

MURLEE HOLDINGS LIMITED

45 Gordon Mackay Road, Toronto, Ontario M9N 3X3 (416)243-7880

February 22, 2018

VIA EMAIL

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

Attention: Ms. Leah Smith, Senior Planner,
Planning and Building Department

**RE: Statutory Public Meeting for Burlington's Proposed New Official Plan
February 27, 2018**

We are writing to formally register our concerns with the language of the Official Plan affecting our lands at 3073, 3119 and 3167 North Service Road.

Our lands originally were comprised of just over 35 acres. The Leon's store and warehouse occupy 10.38 acres. We have worked in the past with City Staff and MTO to reconfigure the interchange to bring customers directly to us from Guelph Line to our lands and store. This required North Service Road to re-align to the north and west of the creek, which required approximately two acres of lands. This effectively created two separate parcels for development. Of interest to note, land was protected for the City of Burlington to construct a northbound ramp to Guelph Line from westbound North Service Road.

Unfortunately, the major factor hindering development of these "Gateway To Burlington" lands was the proposed Roseland Creek S.W.M. Detention Facility proposed in the early nineties, that required 3.41 ha (8.43 acres) of our land. We have developed in the past, three different creek scenarios (copies attached) to achieve the goals of the City to minimize flooding. This would equate to 4.7 acres of land including a small portion for the new development SWM.

We believe it is in the best interests of all concerned, to revisit previous studies and come up with a less aggressive land solution that attempts to satisfy goals of the City, Halton Conservation and us in a fair manner.

On planning issues, we are writing to give consideration to include our Mixed Use Node as shown on Schedule "C", to be changed from "Employment Growth Area" to "Secondary Growth Area" as identified on Schedule "B-1 Growth Framework". This would be similar to the Costco lands located at Brant Street and North Service Road. Another example are lands located on

Queensway Drive west of Guelph Line (shown on Schedule "B" – Urban Centre) followed by a site on Guelph Line/Upper Middle Road, and a small parcel at Guelph Line and Coventry Way.

We do not support the February change where "or Secondary Growth" 2.4.2(4)a) was added to 2.4.2(4) Employment Growth Areas. In Section 5.2 – Protecting the Area of Development, wording was added that would appear to restrict "other non-employment uses including major retail uses in Mixed Use Intensification areas (our lands are identified as a Mixed Use Node). We currently enjoy a wide range of uses in Exception 37 in Zone BC 1.

We are formally requesting to be involved in the new Zoning By-Law as it affects our lands.

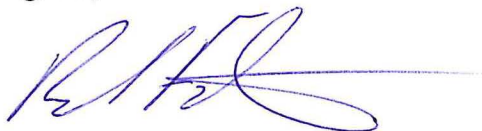
We would like our Mixed Use Node permitted uses, to have the "broadest most diverse range" than a "more focused and employment-oriented in nature" to reflect our current O.P. and Zoning By-Law and reflect our desire to create a development that is intensive of nature, for this very important Gateway location to Burlington. Under Section 8.1.3(6.1) a)(iii) "shall not compete" is very restrictive in the O.P. and we would suggest to amend to "should not compete" given the unique nature of this parcel. Under the current O.P. we are exempt from 8.1.3(6.2)d) and would like that removed or language added to 8.1.3 (6.3) a) similar to 8.1.3(6.3) b) "the minimum floor area requirement for each individual retail unit shall not apply" to our lands at 3073, 3119 and 3167 North Service Road.

In closing, we are looking for a document that will reflect the uniqueness and the ultimate potential to create a development that can achieve intensification now, instead of waiting for a future OP Review process, asking us to achieve after a lower intensity development is constructed.

We are looking forward to working with Staff to resolve the flooding issues in Burlington but still delivering a project that all are proud of NOW!

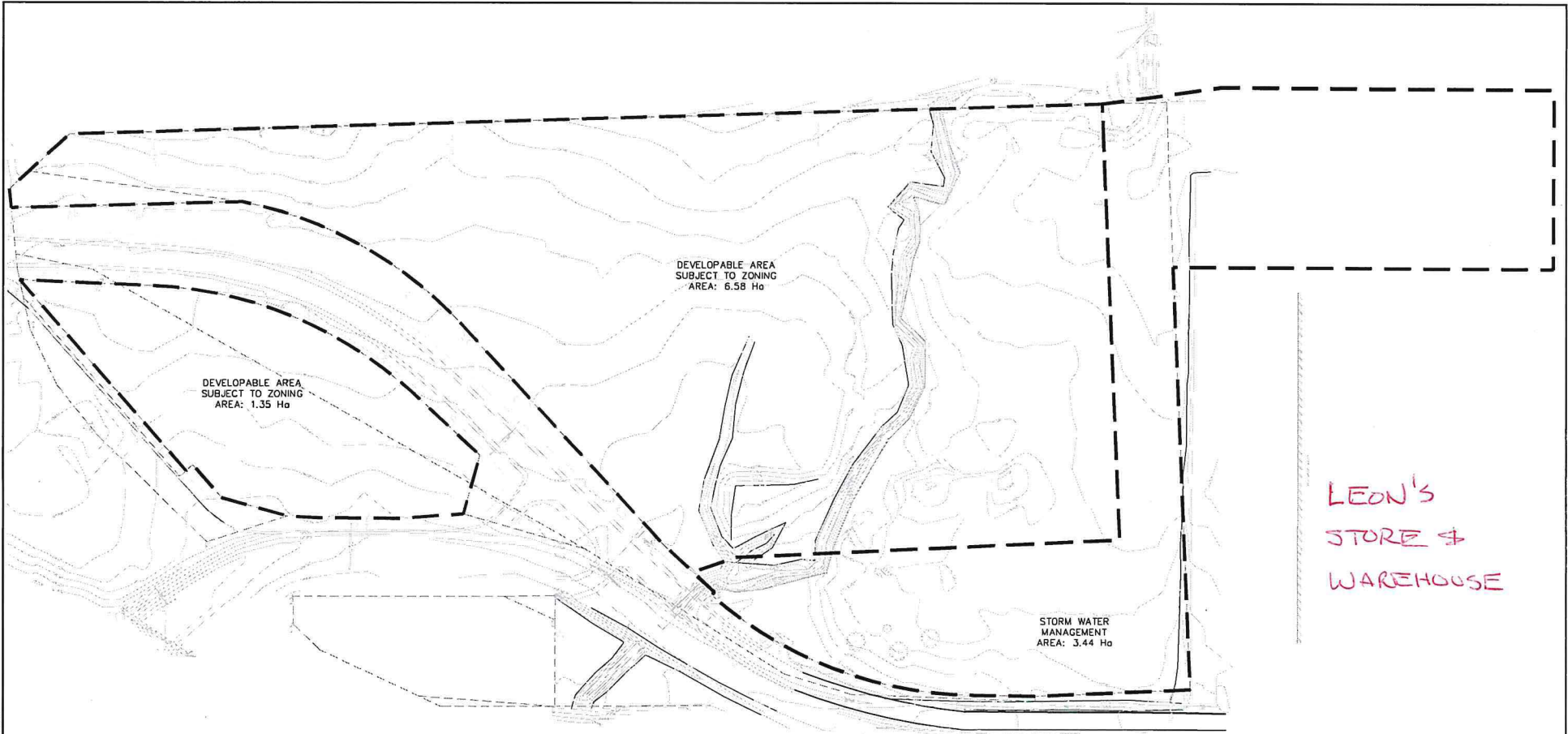
We have support of our President and Board of Directors to develop these lands to the highest and best use and need a document that will allow this process to be achieved in the near future.

Regards,



Rod W. Fortune
National Real Estate Manager
Leon's Furniture Limited
416-243-4063
Email: rod.fortune@leons.ca

Cc: Mr. Ed Leon, President



C:\Users\107135\Documents\107135\Concept 3.dwg

No.	DATE	BY	REVISIONS	MAN/CAD

APPROVALS	

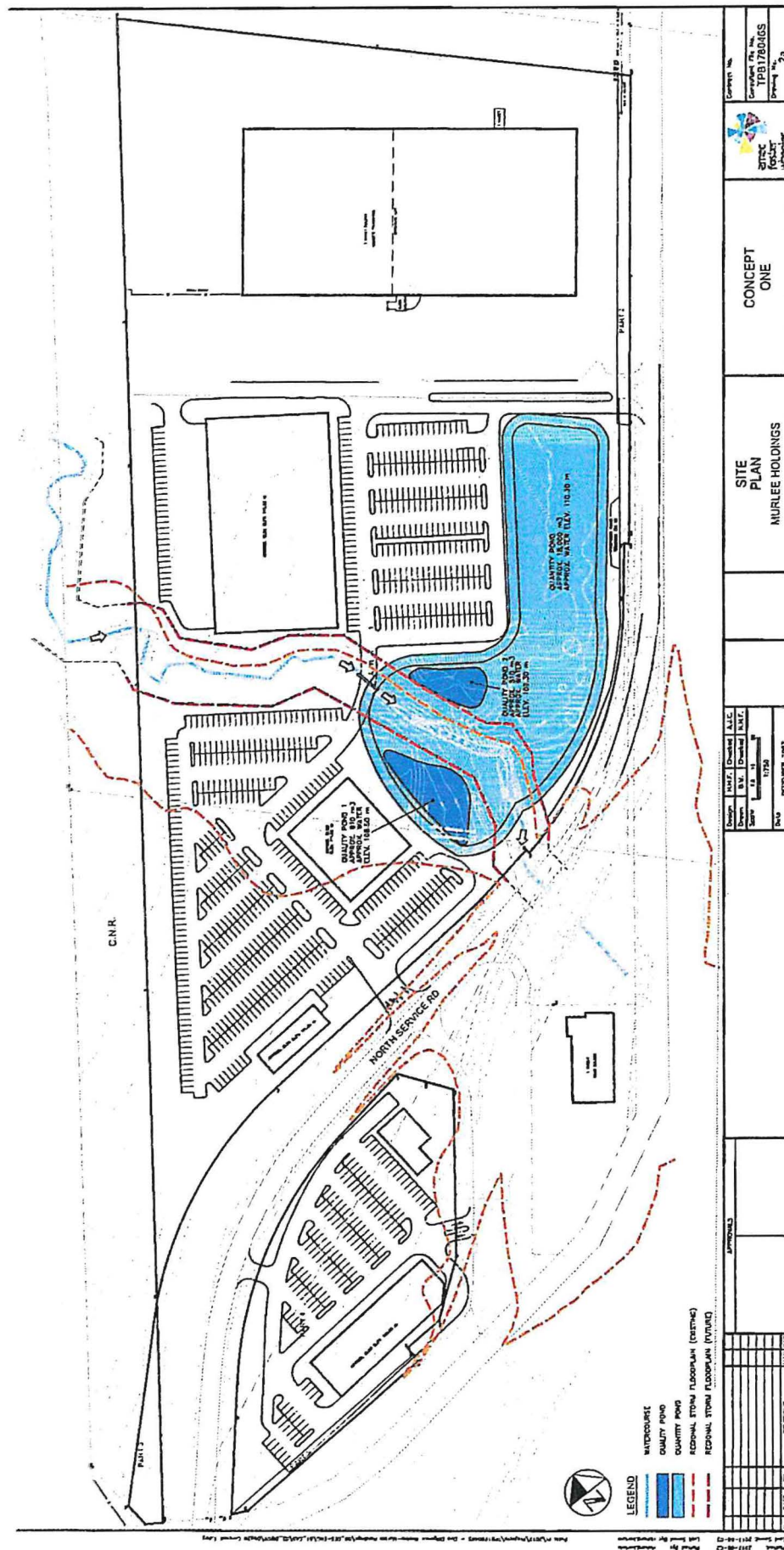
Design	H.R.F.	Checked	A.J.C.
Drawn	B.M.	Checked	H.R.F.
Scale	1:500		
Date	DECEMBER 2007		



SITE PLAN MURLEE HOLDINGS

CONCEPT THREE



Contract No.	
Consultant File No.	107135
Drawing No.	
SHEET	1 of 2



		APPROVALS		Design NMT / B.V. / Dashed Dashed / B.V. / Dashed Stamp / 18 11 / 1750		A/C NMT / Dashed Dashed / B.V. / Dashed Stamp / 18 11 / 1750		CONCEPT ONE SITE PLAN MURLEE HOLDINGS		 MURLEE HOLDINGS		Company No. Corporation File No. 1P017806GS Drawing No. 1750	
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SCHEDULE B **Urban Structure** City of Burlington

Legend

Mixed Use Intensification Areas

- Urban Centres
- Mobility Hubs
- Mixed Use Nodes and Intensification Corridors

Employment Lands

Area of Employment Overlay

Residential Neighbourhood Areas

Natural Heritage System, Major Parks and Open Space

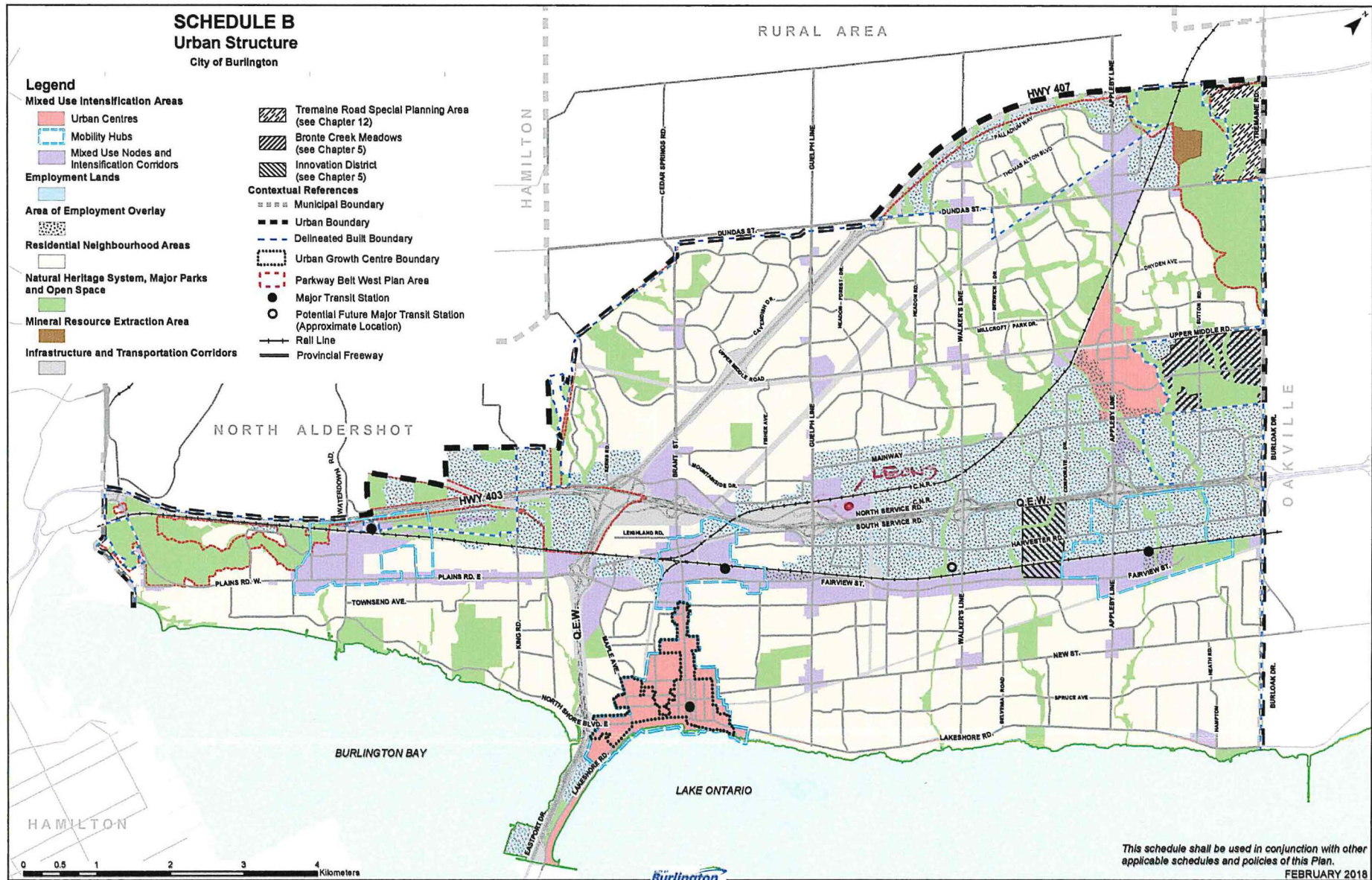
Mineral Resource Extraction Area

Infrastructure and Transportation Corridors

- Tremaine Road Special Planning Area (see Chapter 12)
- Bronte Creek Meadows (see Chapter 5)
- Innovation District (see Chapter 5)

Contextual References

- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary
- Parkway Belt West Plan Area
- Major Transit Station
- Potential Future Major Transit Station (Approximate Location)
- Rail Line
- Provincial Freeway



This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

FEBRUARY 2018

SCHEDULE B-1 **Growth Framework** City of Burlington

Legend

Growth Areas

- Primary Growth Area
- Secondary Growth Area
- Employment Growth Area
- Established Neighbourhood Area

Mobility Hubs

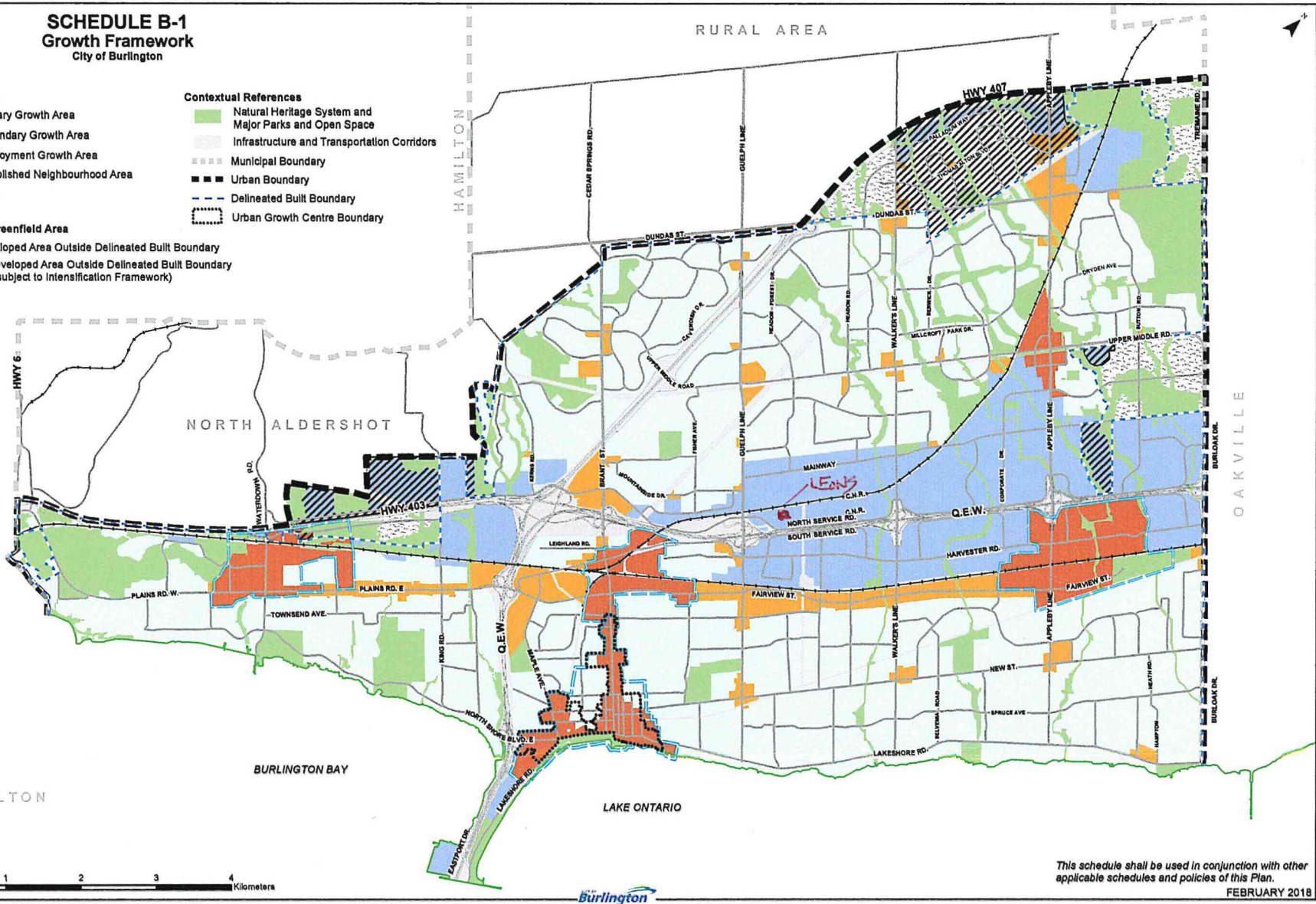


Designated Greenfield Area

- Developed Area Outside Delineated Built Boundary
- Undeveloped Area Outside Delineated Built Boundary (not subject to Intensification Framework)

Contextual References

- Natural Heritage System and Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary



This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

FEBRUARY 2018

SCHEDULE C **Land Use - Urban Area** City of Burlington

Legend

MIXED USE INTENSIFICATION AREAS

- Urban Centres
- Mixed Use Nodes and Intensification Corridors
- Mixed Use Commercial Centre
- Neighbourhood Centre
- Local Centre
- Employment Commercial Centre
- Urban Corridor
- Urban Corridor - Employment Lands

RESIDENTIAL NEIGHBOURHOOD AREAS

- Residential - Low Density
- Residential - Medium Density
- Residential - High Density

EMPLOYMENT LANDS

- General Employment
- Business Corridor

NATURAL HERITAGE SYSTEM AND MAJOR PARKS AND OPEN SPACE

- City's Natural Heritage System
- Major Parks and Open Space

MINERAL RESOURCE EXTRACTION AREA

-

INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

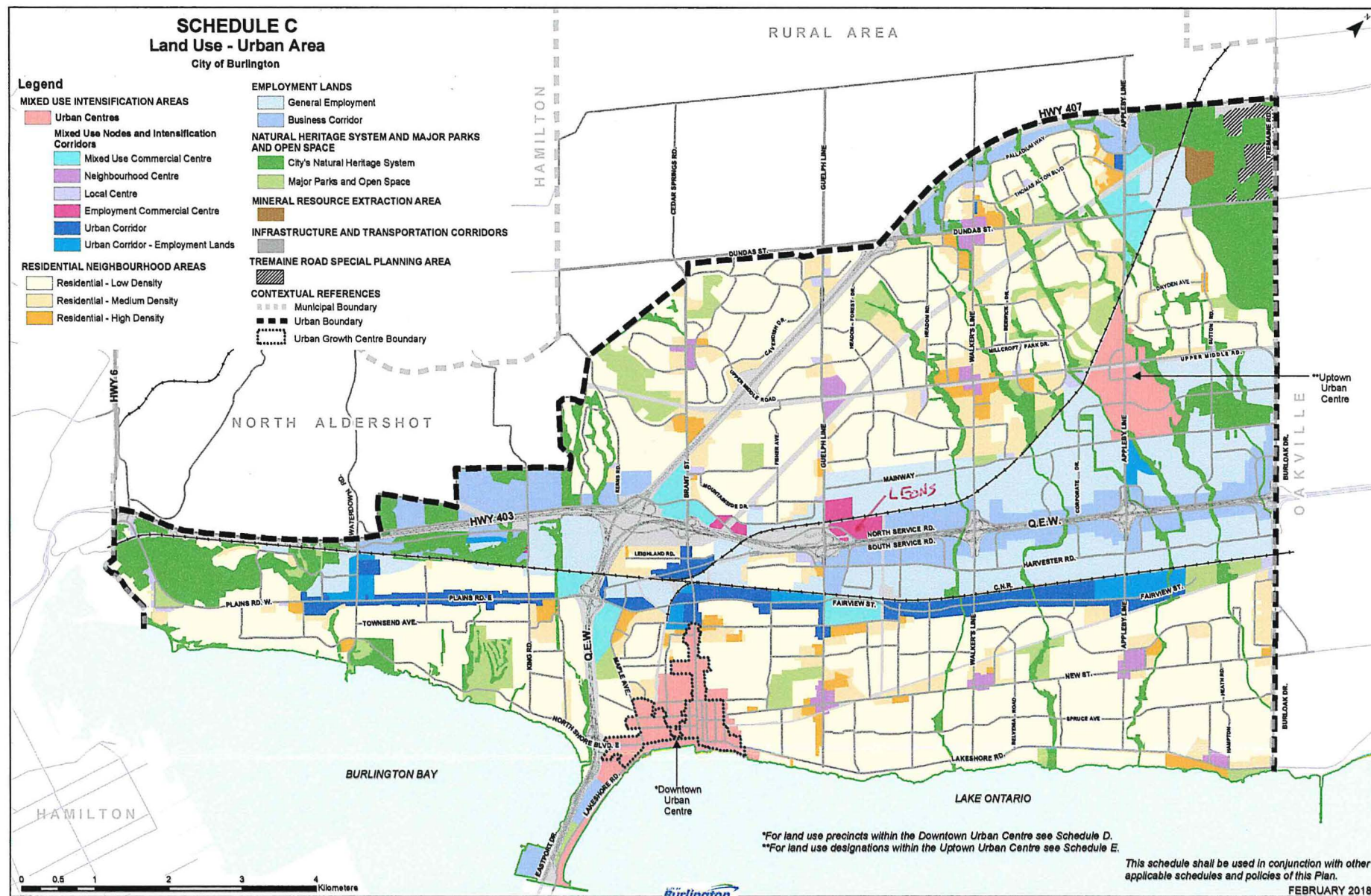
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TREMAINE ROAD SPECIAL PLANNING AREA

-

CONTEXTUAL REFERENCES

- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary



*For land use precincts within the Downtown Urban Centre see Schedule D.
 **For land use designations within the Uptown Urban Centre see Schedule E.

This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

FEBRUARY 2018

Schedule O-1 Classification of Transportation Facilities - Urban Area City of Burlington

Legend

- Provincial Freeway
- Provincial Highway
- Major Arterial
- Multi Purpose Arterial
- Urban Avenue
- Main Street
- Industrial Connector
- Neighbourhood Connector
- Proposed Roads
- Regional Road
- Major Transit Station
- Go Transit Car Pool Lot
- Potential Future Transit Station (Approximate Location)
- Rail Line
- Commuter Rail Corridor
- Higher Order 407 Transit Corridor (Regional Official Plan)
- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary
- Urban Centres

For classification of transportation facilities
in the Rural Area and North Aldershot
see Schedule O-2.

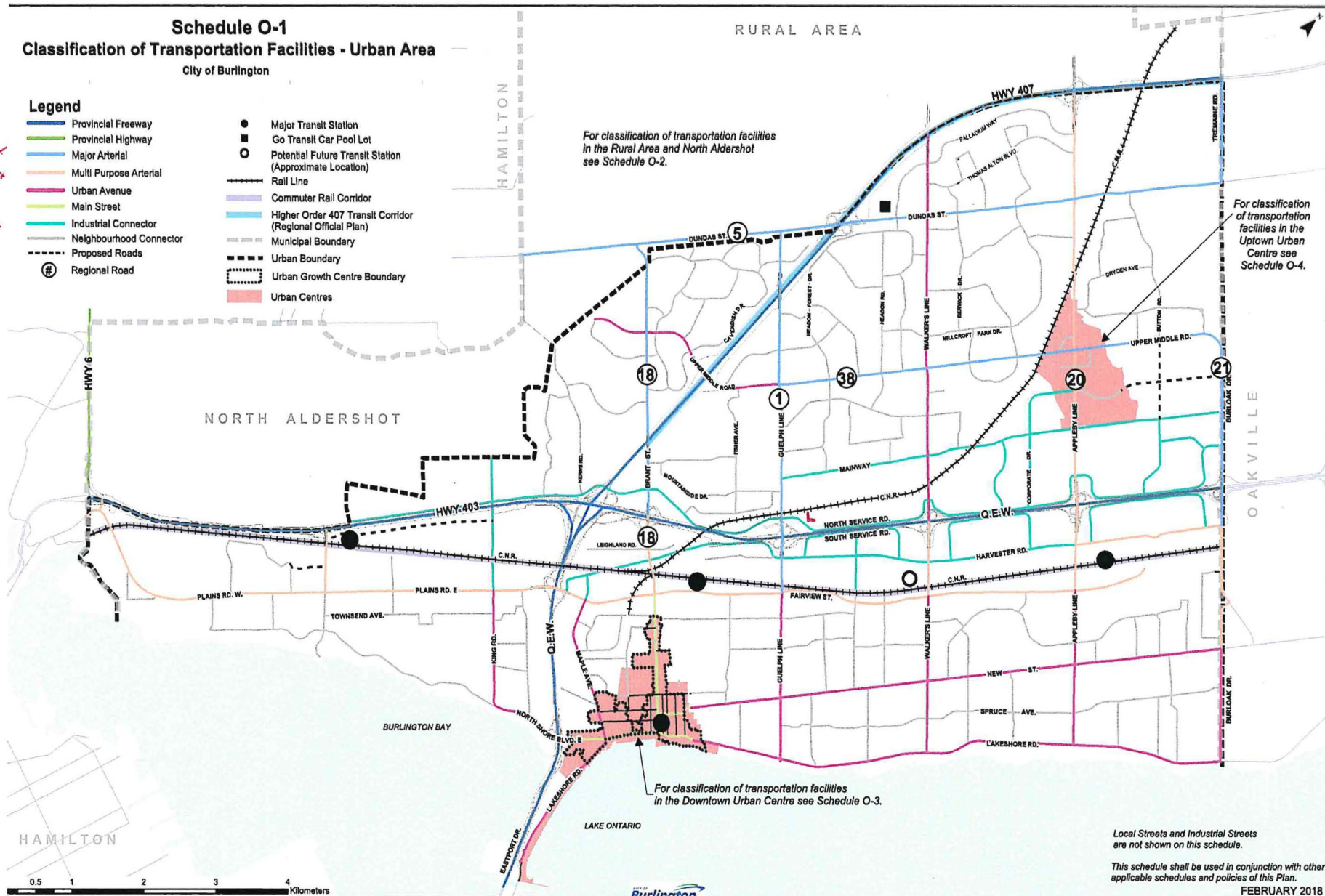
For classification
of transportation
facilities in the
Uptown Urban
Centre see
Schedule O-4.

For classification of transportation facilities
in the Downtown Urban Centre see Schedule O-3.

Local Streets and Industrial Streets
are not shown on this schedule.

This schedule shall be used in conjunction with other
applicable schedules and policies of this Plan.

FEBRUARY 2018



TE SERVICE TIMES

	Peak Only	M-F	Sat	Sun	Hol
Plains					
Plains					
Brant					
Brant					
Guelph - Downtown					
Guelph - Downtown					
Central					
Francis - Downtown					
Heaton					
New - Maple					
Sutton - Alton					
Upper Middle					
Appleby - Walkers	AM				
Walkers - Appleby	PM				
Bur Oak - Lakeshore					
Fairview					
Walkers					
Pinedale - Hampton Heath	AM				
Pinedale - Hampton Heath	PM				
Millcroft					
Harvester					
North Service					
North Service	Midday				
North Service - Aldershot					
Plains Express					
Burlington South	Late Night				
Burlington Northeast	Late Night				
Burlington Northwest	Late Night				
Aldershot					
Pinedale					
Tansley Woods					

MAP LEGEND

Transit	Symbols
Regular Service Bus Route	Hospital
Peak Service Bus Route	Shopping Centre
United Service Bus Route	Arena
Late Night Service Bus Route	City Hall
GO Station	Courthouse
HSR Transfer Point	Library
Outville Transit Transfer Point	Recreation Centre
Community Connection Route	Community Centre
	Museum / Attraction
	Outdoor Pool
	Indoor Pool
	Information
	Public Secondary School
	Public Elementary School
	Catholic Secondary School
	Catholic Elementary School

Peak hours are weekdays approximately 5 to 9 a.m. and 3 to 7 p.m.



CHAPTER 8 – LAND USE POLICIES – URBAN AREA

8.1.3(6) EMPLOYMENT COMMERCIAL CENTRE DESIGNATION

8.1.3(6.1) OBJECTIVES

- a) To provide locations in the city in close proximity to designated Employment Lands, for a wide range of *employment uses*, as well as retail uses which have *employment* characteristics, such as:
 - (i) serving business uses to a large extent;
 - (ii) requiring expansive land areas which cannot be easily accommodated in Mixed Use *Intensification Areas*; and
 - (iii) are not intended to serve the regular day-to-day and weekly shopping needs of the surrounding residential and business community and ~~shall~~ ^{SHOULD} not compete with the planned commercial function of other Mixed Use Nodes and *Intensification Corridor* designations.
- b) To recognize that Employment Commercial Centre areas will transition over time to *compact built forms*, while retaining their current function.

8.1.3(6.2) POLICIES

- a) -The following uses *may* be permitted on lands designated Employment Commercial Centre:
 - (i) industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses; office uses; research and information processing; and automotive commercial uses ~~uses permitted within the General Employment designation;~~
 - (ii) ~~commercial sales and services~~ retail and service commercial uses that serve to the business community or those that have a significant processing, wholesaling or warehousing component;
 - (iii) retail uses that require significant land areas, many with outdoor sales and storage and characterized as infrequent shopping destinations;
 - (iv) home improvement and home décor sales uses which require large building areas, some of which have significant warehousing components and which are infrequent shopping destinations;
 - (v) hospitality uses;
 - (vi) *entertainment uses*, and
 - (vii) *recreation uses*.

CHAPTER 8 – LAND USE POLICIES – URBAN AREA

- b) ~~Sensitive land uses, including residential uses,~~ shall be prohibited.
- c) The City will encourage a minimum building height of two (2) storeys.
- d) Each individual retail unit in an Employment Commercial Centre designation *should* have a minimum floor area of one thousand (1,000) sq. m. d)
OUT
- e) Retail uses *may* extend into the second storey of buildings to accommodate larger retail uses within *compact built forms*.
- f) It is the general intent of this Plan that the designation of additional lands for Employment Commercial Centre purposes *shall* not be permitted.
- f)g) Service commercial uses should be subject to floor area provisions as established in the Zoning By-law.

8.1.3(6.3) SITE-SPECIFIC POLICIES

- a) **3073 & 3119 North Service Road:** Notwithstanding the uses permitted in Subsection 8.1.3-(6.2) a) of this Plan, *large furniture and appliance stores* and *warehouse clubs* are permitted on the lands located on the north side of the Queen Elizabeth Way, east of Guelph Line, and identified as 3073 and 3119 North Service Road. OR ADD LANGUAGE TO THIS CLAUSE SIMILAR TO b) below
- b) **1510 & 1515 North Service Road and 2202 & 2208 Industrial Street:** Notwithstanding Subsection 8.1.3-(6.2) d) of this Plan, the minimum floor area requirement for each individual retail unit *shall* not apply to the lands designated Employment Commercial Centre along the North Service Road, east of Brant Street, and identified as 1510 & 1515 North Service Road and 2202 & 2208 Industrial Street.

8.1.3(7) URBAN CORRIDOR DESIGNATION

8.1.3(7.1) OBJECTIVES

- a) To provide locations in the city along key Major Arterial or Multi-Purpose Arterial Streets that will serve as areas of concentration for mixed use *development* in a *compact built form*, with residential, retail, *service commercial*, *office*, *entertainment*, *public service facilities* and *institutional uses*, and open space uses.
- b) To provide opportunities for a range of small and medium-scale retail and *service commercial* uses, and *public service facilities* in locations that meet residents' day-to-day and weekly goods and service needs.
- c) To recognize the *development* of *Intensification Corridors* will occur over time, and that the timing of *development* may vary from one segment to another, depending on the existing built form, and *development* pressures.

February 22, 2018

Alison Enns
Senior Planner
City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Dear Ms. Enns:

**RE: 3455 NORTH SERVICE ROAD
PROPOSED OFFICIAL PLAN POLICIES
OUR FILE: 14140A**

On behalf of our client Hopewell Development (Ontario) Inc. ("Hopewell"), we have reviewed the most recent City of Burlington draft Official Plan dated February 2018 within the context of our client's lands located in the northwest quadrant of Highway Queen Elizabeth Way (QEW) and Walkers Line, and municipally addressed as 3455 North Service Road ("subject lands"). We note that the owner/our client, has been actively seeking tenants for the site, and is currently engaged with a few prospective tenants and their designers to develop the fit within the context of the permissions of OPA No. 89 and the in-effect By-law 2020 for the subject lands.

PROPOSED OFFICIAL PLAN (FEBRUARY 2018)

Since the release of the November 2017 Proposed Official Plan, we have had conversations with City Staff regarding policies that pertain to our client's lands. We appreciate City Staff's collaborative approach in the review process of the Proposed Official Plan and the revisions made.

Now that site specific policies will be removed as part of the Proposed Official Plan, Hopewell is looking to pursue more 'traditional' employment uses. As a result, Hopewell is concerned with the future application of Policy 8.2.4(2)c) of the Proposed Official Plan and requirement for a minimum FAR of 0.5:1 on their site as follows:

"A floor area ratio of development of 0.5:1 is an appropriate minimum built form in Business Corridor Lands. Any modification to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Business Corridor designation are maintained."

We understand Hopewell has secured draft approval for the first phase of development (Buildings A & B) shown on the attached overall Site Plan and has made initial submissions for Building E consistent with attached plan. The balance of the site on the east is intended to be developed as shown which is largely

a mirror image of the western portion, as noted on the plan, the FAR will be 0.27. The resulting FAR is due to the unique size and constraints of the site. The subject lands are bound by the Canadian National Rail (CNR) tracks to the north and Key Natural Features along the eastern portion of the site. The adjacent natural feature requires a significant buffer and separation distances to minimize any potential impacts. As a result of the required separation, the required development setbacks constrain the developable area of the subject lands.

The range of employment uses permitted in the Business Corridor designation combined with the size of the property requires a considerable amount of ground floor area. In order to accommodate an FAR of 0.5:1, as contemplated by draft Policy 8.2.4(2)c), any proposed development will be required to provide a lot coverage that is not economically practical as potential uses require access to the ground floor because of the nature of their business. Developing a higher intensive building will limit the possible uses as ground floor access may be limited, deterring potential tenants.

The in-effect By-law will require a sizeable amount of parking for the permitted uses, which cannot be feasibly accommodated due to a minimum FAR requirement of 0.5:1 and need for ground floor access. Underground parking is not economically practical or functionally practical for the range of the potential uses on the property.

RECOMMENDATION

In the event that Policy 8.2.4(2)c) of the Proposed Official Plan continues to maintain that an FAR of 0.5:1 is an appropriate minimum built form, Hopewell requests that the following site specific policy be added to Section 8.2.4(3) of the Proposed Official Plan in order to provide for a site specific policy that acknowledge the challenges associated with this site in meeting a minimum FAR of 0.5:1 and provide for a more realistic target:

8.2.4(3) Site-Specific Policies:

3455 North Service Road: Notwithstanding Policy 8.2.4(2)c) of this Plan, a floor area ratio of development of approximately 0.25:1 is deemed an appropriate minimum built form on lands municipally addressed as 3455 North Service Road due to the nature of the site (i.e. size of parcel and setbacks required for Key Natural Features and the rail corridor).

Thank you for consideration of our comments. We look forward to continuing working with Staff through the Proposed Official Plan review process.

Thank you.

Yours truly,

MHBC



Debra Kakaria, MBA, MCIP, RPP, LEED AP
Partner

cc Hopewell Development (Ontario) Inc.



OVERALL SITE STATISTICS

SITE	AREA	24.572 AC	99,439 sm
TOTAL BUILDING AREA		284,549 sf	26,436 sm
SITE 01: BUILDING A & B		89,501 sf	8,315 sm
SITE 02: BUILDING C & D		61,356 sf	5,700 sm
SITE 03: BUILDING E		70,254 sf	6,527 sm
SITE 04: BUILDING F		63,438 sf	5,894 sm
COVERAGE			26.6%
TOTAL PARKING PROVIDED			983

SITE 01 - A & B

SITE	AREA	7.52 AC	30,448 sm
TOTAL BUILDING AREA		89,501 sf	8,315 sm
BUILDING A		46,314 sf	4,303 sm
BUILDING B		43,187 sf	4,012 sm
COVERAGE			27.3%
TOTAL PARKING REQUIRED		291	3.5/100 sm
TOTAL PARKING PROVIDED		462	5.6/100 sm

SITE 02 - C & D

SITE	AREA	6.86 AC	27,768 sm
TOTAL BUILDING AREA		61,356 sf	5,700 sm
BUILDING C		24,134 sf	2,242 sm
BUILDING D		37,222 sf	3,458 sm
COVERAGE			20.5%
TOTAL PARKING REQUIRED		200	3.5/100 sm
TOTAL PARKING PROVIDED		349	6.1/100 sm

SITE 03

SITE	AREA	4.26 AC	17,246 sm
BUILDING E		70,254 sf	6,527 sm
COVERAGE			37.8%
TOTAL PARKING REQUIRED		131	2/100 sm
TOTAL PARKING PROVIDED		84	1.3/100 sm

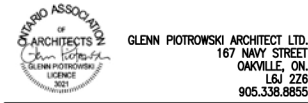
SITE 04

SITE	AREA	4.32 AC	17,489 sm
BUILDING F		63,438 sf	5,894 sm
COVERAGE			33.7%
TOTAL PARKING REQUIRED		118	2/100 sm
TOTAL PARKING PROVIDED		88	1.5/100 sm

ROAD

SITE	AREA	1.16 AC	4,706 sm
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Glenn Piotrowski Architect



Hopewell

PROJECT
3455 NORTH SERVICE RD,
BURLINGTON, ON

SHEET TITLE
SEQUENCE OF
CONSTRUCTION

DATE DEC 14, 2017

SCALE 1:1500

From: Amanda Wyszynski [mailto:awyszynski@mhbcplan.com]
Sent: Thursday, February 22, 2018 10:46 AM
To: Mailbox, OPReview; Mailbox, COB
Cc: Bustamante, Rosa; Smith, Andrea; Dana Anderson; holyprotection-burlington@cogeco.ca
Subject: City of Burlington Official Plan - Proposed Draft 3 Comments - 419 Pearl Street

Good morning,

Please find below a list of concerns based on our review of the revised draft Official Plan in regards to the property municipally known as 419 Pearl Street, "Holy Protection BVM Ukrainian Catholic Church".

- The Church Property is designated as Downtown Core Precinct with Pearl Street expected to be a mixed use major street. Under the revised draft Official Plan, the maximum height permitted is 12 storeys, rather than the 17 storeys permitted under the previous draft. However, 17 storeys may be permitted if office space is accommodated or additional parking is provided based on Section 8.1.1(3.11.1)c). Since Pearl Street has been identified as a mixed use major street and Section 8.1.1(3.11.1)b) requires a minimum of two permitted uses, it is our understanding that retail is required at grade with the remaining portion of a building to be another use (i.e. residential or hotel). This change appears to be a Council direction as there is no planning analysis supporting this.
- There are no policies in the draft Official Plan that allow for supportive or senior housing without retail at grade. It is our opinion that this requirement is not appropriate for the church site and restricts development potential.
- Once the draft Official Plan has been adopted, it cannot be amended for two years. This severely limits development opportunities in the short term for the church site.

Should you have any concerns please feel free to contact me.

Please confirm receipt of this email.

Thanks.
Amanda

AMANDA WYSZYNSKI, MES (PI) | Planner

MHBC Planning, Urban Design & Landscape Architecture

442 Brant Street, Suite 204 | Burlington | ON | L7R 2G4 | T 905 639 8686 x 228 | F 905 761 5589 | awyszynski@mhbcplan.com

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February 21, 2018

Andrea Smith, MCIP, RPP
Manager of Policy and Research
Planning and Building Department
City of Burlington
426 Brant Street, Box 5013
Burlington, ON
L7R 3Z6

Rosa Bustamante, MCIP, RPP
Manager of Mobility Hubs
Planning and Building Department
City of Burlington
426 Brant Street, Box 5013
Burlington, ON
L7R 3Z6

Dear Ms. Smith and Ms. Bustamante:

RE: Comments on the City of Burlington New Official Plan (February 2018 Proposed Draft)
441 Maple Avenue, Burlington
OUR FILE: 16295A

MHBC is retained by Better Life Retirement Residence Inc. who is the owner of the property located at 441 Maple Avenue in the City of Burlington ("the Subject Lands"). The Subject Lands are 1.23ha in area and currently contain a two-storey, 93 bed, long-term care facility known as the Maple Villa Long Term Care Centre. This facility is proposed to be closed, with the residents relocated to a new, modern and accessible, facility in the next several years. Once the residents have been moved to the newly developed facility, it is the intent that the existing use on the site be redeveloped with a high-rise residential building with underground parking. A pre-consultation meeting with respect to the proposed redevelopment of the Subject Lands was held on May 17, 2017. We are currently working with our clients towards submitting a complete application for the proposed redevelopment.

History

In-force City of Burlington Official Plan

The Subject Lands are currently designated Downtown Residential- Medium and/or High Density Residential Precinct in the in-force City of Burlington Official Plan. The current policy framework permits ground or non-ground oriented housing units ranging between 26 and 185 units per net hectare with no height limit prescribed by the plan (height is to be implemented through the City's Zoning By-law).

Proposed New Official Plan (First Draft, April 2016)

Upon the release of the first draft of the City's proposed new Official Plan in April of 2017, our client's lands were identified as Downtown Residential- Medium and/or High Density Residential on Schedule D of the Official Plan, consistent with the in-force Official Plan.

On the basis of the continued Downtown Residential- Medium and/or High Density Residential designation of our client's lands, we proceeded to attend a pre-consultation meeting with City staff to discuss our client's development concept for a tall building on the site. We have noted staff's initial comments related to the proposed development concept and are currently working with our clients to finalize a submission to the City for both Official Plan and Zoning By-law Amendment applications to facilitate a revised plan for the site redevelopment.

Proposed New Official Plan (Second Draft, November 2017)

The second draft of the Official Plan was revised to include a policy framework for the Downtown Mobility Hub, including revised land use schedules. This draft placed a "Downtown Mid-Rise Residential Precinct" designation on the site, which allows for the development of buildings up to eleven (11) storeys.

The proposed Mid-Rise Residential Designation is essentially a "down designation" of this site from what is currently permitted (density cap is 185 units per hectare; however, there is no height cap). This designation imposes limitations for the redevelopment of our client's lands and is generally concerning given the surrounding context of the neighbourhood, where a mix of mid-rise and tall buildings can be observed. In fact, some of the tallest buildings in the Downtown are located within this area.

Summary of Previous Comments

Since the release of the first Official Plan in April 2016, we have provided **two formal written submission letters** (June 29, 2017 and November 29, 2017). **We have not received a formal response to our written requests.** We did meet with staff on February 16, 2018 at which time some responses were provided but we are still awaiting a complete response.

Comments on the Proposed New Official Plan (Third Draft, February 2018)

We have reviewed the February, 2018 Draft Official Plan and note that it continues to designate the Subject Lands as "Downtown Mid-Rise Residential Precinct".

1. **We continue to have concerns with the application of the Mid-Rise Residential Precinct designation on our client's lands. As noted in our previous submissions, this represents a down-designation of the site which, in our opinion, can accommodate an appropriately designed and sited tall building.** This is evidenced by our preliminary concept plan, provided to the City at pre-consultation, which provides terraces and stepbacks to a tower that is appropriately located and oriented to retain views and reduce impacts to existing surrounding buildings.
2. As noted in our previous submissions, the surrounding context consists of buildings between 12 and 20 storeys. In particular, a 15-storey building and a 14-storey building are located at the intersection of Maple Avenue and Elgin Street, opposite and adjacent to the Subject Lands. The adjacent lands, on the opposite side of the intersection of Maple and Elgin, are proposed to be designated Downtown Tall Residential Precinct, where a minimum height of 12 storeys is

proposed. Given the existing context, we question the rationale for the down-designation of our clients site.

It remains our opinion that the Subject Lands should be designated Downtown Tall Residential Precinct and we request that the Draft Official Plan be revised such that our client's lands are designated Downtown Tall Residential Precinct or that the opportunity to increase height from 11 to 17 storeys is provided in the Downtown Mid-Rise Residential precinct, without the need for an OPA subject to criteria, similar to other locations in the downtown.

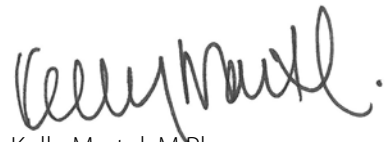
We appreciate the opportunity to comment on the proposed updated draft Official Plan and Downtown Mobility Hub plan and are available to discuss our comments further with staff. We look forward to working with the City moving forward to facilitate the redevelopment of this site.

Yours truly,

MHBC

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

Dana Anderson, MCIP, RPP
Partner

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

Kelly Martel, M.Pl
Planner

Cc: Sameer El-Fashny, Better Life Retirement Residence Inc.

RENIMMOB PROPERTIES LIMITED

242 Main Street East
Hamilton, Ontario L8N 1H5

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

February 16, 2018

Delivered By Hand

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

Attention: Amber LaPointe, City Clerk's Department

**Re: New Draft Official Plan and Downtown Mobility Hub Precinct Plan
535-553 Brant Street**

Dear Ms. LaPointe:

We are the owners of the properties known municipally as 535-553 Brant Street. This is further to our November 28th, 2018 letter regarding the above that includes a number of concerns that we have in respect of the new Official Plan and the Downtown Mobility Hub Precinct Plan.

Since the submission of the correspondence note above, the Official Plan and the policies for the Downtown Mobility Precinct Plan have been changed quite dramatically in response to motions passed by City Council at its meeting on January 29, 2018. Yet the concerns we raised have not been addressed. In fact, no representatives from the City of Burlington have contacted us to discuss our concerns.

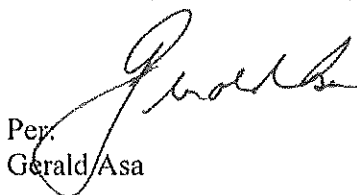
For the reasons noted in our November 28th letter, we are opposed to the Official Plan and the Downtown Mobility Hub Precinct Plan in their current form.

As we have noted, we want to be active participants in the planning process that affects our properties. It is disappointing that we have not been contacted by City of Burlington representatives to discuss and hopefully resolve our concerns.

We do not support the Official Plan and the Downtown Mobility Hub Precinct Plan policies in their current form.

Yours truly,

RENIMMOB PROPERTIES LIMITED.


Per:
Gerald Asa

February 22nd, 2018

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

Dear Mayor and Members of Council:

Re: Revised Draft City of Burlington Official Plan

**619 & 615 Maple Avenue,
City of Burlington**

This letter is submitted on behalf of Welwyn Interests, who are the owners of the properties located at 619 & 625 Maple Avenue in the City of Burlington (herein referred to as the “subject properties” or “subject lands”). The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning and Development Council at the Statutory Public Information Meeting on February 27th, 2018 prior to being brought before Council for adoption on April 4th, 2018.

As per the proposed Official Plan, the subject lands are located within the “Residential Neighbourhood Area” (see Figure 1), and are designated as *Medium Density Residential* (see Figure 2). At this time, a range of medium density uses are being considered for these lands, including stacked townhouses that typically are at a higher density than the maximum permitted density within the Medium Density Residential designation policies.



Figure 1 — Schedule 'B' (Urban Structure) of the revised Official Plan with the location of the subject lands circled.

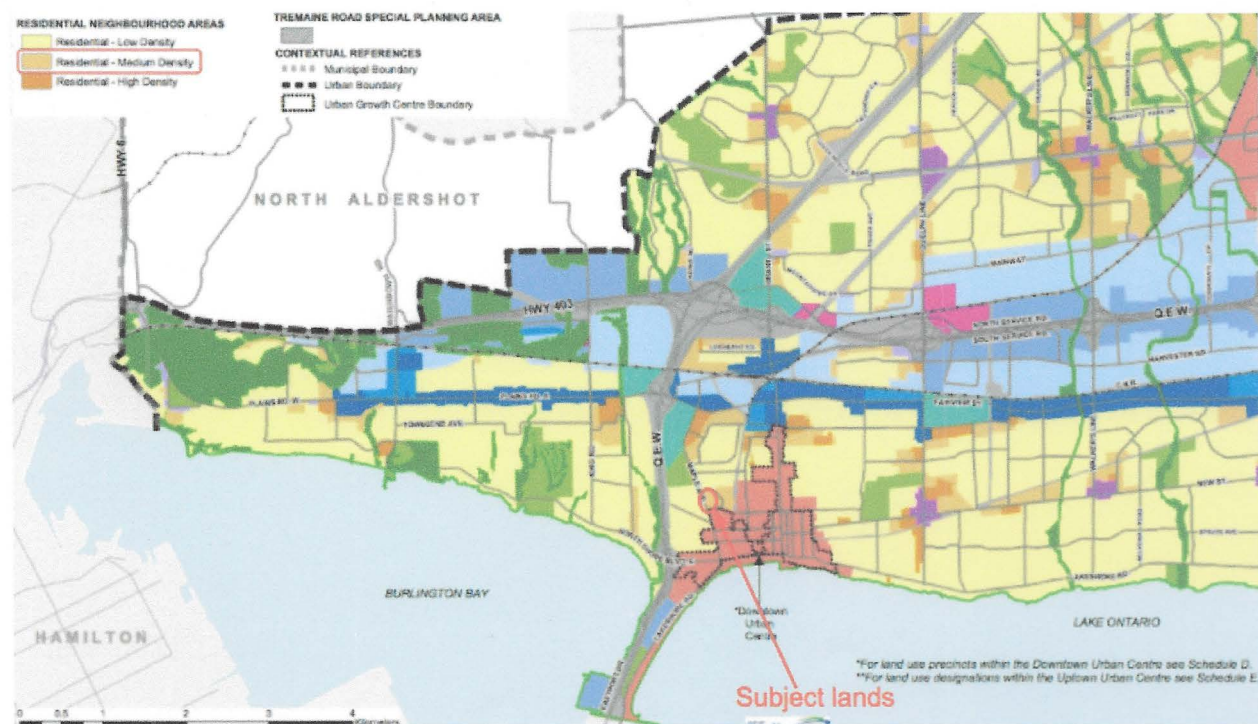


Figure 2 — Schedule 'D' (Land Use) of the revised Official Plan with the location of the subject lands circled.

The proposed policies as set out within the revised Proposed Official Plan would preclude any consideration of redevelopment of these lands for additional density (Section 2.4.2(3), while Section 12.1.1(3) also contains policies that would preclude any future Official Plan Amendment application on these lands for 2 years. It remains unclear how these policies encourage of support intensification and the creation of a broader range and mix of housing within the City on lands that are intended for additional units.

We would request that the City of Burlington consider revisions to these policies to permit this type of intensification.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor". The signature is fluid and cursive, with the first name "Ruth" and last name "Victor" clearly distinguishable.

Ruth Victor, MCIP RPP MRTPI



February 16, 2018

To: Planning and Development Committee

From: Frank McKeown BEDC

Re: Response to request from Committee

BEDC has been asked to respond to the question of whether the Downtown should be amended in the Draft Official Plan as an Innovation District.

BEDC does not believe that the designation of the Downtown as an Innovation District under the policy developed for the Innovation District and described in Section 5.3 of the draft Official Plan is appropriate.

1. The Innovation District policy framework is to support certain forms of intensification and employment in employment land areas. The policy creates the opportunity to provide these existing employment areas with amenities and services not currently envisioned in employment land policy.
2. The Downtown already has significantly more policy and options in place for employment development than are in the draft Innovation District policy. The Innovation District designation would not add any value from a policy perspective.

BEDC would like to also comment on the emerging policy changes to the Downtown as reflected in recent changes to Section 5.4.5 of the draft Official Plan. In this section, the Downtown is referred to as an economic development area which BEDC fully supports. Language has been proposed to include the statement "the Downtown is an employment focus area." BEDC suggests that this policy be reworded to reflect the policies of the Downtown found in Subsection 8.1.1(3) of the Official Plan. BEDC suggests the following revised wording for policies 5.4.5 a) and 5.4.5 b):

a) The Downtown is a **centre where jobs are found in focus of employment for the city.** ~~The Downtown is comprised of~~ a spectrum of major *public service facilities*, cultural and *institutional uses* as well as a wide range of *offices* and retail and *service commercial uses*. The Downtown Urban Growth Centre will see further intensification. There will be opportunities in the Urban Growth Centre to add new employment through mixed use development.

b) Over the long term, the Downtown Urban Growth Centre, also a *Mobility Hub*, will continue to contribute to **accommodating jobs and will** significantly contribute to meeting the City's economic objectives.





In summary:

1. BEDC does not support the designation of the Downtown as an Innovation District within the proposed Official Plan policy framework.
2. BEDC envisions the Downtown job level growing both in numbers and as a percentage of City employment.
3. BEDC notes that 90% plus of job growth will be outside the Downtown and that the type of job growth outside the Downtown will be different. (employment versus population based)
4. BEDC has recommended the development of a Burlington Brand. The concept of a Downtown District brand that reflects the Downtown's ambitions would be appropriate and of value.
5. BEDC is preparing a baseline update on the Downtown employment status in 2018 and will also be preparing a Downtown employment strategy as well as employment strategies for the other Mobility Hubs. BEDC would like to note that based on a detailed analysis of Downtown sites we continue to expect a residential/cultural orientated Downtown area.
6. BEDC is developing a post-secondary strategy for Burlington in 2018. There will certainly be Downtown considerations.
7. BEDC is working with and coordinating various studies with City Staff.

BEDC will be present at the February 27, 2018 continued Committee Meeting to answer any questions.

Regards,

Frank McKeown
Executive Director, BEDC
905.332.9415 Ext. 9215
frank.mckeown@burlington.ca



EMBEE

PROPERTIES LIMITED

88 Sheppard Avenue W, Suite 200
Toronto ON M2N 1M5
tel 416.250.5858
fax 416.250.5860

February 20, 2018

**VIA-E-MAIL
WITHOUT PREJUDICE**

Planning Department
City of Burlington
426 Brant Street
Burlington ON L7R 3Z6

Attention: Andrea Smith, MCIP, RPP
Manager of Policy and Research

Dear Ms. Smith:

Re: Proposed New Official Plan
Report Number PB-14-18
Statutory Public Meeting- February 27, 2018
File Number 505-08

Embee Properties Limited holds an ownership interest in Block 299, Plan 20M-1193, which is located at the north-east corner of Dundas Street and Palladium Way.

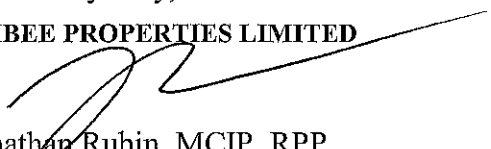
Further to our correspondence to the City dated November 28, 2017, attached herein, out of an abundance of caution, we must continue to object to the proposed designation of Block 299.

We look forward to working with City and Region staff to resolve this matter prior to the adoption of the proposed Official Plan scheduled for Spring 2018.

We request that we continue to receive written notice of any and all further actions by the City with regard to this matter.

Yours very truly,

EMBEE PROPERTIES LIMITED



Jonathan Rubin, MCIP, RPP
Phone: 416.250.5858 ext.34
E-mail: jonathan@embeeproperties.ca

cc: Mr. Hugo Rincon
Ms. Amber LaPointe

February 22, 2018

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

Attn: Leah Smith, Planning Department

Dear Ms. Smith:

RE: Burlington Official Plan

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

File 18356.00004

We are solicitors for Welwyn Interests Inc. (the “Client”), owners of properties located at 415, 419, 425, 431 Burlington Avenue and 1407, 1415, and 1421 Lakeshore Road, in the City of Burlington, (the “Site”). The Site is located at the north east corner of Burlington Avenue and Lakeshore Road.

Further to our correspondence dated November 29, 2017 and January 23, 2018, we continue to communicate to the City our concerns with respect to those policies within the proposed Official Plan (February 2018 version) that impact the redevelopment of the aforementioned Site.

As you may be aware, my client, through their planning consultant, has been working with City staff with respect to opportunities for the redevelopment of the Site and will continue to do so. However, we remain very concerned with the fact that we have not been privy to any of the background information or documents that purportedly support the policies which impact these lands. This includes, but is not limited to policy 8.1.1(3.8.2) which states:

“The policies of the Downtown Mid-Rise Residential Precinct Special Planning Area continue to be developed as part of the Downtown Area-Specific Plan. Additional policies and/or objectives may be added to this section, subject to the outcome of the area-specific plan process and incorporated as a part of this Plan and/or through a future amendment to this Plan”.

It is submitted that until the work on the Downtown Mid-Rise Residential Precinct Special Planning Area is completed and all studies have been released to the public for their review and comment, it is premature to come forward with any policies that impact these lands.

Doing so, in advance of the completion of this work and allowing all stakeholders with the opportunity to review and comment on the background work supporting the studies, undermines the planning process and the public's opportunity to participate therein.

This is particularly important as it relates to the context surrounding the subject lands and the fact that a portion of these lands are located within the Provincially designated Urban Growth Centre. In the absence of these particular studies, it is not possible for planning staff or the public to determine how the proposed policies affecting these lands are consistent with the Provincial Policy Statement, or how they conform to the Growth Plan.

We look forward to having the opportunity for further discussion with planning staff with respect to this Site.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Denise Baker

DB/mw

cc Client
Ruth Victor

11450822.1



RECEIVED

FEB 22 2018

City of Burlington
Planning Department

February 22, 2018

Delivered By Hand

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

Attention: Leah Smith, City Department

Dear Ms. Smith:

**Subject: New Draft Official Plan & Downtown Mobility Hub
Secondary/Precinct Plan**

This letter is further to correspondence and meetings with City Planning staff, our submissions to City Council and Planning and Development Committee and deputations made to the City in respect of the proposed Draft New Official Plan, the Downtown Mobility Hub Secondary/Precinct Plan and their impacts on the future redevelopment and intensification of our properties.

The City has continued its review of these planning documents and a series of revisions have been made to respond in part to a number of motions that City Council approved on January 29th, 2018. We understand that the revisions are included and reflected in the February 2018 version of the Draft New Official Plan (v3.0).

We must emphasize that we remain of the opinion that notwithstanding the revisions that have been made to the revised Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan, these revised planning documents fail to satisfy Provincial policy requirements and do not promote and facilitate the redevelopment and intensification of the City's only Urban Growth Centre. In fact, the recent modifications to the Plan resulting from a number of the approved and untested motions, compound our concerns.

The motions approved by City Council on January 29th, 2018 to modify the Official Plan were not thoroughly reviewed, considered or tested by City Planning staff. City Council has not, to the best of our knowledge, been provided with a professional planning analysis of the impacts and implications of the modifications. Nor have we been provided with the background studies that have

421 Brant Street, Suite 201, Burlington Ontario L7R 2G3

Phone 905.637.8888 Fax 905.333.9640

been prepared by the City and its consultants in respect of the Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan. It is unclear to us that the City fully understands the implications of the modifications to the Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan in the absence of planning advice from its professional planning staff.

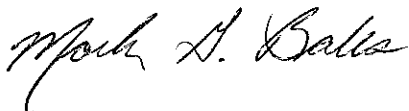
For example, policy changes have been made to the policies for the "Downtown Core Precinct" that effectively reduce the density within this one precinct alone by approximately 30 percent. We are of the opinion that this modification and several of the other approved motions further compound the inability of the new Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan to satisfy Provincial policy requirements.

We kindly request that City Council and Planning Committee seriously consider our comments and that the background studies and related material that we have requested for several months, be forwarded to us for review immediately. It is inappropriate for City Council to approve its most important statutory planning documents in the absence of a thorough understanding and analysis of the background studies and the testing of the proposed policies and designations at both city-wide and precinct levels.

We anticipate that we will have additional comments further our review of the background studies.

It is premature for City Council to approve the proposed Official Plan and the Downtown Mobility Hub Secondary/Precinct Plan.

Yours truly,
Carriage Gate Homes

A handwritten signature in cursive script, appearing to read "Mark G. Bales".

Mark, G. Bales, MCIP, RPP

February 22nd, 2018

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

Dear Mayor and Members of Council:

**Re: Revised Draft City of Burlington Official Plan
352, 348, & 344 Guelph Line and 353 & 359 St. Paul Street,
City of Burlington**

This letter is submitted on behalf of Welwyn Interests, who are the owners of the properties located at 352, 348, 344 Guelph Line and 353 & 359 St. Paul Street in the City of Burlington (herein referred to as the "subject properties" or "subject lands").

Our previous submission laid out concerns related to the designation of the subject lands under the proposed Burlington Official Plan, as the policies would have precluded any consideration of redevelopment of these lands for additional density in addition to prohibiting any Official Plan Amendment application for 2 years.

The revised Proposed Official Plan designates the subject lands as "Residential – High Density". Thus, our aforementioned concerns have been addressed; we appreciate the said changes and we will not be submitting any comments for the Statutory Public Meeting on February 27th 2018 as relates to this property.

Yours truly,



Ruth Victor, MCIP RPP MRTPI

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

February 22, 2018

Attn: Amber LaPointe, City Clerk

**Re: City of Burlington Draft Official Plan and Downtown Mobility Hub/Precinct Plan
Version 3 – February 2018**

Dear Ms. LaPointe:

Thank you for providing our Association with the opportunity to again comment on the City's Draft Official Plan. While we have made delegations at each of the public opportunities on the previous versions, please find below a summary of our main concerns:

- This important document was made available to the public less than two weeks ago. We have previously commented that the time allowed to provide detailed and appropriate comments on the draft is insufficient, and this concern remains. Given the time provided, we are only in a position to keep our comments high level, as there has not been sufficient time to provide the level of comments we prepared and submitted on Version 1 of the Draft OP
- One of our main concerns throughout the process, and which remains to date, is the lack of detail, and substantiation that this Draft OP will be in keeping with Provincial Policy requirements and those of the Growth Plan. We have



consistently asked that additional detail be provided and embedded within the OP itself, and we do not believe the City has gone far enough in this regard. This information is needed for all parties, not just our industry, to ensure a solid OP that has teeth if appealed, as the tests to be used in the future are those of these higher level provincial documents.

- We previously noted concerns about the “buckets” – how much of the growth would be directed to the various areas of the City. This concern remains unchanged. We have been advised that through the secondary planning processes, some of this information will be determined, then at a future date embedded into the OP through an amendment. However, we remain unconvinced that this, the “top down, then pausing for a bottom up approach” will be successful, as the aggregate of how the growth will be accommodated is not known.
- We previously noted concerns and made comments regarding the downtown mobility hub, in that it is an indicator of how this secondary planning process works – in previous delegations I noted that the background studies and substantiation had not been provided for what was at that time a very different version of the precinct plan. To date, this information remains unavailable after almost one year. We are therefore not able to determine if the plan is appropriate, in conformity with provincial documents, etc.
- This is further complicated by recent decisions made by Council to reduce and alter the Downtown mobility hub, without notice to our Industry that “on the fly” changes were being proposed, nor with any substantiation in planning that these changes are appropriate. We have since been advised that the time for discussing these changes has passed and that they are not up for discussion. This is of considerable concern to our members.

 A Spectra Energy Company	 Hamilton and Halton Region Hamilton-Halton Home Builders' Association			
 Hamilton and Halton Region Hamilton-Halton Home Builders' Association				
			 Hamilton and Halton Region Hamilton-Halton Home Builders' Association	
 Big enough to know. Small enough to care.				 Hamilton and Halton Region Hamilton-Halton Home Builders' Association

We have offered throughout the process to meet, discuss, and collaborate in an effort to “get it right”. The speed with which revision are expected to be reviewed, and the lack of response on key issues as noted above remains of grave concern to our membership.

We will continue to review the document in detail as time permits, before the intended date it is to be brought forward in its final form.

Thank you again for the opportunity to comment. If you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours sincerely,

Suzanne Mammel, MBA, CET
Executive Officer/Policy Director
Hamilton-Halton Home Builders' Association

Copy - Mary Lou Tanner, Deputy City Manager
 - Andrea Smith, Manager
 - Members of Planning Committee
 - Laurie LeBlanc, Deputy Minister, Ministry of Municipal Affairs and Housing

 A Spectra Energy Company	 Hamilton and Halton Region Hamilton-Halton Home Builders' Association			
 Hamilton and Halton Region Hamilton-Halton Home Builders' Association				
			 Hamilton and Halton Region Hamilton-Halton Home Builders' Association	
 Big enough to know. Small enough to care.				 Hamilton and Halton Region Hamilton-Halton Home Builders' Association

Daly, Laura

From: Hribljan, Michael [REDACTED]
Sent: Thursday, February 22, 2018 2:33 PM
To: Mailbox, OPReview
Cc: Meed Ward, Marianne
Subject: Burlington's Proposed Official Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mayor and Council,

Please accept these comments for receipt and consideration by City Council to consider as feedback prior to (not) adopting the new Official Plan.

It seems clear to me that we are between a rock and a hard spot. The current OP needs to be replaced, its dated and as seen by current rulings from the OMB the City has lost control of downtown development.

On the flip side we are burdened by the designation of a Mobility Hub that the province has placed on the downtown.

The designation of this mobility hub is driving densities higher than many would have ever imagined for the downtown resulting in "vertical sprawl", affecting the character of the core, and let's face it, the lifestyle of residences who have lived here for many years, paid taxes and elected you.

I spoke to your senior planners at the Open House, and there is no plan for what this downtown mobility hub entails, what it will cost, who will pay for it and is it even economically viable. How do we move people within in these densities and not exacerbate congestion? There is no plan to widen roadways, no plan for an LRT or subway. Bike lanes and more buses are not a plan.

We have intersections downtown that are above MTO capacity standards, your planning staff seem fine with this and do not see an issue if capacities go even higher. I was shocked as I see this as a safety issue.

Oakville has been successful in removing the designation of a mobility hub from its downtown, we must do the same!

I think the concept of any significant job growth in the core is not feasible which has been as one of the reasons to justify higher densities. Yes the downtown will support "boutique" type companies, but nothing substantial. Larger companies will not locate downtown when compared to the options along the service roads and major arterial roads in the city.

We are preparing an OP, about to approve an OP, but relying on functional studies and secondary plans to figure out the details. This is the traditional approach to planning, but I believe it does not work when dealing with a situation like the urban core where one is presented with many constraints. The OP is setting a significant growth trajectory in the core, functional studies then have to figure out how to "pick up the pieces", but unfortunately if the functional study says, the best option is to reduce density, that is no longer an option.

In closing, I understand the City needs a new OP because it appears the development industry is controlling our future. However, the concept of a downtown mobility hub is highly flawed and what many see as a "downtown congestion hub" amongst a canyon of glass and concrete.

Remove the downtown mobility hub designation, reduce the density to 200 p-j/ha in the core (the proposed OP is 300 p-j/ha) which meets the provincial targets, then you will have a plan that makes sense and what people can agree to.

Respectfully submitted,

Michael Hribljan

432 Swanson Court
Ward 2

Before printing a copy of this email, please consider the environment. This email and any attachments are confidential and intended for the named recipient or entity to which it is addressed only. If you are not the intended recipient, you are hereby notified that any review, re-transmission, or conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. Whilst all efforts are made to safeguard their content, emails are not secure and SUEZ cannot guarantee that attachments are virus free or compatible with your systems and does not accept liability in respect of viruses or computer problems experienced. SUEZ reserves the right to monitor all email communications through its internal and external networks

February 22, 2018
Good morning,

I am writing to voice my concern for the proposed Burlington Official Plan. Although I know it is necessary to conform to the Province's Growth Plan, it is imperative and certainly possible to have intensification without disturbing stable neighbourhoods.

Burlington is a city that prides itself on attracting Burlington citizens and other tourists to the shores of Lake Ontario. By directing growth and multi-storey buildings, often taller than required in the Downtown area, the City will be making a permanent and negative impact on an area unique to the municipality.

There will be negative impacts associated with the proposed plan: Loss of Biodiversity, Loss of Tree Canopy Cover and the loss of Heritage Homes that honour Downtown Burlington's past.

Biodiversity:

The shores of Lake Ontario in downtown Burlington are a vital stop for migrating birds in both the spring and fall.

Fewer trees and natural heritage will impact the resting station, habitat and food for these creatures. Tall buildings will result in loss of bird species due to fatal collisions at this important migratory stop.

Loss of Tree Canopy:

With intensification comes loss of mature tree canopy. No "replacement" of canopy will ever be as effective as preserving the current mature trees that exist in the Downtown.

Trees and the ecological services they provide attract homeowners and visitors to this area.

Invasive species like Emerald Ash Borer are already taking a toll on Burlington's Urban Forest.

Without shade and in particular the beauty of the trees, the character of the Downtown will be lost.

Heritage Homes: There should be acknowledgement and protection of Downtown Burlington's heritage homes, including their valuable trees and landscapes. To obliterate history and replace unique heritage buildings is short-sighted.

I urge Burlington Staff and Council to target intensification in Brownfield areas like the GO corridor. With affordable housing in this location, both greenfields and the Downtown Character area will be preserved. The added bonus is that building along the GO corridor will provide "transit first" access to its residents, which is a goal of the provincial government. Multi-storey buildings would be better suited to the GO corridor area. Keeping cars off the road and encouraging

use of public transit is a win-win-win situation.

As a resident of rural North Burlington, I welcome intensification but not at a cost of gutting the Downtown core with inappropriate development, not in keeping with the vision and character of the current Downtown.

With a strong vision of Downtown Burlington, Staff and Council should shape the Downtown in keeping with that shared vision. Developers have a job to do, but their business opportunities should not override the vision of the City's residents.

Choose the right development in the right place.

Karen Brock
2213 Forest Hill, Burlington, ON

February 21, 2018

“Via E-Mail”

debbie.hordyk@burlington.ca

The City Clerk
The City of Burlington
426 Brant Street
P. O. Box 5013
Burlington, Ontario
L7R 3Z6

Dear Sir/Madame:

Re: Meridian Brick Canada Ltd. - Burlington Official Plan Review

We represent Meridian Brick Canada Ltd. Our client is the owner of several aggregate resource quarries in the City of Burlington and has a brick making plant in the City.

Our client's primary interest is with respect to aggregate resource policies.

We would be obliged if you would notify us, in advance, of any meetings of the Council or the Planning Committee when a Recommendation Report from your staff is being presented to committee or Council for adoption so that we have an opportunity to review any proposed aggregate resource policies.

Thank you in advance for your response to this request.

Yours truly,

DAVIS WEBB LLP


Ronald K. Webb, Q.C.

RKW:lb

c.c. Mr. Patrick Kelly
Mr. Robert Campolo
Mr. Jack Hewitt
Mr. Robert Long
Mr. John Armstrong
Ms. Hannah Bahmanpour

Daly, Laura

From: Tom Betty.muir [REDACTED]
Sent: Thursday, February 22, 2018 12:13 PM
To: Mailbox, OPReview; Smith, Leah
Subject: Comments to Feb. 27 Statutory Meeting on proposed OP - Planning and Development Committee: Attn. Leah Smith.

To: Planning and Development Committee

From: Tom Muir, Resident.

Subject: Comments to Statutory Meeting of Feb. 27/18, on proposed OP.

Dear Councilors,

I have provided several comment submissions on this subject previously, and am unable to attend the Feb. 27 meeting in person. Please accept this additional brief comment for the record.

I have been bothered that several applications have used the OP provisions associated with policies that allow OP and bylaw amendments that ask for General land uses, for example, "Mixed Use Corridor - General", to be amended to "Site Specific, or ".Special Site", and zoning bylaws to be amended from those permitted to "Exception".

I do not have time at the moment to provide the details of all the specific cases I refer to, and the consequences, but I raise this issue as reflecting my familiarity and study of several applications that use this policy choice.

Rather, with this submission, my intention is to raise it as an issue that warrants attention.

I think that it entails serious pitfalls, and needs to be reviewed closely, and revised to remove developer incentives to use it to try and get innumerable variances, amendments, and non-compliance specifications with the base OP and zoning by-law permissions that normally pertain to the development application.

In specific examples, such as 484 Plains Rd E., this allows the applicant to ask for many amendments to change (decrease or increase as relevant) many permissions for heights, FAR, density, setbacks, parking standards, amenity areas, greenspace, and so on, that are not in compliance with the OP and bylaws as nominally written.

I am concerned that this device allows developers to turn every application into an argument, and an arbitrary negotiation, attempting to get more than what the OP permissions are as written and intended to apply.

To me, this means that the OP is turned into an outright bargaining instrument, and not in keeping with an objective rules document intended to control and plan how the city develops.

The purpose of the objectivity of the rules is to restrict and limit arbitrariness, and argument, in any development application the developer chooses to apply this provision as an application choice.

For example, the proposed OP states that height variances under "Site Specific" and "Exception" variances "are to be discouraged". In fact, at present the existing OP and zoning bylaws are in force, and recent applications and approvals have requested amendments such as these, with variances requested to practically everything, to this OP, and many go beyond permissions contained in the proposed OP.

So in fact, rather than "discouraged", such application specific requests are being "encouraged", and in some cases have been approved - 421 Brant St, 35 Plains Rd. E., 92 PLains Rd. E (application), 484 Plains Rd (application), and 2100 Brant St (application).

The clearest example of the shakey ground this kind of thinking in the planning documents is the recent OMB decision on the ADI development on Martha St. This decision overrides both the existing OP and the proposed OP.

This clearly shows the subjective and arbitrary way in which both OPs are being systematically ignored and undermined.

I think that this is, and will be in the future, subject to abuse and will result in over-development, over-intensification and lack of objective compatibility that the planning rules are supposed to achieve.

If each application is considered on a site specific basis then the planning control intentions of the OP are lost in a sort of arbitrary interpretation, redundant argumentation, and chaos. If the developers choose to apply under this basis, the objectivity goes out the window, as the developers can easily find a consultant to write a planning justification biased to support the applications.

I don't have confidence that the city Planning Dept. or Council is equipped or capable of dealing with this situation in an objective, enforce the OP rules way.

The big question is whether the OP is a substantive, in force and effect document, or is it just a fake, a feckless tool, that allows shortcuts through loopholes that allow the circumvention of the underlying, as presented, document provisions and permissions.

This is the kind of thing that undermines public confidence in the integrity of the way that planning decisions based on the existing or proposed OPs are being upheld. If they are not, then that's why people are asking, why bother having an OP?

Thank you,

Tom Muir

70 Townsend Ave Burlington.

From: Peters, Kim (MNRF) [mailto:Kim.Peters@ontario.ca]
Sent: Thursday, February 22, 2018 5:11 PM
To: Smith, Leah
Cc: Ramsay, Debbie (MNRF)
Subject: RE: Burlington's Proposed New Official Plan - February 2018

Hi Leah,

I have reviewed the February 2018 draft of the City's OP, and have a few minor comments:

Section 2.2.3 Provincial Plan Boundaries and Concepts

NEC staff notes that paragraph (a) in this section quotes the purpose of the NEP, and includes the following terms in italics: *natural environment*, *development*, and *compatible*. Please note that these terms are defined in the NEP and/or the *Niagara Escarpment Planning and Development Act* (NEPDA). Therefore, it is the NEP definitions that are applicable, and not those found within the proposed OP. NEC staff suggests that this be corrected by removing the italics and including a footnote that explains that the NEP/NEPDA definitions apply.

Section 4.2.4 Environmental Impact Assessments

NEC staff would appreciate the inclusion of the NEC as one of the consulted agencies (where applicable) under points (a), (b)(i) and (e). This would be in keeping with Parts 2.6.3 and 2.7.6 of the NEP, which require a natural heritage evaluation and/or a hydrologic evaluation for development that has the potential to result in a negative impact on a key hydrologic or key natural heritage feature. Therefore, it is appropriate to include the NEC as one of the agencies to be consulted and/or satisfied by the EIA, if applicable (i.e., if the development is proposed within a Niagara Escarpment Development Control area). It is noted that the NEC is included in points (d) and (h) in this Section.

Section 9.1.3 Site-Specific Policies

It is noted that under point (a), the word "development" is in italics. It is being used in the context of the NEP "Development Criteria." Since it is not used in reference to the City's definition of "development," NEC staff recommends that the italics be removed.

Section 12.1.19 Niagara Escarpment Plan Area

NEC has the same concerns noted above regarding the italicized use of "development."

Please note that I did not review the mapping in detail to determine if NEP designations have been mapped correctly. However, if the City has used the data available through Land Information Ontario, it should be up to date.

Thanks for the opportunity to comment,

Kim

Kim Peters, MCIP, RPP
Senior Strategic Advisor



Niagara Escarpment Commission

An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-6425

Website: www.escarpment.org

Daly, Laura

From: Jack O'Brien [REDACTED]
Sent: Thursday, February 22, 2018 3:41 PM
To: Mailbox, OPReview
Subject: Re: City of Burlington's Proposed New Official Plan Process Update - February 21, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I wish to submit the following comments regarding the new Official Plan

1- Can the city purchase the current Waterfront Hotel Property to be converted to parkland as an extension of Spencer Smith ?

Other North-South Corridors end in a "Window on the Lake".

As Burlington's "main street" Brant Street should end in a vista - not a building, and the lake should be clearly visible from Fairview all the way down.

If the escarpment is protected, the lake should be too - especially at this key vantage point - and the park extension should anchor the downtown.

We need a vision here - not just a reaction to what developers want.

2- The block between Brant and Elizabeth, along Lakeshore and up to Pine should be declared a "Waterfront special Precinct", or should be part of the Bates (max 3 stories) Precinct.

A 17 storey building there is a terrible idea which nobody likes. It is an incredibly bad concept.

This is probably the most important corner in the downtown and should be treated as such. It should be a city gathering place.

Permitting a condo there does the citizens a disservice and shows a lack of imagination... not to speak of blocking the sun and the view.

Create something interesting instead of just reacting to developers wishes.

Consider Chicago's waterfront where visionary planning occurred. A wide sidewalk in front of a high tower doesn't do it in that location.

Instead create a "Pedestrian Amenities Zone" which has eateries, shops, and patios all oriented toward the lake to attract businesses and visitors. Underground parking could be an option, along with bicycle rentals and walking/sitting/viewing areas to create a dynamic waterfront area. That way Brant Street would have a gateway to the lake instead of 2 towers on either side .

Even the old bank could make a statement, the heritage building would fit in, and interesting architecture, fountains, etc would attract people to the core.

Think about putting a trolley stop in that area and provide free transportation up and down Brant to alleviate all that traffic congestion. (Other cities do it)

3 - 24 stories across from city hall is ridiculous.

It simply validates the 23 storey approval that was a big mistake.

4 - Preserve those precious few areas at the base of Brant and do something creative that will make Burlington continue to stand out

Lots of development of high towers will occur along James, Martha, Guelph and New, and Fairview.

So stop messing up the core so close to the lake.

Elaine O'Brien

On Feb 21, 2018, at 4:48 PM, Mailbox, OPReview <newop@burlington.ca> wrote:

Good afternoon,

As a stakeholder who has been involved in the Official Plan Review and now the new Official Plan Project, this notice is provided for your information.

If you do not want to receive further updates on the new Official Plan Project, please respond to newop@burlington.ca with the word "unsubscribe" in the subject line.

Sincerely,

The Official Plan team

NOTICE OF STATUTORY PUBLIC MEETING BURLINGTON'S PROPOSED NEW OFFICIAL PLAN (February 2018)

February 21, 2018

Reminder!

Statutory Public Meeting

The purpose of the Statutory Public Meeting is to provide the public with the opportunity to provide comments to City Council on the proposed new Official Plan (February 2018), and for council to consider the feedback prior to adopting the new Official Plan.

A Statutory Public Meeting will be held on:

Tuesday, Feb. 27, 2018

1 p.m. and 6:30 p.m.

City Hall, Council Chambers - Level 2, 426 Brant St.

This meeting is open to the public and is available in an online webcast. Delegations are not required to register in advance to speak. Individuals who would like to register in advance, can register online or call 905-335-7600, ext. 7413.

You can access the proposed new Official Plan (February 2018), and other background information, at www.burlington.ca/newop.

Where to submit comments - TOMORROW!

Please forward your comments on the proposed new Official Plan (February 2018) to the attention of Leah Smith, Planning Department, City of Burlington, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6, or by email to newop@burlington.ca by no later than 4:30p.m. on **Thursday February 22, 2018**, if you want your comments received by the Planning and Development Committee at this public meeting.

KEEP IN TOUCH

For more information on the Official Plan Project and how you can get involved...

- Visit our Official Plan Project
- Contact us: newop@burlington.ca or 905-335-7642

Sincerely,

The Official Plan team

As a subscriber to this email list we would like to advise:

Personal Information Collection Notice

Please note that personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. The City of Burlington collects this information in order to make informed decisions about planning issues. Personal information will be used to inform you of public involvement opportunities, and to provide you with Official Plan Project updates. Questions about this collection should be directed to: Andrea Smith, Manager of Policy and Research, Planning and Building Department, City of Burlington, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6 at 905-335-7600, Ext. 7385

NOTE:

If you do not wish to receive further notice of the City of Burlington's New Official Plan, please select the One-Click Unsubscribe link below. Thank you.

Should you make a submission on the proposed new Official Plan we would like to advise:

Personal Information Collection Notice

Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. The City of Burlington collects this information in order to make informed decisions about planning issues and to notify interested parties of City Council's decision as well as the Region of Halton's decision, and to serve you notice of an Ontario Municipal Board hearing. Under the Planning Act, this information is considered part of the public record and will be disclosed, including personal information. Personal information (including your name, address, and comments) may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting, and made part of the public record which may be available for public disclosure to members of the public, at the meeting, through requests or through the City of Burlington website, unless you expressly request the City of Burlington to remove your personal information. Questions about this collection and disclosure should be directed to: Andrea Smith, Manager of Policy and Research, Planning and Building Department, City of Burlington, 426 Brant St, P.O. Box 5013, Burlington, Ontario, L7R 3Z6 at 905-335-7600, Ext. 7385

<image001.jpg>

This message, including any attachments, is privileged and intended only for the addressee(s) named above. If you are not the intended recipient, you must not read, use or disseminate the information contained in this email/fax. If you have received this email/fax transmission in error, please notify the sender immediately by telephone, fax or email and permanently delete this email from your computer/shred this fax, including any attachments, without making a copy. Access to this email/fax by anyone else is unauthorized. Thank you.

Bob Osborne
701 Rambo Cres.
Burlington, On
L7R 2L2

To: Leah Smith

Date: February 19, 2018

Comments on Draft Burlington Official Plan

I have reviewed various Official Plan (OP) materials, attended or watched relevant Planning and Development Committee meetings and made a written submission to the Committee dated January 30, 2018. I also attended the February 15 open house at City Hall.

I submit the following comments on the draft OP for your consideration.

The Use of Artists' Renderings of Streetscapes

Many have expressed the value of using artists' renderings of streetscapes to illustrate various elements of the OP. I agree with their value and recall providing some on-line comments on various streetscapes last year.

Going forward I suggest that all renderings, whether presented by city staff or development proponents, present a 360 degree view of the concept being presented. For example, what will a number of tall buildings in the downtown area look like from Spencer Smith or Martha Street near Lions Park? What will a tall or mid-rise building look like when viewed from an adjacent residential property?

Cumulative Impact of Developments

Neither the draft OP nor supporting materials that I have seen document how policy statements presented in Sections 7.0 and 8.0 were applied in an assessment of cumulative impacts of the ultimate build out. An assessment of cumulative impacts should be available in the public forum. While the impacts of individual developments may be manageable an understanding of the cumulative impacts of areas designated for intensification is essential prior to OP adoption.

Capacity of Blocks Identified for Downtown Intensification

The capacity (in terms of building heights) of individual blocks in the downtown area designated for intensification was determined through an assessment process that is not documented. Alignment with draft policy statements presented in Sections 7.0 and 8.0 should have formed part of this assessment.

On the surface the subjectivity of policy statements in these sections does not support the current level of granularity of the Downtown Urban Centre plan and supporting maps. There is a step missing. The block by block assessments of the areas designated for intensification and criteria used to determine site capacity should be available to the public.

Documentation of these assessments would contribute to the level of confidence in intensification decisions that have been made in advance of completing relevant studies and guidelines.

7.0 Design Excellence

Some thoughts related to specific sections:

7.1.2 e) "Development proponents may be required to prepare and implement an urban design brief to the satisfaction of the City, prepared by a qualified person, that demonstrates how the proposed development meets the policies of this Plan and addresses the relevant design guidelines."

To ensure transparency this section should be amended to require proponents to prepare an urban design brief. In addition the design brief should be developed with public input from the adjacent neighbourhood.

7.1.2 f) The Terms of Reference for the Urban Design Advisory Panel should include a requirement for some level of public consultation.

7.3.2 Existing Community Areas; 7.3.2 (1) Primary and Secondary Growth Areas; 7.3.2 (2) Established Neighbourhood Areas.

These sections set out a broad range of expectations to be applied to developments. In some cases the subjectivity of the stated expectations opens the door to future debate. When and how will an acceptable level of shadowing, wind effects, traffic etc. be determined? Are there existing studies in the literature that can be used to provide standards for evaluating these impacts?

7.3.2 a viii) This section currently reads "implementing measures that adequately limit any resulting shadowing, and uncomfortable wind conditions on the streetscape, neighbouring properties, parks and open spaces and natural areas;"

I note that use of the word "adverse" appeared in the previous draft but was eliminated in this draft. Adverse Effects are defined in Chapter 13 and this definition should be referenced in this section. In particular, this section should require that use and enjoyment of property must also be considered when evaluating developments. Use and enjoyment of property is included in the definition of Adverse Effects.

Upper Brant Precinct – Block S2

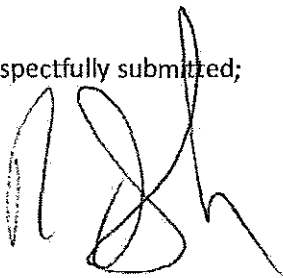
This block, Brant Street between Blairholm and Rambo, was the subject of my January 30, 2018 letter which addressed the issue of compatibility with abutting residential properties. The letter, which is attached for information, outlined how City staff and neighbours, worked together to arrive at a solution to address compatibility concerns. The current OP permitted buildings up to six stories in this block. This was reduced to three stories through by-law exception MXG 180.

The draft OP would permit buildings of six to eight stories. I have attached an illustration of what a six story building, if constructed in this block, would look like from an abutting property. The illustration uses actual measurements from an existing structure on Brant Street to an existing residential fence. The six story building used in the illustration is located in Burlington.

The illustration and supporting data demonstrate how unlikely it would be for a six to eight story building to be compatible with the adjacent residential area. I invite City staff to visit our neighbourhood to get a firsthand view of this challenging situation.

I would be happy to meet with City staff to review my thoughts. Thank you for your consideration.

Respectfully submitted;

A handwritten signature in black ink, appearing to be 'Bob Osborne', written over the typed name.

Bob Osborne

Attach Illustration of six story building in S2

Jan 30 letter to Planning and Development Committee

Illustration: Six Story Building Located in Brant Street Block S2

This photo illustrates what the view of a six story building in the Upper Brant Precinct Block S2 would be from the backyard fence of an adjacent residential property.



Relevant Data

Brant Street lot depth – 37 m

Distance from existing structure on Brant Street to residential fence on Rambo Cres. – 8.67 m

Distance from existing structure on Brant Street to rear of residence – 20 m

Photo (above) of the six story building is taken from ground-level 9 m from the building.

Angle from residential fence to top of building (assuming building is 20 m – 5m ground floor and 3 m each additional floor) – 60 degrees

This residence has a south facing back yard. The Solar Altitude in Burlington does not exceed 60 degrees from late August to Late April. (National Research Council of Canada).

Bob Osborne
701 Rambo Cres.
Burlington, On
L7R 2L2

To: Planning and Development Committee

Cc: Amber LaPointe, Committee Clerk

Bill Janssen, Director of Department of City Building – Planning, Building & Culture

Marianne Meed Ward, Councillor, Ward 2

Date: January 30, 2018 (for consideration February 6, 2018 Item 5.1)

Re: Proposed changes to draft Official Plan Downtown Mobility Hub policies – Upper Brant Precinct

Planning and Development Committee:

I either attended or watched delegations and Committee discussion related to the draft Downtown Mobility Hub Official Plan on January 23 and 24. Unfortunately I will not be able to attend on February 6 when you address the Upper Brant Precinct which is adjacent to our home on Rambo Crescent.

I submit the following for your consideration.

The Issue: Compatibility with Adjacent Uses (in the Draft Plan)

The proposed permissible heights of 6 to 8 stories on the east side of the 691-713 block of Brant Street (area 6 on the Downtown Mobility Hub Concept Plan at Buildout) are not compatible with abutting single family residential properties on Rambo Crescent. A similar potential conflict with single family residential properties on the 597-693 block of Locust Street is mitigated with the 3 story limit on the west side of the that block on Brant Street.

Current Situation:

Rambo Crescent is the first street east of the 691-713 block of Brant. Twelve homes are located on it. A thirteenth home at 2021 Blairholm has a driveway providing access to Rambo. This home used to front on Brant Street (until a previous owner severed the property) and is the Ogg-Blair house. Mr. John Blair was a former Reeve of Burlington and Warden of Halton County. This home is designated under the Ontario Heritage Act.

The current Official Plan includes 2.2.1 Objective (g) "To require new residential development to be compatible with surrounding properties." Similar compatibility clauses apply to other uses throughout the plan. Compatibility objectives are included in the new draft plan Section 8.3.1 (a) "....also ensuring

that new development achieves compatibility and integration within existing residential neighbourhoods".

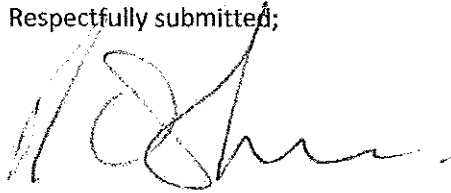
The east side of Brant Street was designated Mixed-Use under the current Official Plan with a maximum height of 6 stories. Working together, neighbours and the Planning Department negotiated an exception (MXG 180) to permissible heights reducing the maximum to 3 stories or 9 m above the elevation of the curb of Brant Street.

Request:

That the single family residences on Rambo Crescent abutting the east side of the 691-713 block of Brant Street be afforded the same consideration as the single family residences on the 597-693 block of Locust abutting the west side of the that block of Brant.

This can be achieved by replacing the 6 to 8 story heights included in the current draft with the previously negotiated 3 story limit. The potential impacts on Locust and on Rambo would be mitigated in a consistent manner.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'Bob Osborne', written over a horizontal line.

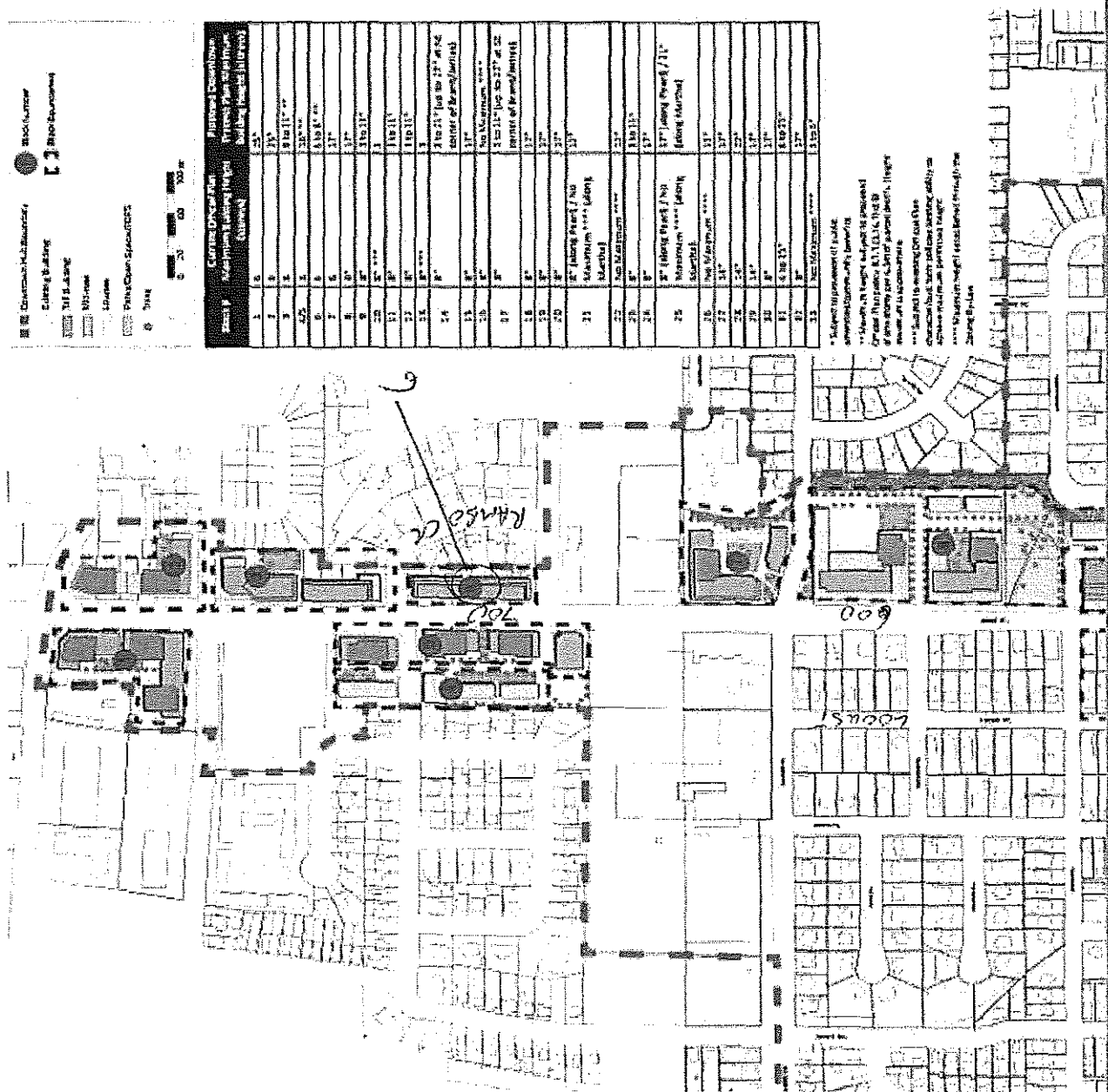
Bob Osborne

Attachments – Downtown Mobility Hub Concept Plan at Buildout

Exception MXG 180

DOWNTOWN MOBILITY HUB CONCEPT PLAN

AT BUILDOUT (Block Diagram)





Scott Snider
Professional Corporation
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

Via email newop@burlington.ca

February 22, 2018

City of Burlington
Community Development Committee
c/o Planning Department
Attn: Leah Smith
426 Brant Street, PO Box 5013
Burlington, Ontario L7R 3Z6

Dear Ms. Smith;

Re: Burlington's Proposed New Official Plan (February, 2018)
Statutory Public Meeting
Paletta International Corporation/Penta Properties Inc.
Our File Nos. 13122 & 13282

We are counsel to Paletta International Corporation/ Penta Properties ("Penta") in this matter.

Penta has been active in the review of the proposed Official Plan. Mr. Pitblado, Penta's Director of Real Estate Development, has provided detailed comments on behalf of Penta on several occasions, the latest being in November, 2017. These comments have been provided in detailed spreadsheets that identify the applicable policy and Penta's concerns with the policy.

Staff's response to Penta's November submissions was not released until Friday of last week. As a result, our client has had very little time to review the responses in the context of the February, 2018 draft Official Plan. Nevertheless, Mr. Pitblado was able to update Penta's spreadsheet to reflect changes that appear to have been introduced through the latest draft of the Official Plan. The updated spreadsheet is attached. On that front – our simple request is that Staff be directed to continue to meet with Mr. Pitblado to address Penta's concerns. There are a number of technical issues, including apparent mapping, errors that should be able to be resolved through discussion.

Bronte Creek Meadows:

As Committee is well aware, our client owns a large, vacant site north of Mainway, west of Burloak Drive and south of Upper Middle Road known as Bronte Creek Meadows (“BCM”). The Official Plan proposes to designate BCM as “General Employment” (outside of the natural heritage system). As you know, our client has consistently objected to the designation of BCM for employment uses given its history and location.

As Committee is also aware, our client appealed the employment designation in the Region’s Official Plan (ROPA 38). This appeal remains outstanding. The principle reason for delaying any hearing into Penta’s appeal of the ROPA 38 designation was to allow ongoing discussions with the City to continue to see if there could be some resolution of the disparate visions for BCM.

We note that BCM is identified as one of the City’s “Strategic Economic Development Areas”. Policy 5.4.2 calls for the development of an “area – specific plan”. Our client is certainly prepared to participate in the development of an area specific plan for BCM assuming it is not limited exclusively to employment uses. Penta understands that the City anticipates that there will indeed be employment uses on BCM. At the same time, if there is to be any hope of a resolution that is feasible and will result in actual development on the site, there must also be some other uses that would contribute to a *complete community*.

In this regard, while uncomfortable with the focus on employment uses, our client is nevertheless heartened by the reference to the “...focus for innovative employment uses as part of a *complete community*...” in Policy 5.4.2. Penta would support the City’s land use policies being directed by the findings of the proposed area – specific plan as a general procedural concept. The details of that area – specific plan would, of course, flow from the area-specific planning process.

The difficulty is this: if the City’s plan is approved simply designating all of BCM as “General Employment”, the area-specific plan will be unnecessarily and inappropriately curtailed, limiting and in fact frustrating any opportunity for the development of a *complete community*. The reason for this relates to the *Growth Plan* (2017). Policy 2.2.5(7)(a) of the *Growth Plan* requires that lands designated exclusively as employment areas prohibit residential uses. Since the City is proposing to designate BCM as “General Employment”, it is very likely that the area-specific plan would be limited only to employment uses.

There will be no resolution of the BCM land use regime if it is limited to employment uses only. This is not what we believe is contemplated by the proposed area-specific plan for BCM.

We do not expect the City to designate BCM for non-employment purposes at this time. However, nor should the City adopt a designation that will certainly lead to unresolved conflict and a vacant site that contributes nothing to the City’s growth and development.

This can be resolved by instead identifying BCM as a Special Planning Area as the City has done for the Tremaine Road lands. (See Policy 12.1.4(2)). As you know, our client has consistently raised objections to the approval of the Evergreen Community Secondary Plan until the City fulfills the commitment it made to the Ontario Municipal Board to review the designation of BCM in the context of a wider review of the City's lands. We are also attaching letters directed to the City dated May 9, 2017 and February 16, 2016 which explain this relationship in more detail.

As with the proposed Tremaine Road Special Planning Area, the planning for BCM should be directed by the findings of the area-specific planning study. This will allow the BCM study to properly consider all land uses that would contribute to a *complete community*. This would also be consistent with the outstanding appeal of the employment designations in ROPA 38.

There is an opportunity to fulfill the City's commitment to the Board and to conduct a full and appropriate area-specific planning study that will finally resolve the land use planning structure for BCM. We urge Council to take this opportunity and not to prematurely limit it by adopting an employment land use designation that would prevent consideration of any other uses.

Yours truly,



Scott Snider

ssnd
13122\232

cc: Angelo Paletta
Dave Pitblado

City of Burlington

Official Plan Review - Comments

February 2018

Section	Official Plan Text	Comments / Concerns
1.4.2.(c)	A City That Grows: Accommodates population and employment growth through development and intensification within targeted locations of the city's Urban Area.	4480 Paletta Court is located within one of these targeted intensification locations, being the Appleby GO Mobility Hub. With the recent fire destroying the building, we proposed a development concept that would accommodate both population growth and employment growth, yet were denied. If this City truly wants to "Grow Bold", it's time to stop finding reasons to stop re-development, and start embracing these opportunities as they arise.
2.2.1.(d)	Non-farm development in the Rural Area shall be directed to existing Rural Settlement Areas.	This policy fails to respect the definition of "development", or address existing rural lots of record outside of Rural Settlement Areas, where landowners still have a right to undertake certain forms of development, such as building an addition onto their homes.
2.2.2.(d)	The Green System depicts the network of green spaces that runs through the city's Urban Area, Rural Area and North Aldershot. It is a critical component of the healthy and environmentally sustainable city. The Green System is made up of three components: the Natural Heritage System land use designation; the Major Parks and Open Space land use designation which are designated within settlement areas; and other parks in the Urban Area such as Neighbourhood Parks, Parkettes and Special Resource Areas. The policies that apply to the Green System are found in the corresponding land use designation.	We still question the need for another layer of designation above and beyond those that already exist. In reading this Official Plan as a whole, there is hardly any reference to this Green System, and practically no benefit to anyone by adding this new layer of designation.
2.2.3.(d).(i)	The Urban Boundary represents the fixed boundary that identifies the Urban Area. Changes to the Urban Boundary may only be considered through a municipal comprehensive review and are not intended or permitted within the planning horizon of this Plan.	Delete "and are not intended or permitted within the planning horizon of this Plan." We appreciate no boundary expansions are currently being planned, but why not at least leave yourselves open to that possibility if circumstances within the planning horizon of this Plan change, and suddenly warrant such consideration?

2.2.3.(d).(ii)	The Delineated Built Boundary represents the fixed boundary that identifies the Delineated Built-Up Area, which constitutes the developed Urban Area of the municipality...	The Delineated Built Boundary mapping contained within the schedules of this Official Plan do not show Bronte Creek Meadows, 1200 King Road, or our Appleby & 407 plaza correctly. All three are either developed or surrounded by development with services available, within the urban area, and should be included within the built boundary.
2.3	The Urban Structure is composed of six major components: 1. Mixed Use Intensification Areas; 2. Areas of Employment; 3. Residential Neighbourhood Areas; 4. Natural Heritage System, Major Parks and Open Space; 5. Mineral Resource Extraction Area; and 6. Infrastructure and Transportation Corridors.	The Green System is not mentioned, adding to our thought that it is a redundant term that does nothing beyond adding an extra layer of designation and confusion.
2.3.1.(i)	Mobility Hubs.	Mobility Hubs are being planned as the major intensification areas within the urban area, where significant growth can be supported. Consideration must therefore be given to prioritizing the City's needs within the urban area over potential environmental constraints, when feasible. There's also a statement that "These are emerging areas in the Urban Structure that represent opportunities to intensify and develop complete communities", however if you look at the concept plan for the Appleby Go Mobility Hub as an example, what's being proposed is far from a complete community. A nearly fully employment designated mobility hub does nothing to promote the concept of complete communities.
2.3.5.(b)	The Natural Heritage System is made up of natural heritage features and areas, such as woodlands and wetlands, and the linkages and interrelationships among them, and with the surrounding landscape. Major Parks and Open Space includes Community Parks, City Parks, and other public and private open space lands.	How is this significantly different than the Green System, to warrant the need for a Green System designation on top of it?

2.4.2.(b)	The Growth Framework shall not apply to undeveloped areas outside of the Delineated Built Boundary...	Why not? The last few remaining vacant properties within Burlington's Urban Boundary are shown outside of the Delineated Built Boundary in Region of Halton's Official Plan (ie. Bronte Creek Meadows, 1200 King Road). Why would the Growth Framework not apply to these properties, which represent major development and economic opportunity to the City? The west half of 1200 King Road is within the Aldershot Mobility Hub, an identified Primary Growth Area, yet this policy states the Growth Framework shall not apply? This doesn't make sense. Why aren't these properties within the Built Boundary in the first place?
3.1.1.(1).(a)	To ensure that a sufficient supply of suitably designated and serviced land is available to accommodate residential growth to meet existing and future housing needs.	Where does the City currently have serviced "land" available to accommodate residential growth, given that the City is essentially built out? Bronte Creek Meadows and Eagle Heights may be this City's only remaining pieces of land that could achieve this policy, if ever allowed to develop in such a manner.
3.1.1.(2)(l)	The City will encourage a mix of housing forms. However, the city's existing areas of Residential Low-Density shall be considered sufficient to contribute towards that component of the mix.	This does not reflect market needs. What is the impact of this policy on development applications that propose additional low density residential housing?
3.1.3	Housing Affordability	What's considered "affordable" anymore within the GTA, where high land values, market supply and demand forces, and ever-increasing property taxes, development charges, application fees, planning studies, red-tape delays, etc... dictate the value of new homes? Is "affordable" not a relative term?
3.2.1.(d)	To support the development of a city-wide Post Secondary Institution Strategy.	How long will this take? When will it begin? In meetings with City planning staff we've been told they want to undertake this study before determining appropriate uses at Bronte Creek Meadows. While this will put in place a strategy, what if in reality there is no desire from the Post Secondary Institution community to come to Burlington? Will lands be designated and placed on hold indefinitely, just like the employment lands that remain vacant for decades?

3.2.2.(d)	Major places of worship shall not be permitted within an Area of Employment with the exception of lands designated Urban Corridor Employment Lands.	Why not? Many places of worship double as community centres, meeting rooms, day cares, etc... to ensure use through all 7 days of the week as a more economical use of new buildings. This city has ample vacant employment land that could be used for this purpose.
3.2.2.(g).(ii)	The City will initiate the preparation of a comprehensive, City-wide Post Secondary Institution Strategy that will consider, at a minimum: (ii) an analysis and discussion of the relative strengths and opportunities related to the potential to accommodate a post-secondary institution in Primary Growth Areas, including the Downtown or Mobility Hubs or areas within the Designated Greenfield Area.	How long will this take? When will it begin? In meetings with City planning staff we've been told they want to undertake this study before determining appropriate uses at Bronte Creek Meadows. While this will put in place a strategy, what if in reality there is no desire from the Post Secondary Institution community to come to Burlington? Will lands be designated and placed on hold indefinitely, just like the employment lands that remain vacant for decades?
4.2	Natural Heritage System	Again, how is this significantly different than the Green System to a degree that warrants the inclusion of an additional Green System designation? How was the NHS area mapping completed? We do not agree that the NHS mapping is correct on several of our properties.
4.2.1.(g)	To maintain, restore and enhance Key Natural Features, without limiting the ability of existing agricultural uses to continue.	Delete the word "existing". Prime agricultural land is at a premium but for a variety of reasons, properties may be left fallow for periods of time as part of normal farm practices. Will these fallow periods jeopardize the landowner's claim that agricultural uses continue to exist? In our experience, the answer is yes.
4.2.1.(o)	To provide opportunities for non-intensive recreation uses within the Natural Heritage System, where appropriate.	The unfortunate and unintended consequence of this policy is that it encourages illegal trespassing onto private property and farmland, where people feel they can do whatever they want, go wherever they want, and damage whatever they want, all on property that they do not own. Rural property owner rights are infringed upon every day because of policies like this one.

4.2.2.(j)	Existing agricultural operations are a permitted use within the Key Natural Features and can continue.	Sounds great in theory, but doesn't really work that way. As part of normal farming practice, land must be periodically left fallow in order to regenerate. In practice, once a property is left fallow, it is interpreted by government authorities as no longer being an active or existing agricultural operation. If a certain bird or salamander species happens to be seen anywhere near the property, the ability to farm this property is lost. We have agricultural land that has been actively farmed for nearly a century, yet after leaving it fallow for a limited period and then trying to farm it again, we were issued Stop Work Orders and threatened with fines if we dare tried to farm our farmland. We lost 40 acres of designated Prime Agricultural Area, all because we let the property go fallow as part of normal farm practices, and have been fighting the Provincial Government for the past 5 years unsuccessfully to try to farm our land. The word "existing" should be deleted.
4.2.2.(k).(i).(c)	The City shall apply a systems based approach to development and site alteration within and adjacent to the City's Natural Heritage System, including the development of permitted uses, by: prohibiting development and site alteration within: the habitat of endangered species and threatened species in accordance with Provincial and Federal legislation or regulations.	The entire rural area provides potential habitat for one endangered species or another, that doesn't mean those species actually live there. Placing prohibition on development and site alteration over the entire rural area (Natural Heritage System) will end agriculture as we know it. Ploughing a farm field has been interpreted as "site alteration" by Provincial authorities, as evidenced by our experience in the example given above, where ploughing our designated Prime Agricultural Area would result in fines and possible imprisonment.
4.2.2.(k).(ii)	...not permitting development or site alteration within or adjacent to the City's Natural Heritage System that requires an Environmental Impact Assessment (EIA) under Subsection 4.2.4 of this Plan, unless it has been demonstrated through an EIA or equivalent study that there will be no negative impact on the City's Natural Heritage System...	The "no negative impact" test is not appropriate given its subjective nature. Any development or site alteration could be argued to have a negative impact depending on a person's point of view. It should be a matter of identifying the impact, and then determining if/how compensation may be provided to mitigate that impact.

4.2.2.(m).(ii)	The designation of land as part of the Natural Heritage System does not imply that the City intends to purchase those lands.	Arguably, by designating private lands as NHS and enforcing what can and cannot be done on that property, the City does have an interest in those lands. In cases where such enforcement strips the property rights of owner, leaving them with no opportunity to use their property as they intended, the City should be required to purchase the property, or at least waiving any and all property taxes. This is expropriation without compensation.
4.2.3.(c)	While the Greenbelt's Natural Heritage System and the City's Natural Heritage System have different sets of planning policies, they complement each other and together implement the City's vision of a sustainable Natural Heritage System...	Let's not forget the Region of Halton's Natural Heritage System policies, or Conservation Halton's policies, or the Niagara Escarpment policies, or the Ministry of Natural Resources, policies, or the Ministry of Environment's policies... all of which can be different, and are cause for great confusion for landowners trying to cut through the red tape when trying to submit a development application. Why does there need to be this many different sets of policies essentially enforcing the same thing, and this many different sets of approvals, applications, fees, etc...? A small forest of trees is needed for all the paperwork that gets generated in the interest of protecting the environment.
4.2.3.(i)	Notwithstanding Subsection 4.2.3 h) of this Plan, a minimum vegetation protection zone thirty (30) m wide shall be required for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, measured from the outside boundary of the Key Natural Feature.	Policy 4.2.3.(h) identifies the need for an Environmental Impact Assessment (EIA) for any development proposed within 120m of a Key Natural Feature for the purpose of identifying a vegetation protection zone. Why then is an arbitrary 30m minimum protection zone dictated without the benefit of the EIA? If the City already knows that 30m is needed, why make the proponent spend thousands of dollars on a report which, even if it recommends a zone of 15m, is still going to be enforced at 30m? Either eliminate the need for an EIA, or let the EIA dictate what zone is appropriate under the site specific circumstances.
4.2.3.(j)	Notwithstanding Subsection 4.2.3.h) of this Plan, new agricultural uses shall be required to provide a thirty (30) m vegetation protection zone from a Key Natural Feature...	The danger with this policy is that over time, that 30m protection zone will naturalize and grow to become part of the Key Natural Feature, at which point a new 30m protection zone will be implemented, and over time, the farmable land will continue to shrink until it's no longer a viable farm property. This is the real impact when Natural Heritage System is given priority over agriculture. No such buffers or protection zones should apply to agricultural uses.

4.2.4.(i)	Conditions may be placed on any proposed development to restore the natural character of degraded components of the City's Natural Heritage System.	This is not reasonable unless the degraded components of the City's Natural Heritage System were caused by the development proponent.
4.2.5.(b)	If a development application involves lands in or adjacent to the Natural Heritage System that is determined should be protected the City shall seek, through the development approval process, the dedication of those lands and associated buffer lands to the City, Conservation Halton...	What if a landowner does not want to dedicate their buffer lands free of charge? Development land is at a premium and isn't cheap, so what gives the City the right to just take it? At minimum, this land should at least count towards parkland dedication, which it currently doesn't.
4.2.5.(e)	Consents may be permitted to enable the securement of lands for conservation purposes or to support the Bruce Trail by a public authority or a non-government conservation organization... provided that the severance does not result in the creation of a new developable non-farm lot outside the Rural Settlement Areas.	Why is this a bad thing if it results in a public agency securing desirable land? Why is the creation of a developable non-farm lot under these circumstances perceived as such a negative that it would eliminate any chance of these agencies gaining land? Isn't that a good thing?
4.3.2.(f)	Replacement and compensation planting requirements shall consider on-site tree removals that occurred prior to and after the submission of a development application.	How long prior is this policy going to consider? Will consideration also be given to who did the tree removals (ie. previous land owner), and whether those trees were legally removed as part of normal farm practice? If trees were legally removed, they should not be considered as part of this policy.
4.4.2.3.(g)	As a condition of development approval, the City shall normally require the dedication of hazardous lands from the greater of the floodplain hazard, or the valley through with the watercourse flows, including a conservation setback from stable top of bank, floodplain hazard, or meander belt allowance. Dedication of these lands shall not be considered part of parkland dedication.	Why not? Any land for preservation purposes and public use/benefit that the City takes from the landowner (excluding roads) should count towards the parkland dedication requirement.

4.7	Some land may be contaminated as a result of past or present land uses... In order to determine no adverse effects prior to permitting development on these sites, confirmation regarding the level of contamination is required to ensure that they are suitable or have been made suitable for the proposed use...	This wording requires the landowner to incur significant remediation expenses before even finding out if re-development is possible. Wording should be added such that "confirmation regarding the level of contamination is required to ensure that they are suitable or have been made suitable, or can be made suitable for the proposed use. If the property owner hires a consultant who writes a report documenting the necessary remediation efforts, that should be sufficient for the sake of proceeding with development applications. The actual remediation work would then become a condition of approval, whereby the landowner could invest the money knowing that the ultimate development proposal is approved.
5.1.2.(b).(ii)	The City will promote economic development and competitiveness and the development of complete communities by: focusing primarily in Areas of Employment and on employment growth in mixed use intensification areas...	Bronte Creek Meadows is not located in a mixed use intensification area, and therefore will not be the focus of the City's employment growth, yet is effectively being sterilized because of the City's continued insistence that this entire property be retained for employment uses, when the employment community has already made it very clear that this property is not desirable for such uses.
5.1.2.(c)	The city's identified Mobility Hubs shall be planned to accommodate employment uses which are compatible with other sensitive land uses and contribute to the development of vibrant, mixed use and transit supportive areas.	We proposed exactly this at 4480 Paletta Court, and were told no. This property is within the Appleby Go Mobility Hub, would contain office space compatible with the proposed residential above, is located a short walk to the Appleby Line bus routes and GO station, and would result in a vibrant mixed use development. The policies prohibiting ANY residential within employment areas needs to be re-reviewed, as opportunities such as the one we're proposing could be a significant benefit to Burlington.
5.1.2.(d)	Major office and appropriate major institutional development shall be located in the Urban Growth Centres or major transit station areas also identified as the City's Mobility Hubs, with existing or planned higher order transit service.	Bronte Creek Meadows is not located in an urban growth centre, nor a major transit station area, nor a Mobility Hub, so why does the City continue to insist that this property remain vacant indefinitely for major office or major institutional development, when neither have shown any prospect of ever happening?

5.2	The city has a finite supply of lands within the Area of Employment and it is critical that the City adopt a policy framework with protects that supply from unwanted conversion from employment lands to non-employment use. The City will need to maintain it's supply of land within the Area of Employment...	The City's own studies have demonstrated that there is in fact a surplus of employment land. While we agree that viable employment land should be carefully considered, non-viable land, land which is not desirable for employment uses as demonstrated by decades of being on the market with no interest, should be considered for alternative uses. Bronte Creek Meadows is over 300 acres of vacant land within the urban area that could be generating millions of dollars of income for the city, which instead remains vacant farmland surrounded by urban development on 3 sides, and the environmentally sensitive Bronte Creek Provincial Park on the other.
5.2.2.(b)	It is recognized that all lands within the Area of Employment Overlay are necessary to achieve a significant component of the employment forecasts for the city...	The City's own studies have demonstrated that there is in fact a surplus of employment land.
5.4.1.(b)	Development in close proximity to the Appleby GO should be transit supportive and consider opportunities to facilitate walking and cycling.	All development can be transit supportive if transit exists in the area, which is under the City's control. All development can provide opportunities to facilitate walking and cycling, if the infrastructure exists beyond the property boundaries, which again is under the City's control. For Appleby GO, which has limited residential nearby, the majority of users will continue to require a car. As part of the development of this area as a Mobility Hub, high density residential and mixed uses should be included to bring in a population that will use transit, walking, and cycling options. The current concept plans do not show this, particularly north of the railway tracks.
5.4.1.(c)	In the long term, support for development for employment uses within this corridor will be critical to re-invest, intensify development and increase the number of jobs.	Our proposal for 4480 Paletta Court achieved all of these goals, however rather than offering "support" for this "critical" re-investment opportunity, we were faced with nothing but opposition.
5.4.1.(d)	The QEW Corridor will be the focus of the development of a long-term employment intensification study containing strategies to support development and re-investment.	This is not consistent with our experience when discussing our proposed re-development of 4480 (and 4450) Paletta Court. We are prepared to re-invest in these properties and provide more employment opportunities than exist today, but are being told no.

5.4.2.(a)	The employment function of Bronte Creek Meadows is a priority for the City. This area will be a focus for innovative employment uses as part of a complete community and in accordance with this Plan and the City's Strategic Plan.	This property is not in a Primary Growth Area, is not within a Mobility Hub, is not along the QEW Corridor, and has displayed absolutely no desirability for employment uses for decades, yet for some reason it remains a "priority" for the City? It is time to change the thinking, and consider alternative uses (ie. mixed use/residential), otherwise this property will remain vacant for decades to come, costing the city losses of millions of dollars in property taxes and development charges that could otherwise be collected. This also fails to take into consideration the 2009 Minutes of Settlement that stated the City would consider alternative uses for this property.
5.4.2.(b)	In the near term, this area should be guided by the development of an area-specific plan.	The City can spend all the money it wants on studies, that does not change the reality that the BCM property is not desirable for employment uses. When is this Area-Specific Plan being developed, and will the landowner have any involvement? We've been hearing about this for years, but nothing ever happens. In the likely event that even after the City goes to the time and expense of preparing this Area-Specific Plan the property remains undesirable for the uses the City wants, then what? This is over 300 acres of underutilized land within the urban boundary. At what point can alternative uses be considered on at least a portion of this property? The City is losing millions of dollars every year by not having this property develop.
5.4.2.(c).(iv)	The area-specific plan will be prepared in accordance with the policies of Subsection 12.1.3 of this Plan and will at a minimum, consider the following: future land use that focuses on employment uses.	Same comments as before, this property just is not desirable from an employment perspective as evidenced by its continued vacant state. Strong efforts have been made by the landowner and BEDC to try and convince employers to come to this property, and in each and every case, they've determined that the property is not desirable. The prospective buyers/tenants just had no interest in this location.
5.4.3	A significant area of the 403 West Corridor will be considered as part of the area specific plan for the Aldershot Mobility Hub.	Please identify this "significant area". Why does the City need to complete both an area specific plan AND a Mobility Hub plan in this area, or is it the same plan?
5.5.1	Objectives of the Agricultural System	Add an objective to the effect "To promote a proper balance between Agriculture and NHS when NHS policies negatively impact farming within Prime Agricultural Areas."

6.2.2.1.(b)	To provide adequate capacity to meet local transportation needs...	Yet you've already indicated that the City has no intention of widening roads to increase capacity. Where is this additional capacity going to come from? Many roads already don't have adequate capacity to meet existing needs.
6.2.2.2.(j) & (k)	Within the Rural Area as shown on Schedule A - City System, of this Plan, all new, expanded and reconstructed transportation facilities shall incorporate context sensitive design and shall be planned, designed and constructed in accordance with Subsection 6.1.2.h) of this Plan. New public rights-of-way established through the subdivision of large parcels shall be designed in a manner which provides for safe and efficient pedestrian and transit connections.	What is the purpose of this policy? Private landowners cannot develop subdivisions in the rural area in a manner whereby new public roads will be required. If by remote chance a new road does someday get constructed in the rural area, is there really any need to give consideration to pedestrian traffic and transit connections? How many pedestrians do you expect to see walking around in the rural area?
6.2.4	Active Transportation.	The way Burlington was laid out does not lend itself well to major active transportation goals, particularly north of QEW. Active transportation may become more prevalent as mixed-use re-development takes place over the coming decades, but for now and the foreseeable future the automobile will remain the mode of travel most heavily relied upon. Canadian winter will also place limits upon active transportation initiatives. Of course active transportation should be encouraged, but not at the detriment to automobile users that make up the majority of the population.
6.2.10.1.(c)	To reduce traffic congestion, parking supply needs, and demand for parking spaces by encouraging non-automobile modes of travel.	Is Burlington prepared to allow the high density residential and mixed use development that is needed to provide scenarios where residents can live, work and play all within a distance that encourages non-automobile modes of travel? This requires a new way of thinking, and an acceptance of increased building heights and densities well beyond what may be popular.
6.2.10.2.(b).(ii)	The Transportation Demand Management (TDM) Plan shall: identify design and/or program elements to reduce single occupancy vehicle use.	What does this mean? QEW already has HOV lanes, is the City considering something similar for City streets?

6.5.1.(d)	To recognize, as a built-out municipality, the importance of remaining competitive at attracting new development.	This Official Plan has been given the title "Grow Bold", which suggests progressive thinking towards doing just that. Unfortunately in reading this Official Plan, it doesn't do that. It is filled with layers upon layers of red tape and regulations that frustrate development and make developers look elsewhere to invest. During the course of the preparation of this Official Plan alone we have discussed several major development opportunities, to no avail. If Burlington is to remain competitive it needs to find solutions, not road blocks.
6.5.2.(g)	To the extent that land is available within the Urban Area, the City will provide adequate opportunities for new development, consistent with the policies of this Plan, in a timely and efficient manner.	Our experience with several of our properties suggests otherwise.
7.3.2.(a).(vi)	Designing and orienting development in predominant locations such as corner lots, view terminus lots, and lots facing public open spaces to contribute to the public realm and pedestrian environment, provide definition at these locations and contribute to a distinctive community design.	The problem with many of these urban design comments, including this one, is that they are subjective. In our experience the landowner's opinion often is treated as secondary to the plans examiner's opinion. Opinion based policies like these are very frustrating to developers.
7.3.2.(1).(a)	In Primary and Secondary Growth Area... Development will be conceived not only in terms of how the site, building, facades and other architectural attributes fit within the existing or planned context and relate to the public realm, but also how they promote and contribute towards achieving urban design and architectural excellence.	Same comment as above. Who's "conceiving" development proposals, the developer or the City? What does "architectural excellence" mean, and who judges? Who's opinion matters most?
7.3.2.(3).(a)	In Employment Growth Areas... development should ensure land use compatibility between the lands designated for employment and adjacent land uses.	Hasn't the City already done this in designating the Employment Growth Areas? If employment is not a compatible land use with the adjacent land uses, then why are they designated for employment in the first place?
8.1.1.2.(m)	Development proponents may be required by the City to prepare an area specific plan prior to the development of Urban Centre areas...	At who's expense? Area Specific Plans are the municipality's responsibility, not the development proponent's. If the City wants an Area Specific Plan completed, then the City should be undertaking that work immediately so as not to delay or frustrate development potential.

8.1.1.(3.2).(j)	In development containing both retail and service commercial uses at grade and residential uses, office uses or uses accessory to residential should be required as an intermediary use between areas of a building or floors containing retail and service commercial uses and residential uses to minimize to the potential adverse effects...	By adding more employment use to areas not currently identified as employment, or taken into consideration in the employment land needs analysis, will that allow for other unused and undesirable employment land (such as Bronte Creek Meadows) to be removed from the employment land designation, and developed as some other use? Employment growth in the future will be vertical as opposed to the traditional ground related form that required protection of designated land acreage.
8.1.1(3.12.1).c	Development shall not exceed a height of twenty-two(22) storeys.	What makes 22 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this. From the ground, the difference between 22 storeys and 30 storeys is negligible.
8.1.2.(1).(a)	To develop area specific plans for each of Burlington's mobility hubs.	Is that work not already underway and nearing completion in 2018, or is this going to be another round of study after the current mobility hub study is completed? What's the timeframe?
8.1.2.(1).(d)	To establish the mobility hubs as areas largely characterized by mixed use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night within the mobility hubs.	Our proposed concept plan for the re-development of 4480 Paletta Court would meet all of these goals, yet we were told no. If Burlington wants to "Grow Bold" it needs to start seizing these opportunities that are few and far between. Instead of a vibrant mixed-use development, the property may sit vacant and unused for decades.
8.1.2.(1).(k)	To provide opportunities for a range of small and medium-scale retail and service commercial uses that serve the needs of residents and employees in the mobility hub.	Our proposed re-development concept for 4480 Paletta Court did exactly that, yet we were told this would not be permitted.
8.1.2.(1).(l)	To encourage the accommodation of a diverse range of household sizes and incomes in mobility hubs.	How does this apply to the Appleby GO Mobility Hub, where the City is currently showing no residential on its concept plan north of the railway tracks?
8.1.2.(1).(m)	To ensure the provision of a range of open spaces and connections.	Our proposed re-development concept for 4480 Paletta Court did exactly that, yet we were told this would not be permitted.
8.1.3.(3.2).(d)	The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed twelve (12) storeys.	What makes 12 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this.

8.1.3.(3.3).(b)	On the lands designated "Mixed Use Commercial Centre" on the east side of Appleby Line, south of Highway 407, and identified as 3215 Appleby Line and 3270 Harrison Crescent, the following additional policies apply...	This section goes on to discuss permitted uses, prohibited uses, and square footage caps. Why is the City prohibiting residential uses, supermarkets/grocery stores, department stores, warehouse clubs, and retailing of non-work related apparel within this Mixed Use Commercial Centre? Given the prime location near Appleby Line & Hwy 407, these uses should be permitted.
8.1.3.(4.2).(e)	The City will encourage a minimum building height of two (2) storeys and the maximum building height shall be six (6) storeys.	Development in Urban Corridor areas shall be designed to incorporate a compatible and intense mix of retail, office, employment and residential uses, and amenities and public service facilities. Placing an arbitrary cap of 6 storeys (or 11 storeys as in 8.1.3.4.2.(f)) limits the potential for this "intense mix" of uses.
8.1.3.(7.2).(g)	The minimum building height shall be two (2) storeys and the maximum building height shall not exceed six (6) storeys.	Why cap building height at 6 storeys along Urban Corridors? If circumstances allow, additional height should be permitted. The more flexibility the better, subject of course to appropriate checks and balances.
8.1.3.(7.3).(b)	Site specific policies for 4415 Fairview Street	As stated, this property is within the Appleby GO Mobility Hub, therefore why does this Plan prohibit residential uses and supermarket/grocery store uses? Why is it generally recognized for lower intensity retail development? Why are individual retail uses capped at a maximum of 3000sq.m? This is all contradictory to the strategy behind Mobility Hubs, and represents the old way of thinking. The preferred concept plan also shows a proposed park on this property, which we strongly disagree with.

8.1.3.8.3.(a)	Site specific policies for 1200 King Road	It is well known that Aldershot needs a new grocery store, why would the City prohibit a grocery store on this large undeveloped property, a portion of which is within the Mobility Hub where significant residential and mixed use development is planned? The City's construction of the South Service Road would create an ideal scenario for a supermarket in connection with the greater development of this property as a whole. And why prohibit a large building supply store? Also, the current zoning allows for a 9,000 seat arena. We request that this be increased in the Official Plan site specific policies to allow for 18,000 to 20,000 seats. We are currently bound by confidentiality, but we are working on a major recreation, entertainment, sports project that already fits the zoning, but the arena needs to have larger capacity.
8.2.1.(a)	It is the general intent of this Plan that this supply shall not be reduced through re-designation of employment lands to permit non-employment uses.	Even though the City's Land Needs Study demonstrated a surplus of employment land, and even though the comprehensive review process allows for re-designation requests, the City has already put it's foot down and closed the door on any opportunity for re-designation, even in cases where there would undeniably be positive outcomes for the City? Is this good planning?
8.2.1.(d)	To support intensification through development of employment lands.	We proposed a mixed-use development at 4480 Paletta Court that would achieve this, yet were told no.
8.2.3.(3).(d).(i)	Re. 1200 King Road: recreation use and entertainment uses, including a sports arena and/or stadium, shall be permitted only up to a maximum seating capacity of nine thousand (9,000) persons. Any recreation use or entertainment use(s) with a seating capacity in excess of nine thousand (9,000) persons shall require a further amendment to this Plan.	We request that this be increased in the Official Plan site specific policies to allow for 18,000 to 20,000 seats. We are currently bound by confidentiality, but we are working on a major recreation, entertainment, sports project that already fits the zoning, but the arena needs to have larger capacity. Having to take the time to request an additional Official Plan amendment may jeopardize this opportunity.
8.2.3.3.(d).(iv)	Re. 1200 King Road and a condition on the permitted sports arena/stadium. "The proposed east-west service road extending from Waterdown Road to King Road has received all applicable approvals to permit its construction."	We have made the draft plan application and this now sits with City of Burlington. If Burlington fails to grant the approval for this road, why should the landowner lose the right for this sports arena/stadium which is permitted in the Zoning By-Law? This policy should be deleted.
8.4.1.(1).(j)	To provide opportunities for non-intensive recreation uses within the City's Natural Heritage System, where appropriate.	The City's Natural Heritage System includes privately owned lands. This policy may inadvertently encourage illegal trespassing.

8.7.1.(1).(b)	To restrict new accessory drive-throughs in specific Mixed Use Intensification Areas which are intended to accommodate higher intensity developments...	Why place such a restriction on drive-thrus? Burlington is and will remain for a very long time car-dependent, therefore there is still substantial demand for the convenience that drive-thrus offer.
9.1.1.(a)	To maintain the open, rural landscape character of the Rural Area, with agriculture and natural heritage as compatible and complementary uses.	Agriculture should not be considered "compatible" or "complementary" in the rural area, it should be considered the primary use, with everything else being either compatible and/or complementary to agriculture.
9.1.1.(b)	To enable the agricultural industry to adapt and grow.	Hard to do when the NHS regulations continually override agriculture, and the setbacks and buffers keep encroaching further and further into agricultural land, and the mere presence of certain birds or salamanders makes farming no longer possible on Prime Agricultural Land. While we know municipal and regional planners disagree completely with the farm operators, the NHS policies at all levels are strangling agricultural operations and making agriculture more and more difficult.
9.2	The City's Agricultural Policies are designed to develop and maintain a permanently secure, economically viable Agricultural System while protecting the rural, open space character and landscape of the Rural Area.	Same comments as above re. 9.1.1.(b)
9.2.1.(a).(iv)	To support and enhance the economic health and long term viability of the Agricultural System by: protecting farms from activities and land uses that are not compatible with agriculture and would limit agricultural productivity or efficiency.	The NHS is one of the greatest threats to the Agricultural System, as NHS regulations continually override agriculture, reducing the amount of farmable land.
9.2.3.(a).(ii)	Subject to the other policies of this Plan, the applicable policies of the Greenbelt Plan and Niagara Escarpment Plan, the following uses may be permitted within the Agricultural Area designation: (ii) Normal farm practices	Should that not state normal farm practices SHALL or WILL be permitted within the Agricultural Area designation? This policy is evidence whereby in reality, agriculture is not given the priority it deserves to exist and continue in the Rural Area.
9.2.4.(b)	The Prime Agricultural Areas... include lands in the City's Agricultural Area and Natural Heritage System designations. Together these lands support and advance the goal to maintain a permanently secure economically viable agricultural industry...	Due to the enforcement of policies such as this whereby Natural Heritage regulations take precedent over agricultural policies, we had 40 acres of designated Prime Agricultural land that we could no longer farm without threat of fines and/or imprisonment. Agriculture must be given priority over natural heritage system on Prime Agricultural Areas.

9.3.1.(b) & (c)	To support agriculture as a complementary and compatible use in those parts of the City's Natural Heritage System outside Key Natural Features. TO recognize and support agriculture as a primary activity within Prime Agricultural Areas in the City's Natural Heritage System...	Same comment as above re. 9.2.4.(b)
9.3.1.(n)	To provide opportunities for outdoor non-intensive recreation uses within the City's Natural Heritage System, where appropriate.	The unfortunate and unintended consequence of this policy is that it encourages illegal trespassing onto private property and farmland, where people feel they can do whatever they want, go wherever they want, and damage whatever they want, all on property that they do not own. Rural property owner rights are infringed upon every day because of policies like this one.
9.3.2.(c)	The following uses may be permitted within the City's Natural Heritage System subject to other policies of this plan and to the applicable policies of The Greenbelt Plan and The Niagara Escarpment Plan: (i) existing agricultural operations; (iii) normal farm practices.	Object to the word "may" be permitted. If the agricultural operation is existing, it "shall" or "will" be permitted as of right. Let's not forget that most of the rural area farm land has been farmed for the past century, well before the government started introducing restrictive NHS policies and NEC designation labels.
9.5.3.(b)	Maximum dwelling sizes may be determined by the City and the Region of Halton, based on hydrogeological concerns, visual impact and compatibility with adjacent land uses and community character.	This is somewhat unfair to the purchaser of a rural settlement area lot, who may have purchased the lot with a particular home design in mind, only to find out after the fact that the City or Region may restrict the size of the house because of "other factors". How does a purchaser do their due diligence in this case, for something that may or may not be an issue, without spending tens of thousands of dollars on studies and drawings BEFORE buying the lot?
10.3	North Aldershot - General	Should there not be site specific policies for Eagle Heights that respect the OMB and development approvals already in place? In general, and rather than listing them point by point, we object to any policies within this Official Plan that may contradict what was previously approved by the OMB. And given that there is an ongoing OMB appeal on this file, is it appropriate to put policies into place at this time that may not be consistent with the ultimate OMB Decision? This applies to ALL policies within section 10 - North Aldershot.
10.3.2.(x)	Maximum building height shall not exceed three (3) storeys and shall not extend above the tree canopy.	Is this policy appropriate given that we have an active application for Eagle Heights before the OMB that proposes cluster homes that may exceed 3 storeys?

10.4	North Aldershot - Land Use Designations - Residential Areas	Does this section of policies apply to Eagle Heights, which is before the OMB? If so, we have objections as these are not necessarily consistent with the plans for this subdivision. For example, 10.4.1.(3) states that cluster residential development is restricted to a maximum of six (6) attached units in any one building. Our plan proposes cluster homes exceeding 6 units.
10.5	Sub-Area Policies	The policies break out the various development pods in Eagle Heights into "Sub-Areas", and dictate the maximum number of residential units permitted in each. We have an active application that exceeds these maximum number of units. There are also policies regarding "Building Envelope Control" that should be deleted, given that this additional requirement was not identified in the OMB Decision. This goes back to my earlier comment, should there not be site specific policies for Eagle Heights that respect existing approvals and the current application, OR, wait until the current application receives the OMB Decision before putting these policies in place?
10.5.1.(1).(i)	The degraded valley feature between Sub-Areas 1 and 6 should be rehabilitated.	What does this mean? By whom? Is that valley not already in a natural state?
10.5.1.(2).(h)	The existing drainage feature east of Woodview School shall be preserved and the natural vegetation pattern restored.	What does this mean? This area is farmed, and the "natural vegetation pattern" has never been altered. What needs to be restored? We disagree with the need for this policy.
10.7.2	Site Plan Control	We do not agree with the additional requirement for Site Plan Control for the lots in Eagle Heights.
11.2.1.(l).(v)	The City will employ appropriate tools and techniques that are consistent with the intended consultation and engagement goals of a given land use planning matter. Where the goal of the engagement is to: (v) Empower: the City will place final decision making power in the hands of the public, through utilizing tools and techniques suitable for empowering the public including, but not limited to, citizen juries, ballots, and Council delegated decisions.	Very misleading and inappropriate policy. This gives the impression that land use planning matters will be voted on by the public, which is not the case. Council has been elected to make these decisions on behalf of the public.
11.3.1.(a).(xi)	...where a development application is deemed to have a potentially significant impact, the City may require an expanded public consultation process, including additional neighbourhood meetings.	What does this do to application processing timeframes? The Planning Act still requires municipalities to make a decision within a specified number of days from the date an application is deemed complete.

12.1.3.(2).(a)	The policies of this Plan identify areas of the city where area-specific plans are required to appropriately guide development.	When will these area-specific plans be finalized, and what happens of a landowner submits an application ahead of the completion of the area-specific plans?
12.1.3.(3)	Support studies will be required as part of the area-specific planning process, and will be completed to the satisfaction of the City...	Given the statement made in 12.1.3.(2).(c), which states "Area-Specific Plans will be prepared by the City", are we correctly interpreting 12.1.3.(3) by understanding that these support studies will now be undertaken and prepared by the City, at the City's expense? Given that this work will now be completed by the City, will development applications submitted in areas where there is a completed Area-Specific Plan need to duplicate the work that the City will have already done?
12.1.12.4.1.(c)	Severance of surplus farm dwelling policies	Do not agree with the requirement that the surplus farm dwelling be built and occupied since December 16, 2004. The age of the house has no bearing on whether or not it is deemed surplus at the time of the property transaction. Similarly we do not agree that the lot retained for agricultural use be a minimum of 20ha in size. The size of the property has no bearing on whether or not the home is deemed surplus at the time of the property transaction. Also object to the requirement to apply for the severance within 2 years of property acquisition, and the need for the home to be occupied for not less than 10 years. None of these requirements have any bearing on a landowners who deems the house to be surplus to the farming operation. These requirements are simply to discourage these types of severances, which is why we object.
Definition of "Complete Communities"	Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.	2.3.1.(i) states that Mobility Hubs are emerging areas in the Urban Structure that represent opportunities to intensify and develop complete communities. Our proposed development concept for 4480 and 4450 Paletta Court (Appleby GO Mobility Hub) would go a long way in helping Burlington achieve these goals, yet we were told no. If the City truly wants to achieve the goals it sets out in this Official Plan, it's time to start thinking outside the box, and finding ways to make things happen and siezing oportunities instead of falling back on the simple answer of "no". "No" does not attract new investment in our city.

Definition of "Right to Farm"	The right of a farmer to lawfully pursue agriculture in areas where agriculture is permitted by this Plan.	Sounds great in theory, but other agencies are enforcing this differently. As previously mentioned, we had over 40 acres of designated Prime Agricultural Area in rural Burlington that had been farmed for nearly a century that we could not farm anymore without facing threats of fines and/or imprisonment, all because of conflicting NHS policies and the potential that a salamander might possibly walk across the field once in March or April. There are major conflicts between NHS and Agriculture that have been expressed many times to all levels of government, yet the government has done nothing to assist. There is a failure to see or acknowledge the real impact of these policies that they claim are intended to help farmers.
Schedule A	City System	c) Green System is not shown accurately on Bronte Creek Meadows, 1200 King Road, Eagle Heights, or our rural farm properties.
		e) Properties fronting Dundas Street at 3075, 3095 and 3151 Dundas Street are incorrectly shown as "Green System". Should simply be shown as Rural Area.
Schedule A-1	Provincial Land Use Plans and Designations	Bronte Creek Meadows, 1200 King Road and the Alton commercial plaza (Appleby & 407 Crossing) are incorrectly shown as "Greenfield" and outside of the built boundary. These properties are urban properties within the built boundary, and should be identified as such.
Schedule B	Urban Structure	Bronte Creek Meadows and 1200 King Road - The NHS designation covers way too much area, and does not accurately reflect what's actually on the property.
		Bronte Creek Meadows, 1200 King Road and the Alton commercial plaza (Appleby & 407 Crossing) are incorrectly shown as "Greenfield" and outside of the built boundary. These properties are urban properties within the built boundary, and should be identified as such.
		The plan incorrectly identifies all the lands on the north side of Harrison Crescent as "Areas of Employment", even though we have commercial permissions.

Schedule B-1	Growth Framework	a) Bronte Creek Meadows is incorrectly shown outside of the built boundary, has far too much NHS shown, and is shown not subject to Intensification Framework, which makes no sense given that this is one of very few properties that has potential to help the City meet its intensification targets and bring significant income to the City, if planned properly.
		b) 1200 King Road is incorrectly shown outside of the built boundary, has far too much NHS shown, and is shown not subject to Intensification Framework, which makes no sense especially since part of this property is within the planned Mobility Hub area.
		c) Alton commercial plaza (Appleby & 407 Crossing) is incorrectly shown outside of the built boundary.
		d) 4480 Paletta Court is correctly shown as Primary Growth Area. Why then are we faced with nothing but opposition when we proposed re-development of this property in a mixed-use and intense form?
Schedule B-2	Growth Framework and Frequent Transit Network	Bronte Creek Meadows is not shown as an Employment Growth area, is not shown having Justified Frequent Transit Network access, and is not shown having even Candidate Frequent Transit Network access, supporting our position that this property is not desirable for employment uses, as evidenced by years of marketing it for such use, unsuccessfully. It's time to consider other uses on this property.
		Same comments as before regarding the mapping for Bronte Creek Meadows, 1200 King Road and Alton commercial plaza (Appleby & 407 Crossing) as it relates to built boundary and NHS.
Schedule C	Land Use - Urban Area	Way too much NHS shown on the mapping for Bronte Creek Meadows and 1200 King Road, not reflective of actual conditions.
		4445 Fairview Street incorrectly identified as "Urban Corridor - Employment Land". Should be just "Urban Corridor".
Schedule G	Aldershot Mobility Hub	Should include all of the 1200 King Road property, not just the western portion. This property offers a great opportunity to do something special if the City and agencies would allow us to do so.

Schedule H	Appleby Mobility Hub	Consideration should be given to including 4450 Paletta Court as part of the Mobility Hub as well, given that it is under the same ownership of neighbouring land at 4480 Paletta Court that is included in the Mobility Hub.
Schedule I-3	Land Use - Mount Nemo Settlement Area	The NHS mapping for the residential lots on the east side of Escarpment Drive is inaccurate, as it shows far too much NHS. Also worth noting are the areas behind that section of NHS identified as "Agricultural Area", as these are the areas referred to earlier that we are not allowed to actually farm. There are also agricultural areas not shown correctly in this vicinity, which have instead been shown as NHS.
Schedule J	Agricultural System - Rural Area	As identified above, there are agricultural lands in the vicinity of The Bluffs that are incorrectly shown as NHS, and areas of Prime Agricultural Land that we are unable to farm due to competing NHS policies. How was the Key Natural Heritage Features mapping determined? It appears to have been done at a very high level, and therefore we question its accuracy.
Schedule K	Land Use - North Aldershot	How was the mapping in and around Eagle Heights determined? Does this accurately reflect the existing OMB approval and future development plans? It's difficult to tell how accurate this mapping is given the scale, but it appears that there are errors.
Schedules L-1 to L-10	North Aldershot, Central Sector, Sub-Areas	These maps do not appear to respect or reflect existing development approvals in place, nor the current application which is before the OMB.
Schedule M	Natural Heritage System	As stated previously, the NHS mapping on Bronte Creek Meadows, 1200 King Road and at The Bluffs is incorrect.
Schedule Q	Trails Strategy	It's interesting that 6 different Future Trail Connections are shown at Bronte Creek Meadows, a block of land that the City will not allow to be developed with anything but employment uses, in an area not desirable for employment uses.



Scott Snider
Professional Corporation
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

Via email lola.emberson@burlington.ca

May 9, 2017

City of Burlington
Planning and Building Department
Attn: Lola Emberson, Senior Planner
426 Brant Street, PO Box 5013
Burlington, Ontario
L7R 3Z6

Dear Ms. Emberson,

**Re: Community Consultation | File: 520-02-63
Evergreen Community Secondary Plan
Paletta International Corporation - Bronte Creek Meadows
Our File No. 13122**

We are counsel to Penta Properties/Paletta International Corporation (“Paletta”) in this matter. Paletta owns a large vacant site north of Mainway, west of Burloak Drive and south of Upper Middle Road known as Bronte Creek Meadows (“BCM”).

On February 16, 2016 we wrote to the City of Burlington outlining Paletta’s position on planning for the Evergreen Community (Burlington) Ltd. lands (“Evergreen”). A copy of the letter is attached. It was, and remains, our position that if the City is considering designating any portion of the Evergreen lands for residential uses, it is duty bound to put that consideration in the proper context of the City of Burlington as a whole and consider the relative merits of BCM for residential uses.

As part of the public consultation on the Evergreen Community Secondary Plan (“Secondary Plan”) we are writing to reiterate these concerns. To date, there has never been an analysis of the relative merits of the Evergreen lands for employment and residential uses versus the BCM lands. It is our view that the BCM lands are inferior employment lands with

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

poor access to and no frontage on a 400 series highway and in a relative backwater from an employment perspective. Furthermore, the BCM lands are ideal residential lands given their proximity to other residential uses, natural areas and schools. Meanwhile, the proposed Secondary Plan for this area includes large areas of residential uses adjacent to the 407. Our client welcomes any fair and independent comparison of the locational attributes of these two sites for employment and residential uses. In our view, the relative merits could not be clearer. Council should require a comprehensive comparative analysis before taking any further steps in respect of this Secondary Plan.

This is not simply a planning exercise. The only purpose behind designating lands for employment purposes is to attract jobs. Council must ask itself: which of these two sites is more likely to attract real employment users? To press forward without a clear answer to that question would not simply be unfair to Paletta - it would do a great disservice to the people of Burlington. Residents of Burlington will not be able to find a job on vacant lands no matter what they are designated.

This Secondary Plan is premature at best and represents piecemeal planning.

We respectfully request to be added to the circulation list to receive copies of all notices with respect to the Secondary Plan. We also ask that all such notices continue to be provided directly to Paletta International Corporation as follows:

Paletta International Corporation
Attn: Dave Pitblado, Director of Real Estate Development
4480 Paletta Court
Burlington, Ontario L7L 5R2
Email: dpitblado@paletta.ca

If you have any questions please do not hesitate to contact us.

Yours truly,



Scott Snider

cc: Angelo Paletta
Dave Pitblado

atss
13122\227

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Scott Snider
Professional Corporation
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

Via post & email mike.greenlee@burlington.ca

February 16, 2016

City of Burlington
Burlington Planning and Building Department
Attn: Mike Greenlee, Senior Planner
426 Brant Street
Burlington, Ontario L7R 3Z6

Dear Mr. Greenlee:

Re: Evergreen Community (Burlington) Ltd. ("Evergreen")
Official Plan Amendment, Rezoning and Plan of Subdivision
Applications for 5421, 5453 and 5463 Dundas Street
and 3232 Tremaine Road
City File Nos. 505-06/15, 520-09/15 & 510-03/15
Paletta International Corporation
Our File No. 13122

As you are aware, we are counsel to Paletta International Corporation ("Paletta") in this matter. Paletta has substantial land holdings throughout the City of Burlington, including a site north of Mainway, west of Burloak Drive and south of Upper Middle Road known as Bronte Creek Meadows ("BCM"). BCM has a long history which is known to many councillors and staff.

In 2011, we made submissions to the Community Development Committee with respect to the proposed Tremaine and Dundas Secondary Plan Study for the Evergreen lands. In our submissions at the CDC meeting, and in subsequent correspondence dated September 23, 2011, we highlighted Paletta's concerns with any isolated consideration of residential uses for the Evergreen lands. We made the point in 2011, and reiterate it now, that if the City is considering designating any portion of the Evergreen lands for residential uses, it is duty bound to put that consideration in the proper context of the City as a whole and certainly to consider the relative merits of BCM for residential uses. This is necessary not only because it is good and sensible planning to evaluate all of the City's options when considering the designation of new residential lands, but also based on commitments made by the City to the Ontario Municipal Board in the context of the BCM hearing back in 2004.

Background:

Paletta purchased BCM in 1998/1999. Just as Evergreen is doing now, Paletta made applications for an official plan amendment, rezoning and plan of subdivision for residential uses on the BCM site. These applications were opposed by the City Council at the time for a variety of reasons, with the principle focus of the City being that BCM was required for employment uses over the planning period to the year 2021. Appeals were filed with the Ontario Municipal Board and a hearing was conducted in 2004. Ultimately, the Board refused to approve Paletta's applications.

In considering this outcome, it is absolutely essential to understand the Board's findings and the fundamental basis for its decision to refuse the applications. The Board found that BCM was suitable for either residential or employment uses. The Board noted as follows:

"The developable portions of Bronte Creek Meadows present no constraints to residential development. The site is well serviced by arterial roads and can be integrated into the City's public transit system.

Bronte Creek Meadows is within the City's urban boundary and contains woodlots, valley lands and stream corridors that would provide amenities for residential uses.

Bronte Creek Meadows would be well served with retail uses. A large-scale shopping centre is located at the northwest corner of Upper Middle Road and Appleby Line.

To the north of Bronte Creek Meadows is a residential community of Orchard. Approximately 75% of the lots within Orchard are registered.

To the west is the Sheldon Creek Valley that is a well-treed, incised valley feature. West of that Valley is the Sheldon Creek residential neighbourhood that is planned for semi-detached, street townhouses and low-rise apartments.

East of Burloak Drive is the Bronte Creek Provincial Park, which contains amenities and activities suitable for residential development." (at pp. 3-4)

The Board preferred the evidence tendered by Paletta on the environmental issues, transportation issues and fiscal impact issues finding that none of those matters presented any impediment to the designation of BCM for residential uses.

As you might expect, there was substantial evidence presented dealing with residential and employment land needs. **Significantly, in every employment land needs study conducted by the City, the Region and Paletta, the Evergreen lands were included as part of the City's employment lands inventory.** While the Evergreen lands were designated, as they are today, "Land Use Designation to be Determined", the lands were consistently and repeatedly included

as part of the City's employment land inventory without objection from anyone. This was understandable as the lands abut Hwy 407 and are immediately across the street from Town of Oakville employment lands.

Relying on the evidence of the City and the Region, the Board concluded as follows:

"The Board further finds that the Bronte Creek Meadows lands are required for employment uses and are not required for residential uses over the period to 2021."
(at p. 40)

Given the size of the Evergreen lands, this conclusion would obviously apply equally to the Evergreen lands which, as noted, were consistently included as part of the City's employment land inventory as presented to the Board.

Needless to say, the employment and residential forecasts were hotly contested at the hearing. It is now 2016 and there are only five years remaining in the 2021 planning period. With respect, the ongoing lack of interest in Bronte Creek Meadows for employment purposes and the extremely constrained supply of residential lands in the City strongly suggests that the Board should have preferred Paletta's evidence on those issues.

Be that as it may, it is clear from the Board's decision that it was also strongly influenced by two other factors; namely, a concern that BCM had not been properly marketed for employment purposes and assurances given by the City that the designation of BCM would be reviewed in the future. On the first issue, the Board made a number of comments:

"The Board agrees with the Region's submission that from 1998, the lands were effectively taken off the market for employment land uses, save and accept for the efforts by the City and Paletta to secure a semi-conductor manufacturer on the lands. In November of 1998, the then owner, Richview Investments Limited, filed an official plan amendment application for a residential designation.

Paletta did not list the lands with any commercial brokers nor was the property signed. The message to the market place that these lands were going to be developed for residential land uses..." (at p. 6)

"Paletta moved quickly after it acquired all of the Bronte Creek Meadows lands to seek a re-designation of the site to residential, which the Board takes no issue with, provided that the proposal does not prejudice the public interest and provided it constitutes good land use planning." (at p. 38)

"The Board furthermore does not accept the implication that the City is attempting a land banking exercise by opposing the re-designation of the subject site. Permitting a site to remain idle is contrary to one of the goals of the PPS of promoting the cost effective use of land and infrastructure. The Bronte Creek

Meadows site has up until now, never been considered by the City as a residential site and the Board is of the view that properly marketed, has a reasonable opportunity of attracting employment opportunities...” (p. 39)

In terms of the City’s assurances that the designation of BCM would be reconsidered in the future, the Board reiterated the evidence of the City’s principal planner, Mr. Lehman, as follows:

“Mr. Lehman could see no reason for the City to the risk of running out of employment land and losing the opportunity to foster its economic base. He saw no need to re-designate Bronte Creek Meadows at this time, advising the Board that the issue should be revisited in 5 years time.” (at p. 18)

Most significantly, the concluding paragraph of the Board’s decision was as follows:

“The Board is satisfied the City has put forward a bona fide and a reasonable position that the continued designation of the Bronte Creek Meadows lands for a use other than residential is a valid and appropriate one. The City has assured Paletta that it intends to review the designation of the subject site from time to time, in the context of a wider review of all of the other lands within its boundaries. The Board heard no evidence or suggestion that the City will not do so, when it considers it to be in the public interest.” (at p. 40, emphasis added)

Simply put – this has never occurred. These assurances provided by the City to the Board need to be fulfilled. Since the City is now considering residential uses on a large portion of the Evergreen lands that were consistently included within the City’s employment land inventory as presented to the Board, now is the time to also consider residential uses for BCM as part of a “wider review”.

Paletta is simply asking that the City fulfill its commitment to the Board and to Paletta – a commitment that requires, at a minimum, an evaluation of the competing merits of the Evergreen lands with the BCM lands for residential and employment purposes. In our view, there is simply no doubt that the BCM site is substantially inferior for employment uses and exceptional for residential uses. We invite staff and the City to test these assertions. We do not view this as a controversial suggestion in the slightest. To the contrary, surely it is in the public interest for the City to identify the best lands for residential uses and, contrastingly the best lands for employment uses among the options available to the City. This is one of the functions of good land use planning. Our client welcomes any fair comparison and evaluation of its lands versus other options for residential or employment uses in the City.

We simply cannot imagine that the City would consider designating new residential lands without ensuring that it was making the highest and best use of the limited land resources available to the City within its urban area for both residential and employment uses.

Subsequent Events:

In 2009, the City and Paletta entered into comprehensive Minutes of Settlement dealing with a variety of outstanding land use planning issues. This included Bronte Creek Meadows. One of the fundamental objectives of the Minutes in respect of BCM was to address the concern identified initially by the City and the Region, and accepted by the Board, that the lands had not been adequately marketed for employment purposes. In good faith, assuming the City would fulfill the assurances it made to the Board about reconsidering the BCM designation in due course Paletta agreed to withdraw its appeals of OPA 55 and Zoning Bylaw 2020.205 in respect of a portion of BCM now known as the "Burloak Employment Estates". This is the portion of BCM which immediately abuts Burloak Drive and was considered to have the best potential for employment uses. Paletta also agreed to actively market the Burloak Employment Estates in cooperation with the Burlington Economic Corporation for a period of at least five years.

Paletta has fulfilled its obligations fully. It has actively marketed Burloak Employment Estates for employment uses. It has cooperated fully with the BEDC to advance the development of the lands. Unfortunately, despite years of effort, there has been very little interest of any kind and no sales. The lands sit vacant and underutilized. Quite frankly, this is not surprising because the lands have no access to rail, no visibility to 400 series highways and relatively poor access to 400 series highways. The marketing of the Burloak Employment Estates has continued well beyond the requirements of the Minutes of Settlement, to no avail.

Conclusion:

Paletta has fully complied with its agreement to market the Burloak Employment Estates. It has been almost 12 years since the Board's decision which raised the concern about the lack of marketing of the site and the site remains vacant. It is long past time for the City to fulfill its assurances made to Paletta and the Board that it will review the designation of BCM in the context of a wider review of other lands. It would be fundamentally inconsistent with those assurances to proceed designating new residential lands on lands consistently included within the City's employment land inventory without at the same time also considering the options for BCM.

Our client fundamentally objects to any initiative to designate any portion of the Evergreen lands for residential uses unless it is done so in the context of a wider review which includes BCM. The Evergreen lands have no higher claim to residential status than any other lands in the City simply because they are designated "Land Use to be Determined." The City should apply the most appropriate designations in the context of its other options in the City.

We respectfully request to be added to the circulation list to receive copies of all notices and any Notices of Decision with respect to these applications. We also ask that all such notices be provided directly to Paletta International Corporation as follows:

City of Burlington
Attn: Mr. M. Greenlee
February 16, 2016

Page 6

Paletta International Corporation
Attn: Dave Pitblado, Director of Real Estate Development
4480 Paletta Court
Burlington, Ontario L7L 5R2
(email dpitblado@paletta.ca)

We would be happy to meet with Staff to discuss these issues at your convenience.

Yours truly,

A handwritten signature in blue ink, appearing to read "Scott Snider", is positioned above the printed name.

Scott Snider

SSnd
13122\215
Cc: Angelo Paletta
Dave Pitblado
Peter Walker



**Ruth Victor
& Associates**

191 Main Street South
Waterdown ON, L0R 2H0
rvassociates.ca
P 905-257-3590
E admin@rvassociates.ca

February 22nd, 2018

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

Dear Mayor and Members of Council:

**Re: Revised Draft City of Burlington Official Plan
2087-2103 Prospect Street,
City of Burlington**

This letter is submitted on behalf of Welwyn Interests, who are the owners of the properties located at 2087-2103 Prospect Street in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning and Development Council at the Statutory Public Information Meeting on February 27th, 2018 prior to being brought before Council for adoption on April 4th, 2018.

As per the proposed Official Plan, the subject lands are located within the “Residential Neighbourhood Area” (see Figure 1), and are under two different designations: The front portion of the subject lands (on which an apartment building currently exists) is *Residential High Density*; and the rear portion of the subject lands (on which eight townhouse units are currently located) is designated *Residential Medium Density* (see Figure 2).



Figure 1 — Schedule 'B' (Urban Structure) of the proposed Burlington Official Plan with the location of the subject lands highlighted.

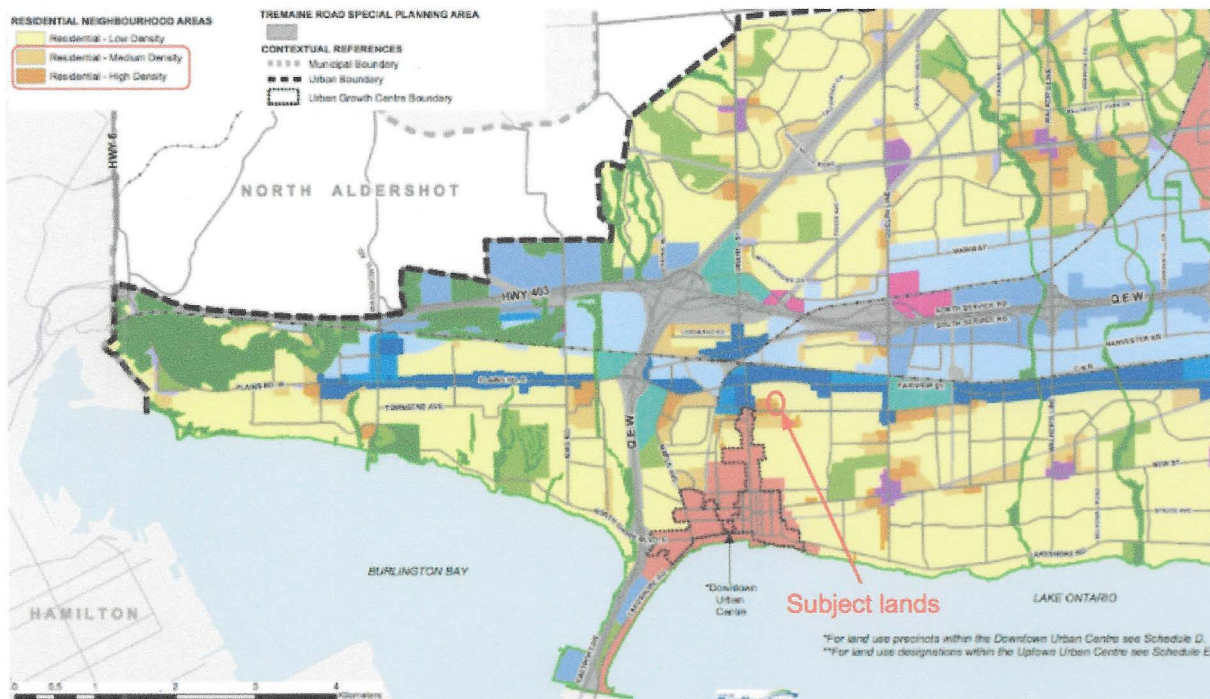


Figure 2 — Schedule 'D' (Land Use — Urban Area) with the location of the subject lands highlighted.

An application was submitted to the City of Burlington in December 2017 for Official Plan and Zoning By-Law Amendments to permit 50 stacked townhouse units as was approved for the two properties located immediately to the west on Prospect Street. The proposed redevelopment of the subject lands under this application is rental housing. It is acknowledged that the Official Plan will not be coming into force

and effect until approved by the Region and City staff has noted that the existing Official Plan will remain in effect until approved however the concerns with the new policy direction remain.

As part of the approval process for the lands to the west, the City determined would be best to designate the entirety of the site, including the lands at the rear, as high density residential although the rear was to be redeveloped for medium density uses (townhouse units). This is the same approach that was taken for the subject lands: To re-designate the rear portion of the lands on which the proposed medium-density residential units are to be located to match the front portion of the lands (currently high density residential), in order to create consistency throughout the entire parcel.

Section 2.4.2(3)b states that intensification within the Residential Neighbourhood Area will only be permitted on lands designated Residential High Density, while Section 12.1.1.3 sets out criteria for an Official Plan Amendment. In addition, the subject lands are designated both Residential High Density and Residential Medium Density, and it is a major concern that these policies would unduly restrict the opportunity to develop the last remaining piece of land along this street for the same use that was approved on the adjacent lands and could remove the opportunity for adding needed rental housing.

We would request that the City of Burlington consider revisions to these policies to permit this type of intensification.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Ruth Victor', with a stylized flourish at the end.

Ruth Victor, MCIP RPP MRTPI



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

February 6, 2018

Ms. Alison Enns RPP MCIP
Senior Planner
Department of City Building - City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Dear Ms. Enns:

EMPLOYMENT LAND CONVERSION REQUEST - 1860, 1880 & 1900 APPLEBY LINE - LJM DEVELOPMENTS - CONFIRMATION OF SITE AREA FOR CONVERSION & COMMITMENTS ON PROPOSED MAPS AND POLICIES

We are the planning consultants representing the Owner of the above-noted properties, LJM Developments. We are acting on their behalf to continue involvement in the ongoing Grow Bold Official Plan project, including the sub-component of the Employment Land Conversion Request Review and the specific request for these lands.

The purposes of this written submission are twofold:

1. To confirm the spatial extent of the lands that should be included in the conversion from employment lands to mixed use
2. To re-iterate comments from previous submissions on the appropriate designations for these lands in the proposed new Official Plan.

The following sections will outline details and provide planning analysis and rationale for each case.

Extent of Subject Lands To Be Considered As Part of Employment Land Conversion

In reviewing the current Draft Official Plan (November 2017 version, posted online at: <https://www.burlington.ca/en/modules/document/document.aspx?param=7JPIUs75IA5H4wT1xqGfK0oDRY89geQuAleQuAl>), as well as some preceding correspondence between the Owner and the City, we note that a small portion of lands owned by LJM as part of the total project area are not part of the current conversion assessment and recommended plan mapping and designation update by staff. As shown in Figures 0-1 and 0-2 below, the total lands include the area covered by the existing commercial development at 1860, 1880 and 1900 Appleby as well as a portion of acquired lands, which were transferred to the site from the rear of the existing fire station at 1837 Ironstone Drive. Accordingly, we respectfully request that this small additional land area be included in subsequent mapping and policy updates prior to Council adoption of the final plan, thus to be included in the redesignation from employment land uses.

For reference, this total land area owned by LJM has been presented to staff and Council in previous submissions. **Appendix A** provides a copy of the previously submitted Feasibility Impact Assessment prepared by Weston Consulting in 2016. This report was submitted to staff,

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and specifically highlights the total extent of the lands, including the lands acquired from 1837 Ironstone. As such, the assessment was intended to support the ongoing discussions for appropriate land use designations for total land area, and thus the land area outlined in this letter is not a new request but a continuation of that work. Further, **Appendix B** provides a copy of the presentation made by IBI Group to Planning Committee at the November 30, 2017 public meeting. This presentation focused on the appropriate land use designations for the land in the new Official Plan, and included the lands added to the site from 1837 Ironstone. The recommendation on Slide 10 in the presentation is that the lands should be designated Uptown Core in their entirety, including the necessary component of redesignated the acquired lands from the proposed Uptown Business – Employment Lands. Again, the land area to be included in the conversion from employment uses is the total lands now owned by LJM, including the acquired lands. This is not a new request, but a continuation of the previous discussions and submissions.



Figure 0-1 - Location and Extent of Subject Lands

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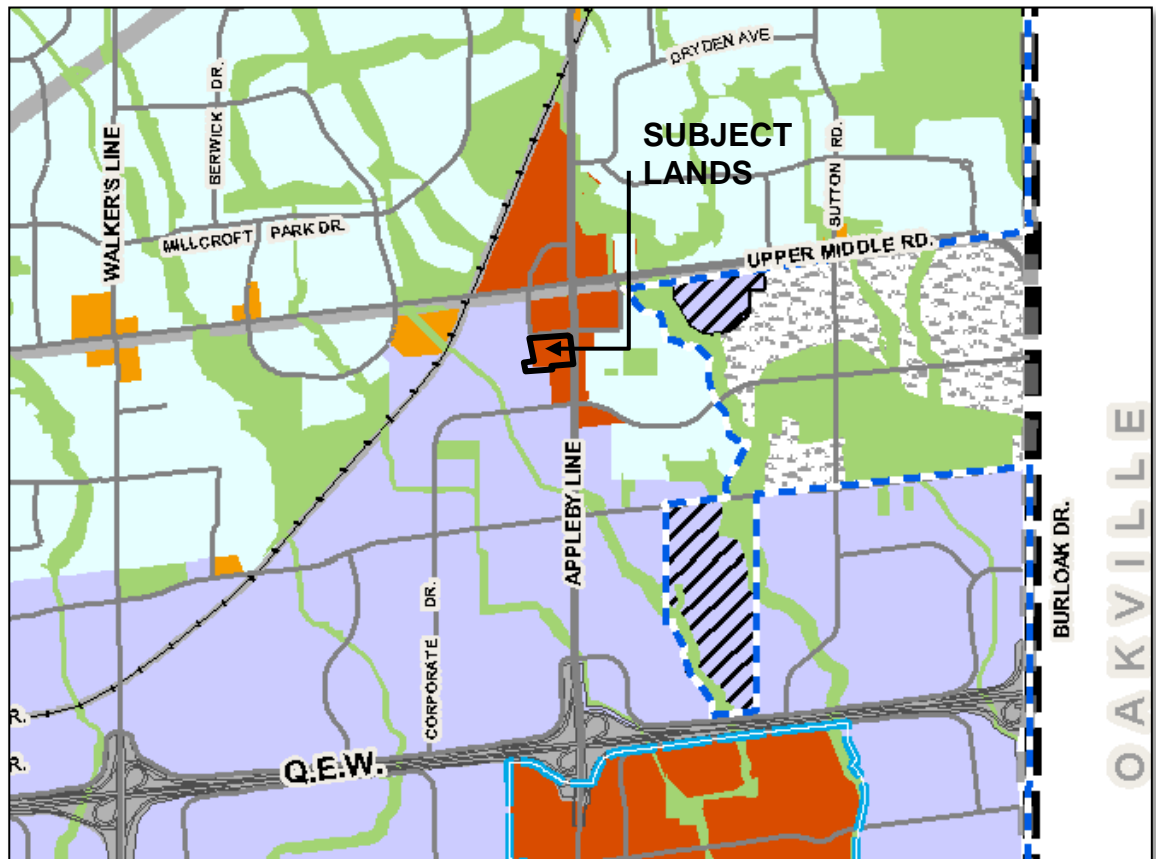


Figure 0-2 - Proposed Official Plan Mapping

In terms of planning rationale and analysis for the issue of total land area subject to employment land conversion only, it is noted that the overall vision and development concept plans presented thus far have included these lands in previous submissions, but have never proposed any built form on the acquired lands. Rather, these lands were added to the existing development site as part of a strategic exercise to provide additional site area to support elements of the overall vision, such as surface parking, service areas, utilities and potential underground elements (i.e. underground parking). As such, there is no risk in terms of land use compatibility from including the lands in the conversion exercise, as the physical development of these lands will still ultimately be controlled by future Zoning and site plan exercises. Further, the land area of the acquired lands represents a minor increase from that previously reviewed and assessed by staff and Dillon through the initial conversion request, representing a total additional area of approximately 0.1 ha. This level of additional conversion will not impact the analysis presented to date on the suitability of conversion at this location, nor the overall employment land needs for the City.

Re-iteration of Appropriate Land Use Designations for Subject Lands

Given the direction to hold an additional public meeting on February 27, 2018 to allow for continued public discussion and receipt of feedback, there is still time to discuss and consider appropriate land use designations for these lands. As such, this letter re-iterates the position

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that the lands are best suited to a complete designation of the proposed Uptown Core, rather than the currently proposed mix of approximately 25% Uptown Core and 75% Uptown Corridor. Previous planning rationale submitted for a complete Uptown Core designation includes:

1. Lack of compatibility issues with existing and potential surrounding employment uses
2. A proposed bold vision for a complete mixed-use, transit and pedestrian friendly design within the identified Uptown Mixed Use Center
3. The ability to control physical development through site-specific policy directing future study, as well as Zoning By-law and site plan control mechanisms

Since our involvement with this site, and based on our understanding of and previous work in and adjacent to the Uptown Mixed Use center, we are encouraged by the design-led approach taken by the Owner, proposing a bold vision for these lands that will contribute to contemporary City-building goals. The conceptual plans provide an initial indication of how the lands can be systematically converted from low-rise, plaza-style commercial development to high-rise, mixed-use development that provides ground level pedestrian and other modes of travel connections, publicly accessible outdoor spaces (including plazas), green roofs, and ground and near-ground level uses and amenities. It represents a tangible opportunity to develop, in effect, a community within a community, by providing a compact built environment to meet the needs of future residents of the proposed development as well as existing and future residents of the area. In our view, this vision mixes well with the current Grow Bold initiative. As such, conditions for implementation should be put in place as soon as possible, which at this stage would mean the application of the Uptown Core designation to the entirety of the site. Previous submissions with respect to a potential site-specific policy inclusion would still be appropriate and warranted.

Thank you for reviewing this letter. We look forward to working with staff to advance the exciting and bold vision for these lands through the ongoing Official Plan project, and in the planning exercises in the year following.

Sincerely,



Mike Crough RPP MCIP
Senior Planner

Cc: LJ Mian – President, LJM Developments
Andrea Smith – Manager of Policy Planning, City of Burlington
John Ariens – Associate, Practice Lead – IBI Group

IBI GROUP

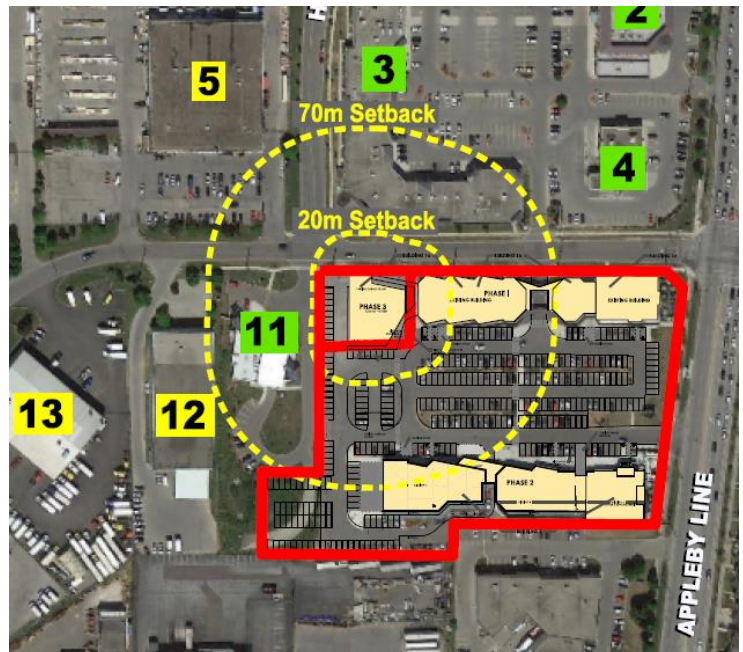
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Attachment A – Previously Submitted Feasibility Assessment



**WESTON
CONSULTING**
planning + urban design

Feasibility Impact Assessment



LJM Developments
1900 Appleby Line
City of Burlington

December 2016
File 7504



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1 - Introduction

Weston Consulting has been retained by LJM Developments to prepare a Feasibility Impact Assessment for the lands located at 1900, 1880 and 1860 Appleby Line, in the City of Burlington (collectively known as '1900 Appleby Line' and herein referred to as the subject property). The purpose of this report is to provide justification to support the development of residential uses.

The subject property is located at the southwest corner of Appleby Line and Ironstone Drive. The majority of the lands were developed previously through Phases 1 and 2 with retail, service commercial and office uses. The intent of this report is to justify residential uses on the remaining vacant parcel of the block (Phase 3) for a seventeen-storey residential tower with a three-storey podium which will consist of medical and office uses.

LJM Developments met with Planning Policy staff on November 17, 2016 to discuss the residential component of Phase 3 within the framework of the City's ongoing Employment Land Conversion exercise and drafting of their new Official Plan. While the potential for new residential uses was not dismissed, Planning staff reinforced Dillon Consulting's Employment Lands Recommendations and Conversion Report recommendation of a conversion to non-employment uses *"to accommodate a wider range of non-employment uses... However, due to the proximity to existing and designated employment areas, policy may prohibit sensitive uses and land use compatibility will need to be managed."*

A primary concern raised by Staff was the impact of residential uses on the long-term stability of the existing employment uses to the south and west of the subject lands. This report provides analysis on the compatibility of the proposed Uptown Phase III development with a focus on appropriate separation from nearby employment land and uses permitted as-of-right by current zoning.

2 - Official Plan Review and Employment Lands Conversion Request

In 2012, the City of Burlington began a review of their Official Plan. An Official Plan Review, defined in the Province's Growth Plan as a Municipal Comprehensive Review (MCR), provides the opportunity for a municipality to consider fundamental changes to its urban structure, such as employment land conversions. The City is currently in phase three of the Official Plan Review process and is planning to release a draft Official Plan in the first quarter of 2017. These policies will build on Dillon Consulting's report and identify employment lands to be removed from the City's employment land supply.

As part of this MCR, property owners were able to submit requests for employment land conversions for specific land parcels to be reviewed in greater detail. In February, 2016 Weston Consulting, on behalf of LJM Developments, requested a conversion to permit residential uses on the subject lands. The intention for the site is to utilize the 'air rights' above the existing and



planned employment (office) uses targeted for Phase 3. It should be noted that the existing and planned employment uses are to be maintained.

3 - Policy Overview

The intent of the following policy overview is to illustrate how residential uses can be accommodated on the subject property. The City of Burlington Official Plan, the Halton Region Official Plan and the Provincial D-6 Guidelines provide direction on how sensitive land uses can be accommodated through proper separation.

1.1 City of Burlington Official Plan (2015)

The City of Burlington Official Plan provides policy direction related to sustainable design and compatibility in Section 2.7. Specifically, policy 2.7.3.n) is applicable to the subject property as it relates to planning for sensitive land uses:

“Exposure of residential and other land uses sensitive to vibration, noise, dust, odours or other effects caused by transportation or industrial facilities, and likewise, the encroachment of sensitive land uses on these facilities, shall be avoided through the use of separation distances, the placement of non-sensitive land uses in buffer areas, and/or other means. Proponents may be required to submit studies and undertake necessary mitigating actions to address compatibility issues to the satisfaction of the City and Region. Provincial guidelines shall be referred to for direction in land use planning decisions.”

The completion of this Feasibility Impact Assessment, and the associated analysis mapping, fulfills this policy directive. The intent of this report is to address how the separation distance requirements outlined in Provincial guidelines can be applied to address compatibility issues with developing a residential tower on the subject property.

1.2 Region of Halton Official Plan (2016)

Section IV of the Region of Halton Official Plan directs how healthy communities are to be planned across the Region. Policies outlined in Section 143 related to the “air and the ambience” objectives of the Official Plan are of particular relevance as they relate to planning for sensitive land uses:

“143. It is the policy of the Region to:

143(10) Develop, in consultation with the Local Municipalities, the Province, Federal government and the railway agencies, Land Use Compatibility Guidelines to minimize the adverse effects of noise, vibration, odour and air pollution from industrial, transportation and utility sources on sensitive land uses, including the application of separation distance between these non-compatible uses.”

143(11) Encourage the Local Municipalities to permit in those areas adjacent to industrial, transportation and utility uses, primarily land uses that require minimal noise,



vibration, odour and air pollution abatement measures and require the proponent of development in those areas to undertake, in accordance with Regional and Ministry of the Environment guidelines, the necessary impact analysis and implement, as a condition of approval, appropriate abatement measures.

143(12) Require the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region's Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines. Specifically, an air quality study based on guidelines under Section 143(2.1) is required for such development proposals within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan."

The Regional objective is to ensure that appropriate measures and studies are undertaken to illustrate how the adverse effects which can be associated with heavier land uses, such as noise and air pollution, can be mitigated to have a minimal impact on sensitive land uses. Specifically, policy 143(10) indicates that separation distances can be applied to support the development of non-compatible uses. Further, the building will be designed to provide clear view corridors and incorporate noise control and acoustic mitigation measures.

1.3 Provincial D-6 Guidelines (1995)

The objective of the Provincial D-6 Guidelines is to provide direction *"to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa, as these two types of land uses are normally incompatible"* (Section 1.1). The guidelines apply to proposed, committed and/or existing industrial land uses and set out the separation distances required between different industrial facilities and sensitive land uses.

A classification system (Class I, Class II and Class III) is used to differentiate between industrial uses based on a set of criteria. These criteria consider the objectionable nature of the industrial use including the emissions the facility emits, physical size/scale, operational hours, and production volumes and/or intensity to classify the use. The industrial classification criteria from the Provincial D-6 Guidelines are attached to this report as **Appendix I** for reference.

Section 4.1 discusses the influence area concept, which is the area within which an adverse impact could occur. Potential influence areas are outlined in Section 4.1.1 and differ between each industrial use class. Actual influence areas are detailed in Section 4.2.1 and are based on specific information obtained through technical studies. In the absence of site-specific information, the potential influence areas apply.

Based on these potential influence areas, required minimum separation distances (MSD) have been determined and are outlined in Section 4.3. These minimum separation distances indicate the area for which no incompatible development should occur. These separation distances differ between Class I, Class II and Class III industrial uses and are as follows:



- Class I uses require a minimum separation distance of 20 metres;
- Class II uses require a minimum separation distance of 70 metres; and,
- Class III uses require a minimum separation distance of 300 metres.

These minimum separation distances are based on Ministry studies and historical compliant data, and are to be maintained even if additional mitigation measures are implemented for adverse effects. Given that the vast majority of the land surrounding the subject property is zoned to allow industrial uses, these separation distances need to be applied to assess whether sensitive land uses can be developed on the subject lands.

4 - Outline of D-6 Analysis

A Separation Distance Analysis was conducted using the Provincial D-6 Guidelines framework to assess whether residential uses could be developed on the subject property without offending the minimum separation distances outlined in **Section 3.3** of this report. All surrounding businesses within a 300 m radius of the subject lands were considered. The Separation Distance Analysis is represented by Figures 1, 2 and 3, which are attached to this report as **Appendices II – IV**.

4.1 Inventory of Existing Businesses and their D-6 Industrial Classification

Figure 1 provides a detailed inventory of all properties around the subject lands and identifies the existing zoning and D-6 Classification. Based on the existing zoning of the surrounding lands, all zones except the *Uptown Commercial/Residential (UCR)* zone permit industrial uses. The majority of the sites located west of the subject property are zoned *General Employment – GE1* and maintain a mix of Class I, II, and III industrial facilities. The majority of these businesses are characteristic of Class II industrial uses as they provide loading facilities and outside storage, but do not contain outside storage of raw and finished products. Noise, dust and odour nuisances tend to be occasionally intense, and ground-borne vibration is possible on-site.

Lands directly north and south of the subject property are lands zoned *Uptown Employment – UE* which are identified as Class I industrial uses. Both of these properties have been targeted for conversion to non-employment use and removal from the City's employment land supply. The most southern site shown on Figure 1 is zoned *Uptown Mixed Use Corridor Employment (UMXE)* and is a Class II industrial site. Additionally, the lands to the east of the subject property, and north of Upper Middle Road are zoned *Uptown Commercial/Residential (UCR)* and are non-industrial.

In general, the Class II industrial use category is the most common within 300 m of the subject property.

4.2 Summary of Surrounding Existing and Potential Residential Developments

Figures 3 identifies existing residential development on the east side of Appleby Line in blue and the Millcroft Shopping Centre (northwest corner of Appleby Line and Upper Middle Road) in yellow. It should be noted that although no residential uses are currently located in the Millcroft



Shopping Centre, it is designed *Uptown Commercial/ Residential*, is identified as a *Primary Intensification Area* in the City's Intensification Strategy and permits residential use as-of-right in the current Official Plan. Just as LJM Developments must anticipate and accommodate future industrial uses, we must also take into consideration planned residential development.

Figure 3 illustrates a Class III 300 m minimum separation distance buffer for existing and planned residential which defines the areas where new Class III uses can locate and impact residential uses on the subject lands. These land are identified as Properties 9, 10, and 14 to 17.

4.3 Summary of Surrounding Industrial Uses

As shown on Figure 2, one Class I industrial use is located within the 20 m MSD of the proposed Phase 3 residential tower. The Phase 3 tower slightly encroaches onto the fire station block by approximately 3 m. This encroachment can be accommodated by revising the design of Phase 3 to ensure that the 20 m MSD is contained on site.

Based on the industrial Categorization Criteria (**Appendix I**), the fire station would be considered a Class I industrial use. Although the hours of operation for a fire station extend beyond daytime hours, characteristic of a Class II industrial use, a fire station satisfies the remaining Class I characteristics. For instance, a fire station produces minimal emissions which would be considered nuisances for surrounding residents, is small scale in building size and possesses no outdoor storage. In general, a fire station is not characteristic of an industrial facility. Given that the fire station meets the 20 m MSD setback, this presents no compatibility issues with the proposed Phase 3 residential uses.

Additionally, situating fire stations near residential uses is common across the City:

- Burlington Fire Hall 5 (2241 Kilbride Street): The fire station is surrounded by single detached residential dwellings on large lots; and,
- Burlington Fire Hall 6 (455 Cumberland Avenue): The fire station abuts residential uses in all directions.

In terms of Class II properties, two sites are within the 70 m MSD. The minimum separation distance slightly encroached into Property 12 (a food warehousing facility). This can be addressed when the Phase 3 tower is redesigned. Similarly, the 70 m MSD encroached into the parking area of Property 5 (Rona hardware). Given the retail nature of the use, and that all loading and outdoor storage is located at the rear of the building, this encroachment is acceptable.

There are no Class III industrial uses within the 300 m minimum separation distance. Only two Class III industrial uses, Properties 9 and 10 were identified within the immediate area and these sites are located outside of the 300 m MSD setback.

Based on this analysis, the proposed residential development is compatible with and adequately separated from existing industrial uses.



4.4 Potential Conflict Sites

It is recognized that certain Class II sites located outside of the existing residential 300m MSD (Figure 3), but within the 300m MSD of Phase 3 (Figure 2) could cause potential conflicts if changed to a Class III industrial use. Properties 14 and 15 have been flagged as potential conflict sites.

Property 15, which is only partially within the MSD, is located directly adjacent to sites 9 and 10 which are Class III industrial sites. Given the site's close proximity to existing heavy industrial uses, and the *General Employment – GE1*, zoning designation, there could be an opportunity for the current use of this site to change in the future to a Class III use. Site 14 is also a potential conflict due to its larger size and *General Employment – GE1* zoning which accommodates Class III uses.

Section 4.1.3 of the Provincial D-6 Guidelines provides guidance which could potentially prevent these sites from becoming conflicts in the future. This section directs that mitigation measures can be implemented which may enable an industry to be categorized as a lesser class while not changing the function of the use. For instance, a rendering plant can be made “cleaner” through the use of an enzyme digester, downgrading the industrial use class. This technique reduces the required separation distance and could be implemented to prevent sites 14 and 15 from becoming Class III industrial uses in the future. Further, as previously mentioned, design features can be included into the design of the Phase 3 building to anticipate potential Class III uses.

It is recognized that Property 20, a metal stamping facility Class II facility, could be considered a potential conflict. The current operation of *metal stamping* could be confused with *metal manufacturing* (a Class III use). It should be noted that the City recently approved a new residential apartment (Appleby Gardens) at the northeast corner of Corporate Drive and Appleby Line. Property 20 is approximately 175m away from this new development and other residential uses on the east side of Appleby Line. Similarly, Property 20 is approximately 160 m from the Phase 3 tower more than twice the required MSD.

5 - Residential and Employment Compatibility Examples in Burlington

The proposed development on the subject lands is not a unique condition. There are examples of employment uses co-existing with residential uses throughout the City. Following are two examples:

4900 & 4903 Appleby Line (Alton Village): The new employment block located on Appleby Line between Thomas Alton Blvd. and Palladium Way backs on to lands designated *Residential- High Density* in the Official Plan. Although office uses are currently located on this block, it is zoned *Mixed Use Corridor- Employment* and permits certain uses in the *General Employment 2* zone which includes several Class II uses as-of-right (i.e.: vehicle sales, storage and warehousing, leather and textile industries).



Graham's Lane: Lands on the north and south of Graham's Lane are designated and zoned *Mixed Use Corridor- Employment*. A ten-storey high-rise, three- storey walk-up apartment and two single detached dwellings are located just to the south. Similar to the example provided above, several Class II as-of-right uses are permitted. It should be noted that existing industrial uses include vehicle sales, auto body collision repair and warehousing.

6 - Conclusion

It is understood that Planning staff are undertaking a complete policy review of the Uptown Mixed Use Center which will include transit supportive and urban design policies in addition to the appropriate locations for various uses. The D-6 Guidelines represent one tool that can help define where new sensitive uses should be located. The intent of this report is to assist the City's drafting of new Official Plan policies by confirming there are no compatibility issues with current and potential future industrial uses. This report illustrates that given the current land use context new residential uses will not preclude new heavy industrial uses and there are examples within the City of residential uses co-existing with Class II uses. The transition of Uptown into a more urban centre will see surrounding employment lands stabilize more Class I and II operations as those are the types of uses that are symbiotic with a growing residential population and retail/ service commercial uses.

LJM Developments support Staff's objective of the new "Grow Bold" approach of the new official plan. LJM's Ironstone and upcoming Appleby Garden developments are key examples of transit-supportive, quality designed mixed use projects. The redevelopment of LJM Development's Uptown Centre will build on established principles and help meet the targets established by the City by adding needed residential density to Appleby Line (a Primary mobility Hub Connector and Transit Network Route in the City's intensification strategy) and committing to Transit oriented Design.

Appendix I – Industrial Categorization Criteria

APPENDIX A

INDUSTRIAL CATEGORIZATION CRITERIA*

CATE-GORY	OUTPUTS	SCALE	PROCESS	OPERATION /INTENSITY	POSSIBLE EXAMPLES**
Class I	NOISE: Sound not audible off property DUST and/or ODOUR: Infrequent and not intense VIBRATION: No ground borne vibration on plant property	- No outside storage - Small scale plant or scale is irrelevant in relation to all other criteria for this Class	- Self contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions	- Daytime operations only - Infrequent movement of products and/or heavy trucks	- Electronics manuf. and repair - Furniture repair and refinishing - Beverages bottling - Auto parts supply - Packaging and crafting services - Distribution of dairy products - Laundry and linen supply
Class II	NOISE: Sound occasionally audible off property DUST and/or ODOUR: Frequent and occasionally intense VIBRATION: Possible ground-borne vibration, but cannot be perceived off property	- Outside storage permitted - Medium level of production allowed	- Open process - Periodic outputs of minor annoyance - Low probability of fugitive emissions	- Shift operations permitted - Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours	- Magazine printing - Paint spray booths - Metal command - electrical production manufacturing - Manufacturing of dairy products - Dry cleaning services - Feed packing plant
Class III	NOISE: sound frequently audible off property DUST and/or ODOUR: Persistent and/or intense VIBRATION: Ground-borne vibration can frequently be perceived off property	- Outside storage of raw and finished products - Large production levels	- Open process - Frequent outputs of major annoyances - High probability of fugitive emissions	- Continuous movement of products and employees - Daily shift operations permitted	- Manufacturing of paint and varnish - Organic chemicals manuf. - Breweries - Solvent recovery plants - Soaps and detergent manuf. - Manufacturing of resins and costing - Metal manufacturing

NOTE: Emissions may be point source or fugitive.

*** NOTE:** This Table should not be considered a comprehensive list but is to be used to provide examples of industrial categories.

**** NOTE:** The following examples are not limited to the Class indicated on the Table. The categorization of a particular industry will vary with the specifics of the case.

SOURCE: The criteria for categorizing industries into Class I, II or III are derived from Ministry experience and the investigation of complaints related to industrial facilities.

**Appendix II – D-G Guidelines: Separation Distance Analysis –
Figure 1**

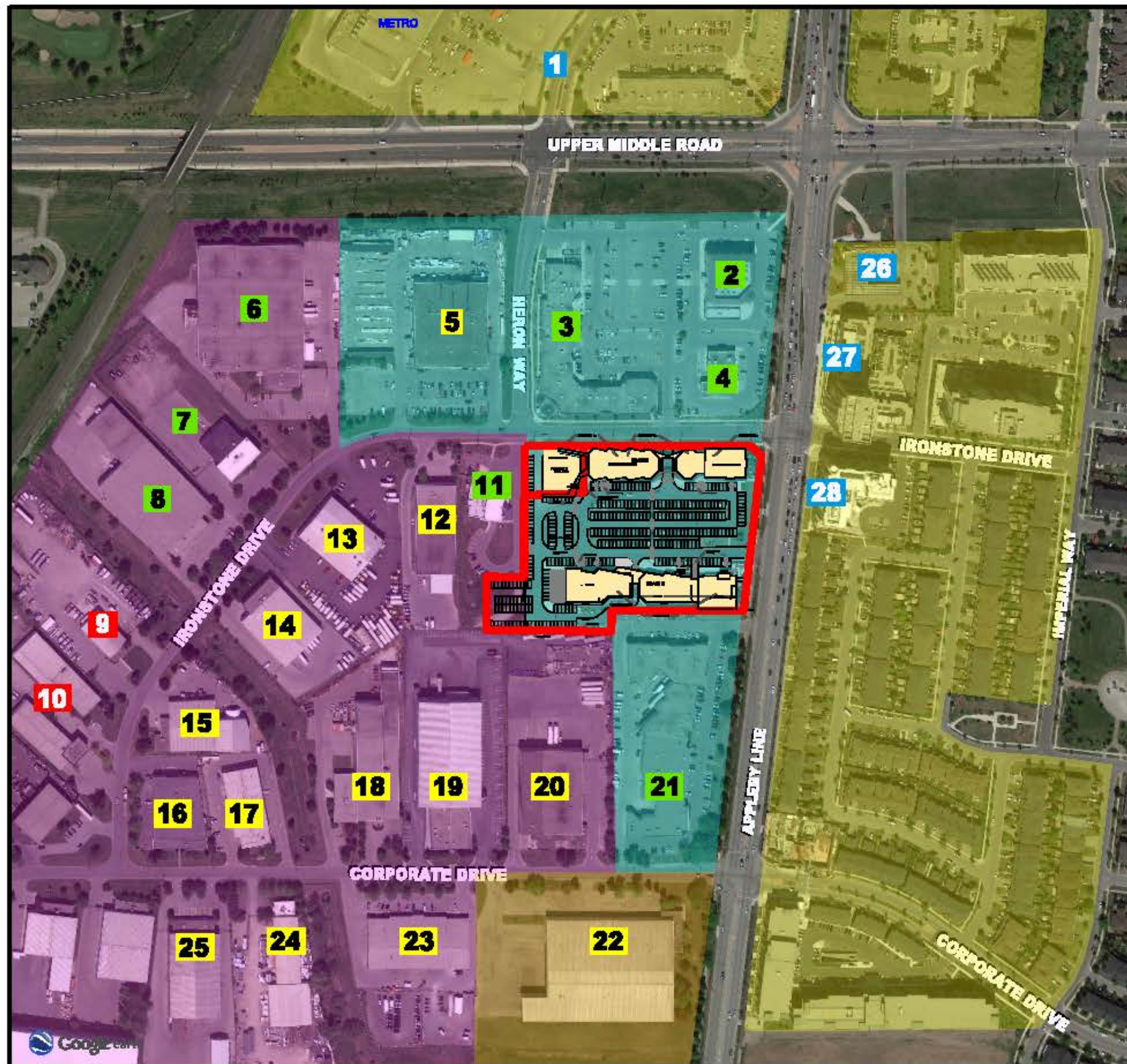


FIGURE 1

Feasibility Impact Assessment D-6 Guidelines: Separation Distance Analysis

LJM Developments: 1900 Appleby Line, Burlington

LEGEND

■ SUBJECT LANDS

EXISTING ZONING

- UPTOWN EMPLOYMENT (UE)
- GENERAL EMPLOYMENT (GE1)
- UPTOWN COMMERCIAL / RESIDENTIAL (UCR)
- UPTOWN MIXED USE CORRIDOR EMPLOYMENT (UMCE)

D-6 CLASSIFICATIONS

- CLASS 1
- CLASS 2
- CLASS 3
- NON-INDUSTRIAL USE

BUSINESSES WITHIN 300M OF SUBJECT LANDS

1. Millcroft Shopping Centre (Retail)
Metro
Canadian Tire
Marlin
Framing Art Center
Real Estate Market
Beer Store
Nails For You
GNC
Cigar Etc.
Canada Computers
McDonalds
Shoppers Drug Mart
The Center (Bills Development)
Orchard Animal Hospital
Dental Care
Orthodont Center
Hillside Alley
South Avenue
New Health Club
Vietnamese Thai Cuisine
Spotless Dry Cleaners
Optometrist
Oil Financial
Club Six
Duker Paints
Helen Vision Therapy
Toppers Pizzeria
Milkot Mediterranean Cuisine
Taste of Travel
Aveda
Venus Salon
Queens Barbers & Tonic
Anchor Bar
Barnet's Weightloss Club
Super Gals
Waggy's Diner
The Burrows Spa
LCBO
2. Upper Appleby Professional Centre
North Burlington Medical Centre
Coffee Culture
Edward Jones
Dr. Jay-Anne Montalvo & Assoc., Optometrist
Appleby Pharmacy
Walk-In Clinic
3. Upper Appleby Centre
Terrell Bank
Santitas Fine Italian Foods
T + P Nails
Sport Clips Hair Salon
Queen's Dry Cleaners
Mushrooms
Monkey See Monkey Do childcare
Upper Appleby Dental
- 3 (continued)
Juno's Health Care
Asian Massage Buffet
Hasty Market
Pizzaville
Aldi's Insurance
Hibachi Restaurant
4. Harrods and Sells Chisel
5. Roma
6. Gateway Star and Railing Systems
7. Profile Custom Homes
+ Mobile Communications
+ Complete Concreteness Systems
8. Special Event Rentals
9. Lefevre Road Services and Blair Restorations
10. Green Harbor Environmental Services
11. Fire Station
12. Roadland Produce Wholesale
13. Pinnacle Truck Rental
14. Field + Russell Office Supplies
15. Pollard Enterprises Ltd. Roofing
16. Vancouver Performance Chiropractic
17. Burlington Auto Works
18. O'Brien Installations Limited (frames)
19. Boudry Limited (welder equipment)
20. Merloni Stamping
21. Eaglebe Technology
The Dance Station
State Farm Insurance
Reptile - Habitat for Humanity
Control (security systems)
Signarama
Massage Pool and Spa
22. Staples of Canada Limited
23. Precision Home Inc.
The Hardwood Flooring Store
Still Motors
Mecromotion Hydrojet Inc.
24. Canadian Portable Structures
25. Marathon Equipment
26. Kimo Gas Station, On-the-Run, Tim Hortons
27. Ground Floor Retail:
Iris Dental Group
Millwright Florist
H + B Service Center (printing)
Hair Xpress salon
Zeynara Law Firm
Plano's
Appleby Total Health
28. Ground Floor Retail:
Salon
Merloni Travel
IDA Pharmacy

Air photo from Google Earth, May 2016 image.

File: 7894



**Appendix III – D-G Guidelines: Separation Distance Analysis –
Figure 2**



FIGURE 2
Feasibility Impact Assessment.
D-6 Guidelines: Separation Distance Analysis

LJM Developments: 1800 Apply Line, Burlington

LEGEND

SUBJECT LANDS

EXISTING ZONING

- UPTOWN EMPLOYMENT (UE)
- GENERAL EMPLOYMENT (GE1)
- UPTOWN COMMERCIAL / RESIDENTIAL (UCR)
- UPTOWN MIXED USE CORRIDOR EMPLOYMENT (UMOE)

D-6 CLASSIFICATIONS

- CLASS 1
- CLASS 2
- CLASS 3
- NON-INDUSTRIAL USE

BUSINESSES WITHIN 300M OF SUBJECT LANDS

1. Millcroft Shopping Centre (Retail)
2. Upper Appleby Professional Centre
3. (continued)
4. Harveys and Sikes Chisel
5. Roma
6. Shipway Stair and Railing Systems
7. Patisserie Cakes Home
8. Special Event Rentals
9. Lachritz Road Services and Blair Restorations
10. Clean Harbor Environmental Services
11. Fire Station
12. Roseland Produce Wholesale
13. Pondera Truck Rental
14. Fild + Russell Office Supplies
15. Pollard Enterprises Ltd. Roofing
16. Vandenham Performance Chiropractic
17. Burlington Auto Works
18. O'Brien Installation Limited (copper)
19. Everday Limited (water treatment)
20. Metro Stamping
21. Englobe Technology
22. Shopvac of Canada Limited
23. Precision Home Inc.
24. Canadian Portable Structures
25. Marathon Equipment
26. Esso Gas Station, On-the-Road, Tim Hortons
27. Ground Floor Retail
28. Ground Floor Retail

Air photo from Google Earth, May 2016 image.

File: 7884

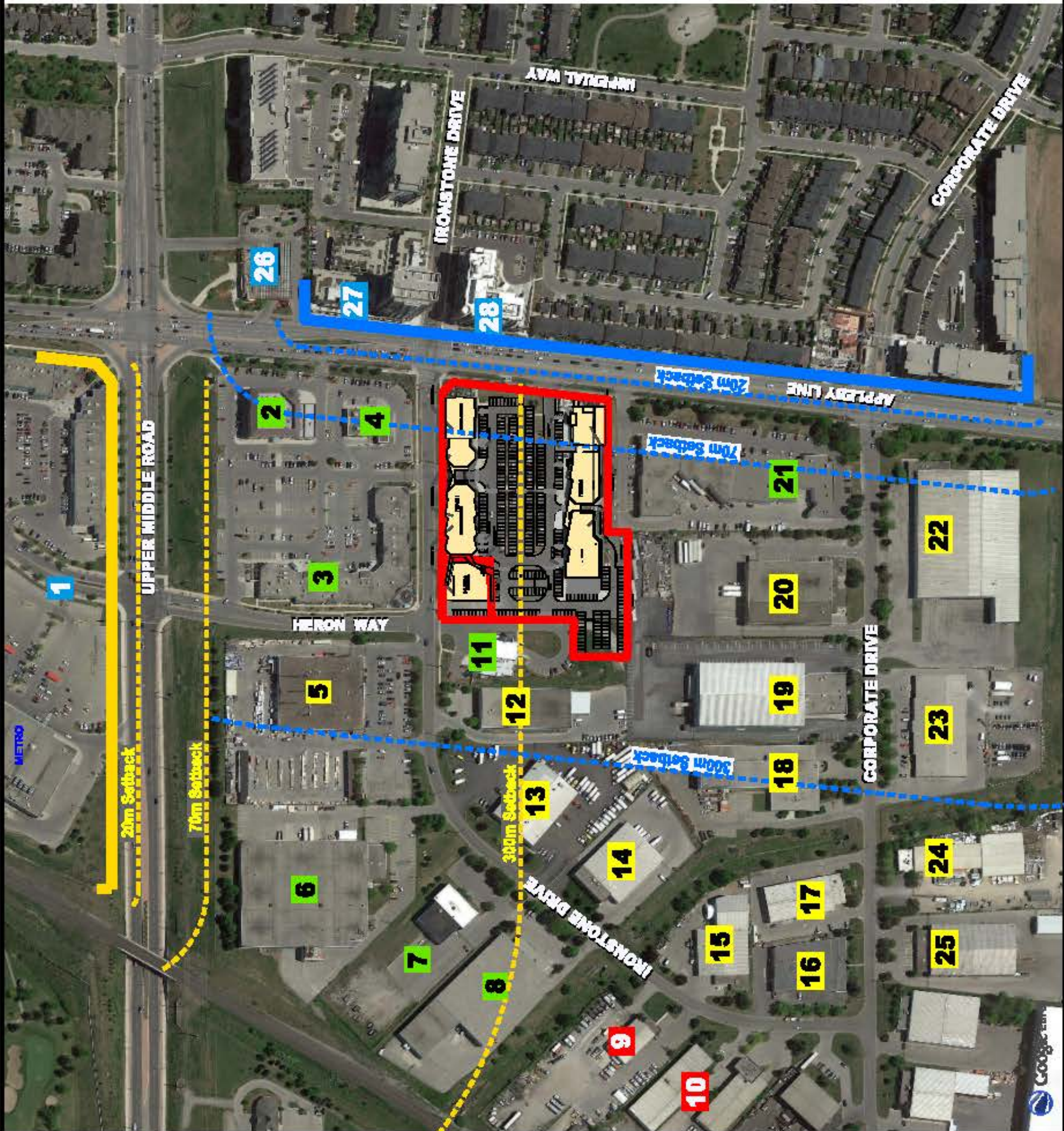
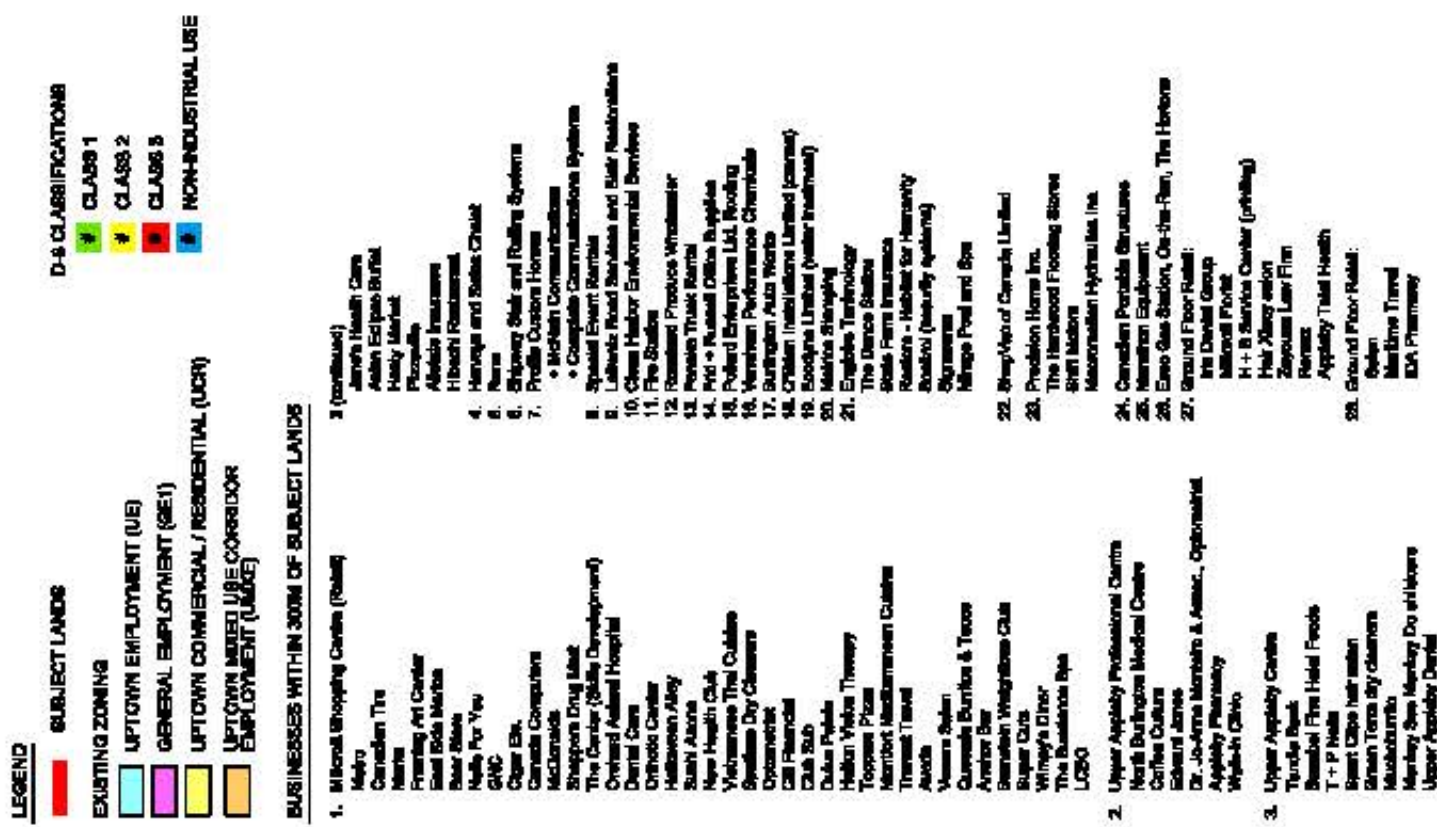


**Appendix IV – D-G Guidelines: Separation Distance Analysis –
Figure 3**

FIGURE 3

Feasibility Impact Assessment.
D-6 Guidelines: Separation Distance Analysis

LIM Developments: 1900 Appleby Lane, Burlington



IBI GROUP

Ms. Alison Enns – February 6, 2018

Attachment B – Presentation at November 30, 2017 Public Meeting



Burlington Official Plan Delegation



John Arians - IBI Group
Representing - LJM Developments
1860-1900 Appleby Line
November 30, 2017

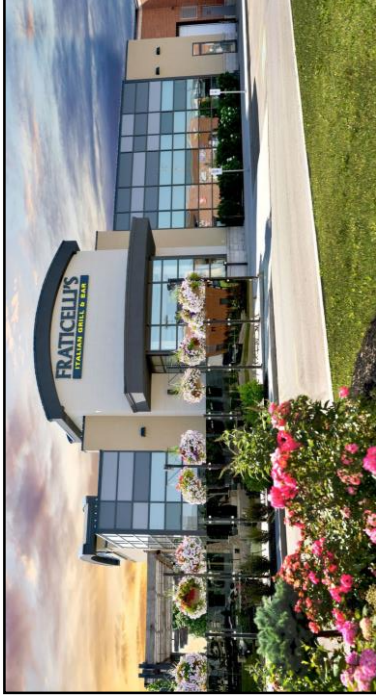
Appleby Gardens
5001 Corporate Drive, Burlington



Retail & Hospitality
1860-1900 Appleby Line, Burlington



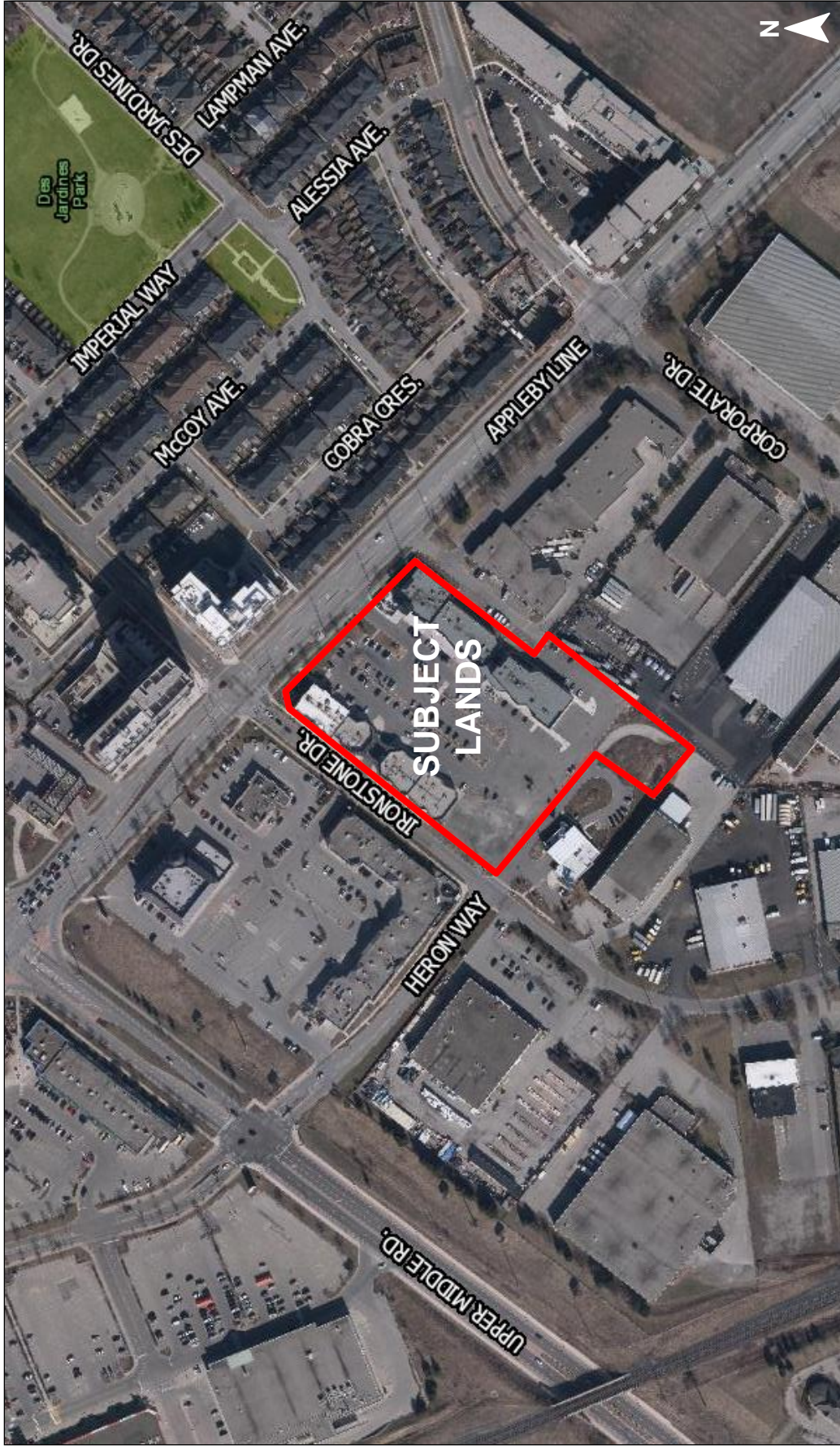
Fraticeili's
1860 Appleby Line, Burlington



Eleven Superior
Parklawn-Lake Shore Blvd. West, Etobicoke



LJM Developments – Previous Projects



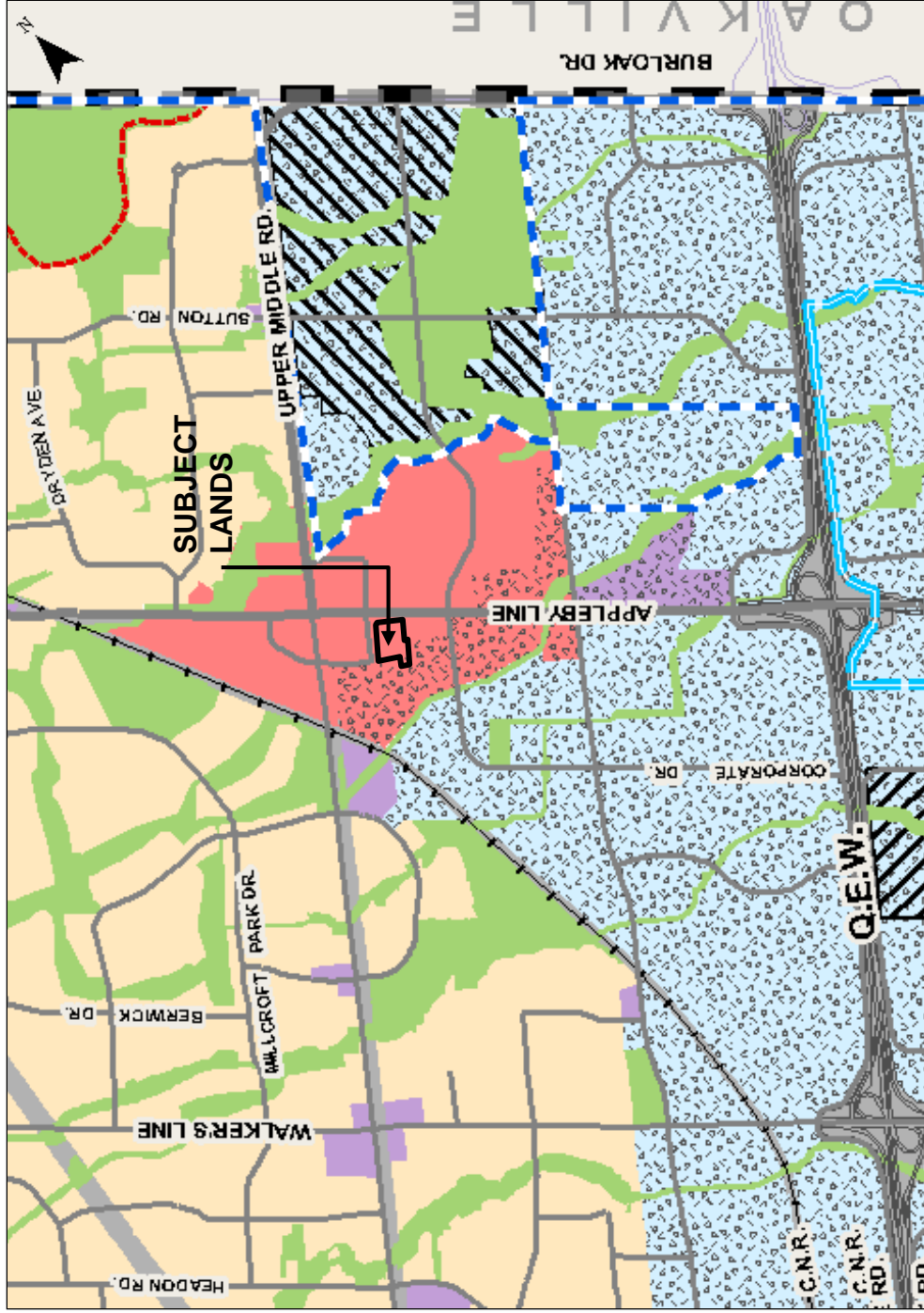
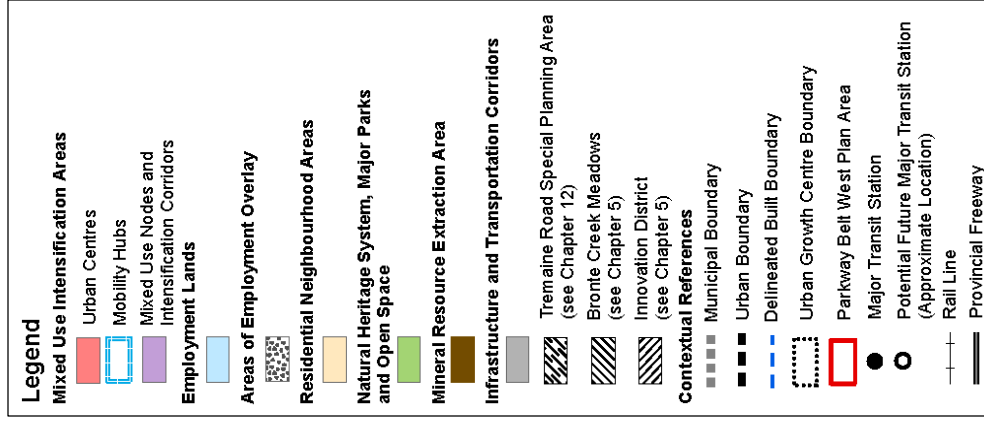
Location Map

CURRENT OFFICIAL PLAN DESIGNATION

- Uptown Employment
- Uptown General Employment

GROW BOLD OFFICIAL PLAN DESIGNATION

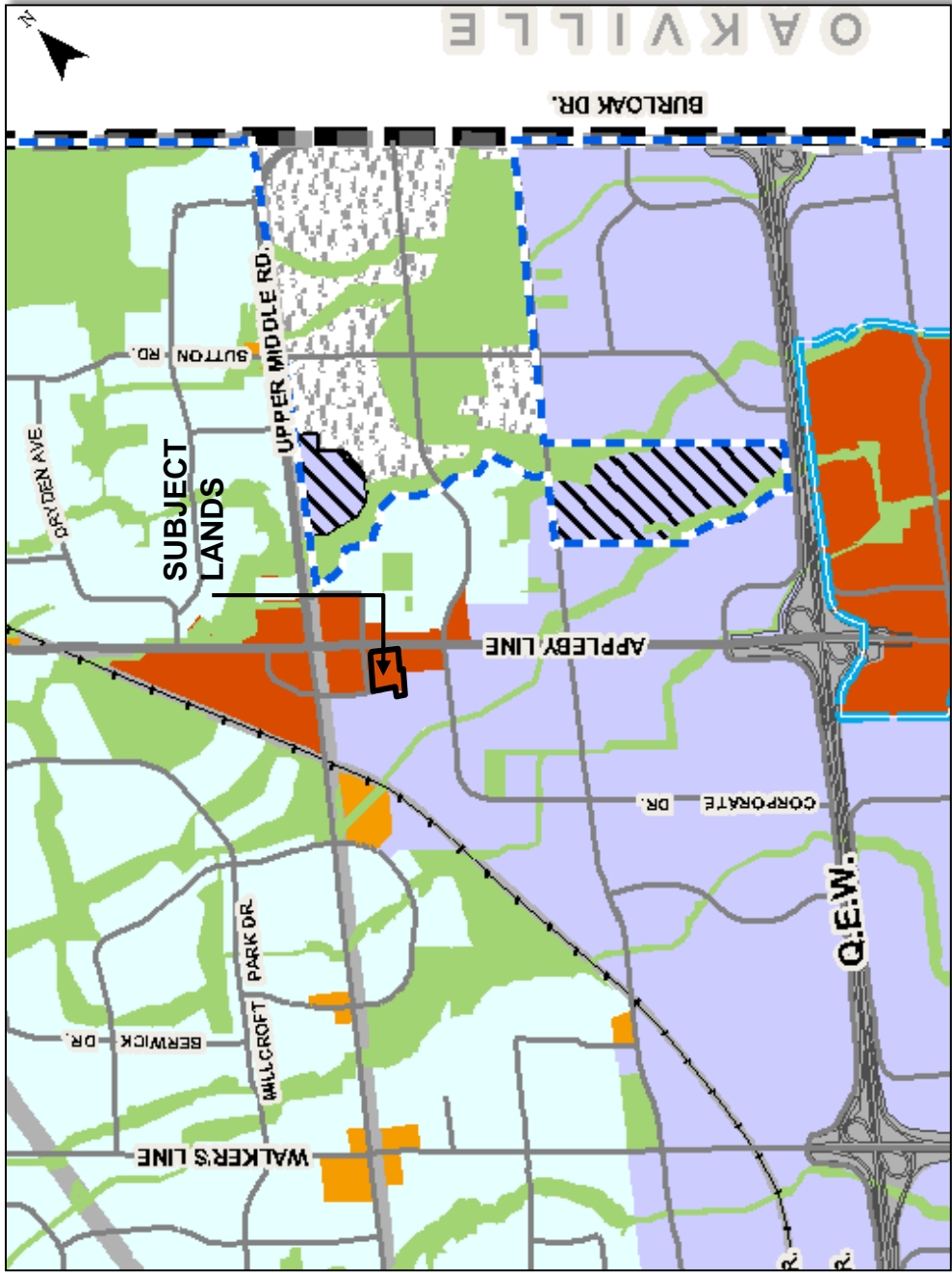
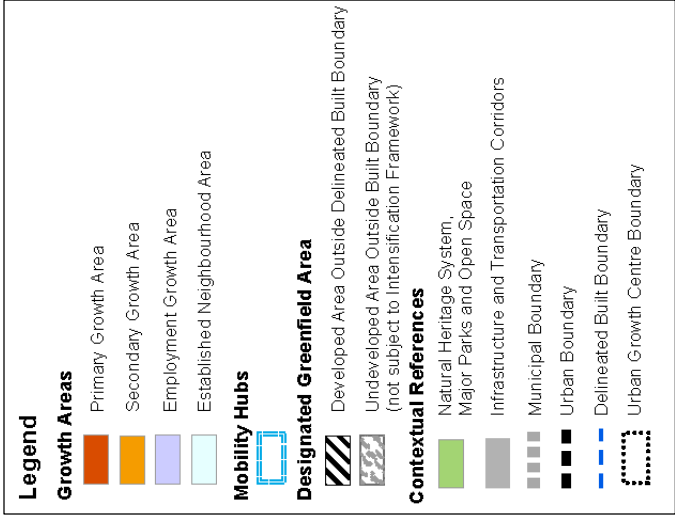
- Conversion from Employment to:
 - Uptown Core
 - Uptown Corridor



SUBJECT LANDS

1860-1900 Appleby Line
Burlington, Ontario

Schedule B – Urban Structure



SUBJECT LANDS

1860-1900 Appleby Line
Burlington, Ontario

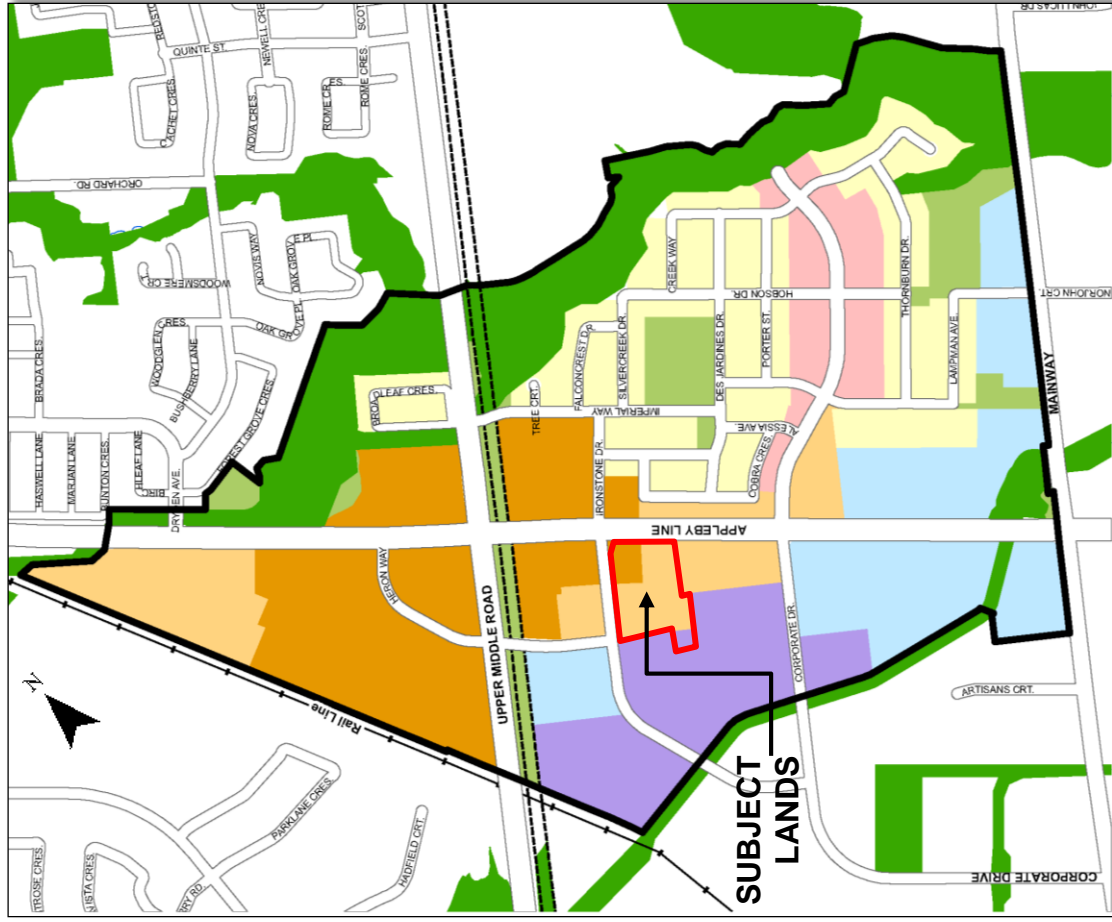
Schedule B1 – Growth Framework

Legend

- Uptown Core
- Uptown Corridor
- Uptown Local Corridor
- Uptown Residential - Medium Density
- Uptown Business Corridor-Employment Lands
- Uptown Business-Employment Lands
- City's Natural Heritage System
- Uptown Major Parks and Open Space
- Utility Corridor
- Uptown Urban Centre Boundary

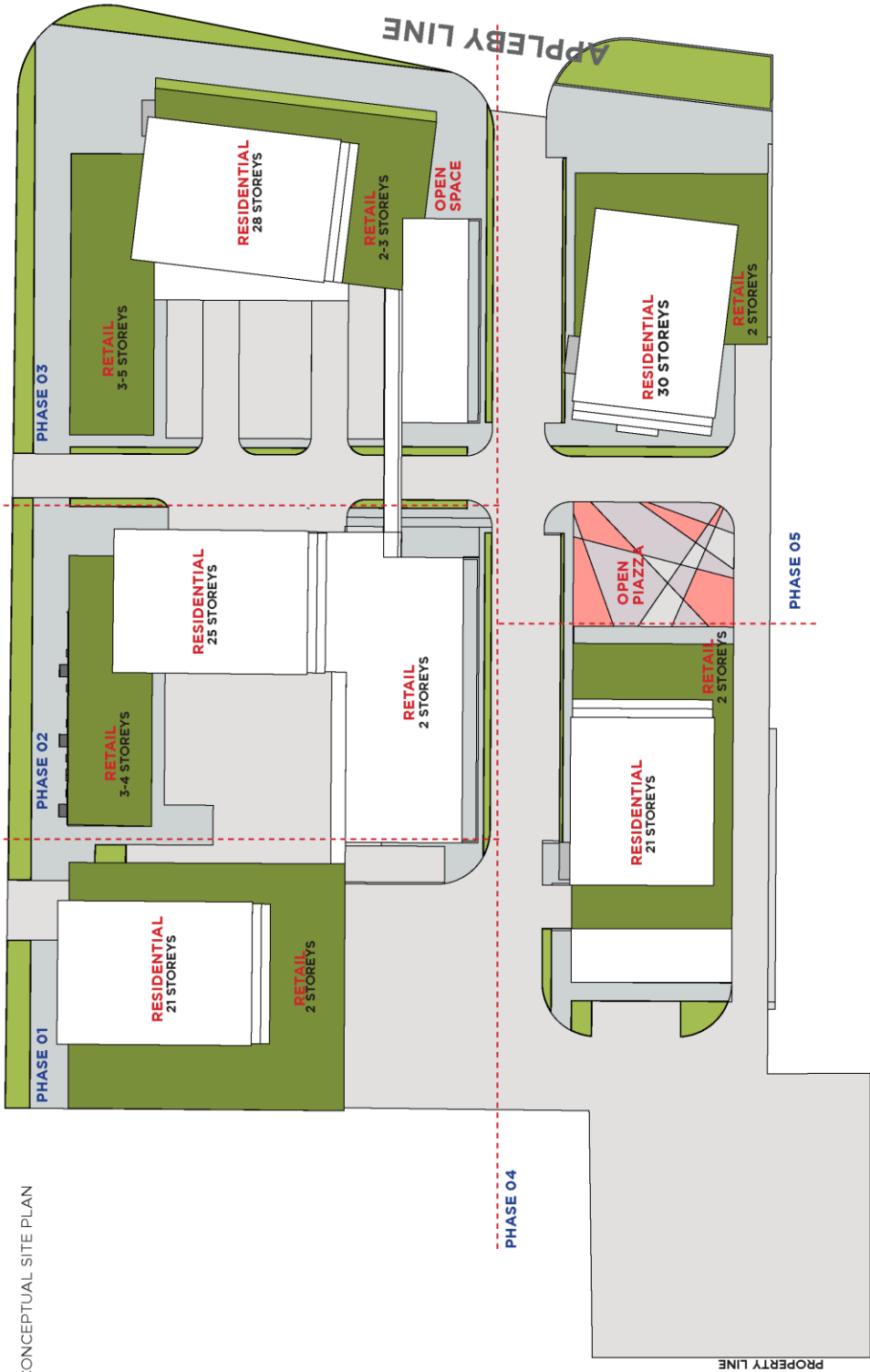
SUBJECT LANDS

1860-1900 Appleby Line
Burlington, Ontario



Schedule E – Land Use : Uptown Urban Centre

CONCEPTUAL SITE PLAN

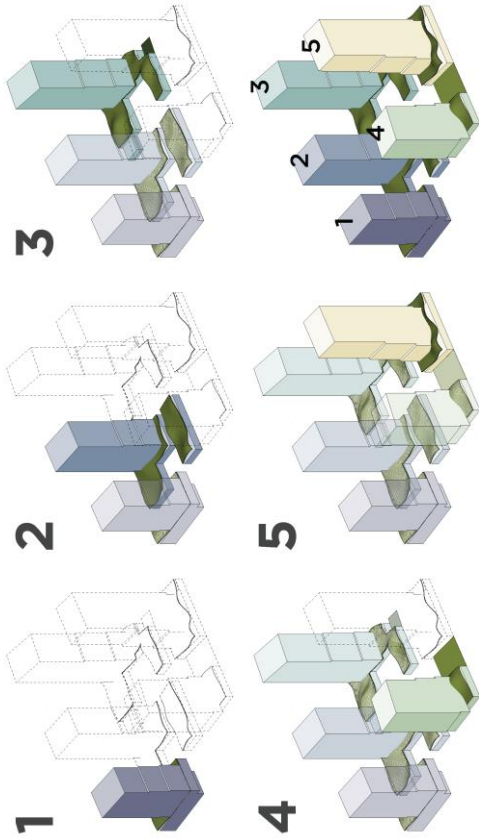


17024 - 1900 APPLEBY LINE
APRIL 27, 2017



Conceptual Site Plan

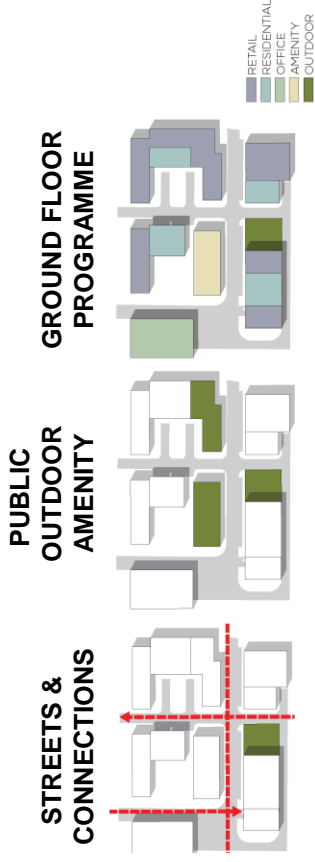
PHASING



MASSING



ORGANIZATION DIAGRAMS



MASSING



Development Concept

Legend

- Uptown Core
- Uptown Corridor
- Uptown Local Corridor
- Uptown Residential - Medium Density
- Uptown Business Corridor-Employment Lands
- Uptown Business-Employment Lands
- City's Natural Heritage System
- Uptown Major Parks and Open Space
- Utility Corridor
- Uptown Urban Centre Boundary

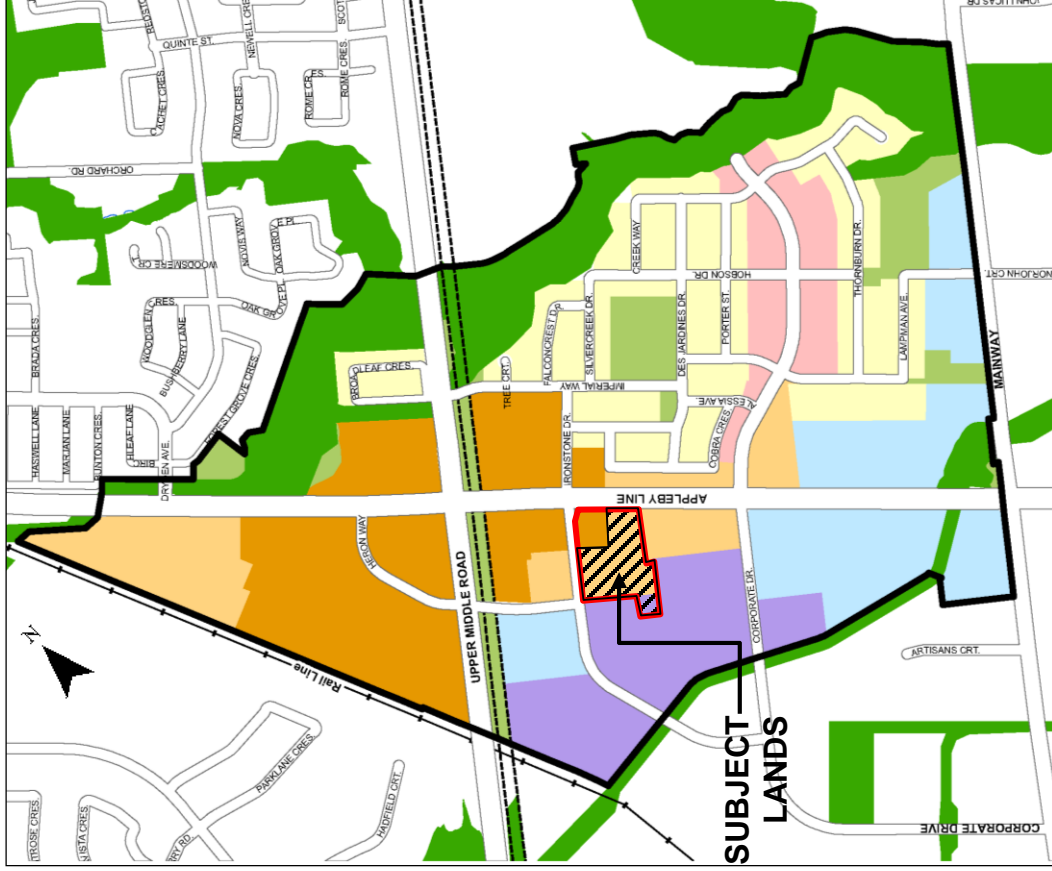
SUBJECT LANDS

1860-1900 Appleby Line
Burlington, Ontario

**Proposed Modification to
Schedule E**

Change from Uptown Corridor to
Uptown Core

Change from Uptown Business-
Employment Lands to Uptown Core



Proposed Modified Schedule E – Land Use:
Uptown Urban Centre

Thank you!



Al Ruggero MCIP, RPP, PLE - Director of Land Development
Tel: (416) 736-4900 Ext. 270 Fax: (416) 736-4901
Mobile: (416) 788-2453
E-mail: aruggero@rextonrealty.com

Official Plan for the City of Burlington January 2018

Please forward your comments on the proposed new Official Plan to the attention of Leah Smith, Planning Department, City of Burlington, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6, or by email to newop@burlington.ca.

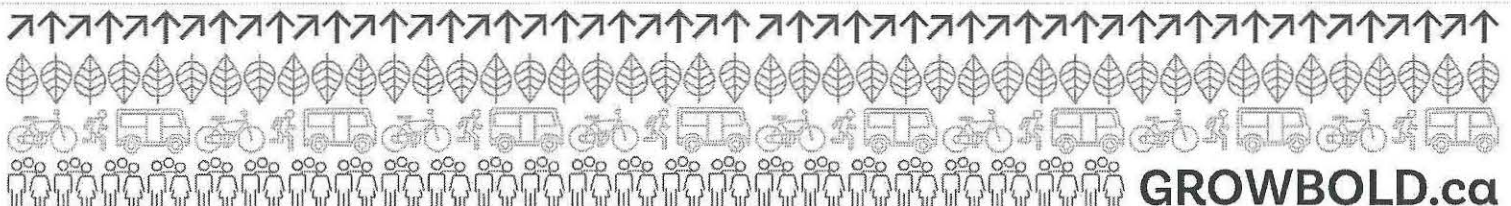
From: Name AL RUGGERO - Rexton Devts Ltd
Address old CNR lands south of Graham Ln
E-mail plan@rogers.com
Phone cell 416-788-4453
Date Feb 15/18

would like to confirm that proposed land use
designations for subject site the same as

those previously discussed by email with

Muyo (PI) at City of Burlington

ie proposed change similar to what
currently exists in OP.



Planning
JAN 26 AM 10:46

Karmel & Inaya Sakran
2303 Kirkburn Drive, Burlington, Ontario, L7P 4E9
[REDACTED]

January 26, 2018

RECEIVED
JAN 29 2018
City of Burlington
Planning Department

BY FACSIMILE: [REDACTED]

Total Page(s): 2

The Corporation of the City of Burlington
426 Brant Street
Burlington, Ontario
L7R 3Z6

Attention: Planning and Development Committee

RE: 478 Elizabeth Street & 479 John Street, Burlington
Appendix F of Report PB - 11 - 18
Proposed Pedestrian Corridor East Side of Brant Just West of City Hall

It is with dismay and protest that I write to you after just learning of a proposed pedestrian corridor on the East side of Brant Street and just West of City of Hall. My wife and I are opposed to the pedestrian corridor as proposed in Appendix F of Report PB - 11 - 18.

My wife and I are owners of 478 Elizabeth Street & 479 John Street, Burlington and, although we knew that the official plan was under review, we were never made aware of the specific impact on our property.

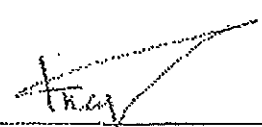
I checked with my neighbours, David and Gurdev Johal, owners of 472 Elizabeth Street & 477 John Street, and they too did not receive notice of the proposed pedestrian corridor. I am sure Mr. & Mrs. Johal will present their own objections, but in speaking with them yesterday, they too are opposed to the pedestrian corridor as proposed.

My wife and I suggest the committee consider shifting the pedestrian corridor East to Maria Street. After all, Maria Street has been closed between John Street and Elizabeth Street for several months due to construction of the Berkeley project. Half of Maria Street could be a pedestrian corridor while the other half can be a one-way street for vehicular traffic.

After all, Maria Street is an existing public corridor thereby not impacting private property. And, the pedestrian corridor could be extended the entire length of Maria Street connecting it to Lion's Park and thereby directly benefitting more residents.

Yours truly,


Karmel Sakran


Inaya Sakran

cc. Mayor Rick Goldring (mayor@burlington.ca)
cc. Councillor Rick Craven (rickcraven@burlington.ca)
cc. Councillor Marianne Meed Ward (Marianne.meedward@burlington.ca)
cc. Councillor John Taylor (john.taylor@burlington.ca)
cc. Councillor Jack Dennison (jack.dennison@burlington.ca)
cc. Councillor Paul Sharman (paul.sharman@burlington.ca)
cc. Councillor Blair Lancaster (blair.lancaster@burlington.ca)
cc. Dr. Michael Shih [REDACTED]
cc. Mr. and Mrs. David Johal [REDACTED]

From: Jeremy Skinner [REDACTED]
Sent: Wednesday, February 21, 2018 11:16 PM
To: Mailbox, OPReview
Subject: Comments re Revised New OP (Feb Ed)

As a result of the OMB decision with regards to the ADI Martha St. development, I found it difficult to visualize the decision criteria used by the OMB Chair. It would have been helpful if Schedule D had been depicted as follows:

1. the boundaries defined for the **Anchor Hub** as defined in the Big Move as an area of 800 m radius of the downtown bus station (I believe that Schedule D already provides this using a solid black line)
2. the boundaries of the designated downtown **Urban Growth Centre** which appear to be contained within the Anchor Hub (I believe that Schedule D already provides this using a red dashed line).
3. the boundaries defined for **Major Transit Station Area** as defined by the Greater Golden Horseshoe 2017 as an area within an approximate 500 metre radius of the downtown bus station. (This appears to be a new requirement of GGH2017 which has not been defined in the text or mapped within this OP). (This may end up being the same borders as the Urban Growth Centre boundaries depicted in Schedule D using red dashed lines.)
4. the colour filled **Precincts** contained within the Anchor Hub is an unnecessary distraction because it places more emphasis on distinguishing each precinct as opposed to distinguishing which land use areas are **Mixed Use** versus **Residential Neighbourhoods**. Instead, I would have preferred that the border of each precinct be defined using a common black dotted line with a number (or letter) designator placed within the precinct boundaries which can be associated with a precinct number (or letter) and precinct name table contained in the legend.
5. colour fill each **Mixed Use Activity Area** (or Centre) associated with existing and/or approved buildings within the downtown Mobility Hub (consider colour fill consistently as with Schedule C).
6. colour fill the remaining **Mixed Use Areas** within the downtown Mobility Hub (consider colour fill consistently as with Schedule B)
7. colour fill each Residential Neighbourhood within the downtown Mobility Hub (consider colour fill consistently as with Schedule B)
8. colour fill all Parks and **Historical and Heritage Sites** contained within the downtown Mobility Hub

The same discipline should have been used with the Uptown Urban Use Centre in Schedule E.

If precincts which are designated as residential neighbourhoods and Spencer Park are contained within the Anchor Hub or the downtown UGC, then I ask that we make every effort to attempt to remove them from these designated areas. Justification is that the minimum density target is based upon the area contained within the Mobility Hub or the Urban Growth Centre. To keep these implies higher densities for the rest of the Anchor Hub or UGC designated lands.

I seek clarification as to whether the use of precincts in the City of Burlington are appropriately defined in terms of a higher weight (from an OMB perspective) than if each was defined within an Area Specific Plan. If not, then we need to seek that each precinct is covered by at least one Area Specific Plan.

I seek the clarity in terms of the definitions of Mixed Use Intensification Areas, Mixed Use Nodes, and Mixed Use Centres which appear to be used interchangeably throughout the OP. If we are unable to standardize on the use of each term, can we ensure that the relationship or equivalence between each is appropriately described in

at minimum Chapters 2, 5 and 8 along with Schedules B & C. The OMB chair's decision with regards to the ADI appeal used the term "**mixed use activity area**" which can't be found in the text contained in new OP with exception of perhaps the legend associated with Schedule C where the terms Mixed Use (Commercial/Neighbourhood/Local/Employment) Centres are defined. I am assuming that (Commercial/Neighbourhood/Local/Employment) are activities. If the replacement of Centre with Node in Schedule C is deemed not feasible, then can we include "(or centre)" after the words "mixed use node" are found in the Chapters and associate "(or node)" with mixed use centre wherever found in the legend associated with Schedule C?

I seek clarification from the Ministry of Transportation and the Ministry of Urban Affairs as to what transit characteristics are typically defined with and what "tests" should be used to validate the appropriate existence of:

1. an Anchor Hub
2. a Mobility Hub
3. a Major Transit Station Area

I seek clarification from the Ministry of Transportation and the Ministry of Urban Affairs as to what funding has been, is being, and will be provided when intensification and transit-supportive development takes place?

The last two items may be raised by a Councillor motion at the Statutory Meeting.

I ask for the inclusion as to the need for "healthy community supportive development" be included at a minimum as part of 2.1 Community Vision and elsewhere when the expression of "community development" is used with regards to Community Vision.

I ask for the inclusion as to the need for communities which are supportive of children, the elderly and the infirm (those who require accessibility considerations) be included as part of 2.1 Community Vision and other locations within the OP which deals with Community Vision.

I ask that we consider the inclusion of appropriate exhaust ventilation to be included in proposed mixed-use mid-rise and tall building developments so as to permit the hosting of restaurants and other food preparation retail outlets. Without exhausts limits restaurants and food preparation outlets from using grills and friers. The costs to retrofit exceed \$70,000 which is beyond reach for most shopkeepers except those associated with major branded concessions.

I ask that Plains Road and Fairview Street be considered as "View Streets" which are consistent with the view street characteristics outlined in chapter 8 section 1.1(3.7.1) POLICY c) (viii) illustration depicting the cross-section showing 45 degree angular plain from the centre of the street. In such a manner Plains Road and Fairview street pedestrian sidewalk areas can be bathed with at least 5 hours of sunlight during each of the spring and fall equinoxes.

Regards -- Jeremy Skinner [REDACTED]

Daly, Laura

From: Jeremy Skinner [REDACTED]
Sent: Thursday, February 22, 2018 9:27 AM
To: Mailbox, OPReview
Subject: Residential Neighbourhoods
Attachments: 2018-02-22 Burlington OP Suggestions.pptx

Last Comments

May I ask that we ensure that Residential Neighbourhoods are protected from encroaching mid-rise and tall building developments by appropriate transitions of height and scale.

In particular, can we make reference to how this will be done such as the proposed building must be contained within an angular plane from the ROW street facing property line of the bordering house or the backyard property line of the bordering house.

I have attached a few charts to illustrate the concern.

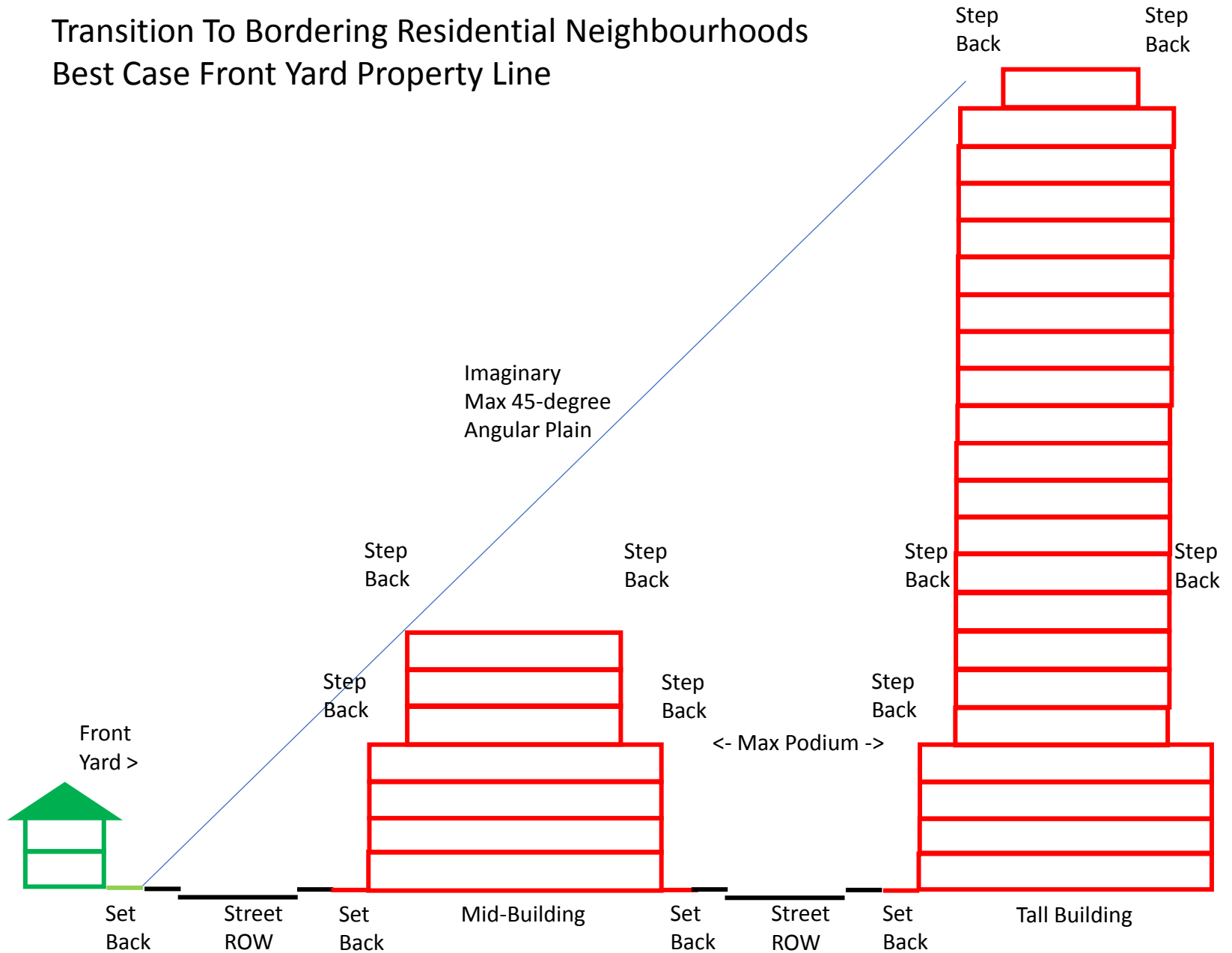
You may wish to update the OP to assist the reader as to the development planning process when it comes to mediation related to the Official Plan and Zoning By-laws. Most people do not understand that these can be changed through amendments by an approval body as provided in the ACT. This includes City Council, Harton Regional, OMB, etc. (last chart).

Regards -- Jeremy Skinner [REDACTED]

OP Principles

- Building Heights transitions with Residential Neighbourhoods must be contained underneath a maximum 45-degree angular plane placed on:
 - Front residential Property Line if across a street
 - 3-metre fence height on side or rear property line
- Building Height transitions with bordering Green Spaces must be contained underneath a maximum 45-degree angular plane placed on:
 - Middle of a “view” street
 - Front Greenspace Property Line if across a street
 - 3-metre fence height on side or rear of Greenspace Property Line

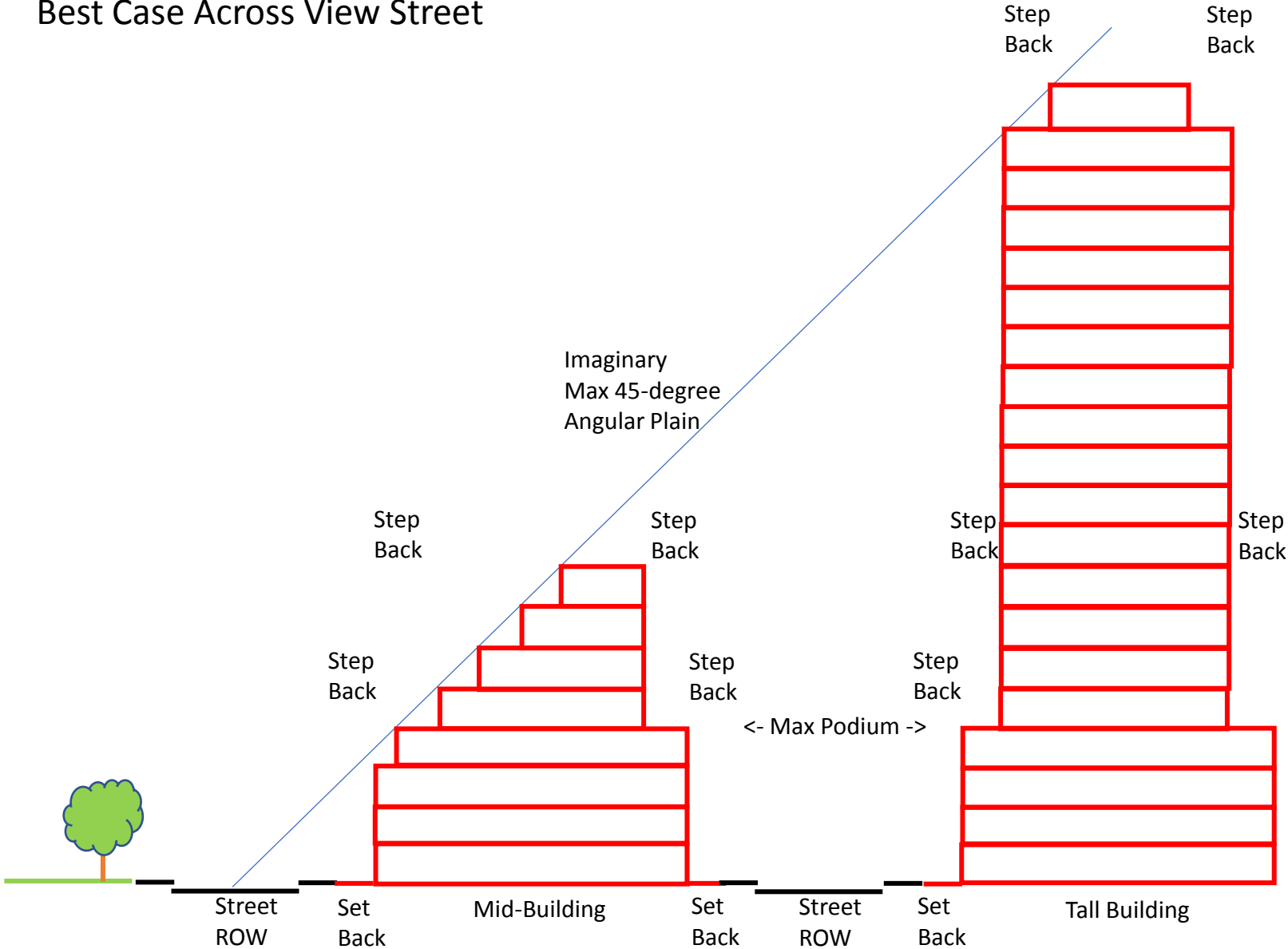
Transition To Bordering Residential Neighbourhoods Best Case Front Yard Property Line



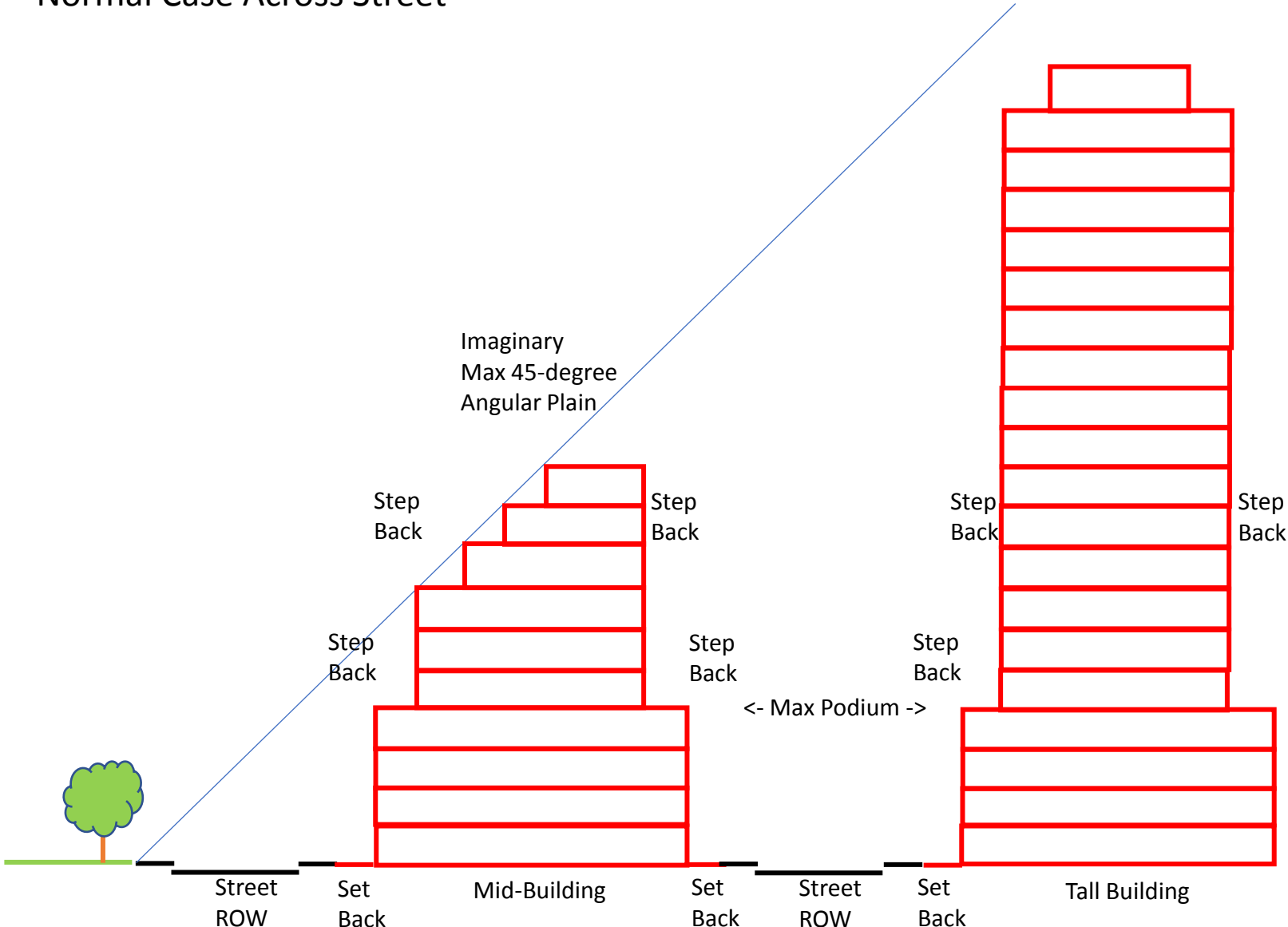
Step	Step
Back	Back



Transition To Bordering Green Space Best Case Across View Street

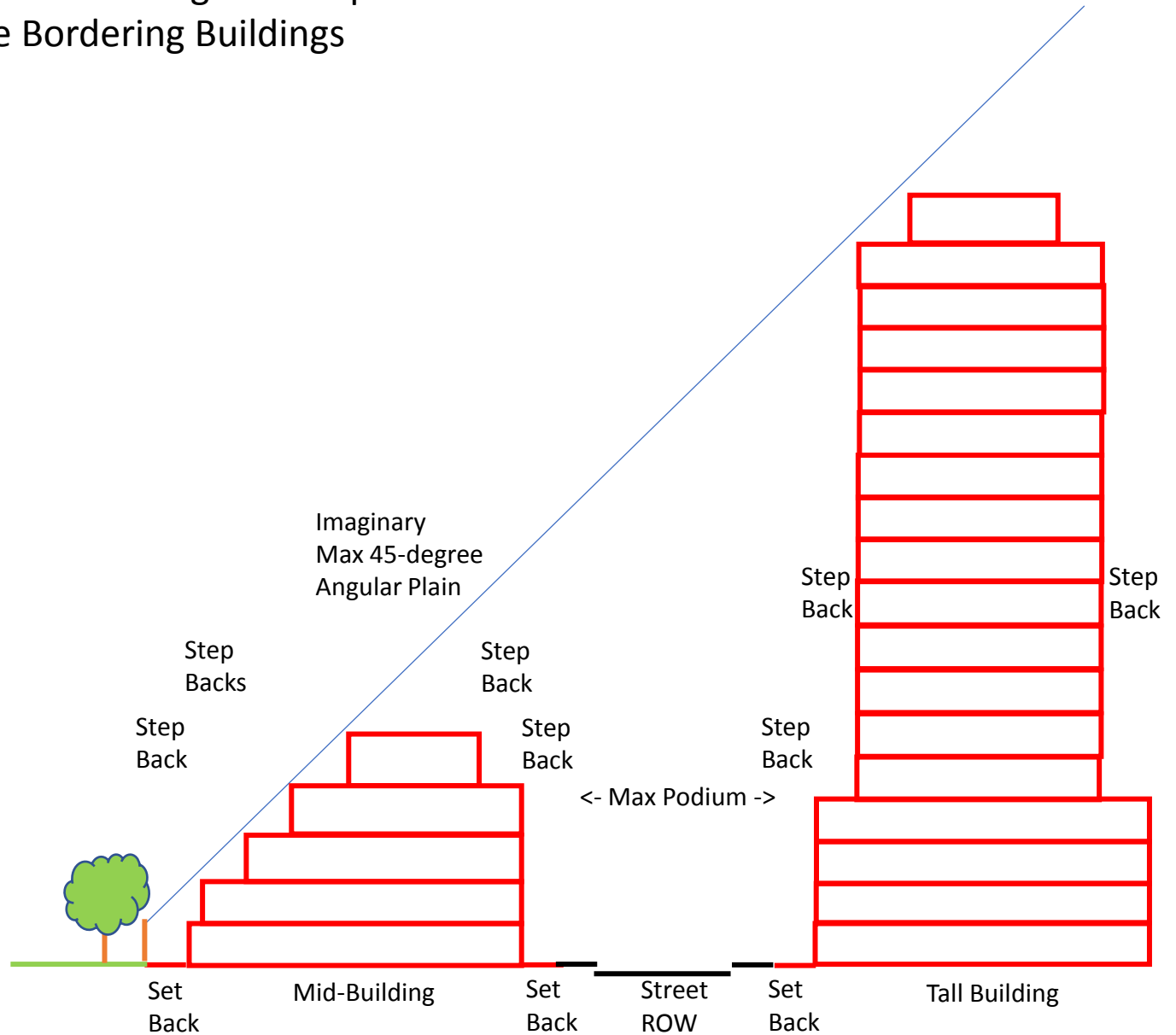


Transition To Bordering Green Space Normal Case Across Street



Transition To Bordering Green Space

Worst Case Bordering Buildings



Proposed mid-rise/tall building Angular Plane impact on bordering Emerald Precinct residential neighbourhood. Possible solution relates to acquiring residential property over time on west side of Wellington Ave and Emerald Crescent for the creation of a park following water course.



20170616 Burlington DT Scenario 1

Ref: Paolo Mazza - https://www.youtube.com/watch?v=1Eyw_vRZ3ZI&feature=youtu.be

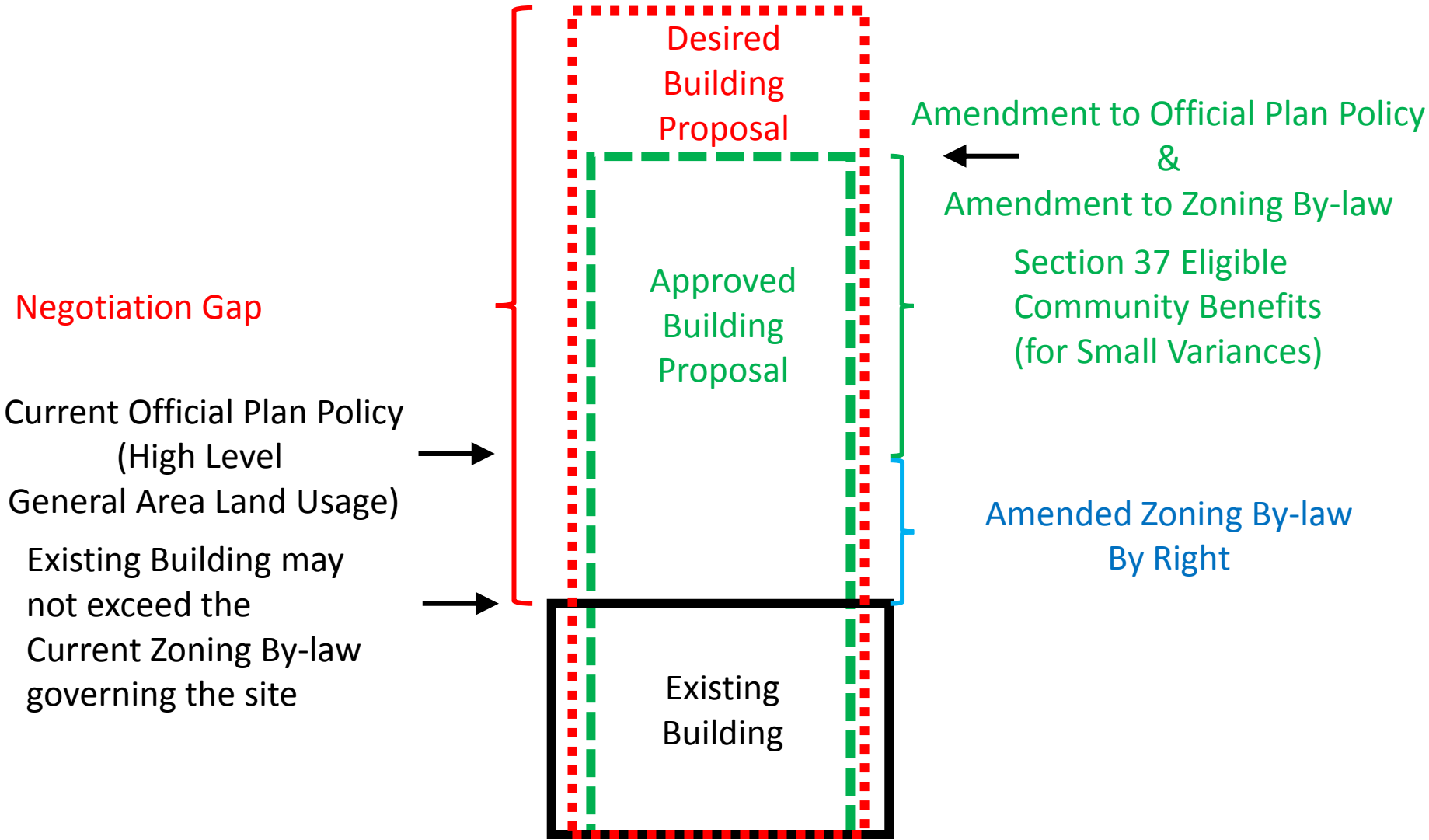
Proposed mid-rise/tall building Angular Plane impact on bordering Emerald Precinct residential neighbourhood. Possible solution relates to acquiring residential property over time on west side of Wellington Ave and Emerald Crescent for the creation of a park following water course.



20170616 Burlington DT Scenario 2

Ref: Paolo Mazza -<https://www.youtube.com/watch?v=mC4Ch82GiJA>

GAP in Public Understanding as to the Planning Process



From: Jim Levac [mailto:jiml@gsai.ca]
Sent: Thursday, February 22, 2018 2:33 PM
To: Mailbox, OPReview
Cc: Herefordshire; Enns, Alison
Subject: Proposed New Official Plan (February, 2018): Attn Ms. Leah Smith

Dear Ms. Smith:

We are writing you on behalf of Dov Harvester (SL) Limited who only recently acquired a 13 acre parcel of vacant lands situated between South Service Road and Harvester Road, east of Guelph Line. The subject lands are outlined below in red.



We have taken the opportunity in the past two weeks to review the proposed new Official Plan Policies for Employment lands as well as attend the Official Plan Open House meeting. The subject lands are proposed to be designated "Business Corridor" under Section 8.2.4 which permits a wide range of office and industrial uses, hotels, conference centres, a limited range of accessory retail uses and a full range of accessory service commercial uses. Further, we are pleased to see further changes from an earlier draft of the Official Plan which, under Section 8.2.4.(2)(a)(iv) permits "large scale motor vehicle dealerships" subject to certain criteria regarding job targets and the type of road class required for dealership uses. We would like to go on record as being fully supportive of these most recent changes and commend the City for allowing a greater flexibility of uses within his proposed designation. Auto dealerships rely a great deal upon highway exposure as is evident by the number of new dealerships that have been constructed along either side of the QEW in Halton Region over the past 10 years. Further, these types of uses fulfill an important "employment" function in the creation of greater numbers of higher paying jobs than would many other traditional employment uses like warehouses or storage facilities. We trust our comments will be taken into consideration and that staff will continue to recommend approval of the proposed new employment policies as drafted. We thank you for the opportunity to provide formal comments on this important policy initiative.

Could you please add my name to your Official Plan Review mailing list so we are kept apprised of future dates as this process moves forward. Thank you.

Regards,

Jim Levac, MCIP, RPP | Partner

700 - 10 Kingsbridge Garden Circle

Mississauga, ON L5R 3K6

T: 905-568-8888 x233 | F: 905-568-8894

www.gsai.ca



From: Darlene Presley [<mailto:dpresley@mhbcplan.com>]

Sent: Thursday, February 15, 2018 11:01 AM

To: Smith, Andrea

Subject: February Draft OP

Good Morning Andrea,

We have reviewed the revised Draft Official Plan dated February 2018. We appreciate the revision to Section 6.3.2 ii of the plan following our letter dated June 29, 2017.

We would like to request one additional revision to 6.3.2 i) to remove the following wording:

Development within two hundred (200) m of TransCanada facilities may affect the safety and integrity of the pipeline.

And replace with:

New development can result in an increase of population density that may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662. Therefore,

(i) any development proposals within two hundred (200) m of its facilities require early consultation with TransCanada.

If you have any questions please let me know.

Thank you,

DARLENE PRESLEY | Planning Co-ordinator

MHBC Planning, Urban Design & Landscape Architecture
On behalf of TransCanada PipeLines Limited

442 Brant Street, Suite 204 | Burlington | ON | L7R 2G4 | T 905 639 8686 x 229 | F 905 761 5589 | C 705 627 2302 | dpresley@mhbcplan.com |

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February 6th, 2018

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

Via Email to newop@burlington.ca

RE: City of Burlington's proposed new Official Plan (February 2018)
TNPI Ref.: MP 73 R/W-1.1 to MP 74 R/W-5.5

Dear Ms. Smith:

Thank you for the Notice of Open Houses and Statutory Public Meeting Burlington's Proposed New Official Plan. I confirm that Trans-Northern's petroleum products transmission pipeline operates in high pressure within its right-of-way crosses the City of Burlington.

I have reviewed the proposed new Official Plan online and noticed that Trans-Northern Pipeline's easement is not shown in the Schedules and there are no policies regarding future development near Trans-Northern's easement.

In order for the public to be aware of the location of the pipeline and to ensure the safety and integrity of the pipeline, please display Trans-Northern Pipeline's easement on the Official Plan's Schedules and include some policies in the Official Plan to protect and retain the easement.

Thank you for including Trans-Northern in your consultation.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Alison Tong', is placed above the printed name.

Alison Tong
Land and Right of Way Administrator
Trans-Northern Pipelines Inc. | 45 Vogell Road, Suite 310, Richmond Hill, ON L4B 3P6 |
(289) 475-5382
atong@tnpi.ca

TORONTO

310-45 Vogell Road
Richmond Hill ON L4B 3P6

TEL (905) 770-3353
FAX (905) 770-8675

CALGARY

109-5305 McCall Way NE
Calgary AB T2E 7N7

TEL (403) 476-1646
FAX (403) 770-8675

VIA E-MAIL

February 22, 2018

City of Burlington
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Leah Smith, Planning Department

Dear Ms. Smith:

RE: City of Burlington Proposed New Official Plan

We are solicitors for Adi Development Group Inc. regarding their interest in various properties within the City of Burlington, including 374 & 380 Martha Street, 101 Masonry Court, 4853 Thomas Alton Blvd., 4880 Valera Road, 5451 Lakeshore Road, 1447 Lakeshore Road, as well as additional properties in which my client has an interest. We are providing this written submission to you on behalf of our Client after having reviewed the proposed Burlington Official Plan (February 2017 version).

Further to our correspondence dated December 6, 2017 (enclosed for your convenience), I have yet to receive any correspondence from Planning staff indicating how or even if they intend to address the comments raised therein. As such, the comments contained in the previous correspondence still stand. In addition to those comments, we have additional concerns with the February 2017 version of the proposed Official Plan and those policies that affect the aforementioned properties, some of which are identified below.

Policy 8.1.1(3) Downtown Urban Centre

This policy, as well as numerous other policies contained within this section of the proposed Official Plan, acknowledges that the specific precincts, or areas in the Downtown Urban Centre remain "...under review through the Downtown Mobility Hub Area-Specific Plan process and

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

File 16132.00009

that additional objectives and/or policies may be added to this section, subject to the outcome of the area-specific plan process, and incorporated as part of this Plan and/or through a future amendment to this Plan.”

It is submitted that until the work on the Downtown Mobility Hub Area-Specific Plan is completed and all studies are released to the public for their review and comment, it is premature to come forward with any policies that impact the Downtown Mobility Hub or Downtown Urban Growth Centre. Doing so in advance of the completion of this work and in advance of allowing all stakeholders with the opportunity to review and comment on the background work supporting the draft policies, undermines the planning process and the public’s opportunity to participate therein.

The public process is one that is intended to be open and transparent and subject to scrutiny by all stakeholders. Preparing policies without the supporting work being completed and released to the public flies in the face of this fundamental planning principle.

In my experience, which includes working on behalf of municipalities in preparing Official Plans, and on behalf of landowners and ratepayers groups in reviewing them, I have never previously encountered a municipality that is choosing to proceed with such an import planning document without all the information known to inform recommended policies or making all information available to the public for their review and comment, prior to coming forward with draft policies.

It is submitted that any further consideration of the proposed Official Plan should cease pending the release of all background reports and materials. In the absence of the release of these particular studies, it is not possible for planning staff or the public to determine how the proposed policies affecting these lands are consistent with the Provincial Policy Statement, or how they conform to the Growth Plan, particularly given that the majority of the lands within the Downtown Urban Centre are also located within the Provincially identified Urban Growth Centre.

Policy 8.1.1.(3.11.1) c)

It is of note that the changes to this policy from the previous proposed version of the Official Plan (8.1.1(3.12.1)) are not accompanied by any study that would explain the planning rationale for the proposed change. The change to this policy serves as but one example of policies being created that are entirely without transparent and independent planning justification.

There has been no rationale or study put forward that explains why maximum heights are proposed to be reduced from 17 storeys to 12 storeys, other than a political motion that was put

forward and passed. Further, there is no justification that has been provided as to the appropriateness of the two elements that would allow for heights to increase to 17 storeys.

Site Specific Policy- 374 and 380 Martha Street

The proposed Official Plan now needs to include a site specific policy for 374 and 380 Martha Street to reflect the recent decision of the Ontario Municipal Board, which approved a development of 26 storeys on those properties. We look forward to reviewing the proposed policy to reflect that decision.

8.1.1(3.14)

The inclusion of policy 8.1.1(3.14) b) and c) is entirely inappropriate, and again without justification. These are matters that are best dealt with in Guidelines, as currently found in the City's very recently approved Tall Building Guidelines. In fact, the City's approved Tall Building Guidelines were approved following much study. The proposed deviation from them in terms of building separation, for example, without the necessary study causes significant concerns. Additionally, such guidelines are exactly that and should be treated as such rather than trying to be enforced by way of Official Plan policy, particularly when there is no justification for same.

8.3.5(2)

There are numerous references in the proposed Official Plan to the "Alton Community", however there is no identification of the boundaries of this area. The text of the proposed Official Plan proposes to limit heights in the "Alton Community" to a maximum of 10 storeys despite a recently staff recommendation to approve a development of up to 19 storeys at 4853 Thomas Alton Blvd. within what is known colloquially, if not actually, the "Alton Community". A site specific policy should be included with the recommended policies which reflects staff's independent position with respect to this proposed development.

Conclusion

In summary, we continue to request that a meeting be arranged with my client and their consultants to discuss their overall concerns with the proposed policies in the Official Plan and proposed alternative language to address our concerns.

As well, please also consider this letter as our continued request to be provided with copies of all future notices, reports, and Committee and/or Council decisions on this matter.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Denise Baker

DB/mw

cc : Client
11450723.1

VIA E-MAIL

December 6, 2017

City of Burlington
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Angela Morgan, City Clerk
Mayor Goldring and Members of Council

Dear Mayor and Members of Council:

**RE: City of Burlington Proposed New Official Plan (November 2017) and Proposed
Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies**

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

Overarching Concerns

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

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

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

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

Adi Development Group Specific Concerns

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

Chapter 2- Sustainable Growth

General Policies

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

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

Secondary Growth Areas

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

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

Chapter 3- Complete Communities

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

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

Chapter 7- Design Excellence

Introduction

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

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

7.1.2 Policies

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

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

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

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

7.3 Urban Design and Built Form

Introduction

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

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

7.3.2 Existing Community Areas

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

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

7.3.2.(1) Primary And Secondary Growth Areas

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

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

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

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

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

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

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

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

Chapter 8- Land Use Policies- Urban Area

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

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

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

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

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

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

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

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

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

s. 8.1.1.(3) Downtown Urban Centre –

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

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

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

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

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

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

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

Brant Main Street Precinct and Brant Main Street Special Planning Area

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

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

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

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

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

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

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

Chapter 12 Implementation & Interpretation

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

12.1.2(2.1) (b) for those studies which are new, prior to being included in this list, terms of reference for the studies should be established so that it is clear as to the nature and need for such studies.

Chapter 13 Definitions

We have concerns with a number of the definitions proposed in the Official Plan, including but not limited to:

Adverse Effects, Area Specific Plan, Compatible or Compatibility, Design Guidelines, Human Scale, Intensity, Neighbourhood Character, Neighbourhood Character Area, Physical Character, Podium, Qualified Person, Scale, Shall, Should, May, Tall Building, Total Floor Area, Urban Design Brief

Conclusion

In summary, we request that a meeting be arranged with my client and their consultants to discuss their overall concerns with the proposed policies in the Official Plan and proposed alternative language to address our concerns. As well, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council decisions on this matter.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc : Client

Daly, Laura

From: Donald Wilson [REDACTED]
Sent: Thursday, February 22, 2018 3:45 PM
To: Mailbox, OPReview
Cc: Meed Ward, Marianne
Subject: Proposed New OP Input
Attachments: Official Plan Statutory Meeting Feb 27, 2018.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I wanted to provide some input after attending the Open House last week at City Hall. I received some good input from City staff but still felt a need or commitment to provide some comments. This is a very important document that will exist and effect the Cities development for many years.

I would like to see the Downtown Urban Center treated as a living and working area. It is enjoyed but many people who actually visit the area from within Burlington and outside so I would not like to see this overly effected. I have great affinity to mobility hub concept but would like to see this limited to the GO station areas, especially when development is considered.

Thanks and I hope I am able to attend the Statutory Public Meeting, schedule permitting.

Don (Liz) Wilson
410 Martha Street

Memorandum

February 22, 2018

**Regarding: Proposed New Official Plan
 Statutory Public Meeting**

To: The Corporation of the City of Burlington
 Marianne Meed Ward Councilor Ward 2

From: Don Wilson and Liz Wilson 410 Martha Street

Comments and Proposed Amendments

We are residence at a townhouse on Martha St that is part of a block of five. We are writing this Memorandum to provide our comments to the Proposed Official Plan, which will greatly affect the area around our property and the entire area covered under the **Downtown Urban Center - Land Use** for many years.

Positive Aspects

Clarity

The Proposed Official Plan will provide clear guidelines for Development Proposals for the foreseeable future. Therefore, it is of vital importance to ensure that this document will ensure the City of Burlington has control over its own destiny regarding the Development and Characteristics of the Downtown Urban Center. In addition, that it protects the current residence (taxpayers) from undue burden from over intensification and excessive development.

Issues of Concern

The corner of Pearl and Pine Street (North East)

This land parcel is currently proposed for Downtown Core Precinct, which would allow for a maximum 17 Story's. The property directly east was recently rezoned to a site specific DRM-472 (Downtown Residential Medium-Density) allowing for 6 story mid-rise residential property. Then you have the 3 story townhouses (5 Units) at the corner of Martha Street and Pine Street. It is our understanding that the property is currently allowed 8 stories. The proposed change to maximum 17 stores does not allow for a reasonable transition from Pearl Street and Pine corner to Martha Street creating a cavernous-like effect between the structures in this area. In addition as you further transition east across Martha Street will is Identified Downtown Mid-Rise Maximum 11 story's creating further encroachment on the characteristics of our townhouse on Martha Street.

Brant Street Corridor

The current development proposals, some have already been approved will create a Cavernous and intimidating setting. It would greatly diminish the enjoyable Downtown Core along Brant Street. The Proposed Official Plan which will attempt to limit max heights and other building mass restrictions will still contribute to a cavernous setting effecting the natural sunlight in the area and the overall experience of downtown living in Burlington.

Downtown Core Precinct beyond Pearl Street along James Street

The parcel of land along James Street in the Proposed Official Plan has been designated Downtown Core Precinct allowing for Maximum 17 Story's. Thus creating another transition issue to a residential area's and should be consider maximum Downtown Mid-Rise Precinct. There is a current development proposal across the street for 18 story's, (James and Martha) which falls in the same transition issues and is also out of character for the surrounding area. This current proposal should be outright rejected as it is in the Downtown Mid-Rise Residential Precinct in the Proposed Official Plan.

Summary

The land parcel at Pearl and Pine should be reconsidered for a lower density.

The focus for us is the limited transition for our residence on Martha Street and excessive intensification that will affect our current living standard through increased traffic flows and natural lighting that will be overly effected.

The area around our residence in the Proposed Official Plan is designated Downtown Mid-Rise Precinct allowing for what we understand in Maximum 11 story's which is some instances seems excessive. So we are hopeful or insistent that the Proposed Official Plan will have the necessary mechanisms and legal standing to protect the City of Burlington and the residence from unnecessary development that does not reflect the character of neighborhoods regardless if they are within the Downtown Urban Center.

Current approved projects in our area (Lakeshore and Martha) where forced upon the City by Developers and the Province in there current design which is unfortunate.

It is time for the City i.e. Council to meet intensification guidelines in a responsible manner to protect the citizens that live in the City of Burlington from undue burdens which should be one of your main commitments.

Restrict the Mobility Hub Concept to the GO Station areas allowing intensification in areas of limited impact.

Pending the outcome of the ongoing review of the current Proposed Official Plan and upcoming City Council decision we would consider supporting any action to be taken with the Ontario Municipal Board by residences of the City of Burlington.

Yours Truly

Don and Liz Wilson
410 Martha Street

Burlington's Official Plan.

A FAILURE TO ENGAGE

The people of Burlington are entitled to hope and expect that their city's official plan will be about them.

That it will reflect their hopes and aspirations, will provide the basic outlines of a city that will be planned and built for them; their families; their futures.

And the people of Burlington trusted Council to do that.

From the public outcry over the ongoing and seemingly endless ability of Developers to circumvent our city's Official Plans it is obvious that City Planning has failed and will continue to fail to meet those hopes and aspirations.

These hopes and aspirations will not be met because our city council and planning staff have failed to engage with the very people they are elected or appointed to represent. They failed in many ways, they failed early in the process and they continued that failure to engage right up until last weeks of the process.

These failures began at the very outset of the Updating of The Official Plan which, according to City Planning staff, was undertaken some time in 2012. Provincial Ministry of Municipal Affairs Guidelines on Official Plans calls for "Pre-consultation, public meetings and community input", yet while Our City worked on this for the better part of six years its citizens were only involved in the closing months of that six year process and had it not been for a massive public outcry, our city would have met its own December 2017/January 2018 deadline and the public input would have been negligible.

Given the number of Citizens Advisory Committees Burlington boasts I find it informative that in all of the supposed engagement in The Official Plan, these Committees were never formally consulted or engaged.

Even by the city's own standard, outlined in your policy on "**Public Participation and Engagement**" in which it is claimed that "**The city has identified the critical importance of public involvement**". The policy then lays out Five Levels of Engagement on an IAP2 spectrum of public engagement that range from **Inform, Consult, Involve, Collaborate and Empower**. Our City failed to engage.

The final summation of the Open Houses, Grow Bold, Downtown Mobility Hub and Official Plan public meetings were all **informative** in nature, rarely reaching the level of "**consultation**" and absolutely failing to **Involve, Collaborate or Empower**. Even the limited information sessions were restricted to a meme of: "Here are our ideas how do you like them?" rather than: "What are your ideas?"

I submit the city failed to meet its own standard and barely reaches level 2 on its own scale of 5 levels.

It failed not only in the execution of its engagement but by failing to Consult, Involve, Collaborate and Empower, the city's Inform only model of engagement came so late in the process that it became more of a "**Here are our ideas, take them or leave them**" forcing any citizen engagement to become oppositional rather than collaborative or empowering. Citizens denied the opportunity to be proactive in the early stages of the process were forced into criticism and bitterness at an Official Plan the majority of citizens feel excluded from.

The evidence of that exclusion is presented in an analysis of your own document **Appendix E: Agency, Public and Stakeholder Feedback and Staff Response Summary (PB-14-18)**

The document lists 48 oppositional comments from named citizen and concerned group delegations and refers in three areas of opposition to unspecified numbers of **"Other Members of The Public"**. **The absence of detail in these oppositional presentations is extremely disturbing and might be construed by the public as misleading to minimise the extent of public opposition to the Plan and complaint about the methods and level of Public Engagement.**

The document further lists fifteen objections, clarifications or other issues from businesses and consultants involved in the Urban Planning and Development Fields. This suggests that public opposition is not just NIMBYISM but is indicative of a bad plan, badly executed and very poorly communicated to those, citizens, businesses and property Developers who had every right to expect better from our city and from our council.

Because this is not council's Official Plan, it is our Official Plan. It belongs to the citizens of our city.

Given the opportunity and more than six years to do something wonderful for our city, the opportunity to engage your citizens in the re-planning that will affect their lives for decades to come, you chose instead to engage yourselves and in doing so failed the very citizens you are supposed to represent.

Even given the opportunity to defer a decision for further consultation, real involvement and participatory engagement; Our city chose not to allow the electorate to opine on this but once again rushed the decision process to further ignore their wishes and alienate them further. It was reported in the Hamilton Spectator that one Burlington Political Commentator has not seen such a clamour by the public in 45 years of reporting yet still only peripheral tinkering in response to this outcry.

Once again, along with the majority who have spoken, written and delegated I urge city council to postpone this decision on a plan that appears to serve no-one. I ask for not only more time but to utilise that time to **Involve, Collaborate and Empower** our citizens to create An Official Plan that will satisfy all stakeholders, then to put that plan before them in the upcoming election so all of their voices may be properly heard.

In our democracy the ultimate engagement comes with the election. I urge you to seize this opportunity to engage your citizens fully. Otherwise an engaged citizenship will engage the electorate where you, our council, failed to engage your citizens.

Jim Young.
945 Daryl Dr. (802)
Burlington ON.
L7T 0A1
[REDACTED]

Private Written Submission. February 22, 2018