



SUBJECT: Proposed New Official Plan (February 2018): Public Release and Second Statutory Public Meeting

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-14-18

Wards Affected: All

File Numbers: 505-08

Date to Committee: February 27, 2018

Date to Council: March 19, 2018

Recommendation:

Receive report PB-14-18 titled "*Proposed New Official Plan (February 2018): Public Release and Second Statutory Public Meeting*"; and

Receive the proposed new Official Plan (February 2018), as Appendix A to staff report PB-14-18; and

Receive the proposed *Sustainable Building and Development Guidelines* (February 2018), attached in Appendix B to staff report PB-14-18; and

Direct the Director of City Building – Planning Building and Culture and Council to consider the community feedback received as part of this Statutory Public Meeting and any Council motions directing changes to the new Official Plan, prior to bringing forward a subsequent staff report recommending adoption of the proposed new Official Plan in April 2018.

Purpose:

The purpose of this report is to:

1. Release the proposed new Official Plan (February 2018) for community and Council consideration;
2. Highlight the key areas of change between the release of the proposed new Official Plan (November 2017) and the proposed new Official Plan (February 2018).

2018), including additions, modifications and deletions to policies and schedules based on community feedback and Council motions.

3. Transmit a summary of feedback received from the public, stakeholders, and agencies on the proposed new Official Plan (November 2018), along with staff responses to the feedback (comments received between November 9, 2017 and January 31, 2018) and,
4. Receive the proposed Sustainable Building Development Guidelines (November 2017) with the intention of recommending their approval, subject to the adoption of the new Official Plan in April, 2018.

This report aligns with the City's Strategic Plan 2015-2040.

Background and Discussion:

1.0 Background

In November 2017, Planning and Development Committee considered staff reports [PB-50-17](#) (proposed new Official Plan, November 2017), and [PB-81-17](#) (proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies) as part of a Statutory Public Meeting process in accordance with the *Planning Act*. Following submissions from the delegations, the Committee asked questions of staff and after some discussion, the Committee voted to defer receiving the reports and related appendices to allow additional meetings. The purpose of the meetings was to accommodate questions of staff, enable further discussion on the proposed new OP and obtain any Council motions to amend the new OP.

As a result, additional meetings were scheduled, serving as continuations of the November 30, 2017 Committee meeting. The Statutory Public Meeting portion of the Committee meeting remained closed and no delegations were heard in relation to PB-50-17, however members of the public were welcome to attend and the meeting was webcast. These additional continuation meetings on [PB-50-17](#) focused on various topic areas of the new OP, as detailed below:

- January 8: rural, agriculture, natural heritage and mineral aggregates;
- January 16: employment conversions, employment policies and mixed use intensification area policies; and,
- February 6: growth management, implementation, housing and any remaining topics raised by Council.

Also, on January 23 and 24, 2018, a new staff report [PB-11-18](#), titled “*Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies*” was considered at Planning and

Development Committee meetings. Further delegations from the community were considered on January 23, and further staff and Council discussion occurred on January 24. Several motions were considered at these meetings. The pertinent Council resolutions, some of which directed changes to the new Official Plan, are outlined in Section 4 of this report.

2.0 Key Changes between Proposed New OP (November 2017) and Proposed New OP (February 2018)

Upon release of the proposed new Official Plan in November 2017, staff received feedback from the public, agencies and stakeholders between the release of the proposed new Official Plan on November 9, and January 31 (the writing of this report). Staff assessed this feedback (see Section 3.0 below), and further revised several policies of the Plan.

In addition to the feedback received from the community, Council passed 13 motions directing staff to make specific revisions to the proposed new Official Plan, or other actions for follow up. These motions, and a summary of how the new proposed Official Plan was revised to respond to the motion, is included in Section 4.0 below.

Appendix C of PB-14-18 contains a tracked changes version of the proposed new Official Plan to assist in identifying the policy changes that occurred between the November 2017 and February 2018 versions. This document has been prepared to assist the public in understanding the scope of changes to the revised proposed Official Plan. Please note it does not include notations to describe edits to mapping. While staff have tried to present a complete record of changes to the text in the tracked changes version, please refer to the proposed new Official Plan (November 2017) version and the proposed new Official Plan (February 2018) version for a complete record.

The edits made to this version of the plan include changes to respond to public feedback and Council motions, to address conformity, improve clarity, correct editorial issues and address technical concerns.

3.0 Staff Responses to Community and Stakeholder Feedback

Previously in staff report [PB-50-17](#), staff presented summarized community feedback and staff responses for all submissions received on the draft new Official Plan (April 2017).

Staff has received additional feedback on the proposed new Official Plan (November 2017) through delegations at the November 30 Statutory Public Meeting of the Planning and Development Committee, and at the January 23 Planning and Development Committee meeting, and in written submissions received before and after the meetings.

All written submissions have been transmitted to Council in the packages supporting the November 30, 2017, January 8, 2018, January 23, 2018 and February 6, 2018 committee meetings. A full package of these comments is found in Appendix D.

Appendix E of this report provides staff response to the key themes and site specific issues raised through various submissions and at the November 30 and January 23 meetings. Staff responses contained within Appendix E are brief high level summaries. The staff responses are intended to provide clarity as to whether a change was made as a result of the community comment, and at times, the responses are expanded with brief commentary on why the policy was modified or maintained. In addition to the summary provided in Appendix E, staff has held several meetings and has provided further written responses directly to some stakeholders as required.

Agency Feedback

Staff received additional feedback from the Region of Halton, Conservation Halton, the Halton District School Board, and the Halton Catholic District School Board.

A response to the issues raised by Conservation Halton and the two school boards are summarized in Appendix E.

Staff received some additional technical feedback from the Region of Halton and the natural heritage and rural sections of the plan were revised to reflect this feedback. However, as the Region is the approval authority for the Official Plan, the Region will provide comments and potential modifications through the review and approval process of the City's Official Plan.

4.0 Summary of Council Motions and Staff Response

The following table provides a summary of the Council motions passed on the proposed new Official Plan and staff's response.

Table 1: Council Motions and Staff Response

	Motion	Staff Response
1.	Add the downtown, uptown, mobility hubs and other mixed use intensification areas as separate items to the Strategic Employment Areas (Section 5.4).	Policies in Section 5.4 have been modified accordingly.
2.	Direct the Director of City Building to modify the block shown at the northeast corner of Brant Street and Lakeshore located in the Cannery Precinct to the Downtown Core Precinct with a maximum building height of 17 storeys including community benefits obtained through Section 37 agreements.	Policies in Section 8.1.1(3.13) and the related mapping have been modified accordingly.
3.	<p>Direct the Director of City Building to modify the building height permissions of the Downtown Core Precinct so that development shall:</p> <ul style="list-style-type: none"> i) have a maximum height of 12 storeys; or ii) have a maximum height which shall not exceed 17 storeys, subject to a site-specific Zoning By-Law Amendment, with additional storeys above that permitted in the Downtown Core Precinct being provided in accordance with the following: <ul style="list-style-type: none"> • one additional storey for every 150 sq m of dedicated office and/or employment floor space; <p>or</p>	Policies in Section 8.1.1(3.12) have been modified accordingly.

	<ul style="list-style-type: none"> • one additional storey for every 8 publicly accessible parking spaces provided in an underground parking structure. 	
4.	Direct the Director of City Building to incorporate within the proposed new Official Plan an increased minimum tower separation requirement for tall buildings within the Downtown Mobility Hub of 30 metres.	Policies in Section 8.1.1(3.14) have been modified accordingly.
5.	Direct the Director of City Building to include policies to allow additional density in developments that preserve heritage buildings, as a factor of square footage preserved.	A new Downtown Cultural Heritage section 8.1.1(3.18) has been created to incorporate this direction.
6.	Direct the Director of City Building to include policy encouraging consideration of public-private parking partnerships in the Official Plan.	Policies in Section 8.1.1(3.17) have been modified accordingly.
7.	Direct the Director of City Building to prepare mid-rise buildings guidelines by end of the third quarter of 2018.	This has been added to the city's work plan.
8.	Refer policies in the Official Plan regarding semi-detached homes to the Zoning By-law review process.	Staff requests clarity on this Council motion as it differs from the motion passed at Committee on January 24, 2018. Policies on semi-detached homes remain in the proposed new Official Plan (February 2018) pending further clarification. Staff's understanding was that the policies were to remain in the proposed new OP and that through the Zoning By-law Review, the regulations and performance standards for

		<p>semi-detached units in established areas would be prepared. As a note, until new zoning regulations are prepared, all development proposals considering semi-detached housing would be required to obtain approval through a rezoning application.</p>
<p>9.</p>	<p>Direct the Director of City Building to incorporate an Official Plan policy that assigns a minimum target % (TBD) of residential dwellings contained within mid-rise and tall buildings to be configured with 2 & 3 bedrooms with at least 10% of the building containing 3 bedrooms to accommodate families with children.</p>	<p>Staff recommend that the City commence with a City-wide housing strategy by 2019. This Strategy will support the Region's Comprehensive Housing Strategy and will:</p> <ul style="list-style-type: none"> • Describe the current range and mix of housing in the city; • Establish city-wide housing objectives; • Consider the housing policies from this Plan and the area-specific plans; • Develop: <ul style="list-style-type: none"> - Minimum targets in support of achieving the Region's housing mix and <i>affordable</i> and <i>assisted</i> housing targets; - Minimum targets within mid-rise and tall buildings for <i>affordable</i>, <i>assisted</i> and/or <i>special needs housing</i>; and, - Minimum targets for 2 and 3 bedroom units for residential development applications, including minimum targets for 3 or more bedroom units. • Recommend any required amendments to this Plan to implement the findings of the city-wide housing strategy.

		<p>Conducting a housing strategy, in conjunction with the City and Regional work on Burlington’s new growth allocation to 2041, along with additional demographic analysis, will enable staff to develop targets that are based on analysis of the City’s future needs. Until that analysis is complete, staff are not recommending that targets be developed. Further, Area Specific Plans will develop housing policies to address a specific area’s context and support the broader objectives of a city-wide strategy.</p>
<p>10.</p>	<p>Direct the Director of City Building to delete Chapter 3 Section 3.1.1 (2)(i) in the Official Plan “more than 200 dwelling units” and add a target percent of new mid-rise and high-rise units to achieve affordable, assisted, and special needs housing, as defined in Halton Region’s Annual State of Housing report.</p>	<p>Since the November 30, 2017 release of the proposed new OP, staff have been reworking housing policies, and in part based on community and agency feedback. Based on this additional consideration, staff are recommending that the Nov. version of the policy be revised to: 1) remove any targets, and 2) to remove the objective of affordable, assisted and special needs housing as a condition of a rezoning application. While the <i>Planning Act</i> considers conditional zoning as a tool, the regulations permitting municipalities to do this, have not been enacted. The proposed policy now requires that a development proponent prepare a housing impact statement requiring consideration of the housing objectives of the Official Plan, and how the proposed development advances these objectives. (refer to 3.1.1(2) i) of the new OP).</p>

11.	Direct the Director of City Building to add the North-West corner of Burlington Avenue and Lakeshore Road to the special planning area to match the north east corner.	Mapping has been modified accordingly.
12.	Refer discussion of the whole Upper Brant Precinct to the Planning and Development Committee meeting of February 6, 2018.	Policies in Section 8.1.1(3.14) and mapping has been modified, and now further breaks the Upper Brant Precinct into three different sectors with varying height permissions.
13.	Direct the Director of City Building 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.	This will be addressed as part of the City's participation in the Regional Official Plan Review.

5.0 Sustainable Building and Development Guidelines

The proposed Sustainable Building and Development Guidelines (February 2018) are included in Appendix B of the subject report. The Sustainable Design policies in Section 7.4 of the proposed new Official Plan enable the implementation of the Guidelines.

One minor edit was made to Guideline 2.5 to indicate that additional voluntary bicycle parking be provided at no cost to the occupant or employee. No further edits were made to Section 7.4 of the proposed new Official Plan.

The Sustainable Building and Development Guidelines implement direction from the Strategic Plan 2015-2040. Please refer to staff report [PB-83-16](#) for background and policy direction related to the Sustainable Design Policies in the new Official Plan and the Sustainable Building and Development Guidelines.

The Guidelines serve as a supportive tool in evaluating development applications, and identify which of the Guidelines are required and which are voluntary. The required Guidelines are in alignment with existing City by-law regulations or standards. The voluntary Guidelines provide an opportunity for the proponent of a development application to advance the sustainability of the development, and in so doing, be recognized through the City's awards program for commitment to progressive measures.

Staff will recommend adoption of the Sustainable Building and Development Guidelines (February 2018), in a future staff report, in conjunction with the adoption of the proposed new Official Plan.

6.0 Provincial and Region Planning Context

A discussion on the alignment with Provincial and Regional plans was provided previously in staff report [PB-50-17](#).

7.0 Related Planning Matters

A discussion on related planning matters was provided previously in staff report [PB-50-17](#). For additional information on the downtown please refer to staff report [PB-11-18](#) *Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies*.

Strategy/process

A summary of next steps was provided in staff report [PB-50-17](#), including details on the adoption and approval of the Official Plan, transition practices for development applications, the comprehensive Zoning Bylaw Project, the integrated transit mobility plan and transportation plan and the community improvement plan project.

Financial Matters:

New Official Plan Project

There is currently \$135,000 remaining which is sufficient in staff's assessment to fund the delivery of the new Official Plan. Any remaining funds will be used to supplement funding the new Zoning By-law and Grow Bold community engagement.

Other Resource Impacts

Human Resources:

Please refer to staff report [PB-50-17](#).

Public Engagement Matters:

The subject staff report considered at the February 27, 2017 Planning and Building Committee serves as the Statutory Meeting of Council in relation to the proposed new Official Plan project and meets the requirements of Section 17 of the *Planning Act*.

Public and stakeholder engagement has occurred, and the feedback has been considered, through the duration of the project process. For more information regarding community consultation and feedback received, please refer to Public Engagement Matters section within the various OP project reports listed in Appendix C of staff report [PB-50-17](#).

Specifically, feedback received upon release of the proposed new Official Plan in November 2017, including feedback received at the November 30, 2017 statutory public meeting, including all written submissions, has been considered and responses provided in Appendix E to this report. Two open houses were held on February 12 and 15, 2018 to answer questions on the proposed new Official Plan (February 2018).

Submissions received between January 31, 2018 and up until and including the statutory Public Meeting on February 27, 2017 will be provided to Council for consideration as part of the Statutory Public Meeting process and will be provided under separate cover prior to the Committee meeting.

Conclusion:

The community engagement and consultation period of the new Official Plan project has served as an integral component of Phase 3 (Developing and Finalizing the Plan) of the project. The new proposed Official Plan has been prepared with consideration of community feedback and Council motion's received to date. Also, the Plan has been prepared to conform to the Region's Official Plan, and not to conflict with Places to Grow, Niagara Escarpment Plan and Greenbelt Plan.

Respectfully submitted,

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Appendices:

- A. Proposed New Official Plan (February 2018)
- B. Sustainable Building and Development Guidelines (February 2018)
- C. Proposed New Official Plan – Tracked Changes Version (February 2018)
- D. Comments Received on the Proposed New Official Plan (November 2018)
- E. Agency, Public and Stakeholder Feedback and Staff Response Summary

Note: Appendices can be found online at www.burlington.ca/calendar

Notifications:

Curt Benson, Region of Halton
Dan Tovey, Region of Halton
Niagara Escarpment Commission
Conservation Halton
New OP Project Mailing List

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.