

January 22, 2018

Delivered By Hand

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

Attention: Amber LaPointe, Committee Clerk

Dear Ms LaPointe:

**Subject: City of Burlington Official Plan and Downtown Mobility Hub
Secondary/Precinct Plan**

You will recall that we have previously provided detailed comments to the City regarding the proposed New Draft Official Plan and the Draft Downtown Mobility Hub Secondary/Precinct Plan. We trust that the members of the Committee and City Planning staff are well aware of our concerns and comments and that they will be given due consideration.

As directed by Council and City Management, City Planning has put a great deal of time and effort into the development of new planning documents that are intended to respond to Council's direction, the City's Strategic Plan, public and stakeholder consultation and Provincial and Regional policies and directives. This is a delicate balancing act that requires the unique skills, experience, detailed knowledge and resources that the City's planning professionals provide to you.

It has recently come to our attention that on January 23rd, 2018 Planning and Development Committee will be considering a memorandum from the Ward 2 Councillor. This memorandum contains a number of motions requesting revisions to the New Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan, in addition to providing additional commentary. We have reviewed this memorandum and are concerned as it demonstrates a lack of respect for planning and parliamentary processes, is disrespectful to City staff and fails to show regard for decisions and directions made by City Council as a whole, the Region of Halton and the Province of Ontario. The proposed motions appear to be based on personal preferences and fail to provide the necessary planning rationale for the proposed changes and lack public input to be deemed credible.

Below, please find a please find a copy of the complete memorandum with our comments (as noted in underlined and bolded italics).

“As the Ward councillor for the downtown, I am bringing a series of motions detailed below to modify the proposed new Official Plan policies to avoid overintensification and ensure balanced growth in keeping with our strategic plan and requirements under provincial and regional policies.”

Comment:

This term, overintensification, is used repeatedly yet it is undefined. The Downtown has been identified by City Council as the primary location for intensification as new greenfield development sites are no longer available to accommodate growth.

Balanced growth can be interpreted as spreading it through the Downtown. This would be contrary to the City's Strategic Plan and sound planning principles that encourage targeted redevelopment which in turn minimizes potential impacts and maximizes the use of existing infrastructure, city services and facilities.

Please keep in mind that the provincial “requirements” are minimums, not maximums.

“The motions detailed in this memo are accompanied by a powerpoint presentation and relevant hard copy maps will be available at committee.”

“Motion: 1

Defer approval of Official Plan till after the 2018 Municipal Election”

Comment:

This appears to be a knee jerk reaction resulting from a lack of understanding of the intent and the fundamental goals, objectives and effect of the proposed policies. By and large, the changes to the planning policies for the Downtown are modest and further refine the existing precinct system based on a review completed by the City's Planning Department that was encouraged in response to the Ward 2 Councillor's concerns regarding the “fine grained” nature of the Downtown. It cannot reasonably be expected that the Downtown will not experience change as the City matures.

“Rationale:

- Major changes are coming to the city through proposed intensification in the mobility hubs at the 3 Burlington GO stations, and the downtown.”

Comment:

Report PL-93/06 was completed by City Planning staff in September 2006 and approved by City Council. It established the Urban Growth Centre boundary for the City of Burlington. The size and extent of the Urban Growth Centre was confirmed in that report. The Urban Growth Centre, as defined at that time, included Spencer Smith Park. City Council recognized the Urban Growth Centre designation for parts of the Downtown in OPA 55 which states the Urban Growth Centre “shall accommodate a significant share of population and employment growth within the City”.

City Planning provided PB-29-16 to Council in July 2016. This report reviewed the City's urban structure and discussed how future growth could be accommodated. It specifically noted that the Urban Growth Centre/Downtown and the major transit station areas would be the nodes in which intensification would occur – Mobility Hub study areas were clearly identified. This approach is based on sound planning principles intended to assist the City in its efforts to protect existing neighbourhoods, efficiently use existing infrastructure while indicating that the City will need tools to manage and accommodate future growth and promote economic prosperity. Based on the longstanding actions of City Council, the City's Strategic Plan and direction provided by City Planning staff, changes to the planning regime for the Downtown/Urban Growth Centre at this time should not come as a surprise. They have been developed further to input from the public and other relevant stakeholders with a purpose which is based on the directions and actions of City Council.

- “When the Official Plan review began in December 2011, changes to the downtown were out of the scope. The mobility hubs were not included in the scope.”

Comment:

In 2011, the City commenced a review of the existing Official Plan. As noted above, OPA 55 anticipated changes in the Downtown and City Planning staff have been working to create what it considers to provide the best growth management tools to City Council and the residents of the City of Burlington. In 2014, the City and its consultant prepared, as part of the Official Plan Review, “Mobility Hubs Opportunities and Constraints Study”. Further to the commencement of the analysis by City Planning staff, in October of 2016 City Council directed City Planning staff to prepare a New Official Plan – see reports PB-84-16 and PB-29-16. Mobility Hubs have been included in the Region's Official Plan for years and the City's New Official Plan is required to conform to the Region's Official Plan. Therefore, the statement above is misleading and provides an inappropriate characterization of the evolution of the scope of work to be completed as part of the Official Plan program.

- “In October 2016, the city shifted from an update to a rewrite of the plan. The first draft was released in April 2017. Downtown and mobility hubs policies were not included.”

Comment:

The policies for the Downtown and the other mobility hubs were not released as they had yet to be prepared. City Planning staff have clearly indicated that Area Specific Plans for the mobility hubs and the Downtown would follow on a timeline separate from the New Official Plan. The proposed policies for the mobility hubs and the Downtown would appear to represent nothing more than placeholders until the secondary plans are complete and approved.

- “Proposed changes were first released in September for the downtown, and in November for the GO stations. Area specific plans are still to come.”

Comment:

This is misleading. City Planning Department staff have consistently stated that the secondary plans would be finalized subsequent to the City's approval of the New Official Plan and are to be approved later in 2018. All that is provided in the Draft New Official Plan insofar as the mobility hubs and the Urban Growth Centre are concerned are what appear to represent nothing more than placeholders until the secondary plans are complete, as noted above.

- "There is considerable community opposition to some of the proposed changes, particularly in the downtown."

Comment:

It appears that much of the "opposition" results from a lack of understanding, exaggeration and misinterpretation of the policies contained in the latest version of the New Official Plan and many of the reports that demonstrate staff's proposed policy directions. However, it also appears that the most significant factor that has brought about a high level of controversy and reaction has been the irresponsible and inciteful use of social media. The tone of the comments circulating appear to suggest that City staff and management have not done their job which is extremely unfair and inappropriate.

- "We need time to get this right and give the community more voice, by testing the proposed plan democratically via the 2018 election."

Comment:

Public consultation is always a positive contribution to the process. However, the only concerns raised in this memorandum relate to the secondary plan for the Downtown Mobility Hub which City Planning staff have indicated is intended to be refined. Should City Council be satisfied that the guiding policies provided in the Draft New Official Plan are satisfactory, is it fair to the rest of the City to delay the City's most important planning document at a time when it can and most likely will be used as a political football? This appears to be unfair to the residents of Burlington and City staff that have worked hard and the planning process.

- "There is no need or requirement from the province to rush."

Comment:

The timing has always been clear. It may not be a question of rushing but rather one of an opportunistic delay for political gain rather than fundamental planning concerns.

- "Council continues to retain full decision-making control over applications that may come in prior to approval of the Official Plan. Rules around appeals to the new Local Planning Appeal Tribunal restrict what can be appealed and give more weight to local decisions, further strengthening council's decision-making authority."

Comment:

It is unclear what this statement is intended to address.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion: 2

Direct staff to discuss with the Region and province the possibility of removing the mobility hub classification for the downtown, and shifting the Urban Growth Centre to the Burlington GO station.

Rationale:

- The Urban Growth Centre and Mobility Hub designations have put pressure on the downtown for overintensification (eg. ADI development at Martha & Lakeshore, unanimously rejected by council and staff).”

Comment:

The real reason for growth pressure in the Downtown is not the designation, it is the fact that greenfield development sites have been exhausted. To suggest otherwise is completely inaccurate. The Urban Growth Centre designation for a portion of the Downtown was established by the Province in 2006. For several years prior to that City Council recognized that the Downtown had been suffering and prospects for improvement were bleak as the only true development in the City was occurring in greenfield areas – see Momentum 88 plan and page 4 of PB-011-18. The Downtown has been growing at a very slow rate of 59 units per year over the last 10 years and only one mid-rise buildings has been constructed in the last 30 years. City Council has been clear for many years that redevelopment and revitalization within the Downtown is positive and encouraged. This re-emphasizes the importance of having an up to date plan for the Downtown to assist the City to manage change. To suggest that the Urban Growth Centre designation can be shifted to another part of the City is easy to say but may be very difficult to achieve and it would certainly require full support of City Council, the Region of Halton and the Province of Ontario.

- “The city has input on the location of Urban Growth Centres and Mobility Hubs, and recently added more Mobility Hubs on its own without direction from the province (Aldershot and Appleby). Ergo we can work with the region and province to request a shift in the UGC to the existing designated mobility hub at the Burlington GO station. Urban Growth Centre boundaries recently changed – and can be changed again.”

Comment:

The genesis of Urban Growth Centre designation dates back to 2006 and was applied through Provincial legislation. The City of Burlington provided its input into the location and extent of the Urban Growth Centre through Report PL-93/06. The other mobility hubs designations were established by the Big Move in 2008 and have been implemented in the Region’s Official Plan. The Region’s Official Plan shows them as Major Transit Station designations at Burlington GO.

Aldershot GO and Fairview GO Stations in Burlington (all of which are termed “Gateway Mobility Hubs”). These designations have been in place since at least 2015. Downtown Burlington is categorized differently as it is designated an “Anchor Mobility Hub” – a term used for mobility hubs located within an Urban Growth Centre. The Ward Councillor clearly recognized the Urban Growth Centre designation by the Province of Ontario at City Council on July 18, 2016.

Major Transit Stations are intended:

- a) To achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service.
- b) To achieve a mix of residential, office, institutional and commercial development, where appropriate.
- c) For Major Transit Station Areas, to provide access from various transportation modes to the transit facility, including consideration of, but not limited to, pedestrians, bicycle routes and bicycle parking, commuter pick-up/drop-off areas, carpool parking, car share vehicles, and parking/recharging stations for electric vehicles.
- d) For Intensification Corridors, to accommodate local services, including recreational, cultural and entertainment uses.

The Official Plan for the City of Burlington is required to conform to both Provincial policy and the Official Plan of the Region of Halton.

While City Planning staff have recommended adjustments to the boundary of the Urban Growth Centre, this is substantially different from a complete relocation as Provincial, Regional and City planning policies would require changes.

- “The city is positioned to meet city-wide growth targets set by the province for 2031 within the next five years: the population target is 185,000; 2016 census shows the city at 183,000, with 1,000 units under construction at the Burlington GO station alone.”

Comment:

This is incorrect. While the population target for 2031 is 193,000, this numerical estimate is based on what many consider to be outdated calculations prepared by the Region of Halton. In addition, this number is also only one of the factors to be considered in respect of a growth target for an Urban Growth Centre. An Urban Growth Centre is expected to achieve a minimum population and employment threshold over time. This has been identified by the Province as a minimum density of 200 people and jobs per hectare by 2031. While one could argue about the amount of growth that is required to be accommodated in the Urban Growth Centre to achieve the minimum target, the bottom line is that growth is required. City Council recognizes this as it has identified the Urban Growth Centre as the “primary intensification area”. As the Ward Councillor noted on July 18, 2016, 72% of the City’s intensification has occurred outside of areas identified for intensification and should be directed to “green light” areas, especially the

Urban Growth Centre. Scattered intensification has created a significant challenge for the City and its revitalization efforts for the Downtown. Not only must the City meet an overall population target, it must also meet the minimum population and density requirements for the Urban Growth Centre which is considered a positive step in revitalizing the Downtown.

- “Downtown will continue to absorb its share of city growth under current Official Plan permissions, and will surpass a target density of 200 people or jobs within 5 to 8 years.”

Comment:

This is incorrect – Downtown Burlington has been growing at a rate of 59 new units per year over the last 20 years and it is clear that the existing policy framework for the Downtown does not accommodate contemporary redevelopment and intensification. Of 23 potential projects identified in what appears to be an updated Destination Downtown map that has no official planning status, only 4 are moving forward in applications.

- “There is significant development interest in the downtown, with at least 23 areas under construction, approved (whether built or not), under appeal, at pre-consultation , or subject to known land assembly. See powerpoint map as Appendix 1.”

Comment:

The level of interest in the redevelopment in the Urban Growth Centre may be the result of greenfield development opportunities in the City having been exhausted. This is a natural expectation as a City matures and it reflects the redevelopment and intensification future that City Council will be expected to manage. It is unreasonable to assume that all of the development noted above will be constructed before 2031, if at all. The development activity map that is provided is questionable and has no official status. The Planning Department has gone to great lengths to examine redevelopment and intensification in the Downtown. Council should rely on its professional planning staff to estimate how much development may occur and the appropriate locations in which it should occur.

- “The downtown can meet the intent of provincial policy and the strategic plan without the pressure to overintensify that comes with UGC and Mobility Hub designations.”

Comment:

Again the use of the word “overintensify” is undefined and inappropriately used. The Provincial density targets are minimums not maximums. You may find it helpful to reference Appendix B of staff report PB-68-17 in which the new people and jobs for the Downtown Burlington Mobility Hub is estimated by Brook McIlroy – 7,600 new residential units, 13,000 new residents, 600 retail jobs and 825 office jobs (470,000 sq. ft. of new office and retail space). The scale of redevelopment is a function of fit and potential impacts, not a series of fixed, arbitrary numbers.

- “I have spoken with The Director of Planning Services/ Chief Planning Official at Halton Region who is open to this conversation, without precluding any outcome. The Region will be reviewing its own Official Plan in 2019.”

Comment:

It is troubling that an individual Council member would disrespect the democratic process and City Council as a whole by independently contacting the Region of Halton to discuss a major planning policy change without Council's authorization. Council speaks by resolution. This shows a remarkable lack of respect for the democratic process and City Council.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 3:

Staff Direction Direct staff to work with the Region of Halton to review the Downtown Urban Growth Centre boundaries, and consider restoring original boundaries with the exception of Spencer Smith Park.

Rationale:

- Parts of stable neighbourhoods and a community park have been added to the Urban Growth Centre, while the intent of the boundaries is to protect and exclude stable neighbourhoods.”

Comment:

The New Official Plan for the City of Burlington will not come into effect until it has been approved by the Region of Halton and/or the new Planning Tribunal. As part of its review of the City adopted Plan, the Region and/or the tribunal will have to be satisfied that any changes to the boundaries of the Urban Growth Centre are appropriate. This is standard protocol. Working with City Planning staff to confirm minor changes to the boundary of the Urban Growth Centre can be done as the secondary plan progresses. This would not be unusual. However, the modifications to the boundary must be supported by good planning and not gerrymandered for political reasons.

Urban Growth Centres are intended to be focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses:

1. *to accommodate and support major transit infrastructure*
2. *to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses*
3. *to accommodate a significant share of population and employment growth.*

The deletion of Spencer Smith Park from the Urban Growth Centre may be contrary to provincial policy. This should be investigated in detail. Spencer Smith Park represents the City's most prominent and appreciated recreation area and is an essential component of the Downtown. It's deletion from the Urban Growth Centre accomplishes nothing more than decreasing the area of the Urban Growth Centre to artificially push the population and employment density upward.

- “Areas of high density including mid-rises and highrises have been eliminated, while the intent of the boundary was to accommodate higher density built forms.”

“See powerpoint maps as Appendix 2 and 3, showing the change in UGC boundaries, and the underlying planning designations, showing locations of stable neighbourhoods and growth areas.

I have spoken with The Director of Planning Services/ Chief Planning Official at Halton Region who is supportive of the proposed boundary changes. The Region will be reviewing its own Official Plan in 2019.

Areas to Eliminate:

- Ontario North/East of the hydro corridor
- West side of Locust and parcel fronting Hurd
- West side of Martha to James, including Lion's Club Park

Areas to Add back:

- Ghent West to Hager
- Lakeshore South of Torrance
- South East parcels of James/Martha”

Comment:

It is troubling that an individual Council member would disrespect the well-established democratic process. City staff and Council as a whole by independently contacting the Region of Halton to discuss major planning policy matters. Council speaks by resolution. This shows a remarkable lack of respect for the democratic process and the other City Council members.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 4:

4a Retain the current height restriction of 4 storeys (with permission to go to 8 storeys with community benefits) for the Downtown Core Precinct. Proposed height in the new Official Plan is 17 storeys as of right.”

Comment:

Regardless of the height limit established by official plan policy, community benefits are negotiated through the zoning approval process, not land use policy documents.

“4b Include a range of heights in the precinct, to help secure community benefits during redevelopment.”

Comment:

The planning policies provide approximate (not absolute) height restrictions. It is unreasonable to assume that all properties can or will redevelop to the maximum height and density. Therefore, it is inherent in the policy that height variations can and will occur.

“4c Include policies to allow additional density in developments that preserve heritage buildings, as a factor of square footage preserved.”

Comment:

Heritage preservation is a common practice in Ontario. However, it would be a challenge to determine a square footage factor. Each application should be reviewed on its merits.

“Refer to powerpoint Appendix E, map showing heritage properties and heights downtown; and Appendix F providing a listing of historic properties (designated and not designated).”

“Rationale:

The downtown can meet growth targets under existing planning permissions. Refer to the intensification analysis completed by staff for the 421 Brant/James proposal, and earlier for the ADI proposal at Martha/Lakeshore. There is no policy need under provincial legislation or the city’s strategic plan to overintensify to accommodate growth.”

Comment:

This is incorrect – Provincial policies are minimums, not maximums

“The majority of residents are not supportive of this height in this precinct. Residents are supportive of a range of new developments up to a mid-rise character as reflected in the existing plan (4-8 storeys).”

Comment:

How has the majority been determined?

No new mid-rise buildings (with the exception of one) have been constructed in Downtown Burlington in over 30 years. To assume that this type of development will all of a sudden happen now is unrealistic.

“Approving an upzone to 17 storeys as of right does not provide opportunity to negotiate community benefits, for example heritage preservation, affordable and family housing, additional greenspace setbacks and streetscaping, parking and other matters. That can be achieved in part by including a range of heights in the plan, which the existing policy framework has. That can also be achieved by writing into the precinct policies extra density in respect of the square footage of the historic buildings preserved. There is precedent: the existing OP for the Old Lakeshore Road area includes density increases for heritage protection during redevelopment; add similar policies to the downtown core precinct.”

Comment:

The idea that planning designations are the equivalent of “upzonings” is completely incorrect.

Please note that the planning policies for the Old Lakeshore Precinct are intended to be reviewed and replaced.

“Upzoning to 17 storeys would compromise the historic character of parts of the precinct, create a potential forest of highrises every 25 metres in this area should landowners take advantage of the new heights by application, in accordance with the Tall Building Guidelines, and make it more difficult to preserve historic (but not designated) buildings in the downtown, as the air rights of these existing 2-3 storey buildings would be more valuable than retaining the building.”

Comment:

This is a significant exaggeration of the effect of the proposed policies. It is not practically possible to create a “forest of highrises”. Statements like this do nothing more than incite ratepayers. The Official Plan and the Downtown Mobility Hub Secondary Plan are policy documents and do not contain zoning standards. Therefore, the policy documents cannot establish “upzonings”. Historic resources in the downtown appear to have been misrepresented. Please refer to pages 13 – 15 of PB-11-18 for clarity. There are also new heritage policies provided in the New Official Plan that are intended to protect important heritage resources. Please refer to sections 3.5.2.(3) – 3.5.2.(5).

“There are 93 properties in the downtown mobility hub study area of heritage significance (municipal register or designated).

- Of these 26 are designated
- 5 adjacent to mobility hub, 1 of these designated”

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 5:

Height restriction of 3 storeys along Brant Street with permission to go to 11 storeys along John Street frontage, only with the provision of community benefits.

Rationale: Existing permissions are 4 storeys along Brant, up to 8 with provision of community benefits. The proposed is 3-11, which is roughly the same; this motion seeks additional of language that allows securing community benefits to get to the full 11 storeys.”

Comment:

There appears to be a fundamental misunderstanding of community benefits. Community benefits are determined at the zoning stage, not the official plan or secondary plan stage. The Planning Act allows municipalities to request contributions towards a policy-based set of community benefits in exchange for additional height and density. You may find Section 2.3 of Part VI of the existing Official Plan to be helpful.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 6:

6a. Add the north west corner of Burlington Avenue and Lakeshore Road to the special planning area to match the north east corner.”

Comment:

No basis is provided for this change. What is the proven planning rationale for this deletion? This is most appropriately discussed as the secondary plan progresses.

“6b. Reduce height to 3 storeys.”

Comment:

No basis provided for this proposed change. What is the proven planning rationale for this deletion? This is most appropriately discussed as the secondary plan progresses.

“Current proposal in the Official Plan is 6 storeys, on the east side only.

Rational:

Burlington Avenue and Lakeshore is a gateway to the stable neighbourhood of St. Luke's. This corner has existing townhouses and single family homes that contain multiple units. Both sides of the street should be treated the same; the proposed 3 storeys reflects existing built form and is compatible with the balance of the street in the St. Luke's Precinct. Higher height/density will put pressure on development creep up the street into the neighbourhood.”

Comment:

Gateway locations are not identified by Councillors. They are identified in approved planning documents. Is there an approved planning document that indicates that this intersection is a gateway that should be treated in a particular manner?

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 7:

Reduce the cannery district at the north east corner of Lakeshore Road and Brant Street to 15 storeys.

Rationale: Reflects existing heights in the area.”

Comment:

This is not a planning argument. It is being suggested that compatibility is equal to sameness. This is not a realistic or defensible position to take as it appears to be based on personal preference. Case law is extensive on this.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Motion 8:

Upper Brant Precinct:

8a. Remove East side of Brant from Blairholm to Prospect.”

Comment:

What is the proven planning rationale for this deletion? This is most appropriately discussed as the secondary plan progresses.

“8b. Remove West side of Brant from Blairholm to Olga

Existing heights are 4-6 storeys; that is an appropriate transition in these two areas which back onto stable neighbourhoods. See powerpoint map.”

Comment:

What is the proven planning rationale for this deletion? This is most appropriately discussed as the secondary plan progresses.

Conclusion:

This motion appears to be motivated by politics and is not based on sound planning principles, public input and promotes personal preferences that are based on a profound misinterpretation of the proposed planning framework.

“Thank you for your consideration. Marianne Meed Ward City & Regional Councillor, Ward 2”

End of Memorandum

We trust that this additional information will assist you as you move forward to establish the most important new planning documents for the City of Burlington.

Respectfully submitted by,
Mark G. Bales, MCIP, RPP



Carriage Gate Homes

c.c. Mayor Rick Goldring
Members of City Council
James Ridge, City Manager
Mary Lou Tanner, Deputy City Manager
Bill Janssen, Director of Department of City Building