a public extension of Civic Square" (underline added).

Following Council's adoption of the Draft Precinct Plan, Staff Report PB-62-17 respecting a 23 storey mixed use development by 421 Brant Street Inc. ("Carriage Gate") at the northeast corner of Brant and James Streets was considered. Staff Report PB-62-17 was presented to Planning and Development Committee on November 1, 2017 and contained a number of staff recommendations in support of the proposed mix use development. On

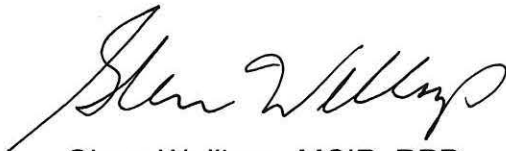
November 13, 2017, Council endorsed the staff recommendations to approve the 23 storey mixed use development.

The Draft Official Plan dated November 2017 proposes to include the Reserve lands within a new "Brant Main Street Precinct Special Policy Area" designation. The policy permissions for this designation appear consistent with the Draft Precinct Plan with the exception of a new restriction in building height to a maximum of 17 storeys. The 17 storey maximum height restriction is also inconsistent with the City's position on the Carriage Gate applications, which are governed by the same Brant Main Street Precinct Special Policy Area designation. The Special Policy Area identify the Brant Street/James Street intersection as a key hub for increased building heights and civic presence. However, the proposed height restriction of a maximum of 17 storeys is the same as the Downtown Core Precinct designation. Given the hierarchy of designations in the Draft Precinct Plan, it makes little sense, especially in light of the Carriage Gate decision, that the height permissions within the Brant Main Street Precinct Special Policy Area and Downtown Core Precinct are the same.

Based on the above-noted comments, we are requesting modifications to the Official Plan for the Reserve lands that are consistent with both the Draft Precinct Plan and the staff recommendations and Council position on the Carriage Gate applications. In particular, the Official Plan should be modified to permit a building with a similar height and density on the Reserve lands as that approved for the Carriage Gate applications. In our opinion, these modifications are in keeping with the overall intent of the Official Plan and necessary to ensure consistency with the Provincial Policy Statement (2014) and conformity to the Growth Plan (2017). We would be happy to further review and discuss our concerns with City Planning staff.

We request further notification 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,  
**WELLINGS PLANNING CONSULTANTS INC.**

A handwritten signature in black ink, appearing to read "Glenn Wellings", written in a cursive style.

Glenn Wellings, MCIP, RPP

- c. City of Burlington Planning Department  
Shane Fenton, Reserve Properties Ltd.  
David Bronskill, Goodmans LLP

CITY OF BURLINGTON OFFICIAL PLAN REVIEW and REGION OF HALTON OFFICIAL PLAN REVIEW

REGARDING ADDITIONAL INFORMATION ON NORTH ALDERSHOT – December 18, 2017

There are so many documents and issues that it becomes difficult to keep up with everything and I can imagine that your jobs are difficult enough without having to hear from me. I have assembled some information for your attention so that it is on the table for future reference. It pertains to a section of North Aldershot with which I am very familiar, having lived here for over 60 years, and I felt it was worth mentioning to you at this time with all the new updates to the Official Plans. Specifically, refer to pgs. 3, 4, 5 & 6 for my detailed information.

I am not sure as to whom I should send the information to, so I have sent it to many of you in hopes that you might direct it to the appropriate personnel, for their files, to keep it on record for future use. I do appreciate your assistance with this.

My research information is listed below as referenced from many of your documents. I do apologize for the amount attached but it is difficult to assemble a short point when there is so much to choose from.

Thank you for your assistance and opportunity to comment on the City of Burlington and Region of Halton Official Plans.

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Example 1:

Interim Office Consolidation of the Regional Official Plan September 28, 2015

North Aldershot Policy Area

137. The objectives of the North Aldershot Policy Area are:

137(1) To recognize and maintain the distinct and unique character of the North Aldershot area within the context of the surrounding built up area.

137(2) To provide limited amount of development in certain locations while preserving significant natural areas and maintaining the predominantly rural and open space character of the landscape.

138.1 Uses permitted under Section 138 is further subject to a revision to the boundary of the Regional Natural Heritage System within and adjacent to the North Aldershot Policy Area, based on the designations and policies of the Greenbelt Plan and the concept of a systems approach as described under Section 115.3 of this Plan. Upon such a revision, policies of the Regional Natural Heritage System of this Plan and of the Greenbelt Plan shall apply based on the revised boundary. Approved 2015-09-28

139. It is the policy of the Region to:

139(1) Require the City of Burlington to incorporate in their Official Plan policies to guide any development within the North Aldershot Policy Area in accordance with the planning framework set out in North Aldershot Inter-Agency Review Final Report (May 1994).

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Example 2:

Report To: Chair and Members of the Planning and Public Works Committee

From: Mark G. Meneray, Commissioner, Legislative & Planning Services and Corporate Counsel

Date: October 5, 2016 Report No. - Re: LPS110-16 - Halton Region Official Plan Review - Phase One: Directions Report

Directions Report

5) Additional Studies to address ROPA 38 Settlements

b) North Aldershot Policy Review

- Undertake a background/policy review and develop policy recommendations to update the North Aldershot Policy Area.

THE REGIONAL MUNICIPALITY OF HALTON Regional Official Plan Review – Phase 1 DIRECTIONS REPORT Final - Revised October 2016

C1.8 Documentation and Reporting

The engagement process must be clearly and accurately documented to ensure feedback received is appropriately reported and considered as part of decision-making, as outlined in the Planning Act.

APPENDIX E. ROPR Work Plan Additional Studies

North Aldershot Policy Review –The objective of this component is to update the North Aldershot Policy Area. This review will be a collaborative effort involving the City of Burlington, the Conservation Authority, the Province, the landowners and other stakeholders and interest groups.

To complete this objective, the following key items are required:

- a) Conduct a background/policy review
- b) Conduct Stakeholder interviews
- c) Conduct a Stakeholder workshop
- d) Develop policy recommendations
- e) Prepare Draft Report
- f) Review Draft Report with Region staff
- g) Refine recommendations in Draft Report
- h) Circulate Draft Report to stakeholders
- i) Prepare Final Report

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Does the proposed new Official Plan include updates to address North Aldershot?

Updates to the policies and mapping for North Aldershot will be considered through the North Aldershot Policy Review related to the Region of Halton's Official Plan Review. More information on the Region of Halton's Official Plan Review Process can be found [here](#).

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**10.5.1.9 SUB-AREA #9 - SOUTH OF FLATT ROAD, WEST (SCHEDULE M-9)**

This Sub-Area is located south of Flatt Road, north of Panin Road, adjacent the forested edge of the Grindstone Creek Valley. The land has a gentle steady slope from north to south. The northern edge is defined by the hydro corridor and the existing houses along Flatt Road. Two historic homes on the south side of Flatt Road are of special interest. And a very large home is located just south of the hydro corridor. The active nursery use dominates the visual character of the area.

1

A north/south valley feature running through the nursery property has been lost due to filling and regrading. On the adjoining property to the south, the undisturbed portion of this ravine and watercourse continues through to Panin Road. Two gently sloping plateaux flank either side of the former valley. A wooded ravine and creek valley also forms the east edge of the Sub-Area. To the south-east, the Christian and Missionary Alliance building is set into the landscape. At the very south are existing homes with access from Panin Road, including a historic building.

4 a

2

- a) Detached residential to a maximum of 48 units is permitted.
- b) Access shown on Schedule M-9, Sub-Area 9 to the north or the south, is conceptual only. Access is to be determined, as described in the second paragraph of Subsection 10.5.1 b) of this Plan, prior to approval of any *development* applications in this Sub-Area.
- c) Provision of access will include the consideration of emergency access to Panin Road.
- d) Sub-Area #9 *shall* be fully serviced.
- e) The proposed *development* must be sensitively integrated with the existing settlement pattern north of the Hydro corridor.
- f) The degraded central ravine feature bisecting the Sub-Area, north south, shall be restored, the creek unearthed and the banks re-vegetated. The degraded zone in the valley to the east shall be restored.
- g) One road crossing of the degraded central ravine *shall* be permitted.

3

4 b

1

Before the original NAIR was initiated, the GSA (Grindstone Settlement Area) group (all members not known) had issued a preliminary development drawing showing a new north/south road from Flatt Rd. to Panin Rd. which in their concept plan ran through the area of the ravine. The valley, creek and the two ponds were never identified on any GSA drawings.

Aldershot Landscape created an irrigation pond by damming up the ravine. During the NAIR, it was discovered that infill into the ravine had far exceeded the original permitted amount for the dam and extended down the ravine onto the CAMA property. The natural creek bed had also been straight line dredged on the CAMA property to allow extension of large concrete culverts. Had Halton Region Conservation not intervened, the ravine may well have been filled in all the way.

2

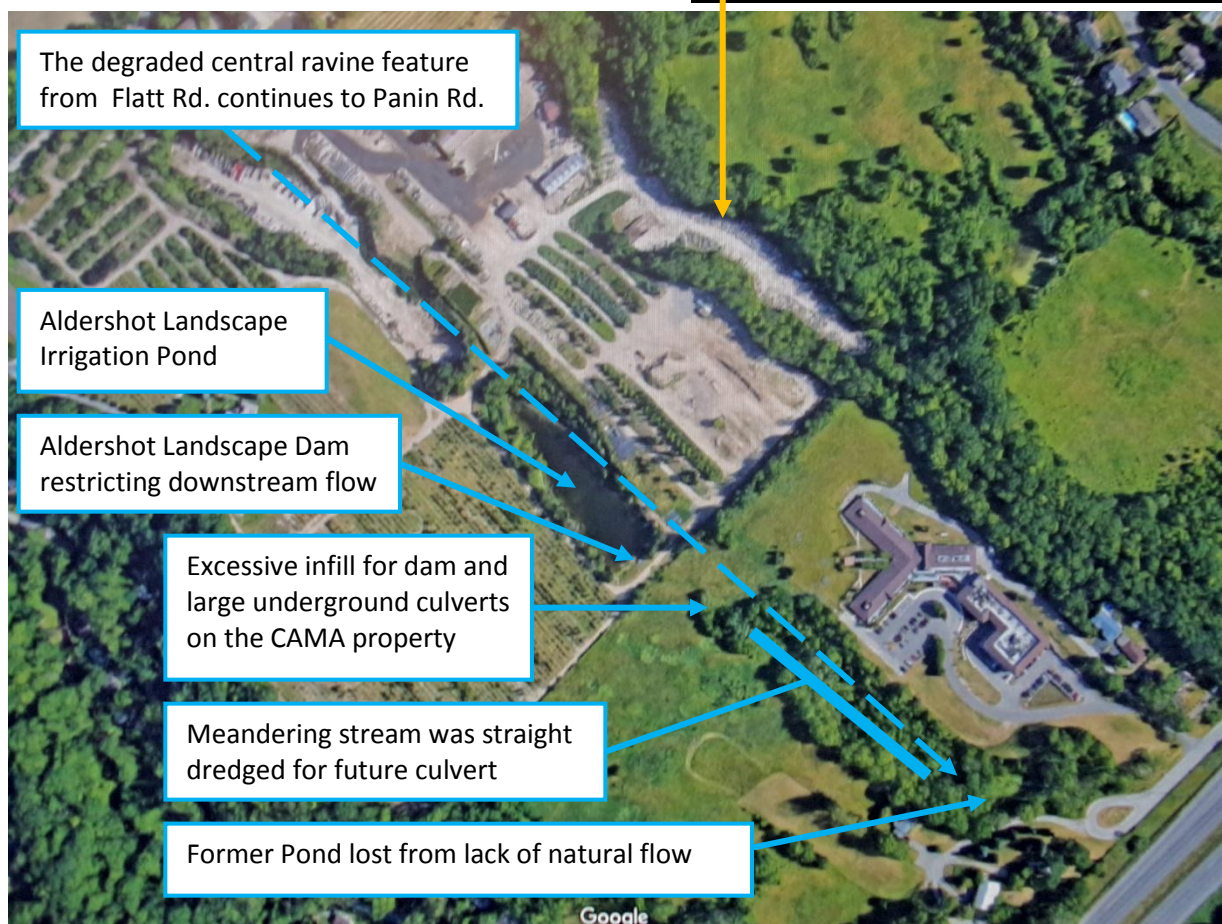
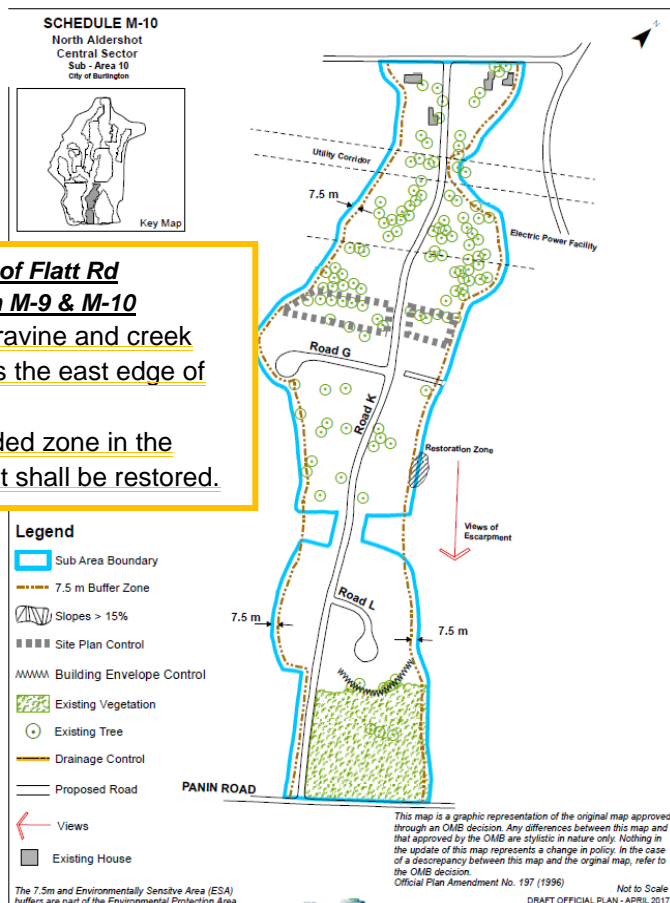
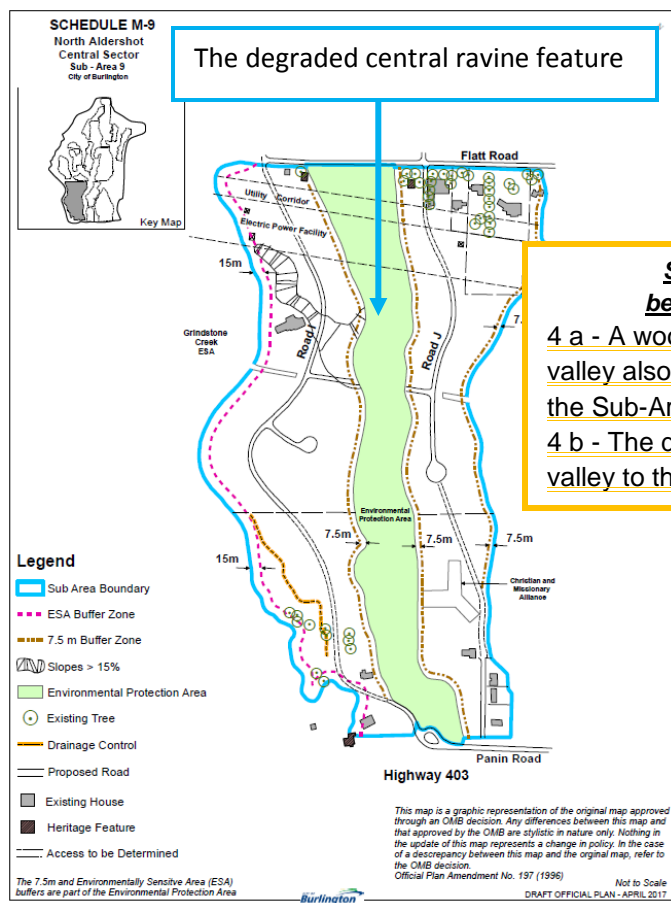
The recent three storey CAMA LTC facility expansion is now the dominant visual and is no longer set into the landscape.

3

This item should be enforced to the highest order when the NAIR is reviewed. A pond feature nearest Panin Rd. has disappeared due to lack of flow from the dam on the ALC property. The stream bed originally meandered through the ravine but was straight dredged for culvert as mentioned above and most of the original flora and fauna have been lost. The stream and pond hosted numerous frogs, turtles, salamanders, muskrats, geese, ducks and others. All have been lost from developments collateral damage and the lack of stewardship from the property owners who totally disregarded the few natural features still remaining within the few fragmented yet environmentally sensitive areas of North Aldershot.

4 a & 4 b

This feature is not identified sufficiently on any of the North Aldershot maps and should not be overlooked. (See pg. 2)





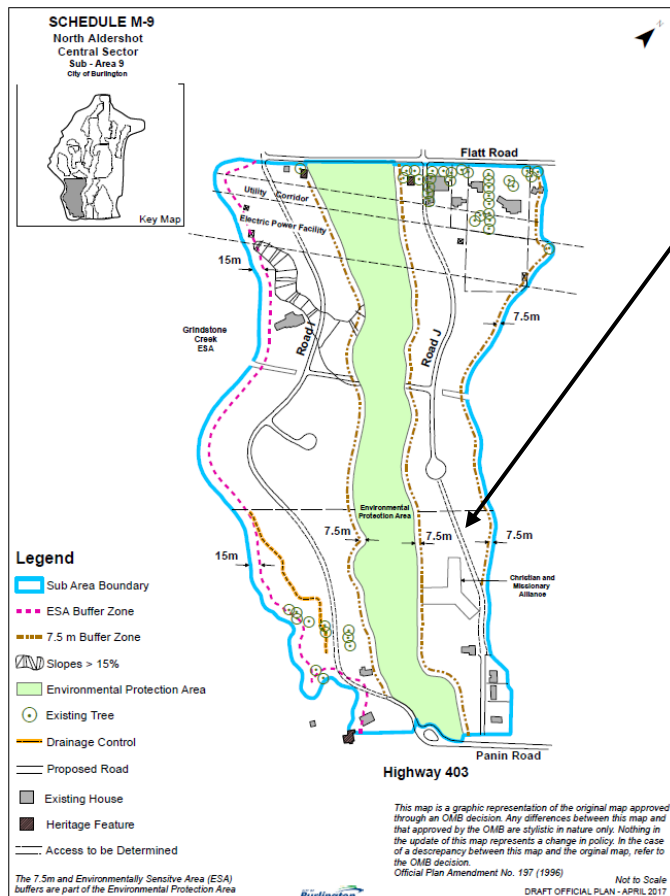
## Excerpt from:

(July 2015) Burlington Official Plan Part V, Page 24

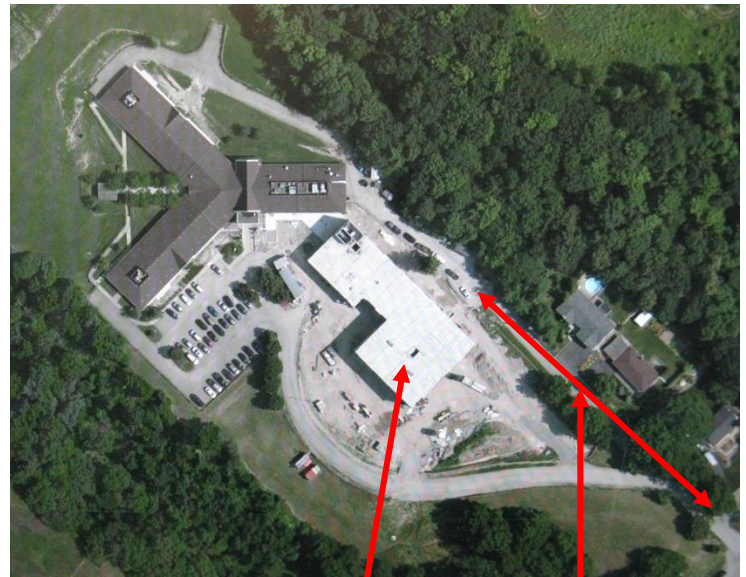
### PART V – NORTH ALDERSHOT PLANNING AREA

#### Future utility corridor b)

Notwithstanding the above, road access from Flatt Road to Sub-Areas #9 and #10 is constrained by the Utility Corridor. Thus, the access and locations of roads within these Sub-Areas as shown on Schedule D-C9 and D-C10 are conceptual in nature. Prior to draft subdivision plan approval for any lands in these Sub-Areas, **road access and locations southerly to Panin Road may be considered without amendments to this Plan.** Such road proposals will provide an appropriate level of analysis to demonstrate that the policies of the Official Plan are met and that the roads will function in a safe and effective manner. Any use of the Utility Corridor is not permitted without the approval of the Ministry of Municipal Affairs and Housing or other authorized approving agencies. If any such approval is granted, it will not require an amendment to this Plan.



This future Conceptual Road as mentioned in the excerpt above is not within parameters to clear the CAMA Woodlands LTC building corner. The drawing is out of date and does not show the new building expansion or the Waste Treatment pumping shed.



New CAMA 3 storey expansion addition.

Existing paved fire access route and residential access laneway does not meet the City roadway standards.

Existing paved fire access route is extremely close to the corner of the CAMA LTC facility

Waste Treatment pumping shed.





**SHOULD and SHALL**

Excerpts From:

Official Plan

Approved by the Ontario Municipal Board October 24, 2008

Text and Maps updated December 2010

**Part VII - Schedules & Tables, Part VIII - Definitions and Part IX - Appendices**

**PART VIII – DEFINITIONS**

**Should** – A convincing reason is required in order not to fully comply with an Official Plan policy.

**Shall** – It is mandatory or required to comply with an Official Plan policy

**COMMENT: An Example of Land Use Policies for the North Aldershot Area**

**Committee of the Whole - Workshop Meeting Agenda Date: April 6, 2017**

**Report Number: PB-01-17**

**Chapter 10: Land Use Policies – North Aldershot Area**

**10.3.2 GENERAL POLICIES**

- k) In North Aldershot, institutional uses may be permitted within all land use designations identified on Schedule L, Land Use– North Aldershot, with the exception of the Environmental Protection Area and North Aldershot Special Study Area land use designations, subject to meeting to the maximum possible degree, the following conditions:
  - (xiv) parking areas should be screened with dense, hardy native plant material that creates an effective visual barrier. Within the parking lot, buffer islands shall be employed to screen more than four rows of cars;
  - (xv) all plant material shall be protected and retained to the maximum extent possible;
  - (xvi) landscape buffers along the perimeter of the property boundary and within the grounds shall be employed to screen the visual impact of facilities from adjacent residences. The landscape buffers shall create a visual screen and be *compatible* with the natural landscape setting;
  - (xx) site lighting shall be low intensity, energy efficient fixtures. The illumination pattern shall not shine beyond the *lot* line, onto neighbouring properties or public roads; and

**VIA E-MAIL**

December 6, 2017

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

File 16132.00009

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) and Proposed  
Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies**

---

We are solicitors for Adi Development Group Inc. regarding their various properties in the City of Burlington, including 374 & 380 Martha Street, 101 Masonry Court, 4853 Thomas Alton Blvd., 4880 Valera Road, and 5451 Lakeshore Road as well as additional properties in which my client has an interest. We are providing this written submission to you on behalf of our Client after having reviewed the proposed Burlington Official Plan (November 2017 version) and the proposed downtown Mobility Hub Precinct Plan and proposed Official Plan policies. We have the following overarching comments with respect to these two documents:

**Overarching Concerns**

First, we are concerned with the proposed changes to the Urban Growth Centre Boundary. To our knowledge, the Urban Growth Centre boundary at the Province has not changed as between the Growth Plan 2006 and the Growth Plan 2017. The mapping that we have from the Province with respect to the Burlington Urban Growth Centre boundary is different from what is being proposed in the new Burlington Official Plan. More importantly, there is no background material

available to indicate how or why the City of Burlington is amending the Urban Growth Centre boundary from that which is shown in the current inforce Official Plan or the Province's mapping. Our review indicates that the City is proposing to reduce the overall Provincial Urban Growth Centre by approximately 17 hectares. Any information from the Province that is being relied upon to justify such a significant amendment to the Urban Growth Centre boundary should be made available to the public and to City council for the obvious reason that the boundaries of the Urban Growth Centre will materially impact all of the policies within the Downtown Urban Centre to ensure that a minimum of 200 persons and jobs per hectare can be achieved, as required by the Growth Plan. This is particularly important because currently the City is not achieving the minimum 200 persons and jobs per hectare target within the Provincially designated Urban Growth Centre in Burlington.

Our second overarching issue is the fact that none of the background studies supporting the proposed policies for the Downtown Urban Centre or the Downtown Mobility Hub have been made available either to the public, or Council. With respect, I ask you how can the public make informed submissions, and more importantly how can Council make an informed decision on any of the policies, when the necessary background studies purporting to supporting the policies are being withheld? We respectfully request that Council direct staff to produce all background work that has been completed to date to the public prior to any decision being made on the Official Plan.

Finally, we note that we were provided with a very limited timeframe to review the Official Plan (November 2017 version) from the time that it was released to the public and the public meeting held on November 27<sup>th</sup>. We submit that it is unreasonable to request that members of the public be given such a limited amount of time to review given the importance of this document in guiding land use planning going forward. We strongly believe that more time is warranted and that the intention to bring forward an adoption report in January 2018 is very aggressive, especially in the absence of the detailed studies being released to the public.

### **Adi Development Group Specific Concerns**

More specific concerns with respect to my client's properties are identified below. If a specific Official Plan policy is not identified below, it should not be considered to be necessarily acceptable to my client. Rather below is a preliminary list of policies that need to be discussed further with staff prior to this Official Plan coming forward to Council for adoption. As such, for the purposes of information in the absence of having the opportunity to meet with staff, the policies with which we have concerns, include, but are not limited to, the following:

### **Chapter 2- Sustainable Growth**

#### **General Policies**

- s. 2.4.2 d) An OPA proposing increase in height, density and/or intensity may be determined by the City to be premature where an area-specific plan has been initiated.

Such a policy is contrary to the *Planning Act* and to rules of natural justice which require and application to be evaluated based on the policies that are in force and effect at the time an application is made.

#### **Secondary Growth Areas**

- s. 2.4.2(2) iv) limits Secondary Growth Areas to mid-rise unless otherwise specified in the Plan.

This represents an inappropriate and highly prescriptive limitation on a citywide basis. Specifically, my client's site on Thomas Alton Boulevard may be adversely impacted by such a policy despite staff's support for the site specific Official Plan amendment application and Zoning by-law amendment application that are currently before the Ontario Municipal Board. It is our position that this site should be carved out of the new Official Plan.

### **Chapter 3- Complete Communities**

Under chapter 3, my client has concerns specifically with respect to policies s.3.1.1(2) h) and S3.1.1(2) i). Additionally my client has concerns with policy 3.1.2(2). These rental housing protection policies are lifted directly from the City of Toronto's without any evidence on how they would be implemented within the City of Burlington.

Finally, s. 3.1.2(2) a)-c) cause concern with respect to the overall growth and development of the downtown core.

### **Chapter 7- Design Excellence**

#### **Introduction**

“... recognize land use *compatibility* through design.”

This conflates two key elements to land use planning that is of no assistance. More precise language conveying the intention is needed.

#### **7.1.2 Policies**

b) Zoning By-law regulations *shall* assist in achieving the *City's* design objectives.”

How such a policy will be implemented is unknown. It is unclear what this policy even means.

d) *Design guidelines may* be developed for certain types of building forms, land uses, *streetscapes*, streets and roads or specific areas in the city. Council approved *design guidelines shall* be utilized in the review and evaluation of *development applications* or *City-initiated* projects. A list of Council-approved design guidelines is included for reference purposes in Appendix A: Council approved Design Guidelines, of this Plan.”

The use of the word “shall” in this policy inappropriately elevates design guidelines by suggesting that such guidelines would be treated in the same manner as an Official Plan policy. If that is the case then the “guidelines” should be included in the policies to allow the public to comment on such documents or any changes thereto.

### 7.3 Urban Design and Built Form

#### Introduction

“... A clear set of expectations is provided for how buildings *should* be designed in different parts of the city.”

Given the definition of “*should*”, this final sentence is not appropriate. Urban Design needs a flexible approach to achieve the best result on each particular site.

#### 7.3.2 Existing Community Areas

- (viii) implementing measures to minimize adverse impacts of wind channeling, shadowing and the interruption of sunlight on the *streetscape*, neighbouring properties, parks and open spaces and natural areas;

The term “minimize” is highly subjective. Further the term “adverse impacts” has not been defined. Additionally it is not known what the “interruption of sunlight” implies. Is that akin to a no new net shadow policy? Significant clarity is required with respect to this policy. The background information in support of this policy would provide this necessary information.

#### 7.3.2.(1) Primary And Secondary Growth Areas

- a) ... *Development* will be conceived not only in terms of how the site, building, façades and other architectural attributes fit within the existing or planned context and relate to the *public realm*, but also how they promote and contribute towards achieving urban design and architectural excellence.”

While this policy is generally supportive, what remains unclear is how the determination of “excellence” is made and by whom. In the absence of criteria, “architectural excellence” is highly subjective.

- i)... The design of *development* shall address the policies of Subsection 7.3.2 a) of this Plan, where applicable, and additional considerations such as, but not limited to, the following:

- b. providing appropriate transitions in form and *intensity* of uses to adjacent land uses, particularly adjacent to established neighbourhood areas;

It is not appropriate to use “*intensity*” in this way. *Intensity* (which is typically reflected through FSI) is not a physical manifestation of a development.

- c. massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also providing for a pedestrian-*scale* environment;”

It is not clear in what way “respect” is to be measured. As an example, is this a 1:1 width to height ratio everywhere?

It is our submission that the proposed urban design policies could benefit from further discussion with a number of urban design professionals to ensure that the policies are both understandable and are capable of being implemented.

#### **Chapter 8- Land Use Policies- Urban Area**

s.8.1.1 – what is the definition of “focal point”

s. 8.1.1.(2) e) iii) – Clarity as to what *incentives* are to be considered needs to be provided

s. 8.1.1.(2) m) *Development* proponents *may* be required by the City to prepare an *area specific plan* prior to the *development* of Urban Centre areas or blocks, to provide a context for co-ordinated *development* providing greater direction on the mix of uses, heights, *densities*, built form, and design.”

More clarity as to what “*development* of Urban Centre areas or blocks” means. Does that mean every site that is part of a block in the Downtown Urban Centre has to prepare an area specific plan? What form would such an area specific plan have to take?

8.1.1.(2) l) Height, density and/or *intensity* permissions stated within all Downtown Urban Centre precincts, except for the Bates Precinct and St. Luke’s and Emerald Neighbourhood Precinct, *shall* be inclusive of the provision of any and all community benefits which *may* be required as part of the approval of a *development* to the satisfaction of the City. The identification of specific community benefits to be provided as part of a *development shall* be based on the needs and objectives of individual

precincts and/or the Downtown Urban Centre as a whole, which *shall* be established by the City through the Downtown Area-Specific Plan and which may be implemented through agreements and/or *development* conditions required as part of the approval of a *development* application.

Clarity is requested with respect to this policy as it seems to suggest that no additional height or density can be achieved in the parts of the Urban Growth Centre where the intensification is supposed to occur, even through the provision of section 37 benefits, but that additional heights and densities can be obtained in the Bates Precinct and St. Luke's and Emerald Neighbourhood Precinct.

- m) The full extent of maximum *development* permissions stated within all Downtown Urban Centre precincts *may* not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, *compatibility*, negative environmental impacts, *hazardous lands*, transportation, *cultural heritage resources* and/or *infrastructure* capacity, currently under review through the Downtown Area-Specific Plan.

It is unknown what “currently under review through the Downtown Area Specific Plan” means. It is suggested that if the Official Plan is going to be so prescriptive as to identify heights, then the works needs to be completed in support of the identified heights prior to the adoption of the Official Plan.

#### s. 8.1.1.(3) Downtown Urban Centre –

Further to our comments throughout, no policies relating to the Downtown Urban Centre should be approved until the mobility hub study is finalized and draft Official Plan policies are put forward for consideration. Also all of the background studies would need to be released to allow the public and Council to evaluate the appropriateness of the proposed policies.

- s. 8.1.1.3.1c) To establish a precinct system that recognizes areas with a common character and/or objective for land uses and built form, which may be informed by historical development patterns and precedent.



For certain areas of the Downtown Urban Centre, this policy is highly inappropriate as it essentially aims to reestablish tower in the park forms of development within the provincially designated Urban Growth Centre, contrary to the objectives of the Growth Plan, 2017.

s. 8.1.1.3.1d) To ensure development incorporates effective transitions with adjacent development and surrounding areas.

This policy is highly problematic as it will negatively impact the redevelopment of the primary and secondary intensification areas, by dictating that the starting point for redevelopment is the existing development which in many cases pre-dates the provincial policies which identify intensification as a first priority. While this policy may be appropriate for stable residential neighbourhoods within the built boundary, it is not appropriate for intensification areas. Further, such a policy is entirely inconsistent with the theme of the Official Plan, being to Grow Bold.

8.1.1.3.1 o) To concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest pedestrian access to higher-order transit and which are located away from the Lake Ontario waterfront, to increase affordability and attract a wide range of demographics and income levels to the Downtown.

What does located “away” from the Lake Ontario waterfront mean? Does that mean that there can be no tall development on the south side of Lakeshore Road, despite staff reports and recent evidence at the Ontario Municipal Board that suggest that the tallest development in the downtown should be the Bridgewater site located on the south side of Lakeshore Road. Given historical staff interpretations as to where the tallest heights should be found in Burlington, significant clarity is needed with respect to this policy. Additionally, it is not known how tallest heights “away” from Lake Ontario assist in increasing affordability.

#### **Brant Main Street Precinct and Brant Main Street Special Planning Area**

It is very difficult to reconcile these policies with staff’s recent recommended approval for a 23 storey building at 421, 425, 427, 429 and 431 Brant Street, further demonstrating the arbitrariness of the Official Plan as a whole and a need to wait for the completion of the Downtown Mobility Hub studies and the background work associated with the Official Plan.

s.8.1.1.(3.15) a) All buildings within the Downtown Urban Centre, with the exception of *low rise buildings*, and properties located within the Brant Main Street Precinct or Downtown Mid-Rise Residential Special Planning Area, *shall* incorporate a *podium* element as part of a building's overall built form that:

(i) is equal in height to the width of the public right-of-way immediately adjacent to the façade. Where more than one public right-of-way is immediately adjacent to a building façade, the *podium* may be a consistent height equal to any of the public rights-of-way present; and

(ii) provides a minimum building setback from the remaining portions of a building above the podium element of three (3) m.

While this policy may be generally supportable in concept, there is insufficient flexibility to address situations where the proposed policy objectives result in a built form that is either unachievable or undesirable. Even a small deviation from the above numbers would require an Official Plan Amendment. Use of the language “generally” or “approximately” should be used to avoid the need for an OPA when small deviations from the above are required, either at the request of the City or a proponent.

8.3.5.(2) a) Alton Community: Notwithstanding Subsections 8.3.5.(1) a) & d) of this Plan, in the Alton Community, street townhouses and stacked townhouses, attached housing and apartments may be permitted to a maximum height of ten (10) storeys

It is our position that our site on Thomas Alton Boulevard should be carved out of the policies of the proposed Official Plan.

### **Chapter 12 Implementation & Interpretation**

s. 12.1.1.(3)(d)- When an Official Plan Amendment will be accepted should be set out in the Official Plan itself to avoid treating different land owners in different ways. The land use planning principles which would permit an Official Plan amendment within the 2 year period should be established at the time the policy is being proposed.



December 7<sup>th</sup>, 2017

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

**Attention: Amber La Pointe, Committee Clerk**

Dear Ms. LaPointe

**Re:** New Draft Official Plan and Downtown Mobility Hub  
2093 Old Lakeshore Road, 2097 Old Lakeshore Road,  
2096 Lakeshore Road, 2100 Lakeshore Road, 2101 Lakeshore Road Burlington Ontario,

Core Development Group ("Core") is the owner of the above properties ("the subject lands"), which are located within the Old Lakeshore Planning Precinct and form part of the Downtown Mobility Hub. These lands are designated Mixed Use Centre, and are located within the Downtown Urban Growth Centre as identified in the Growth Plan for the Greater Golden Horseshoe.

The draft Official Plan, which was considered by Committee of the Whole on November 30<sup>th</sup>, 2017 and is to be considered by Council on December 11, 2017, while continuing to recognize that the subject lands are situated within the Downtown Mobility Hub, does not, in our opinion, recognize the important role that they should play in optimizing densities within this key growth centre.

Policy 8.1.1. (3.10) provides that:

*"The policies of the Old Lakeshore Road Precinct continue to be developed as part of the Downtown Area-Specific Plan. Additional policies and/or objectives may be added to this section, subject to the outcome of the area-specific plan process and incorporated as a part of this Plan and/or through a future amendment to this Plan (our emphasis). The Old Lakeshore Road Precinct will provide for mixed-use mid-rise buildings consisting primarily of residential uses which are pedestrian-oriented and transit supportive while also achieving a high standard of design. Modest tall buildings which transition downward from the adjacent Downtown Core Precinct towards the waterfront may be accommodated where such development achieves strategic public and city building objectives, including the provision of public waterfront access and the creation of new uninterrupted view corridors to Lake Ontario, among others."*

This Section, then goes on to provide very prescriptive heights and urban design guidelines by area (A, B, C): some of which continue to be important (protection of view corridors), others of which (particularly with respect to the realignment old Lakeshore) may no longer be relevant, and still others may be inappropriate

given the location of the Precinct. The policies, in particular, are very prescriptive in terms of building heights.

When these “interim” policies are considered in light of Policy 8.1.1. (3.11) j),

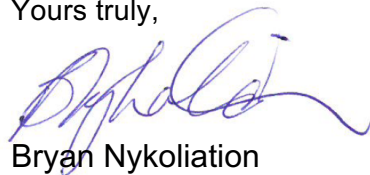
*“The City will consider undertaking an area-specific plan for lands within the Old Lakeshore Road Precinct with respect to the review of existing height and density permissions and conditions for development as stated within this Plan, as well as other matters as determined by the City. The area-specific plan shall undertake such a review in terms of achieving key city building objectives including, but not limited to, the following:*

- (i) the creation of new public pedestrian connections and park spaces along the waterfront including any potential linkages with adjacent development as well as areas designated Downtown Parks and Promenades within this Plan;*
- (ii) the creation of a new view corridor from Martha Street at Lakeshore Road to Lake Ontario including the establishment of any potential associated pedestrian connections; and*
- (iii) the undertaking of a detailed shoreline study to assess potential impacts on development potential within the precinct, to be undertaken in consultation with Conservation Halton.”*

it is clear that despite the length of time taken to prepare the revised policies for the Downtown Mobility Hub, the proposed policies fail to recognize the opportunity provided by the Old Lakeshore Planning Precinct (“OLPP”) to optimize development within the Urban Growth Centre. This is a location where greater heights and greater densities should be encouraged, subject to meeting the City’s urban design objectives. For this reason, in our opinion, the new policies for the Mobility Hub as set out in the draft Official Plan, as it is proposed to be presented to Council on December 11, 2017, and considered for adoption on January 16, 2018 are not supportable. While the owners recognize that planning staff may need some additional time to bring forward a specific recommendation for the OLPP, given the amount of work which has already been undertaken, it would be reasonable to expect the proposed policies could be brought forward in the first quarter of 2018. This would provide the appropriate policy basis for Core to bring forward its applications later in the year.

Therefore, Core looks forward to working with City Staff in the development of policies for the OLPP which recognize the important role it should play within the Mobility Hub. However, until such time as these policies are brought forward, we must object to the proposed new Official Plan policies for the Downtown Mobility Hub.

Yours truly,



Bryan Nykoliation  
President  
Core Development Group