

Appendix E: Agency, Public and Stakeholder Feedback and Staff Response Summary (PB-14-18)

The following appendix is a summary of feedback received on the proposed new Official Plan (November 2018), and the staff response to that feedback. The feedback is organized into the following categories:

1. New Official Plan Process Concerns (see page 1)
2. Implementation Issues (see page 4)
3. Site Specific Property Requests (see page 6)
4. Employment Conversions (see page 11)
5. Downtown (see page 14)
6. Feedback organized according to Official Plan Chapters and policy themes (see page 23)
7. Agency Feedback (see page 42)

Please note that if a comment was previously responded to in the feedback summaries presented as part of staff report PB-50-17 it may not have been repeated here. Please see Appendices E, F and G to staff report [PB-50-17](#) for a full record of feedback and staff responses.

New Official Plan Process Concerns

1. General Timeline for adoption of the new Official Plan

Commenter: Hamilton Halton Homebuilders Association, Penta Properties, Sustainable Development Committee, Paul Brophy, Gary Scobie, Jim Young, Deby Morrison, Sharon Hutchison, Don Fletcher, Christine Daub, Lisa Kerns for ECOB.

Issue: The timeframe for Official Plan adoption is too quick. There should generally be more opportunity to influence the process and outcome of both the development of the new Official Plan and the Downtown Precinct Plan.

Response: The Official Plan project was extended by three months to allow more time for the public and stakeholders to provide feedback, and to accommodate two additional Open Houses and five additional meetings with Council. Feedback from this process informed the edits made to the February 2018 Official Plan, as summarized in this appendix. Further feedback will be considered by Council and staff and may also result in further edits prior to recommending the Official Plan for adoption.

2. Delay Official Plan and Downtown Precinct Plan until after 2018 municipal election

Commenter: Joseph Gaeten, Elaine O'Brien, Anne Wingfield, Angela Papworth, Catherine Crozier, Lisa Kearns, Andrew Lyster, Melissa and Gerry Lodder; Mark Desrochers, Michael Hribljan, David Myers, Paul Brophy, My Dang, Jim Barnett, Deby Morrison, Larry Griffith, Fran Fendelet, Paula Presswood, Joe Lepore, Joseph Veitch, Paula Evans Nash.

Issue: Place plan on hold until after election to allow more time and relook at the plan.

Response: At the January 24th Planning and Development Committee, Council voted in favour of proceeding with the Official Plan process before the 2018 election.

3. Delay Official Plan and Downtown Precinct Plan approvals to incorporate Burlington Downtown Businesses Association Guiding Principles.

Commenter: Brian Dean and David Hayward, Burlington Downtown Businesses Association

Issue: Provide more time to allow the BDBA to establish statements of guiding principles on behalf of their members to respond to various development applications and Official Plan processes.

Response: See responses above.

4. Influencing policy in Mobility Hub Area Specific Plan

Commenter: A wide range of individual property owners and their agents, Council

Issue: Need to understand how the policies of the Official Plan relate to the respective Area Specific Planning Processes (excluding the Downtown).

Response: The policies in the Official Plan remain. The general Mobility Hub Policies and the Implementation policies provide direction for the completion of the Area Specific Plans. In Mobility Hub areas, the land use designations from the existing Official Plan have been carried forward given that the Area Specific Plans will consider the ultimate land use for a given site and provide a new policy framework informed by the technical background and policy work.

A number of the site specific submissions were related to lands within Mobility Hub area-specific plans which were recommended to be converted from employment to non-employment uses. In the case where a property is recommended to be converted from an employment to a non-employment use within one of the Area Specific Plans (1200 King Road; 2070-2090 Queenway; King Paving, 4415 Fairview Street, 1020 Emery Avenue) among others, the policies from the existing plan remain. The ultimate land use designation will be recommended through the area specific planning process and will consider the feedback received through both the Official Plan Project and the Area Specific Plans. In the case where a property is located within the Region's Area of Employment those site, while being provided an ultimate land use designation through the area-specific plan will await the completion of the Region's Municipal

Comprehensive Review and will continue to retain employment conversion protection, as stated in the proposed Official Plan and the Regional Official Plan.

5. **Processing Site Specific Requests in Mobility Hub Area Specific Plan Areas** (excluding the downtown)

Commenter: Matt Johnston, Urban Solutions, on behalf of 1059295 Ontario Inc (834-850 Brant Street)

Issue: Request that a site-specific policy for the subject lands be included in the Official Plan, wherein large-scale motor vehicle and storage uses are permitted.

Commenter: Matt Johnston, Urban Solutions, on behalf of Leggat Auto Group (2207 Fairview Street)

Issue: Request that a site-specific policy for the subject lands be included in the Official Plan, wherein large-scale motor vehicle, financial institutions and storage uses are permitted.

Commenter: Matt Johnston, Urban Solutions, on behalf of Leggat Auto Group (629 Brant Street)

Issue: Request that a site-specific policy for the subject lands be included in the Official Plan, wherein automotive commercial and storage uses are permitted and that the subject property be considered for additional height.

Response: The three properties noted above are located within a Mobility Hub study area. Policies were modified to add large-scale motor vehicle dealerships existing on the date this Plan comes into effect, to the list of permitted uses within Urban Corridor and Urban Corridor-Employment designations. However, the land use permissions within mobility hub areas will be assessed through the area-specific planning process. Upon the completion of the area-specific plans, new objectives, policies, and land use designations will be brought into the new Official Plan.

There will be an opportunity through the Area Specific Planning Process to provide further input.

6. **Conformity with Land Use Designations in New Provincial Plans**

Commenter: Roger Goulet, PERL

Issue: The land use designations and mapping in the Rural Area and North Aldershot should be updated to conform with Provincial Plans and policies and to reflect the Cootes-to Escarpment Eco-Park Plan.

Response: Existing policy and mapping are maintained. The designations and mapping in the City's new Official Plan are in conformity with the Region's Official Plan. Conformity with the Provincial plans will be addressed through the Region's OP review. The Land use designations and mapping in North Aldershot will be updated through the North Aldershot Policy Review, a component of the Region's OP Review.

Implementation Issues – Other Initiatives Related to the Official Plan

7. Communicate workplan and timing for implementation items highlighted in the Official Plan

Commenter: Sustainable Development Committee, Burlington Green, and other members of the public.

Issue: The City needs to implement other initiatives highlighted in the Official Plan quickly and communicate the workplan. Some of these initiatives need to be in place before adoption of the new Official Plan.

Response: Staff agree that a work plan is essential to implementing the new Official Plan. Staff presented several initiatives that are required for the successful implementation of the Official Plan as part of the Planning and Development Committee meeting on January 24, 2017.

The work planning process will occur following adoption of the new Official Plan, and will be subject to alignment with the city's current Strategic Plan, other corporate initiatives such as transit and transportation plans, a future strategic plan of Council, and annual budget processes.

8. Design and engineering standards

Commenter: Sustainable Development Committee, Jim Young

Issue: Other standards will have to be used outside of the municipal Official Plan such as Ontario Building Code to assist the City in achieving the City's design objectives.

Response: Policy modified by replacing "municipal" with "applicable" to consider the broader range of development engineering standards, design standards and design manuals in assisting the City in achieving the City's design objectives.

9. Design guidelines

Commenter: Jeremy Skinner

Issue: Mid-rise buildings will likely be the predominant building form in applications for redevelopment of Mixed Use Intensification Areas. They must provide adequate transition in scale between buildings, the public realm and abutting development. The City needs to develop and implement mid-rise building policies and performance guidelines.

Response: Mid-rise building urban design guidelines will be developed in 2018. Development applications will also need to consider the proposed new design policies which address: transition in form and intensity, building location, physical character and the public realm. Policies also require that Council-approved design guidelines are used in the review of development applications.

10. Zoning Bylaw

Commenter: Albert Faccenda

Issue: Council urged to update the Zoning By-law to implement the Official Plan's direction on semi-detached dwellings.

Response: No changes to policies are required. A comprehensive review and update of the Zoning By-law will commence upon adoption of the Official Plan to implement the new Official Plan. The anticipated comprehensive Zoning By-law will implement the policy directions of the new Official Plan and as such, will introduce lot regulations and performance standards for semi-detached units in established residential areas.

11. Transit and Transportation Plans and the Parking Standards Review

Commenter: Sustainable Development Committee, Jim Young, other members of the public.

Issue: Updated Transit and Transportation Plans and parking standards needed to support the growth proposed in the Official Plan.

Response: The Transportation Plan, the Integrated Transit Mobility Plan and a subsequent growth plan for transit are forecasted for delivery after the adoption of the new Official Plan. Public consultation on the city-wide Parking Standards Review is underway. All plans and studies will be completed to support and align with direction from the new Official Plan. For additional information on Transportation Planning initiatives please see the [memo](#) under item 16 of the January 29 Council minutes.

12. Parks Master Plan

Commenter: Burlington Green

Issue: A new Parks Master Plan is needed to ensure adequate urban greenspace.

Response: The city will complete an updated Parks Master Plan that examines the need for parkland in the city, in alignment with direction from the new Official Plan. The delivery of the Parks Master Plan is forecasted for the end of 2018/early 2019, at which time OP policies will be amended accordingly.

13. Community Improvement Plans

Commenter: Burlington Green

Issue: City needs to use tools such as Community Improvement Plans, including meaningful consultation with the community.

Response: As part of the implementation of the new Official Plan, staff anticipate commencing this work in late 2018/early 2019 with the development of background research and a project scope. This work will be done in a broad based collaborative way with Council, the community and the development industry.

Site Specific Property Requests

See page 14 for Downtown Sites, and see page 11 for Employment Conversion Requests.

14. 1880 Appleby Line, etc.

Commenter: John Ariens, IBI Group

Issue: The property should be designated entirely as Uptown Core. A site fully designated Uptown core policies would accommodate higher intensities and a full mix of uses. The Uptown Corridor is more moderate in terms of height and density. Corridor is not appropriate on Ironstone. This request is urgent as the Planning Act and the policies of the plan restrict requests for Official Plan Amendments for two years from the date of approval of the Plan.

Response:

- 1) Mapping and land use designation on the site have been maintained. The property was recommended for conversion and designated in part as Uptown Core at the intersection of Ironstone and Appleby and in balance Uptown Corridor where residential uses are not permitted as of right. Given its location immediately adjacent to existing employment uses it was determined that a future development application process would be required to determine the ultimate designation and use on the site.
- 2) Please refer to details in Chapter 12 for discussion of the two year period restricting Official Plan Amendments.

15. 3119 North Service Road (Leon's)

Commenter: Rod Fortune on behalf of Leon's Furniture Limited

Issue: A longstanding site specific Official Plan policy in relation to this site was removed in the process of developing the policies of the proposed Official Plan. The subject properties have significant constraints due to a watercourse crossing the site. Previous efforts with staff and the property owner included the development of site specific zoning permissions.

Response: Policy maintained. The site specific policy was modified to acknowledge the existing use, a warehouse club and relies upon the wide range of permitted uses in the Zoning By-law. The majority of the uses are already permitted by the existing zoning in force and effect.

The new Official Plan continues to prohibit the development of sensitive uses, including residential, on lands designated Employment Commercial Centre.

Although not an issue requiring modifications to policy, the applicant has been encouraged to contact Conservation Halton regarding the watercourse and natural hazard constraints on the site to determine future development potential.

16. 1020 Emery Avenue

Commenter: Urban Solutions, on behalf of Valery Homes.

Issue: A wider range of permitted uses should be considered on this site.

Response: Please see #2: Influencing policy in a Mobility HUB ASP.

17. 4033-4059 and 4011 New Street

Commenter: Dana Anderson, MHBC, on behalf of Marydale Construction Co. Limited and Kapmory Limited.

Issue: Have concern related to the limitation of imposing at-grade caps on retail uses when proceeding with the implementing by-law.

Response: Policy maintained. Policies do not explicitly establish at-grade caps and direct the Zoning By-law to establish them, based on such considerations as the planned commercial function, and achieving vibrant, active and walkable places. This issue will be dealt with through the Comprehensive Zoning Bylaw process. There will be opportunity through the Zoning By-law review to provide feedback.

18. 2095 Prospect St

Commenter: Ruth Victor and Associates on behalf of Welwyn Interests

Issue: Restriction of requests for any official plan amendments in the two year period for the date of approval of the Official Plan. Concerns about the policies in 12.1.1.(3)(x) which, cumulatively would make the redevelopment of these land unviable.

Response: Please refer to details in Chapter 12 for discussion of the two year period restricting Official Plan Amendments.

The Official Plan Amendment criteria set out to apply to lands within the Secondary Growth Area and the Established Neighbourhood Area is intended to allow for the consideration of how a proposal requiring an Official Plan Amendment is demonstrably supportive of the Strategic Plan.

19. 4305 Fairview Street

Commenter: Nick Wood, Corbett Land Strategies Inc.

Issue: Existing Storage facility seeking confirmation if it will become a legal non-conforming use. Future development on the site, in particular on the parking area immediately abutting Fairview Street may include office and residential on the upper floors and commercial and retail on the ground floor.

Response: Existing policy maintained. The existing use will become a non-complying use. Please note any future redevelopment of the site will require a comprehensive plan for the site and will be subject to development criteria and any applicable policies including land use compatibility considerations.

20. Alton West Block 299 (3750 Palladium Way)

Commenter: Jonathan Rubin, Embee Properties Limited

Issue: The OP has mistakenly designated more than 50% of Block 299, Plan 20M-1193, as natural heritage System. Request to properly designate these lands Employment Lands on Schedule B, Undeveloped Area Outside Built Boundary on Schedule B-1, and Business Corridor on Schedule C.

Response: Staff note that the subject site has undergone recent Planning Act approvals clarifying the NHS boundary through the subdivision approval process, and that these refinements do not appear on the mapping. However, the City's NHS mapping must be conform to the Region's OP mapping. The Region will address incorporating refinements to the NHS mapping such as the ones approved on this site as part of the Region's current OP Review process.

Notwithstanding that the Region's mapping has not been updated to reflect recent development approvals, the Region's OP indicates that such refinements are in effect on the date that the refinements are approved through an approval process under the Planning Act, such as a subdivision approval. These refinements would apply to any future Planning Act application. Burlington will update city mapping, following the Region's OPR.

21. Alton West – Sundial Subdivision – Northwest of Walkers Line and Dundas St.

Commenter: Christopher Matson, Matson, McConnell LTD., on behalf of Sundial Homes

Issue: Request clarification that the proposed new Official Plan will have no negative impact on the current zoning and OP policies applying to Plan of Subdivision 20M-1193 in the Alton Community.

Response: It is the City's intention to carry forward land use designation permissions from the current Burlington Official Plan into the proposed new Official Plan as it relates to this site. The new Official Plan contains a new structure, policies and mapping and the policies are intended

to be interpreted comprehensively. It is incumbent for the property owner to assess potential impact on private interests.

22. 3215 Appleby Line and 3270 Harrison Crescent

Commenter: Penta Properties

Issue: Site-specific policy discuss permitted uses, prohibited uses, and square footage caps, which are zoning by-law level details. Why is the city prohibiting the uses listed in the policy. Recommend deleting the site-specific policy.

Response: Policy maintained. Reflective of OMB decision (OPA 3, file PL010857)

23. 777 Guelph Line (portion of the Burlington Mall occupied by the Hudson's Bay, automotive centre and parking lot)

Commenter: Colin Chung, Glen Schnarr & Associates, o behalf of 3056376 Canada Inc.

Issue 1: The specific types of retail uses in the current Official Plan and community facilities are not specifically listed in the proposed new Official Plan.

Response 1: Policy maintained. The OP approach considers a broad range of retail and service commercial uses within Mixed Use Commercial Centre lands. The extended list of permitted uses will be dealt with through the Comprehensive Zoning Bylaw process, which will ensure that a broad range of uses continue to support the commercial function set in the Plan. There will be opportunity through the Zoning By-law review to provide feedback.

Issue 2: It is important that one-storey commercial buildings continue to be permitted and that the minimum 2-storey requirement is removed within Mixed Use Commercial Centres.

Response 2: Policy maintained. The City will encourage the development of 2-storey buildings. One-storey buildings continue to be permitted.

24. 0000 Graham's Lane (former CN spur line lands)

Commenter: Al Ruggero, TBR/Rexton Developments

Issue: The new OP proposes to redesignate these lands Infrastructure Corridor removing current permissions.

Response: Mapping changes have not resulted in changes to the land use permissions that currently apply to the site. Schedules were modified to remove the rail track which no longer runs through the property.

25. 800 Lasalle Park Road

Commenter: Russell D. Cheeseman, re-submitting comments submitted on the April 2017 draft, on behalf of First Urban Inc.

Issue: Request that the subject lands be designated Residential- High Density. The redesignation of these lands is compatible with the surrounding area.

Response: Within the Established Neighbourhood Areas the new OP project did not contemplate the redesignation of lands. The proposed new Official Plan establishes a new framework against which future development applications will be assessed.

26. **140 Bluewater Place and 105 Avondale Court**

Commenter: Russell D. Cheeseman, re-submitting comments submitted on the April 2017 draft, on behalf of Bloomfield Development Inc.

Issue 1: Height. Policies are too restrictive and redundant. Policies require that other ground oriented dwellings, not including single and semi-detached housing types be compatible with the scale, urban design and community features of the neighbourhood. Compatibility is a defined term. This approach to determine maximum height is appropriate as it does not limit redevelopment to existing by-laws or lands immediately around any property.

Response 1: Policies maintained. The maximum height of development shall be established through the implementing Zoning By-law. Policy from the existing Official Plan related to criteria for assessing minor variances for height are still appropriate and a helpful tool for assessing development in established neighbourhoods.

Issue 2: Bluewater Place is a private road that provides access to a number of properties. It is unclear how the encouragement to provide a public right of way through a development application would be implemented.

Response 2: Policy maintained. Policies continue to encourage the dedication of public roads through the development application process. Implementation would be determined through a development application subject to all applicable policies of the Plan.

27. **5166 – 5160 Lakeshore Road**

Commenter: MHBC, on behalf of GWL Realty Advisors

Issue: Please clarify the intent of the land assembly policies in the Established Neighbourhood Area. Additionally, please continue to recognize that lands designated Residential- High Density have potential to accommodate intensification.

Response: Policies modified. Modifications to the land assembly policies have clarified the intent. In addition, policies related to opportunities for intensification have been modified to include lands designated Residential-High Density.

28. 4853 Thomas Alton

Commenter: Weir Foulds, on behalf of Adi Development Group

Issue: The secondary growth framework height limitation is an inappropriate and highly prescriptive limitation on a city-wide basis. This site should be carved out of the new Official Plan.

Response: Policies maintained. The growth framework, among other things, establishes a built form strategy for the City. It is not clear how it would be possible to not provide policy direction through the new Official Plan for this site.

Employment Conversions

A general note on issues related to employment conversions and the OP:

April draft new Official Plan

The draft new Official Plan presented the Official Plan policies and mapping that responded to the recommendations presented in the Employment Conversion assessment report prepared by Dillon Consulting. One minor change to the recommendations reflected the revised study area boundary for the Burlington Mobility Hub.

The mapping of the Official Plan uses the Urban Structure layer called Areas of Employment to depict if a site or area is recommended to continue to be considered part of the area of employment. In the case of a recommendation for conversion within a Mobility Hub generally, the existing land use designation remains. The exception being any site previously designated Mixed Use Corridor – Employment which is a designation that was not carried forward to the new Official Plan or a site that was designated as part of the Regional Natural Heritage System through ROPA #38. In the case of a recommendation for a conversion outside of a Mobility Hub Study Area the site is not included in the Area of Employment overlay and a new land use designation is proposed.

November proposed new Official Plan

The proposed new Official Plan retains the same basic approach but made two modifications which were discussed in PB-50-17: 1309 Appleby Line and 1167 Plains Road E.

Information to support the Adoption of the Official Plan

There are a number of properties that were designated for non-employment uses in the City's existing approved Official Plan that were not assessed through the conversion analysis. These lands are not recommended to continue to form part of the City and Regional Area of Employment. These lands are excepted from the conversion protection in the Region's Official Plan by virtue of the fact that these site were designated for non employment uses as of the date of adoption of ROPA #38 per policy 77.4(1) a).

Along with the adoption report staff will include a listing of the properties that are being recommended to from region's area of employment and the basis for that recommendation.

29. 720 Oval Court and 5135 Fairview Street

Commenter: Ruth Victor on behalf of Branthaven Homes

Issue: These properties: are within a Major Transit Station Area, immediately adjacent to the GO Station; are the only lands south of the rail line designated for employment; could maintain the employment function while broadening the range of uses; and, offer the opportunity to enhance compatibility with residential uses south of the site, given this the sites should be converted from an employment to a non-employment use.

Response: Staff continue to recommend that these sites and the surrounding site remain in the Area of Employment overlay. At the January 16, 2018 Planning and Development Committee meeting, a motion to consider the conversion of Oval Court failed.

30. 901 Guelph Line

Commenter: MHBC on behalf of EMSHIH; Burlington Green

Issue: If converted this site would provide a unique opportunity to develop a new mixed use gateway in the City. The proponent submitted a series of submissions and technical background and participated in numerous meetings with staff. A number of key issues in support of the conversion were highlighted including:

- Subject lands can be readily developed as a gateway site associated with the Burlington GO Mobility Hub;
- A large site, comprehensively developed with standards and conditions for development such as minimum employment levels;
- An opportunity to accommodate seniors and affordable housing;
- Mixed use redevelopment with sustainable features;
- Support the remainder of the Burlington GO Mobility Hub which, given a series of constraints including land fragmentation, servicing constraints and existing uses, redevelopment may be significantly impacted.

Council is requested to ask staff to establish a special policy area for inclusion in Burlington GO Mobility Hub.

Response: Staff continue to recommend that this site remain in the Area of Employment overlay. At the January 16, 2018 Planning and Development Committee meeting, a motion to

consider conversion of 901 Guelph Line failed. Please note these lands are also within the Region's Area of Employment overlay.

31. 1830 Ironstone

Commenter: Glenn Wellings, Mr. Cheeseman

Issue: Since prior to the development of the Uptown Secondary Plan a use similar to the use currently on site has been in place. The site should be recognized as a non employment use site.

Response: Policy modified. Given that a building supply retailer had been located on the site prior to the development of the Secondary Plan for Uptown and given that a site specific policy has been in place since that time this site is recommended to not be included in the Areas of Employment overlay.

32. Bronte Creek Meadows

Commenter: Penta Properties

Issue: Given that Bronte Creek Meadows is not located within a mixed use intensification area (not within Urban Growth Centre, not within a Major Transit Station Area nor a Mobility Hub) and therefore will not be the focus of the City's employment growth the City should not continue to insist that the entire property be retained for employment uses. The employment community has made it clear that this property is not desirable for employment uses. The lands could be generating income for the City, instead it remains vacant farmland surrounded by urban development on three sides.

Response: Staff continue to recommend that this site remain in the Area of Employment overlay. Please note these lands are also within the Region's Area of Employment overlay.

33. 960 Cumberland Drive

Commenter: IBI, on behalf of the owner

Issue: Given that the existing use is non-employment in nature and that the site is well suited for residential uses the site should be converted to a non-employment use.

Response: Staff continue to recommend that this site remain in the Area of Employment overlay. Please note these lands are also within the Region's Area of Employment overlay.

34. 1309 Appleby Line

Commenter: IBI, on behalf of the owner

Issue: The majority of the site should be re-designated to accommodate residential uses.

Response: Policy and mapping maintained. A portion of the site continues to be recommended for conversion and permits residential uses.

35. **1200 King Road**

Commenter: Penta Properties

Issue: The Mobility Hub should include the entire property at 1200 King Road. Why is it limited to only the western portion? Why is the property no longer included in the area-specific plan.

Response: Upon City approval of the environmental studies being undertaken as part of a development application for 1200 King Road, the City will undertake a separate study to identify potential land uses for areas determined to be developable through the approved environmental studies, and which are located within the Aldershot Mobility Hub Study boundary. The mapping in Schedule G has been modified to indicate the area that would be subject to separate study. Please note these lands are also within the Region's Area of Employment overlay.

Downtown

36. **Site Specific (responses will be provided as part of the Downtown Area Specific Planning process):**

- a. 433-439 Brant Street (Emshih Developments)
- b. 466 and 470 Nelson Street (Burlington Furnished Rentals)
- c. 1359 Elgin Street (Burlington Furnished Rentals)
- d. 629 Brant Street (Urban Solutions for Leggat Auto Group)
- e. 419 Pearl Street (MHBC for Holy Protection of BVM Ukrainian Catholic Church)
- f. 441 Maple Avenue (MHBC for Better Life Retirement Residence Inc.)
- g. 535-553 Brant Street (Renimmob Properties Limited)
- h. North-east corner of Brant Street and Lakeshore Road (FotherGill Planning and Development Inc. for Molinaro Group)
- i. Lakeshore Road between John Street and Elizabeth Street (FotherGill Planning and Development Inc. for Molinaro Group)
- j. Brant Street and Ghent Avenue – north-west, north-east and south-east corners(FotherGill Planning and Development Inc. for Molinaro Group)

- k. 2069 & 2079 Lakeshore Road & 383 and 385 Pearl Street (Carriage Gate Homes)
- l. 2107 and 2119 Old Lakeshore Road (Carriage Gate Homes)
- m. 2082, 2086 and 2090 James Street (Wellings Planning Consultants Inc. for Mattamy [Monarch] Limited)
- n. 401-413 Brant Street, 444-450 John Street and 2012 James Street (Wellings Planning Consultants Inc. for Reserve Properties Ltd.)
- o. 2093 Old Lakeshore Road, 2097 Old Lakeshore Road, 2096 Lakeshore Road, 2100 Lakeshore Road and 2101 Lakeshore Road (Core Development Group)
- p. 431,425,419,415 Burlington Avenue and 1421, 1415, 1407 Lakeshore Road (Ruth Victor & Associates for Welwyn Interests)

37. Heritage

Commenter: Paul Brophy, Jim Young

Issue: The downtown does not have specific details surrounding heritage protection policies.

Response: In addition to the existing and proposed city-wide cultural heritage resource policies contained within the Official Plan, the Downtown Mobility Hub Area Specific Plan (ASP) process is currently undertaking additional Cultural Heritage Resource Assessments to understand potential impacts the proposed precinct plan could have to existing built heritage features within the Downtown Mobility Hub. This assessment will provide staff with recommendations regarding potential conservation and mitigation measures for heritage assets. This work will result in new policies being developed through the ASP to further recognize and protect cultural heritage resources Downtown.

38. Downtown designation as a Mobility Hub and UGC

Commenter: Paul Brophy, Gary Scobie, Brian Jones, Elaine O'Brien, Brian Aasgaard, Lisa Kearns, Michael Hribljan, My Dang, Deby Morrison, Nancy Cunningham

Issue: The John St. bus terminal does not make the Downtown a Mobility Hub; Downtown isn't a Mobility Hub. How was the downtown designated as an Urban Growth Centre?

Response: The identification of the Downtown as a Mobility Hub originated in the 2006 Places to Grow document, which identified Downtown Burlington as an Urban Growth Centre (UGC). At the time the Growth Plan was being developed, the Downtown had been the subject of on-going strategic public investments and revitalization efforts by the City, such as Momentum 88 and Superbuild (2001) funding. The identification of Downtown Burlington as an Urban Growth Centre as part of the Places to Grow document further supported and built upon these efforts

by establishing Downtown as an area for growth and investment that would support the Downtown's long-term success.

In 2006, Metrolinx and the Province introduced a Regional Transportation Plan called "The Big Move" for the Greater Golden Horseshoe, which contained action items to develop and implement a multi-modal transportation plan. As part of this, a connected system of mobility hubs throughout the GTHA was envisioned to serve as places where connectivity between different modes of transportation including walking, biking and transit would come together seamlessly and where there is an intensive concentration of living, employment, shopping and/or recreation. In addition to serving as transit hubs, these areas have the potential to become vibrant places of activity and destinations in and of themselves. Mobility Hubs are intended to become locations for major destinations such as office buildings, hospitals, education facilities and government services. Two types of mobility hubs were identified and defined within the Big Move: Anchor Hubs and Gateway Hubs. Anchor hubs are defined as those areas that have strategic importance due to their relationship with provincially identified Urban Growth Centres, as set out by the Places to Grow Plan. Downtown Burlington is identified as an Anchor Mobility Hub due to its relationship with the City's Urban Growth Centre; its potential to attract and accommodate new growth and development; the convergence of multiple local transit routes through the Downtown Bus Terminal; the linkages to GO Transit, the other Mobility Hubs and surrounding municipalities; and its ability to achieve densities that would be supportive of a multi-modal transportation plan.

At the January 23, 2018 Planning and Development Committee meeting a motion directing staff to work with the province to remove the mobility hub classification for the downtown, and shifting the UGC from downtown to the Burlington GO station failed.

39. **Over Intensification and Tall Buildings**

Commenter: Paul Brophy, Deby Morrison, Lesley Simpson, Steve Cogeco, Susan Goyer, Brian Jones, Lisa Kerns, Perry Bowker, Elaine O'Brien, Brian Aasgaard, Gary Scobie, My Dang, David Zavitz, Larry Griffith, Deborah Rouse, Michael Jones, Mark Henderson, Justin Cochrane

Issue: Over-Intensification will add to downtown congestion and change the character of the downtown

Response: Building upon public engagement work done in the Downtown and significant contributions to the Mobility Hubs planning process from stakeholders, residents, and key internal and external agencies, a new more refined precinct plan has been created. Staff have built upon the existing precinct system and increased the number of precincts in the downtown from 9 to 11 to reflect the unique characteristics and streetscapes that exist in the Downtown. Staff heard clearly that the fine grain nature of the downtown needs to be respected as the existing built form character, in some cases, changes block by block. In response, we have created additional precincts, such as the Bates Precinct and Brant Main St Precinct, to respond

to and protect the existing built form character that exists in those important areas identified by the public.

Allowing height and density in appropriate areas of the Downtown will assist in attracting new businesses, services and amenities to the Downtown. In the southern portion of the Downtown, the proposed building heights are consistent with the existing development precedent, while the tallest new developments would be concentrated in areas away from the Lake Ontario to increase affordability and attract a wider range of demographics and income levels to the Downtown. The plan establishes effective transitions from tall building locations to established residential areas within and adjacent to the Downtown and also conserves areas with concentrated heritage and / or character defining elements significant to the Downtown.

One of the objectives of the Downtown Precinct Plan is to mitigate future traffic congestion associated with growth through a variety of measures including development of specific transportation demand management measures, enhanced pedestrian and cycling amenities and networks through strategic connections of height and density within walking distance of major transit stations. In addition to the existing and proposed city-wide multi-modal transportation policies contained within the Official Plan, the Downtown Mobility Hub Area Specific Plan (ASP) process is currently undertaking additional transportation studies to understand potential impacts the proposed precinct plan could have to mobility within the Downtown Mobility Hub. This assessment will provide staff with recommendations regarding potential enhancements to the transportation network as well as strategies to mitigate any transportation impacts. This work will result in new policies being developed through the ASP to ensure a diverse transportation system with many practical and realistic choices in order to integrate mobility with land use within the Downtown.

40. Negative Impacts to Downtown Businesses

Commenter: Deby Morrison, Joe Gatean

Issue: Over-Intensification will add to downtown congestion and change the character of the downtown and negatively impact Downtown businesses

Response: The Downtown is intended to continue developing as the City's primary centre, taking advantage of the unique qualities that set it apart from other areas of the City and that contribute to its distinct identity. The City of Burlington has been and remains committed to the ongoing success of the Downtown, in part through the review and refinement of the precinct system that recognizes areas with common characteristics and/or objectives including, but not limited to, streetscapes and development patterns, historic buildings, views and vistas, public space, land uses, and built forms. The development permissions contained in the plan will create a population and employment base that will support existing businesses as well as attract new businesses, services and amenities to the Downtown.

41. Growth Targets

Commenter: Paul Brophy, Larry Griffith

Issue: Growth targets are only guidelines from the Provincial government

Response: Through the creation and introduction of the Growth Plan for the Greater Golden Horseshoe, 2006, the Province identified twenty-five existing or emerging urban centres as Urban Growth Centres, including Downtown Burlington. The intent of Places to Grow was to:

- Revitalize downtowns to become vibrant centres;
- Create complete communities throughout the Greater Toronto Area that offer more options for living, working, shopping and playing;
- Provide greater choice in housing types to meet the needs of people at all stages of life;
- Curb sprawl and protect farmland and green spaces; and
- Reduce gridlock by improving access to a greater range of transportation choices.

These goals were supported under the Growth Plan through additional supporting policies and minimum density targets specifically for Urban Growth Centres. The Growth Plan notes that the intensification and density targets are minimum requirements and municipalities are encouraged to go beyond these minimum targets, where appropriate.

42. Community Consultation on the Downtown

Commenter: Paul Brophy, Jim Young, Catherine Krozier, Lisa Kearns

Issue: Community consultation has been limited in scope and has engaged a marginal number of residents

Response: Beginning in April 2017, staff have held numerous public engagement events to engage with the community about the future of Downtown and to help inform staff's development of the Downtown Mobility Hub Area Specific Plan. These engagement opportunities to-date have included three public meetings as well as a series of drop-in open houses, one-on-one coffee shop consultations, community walking tours and individual meetings with various residents, property owners and other stakeholders. In addition, community dialogue also consisted of various methods including direct mailings, newspaper ads, email blasts, online surveys, tweets, Facebook ads, and Burlington Transit ads, which combined provided over 108,000 contact points with the community. Consultation Summaries from the various stages of Public Engagement on the Downtown Mobility Hub since April 2017 are available on the Downtown Mobility Hub [webpage](#).

43. Insufficient Information on Transportation, Transit and Infrastructure planning

Commenter: Jim Young, Deby Morrison, Dave Lawson, Susan Goyer, Michael Hriblijan, David Myers, Steve Keech, David Zavitz, Mark Henderson, Nancy Cunningham

Issue: Transit and Transportation Plans and parking standards to support the proposed new Downtown Precinct Plan have not been completed.

Response: One of the objectives of the Downtown Precinct Plan is to mitigate future traffic congestion associated with growth through a variety of measures including development of specific transportation demand management measures and enhanced pedestrian and cycling amenities and networks through strategic connections of height and density within walking distance of major transit stations. In addition to the existing and proposed city-wide multi-modal transportation policies contained within the Official Plan, the Downtown Mobility Hub Area Specific Plan (ASP) process is currently undertaking additional multi-modal transportation studies to understand potential impacts the proposed precinct plan could have to mobility within the Downtown Mobility Hub. This assessment will provide staff with recommendations regarding potential enhancements to the transportation network, parking strategies and rates as well as strategies to mitigate any transportation impacts. This work will result in new policies being developed through the ASP to ensure a diverse transportation system with many practical and realistic choices in order to integrate mobility with land use within the Downtown. For additional information on Transportation Planning initiatives please see the [memo](#) under item 16 of the January 29 Council minutes.

Through the Downtown Mobility Hub Area Specific Plan, the existing capacity of the Region of Halton's water and wastewater infrastructure is being reviewed and any growth-related infrastructure upgrades will be identified through the completion of a Functional Servicing Study. This study will inform future Regional planning for capital works investments. Preliminary analysis has not identified any specific issues with the existing water and wastewater infrastructure located in the Downtown.

44. Loss of Privacy and Noise Pollution

Commenter: Susan Goyer

Issue: The OP allows for development which would have detrimental impact on residents and their right to quiet enjoyment of their property

Response: One of the objectives of the precinct plan is to establish effective transitions to established residential areas both within and outside of the Downtown study boundary. The introduction of the new Bates Precinct recognizes and preserves the unique built form, streetscape and parcel fabric that exists within specific areas of the Downtown and buffers the low-density residential neighbourhood to the west from rest of the Downtown. The Precinct Plan also recognizes and protects both the St. Luke's neighbourhood as well as the Emerald neighbourhood from any significant new development.

Any potential impacts from new development concerning privacy are reviewed through site specific application process in the context of an urban area. Through specific development

applications, the City will ensure that new development is compatible with the existing adjacent or proximate development by satisfying the development criteria outlined in the Official Plan.

45. **Support for tall buildings in the Downtown**

Commenter: Pam Casey, Jim Robinson, Kassia Kocharakkal, Lauren Jenkins, Madison Falco, Brad and Maureen Owen

Issue: Tall buildings appropriate to provide the opportunity for additional forms of housing and retail and commercial space in the downtown, while helping make downtown an active and prosperous place. In an urban environment such as Downtown Burlington, well-designed tall buildings provide the opportunities to add density in a much slender and architecturally pleasing form.

Response: The development of tall buildings in strategic locations within the Downtown will support and enhance the downtown as a lively, vibrant and people-oriented place and support the Downtown's role as a major transit station area and mobility hub within the City and Region. New development in the Downtown will be of high quality design to maintain and enhance the Downtown's image as an enjoyable, safe, bikeable, walkable and transit-supportive place and built to be compatible with buildings and neighbourhoods and complement the pedestrian activity and historical attributes of the area.

46. **Exceptions to the Plan**

Commenter: Steve Keech, Jim MaLaughlin, Jack O'Brien

Issue: Requested that hard height limited be established in the plan to avoid exceptions.

Response: The proposed policies for the Downtown set out that height, density and / or intensity permissions stated within all Downtown Urban Centre precincts, except for the Bates Precinct and St. Luke's and Emerald 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. As such, the limits included in the proposed precinct plan are intended to be maximum height limits, which would provide the public, City Council, City staff and the development industry with predictability and transparency with respect to maximum building heights within the Downtown. However, it should be noted that *Planning Act* legislation permits property owners to submit applications to amend Official Plan policies (including heights).

47. **Public View Corridor**

Commenter: Jim Young

Issue: Lack of clarity to what is a Public View Corridor.

Response: A view corridor is a line of sight which provides a view towards something that has been identified as significant within the community (i.e. Lake Ontario, heritage buildings, green spaces, etc.). The downtown community visioning workshop held in April 2017 explored public values and the community provided a significant amount of feedback, including their collective desire to protect views to Lake Ontario and the Brant Street Pier, significant community buildings (i.e. City Hall, historic buildings, etc.), public spaces (i.e. Burlington War Memorial, Civic Square, parks, etc.), etc. These view corridors have been identified and preserved through the proposed precinct plan and the protection of these views will be further refined through the subsequent Area Specific Plan.

48. **Parking in the Downtown**

Commenter: Jim McLaghlin, Barry Glazier, Kim Johnny, Larry Griffith, Deborah Rouse,

Issue: Parking details are absent from the plan and need to be addressed, including visitor parking and public parking.

Response: A city that is growing up through intensification rather than out through greenfield development has a different kind of transportation system. As the city grows up, if people continue to rely on their automobile to drive everywhere, it will become increasingly difficult to travel. For Burlington to grow successfully, it must be a walking-friendly city, a bike-friendly city and a city designed and built with supporting public transit. In addition to the existing and proposed city-wide parking policies contained within the Official Plan, the Downtown Mobility Hub Area Specific Plan (ASP) process is currently undertaking additional parking studies to understand the required parking rates and strategies that will be needed to support the Downtown Mobility Hub. This assessment will provide staff with recommendations to accommodate parking demands within the Downtown, as well as strategies to encourage multi-modal transportation. This work will result in new policies being developed through the ASP, and through the subsequent update to the Zoning Bylaw, to ensure a diverse transportation system that supports the Downtown Mobility Hub.

In addition, at the January 23, 2018 Planning and Development Committee meeting, Council passed two motions related to parking, and the proposed new Official Plan has been revised to reflect those motions. One includes a new policy for the Downtown Core precinct that requires 8 publicly accessible parking spaces for every additional storey of height that exceeds 12 storeys, up to a maximum of 17 storeys. The second additional policy encourages private-public parking partnerships.

49. **Lion's Club Park**

Commenter: Perry Bowker

Issue: Clarification required regarding the Lion's Club property in the proposed new Downtown Precinct Plan

Response: Planning staff has committed to meeting with the Lion's Club to discuss the proposed Downtown precinct plan and clarify the implications associated with the proposed precincts. The Lion's Club use can continue on the site.

50. **Current Official Plan and densities**

Commenter: Mark Eade

Issue: Current Official plan and densities in the downtown do not support downtown businesses and creates more cost to developers, which reduces affordability

Response: The City of Burlington has been and remains committed to the ongoing success of the Downtown. The proposed precinct plan offers numerous benefits including providing a level of intensify that will create a population and employment base that will support existing businesses and attract new businesses, services and amenities to the Downtown. In addition, the proposed precinct plan will provide for developments that could attract a wider range of demographics and income levels to the Downtown. Further, the proposed precinct plan sets out height limits which provide the development industry, the public, and City Council with greater predictability with respect to development permissions, which in turn could assist with affordability.

51. **Bates Precinct**

Commenter: Brian Ng

Issue: proposed maximum height of 3 storeys for the Bates precinct is an increase from existing permissions and will result in negative impacts to residents on Locust St.

Response: The current Official Plan designation for the properties that are proposed to have the Bates Precinct applied to them is Downtown Core. The Downtown Core Precinct permits heights up to 8 storeys; however, there is an existing special policy regarding the lands on the west side of Brant Street, between Baldwin and Caroline Street that sets out that the zoning regulations are designed to preserve the existing low-rise, residential appearance and character of this area and ensure compatibility with the abutting residential neighbourhood to the west. There are a number of existing buildings in this area that are 2½ storeys and the proposed 3 storey height permission is reflective of the existing building stock in the area.

52. **Support for the Proposed New Precinct Plan**

Commenter: Glenn Wellings, Kassia Kocharakkal, Jim Robinson, Lauren Jenkins, Madison Falco, Brad and Maureen Owen

Issue: A plan that is for future generations

Response: The proposed Downtown Mobility Hub Precinct Plan and Official Plan policies support the objectives of the City's Strategic Plan 2015-2041 and achieve many important city-building objectives including: the establishment of a public realm precinct that includes new and enhanced parks and promenades; the conservation of existing historic streetscapes; the provision of sites for future community and public services; the concentration of tall buildings in proximity to higher order public transit (Burlington GO); the establishment of height peaks and built form transitions; and the provision of development permissions that will attract future population and job growth to the downtown.

The proposed Downtown Mobility Hub policy framework secures additional public realm through future development applications; locates future building heights and densities in strategic areas; secures additional office space downtown and protects important view corridors and views to Lake Ontario. Building upon extensive public engagement, the Downtown precinct plan establishes the future vision for Downtown Burlington.

Feedback on Specific Policies/Chapters (where a chapter is omitted, no feedback was received)

Chapter 1 – Introduction

53. Suggestions for Improvements to Chapter 1

Commenter: Jeremy Skinner

Issue: Consider a wide range of suggestions related to adding context mapping for clarity, suggesting modifications to add more detail to the historical context section of the Introduction and for suggestions for defining the terms principles, policies and guidelines to improve the Introduction section of the Plan.

Response: Policy maintained. No context mapping was included in Chapter 1 but may be considered as a minor modification to be made to the Plan prior to adoption.

In updating the historical context, in particular suggesting new language for identifying the First Nations or Métis groups that should be recognized in the Official Plan, staff agree that further detail can be added but modifications should be made with direction from those groups. The policy is maintained to broadly recognize the importance of Indigenous peoples.

The terms principles, policies and guidelines have not been defined in the definitions section.

Chapter 2 – Sustainable Growth

54. Clarification on various elements of the Urban Structure

Commenter: Jeremy Skinner

Issue 1: Connect the Urban Structure better to the policies and schedules.

Response 1: Policy amended. Chapter 2 takes a high level approach to introducing the Urban Structure. Staff have presented modifications to improve the clarity of the intent of the Urban Structure and its connections to the policies and schedules of the Plan.

Issue 2: Population and Employment Distribution

Response 2: Policy amended. Staff have added reference to Table 2 from the Regional Official Plan.

Issue 3: Percentage growth in Official Plan

Response 3: Policy maintained. The aggregate population and employment numbers, and not percentages will be presented in the Official Plan. One major component of the Official Plan project is to ensure conformity with the Regional Official Plan. These numbers are required.

Issue 4: Enable the assembly of properties containing single and semi-detached dwellings which front onto selected corridors to permit the development of family friendly townhouses.

Response 4: Policy modified. The policy has been modified to clarify that land assembly should be discouraged, meaning that a convincing planning reason is required to not fully comply with the policy.

55. **The Green System**

Commenter: Penta Properties

Issue: Question the need to for the Green System as another layer of designation and recommend deleting all references to the Green System. Concern with suggesting that agriculture is compatible and complementary suggests it is not a top priority.

Response: Existing mapping maintained, however policy modified for clarity. The Green System is not a land use designation, rather it is an composite of two land use designations (the Natural Heritage System and Major Parks and Open space, along with some additional parks in the urban area), that is meant to illustrate these areas in a simple combined layer on a city wide basis. There are no additional policies or requirements for the green system; policies that apply to the green system are found in the corresponding land use designation. The wording related to agriculture applies to the Natural Heritage System only and has been removed from reference in the Green System. See further response under Chapter 4 below.

56. **The Growth Framework**

Commenter: Weir Foulds LLP; Penta Properties

Issue: The policy related to prematurity of an Official Plan Amendment is contrary to the Planning Act and against natural justice as any application must be considered on its own merits and subject to the in force and effect policies.

Response: Policy deleted. Staff have included a new criteria in the OPA criteria 12.1.1 (3) to speak to the relationship of an application to an approved area-specific plan.

Chapter 3 – Complete Communities

57. Family Units

Commenter: Jeremy Skinner (Nov 30/17 Public Meeting)

Issue: Would like City to develop and implement policies and guidelines to integrate family suitable design into new multi-unit residential development (families with children in vertical communities).

Response: Existing policy maintained. A set of city building objectives including, among other things, units with 3 or more bedrooms is noted as part of the assessment of an Official Plan Amendments in either the Established Neighbourhood Area or the Secondary Growth Area. Although not planned a guideline document may be developed in the future in support of improving the diversity of new housing units in the city.

58. Affordable Housing

Commenter: Sarah Menezes (Nov 30/17 Public Meeting)

Issue: Would like to see mental health related affordable housing within the Downtown and surrounding the Go Stations (Mobility Hubs).

Response: Existing policy maintained. The Official Plan encourages the provision of a range and mix of affordable housing to meet the needs of the existing and future population. It also permits assisted and special needs housing throughout the city and encourages its location within the Urban Area where transit, retails and public services are readily accessible.

59. Assisted and Special Needs Housing

Commenter: Penta Properties (Nov 28/17)

Issue: Concerned with the policy, despite being revised, as it gives priority to development applications receiving funding from senior levels of government to provide assisted and special needs housing.

Response: Policy Maintained. Conforms to policies in the Halton Region Official Plan 86(16).

60. Housing Policies within area-specific plans

Commenter: Weir Foulds on behalf of Adi Development Group; Penta Properties

Issue: Concerned with policies related to housing policies within area-specific plans. Concerns with the requirement that within all new area specific plans, development proponents are required to provide commitments to achieving the Region's affordable housing targets. Policies should not force developers to develop anything less than the highest and best use; driven by market forces.

Response: Policy deleted. The area-specific plans are guided by policy in Chapter 12. This is reflective of policy 77(5) d) of the Regional Official Plan and is included to achieve conformity with the Area Specific Planning policies.

61. Housing Impact Statement

Commenter: MHBC Planning on behalf of Glanelm Property Management (Lakeside Village Plaza (Nov 29/17); Penta Properties (Nov 28/17); Weir Foulds, on behalf of Adi Development Group

Issue 1: (MHBC) Seeking clarification as to how the policy requiring the submission and implementation of a housing impact statement for developments with greater than 200 dwelling units will be implemented.

Response 1: Existing policy maintained with modifications. The requirement for the preparation of a housing impact statement will be considered at the preconsultation stage. A housing impact statement would be required as part of a complete application.

Issue 2: (Penta Properties and Weir Foulds on behalf of Adi Development Group) Concerns with the policy requiring the submission and implementation of a housing impact statement for developments with greater than 200 dwelling units.

Response 2: Existing policy maintained with modifications. The requirement for the preparation of a housing impact statement would only apply to situations with 200 or more units proposed. The policy requires consideration of how a significant residential development contributes to broader goals of the municipality.

62. Housing Mix

Commenter: Penta Properties (Nov 28/17)

Issue: Seeking clarification on the impact the housing mix policy which states that the existing stock of low density residential housing shall be considered sufficient towards contributing to the mix will have a on new development applications proposing low density residential uses.

Response: Policy Modified. The policy acknowledges the context of the City of Burlington and provides some minor refinements and clarification to policy. Development applications will be evaluated based on all applicable Official Plan policies.

63. **Rental Conversion and Housing Tenure Policies**

Commenter: Weir Foulds, on behalf of Adi Development Group

Issue 1: These rental housing protection policies (3.1.2(2) a) were lifted from the City of Toronto without any evidence on how they would be implemented within the City of Burlington.

Response 1: Existing policy maintained. Policy 86(19) of the Regional Official Plan requires that local municipalities establish a rental housing vacancy rate of 3% as the minimum threshold for permitting the conversion of existing rental housing. The proposed new rental conversion policies are very similar to the policies of the existing Official Plan (Part III Land Use Policies – Urban Planning Area, 2.3.2 f).

Issue 2: Policies 3.1.2(2) a) through c) cause concern with respect to the overall growth and development of the downtown core.

Response 2: Policies maintained. The policies provide direction for rental conversion, information on the requirements for a complete application, and the encouragement of the construction of rental housing.

64. **Secondary Dwelling Units.**

Commenter: Kathleen Simpson

Issue: Concerned with permitting secondary dwelling units in townhouse units. Furthermore, concerned with the cost of renting secondary dwelling units in the City as well as the number of illegal units that exist.

Response: The Planning Act requires that an Official Plan contain policies that authorize the use of one second residential unit in specific housing forms (detached house, semi-detached house, or rowhouse) or in a secondary structure to those housing forms. The intent of permitting these units in all ground oriented building forms is to increase the supply of affordable housing options in the City, subject to regulations in the Zoning By-Law and other applicable regulations including the Ontario Building Code and Fire Code. The secondary dwelling unit policies of the Official Plan are intended to add to the range of housing choices in the city.

Chapter 4 – Environment and Sustainability

65. **Agriculture and the Natural Heritage System**

Commenter: Penta Properties (Nov 28/17)

Issue: The objectives for the NHS include recognizing agriculture as a primary activity within the Natural Heritage System and compatible and complementary use. It should be the other way around. The NHs should be identified as a complementary use within the Agricultural System.

Response: The objectives have been modified to:

- support *agriculture* as a complementary and *compatible* use outside Key Natural Features; and
- recognize and support *agriculture* as a primary activity within *Prime Agricultural Areas*.

66. Aggregates

Commenter: MHBC on behalf of Nelson Aggregates

Issue: MHBC has suggested a number of revisions to the mineral aggregates policies to ensure consistency with the Provincial Policy Statement (PPS) and conformity with the Niagara Escarpment Plan and the Region's OP.

Response: Revisions have been made to the following policies:

- 4.10.2(2) b) – to make the policies protecting existing aggregate operations applicable within the Niagara Escarpment Plan Area.
- 4.10.2(2) i) iii) – to ensure conformity with the PPS by modifying the policy not permitting new Mineral Resource Extraction Areas (i.e., aggregate operations) or expansions in the habitat of threatened and endangered species within Key Natural Features. The policy has been modified so that it applies only where the proposal is not in accordance with *provincial and federal requirements* protecting threatened and endangered species and their habitat. Policy 4.2.2 k) (i) contained a general prohibition against development and alteration in the habitat of threatened and endangered species within Key Natural Features. This Policy also has been revised in so that the prohibition only applies where the proposal is not in accordance with *provincial and federal requirements*.
- 4.10.2.(2) I)V) – the proposed policy did not permit new or expanded aggregate operations where it is likely that perpetual water management (e.g. pumping) will be required to maintain water resources after extraction has been completed and the site rehabilitated. To ensure conformity with the NEP and the ROP this policy has been replaced by a policy indicating that aggregate extraction below the water table *should* be avoided if perpetual water management will be needed after *rehabilitation* has been completed. In addition a policy has been added stating that Halton Region's Aggregate

Resources Reference Manual shall be used by the City for guidance in reviewing applications. The Manual indicates that the proponent may be required to prepare adaptive water management and environmental management plans providing a strategy to protect water resources and identifying financial securities respecting long term care. The other policies are in conformity with the Region's OP and will be maintained with minor modifications.

67. Urban Forestry – Urban Tree Canopy

Commenter: Burlington Green

Issue: Need better tools to protect/enhance the urban tree canopy.

Response: The proposed new Official Plan introduces urban forestry policies in keeping with the Urban Forest Management Plan, in order to support tree protection and planting. Other tools that may be used by the city in addition to the Official Plan is an update to the Urban Forest Management Plan, an update to the city's tree inventory, and the implementation of a proposed pilot private tree bylaw in the Roseland neighbourhood.

Policies in the Official Plan have been modified and now also indicate that an update to the Urban Forest Management Plan will consider a canopy cover target(s), along with other factors such as tree health and diversity.

68. Natural Heritage System: Greenbelt Plan Urban River Valley Designation

Commenter: Vince Fiorito

Issue: Recommendation to pursue an Urban River Valley Designation (URV) for the urban watersheds in Burlington.

Response: The Greenbelt Plan includes policies that allow municipalities to pursue an URV Designation for river valleys in an urban context. Only publicly owned lands (e.g. municipal, provincial or Conservation Authority lands) are subject to the policies of the Greenbelt URV designation. Privately owned lands may only be included where a municipality has endorsed by resolution the request of a property owner for their lands to be added to the Greenbelt and be subject to the policies of the URV. Lands designated URV would be governed by the applicable Official Plan policies provided they have regard for the objectives of the Greenbelt Plan.

Policies in the proposed Official Plan have not been modified to include an URV designation. In order to pursue an URV designation, in keeping with the requirements of the Greenbelt Plan, staff would require a supportive council resolution, and would be required to demonstrate how the proposed lands connect physically or functionally to the Greenbelt, and how the proposal would complement the Growth Plan or support other provincial initiatives.

Staff is not recommending the incorporation of the URV designation at this time as the designation does not change the land use designation or policies for watercourse lands. As noted above, lands designated URV would be governed by the applicable Official Plan policies, which include the new and strengthened Natural Heritage System, Watercourse and Natural Hazard policies of the Official Plan.

Should Council wish to expand Greenbelt lands in the city through a council resolution, staff would recommend evaluating a potential URV designation at the time of conformity to the updated Regional Official Plan.

69. **Species at Risk**

Commenter: Roger Goulet, PERL

Issue: Why is the Federal Species-at-Risk Act not referenced in the proposed new Official Plan?

Response: Policy modified. The definitions of “Endangered Species “ and of “Threatened Species” have been amended to include species listed as endangered or threatened under the Federal *Species at Risk Act*.

70. **Watershed Management: Stewardship**

Commenter: Vince Fiorito

Issue: Recommendation to pursue a policy to encourage citizens to form watershed stewardship groups, for the city to set up a process to encourage citizens to form stewardship groups, and for the city to undertake clean up on publicly and privately owned creek lands.

Response: Existing policy maintained. The proposed official plan includes a policy to encourage land owners to engage in watershed stewardship activities and programs in conjunction with Conservation Halton [Policy 4.4.2.(1) g)], and this policy has been maintained in the proposed Official Plan (February 2018). The other recommendations are implementation issues that would be addressed outside of the official plan.

71. **Definition of Sustainable Development**

Commenter: Sustainable Development Committee

Issue: Ensure various references to sustainability are clear in terms of alignment and direction.

Response: Existing policies and definitions maintained. Throughout the Official Plan, all references to “sustainable”, “sustainability”, and “sustainable development” are italicized, which means they are tied to the common definition found in Chapter 13 to ensure alignment and consistency in application.

72. Shared Workspaces

Commenter: Steve Keech

Issue: Shared workspaces should be available to support new businesses.

Response: Existing policy maintained. The policies of the Official Plan do not limit the potential for this use. In addition, the new Official Plan policies promote new office space in the downtown, especially in the Downtown Core precinct.

Chapter 6 – Infrastructure, Transportation and Utilities

73. Transit Definition

Commenter: Sustainable Development Committee

Issue: Definition of transit needs to include broader considerations (e.g. multiple modes of transportation and private delivery of service).

Response: Policies modified. While the comment has not been addressed through a definition of transit, policies have been modified to further reflect the committee’s recommendation to ensure transportation planning is broadly considering all modes of transportation, including emerging technologies and approaches, and the delivery of service by multiple providers. Many of the policies in Section 6.2 refer to the defined term “multi-modal” to ensure multiple modes and connectivity between modes is considered. Policies 6.2.1.2 k), 6.2.1.2 l) and 6.2.3.2 h) have been written to address the committee’s feedback.

74. Transportation Policies: Grid Network

Commenter: Penta Properties

Issue: Policy requiring a grid network may not be feasible where there are constraints associated with the NHS or cultural heritage.

Response: Policy modified to indicate that interruptions to the grid network may be considered to accommodate constraints associated with the Natural Heritage System and/or Cultural Heritage Resources.

75. Future infrastructure (high speed internet)

Commenter: Steve Keech

Issue: The City must ensure that necessary infrastructure is in place to support future employment.

Response: Existing policy maintained. Policy 5.1.2 speaks to ensuring that the City will promote the economic development and competitiveness of the community by ensuring the necessary infrastructure is provided to support current and forecasted employment needs. There are several opportunities to reinforce the need to consider new supportive infrastructure to support future employment throughout the City, in employment lands and within Innovation Districts. Several modifications have been proposed in Chapter 5 and 6. Further, the City of Burlington’s Core Commitment document (2013) sets out action items to support employment functions in the downtown including: Explore opportunities for the expansion of Wi-Fi capability throughout the downtown.

76. New or Expanded Infrastructure

Commenter: Penta Properties

Issue: In Policy 6.1.2.(h).(iii) stating that “New or expanded infrastructure shall avoid Key Natural Features, Prime Agricultural Areas, sensitive surface and ground water features, and unacceptable adverse impacts on cultural heritage resources” the word shall be used rather than shall to allow flexibility where there are no other viable options.

Response: Policy modified to indicate that infrastructure should avoid these features, areas and impacts.

Chapter 7 – Design Excellence

77. Design guidelines

Commenter: Denise Baker, WeirFoulds LLP,

Issue 1: The words “recognize *land use compatibility* through *design*” used in preamble of Chapter 7) conflates two key elements to land use planning that is of no assistance more precise language conveying the intention is needed.

Response: Text in preamble modified to “emphasize land use compatibility, a high quality built environment, and innovative design in public projects and private *developments*”. The preamble continues to set the general vision for the topic of the chapter to assist with interpretation of intent of the objectives and policies of the chapter.

Issue 2: the use of the word “shall” in policy 7.1.2 d) inappropriately elevates design guidelines by suggesting that such guidelines would be treated in the same manner as OP policy. Recommend other text modifications to design policies. Urban design needs a flexible approach to achieve the best result on each particular site.

Response: Policy modified by replacing “should” with “will”. Other design policies modified to provide flexibility.

Issue 3: The term minimize is highly subjective in policy.

Response: Policy related to land use compatibility have been modified by replacing “minimize” with “mitigate”. Policy related to wind and shadowing has been modified to refer to “measures that adequately limit any resulting shadowing, and uncomfortable wind conditions on the *streetscape*, neighbouring properties, parks and open spaces and natural areas”.

Issue 4: Recommend changes to preamble of Section 7.3 – Urban Design and Built form.. The use of “should” in the sentence “...A clear set of expectations is provided for how buildings should be design in different parts of the city” is not appropriate. Urban design needs a flexible approach to achieve the best result on each particular site.

Response: Preamble modified to provide flexibility and to assist with interpretation of intent of the objectives and policies of the Section. Preamble continues to set the general vision for the topic of Subsection 7.3 to assist with interpretation of intent of the objectives and policies.

78. Sustainable Design: Communities and Buildings

Commenter: Burlington Green

Issue: City needs to work with developers to achieve sustainable communities and buildings as the new normal.

Response: Policies maintained. The proposed new Official Plan includes new Sustainable Design policies that are further supported by the proposed Sustainable Building and Development Guidelines. Staff has consulted with the development community and members of the Hamilton Halton Homebuilders association on the proposed policies and guidelines and will continue working with developers to implement the guidelines. The city’s new Urban Design Advisory Panel will also play a role in providing objective and professional advice on issues of design that affect the public realm, architecture, context sensitivity and sustainability.

79. Energy Issues with Tall Buildings

Commenter: Paul Raun

Issue: Recommend the city refrain from building tall buildings due to the higher energy intensity of this form, and instead focus on buildings up to 6 storeys in height.

Response: Existing policy maintained. The proposed new Official Plan includes sustainable design policies and supporting Sustainable Building and Development Guidelines to encourage energy efficiency, renewable energy, and other low carbon building approaches. Further, the Official Plan promotes a variety of building forms including low, mid and tall rise buildings, and identifies primary growth areas as the predominate location for tall rise building forms. While energy use alone would not establish building height, the ultimate height is established using a number of different criteria, and considers sustainable design objectives along with other

objectives such as compatibility and urban design. Also, while energy efficiency is an important consideration in city building, there are many other considerations that must also be considered such as provision of affordable housing and making efficient use of urban land and infrastructure.

80. Drive Throughs criteria

Commenter: Denise Baker, WeirFoulds LLP, on behalf of A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association.

Issue: There is no evidence to support that the operation of a drive through facility results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. See also Chapter 8 discussion of Drive-Through permissions.

Response: Policy modified by replacing "noise and/or emissions" with "adverse effects". The intent of the policy has not changed. The design of accessory drive throughs shall address sufficient vertical and horizontal separation with respect to mitigating adverse effects between an accessory use and current or future sensitive land uses.

Chapter 8 – Land Use Policies: Urban Area (See page 14 for Downtown)

81. Mixed Use Nodes and Intensification Corridors

Commenter: Jeremy Skinner, Colin Chung, Glen Schnarr & Associates, on behalf of 3056376 Canada Inc.

Issue: Recommend clarifying what land use designations are considered Mixed Use Nodes and Intensification Corridors.

Response: Preamble modified to identify which land use designations are considered Mixed Use Nodes and which are considered Intensification Corridors.

82. Redevelopment and retail adaptation

Commenter: Jonathan Rodger, Zelinka Priamo LTD, on behalf of Terracap Management Inc.

Issue 1: Request clarification as to how staff intend to evaluate whether a development does not adversely impact the long-term provision of goods and services and if changing retail demand will be considered.

Response: Policy maintained. Staff will evaluate the provision of goods and services by requiring the replacement of space either at once, or through a phasing strategy and use of holding

provisions, if required. It is not the city's intention to direct tenant mix, with the exception of applications that include a food store. .

Issue 2: Policy considering the retention of a grocery store function should account for changes in demand and other circumstances.

Response: Policy maintained. This policy recognizes the important nature of food stores in serving the surrounding community, and their unique role within the planned function of an existing commercial area. Policy continues to support the retention of a grocery store function and is flexible in terms of floor area requirements in order to respond to market changes.

Issue 3: Other permitted uses at grade within Mixed Use Commercial Centres should include provision for lobbies and entrances to office or residential buildings, office uses, entertainment uses and recreation uses.

Response: Comment noted. Policy modified. The Mixed Use Commercial Centre policy has been modified to acknowledge that recreational uses, entertainment uses and office uses are permitted at grade where the parcel fronts on different street types. In Chapter 7 the design policies speak to the location of *primary public entrances* for uses located within a building. The definition was modified for clarity.

Issue 4: Request clarification on the location of office uses within Mixed Use Commercial Centres.

Response: Policy modified. Offices can also be permitted within a "multi-unit commercial building form".

Commenter: Dave Hanna, Zelinka Priamo LTD, on behalf of Choice Properties REIT & Loblaw Companies Limited

Issue: Request that existing building heights be recognized in the future Zoning By-law provision(s) as requiring a minimum building height in the first level above existing arrangement would create a legal non conforming use.

Response: Policy maintained. The intent of the policy is to address design opportunities in support of building adaptation at street level in new developments. Floor-to-floor height provisions will be dealt with through the Comprehensive Zoning Bylaw process. There will be opportunity through the Zoning By-law review to provide feedback.

83. Drive Through permissions

Commenter: Denise Baker, WeirFoulds LLP, on behalf of A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association.

Issue 1: Object to the prohibition of accessory drive throughs in the Urban Growth Centre and mobility hubs and the rezoning criteria.

Response 1: Policy maintained. Drive-through facilities are a convenience to a vehicle, and as such, are deemed “accessory” to the primary retail or service commercial use. Land and site configuration considerations are required to accommodate this accessory use on a site. In staff’s opinion, these considerations compromise growth management objectives in the UGC and Mobility Hub areas where the primary goal is to: make efficient use of land and infrastructure; accommodate people and jobs targets; increase of modal share over the vehicle; recognize the importance of amenity areas and urban design features supportive of these intensifying areas. The prohibition is based on the principle that the drive-through function of a retail or service commercial establishment can compromise the growth management objectives of these important intensification areas within the City.

Issue 2: Recommend text changes to preamble of Section 8.7.1 Accessory Drive Throughs.

Response 2: Preamble modified by replacing “becoming not compatible” with “need to ensure compatibility” to recognize that accessory drive throughs to commercial uses, where permitted, may be compatible with the stated objectives for an area or designation.

84. Motor vehicle dealerships

Commenter: Matt Johnston, Urban Solutions, on behalf of Leggat Auto Group (814 Guelph Line)

Issue: Request that a site-specific policy for the subject lands be included in the Official Plan, wherein wherein large-scale motor vehicle and storage uses are permitted and that the subject property be considered for additional height.

Response: Policies modified to add large-scale motor vehicle dealerships existing on the date the Plan comes into effect to the list of permitted uses within Urban Corridor and Urban Corridor-Employment Lands designations.

85. Ground-oriented dwellings in Mixed Use Intensification Areas

Commenter: Colin Chung, Glen Schnarr & Associates, o behalf of 3056376 Canada Inc.

Issue: Agree it is appropriate to allow freestanding ground-oriented dwellings as part of a Mixed Use Commercial Centre but are not clear on what constitutes “a mixed residential building form what is meant by “accessory to”. The meaning of the words “as a component of an overall development” is also unclear in the context of lands with separate owners.

Response: The intent of the policy to develop ground-oriented dwellings as a component of a development of multi-storey residential or mixed use building form is maintained. However policy was modified by removing the references to “overall development” and “accessory”. Modification adds flexibility and continues to ensure ground-oriented dwellings are developed

in conjunction with, and as part of, a multi-residential or mixed use development, and that the objective of the designation are not compromised.

86. Offices and medical offices in Mixed Use Intensification Areas

Commenter: Dana Anderson, MHBC, on behalf of Glanelm Property Management (5353 Lakeshore Road)

Issue: Add policy to reflect how retail and service commercial gross leasable area can also be replaced with other complementary uses such as small offices, medical offices and offices of other regulated health care professionals.

Response: Policy modified to clarify that the intent is to ensure that the commercial function of the site is not compromised. A number of other policies provide direction for retail and service commercial uses highlighting the balance and interaction with the introduction of other uses including residential and office. While office uses can be a successful component within a commercial areas, the use should be limited to a component of the site and not compromise the primary planned commercial function of the site..

87. Building Height

Commenter: Elizabeth and Jonathan Ruitter

Issue 1: Mid-rise buildings in Neighbourhood Centres will put pressure on existing infrastructure and significantly change the look and feel of the surrounding residential areas.

Commenter: Dave Pitblado, Penta Properties Inc.

Issue 2: Placing an arbitrary cap at 6 storeys along Urban Corridors or Neighbourhood Centres (or 11 storeys at identified locations) limits the potential for an intense mix of uses. Flexibility should be provided in policy.

Response: Policies maintained. Mid-rise built form is a form that can be successfully integrated in areas adjacent to established low density residential areas when appropriate urban design measures are implemented. The OP establishes a mid-rise built form vision for Neighbourhood Centres, and the increase in height from current OP permissions are intended to catalyze the redevelopment of aging plazas and achieve strategic City objectives.

The built form vision for Urban Corridors constitutes to support a 6 storey maximum recognizing the nature of the lot fabric and the adjacent neighbourhood areas.

The Plan also builds on process to access the introduction of greater height subject to criteria, including development criteria, lot size, and design guidance through future development applications.

88. Uptown Urban Centre

Commenter: Sustainable Development Committee

Issue: Need a clear study and plan with the Region to resolve traffic concerns around Appleby Line and Upper Middle Road.

Response: Existing policies maintained. The city has requested the region consider Appleby Line though Uptown a multi-purpose arterial (instead of major arterial) and has included policies in the OP related to Appleby Line to better support multi-modal transportation and urban design objectives. This issue will be addressed through the Region's approval of the Burlington Official Plan, or through the Region's updates to their Official Plan and Transportation Plan.

89. Employment policies (1450 King Road and Yorkton Court)

Commenter: MHBC on behalf of Quantum Automotive

Issue: The Business Corridor policies removed the permitted use of automotive commercial. In the case of a small subset of properties already subject to a set of site specific properties require modification to support their development in support of the large scale motor vehicle dealership at 441 North Service Road.

Response: In general the Business Corridor designation should continue to not support automotive commercial uses and only consider large scale motor vehicle dealerships through a zoning by-law amendment subject to a set of criteria.

Given the unique nature of the site specific policies minor changes will be made to ensure that uses supportive to the existing large scale motor vehicle dealership such as outside storage and parking may occupy other properties listed in the site specific policy.

Chapter 9 – Land Use Policies: Rural Area

90. Cemeteries

Commenter: Larkin + Land Use Planners

Issue: The Official Plan does not adequately address the provision of cemeteries: where cemeteries will be accommodated; cemeteries as a permitted use in the rural area; siting policies; expansion of existing uses.

Response: Existing policy maintained. The City's new Official Plan is in conformity with the Region's OP, which does not permit cemeteries in rural land use designations. Cemetery policies will be addressed in the Region's Official Plan review.

91. Non-intensive Recreation Uses in the Rural Area

Commenter: Roger Goulet, PERL

Issue: In the Rural Area, why are non-intensive recreational uses such as nature-viewing and trails only permitted on lands that are publicly owned or part of the Bruce Trail? These activities currently occur on private lands. Why make them illegal?

Response: Existing policy maintained. This policy is required to conform with the Region's OP. It also expresses the City's support for the Bruce Trail. The policy would not restrict trails or nature-viewing on privately owned lands provided that those activities do not require an NEP development permit or an approval under the Planning Act, such as a severance.

92. Normal Farm Practices

Commenter: Penta Properties

Issue: The proposed Plan states that normal farm practices *may* be permitted in the Agricultural Area designation. It should state that they shall or will be permitted.

Response: Existing policy maintained. The use of the word *may* is appropriate to recognize that the use is not permitted unconditionally but is subject to other applicable policies in the OP. This is the approach used in permitted uses policies in other parts of the OP as well.

Chapter 10 – Land Use Policies: North Aldershot

93. North Aldershot Land Use Designations, Policies and Mapping

Commenter: Penta Properties

Issue: How was the mapping in the new OP determined? Does it correctly reflect existing development approvals, or applications currently before the Ontario Municipal Board? Do not agree with the requirement for site plan control for the lots in Eagle Heights.

Response: The policies and mapping for North Aldershot in the City's existing Official Plan have been maintained in the new OP. The land use designations, policies and mapping for North Aldershot will be reviewed as part of the Region's Official Plan review.

Commenter: John Hubert

Issue: Mr. Hubert provided information for the City's reference in the City of Burlington and Region of Halton Official Plan reviews.

Response: The information provided will be considered in the North Aldershot component of the Region's Official Plan Review and in the City's planning for North Aldershot.

Chapter 11 - Public Participation and Engagement

94. Engagement Processes

Commenter: Sustainable Development Committee

Issue: The committee requests more specific criteria to establish when a higher level of public consultation is required, more information on what citizens can do such as ask questions at various public meetings (e.g. neighbourhood meetings, council meetings, etc.), and to allow more time for citizens to review recommendations prior to the Planning and Development Committee meetings of Council.

Response: Existing policies maintained. The above suggestions are helpful process improvement recommendations. However, this level of detail goes beyond the scope of the public participation and engagement policies in the Official Plan which are intended to be high level and consistent with relevant legislation and the City's Engagement Charter. These suggestions have been shared with the Clerks Department and the City's Engagement Charter Team for follow up through various implementation initiatives.

Please note that the project leads of various city initiatives are responsible for considering the OP policies and Engagement Charter and for identifying the appropriate community engagement objectives and tactics in the context of the specific city project.

Chapter 12 – Implementation and Interpretation

95. Transition Period for Development Applications: Two Year Hold on Official Plan Amendments

Commenter: MHBC on behalf of Glanelm Property Management

Issue 1: Policy in the proposed new Official Plan [12.1.1(3)c & d]] restricts Official Plan Amendments within two years from the date of approval of the plan, except by Council Resolution. Recommended that OPA applications filed prior to the approval of the new OP are deemed to satisfy the requirements of this policy.

Response 1: Staff report PB-50-17 outlines the transition practices for development applications. Complete development applications submitted after Burlington Council adoption, but prior to Regional Council approval, will continue to be processed under the in force and effect Official Plan (1994, as amended), but during the review of the application, staff will be referring to the new Official Plan, and encouraging the applicant to consider the objectives and policies of the new Official Plan. Similarly, any applications submitted prior to the adoption of the new Official Plan will continue to be processed under the in force and effect Official Plan (1994, as amended).

Commenter: Weir Folds, MHBC on behalf of Nelson Aggregates

Issue 2: Request that principles which would permit an Official Plan amendment within the 2 year period are established.

Response 2: Policy 12.1.1(3)c) has been written in accordance with the *Planning Act*. Requests for Official Plan Amendments within two years from the date of approval of the plan are restricted, unless council has declared by resolution that such a request is permitted. The *Planning Act* requires that the resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally. Prior to the approval of the plan, a council resolution will be sought regarding the types of requests for OPA's that will be considered.

96. **Area-Specific Plans (ASP)**

Commenter: Dave Pitblado, Penta Properties Inc.

Issue: Area-specific plans are the municipality's responsibility, not the development proponent's. The City should be undertaking that work so as not to delay development.

Response: Policy modified. The Official Plan, through policy has identified three major types of areas that should be subject to area-specific planning. The City will establish work plans which will include those areas. The policies of the plan have been modified to confirm that area specific planning is undertaken by the City. Policy 12.1.3.(2) d) has been deleted.

Commenter: Colin Chung, Glen Schnarr & Associates, on behalf of 3056376 Canada Inc.

Issue: Request clarification on the implementation of a comprehensive planning approach (ASP) for sites or areas with multiple owners within the Mixed Use Commercial Centre designation.

Response: Policy modified. Several modifications to the area specific planning policies have clarified the role of the city in area-specific planning. Additionally, a new policy was added within the Mixed Use Commercial Centre designation which identifies the conditions which must be met in order to consider a development proposal through an Official Plan Amendment while ensuring the objectives of the land use designation are met.

Commenter: Jonathan Rodger, Zelinka Priamo LTD, on behalf of Terracap Management Inc.

Issue: Language should be included to consider additional height for tall buildings subject to site-specific criteria within the Mixed Use Commercial Centre designation.

Response: Policy modified. Several modifications to the area specific planning policies have clarified the role of the city in area-specific planning. Additionally, a new policy was added within the Mixed Use Commercial Centre designation which identifies the conditions which must be met in order to consider a development proposal through an Official Plan Amendment while ensuring the objectives of the land use designation are met.

97. **Consent Policies: Surplus Farm Dwelling Severances**

Commenter: Penta Properties

Issue: Do not agree with the requirements that the surplus farm dwelling must have been built and occupied since 2004. Also do not agree that the lot retained for agricultural use must be a minimum 30 hectares in size.

Response: Policy maintained. These requirements are common to many surplus farm dwelling policies across Ontario and reflect the experiences of those municipalities in implementing such policies. The minimum lot size of 30 hectares will be modified to 20 hectares conform with Halton Region Official Plan Amendment 46.

98. **Parkland Dedication**

Commenter: Penta Properties

Issue: Concern that cash in lieu option has been removed, or isn't clear on how the value will be calculated.

Response: Policy modified. Cash in lieu may be considered in accordance with policy 12.1.16(2), and the policy has been revised to indicate that cash in lieu is calculated in accordance with the Park Dedication Bylaws in effect.

Chapter 14 – Schedules and Tables

99. **Natural Heritage System Mapping – Mount Nemo Settlement Area**

Commenter: Penta Properties

Issue: The NHS mapping is inaccurate. How was the Key Natural Heritage Features mapping determined?

Response: Existing mapping maintained. The City's new Official Plan uses the mapping in the Region's OP and is in conformity with the Region's OP.

Agency Feedback

100. **Halton Catholic District School Board and Halton District School Board**

General: The majority of concerns raised in the June submission were addressed in the November proposed new Official Plan. A number of issues, while not being directly related to the Official Plan will require continued collaboration with both school boards. Both submissions highlighted the importance of collaboration as it relates to development applications and area specific plans. The school boards both identified the recent release of People Accommodation Guideline Update by the Ministry of Education and the upcoming release of Community Planning and Partnership Guidelines as key documents for review and discussion.

Issue: Through discussion with both School Boards only one key policy issue remained.

Both school boards were concerned at the prescription of the Official Plan policies related to Day Care Centres within Residential Neighbourhood Areas given that many schools have daycare facilities as an ancillary use on a school site or within a school building. Given that the school boards are subject to prescribed requirements through the Ministry of Education, Early Years and Child Care Branch City policy should align with Ministry requirements.

Response: Policy amended. Through discussion staff acknowledge that a daycare operated as an ancillary use within an existing school may be subject to different requirements.

101. **Conservation Halton**

a. **Climate Change**

Issue: Climate change objectives (Section 4.1.1) should also highlight the role of the natural environment in providing climate change resiliency.

Response: Objectives modified, and now also identify the maintenance and restoration of the NHS in increasing community resiliency to climate change.

b. **Shoreline protection works**

Issue: Conservation Halton may be considering changes to their shoreline protection works policies. More flexible language suggested to accommodate these changes.

Response: Policy modified. Policy now requires an access allowance to the shoreline protection works, unless specifically exempted by CH.

c. **Hager Rambo Watershed**

Issue: A policy in the OP identifies that the Hager Rambo Watershed south of the diversion channel is under the jurisdiction of the city. CH has requested removal of this reference as the jurisdiction of this watershed is currently subject to discussions between the city and CH through the Mobility Hub studies.

Response: Existing policy maintained. This policy was added to the new OP to give the reader clarity regarding jurisdiction for this area. As this watershed is currently within the jurisdiction of the city, the policy has not been edited, however should jurisdiction change through the Mobility Hub study, the Official Plan policy will be amended at that time.

d. **Area Specific Plans**

Issue: Request that Area Specific Plans for Mobility Hubs [Section 12.1.3.(4)] are also subject to the supporting technical study policies in Section 12.1.3.(3).

Response: Policy modified. Thank you for identifying this oversight.

e. Hydrologic Function

Issue: The Plan should address the hydrologic functions of the Natural Heritage System, in addition to its ecological functions.

Response: Policies modified by adding appropriate references to the Natural Heritage System's hydrologic functions.