

## **APPENDIX D:**

### **Comments Received on the Proposed New Official Plan (November 2018)**

#### **Staff Report PB-14-18**



November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
1020 Emery Avenue, Burlington**

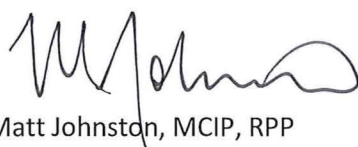
On behalf of the owner, Valery Homes, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 1020 Emery Avenue, Burlington.

The subject property is designated "Mixed Use Corridor - Employment" on Schedule B in the existing Official Plan and is currently zoned Mixed Use Corridor "MXE" in the City of Burlington Zoning By-law 2020.

The Draft Official Plan process proposes to change the land use designation on Schedule C for the subject lands to "Urban Corridor – Employment Lands". Further, Schedule B of the Draft Official Plan indicates that the subject lands are proposed to be included in the Aldershot GO Mobility Hub. Given the Mobility Hub objectives, consideration should be given to a broader range of land use permissions.

We look forward to discussing these concerns at our December 6<sup>th</sup> meeting, and to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
Principal



Amber Lindsay  
Planner



cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Ted Valeri, Valery Homes  
Mr. Sergio Manchia, MCIP, RPP,

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**From:** Liaquat Mian [ljm@ljmdevelopments.ca]  
**Sent:** Friday, November 10, 2017 12:17 PM  
**To:** Smith, Andrea; Enns, Alison  
**Cc:** Tanner, Mary Lou; Dennison, Jack; Martin Quarcoopome; Mailbox, Office of Mayor Rick Goldring; Jeffrey Stevens; Paul Sharman; Greenlee, Mike; Smith, Leah; Shaheryar Mian  
**Subject:** OPA-rRevised Draft--1860-1880-1900 Apple by Line

Andrea,

At the outset, let me candidly state that I am extremely disappointed to see no change in the new draft OPA, whatsoever to our request which is pending past two years. We carried out number of studies as requested and required, apparently getting deaf ears.

In October 2015 we had requested for air right as a separate application and you merged us with new OPA episode, we have been dragged in this situation with prefixed and determined negative outcome. We had very legitimate request and have greatly contributed in the development of Appleby Corridor. We provided studies and plans for Appleby Village overall concept all has been resting in wastepaper basket it, quite evident.

I personally had number of meetings and provided all what was needed to support our phase 3 with air rights, somehow the approach is not being appreciated.

I request immediate meeting next week at your convenience, as we do not wish to fight with city (that we love and have so much respect) at OMB.

I urge and request immediate reconsideration so we can start the building right away.

Many thanks.

Kind Regards,

**Liaquat Mian**

**CPA, CA**

**President | LJM Developments**

**1900 Appleby Line -unit #28**

**Burlington, ON, L7L 0B7**

**Tel: 289-245-1900**

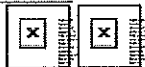
**Cell: 647-588-4165**

**Fax: 289-245-1901**

**[LJM Developments.ca](http://LJMDevelopments.ca)**

**[UptownCenter.com](http://UptownCenter.com)**

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**November 15, 2017**

**KIND ATTENTION:**

**Mary Lou Tanner**, Director of Planning

**Cc:**

**Mayor Rick Goldring**

**Councillor Jack Dennison**

**Councillor Paul Sharman**

**Andrea Smith**, Manager of Policy and Research

**Alison Enns**, Senior Planner

**Mike Greenlee**, Chief of Staff

**Martin Quarcoopome**, Senior Planner

**SUBJECT:**

Designation of 1860, 1880, 1900 Appleby Line in the new Official Plan

This letter is to summarize the meeting with Andrea Smith and Alison Enns of the Planning Policy and Research section on November 13, 2017. Also in attendance was my planning consultant, Martin Quarcoopome of Weston Consulting.

This meeting was held following the release of the November, 2017 draft new Official Plan. Planning Staff provided a status update and rationale on the proposed changes, or in the case of 1900 Appleby Line, the lack of change from the April, 2017 version of the draft OP.

Planning staff provided an outline of the events that have happened to date, including the recommendation for employment conversion in 2016 and the proposed re-designation of a small portion of 1900 Appleby Line to Uptown Core (formally identified as Uptown Central) in the April, 2017 draft OP. I expressed my disappointment that our request for Uptown Core on the entirety of the property, or at least on the areas fronting Ironstone side Drive and Appleby Line, fell on deaf ears given the amount of analysis my planning consultant and architect had completed. Their work illustrated that a mixed-use village is compatible with the immediate area and the site should have the permissions of the Uptown Core designation.

Planning staff noted that they appreciate the work I've completed but are uncomfortable with granting the fullest of land uses. It was also stated that the door is not closed for residential uses in the areas not identified as Uptown Core, but with the proposed conversion there is now an opportunity to entertain Official Plan and

Zoning By-law amendment applications outside of this new official plan process. While this is appreciated, I am adamant that residential uses be applied across the site as part of the current process.

The draft Official Plan allows for site-specific policies which require, in some cases, phasing strategies or urban design analysis to ensure comprehensive and compatible development. We strongly believe this in an appropriate measure to ensure that neighbouring lands are not negatively impacted. I request that a site-specific policy be applied to my land under the Uptown Core designation and I will agree to any studies Planning Staff require to make sure compatibility is achieved.

It was suggested that we meet with Planning and Development Staff for a pre-application consultation to discuss our proposal and timing of development applications which could occur following Council approval of the new OP in the New Year. We agree that this is an important step and a meeting will be scheduled. However, we will have a missed opportunity if the Uptown Core cannot be added now. Coming back at a later date for amendments will be more challenging. It is also pertinent to note that neighboring properties along Appleby Line have been provided Uptown Core, while similar conditions exist for our property we are being unreasonably denied. I strongly urged a serious reconsideration of our request allowing Uptown Core designation to our property particularly for portion fronting Appleby Line and Ironstone Drive. We look forward to your approval please.

Thanks,

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**Liaquat Mian, CPA, CA**

**Chief Executive Officer | LJM Developments**

**Cell: 647-588-4165**

**Email: [ljm@ljmdevelopments.ca](mailto:ljm@ljmdevelopments.ca)**



November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
2207 Fairview Street, Burlington**

On behalf of the owner, Leggat Auto Group, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 2207 Fairview Street, Burlington.

The subject property is currently designated "Mixed Use Corridor – Commercial" on Schedule B in the Official Plan, while it is zoned Mixed Use Corridor "MXT" in the City of Burlington Zoning By-law 2020. It is our understanding that the use of the subject lands as a Motor Vehicle Sales and Service Establishment is a legally established non-conforming use.

The Draft Official Plan proposes to change the land use designation of the subject property to "Urban Corridor" in Schedule C allowing automotive commercial uses and office uses. Large-scale motor vehicle dealerships are not permitted under this designation, and storage uses and financial institutions are not indicated as a permitted use. Further, Schedule B of the Draft Official Plan indicates that the subject lands are proposed to be included in the Burlington GO Mobility Hub wherein a height of 20+ storeys may be permitted, according to draft concepts presented September 6, 2017.

Given the permission for motor vehicle dealerships within the existing Official Plan and Zoning By-law, and the existing use of the property as a large-scale motor vehicle dealership, and in keeping with the City's practice for other motor vehicle dealerships, on behalf of owner, Leggat Auto Group, UrbanSolutions respectfully request that a site-specific policy for the subject lands be included in the Draft Official Plan, wherein large-scale motor vehicle dealerships, financial institutions and storage uses are permitted.

We look forward to meeting with you and discussing these concerns in the near future, and to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Brian Leggat, Leggat Auto Group  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.

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**From:** Rod Fortune [rod.fortune@leons.ca]  
**Sent:** Friday, November 24, 2017 12:48 PM  
**To:** Enns, Alison  
**Cc:** Mailbox, OPRreview; Smith, Andrea; Smith, Leah; Rod Fortune  
**Subject:** City of Burlington Draft New Official Plan: Opportunities to Provide Feedback

Hi all  
I just left a message for Allison albeit at lunch time  
I am just reviewing the November Draft OP version  
Section 8.1.3.(6.1) Objectives (iii) have added in the words "shall not compete with the planned commercial function of other Mixed Used Nodes and Intensification Corridor designations"  
This was not in the April 2017 version.  
I met with Alison on Monday afternoon and I noted that we need to ensure the uses under CE -37 need to be maintained as the site specific Policies for our lands was very narrow, confirm address of our lands and ensure deferral D.28 was carried forward to the new OP.  
I was going to write a letter but just saw the above clause.  
This restricts us from enjoying the historical uses for these lands and developing these lands.  
I see the OP is transitioning to allow great things to happen in the City but our lands seem to have the clocks being turned back.  
Our local councillor would like to see intensification on these lands along the corridor.  
We at Leon's want to develop these lands as part of our recent commitments to the Board, and I am investigating hiring a engineering consultant to address our Storm Water and creek diversion but also work together with the City to solve their Rossland Creek problems  
We had a developer meet with our local councillor but he cannot move forward until the City and us resolve the creek.  
I am hoping that we will truly turn this into a grand mixed use project.  
I would like to see the words of "encourage" in our section like others in the document  
Please give consideration to address this, so we can move forward to make this site come to life after all these years.  
I am on vacation today but can be reached at 416 989-9315

Rod Fortune  
National Real Estate Manager  
Leon's Furniture Limited  
416-243-4063

On May 18, 2017, at 1:21 PM, Enns, Alison <[Alison.Enns@burlington.ca](mailto:Alison.Enns@burlington.ca)> wrote:

Please see the attached correspondence.

Sincerely,  
The Official Plan Project Team.

**Alison Enns** M.PL, MCIP, RPP  
Senior Planner  
Planning & Building Department, City of Burlington  
426 Brant Street, Burlington, Ontario L7R 3Z6

# MURLEE HOLDINGS LIMITED

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

November 27, 2017

## VIA E-MAIL

Ms. Alison Enns  
Senior Planner  
Planning and Building Department  
City of Burlington  
426 Brant Street  
Burlington, ON L7R 3Z6

Dear Ms. Enns:

**Re: Proposed New Official Plan: November Draft  
Murlee Holdings Limited 3119-3167 North Service Road, Burlington**

I am providing more formal comments on the November draft which I saw for the first time late last week. As you are aware, Murlee Holdings Limited ("Murlee") is the real estate development arm of Leon's Furniture Limited ("Leon's"). Certain of the proposed new policies are a matter of significant concern for Murlee and Leon's. Let me just touch on the major issues.

First, taken in their entirety, the proposed amendments very significantly reduce the development potential of the Leon's land. To take one example, Section 8.1.3(6.1) would greatly limit the range of available uses. My sense is that the City, for a variety of reasons, would like to see a further development of this important and well-placed land and Leon's shares that objective. A number of these policies, which limit and restrict existing permitted uses quite significantly, are likely to push the development horizon much further into the future. I doubt very much if that is the City's objective and I would hope that there could be a further discussion of these issues prior to a final submission by staff to Council.

Second, adopting a set of policies which encourage and facilitate a development of the Leon's lands will assist in another important public objective which is addressing in a satisfactory way the challenges with Rossland Creek. My colleagues and I recognize that Leon's will have a role, along with the City and other public authorities, in implementing solutions. As I indicated above, policies which support and encourage the early development of the Leon's land will also assist in the resolution of the watercourse issues.

Leon's has had a longstanding and highly satisfactory working relationship with members of the City staff and with the various elected Councils. Over the years we have all worked together to address and resolve problems and Leon's is ready and willing to work together now in the hope that more satisfactory policies can be adopted and that plans can be made and implemented to address the watercourse problems.



Kindly advise me as to the next steps in your process. Specifically, can you advise if there will be further opportunities for face to face discussions with you and your colleagues prior to the final submission of the draft official plan to your Council for consideration?

Yours truly,

**Leon's Furniture Limited**

Per:

A handwritten signature in blue ink, appearing to read 'Rod W. Fortune', with a long horizontal flourish extending to the right.

Rod W. Fortune  
National Real Estate Manager

cc: Ed Leon, President & COO  
Councillor Jack Dennison – Ward 4

October 31, 2017

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

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

**Re: Draft New Official Plan  
Property: 4305 Fairview Street  
Property Owner: Access Property Developments**

Dear Ms. Smith,

Corbett Land Strategies Inc. (CLS), on behalf of Access Property Developments (APD), is pleased to provide comments regarding the City of Burlington New Official Plan, dated April 2017. APD is the owner of 4305 Fairview Street, located on the northeast corner of Fairview Street and Darlene Court. The subject property is approximately 2.17 hectares (5.35 acres) in area.

A revised New Official Plan is scheduled for release by November 10<sup>th</sup> and will include revisions and modifications made to date. Although the property owner or CLS did not participate in the engagement sessions held between April and June 2017, we wish to submit the following comments in support of the Proposed New Official Plan.

The subject property is proposed to be re-designated from 'Mixed Use Corridor – Employment' to 'Urban Corridor' in the proposed Draft New Official Plan. Through the proposed 'Urban Corridor' designation, select residential uses as well as expanded retail and commercial standards are to be brought into effect. Additionally, industrial uses will no longer be permitted in this designation, however existing industrial uses will become legal non-conforming. **We ask staff to confirm this interpretation.**

As you may be aware, development applications (Site Plan Approval and Minor Variance) have been submitted to the City of Burlington and are currently under review. These applications are to facilitate the expansion of the existing Storage Facility and are intended to build-out the subject property.

Alongside the current plans for the subject property, APD has contemplated the future use of the parking area to the south of the property, immediately abutting Fairview Street. It is envisioned that this portion may be developed in a manner which includes a mid-rise, mixed-use development. A development of this nature could include office or residential uses on the upper floors and commercial and retail on the ground floor. Plans for this portion of the property are expected to align with the direction of the proposed designation, 'Urban Corridor'.

This submission is to advise City staff of the future redevelopment plans of the subject lands and to provide a formal submission for the proposed New Official Plan.

Should you require any additional information, please do not hesitate to contact me.

Prepared by:

*Nick Wood*

Nick Wood, BA  
Associate Planner  
289-725-0880  
[nick@corbettlandstrategies.ca](mailto:nick@corbettlandstrategies.ca)

November 28, 2017

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

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan (November 2017 Proposed Draft)  
Emshih Developments Inc. 433-439 Brant Street, Burlington  
OUR FILE: 1583F**

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MHBC is retained by Emshih Developments Inc. to provide comments on its behalf related to the new City of Burlington Draft Official Plan as it pertains to their land located at 433-439 Brant Street ("the Subject Lands").

#### **Site Description and Surrounding Context**

The Subject Lands are located on the east side of Brant Street, at the intersection of Brant Street and Ontario Street and are currently developed with one-storey commercial businesses and an outdoor garden centre. The Subject Lands are located immediately adjacent to the Council-approved 421 Brant Street redevelopment, which will allow for the redevelopment of the adjacent lands to include a 23-storey mixed-use development with a maximum of 169 residential apartment units, a minimum of 365 square metres of office space and 900 square metres of commercial retail space.

Presently, our client is considering development options for the Subject Lands within the context of the current and proposed Official Plans with the intent to redevelop the lands.

#### **Current Official Plan Framework**

The Subject Lands are currently designated **Mixed Use Centre** (Schedule B) and **Downtown Core Precinct** (Schedule E) in the in-force City of Burlington Official Plan. The current land use structure that applies to the subject lands permits commercial activities, high density residential apartment uses, cultural uses of all types, recreation and hospitality uses, entertainment uses, and community facilities. Developments are permitted to a maximum height of 4 storeys. A maximum height of 8 storeys and 29 metres may be permitted subject to criteria and community benefits. A minimum density of 51 units per hectare and a maximum Floor Area Ratio of 4.0:1 is established (higher FAR may be permitted in conjunction with increased height).

### **Proposed Official Plan Framework (November 2017)**

The Subject Lands are located within the **Downtown Mobility Hub**, which was subject to a separate area-specific planning exercise. The Subject Lands are proposed to be designated **Urban Centre** and **Urban Growth Centre** (Schedule B), **Primary Growth Area** (Schedule B-1), **Downtown Urban Centre** (Schedule C), **Brant Main Street Precinct Special Planning Area** and **Downtown Parks and Promenades Precinct** (Schedule F). In accordance with the notes contained throughout the Official Plan, it is understood that within the various layers of designations applied to lands within the Mobility Hub, additional objectives and/or policies may be added to the Official Plan, subject to the outcome of the area-specific plan process.

The Downtown Parks and Promenades Precinct identifies current and future parks, promenades and green spaces within the Downtown. These lands are primarily to serve the residents and employees of the Downtown as well as provide parks of a scale that will serve as significant destinations for city-wide and regional events and activities. Existing uses may be permitted within the Parks and Promenades designation.

The Brant Main Street Precinct is intended to serve as a unique retail destination. Development is to maintain and enhance the existing traditional main street physical character along Brant Street. Development is to achieve a low-rise form on Brant Street which could also form the podium to a mid-rise development. A variety of uses are permitted within this Precinct, including residential, office, retail and service commercial, hotel, entertainment and recreation uses. Development within the Brant Main Street Precinct are required to contain a minimum of two permitted uses. The built form in this area is proposed to be low-rise or mid-rise. A maximum height of three (3) storeys immediately adjacent to Brant Street and eleven (11) storeys immediately adjacent to John or Locust Streets is proposed. Additionally, developments are required to achieve a terraced built form and not to exceed a 45-degree angular plane measured from the centre of the Brant Street public right-of-way. Within the Brant Main Street Precinct Special Planning Area, a maximum height of seventeen (17) storeys may be permitted, subject to criteria.

### **Comments on the Proposed Draft Official Plan (November 2017)**

Within the limited timeframe available to review the document, we have reviewed the proposed Draft Official Plan, as it applies to our client's lands, and offer the following comments:

- It is unclear how the application of a Parks and Promenades Precinct designation was placed on a portion of our client's lands. As noted above, the lands currently provide a retail and commercial function and include an associated outdoor garden centre which is part of a private business. Was a detailed analysis of open space needs within the Downtown undertaken as part of the background work for the Mobility Hub area-specific planning process? If so, can we be provided with this analysis? We would appreciate further clarity from staff with respect to the rationale behind the application of such a designation on our client's lands.
- The proposed Draft Official Plan contains strong policy language with respect to built form along Brant Street, identifying that a terraced built form shall be achieved and an angular plane of 45-degrees measured from the centre of the Brant Street public right-of-way is required. We understand that the intent of this policy is to ensure the physical character along Brant Street is maintained; however, we note that this angular plane requirement may not be achievable on all sites within the Precinct and may have the effect of sterilizing lands from development. In the case of the Subject Lands, redevelopment of the site is constrained due to parcel size and configuration and terracing back to meet the full 45-degree angular plane requirement may not be feasible. The cumulative impact of applying this policy on the Subject Lands would result in a

poorly designed building, whereas a more flexible approach would yield a better design for the site and the overall aesthetic of Brant Street. It is our opinion that intensification can be achieved through site redevelopment that represents good urban design without the provision of a 45-degree angular plane. We request that the consideration 45-degree angular plane requirement be more flexible for redevelopment of sites along Brant Street.

- Policy 8.1.1 (3.7.1) e) states “Development within the Brant Main Street Precinct shall provide a three (3) storey podium for all portions of a building fronting a public right-of-way”. The current built form along Brant Street includes a mixture of 1 and 2- storey commercial buildings, which provides variety in the streetscape. Considering the current built form of Brant Street, a redevelopment proposing a two-storey podium with subsequent storeys stepped back would, in our opinion, maintain the character of Brant Street. This policy is again highly prescriptive and overly restrictive. We suggest it be revised to allow for more flexibility in design should a development proposal contemplate a two storey podium.
- In addition to the Brant Main Street Precinct policies, the proposed Draft Official Plan contains a Special Planning Area, in which a portion of the Subject Lands is included. In accordance with the policies of the Brant Main Street Precinct Special Planning Area, it is understood that lands within this designation may be permitted to develop to a maximum height of seventeen (17) storeys, subject to criteria. Within this policy section, we note that this applies to development “immediately adjacent to the intersection of Brant and James Street”. We are unsure of how the City is applying the term “immediately adjacent” in this scenario, as the Subject Lands are not immediately adjacent to the intersection; however, are identified as being within the Special Planning Area on Schedule F. Does this apply only to lands on either corner of Brant and James Street? Or, is it the intent that the City would consider heights up to 17 storeys on the Subject Lands? Clarity on this matter is required. We note that we are generally supportive of increased height permissions and the inclusion of our client’s lands within the Special Planning Area.

We appreciate the opportunity to comment on the Proposed New Official plan as it applies to our client’s lands and look forward to meeting with you to further outline our comments and requests outlined herein, being that:

- The City provide further information with respect to the background work done to determine parks and open space needs and requirements within the Downtown;
- The Brant Main Street Precinct Special Planning Area designation be applied to the entirety of our client’s lands and, in doing so, the portion of these lands which is proposed to be designated ‘Parks and Promenades Precinct’ be removed unless the City intends to purchase these lands;
- The Brant Main Street Precinct policies are revised to allow greater flexibility for site redevelopment, recognizing the reality of existing constraints within this area and other urban design measures that can be implemented to ensure good building design; and,
- Further clarity be provided with respect to the City’s application of the term “immediately adjacent” in the context of the Brant Main Street Precinct Special Planning Area, including clarification that the 17 storey height consideration applies to our client’s lands.

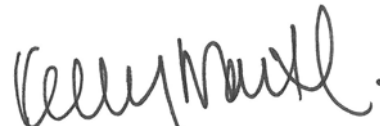
We look forward to working with the City moving forward to facilitate the redevelopment of the Subject Lands. Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

A handwritten signature in black ink, appearing to read 'Kelly Martel', with a period at the end.

Kelly Martel, M.Pl

Cc: Dr. Michael Shih, Jeffrey Kelly- Emshih Developments Inc.  
Andrea Smith- City of Burlington  
Mary Lou Tanner- City of Burlington



Dear Andrea,

November 21, 2017

First of all, thank you for your direction. I appreciate your perseverance and great efforts in heading up the new official plan, not an easy task. I am so excited and proud to be part of the future Burlington and I hope to be a positive part in creation of a vibrant downtown Burlington. I have had many opportunities to speak to many new comers who have chosen to move to Burlington from all over Canada and the world. This city is truly a gift to Canada.

After reviewing the Draft Official Plan for the City of Burlington, dated November 2017 I am disappointed that the City is not going to permit development and a mix of housing forms in the St. Luke's Precinct. In my opinion this is a huge missed opportunity. St. Luke's is adjacent to the downtown and my properties are within the Urban Growth Centre Boundary but the proposed policies do not allow for growth and redevelopment on my properties.

I would request that staff consider providing a site specific policy permitting townhouses on the properties known municipally at **466 and 470 Nelson Street**. **466 Nelson Street** is at the edge of the St. Luke's precinct and backs onto a Hydro corridor and is therefore a suitable location for townhouses. My intention is to maintain the historic home but I would like to redevelop the remaining lands. Building complete communities includes providing for a range of housing types and townhouses are a reasonable transition from the intensification of the Mobility Hub development to the low density residential neighbourhood of St. Luke's precinct. I respectfully request that a policy be included to allow for townhouse development as a transition from one area to the next specifically to permit them along Neighbourhood Connector streets. Here are two examples of what I am contemplating along Elgin Street which would require 3 ½ story zoning.







As the landowner of **1359 Elgin Street** I am disappointed that the only permitted use for this property is the existing uses and that there are no policies permitting the intensification of the property through the expansion of the existing uses including provisions to add any additional stories to the existing building. I respectfully request that staff consider adding policies that permit the redevelopment of the existing low-rise apartment buildings in the St. Luke's Precinct and allow them to achieve a maximum of 5-stories. It is my opinion that this is appropriate and reasonable infilling and redevelopment that is consistent with the neighbourhood and will not negatively impact the stability of the neighbourhood. This is an example of what I am looking at building for this property.



Thank you for reading my thoughts on Elgin Avenue,

Maurice Desrochers

**454 Burlington Avenue, Burlington, Ontario L7S 1R5**

**PHONE: 905 336 2776**

**[www.burlingtonfurnishedrentals.com](http://www.burlingtonfurnishedrentals.com) [sales@burlingtonfurnishedrentals.com](mailto:sales@burlingtonfurnishedrentals.com)**





November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
629 Brant Street, Burlington**

On behalf of the owner, Leggat Auto Group, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 629 Brant Street, Burlington.

The subject property is currently designated "Mixed Use Corridor – General" on Schedule B in the Official Plan. Further, the subject property is subject to the Downtown Core Precinct policies of the Official Plan, as indicated on Schedule E, that permit commercial activities including service and retail uses and a maximum height of four (4) storeys.

The subject property is currently zoned Mixed Use Corridor "MXG-239" in the Zoning By-law 2020, which was approved on December 4, 2000. This zoning designation permits Motor Vehicle Sales and Service Establishments, and a maximum height of six (6) storeys (except for automotive uses).

The Draft Official Plan proposes to change the land use designation of the subject property to "Downtown Urban Centre" allowing office uses. Further, according to Schedule B of the Draft Official Plan, the subject property is proposed to be subject to the Downtown Mobility Hub and Downtown Core Precinct area-specific policies. Under this proposed policy framework, the subject property would be permitted a maximum height of 17 storeys. Automotive commercial and storage uses are not indicated as permitted uses in the Downtown Core Precinct.

Given the existing permission for motor vehicle sales and service establishments and office uses within the existing Official Plan and Zoning By-law, and the existing use of the subject property, and in keeping with the City's practice for other motor vehicle dealerships, on behalf of owner, Leggat Auto Group, UrbanSolutions respectfully request that a site-specific policy for the subject lands be included in the Draft

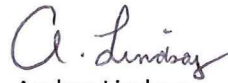
Official Plan, wherein automotive commercial and storage uses are permitted. Moreover, given the precedent established by the recent approval of a 23 storey development at 421-431 Brant Street, we request that the subject property be considered for additional height. We believe that this site would be appropriate for a maximum height of 25 storeys.

We look forward to meeting with you and discussing these concerns in the near future, and to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Brian Leggat, Leggat Auto Group  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.



# Ruth Victor & Associates

481 North Service Road West  
A-33, Oakville, ON L6M 2V6  
[rvassociates.ca](http://rvassociates.ca)  
P 905-257-3590  
E [admin@rvassociates.ca](mailto:admin@rvassociates.ca)

November 15, 2017

Attention: Mayor and Members of Council

RE: **New City of Burlington Official Plan**  
720 Oval Court & 5135 Fairview Street,  
City of Burlington

We are writing to you on behalf of Branthaven Development Corp. regarding 720 Oval Court and 5135 Fairview Street and the new City of Burlington Proposed Official Plan

The subject lands are located at 720 Oval Court & 5135 Fairview Street in the City of Burlington, and are located on the north side of Fairview Street, east of Appleby Line, west of Burloak Drive, and south of the CN Railway and Appleby GO Station. The subject properties have frontage onto both Oval Court and Fairview Street and abuts commercial/industrial uses to the north and east, a vehicle parking lot and small creek to the west, and residential land use to the south across Fairview Street. The subject lands are within the designated 'Appleby GO Mobility Hub' Study area.



Subject  
Lands

At this time, we are requesting that staff be directed to further review the proposed land uses within the Appleby Go Mobility Hub Study, for these lands, and the Proposed Official Plan to permit a range of Mixed Use on this property including residential uses in conjunction with commercial and office uses.



The subject site is immediately adjacent the Go Station. The Go Station parking lot and the lands on Oval Court are the only lands south of the rail line that are designated for employment use (see Figure 2). By allowing a greater range of uses on these lands and the Go Station parking lot, there would be a much greater opportunity for a significant redevelopment to occur in the near future that would support the mobility hub. The subject lands extend to Appleby line and the broadening of the land uses will ensure an enhanced streetscape, improved public realm and a more compatible use to the residential uses on the south of Fairview Street.

It is recognized that any change in land use designation would have to maintain the employment function currently occurring on these lands. For this reason, the residential use is requested in addition to the current employment uses occurring on these lands. The lands north of the rail line are the significant employment area for this mobility hub, however the subject lands only provide a peripheral role in terms of employment lands supply to support the Mobility hub function. A broader mix of uses on the subject lands would be supportable in the context of the mixed use designation for all other lands south of the rail line.

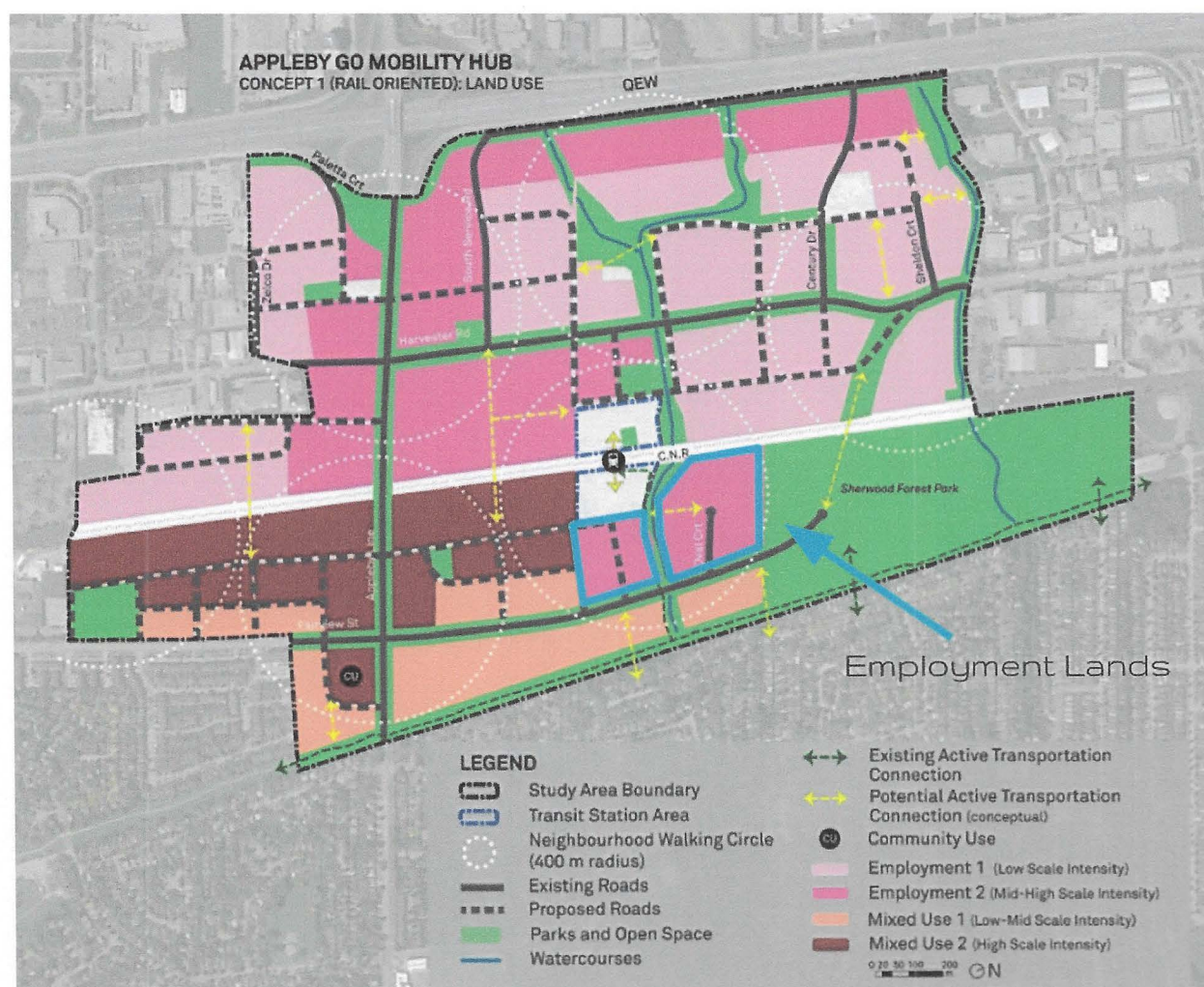


Figure 2 — Appleby Go Mobility Hub Study Area with the subject lands circled



In terms of the planning context, under the Regional Official Plan, the subject lands are designated “Urban Area” as well as a “Major Transit Station”, and are thus a designated “Intensification Area” due to its’ proximity to the Appleby GO Station. These lands are not subject to a regional employment lands overlay.

The purpose of the Major Transit Station Area is to achieve: Residential and employment densities to ensure the viability of existing and planned transit infrastructure and service; A mix of residential, office, institutional, and commercial development; and to provide access from various transportation modes to the transit facility, including pedestrians, bicycle routes and bicycle parking, car share vehicles, and parking/recharging stations for electric vehicles [Section 78(11)]. The purpose of Intensification Areas is to provide an urban form that is complementary to existing developed areas, use space more economically, and promote live-work relationships. These Areas are also to provide a range of employment and compatible residential housing to support neighbourhoods while creating a vibrant, diverse, and pedestrian-oriented urban environment. Intensification Areas are to facilitate easy multi-transit use, as well as provide access to the transit station area.

Under the Proposed Official Plan, the subject lands are designated as “Mixed-Use Nodes and Intensification Corridors — Mobility Hub” with the “Employment Designation” overlay.

The purpose of the Mobility Hub designation is to identify lands that are an important component of the City’s Urban Structure, growth framework, and transportation network. Mobility Hubs are focal points for higher density and mixed-use development that will accommodate a significantly higher share of the City’s future population and employment growth to 2031 and beyond.

As per Schedule “C” (Land Use – Urban Area), the subject lands are further designated “Urban Corridor – Employment” (see Figure 2.4.2.2):

Section 8.3.7: The “Urban Corridor – Employment” designation is to encourage the development of key locations along Major Arterial or Multi-Purpose Arterial Streets that are primarily intended for higher intensity employment uses, as well as encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development in a compact urban form, while retaining compatibility with nearby land uses. However, residential uses and other sensitive land uses shall be prohibited in Urban Corridor-Employment locations.

It is our request that for the subject lands the the prohibition of residential uses be removed from the policies of the Official Plan and that a range of Mixed uses be permitted. In addition, it is our request that the Appleby Go Mobility Hub study be revised to reflect this new direction.

In addition we have reviewed the proposed policies regarding employment land conversions and offer the following comments. The City is undertaking a MCR at this time. The conversion will support and enhance the role of the mobility hub. The proposed conversion due to its small land area will not detrimentally impact the land needs of the City and the existing employment function is proposed to be maintained. The conversion will assist the municipality in achieving density and intensification targets and will not adversely impact the viability of this small pocket of existing employment lands. There are adequate infrastructure and facilities to accommodate the conversion and there are no cross jurisdictional issues. The property fronts on a major arterial road. The amount of land is minor and the

conversion will have a beneficial impact by enhancing and strengthening the mobility hub function by encouraging intensification and redevelopment of lands in very close proximity to the GO station.

Regards,

A handwritten signature in blue 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**





November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
805 Walker's Line, Burlington**

On behalf of the owner, Leggat Auto Group, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 805 Walker's Line, Burlington.

The subject property is currently designated "General Employment" on Schedule B in the existing Official Plan and is currently zoned General Employment "GE1" in the Zoning By-law 2020.

The Draft Official Plan process proposes to retain the land use designation for the subject lands as "General Employment" allowing automobile commercial uses including large scale motor vehicle dealerships, storage, and office uses. Please provide written notice of the decision with respect to this process.

Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**

Matt Johnston, MCIP, RPP  
*Principal*

Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Brian Leggat, Leggat Auto Group  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.



November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
814 Guelph Line, Burlington**

On behalf of the owner, Leggat Auto Group, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 814 Guelph Line, Burlington.

The subject property is currently designated "Mixed Use Corridor – Employment" on Schedule B of the Official Plan. This designation permits motor vehicle dealerships and a maximum height of six (6) storeys (except for industrial uses).

The subject property is currently zoned Mixed Use Corridor "MXE" in the Zoning By-law 2020. This zoning designation permits a range of automotive uses, including motor vehicle sales and motor vehicle service stations, and a maximum height of six (6) storeys (except for automotive uses).

The Draft Official Plan proposes to change the land use designation of the subject property to "Urban Corridor – Employment Lands" allowing office uses and automotive commercial uses. Large-scale motor vehicle dealerships are not permitted under this designation, and storage uses are not indicated as a permitted use. Further, the subject property may be permitted a site-specific maximum height of eleven (11) storeys.

Given the permission for motor vehicle dealerships within the existing Official Plan and Zoning By-law, and the existing use of the property as a large-scale motor vehicle dealership, and in keeping with the

City's practice for other established motor vehicle dealerships, on behalf of owner, Leggat Auto Group, UrbanSolutions respectfully request that a site-specific policy for the subject lands be included in the Draft Official Plan, wherein large-scale motor vehicle dealerships and storage uses are permitted. In addition, the existing parcel fabric lends itself to land assembly. With land assembly in place, there is merit in considering a site specific height of 20+ storeys.

We look forward to meeting with you and discussing these concerns in the near future and also to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*

  
Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Brian Leggat, Leggat Auto Group  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.



November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
834-850 Brant Street, Burlington**

On behalf of the owner, 1059295 Ontario Inc., UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 834-850 Brant Street, Burlington.

The subject property is currently designated "Mixed Use Corridor – General" on Schedule B of the Official Plan.

Majority of the subject property is currently zoned Mixed Use Corridor "MXG-237" in the Zoning By-law 2020. This zoning designation permits motor vehicle sales, leasing, rental and service establishments, and office uses, and a maximum height of six (6) storeys (except for automotive uses).

The Draft Official Plan proposes to change the land use designation of the subject property to "Urban Corridor" in Schedule B, allowing office uses and automotive commercial uses. Large-scale motor vehicle dealerships and storage uses are not permitted under this designation; however, a site specific policy is proposed which states, "Notwithstanding the uses permitted in Subsection 8.1.3.(7.2) c) of this Plan, the large-scale motor vehicle dealership located on the south-west corner of Fairview Street and Brant Street, and identified as 834-850 Brant Street, may be expanded on the abutting property within the Urban Corridor designation by a maximum of fifty (50) percent of the floor area existing on the date of adoption of this Plan, without an amendment to this Plan." Further, Schedule B of the Draft Official Plan indicates



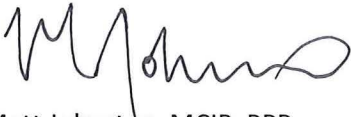
that the subject lands are proposed to be included in the Burlington GO Mobility Hub wherein a height of 20+ storeys may be permitted, according to draft concepts presented September 6, 2017.

Given the permission for motor vehicle dealerships within the existing Official Plan and Zoning By-law, and the existing use of the property as a large-scale motor vehicle dealership, on behalf of owner, 1059295 Ontario Inc., UrbanSolutions respectfully request further modifications to the draft site specific policy wherein large-scale motor vehicle dealerships and storage uses are incorporated as additional permitted uses within the "Urban Corridor" designation through the Draft Official Plan review process.

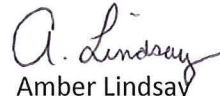
We look forward to meeting with you and discussing these concerns in the near future and also to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,

**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. John Lecluse, 1059295 Ontario Inc.  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.



November 27, 2017

**Via Email & Delivered**

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

Dear Ms. Smith:

**RE: Draft Official Plan  
864 Drury Lane, Burlington**

On behalf of the owner, 983813 Ontario Ltd., UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is pleased to submit this letter regarding the Draft Official Plan as it relates to the subject property municipally known as 864 Drury Lane, Burlington.

The subject property is currently designated "Mixed Use Corridor - Commercial" on Schedule B in the existing Official Plan and is currently zoned Mixed Use Corridor "MXT" in the Zoning By-law 2020.

The Draft Official Plan process proposes to change the land use designation for the subject lands to "Urban Corridor". Further, Schedule B of the Draft Official Plan indicates that the subject lands are proposed to be included in the Burlington GO Mobility Hub wherein a height of 20+ storeys may be permitted, according to draft concepts presented September 6, 2017.

We look forward to an opportunity to meet with you to discuss this property in more detail, and to receiving written notice of the decision with respect to this process. Please feel free to contact us with any questions.

Regards,  
**UrbanSolutions**

Matt Johnston, MCIP, RPP  
*Principal*

Amber Lindsay  
*Planner*

cc: Ms. Mary Lou Tanner, MCIP, RPP, Chief Planner  
Mr. Peter Romano, Nickel Brook Brewing Co.  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.



November 28, 2017

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

Dear Ms. LaPointe:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

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

Kelly Martel, M.Pl

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

---

**From:** Matthew Bennett [matthew@nbhc.com]  
**Sent:** Wednesday, November 15, 2017 2:08 PM  
**To:** Enns, Alison; Smith, Andrea  
**Cc:** 'Tavella, Kristopher'  
**Subject:** RE: City of Burlington Official Plan- Phone call or meeting

Hi Alison, Andrea,

Thanks again for taking the time to speak with me a few weeks ago regarding concerns raised by the United Church of Canada with regard to the treatment of Places of Worship within the draft City Official Plan.

We have reviewed the latest Nov. 10 proposed plan and are pleased with the revisions throughout the document. Most notably the removal of the language we discussed in section 3.2.2. We were also pleased to see the inclusion of commercial spaces within the range of permitted uses on Institutional properties within Rural Settlement Areas.

Thank you for your attention to these matters and incorporating this feedback.

Kind regards,  
Matt

Matthew Bennett MCIP, RPP, PLE  
Associate



N. Barry Lyon Consultants Limited  
3 Church Street, Suite 100  
Toronto, Ontario, M5E 1M2  
tel: (416) 364-4414 ext. 203  
fax: (416) 364-2099  
matthew@nbhc.com  
www.nbhc.com

---

**From:** Enns, Alison [mailto:Alison.Enns@burlington.ca]  
**Sent:** Friday, October 27, 2017 3:42 PM  
**To:** 'Matthew Bennett' <matthew@nbhc.com>  
**Subject:** RE: [Spam] City of Burlington Official Plan- Phone call or meeting

Excellent. Thank you.

---

**From:** Matthew Bennett [mailto:matthew@nbhc.com]  
**Sent:** Friday, October 27, 2017 3:24 PM  
**To:** Enns, Alison <Alison.Enns@burlington.ca>  
**Cc:** Smith, Andrea <Andrea.Smith@burlington.ca>  
**Subject:** RE: [Spam] City of Burlington Official Plan- Phone call or meeting

Hi Allison,

Thanks for coordinating this, let's proceed with a call on the 2<sup>nd</sup>.  
Maybe once the new OP language is available publicly it'll make sense to meet again at City Hall.

Look forward to speaking with you both next Thursday.  
Have a great weekend,

Matthew Bennett MCIP, RPP, PLE  
Associate



N. Barry Lyon Consultants Limited  
3 Church Street, Suite 100  
Toronto, Ontario, M5E 1M2  
tel: (416) 364-4414 ext. 203  
fax: (416) 364-2099  
[matthew@nblc.com](mailto:matthew@nblc.com)  
[www.nblc.com](http://www.nblc.com)

---

**From:** Enns, Alison [<mailto:Alison.Enns@burlington.ca>]  
**Sent:** Friday, October 27, 2017 2:06 PM  
**To:** 'matthew@nblc.com' <[matthew@nblc.com](mailto:matthew@nblc.com)>  
**Cc:** Smith, Andrea <[Andrea.Smith@burlington.ca](mailto:Andrea.Smith@burlington.ca)>  
**Subject:** [Spam] City of Burlington Official Plan- Phone call or meeting

Hi Matthew,

My Manager Andrea Smith and I are available to meet, or teleconference on Thursday at 9:30. Please let me know if I need to book a room here at City Hall.

Thanks for your time,

Alison Enns

**Alison Enns** M.Pl., MCIP, RPP  
Senior Planner  
Planning & Building Department, City of Burlington  
426 Brant Street, Burlington, Ontario L7R 3Z6  
  
tel. 905-335-7600 ext. 7787  
fax 905-335-7880  
[Alison.Enns@burlington.ca](mailto:Alison.Enns@burlington.ca)

*Personal information collected as a result of the City's request for comments on the draft new Official Plan is collected under the authority of the Planning Act, RSO 1990, c. P.13, and will be used to assist in making a decision on the matter. This information may be used to inform and notify individuals of City of Burlington public involvement opportunities related to the Official Plan Project, to provide you with updates on the Official Plan Project, to inform the development of the proposed new Official Plan, to notify you of City Council's decision on the proposed new Official Plan, and to serve 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 (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests, and through the City of Burlington website. Questions or concerns about this collection can be directed to the Manager of Policy Planning and Research, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600, ex 7385.*

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

2017-11-27

VIA EMAIL: newop@burlington.ca

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

Attention: Leah Smith  
Planning Department

**Re: Comments on Draft New Official Plan: Cemetery Policies**

Dear Ms. Smith,

LARKIN+ Land Use Planners Inc. represents Arbor Memorial Inc. (AMI) with regards to their cemetery properties across Canada and in particular, with regards to Burlington Memorial Gardens located at 3383 Guelph Line in the City of Burlington. We have over 25+ years of experience in the formulation and execution of land use planning policy and the development of funeral establishments and cemeteries in Ontario, working with all levels of government within Ontario and the Greater Toronto Area. This letter follows up our previous correspondence dated June 29, 2017 wherein we provided feedback on the new draft Official Plan.

We have reviewed the Burlington Official Plan Proposed – November 2017 and conclude that your plan continues to neglect cemeteries within this policy document. We note that the Plan recognizes cemeteries as an “Other use” in Section 3.3.3 which addresses components of Complete Communities. We appreciate that the City of Burlington recognizes cemeteries as part of a complete community but, once again, the City of Burlington has not adequately considered the provision of cemeteries within the Plan to meet the needs of the community. Given that the City of Burlington is proposed to grow to 193 000 persons by 2031 and given the increase in the aged population in Ontario, the City needs to plan for the entire lifetime of its residents including the provision of final resting grounds.

Our review recognizes several deficiencies in your policies:

1. Failure to identify where cemeteries will be accommodated in the City of Burlington.
2. Failure to recognize cemeteries as a permitted use within the Rural Area.
3. Failure to provide adequate siting policies.
4. Concerns with policies that limit the expansion of existing non-Agricultural Uses in Rural Areas

#### **1. Failure to Identify Where Cemeteries will be permitted within the Official Plan**

We have reviewed the new Official Plan and feel that the provision of cemeteries has not been adequately addressed within the document. As with population projections to plan for housing and employment, municipalities must also undertake mortality projections to ensure that the burial needs of the City of Burlington are met and adequate facilities are provided to provide a final resting ground for the residents of the City of Burlington. Furthermore, we note that no land use designations recognize cemeteries as a permitted use.

- We request that the City of Burlington consider projected mortality for the City of Burlington and identify where cemeteries will be accommodated to fulfill this important need.



## 2. Failure to recognize cemeteries as a permitted non-agricultural use within the rural areas of the City.

Cemeteries are compatible with almost all land uses, service both urban and rural areas, and therefore, should be accommodated within both the urban and rural areas of the City of Burlington. With the intensification policies of the PPS 2014 and the Growth Plan, it is likely that new cemeteries will be located in the non-urban area or the urban periphery and likely to not be able to locate within the urban boundary. Modern, viable cemeteries range in size from approximately 20 to 40 ha and, therefore, the likelihood of finding a parcel of that size with the urban boundary is remote and, if available, would contribute to the inefficient use of expensive municipal infrastructure. Historically, cemeteries have been located on the periphery or outside of urban centres and cannot be considered a strictly urban use.

Cemeteries must be accommodated within the non-urban area for the following reasons:

- ✓ Cemeteries as an urban use conflicts with the Province of Ontario's intensification policies within the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe

The competition for land between more traditional land uses within existing urban areas is intense and there is a core land use planning objective to promote efficient development that optimizes municipal services and infrastructure. The intensification policies of PPS 2014 and the Growth Plan for the Greater Golden Horseshoe promote intensification of traditional uses such as residential, commercial and other mixed uses in order to meet specific density targets. These policies conflict with the development of cemeteries in urban centres and further supports the position that cemeteries are more suitably located in rural areas. Furthermore, land used for a cemetery is considered "non-renewable" since it is a permanent land use. Therefore, land used for a cemetery will no longer be available for intensification and redevelopment. Finally, large parcels of land required for uses such as cemeteries are becoming increasingly scarce within the Greater Toronto Area.

- ✓ Cemeteries are compatible with most other uses and specifically are compatible with rural uses and can be developed without access to urban infrastructure for their development.

Cemeteries are compatible with the rural and agricultural landscape and promote connections between the Greenbelt and external agriculture system by allowing the designation of large tracts of land for low-intensity use. Being essentially "green space" areas, they can act as an effective buffer between urban and rural areas. Cemeteries can be developed on private services should urban services not be available and, in fact, tying up large parcels of expensively serviced land is an inefficient use of municipal resources. Urban land is better reserved for uses that require full municipal services.

- ✓ The Provincial Policy Statement, 2014 recognizes cemeteries as a rural land use and permits non-agricultural uses, such as cemeteries, within prime agricultural areas provided the policies of Section 2.3.6 can be met.

The Provincial Policy Statement, 2014, recognizes cemeteries as a rural land use within Ontario and includes policies to guide the development of non-residential uses on prime agricultural land in Section 2.3.6. The supporting documents "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" provides guidance for land uses that are permitted on prime agricultural land, and "An Introduction to the Provincial Policy Statement, 2014: Rural Ontario" identifies cemeteries as one such use. We recognize that there are policies within the Draft Official Plan that accommodate non-agricultural uses in an agricultural area similar to the policies in the PPS, however they should be more specific regarding cemeteries.

- We request that the City of Burlington recognize cemeteries as a permitted use within the rural area (non-settlement area) policies in Section 9 of the Official Plan.



### 3. Failure to provide adequate siting policies.

The City of Burlington needs to provide siting policies within their Official Plan to provide guidance and direction to cemetery operators with the City. We have attached a copy of a sample policy that we have developed with other municipalities within the GTA. We note that you have provided a general policy in Section 3.3.3 but are requesting that this policy be expanded in order to provide appropriate direction to future cemetery development and the expansion of existing cemeteries.

- We request that the City of Burlington provide appropriate siting policies in the new proposed Official Plan.

### 4. Policies that limit the expansion of existing non-Agricultural Uses in Rural Areas

Finally, we have reviewed the Rural Policies in Section 9 and have concerns with **Section 9.1.2 h)** which permits an expansion to an existing use not permitted by the Plan and located outside a Rural Settlement Area without an amendment provided that the proposed expansion *(iii) does not significantly increase the intensity of, or the area occupied by, buildings and accessory facilities existing prior to the expansion.* It is our opinion that any proposed development within an existing use should be evaluated relative to the size of the property and the surrounding uses. This policy is vague and it is difficult to understand how it will impact future development on existing sites.

We hope that this letter clarifies our concerns with the cemetery policies in the new Burlington Official Plan Proposed – November 2017. As a follow up to this letter, we would be pleased to meet with you to discuss these matters in more detail. Please do not hesitate to contact us should you have any questions or require additional information at (905) 895-0554 or [amg@larkinplus.com](mailto:amg@larkinplus.com).

Sincerely,

**LARKIN+**

Aaron Gillard  
MCIP, RPP  
[amg@larkinplus.com](mailto:amg@larkinplus.com)

cc      Mike Larkin, LARKIN+  
Cosimo Casale, Cosmopolitan Associates

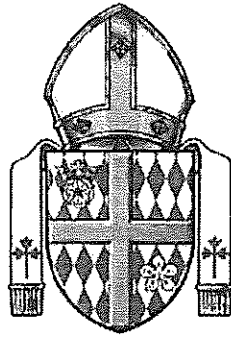




### **LARKIN+ Proposed Cemetery Policy:**

The establishment of a new cemetery or the expansion of an existing cemetery shall be permitted subject to Section 2.3.6 of the Provincial Policy Statement 2014 and to all other applicable legislation and shall require an amendment to the Official Plan and/or Zoning By-law in accordance with the following criteria:

- a) The need for the proposed use and the area and capacity of the cemetery and the accessory uses must be appropriate for the location, and sufficiently sized to serve the projected population within the cemetery planning horizon;
- b) Opportunities for alternative interment and/or burial practices to meet the needs of diverse cultures and efficient use of the land area shall be considered; and,
- c) The following studies shall be conducted to ensure the compatibility of the use with the surrounding area:
  - i. A Needs Analysis of the proposed cemetery (or an expansion of an existing cemetery) demonstrating need through an examination of the demand for additional cemetery land, assessed against the existing and potential supply of such land within the cemetery planning horizon, and of the diversity of cultural and religious beliefs and burial trends;
  - ii. An environmental evaluation which includes hydrological and hydrogeological studies indicating that the use will not have adverse impacts on the quality and quantity of ground and surface water on or nearby the site or any Wellhead Protection Area;
  - iii. A Traffic Impact Study which ensures an appropriate access to the site and addresses the potential impacts to existing surrounding and area uses, including an assessment of projected on-site parking requirements in relation to such accessory uses as defined herein; and,
  - iv. A master site plan that demonstrates the use of existing site characteristics, such as topography and vegetation, identifies natural native vegetation enhancement and sequential plantings, including opportunities for memorial groves, improvements to connectivity between key natural heritage features and key hydrologic features and establishes appropriate buffers from adjacent land uses, where necessary, through planting, grading and screening.



## DIOCESE OF HAMILTON

November 27, 2017

Council of the City of Burlington  
426 Brant Street  
P.O. Box 5013  
Burlington, ON L7R 3Z6  
Email: [cob@burlington.ca](mailto:cob@burlington.ca)

Re: Draft Official Plan (November 2017)

On behalf of **The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario** ("Diocese of Hamilton") I am writing to you, the Council of the City of Burlington, to provide comments concerning the **Draft Official Plan (November 2017)**. As you are likely aware, the Diocese of Hamilton holds title to a number of properties throughout the City, where our places of worship offer both spiritual enrichment and vital services to the community.

As a Catholic organization, the Diocese of Hamilton respects the dignity of every human person and believes that there is an obligation to support those who are in need and to promote the common good.

As a regulated charity, subject to both federal and provincial legislation, we also have fiduciary obligations to protect our charitable property and ensure that it is used to further the charitable objectives of the Catholic Church.

With that in mind, we and other faith groups in the City were very concerned over the policy contained in the *April 2017 Draft Official Plan* that required surplus institutional lands seeking amendments for residential purposes to be only considered where the majority of residential units proposed were for assisted or special needs housing. While we readily support the Draft Official Plan's commitment to providing affordable housing for the City's residents and neighbourhoods, the *April 2017 Draft Official Plan* that focused on surplus institutional lands placed an unfair burden on religious institutions such as the Diocese of Hamilton. Requiring a commitment for a majority of residential units to be for assisted or special needs housing could have a significant negative impact on the value of the land, thereby limiting the options for institutions such as ours to sell properties and using the proceeds to further our own programs, many of which help people in need.

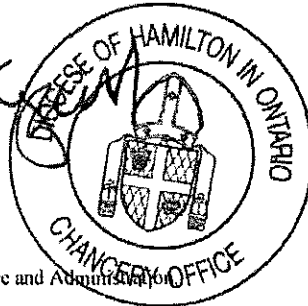
... 2/

We are therefore pleased to see the amendments made in the **November 2017 Draft Official Plan** that deletes the problematic portion of the *April 2017 Official Plan* concerning surplus institutional lands and hope that the City will continue to consult with the faith community over the issue of special needs and affordable housing in order to develop sound programs that are beneficial for all.

Sincerely,



(Most Rev.) Douglas Crosby, OMI  
Bishop of Hamilton



Copy: Mr. James Long, Episcopal Director of Finance and Administration

/ed

November 28, 2017

**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-50-17**  
**File Number 505-08**

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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.

Block 299 is approximately 3.37 acres in area and is vacant at this time. It is designated in the current Official Plan as Business Corridor and zoned Business Corridor (H-BC1-320).

We have reviewed the proposed Official Plan (November 2017) and note that Schedules B, B-1 and C have mistakenly designated more than 50% of Block 299 as Natural Heritage System.

We are aware of policies in the proposed Official Plan that explain designation boundaries are approximate, except for those established by well-defined features. We can confirm that Block 299 is indeed well-defined by public roads on two sides and public green space on two sides.

We would respectfully request, therefore, that Schedules B, B-1 and C be modified correctly so that the entirety of Block 299 is properly designated Employment Lands (B), Undeveloped Area Outside Built Boundary (B-1), and Business Corridor (C).

Out of an abundance of caution, we must object to the proposed designation of Block 299.

2 . . .

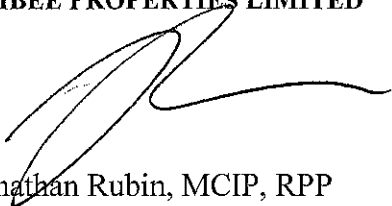
We have enclosed copies of the noted Schedules together with details and related maps to assist you in describing the correct designation for Block 299.

We look forward to working with 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**

A handwritten signature in black ink, appearing to read 'Jonathan Rubin', written over the company name.

Jonathan Rubin, MCIP, RPP

Phone: 416.250.5858 ext.34

E-mail: [jonathan@embeeproperties.ca](mailto:jonathan@embeeproperties.ca)

JR:bk

Encl.

cc: Mr. Hugo Rincon  
Ms. Amber LaPointe

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**CURVE TABLE**

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PLAN 20M-1193

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HALTON ON THE 15<sup>TH</sup> DAY OF SEPTEMBER, 2017 AND ENTERED IN THE PARCEL REGISTRY FOR PROPERTY IDENTIFIED NO. 2785-2835 AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. 15-1193-1.

*Tee Wendee*  
Representative For Land Registry

THIS PLAN COMPREHENDS ALL OF PIN 2785-2835.

PLAN OF SUBDIVISION OF  
PART OF LOT II, CONCESSION I,  
NORTH OF DUNDAS STREET  
(GEODESIC TOWNSHIP OF NELSON)  
NOW IN THE  
CITY OF BURLINGTON  
REGIONAL MUNICIPALITY OF HALTON  
SCALE 1:5000  
SCHAEFFER DZALDOV BENNETT LTD.

**NOTES**

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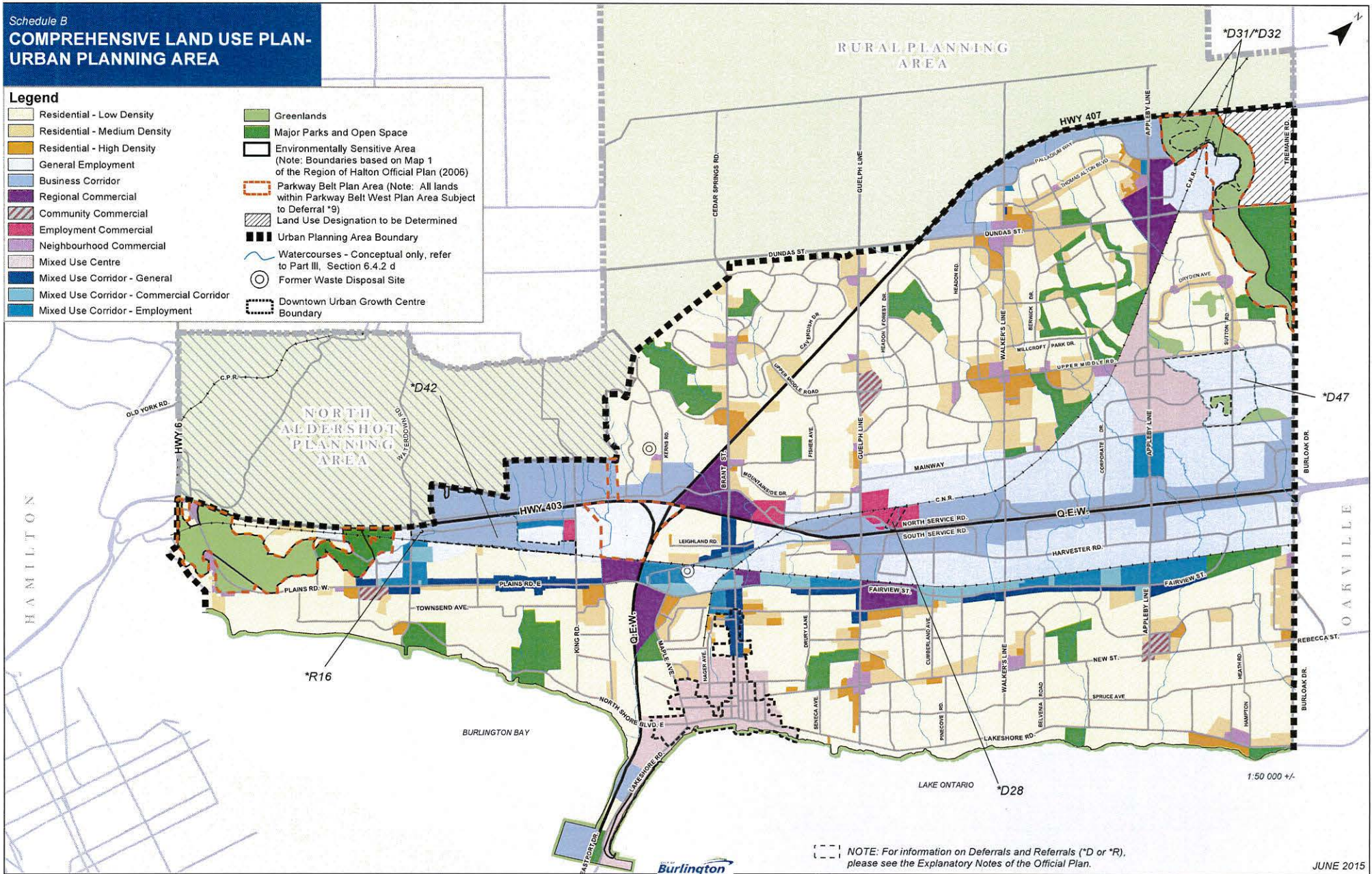
# CITY of BURLINGTON EXISTING OFFICIAL PLAN

Schedule B

## COMPREHENSIVE LAND USE PLAN- URBAN PLANNING AREA

### Legend

- |  |  |
|--|--|
| Residential - Low Density                | Greenlands   |
| Residential - Medium Density             | Major Parks and Open Space   |
| Residential - High Density               | Environmentally Sensitive Area<br>(Note: Boundaries based on Map 1 of the Region of Halton Official Plan (2006)) |
| General Employment                       | Parkway Belt Plan Area (Note: All lands within Parkway Belt West Plan Area Subject to Deferral *9)               |
| Business Corridor                        | Land Use Designation to be Determined  |
| Regional Commercial                      | Urban Planning Area Boundary   |
| Community Commercial                     | Watercourses - Conceptual only, refer to Part III, Section 6.4.2 d   |
| Employment Commercial                    | Former Waste Disposal Site   |
| Neighbourhood Commercial                 | Downtown Urban Growth Centre Boundary  |
| Mixed Use Centre                         |  |
| Mixed Use Corridor - General             |  |
| Mixed Use Corridor - Commercial Corridor |  |
| Mixed Use Corridor - Employment          |  |

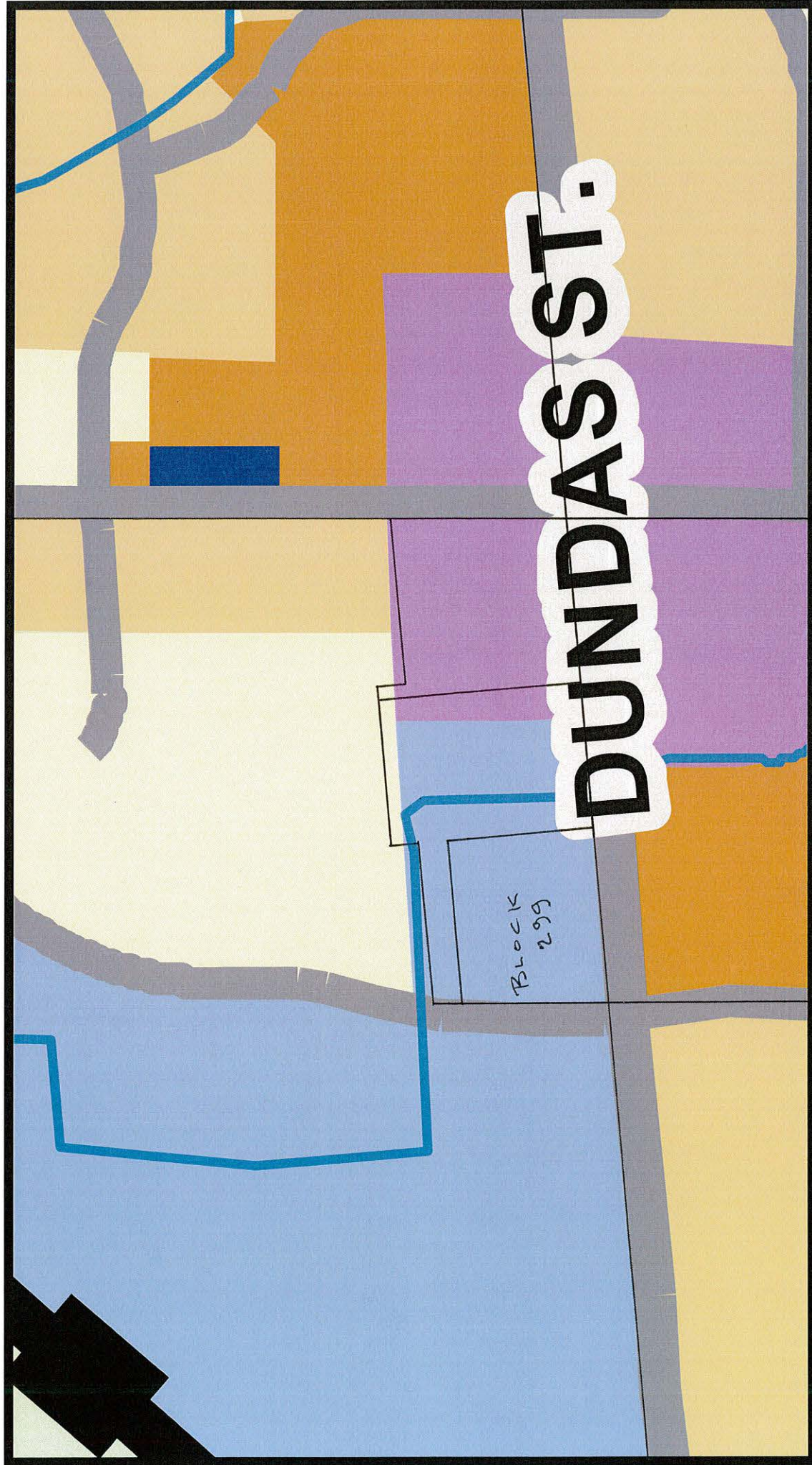


NOTE: For information on Deferrals and Referrals (\*D or \*R), please see the Explanatory Notes of the Official Plan.

JUNE 2015

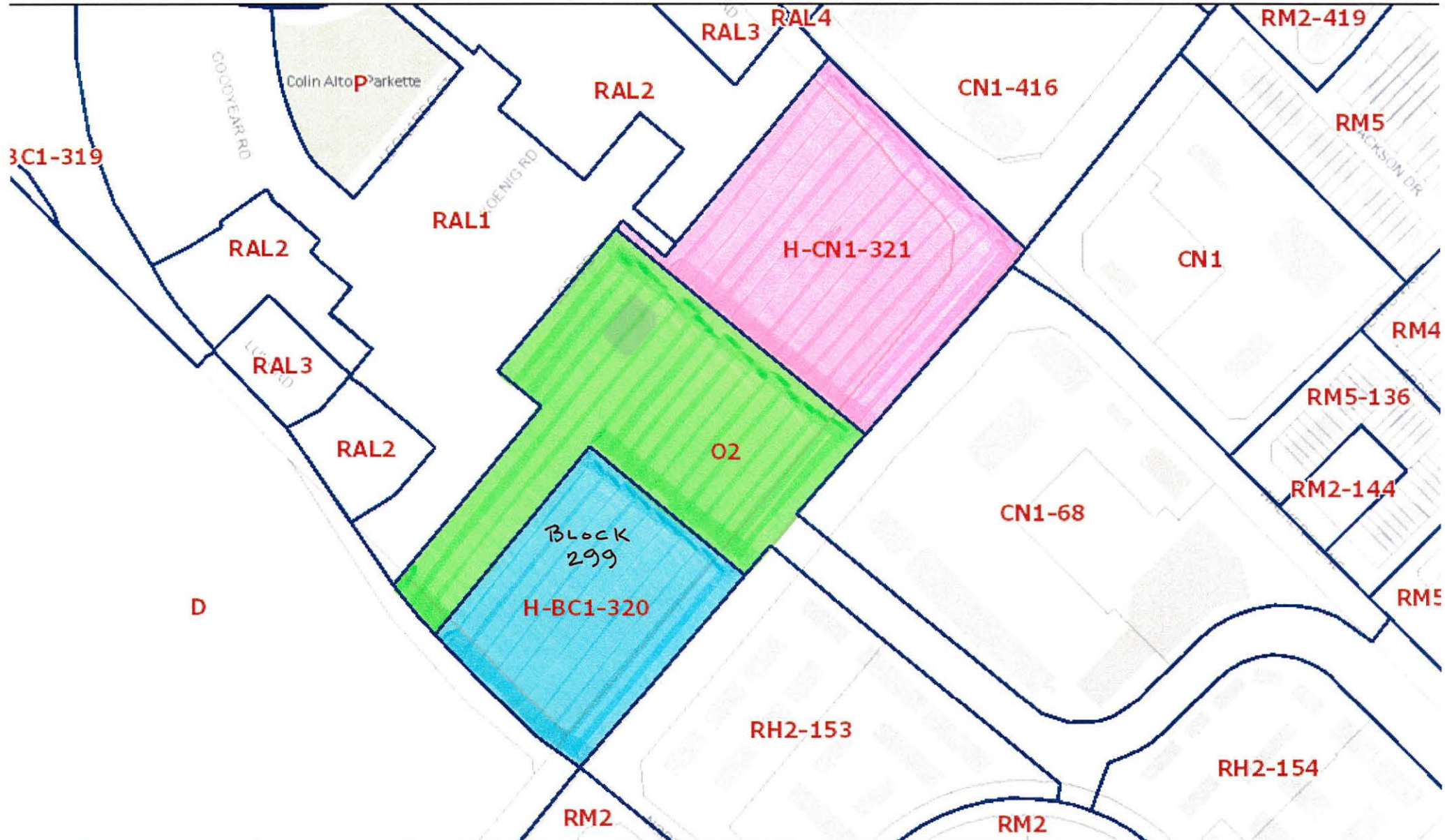


CITY of BURLINGTON  
EXISTING OFFICIAL PLAN - SCHEDULE B - DETAIL - NOT TO SCALE




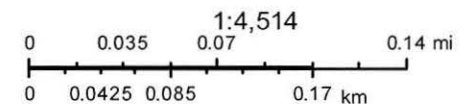


# City of Burlington Mapping



November 27, 2017

- |   |                         |   |                                  |
|---|-------------------------|---|----------------------------------|
|  | NEC Development Control |  | Shoreacres                       |
|  | Indian Point            |  | Zoning Bylaw                     |
|  | Roseland                |  | Designated area for lot coverage |



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



# PROPOSED OFFICIAL PLAN - NOVEMBER 2017

## SCHEDULE B Urban Structure

City of Burlington

### Legend

#### Mixed Use Intensification Areas

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

#### Employment Lands

- 

#### Areas of Employment Overlay

- 

#### Residential Neighbourhood Areas

- 

#### Natural Heritage System, Major Parks and Open Space

- 

#### Mineral Resource Extraction Area

- 

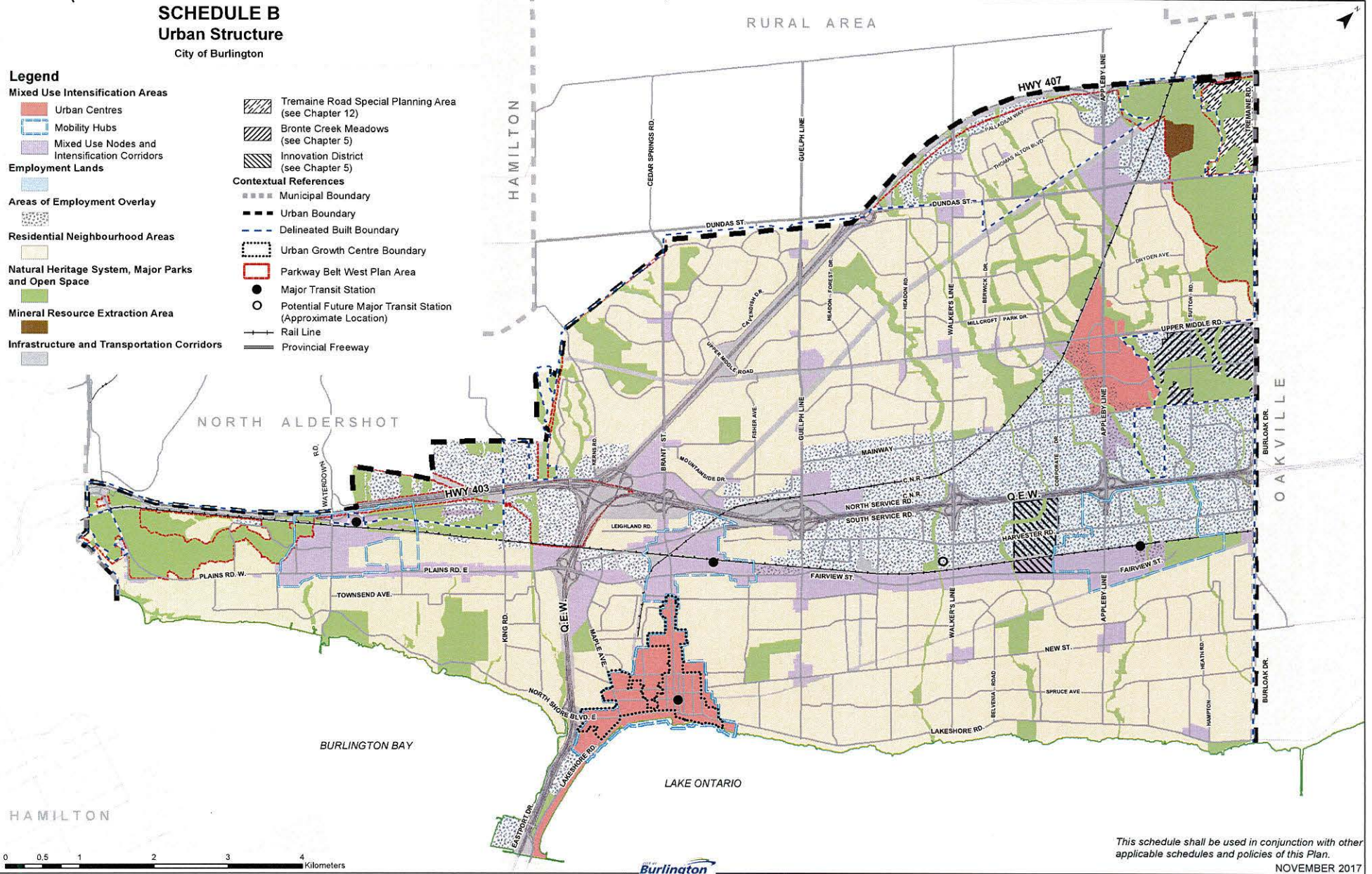
#### Infrastructure and Transportation Corridors

- 

- 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



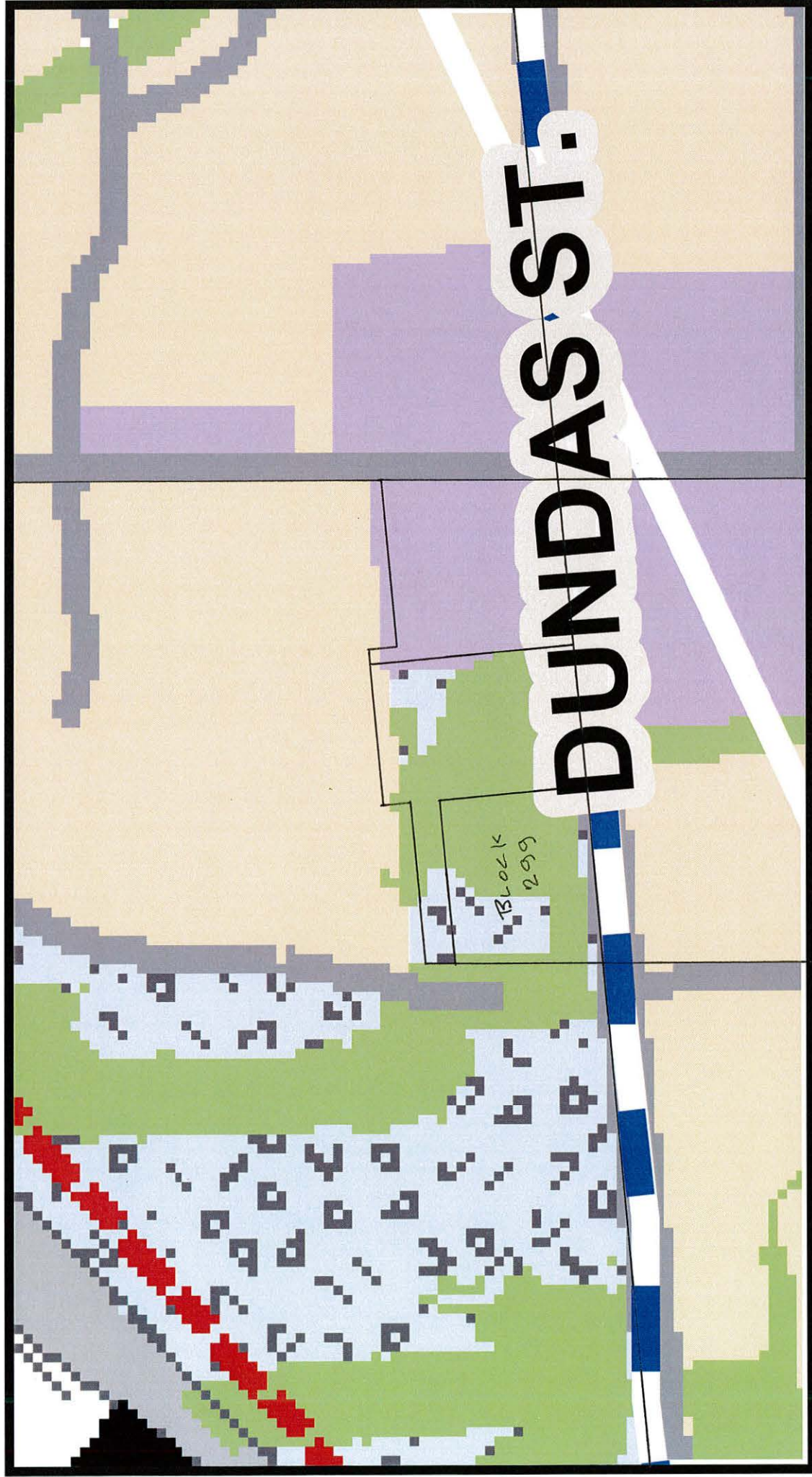
This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

NOVEMBER 2017



CITY OF BURLINGTON

PROPOSED OFFICIAL PLAN - NOVEMBER 2017 - SCHEDULE B - DETAIL - NOT TO SCALE





# PROPOSED OFFICIAL PLAN - NOVEMBER 2017

## 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

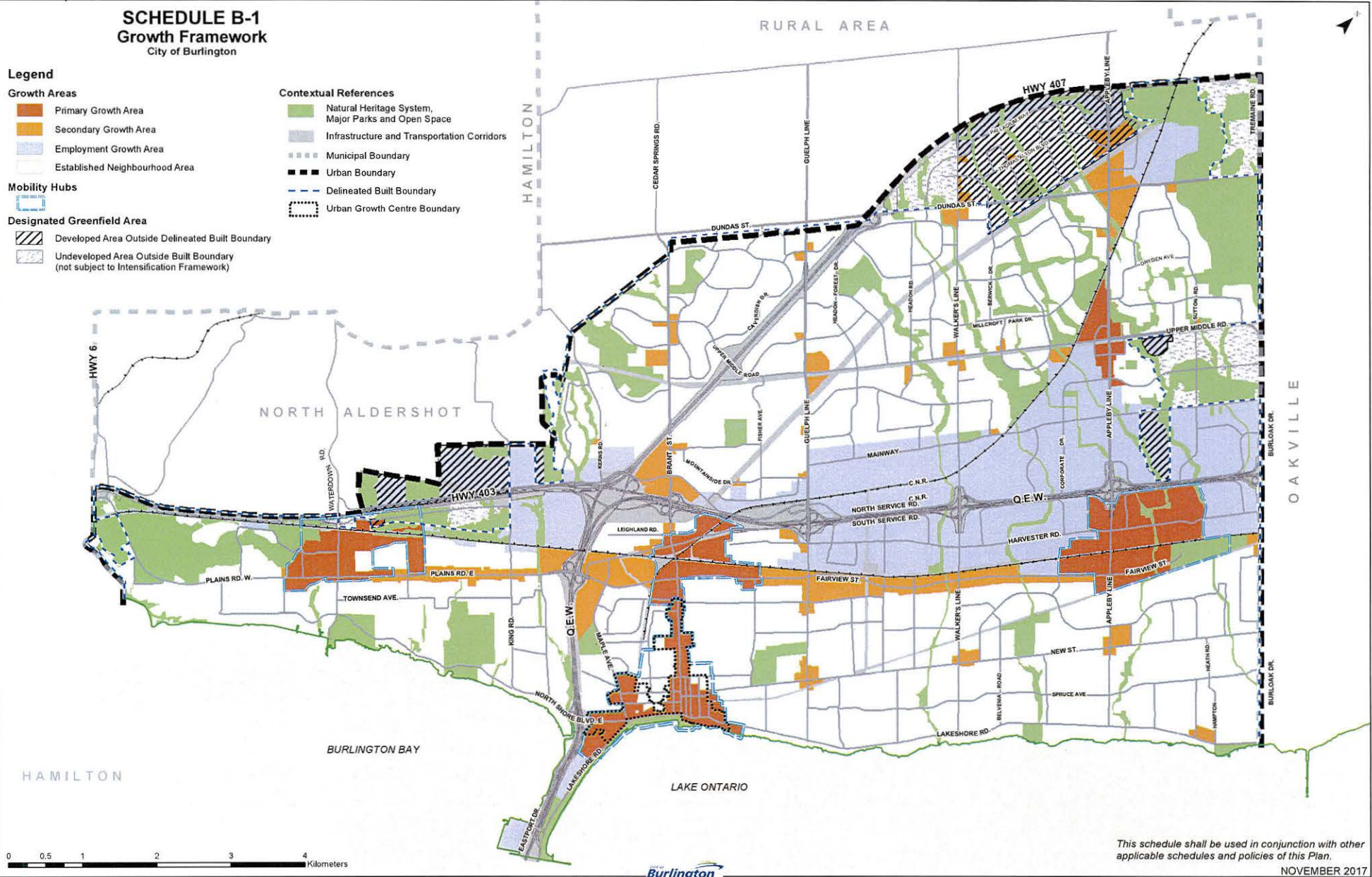


#### Designated Greenfield Area

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

#### Contextual References

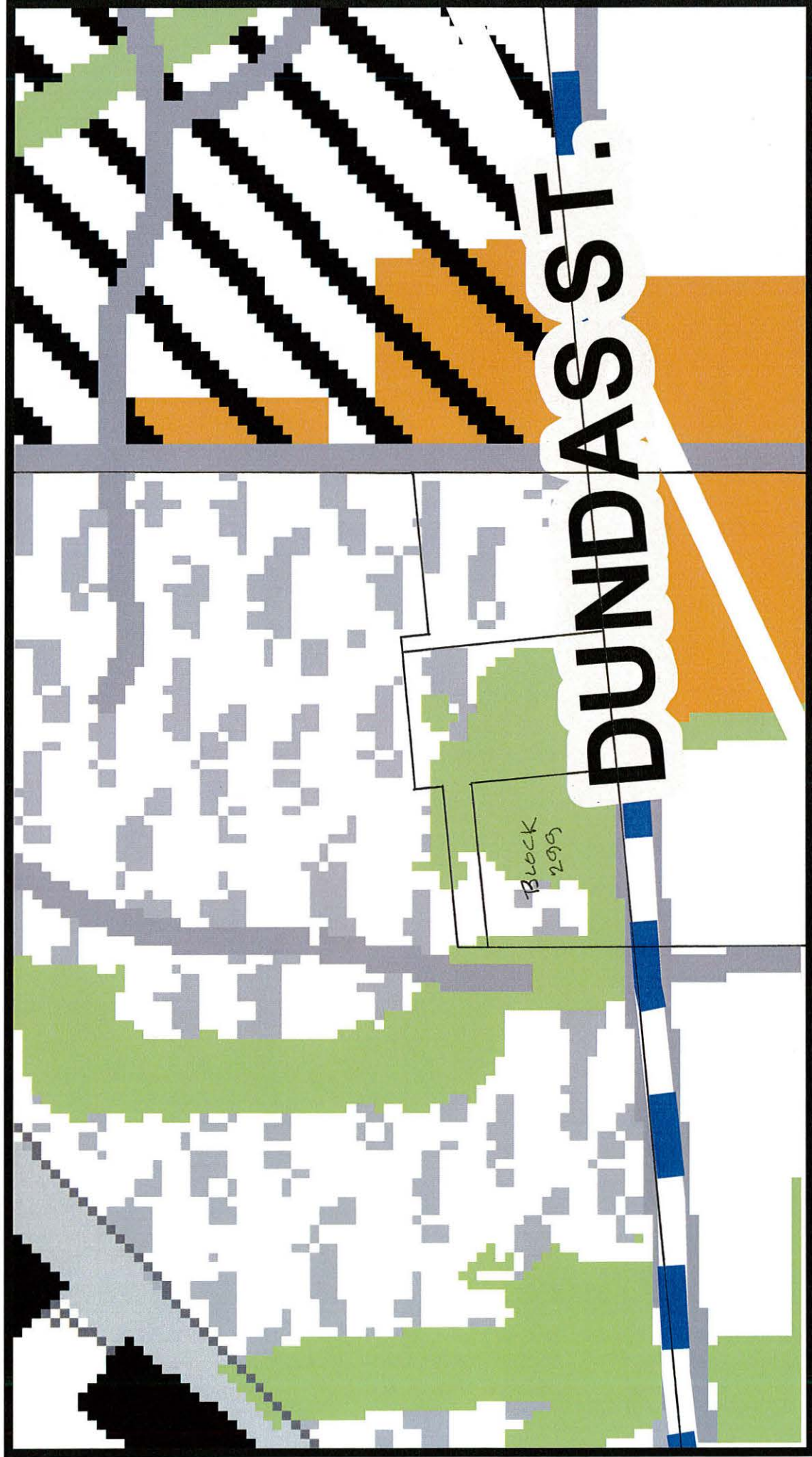
- Natural Heritage System, Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary



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

NOVEMBER 2017

CITY of BURLINGTON  
PROPOSED OFFICIAL PLAN - NOVEMBER 2017 - SCHEDULE B-1 - DETAIL - NOT TO SCALE





# PROPOSED OFFICIAL PLAN - NOVEMBER 2017

## 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

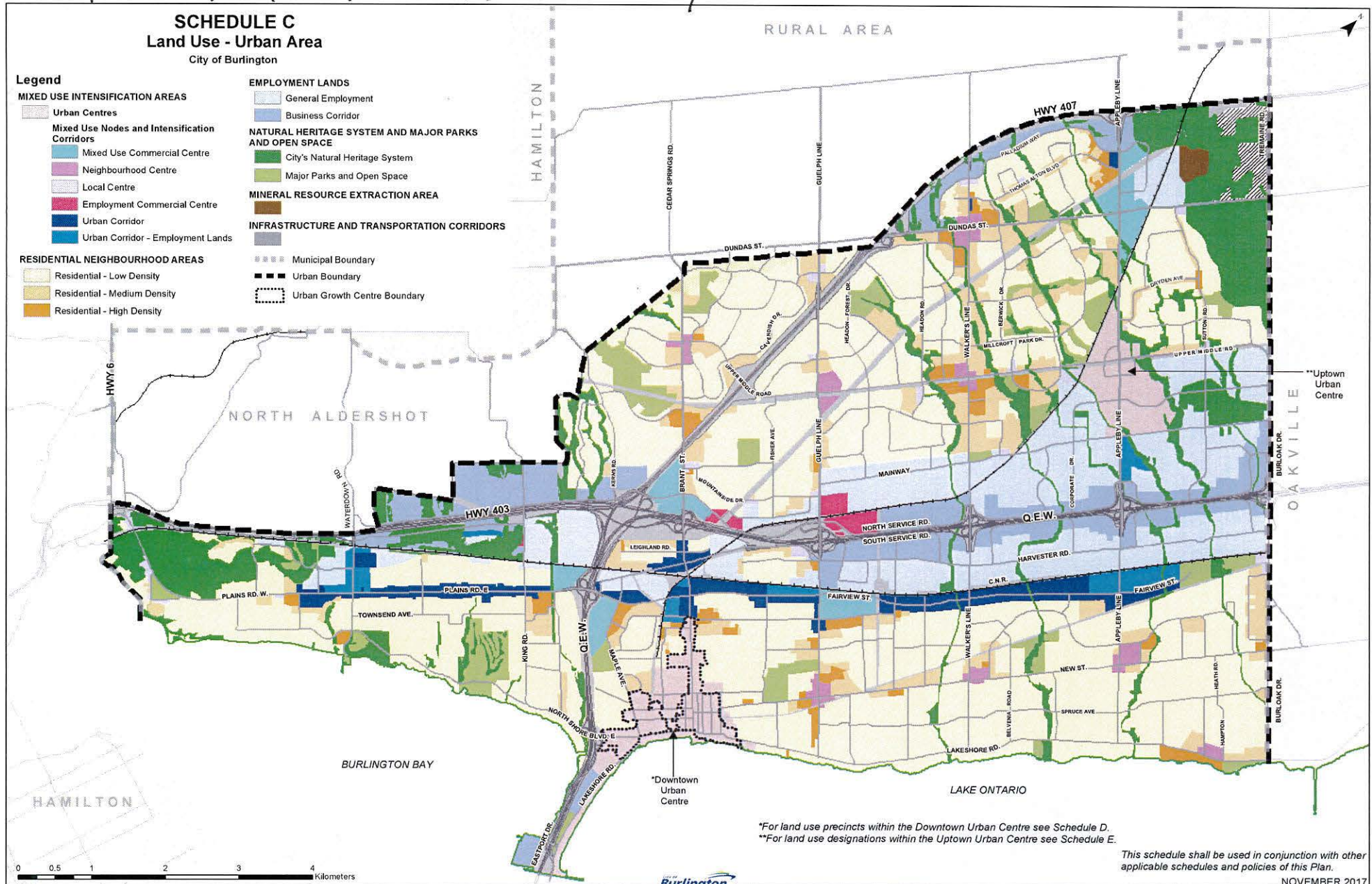
- City's Natural Heritage System
- Major Parks and Open Space

#### MINERAL RESOURCE EXTRACTION AREA

- 

#### INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

- 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.

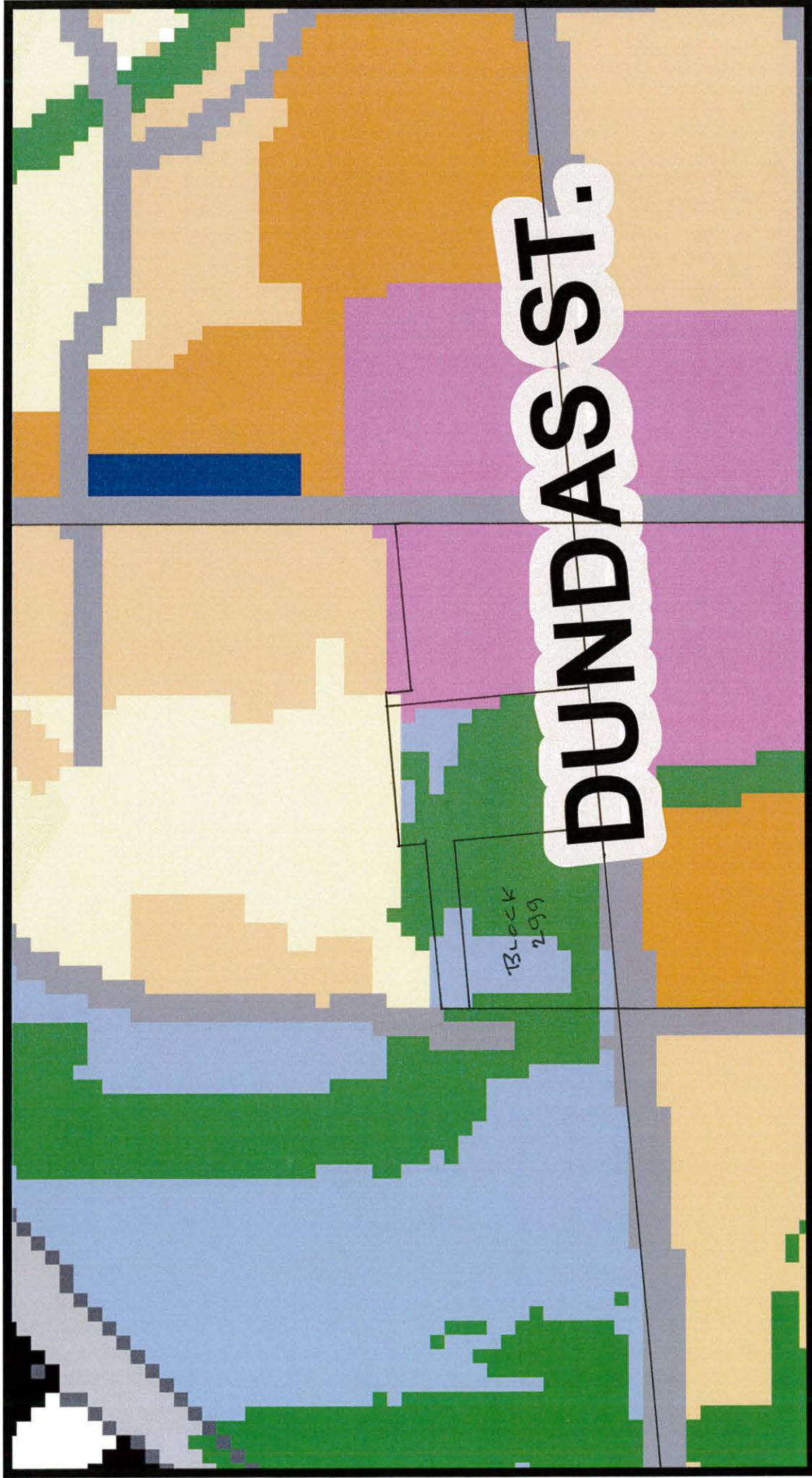
This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

NOVEMBER 2017



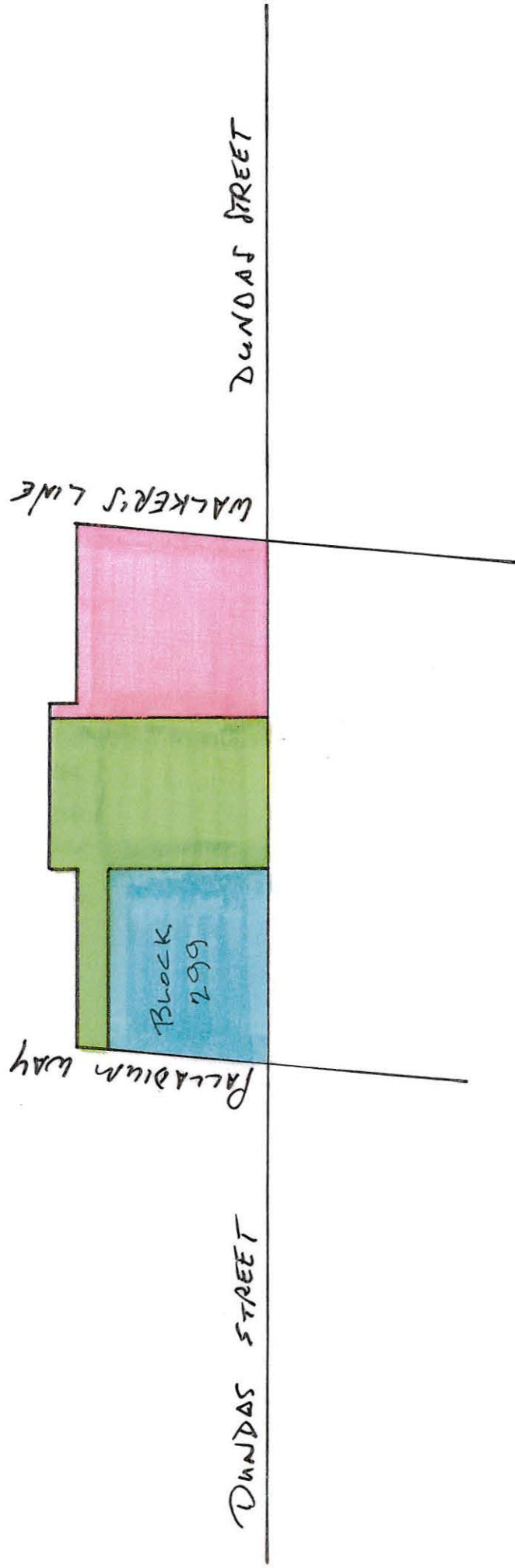
CITY OF BURKINGTON

PROPOSED OFFICIAL PLAN - NOVEMBER 2017 - SCHEDULE C - DETAIL - NOT TO SCALE



CITY of BURLINGTON

PROPOSED OFFICIAL PLAN - NOVEMBER 2017 - SCHEDULES B (B-1) + C - Detail - Not to Scale





**Daly, Laura**

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**From:** Darla Goldblatt [REDACTED]  
**Sent:** Monday, November 27, 2017 2:35 PM  
**To:** Mailbox, OPReview  
**Subject:** Comments to New Official Plan - City of Burlington

**Attention: Leah Smith, Planning Department – City of Burlington**

I have been a resident of the City of Burlington for the majority of my life and currently reside only a few minute drive from the Downtown area.

Over the past few weeks I have taken the opportunity to review the new proposed Official Plan as well as the proposed Downtown Mobility Hub Precinct Plan.

I would like to reiterate my support for the concept of taller buildings and greater density being allocated to the downtown area and believe this is the direction of proper City building.

I believe the Downtown needs support in its effort to be rejuvenated and directing growth in the form of development activity is a positive step in the right direction.

There is specific demand on cities in the 21<sup>st</sup> century - they need a vibrant public realm, mixed use developments, the ability engage diverse populations and create opportunities for people to live there – not just shop there or go for dinner.

Providing the opportunity for taller buildings is a way for the city to get what it needs in terms of a more attractive public realm, a less bulky and more elegant building which is in keeping with the demands of the sophisticated demographic that live in Burlington.

Regards,

Darlene Goldblatt

November 27, 2017

Andrea Smith  
Manager of Policy and Research  
City of Burlington  
426 Brant Street  
Burlington, ON L7R 3Z6

Dear Andrea,

**RE: Burlington New Draft Official Plan – Red Line Revisions**  
505-08

---

On June 27, 2017, the Board submitted its comments to the City of Burlington regarding the proposed changes to the new Official Plan. In its first round of comments, the Board had a number of comments as well as concerns surrounding some of the newly introduced policy directions.

City and Board staff met on two (2) separate occasions to review Board comments and concerns. Through discussions, a number of solutions were reached to resolve the prevalent concerns of the Board. Accordingly, Board staff would like to take this opportunity to acknowledge City staff's efforts and success in reaching amenable solutions to a number of our concerns.

As stated in our previous submission, it is understood that the City of Burlington is built-out and is transitioning toward intensification and higher density development to meet its provincial growth targets. Board staff sees this as an opportunity to slow declining enrolments in areas of Burlington.

Our comments have been summarized by the chapters and policy sections staff previously commented on, and those that have been recently introduced.

## INTRODUCTION

### 1.4.5 An Engaging City

Supportive of the change made to section 1.4.5, as it meets the intent of our comment.

## SUSTAINABLE GROWTH

### 2.2.3 d) (ii) Delineated Built Boundary

Response noted. As an additional general comment, with the ongoing review of the Board's Education Development Charges (EDC) By-law, staff has observed that the Regional Best Planning Estimates are often overstated. This is especially true with higher density developments, where allocations have not been fully met regionally. Staff would like to continue

collaborating with the City on this matter on an ongoing basis to better project growth trends to better inform the Board's EDC By-law, which is being reviewed in its entirety this year, going forward for final approval in May 2018.

### **2.3.1 Mixed Use Intensification Area**

Clarification noted.

### **2.3.3 Residential Neighbourhood Areas**

No action required.

## **2.4 Growth Framework**

### **2.4.1 e) To limit the introduction of unplanned *intensification* in established neighbourhood areas.**

Changes clarifies the intent of the intensification restrictions in established neighbourhood areas. Additions to established neighbourhood areas further clarifies that development (i.e. infill) is an acceptable form of development as long as it maintains densities and intensity.

#### **2.4.2.1 a) Primary Growth Areas:**

The parameters identified in Subsection 7.3.2.(1) addresses the majority of the Board's concerns. Note that in regards to 'sympathetic' uses, Board staff acknowledges that this can be addressed through the implementing zoning by-law.

#### **2.4.2.3 Established Neighbourhood Areas**

Changes made to the policy framework addresses the concerns of the Board.

## **2.5.2 Policies**

Deletion noted. New policy framework in Chapter 12, section 12.1.2.(2) noted. Board staff is supportive of the intent of the statement.

In regards to 12.1.2.(2.2) c) (vi) which speaks to available public service facilities (related to previous comments submitted to the City) Board staff submits that if new development may have the potential to exceed the available capacity of the Halton Catholic District School Board's school accommodations, that the Board has the ability to either re-direct enrolment pressures through School Boundary Reviews; introduce portables; and/or the construction of new pupil places. This would be measured to the future sustainable yield of students.

Board staff does want to clarify that it will not oppose future development due to potential accommodation pressures. Instead, the Board would inform the City of potential actions that would need to be taken to address potential pressures through Development Comments, its annual Community Planning and Facility Partnership Meeting, or any other form of communication with the City.

Furthermore, if required, Board staff would like to confirm with City Staff that no policy frameworks within the Official Plan could unintentionally preclude the introduction of new school additions, and/or the introduction of school portables to accommodate future growth pressures. Note it is understood that the Board would be required to follow the required planning processes for such projects.



Board staff suggests that a policy subsection be added to speak to these matters.

## COMPLETE COMMUNITIES

### 3.1.2 Housing Affordability

#### 3.1.1.(2) c)

b) The use of surplus lands owned by the *City* and other *public authorities* shall be considered for residential purposes, including *affordable* or and *assisted housing*, shall be considered before using them for other land uses.

Board staff understands the intent of the above statement, and appreciates the flexibility provided.

Board staff would request that alternative measures be considered when surplus lands from other *public authorities* lands that are being considered for infill/development prior to disposition. If wording could be introduced in this section or in Chapter 12 that would speak to situations where affordable or assisted units are being introduced in a development owned by another public authority, that the City consider bonusing the authority to compensate for any potential losses, such as increased density/intensity, or breaks in parkland dedications among other mechanisms.

### 3.2 Public Service Facilities and Institutional Uses

#### 3.2.1 Objectives

Subsection c) amended in a favourable manner to address Board concerns.

#### 3.2.2 Policies

Noting the amendments made to subsection c), an Adult Learning Facilities would not be considered an Ancillary Employment Use as per the definition provided in Chapter 13. The Adult Education Component of the use would not be supporting surrounding employment in the area, but one operate more as a standalone.

The advantage of having Adult Education Services within Employment Areas are associated to the following:

- 1) Employment lands have access to major transportation corridors, allowing easy access to serve a large geographic area/catchment area
- 2) Often has abundant parking facilities available for the adult learners, which are not necessarily available in more commercial areas
- 3) Usually requires 5,000 - 25,000 square feet of space, a size that can often be best accommodated for in a demisable office tower or space
- 4) Not as intensive or sensitive as a full sized elementary or secondary school

Board staff suggests that the intended Adult Education use does not fit with the definition provided in the responding comments.

If possible, a clause to Section 3.2.2 f) similar to subsection (ii) for adult learning centres would be recommended, or the removal of subsection m) in regards to adult learning centres.

### **3.2.2 j) Area-Specific Plan**

No action required

### **3.2.2 k) Official Plan Amendments**

Board staff supports the changes made by the City, and acknowledges that an Official Plan Amendment would require that the proposal be assessed against development criteria when there may be an increase in density and intensity to the established neighbourhood.

### **3.2.2 l) Acquisition of Surplus facilities**

Board staff is satisfied with the reference to the provincial legislation, which addresses concerns surrounding the definition of “cost-effective”.

### **3.2.2 m) City initiated Official Plans**

Deletion acknowledged.

### **3.2.2 n) Co-location**

As stated previously, the Board recognizes the benefit to the community of co-locating facilities where possible.

Since our previous comment letter, the Ministry of Education is looking to finding new methods of having municipalities and school board better coordinate in their long-term planning. The Ministry is looking to amend the Community Planning and Partnership Guidelines to:

- Better align with integrated local planning processes;
- Encourage joint responsibility for integrated community planning, with a focus on communication between school boards, municipal governments and community partners about boards' capital plans;
- Highlight the potential for community use of open and underutilized schools; and
- Require that boards disclose municipal participation and non-participation in CPPG meetings.

If the City believes there is a way to formalize these initiatives in a policy framework, Board staff would be more than happy to work collaboratively. Note that the new guidelines are being released in the New Year for consultation.

### **3.2.2 q) Day Cares**

Now addressed in Section 8.3.10, Board staff acknowledges that the majority of the specifics will be addressed in the zoning by-law.

In regards to Section 8.3.10 a) (ii) a. Board staff recommends that the wording of “small in scale” either be defined, or removed. If the City's intent is to have the daycare use ancillary to the school use it should be described in that manner instead of using small in scale as a definition. The cause for concern is in regards to the varying format a Child Care can take as an ancillary use to a school facility.



When developing the implementing zoning by-law, the City should be aware that the number of daycare rooms that can be accommodated at a school to be the most financially viable ranges between 1-5 rooms. There is also the potential for the addition of Ontario Early Year Center/Family Centre rooms. Altogether, this could increase the size to approximately 10,000 square feet to a school.

Furthermore, the amount of square footage is not necessarily a reflection of the intensity of use. Per example, an infant room and pre-school room are relatively the same size, but have very different loading characteristics – 10 vs 24 respectively.

In regards to Section 8.3.10 a) (ii) e. for vehicular access, some schools may be located on local streets. Given the synergies between schools and daycares, it would be preferable not to limit their location entirely.

Acknowledging that private operators are often much larger than their public counterparts, perhaps a distinction between daycare ancillary to a school and a daycare as a primary commercial use should be considered.

The Ministry of Education, through their Early Years and Child Care Branch prescribes the requirements for many of the above noted items which the Board must comply with. Any City requirements should align with the Ministry objectives (link below).

Another key resource would include the Region's Children's Services Social and Community Services. The Board works closely with this branch on all Early Years projects.

[http://www.edu.gov.on.ca/eng/parents/planning\\_and\\_design.pdf](http://www.edu.gov.on.ca/eng/parents/planning_and_design.pdf)

### **3.3.1 Parks, Recreation and Open Space Objective**

No action required.

## **DESIGN EXCELLENCE**

### **7.1.2 General Policies**

7.4.1. a) (v) – Parking lot design: Understanding the intent, we are limited on funding. Primarily, the Board would seek landscaping measures to reduce heat island effects.

7.4.1 b) – the Board always seeks to maximize the efficiency of its structures, and improve where it is fiscally feasible.

As previously mentioned, it is noteworthy that the Board is constrained by the Ministry of Education funding benchmarks for new schools and major additions. As such, the Board will re-iterate that it may be limited by funding in pursuing the City of Burlington's environmental and design strategies.

## **LAND USE POLICIES**

### **8.1.2 Urban Centres**

No action needed – the Board will comment accordingly for all schools or facilities that fall within Urban Centres.

### **8.1.2 Mobility Hubs**

At present, three (3) Board owned facilities fall within Mobility Hubs. Holy Rosary Catholic Elementary School falls within the Aldershot Mobility Hub; St. John Catholic Elementary School within the Downtown Mobility Hub; and the Board Catholic Education Centre (Board Office) falls within the Burlington Mobility Hub.

As delineated in section 8.1.2.(2), the Board will comment accordingly to area-specific plans that include a Board owned site. As a general comment, future development plans in these area-specific plans should not have the effect of limiting or impeding the current and future use or developability of the facility/site.

In the interim, in reviewing the preliminary concepts for the Burlington Go Mobility Hub, there are concerns surrounding the placement of the park at the corner of Drury and Fairview. This would limit the potential for the Board to expand on site. Additional comments to follow.

Board staff is in the process of fully reviewing the preliminary concept plans for the aforementioned mobility hubs, and will provide comments shortly.

### **8.1.3 Mixed Use Nodes and Intensification Corridors**

No action required.

### **8.4.2.1 Major Parks and Open Space Designation**

No action required.

## **PUBLIC PARTICIPATION AND ENGAGEMENT**

### **11.1.1 Public and Agency Participation Objectives**

No action required.

### **11.2.1 Public and Agency Participation General Policies a)**

Board staff looks forward to commenting on future applications and area-specific plans

### **11.3.1 Procedures**

No further action require.

**NEXT STEPS**

On behalf of the Board, we thank the City of Burlington for the opportunity to comment on the newly proposed Official Plan, as well as considering and implementing recommended changes or providing further clarification. Board staff looks forward to continue working with the City of Burlington.

Regards,

A handwritten signature in black ink, appearing to read 'F. Thibeault', with a large, stylized flourish at the end.

Frederick Thibeault, M. Pl.

cc: Roxana Negoj, Superintendent of Business Services and Treasurer of the Board  
Paula Dawson, Direction of Education and Secretary of the Board  
Sarah Galliher, Planning Officer  
Michelle D'Aguiar, Senior Planner, Halton District School Board  
Domenico Renzella, General Manager of Planning, Halton District School Board

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

November 3, 2017

Attn: Members of Planning and Development Committee and Council

**Re: Draft Burlington Official Plan**

Ladies and Gentlemen:

As you are aware, The Hamilton-Halton Home Builders' Association (HHHBA) has been actively involved in providing comments on the Draft Official Plan to assist in ensuring that the document we move forward with meets the various goals of the City, its residents and members of the development industry.

I am writing you today to outline my concerns again: it is not my intent to re-hash what has previously been submitted, but rather to note concerns with the process since my delegation to Committee on September 5, 2017.

At that time, I noted that I had requested a meeting with staff to review the submission made by our Association and the comments within, and at the time of the Committee meeting, that had not occurred. At that time, staff committed to meeting with us, and while I had initially expected to meet immediately following the Committee meeting, it was scheduled for October 11, 2017. Builder/Developer members of the Association, my staff and I, together with numerous City staff attending this meeting. While an agenda was prepared, outlining the issues to be covered, there was no substantial new information provided that we didn't already have: no information was made available addressing our comments and no indications of significant changes proposed in the OP were outlined. With the exception of two memo documents discussing how population has changed in the last year within the Urban Growth Centre, the City-wide population and built-up are residential unit growth analysis, we were simply advised that this is a complicated process and that much of the big picture concerns that we have are not achievable with this OP. We were advised of the timeline moving forward (i.e. Being back on the agenda on November 30<sup>th</sup>), and it was only after significant push back on our part that we were able to get staff to commit to providing us with documents on November 10, 2017, 20 days before it goes to Committee; for our review.

While Staff afforded us the opportunity to address any specific comments in our submission, given they had yet to provide us with their position, explanation, etc. I ended the meeting indicating further time would not be beneficial in moving our concerns forward.

We have been advised that on November 10<sup>th</sup>, we will be provided with:

- A document addressing all comments received from all parties, and where it is addressed (if it has been)





- A new version of the Official Plan, with some means of understanding what has been revised, added or deleted.
- A copy of the Downtown Mobility Hub sections, at an OP level.

I must again stress the following: twenty calendar days to review what amounts to an equivalent (or more) volume of documentation that took us months to read, consider and digest during the first round is inappropriate, and very much concerns our membership who has consistently voiced its desire to help and its concerns that the process is too rushed. We have at every step of the way met with staff, offered up our concerns, asked questions to assist in ensuring that sufficient background work is done to substantiate the OP, and yet, those remain unanswered and outstanding.

We have been advised that the background studies to justify the preferred concept for the Downtown Mobility Hub and the OP level detail supporting it will not be made available on November 10<sup>th</sup>. Our Association fails to understand how a design concept can be supported through incorporation into the Official Plan that has no basis in transparent and available research and rationale.

With the exception of the two small memo documents received as noted above, we have been advised that staff is not required to look at how the City grew over the last number of years, if that was greenfield versus intensification versus employment; data that would greatly assist in looking at how we've grown and what we may need to adjust in the future.

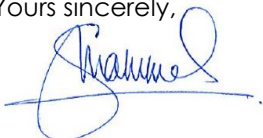
I bring to your attention the additional following concern: statistics given by staff at the September 5<sup>th</sup> meeting indicating we would far exceed Provincial population targets for 2031 assumed "full buildout" of the City. This is a dangerous approach to moving forward, as it suggests that further growth beyond 2031 cannot be achieved. Planning at specific densities with that end goal uses all available land to achieve that finite number. Members of our Association, who have suggested higher densities are required in some areas, recognize this approach is unsuitable given there is no urban boundary expansion foreseen in the future of our City.

Lastly, it has been suggested that Committee or Council MAY move to approve the Official Plan at the November 30<sup>th</sup> meeting. We strongly urge that this is NOT appropriate, given there may be significant gaps remaining in the document, and insufficient time to review the various documents being provided in such a short timeframe – however we cannot say as we just don't have the information.

As I've said previously – it is important we get this right. Please recognize our comments are provided in an effort to achieve that end goal. We request that you ensure that more time is allowed, after November 30<sup>th</sup>, to review, comment and discuss these substantial documents.

Thank you for your consideration in this matter. As always, I am available to discuss this file or any others affecting the City, with any of you at any time.

Yours sincerely,



Suzanne Mammel, MBA, CET  
Executive Office and Policy Director, HHHBA

Copy – City of Burlington staff:

- James Ridge, City Manager
- Mary Lou Tanner, Director of Planning and Building
- Andrea Smith, Manager of Policy and Research



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**From:** Sharon Hutchinson [REDACTED]  
**Sent:** Monday, November 27, 2017 10:32 PM  
**To:** Mailbox, OPReview  
**Subject:** Email to be read at the upcoming Meeting on the Proposed New Official Plan comments.

Firstly, With the magnitude of information on this Proposed New Official Plan, not near enough time is being given to the public for commenting. This I call "fast forwarding" on the City's part, for a reason!

Secondly, the "new" precinct planning for the downtown/lakeshore core has already printed an extremely high number of storeys to particular areas that should not be. In placing these numbers, it is obvious that with request for rezoning, that the number of storeys will increase 6-10 higher as was the case for the James and Brant development. (This as all the citizens said at the time of the 23 storey acceptance, that this was then a starting number for future development). We have all known and tried to instil in the Planning Dept. staff that once a precedence has been set with height numbers, and words of having to provide compatibility with surrounding areas, that you automatically go forward with no ear for input by the community for change of any kind. It is very difficult for the citizens to comprehend where we fit in to our own community as taxpayers, when we know that predetermined decisions have been made before it reaches the media.

Would thoughts be that the Federal and Provincial Government must be giving such huge subsidies to the municipalities with a guarantee that you follow their density and intensification guidelines? There is no other explanation to the present Proposed New Official Plan outline for our small downtown/lakefront core. We DO NOT have Head Offices in our downtown, we DO NOT have a high end financial district downtown, we DO NOT have conference centres downtown, we DO NOT have downtown hotel transportation to the 2 airports, we DO NOT have Corporate Offices, and the list can go on, with no rhyme or reason for these monstrosities being proposed for our downtown areas that do not have the means for vehicle transportation to accommodate such venues.

Again, we know the time, effort, and cost to prepare the Proposed New Official Plan Document (at taxpayers expense), that in writing this, I already feel handicapped with knowing nothing more than reading my words will prevail. So disappointing, and paying exorbitant taxes for .....??

Thank you for sharing my thoughts.

Sharon Hutchinson

**VIA E-MAIL**

November 28, 2017

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

File 16121.00001

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)**

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We are solicitors for A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA), (collectively, "Clients"). We are providing this written submission to you on behalf of our Clients after having reviewed the proposed Burlington Official Plan (November 2017 version).

In this regard, we understand that a comment letter from our Clients' planning consultants Labreche Patterson & Associates Inc. dated June 30, 2017 (see attached) was previously provided to the City. We are also advised that at least two previous written submissions were provided to the City in response to the Commercial Policy Review Direction Reports, as well as attending a "workshop" on drive-through facility policies.

We also understand that a meeting between City staff, Andrea Smith and Hugo Rincon and Victor Labreche (Labreche Patterson & Associates) and Greg Hogarth (local owner/operation of Tim Hortons Restaurants) occurred on July 12, 2017 wherein Mr. Labreche and Mr. Hogarth. Irrespective of these submissions and meetings, our concerns have not been addressed, necessitating this further correspondence.

Our concerns with the latest draft of the Official Plan can be summarized as follows:

1. Chapter 7 – "Design Excellence", Policy 7.3.3 Specific Use Policies

The reference to “emissions” in policy 7.3.3 a) (iv) is not acceptable. Based on related studies that our clients have had completed, there is no evidence to support that the operation of a Drive Through Facility (“DTF”) results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. To our knowledge, no such study supporting this policy has been commissioned by the City of Burlington, and if it has been, it has not been shared with the public.

2. Chapter 8 – 8.7 “Specific Use Policies”, Policy 8.7.1 “Accessory Drive Throughs”

We object to the opening paragraph of policy 8.7.1 as proposed. We ask that this policy be deleted and replaced as follows:

*“An accessory drive-through provides an added convenience to people travelling by private automobile. Although convenient, accessory drive-through may present transportation management, planning and urban design challenges. The addition of an accessory drive-through to commercial uses, needs to ensure compatibility with the stated objectives for an area or designation so they do not alter the form, function and compatibility of a principal use and compromise other city objectives including intensification and pedestrian oriented development.”*

3. Policy 8.7.1. (2) “Policies”

We object to the proposed policy as it notes that accessory drive-throughs “shall be prohibited” in the Urban Growth Centre and mobility hubs. We ask that the reference to “shall be prohibited” be replaced with “*may be permitted through a site specific Zoning By-law Amendment*”.

4. Policy 8.7.1. (2) b); we object to this policy in its entirety.

5. Policy 8.7.1.(2) (c); as proposed it is acceptable however this policy needs to be reconciled with proposed policy 8.7.1. (2).

Our clients have satisfactorily resolved many of their concerns pertaining to the use of prohibitions of DTF in Official Plans in numerous other municipalities without the need for a contested hearing as the use of prohibitions of the type proposed is not in accordance with related case law. Notwithstanding this, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan policies such as build form, density and massing requirements that are typical of most urban downtown and intensification areas, the same as any other land use within these areas. As such, it is our position that a specific prohibition has not been justified.

In summary, we request that the current proposed policies be revised. As we believe it would assist in your considerations, we would like the opportunity to discuss the above and other alternative language with you that have been successful in other municipalities to address our concerns.

Finally, 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

Encls.

cc : [newop@burlington.ca](mailto:newop@burlington.ca)

Clients

Victor Labreche, Labreche Patterson & Associates Inc.

11133741.1





## Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL ([newop@burlington.ca](mailto:newop@burlington.ca))

**Our File: P-375-EEE**

June 30, 2017

Official Plan Review Staff  
City of Burlington  
426 Brant Street, PO Box 5013  
Burlington, Ontario  
L7R 3Z6

**Re: Draft Official Plan for the City of Burlington**

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As you are aware based on our previous submissions on the past Official Plan direction reports leading to the preparation of the draft Official Plan for the City of Burlington, we represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Horton's Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the current draft Official Plan.

Our comments relate to our client's current and future business, employment and operating interests for the above noted brands and their industry association. As you know several of our client's locations includes an accessory drive-through facilities (DTF) and our comments specifically related to *Chapter 8.7 – Specific Use Policies* of the draft Official Plan which contain proposed land use policies on DTF. Based on our review of these policies (attached hereto) and as we have consistently stated in our previous written comments and at workshops held on considerations of new DTF policies, we object to the proposed specific prohibition of DTF that is proposed in policy 8.7.1.1 b) and policy 8.7.1.2 a) in the draft Official Plan. As we have previously stated, we object to any proposed Official Plan based prohibition as such prohibition is principally not in accordance with related OMB and judicial review case law relative to such prohibition. In this regard we cite OMB case No. PL031324, PL050759, PL050584 – Order No. 2649, Sept. 21, 2006 wherein OMB Member R. Makuch states:

*The Board finds that drive-through facilities need to be carefully controlled and that the proper approach for controlling these is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its official plan. Official Plans do not need to be prescriptive like zoning by-laws.*

We and our clients as well as legal counsel have referenced this noted case and others over the last 10+ years to mutually resolve with any municipalities that have initially proposed prohibition at the level of an Official Plan as such prohibition is not in accordance with related case law. In this regard, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan based policies such as minimum build form, density, massing, mixed use requirements that are typical of most urban downtown and intensification areas just like any other land use would have to meet. As such, a specific prohibition is not justified as the existing policies would have to be complied with no matter

what the proposed use to ensure all policy requirements to direct required built form; density etc. of the plan is achieved.

As a related OMB case example of what we mean in this regard on the fact that OP policies would need to be met for any land use and as such a specific prohibition is not justified comes from a case in the Town of Grimsby. OMB Case No. PL111079 presided by Vice-chair Susan de Avellar Shiller, decision date May 10, 2012, relative to a proposed new OP for the Town of Grimsby. The relevant statements in the OMB decision are as follows:

*"The official plan has four policies which place restrictions on the locations of drive-through facilities in the downtown and in the Winston neighbourhood area. Mr. Seaman (Director of Planning, Town of Grimsby) testified that the particular concern regarding drive-through facilities in these areas related to matters of urban design and quality of pedestrian realm.*

*Mr. Seaman noted that the official plan already had a large number of sections dealing with urban design and the quality of the pedestrian realm that would govern any development in these areas, including drive-through facilities. Some of these policies include front and flanking façade treatments, building location on site and driveway access and circulation that is sensitive to pedestrian needs.*

*Having reviewed several of these sections the Board finds that the area-specific policies regarding design and pedestrian realm provide important and appropriate protection. On this basis, the appeals by A&W Food Services of Canada Inc., McDonalds Restaurants of Canada Inc., Wendy's Restaurants of Canada Inc., Ontario Restaurant Hotel & Motel Association and TDL Group Corp. are allowed in part.*

*The Board modifies subsection 3.5.3.3(a), subsection 3.5.4.2(a) and subsection 11.3.3.1(b)(i) to remove the prohibition on drive-through in these sections."*

Based on our overall review of the draft Official Plan, we found it to be overall very comprehensive particularly in the *Mixed Use Nodes and Intensification Corridors, Urban Centres, Mobility Hubs and Urban Corridor* designations with regard to the required density, massing and overall built form to be achieved in these areas. The policies for these areas, indirectly of course, relates to the principle findings and above noted decision in the case noted above. We submit that, given the fact that specific study and proper justification has not been completed to justify a specific prohibition of DTF with regard to the draft City of Burlington Official Plan, our clients in any event would have to meet the same policies for these areas just like any other land use would without any justified need for a specific prohibition.

We wish to note that our work with several municipalities over the years on behalf of our noted clients including surrounding municipalities to Burlington being the City of Hamilton, City of Mississauga and Town of Oakville regarding resolution of new DTF policies that where essentially performance based policies regarding specific built form criteria that would have to be met for specific areas of those municipalities. In some cases a zoning by-law amendment would also be required in specific areas as a further process to implement Official Plan policies for a specific area. No specific prohibition of DTF in the respective Official Plans of these municipalities was implemented.

Relative to proposed policy 8.7.1.2 b) we object to this policy as it is currently written. Relative to this policy the reference to *"shall be prohibited"* in this context is not acceptable wherein the policy then provides for a Zoning By-law amendment. We note that of the 27 DTF locations operated by our clients in the City of Burlington 10 of these are located in the designation areas noted in policy 8.7.1.2 b) as well as in the proposed *Mixed Use Nodes and Intensification Corridors*. Again, a specific prohibition at the level of the Official Plan is not acceptable.

Further with regard to policy 8.7.1.2 b) we object to the specific need for a zone change in the noted areas. We state this as the over arching policies of the plan would seem to require any use not just a DTF that may locate in these areas would have to meet similar policies in other parts of the plan that are similar to those noted in 8.7.1.2 b) to f). Further, we are very perplexed why a site specific amendment to the Official Plan or the Zoning By-law is not required when a DTF is located within the same building as a motor vehicle service station but requires at least a zoning amendment or it would be outright prohibited for a DTF to locate within its own self contained building or multi-use/tenant building or plaza arrangement?

Also, as per policy 8.7.1.2 b) (i) and f) (iii) the context or notion that a DTF cannot exist with or abutting a mixed use type zone permitting "sensitive land uses" such as residential uses is not acceptable. Planning policies are more and more encouraging mixed uses particularly along urban corridors and within intensification areas with policies to direct buildings to be placed as close to heavy travelled vehicle corridors and intersections carrying 20,000+ cars a day in many cases. The various negative impacts from immediately abutting roads in our opinion is far greater than a single DTF lane which can be properly screened and located based on basic and reasonable site plan control requirements.

Based on the foregoing, we object to Chapter 8.7.1 in its entirety as currently written in the draft Official Plan. We request an opportunity to meet with you at your earliest opportunity to discuss resolution options to our concerns. The approach of performance based type policies that are noted in policy 8.7.1.2 b) to f) we would suggest provides a basis to consider which of these are acceptable as written, should be revised or removed and where the consideration of a site specific Zoning By-law amendment is appropriate.

The above reflects our comments on the current draft Official Plan for the City of Burlington. We reserve our rights to comment further on this matter as the process proceeds and new information or material is brought to our attention.

Finally, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations on this matter.

Yours truly,

**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Principal, Senior Planner**

Attach.

Copy: *Leslie Smejkal, ORHMA*

*Riley Hallwood, A&W*

*Julie May Rodgers, McDonalds Restaurants*

*Carol Patterson, Restaurant Brands International (Tim Hortons)*

*Denise Baker, WeirFoulds, LLP*



## 8.7 SPECIFIC USE POLICIES

### 8.7.1 ACCESSORY DRIVE THROUGHS

*Accessory drive-throughs* are an automobile-oriented amenity which can alter the form, function and *compatibility* of a principal use. The addition of an *accessory drive-through* can result in otherwise permitted commercial uses becoming not *compatible* with the stated objectives for an area or designation.

#### 8.7.1.1 OBJECTIVES

- a) To ensure that principal uses which include an *accessory drive-through* adopt a form and function that responds to and supports the planned *development* of an area.
- b) To prohibit new *accessory drive-throughs* in specific Mixed Use Intensification Areas which are intended to accommodate higher *intensity developments*, pedestrian and transit-oriented *development* and where a high level of *compatibility* amongst a wide range of uses, including *sensitive land uses* within a building, site or area, will be required.
- c) To ensure that *developments containing accessory drive-throughs*, where permitted and appropriate, are developed with minimal impacts on the functionality, *compatibility* and urban design of a site or area.

#### 8.7.1.2 POLICIES

- a) *Accessory drive-throughs* within the Downtown Urban Growth Centre, as identified on Schedule B, Urban Structure, *shall* be prohibited.
- b) Within the Uptown Urban Centre and Mobility Hubs, as identified on Schedule B, Urban Structure, as well as lands designated Urban Corridor on Schedule C, Land Use – Urban Area, of this Plan, *accessory drive-throughs shall* be prohibited except where the proposed *accessory drive-through* is the subject of a Zoning By-Law amendment application and where the following criteria are met to the satisfaction of the *City*:
  - (i) the applicable Official Plan and Zoning By-law designations for the subject site do not permit residential or other *sensitive land uses*;
  - (ii) the *accessory drive-through* will not impede current or future opportunities for *intensification*, including the *development of sensitive land uses*, on or adjacent to the site;
  - (iii) the *accessory drive-through* will not impede the *development* of private or public *development* or facilities located on the same site,



## CHAPTER 8 – LAND USE POLICIES – URBAN AREA

adjacent sites or public rights-of-way which would contribute towards the creation of a transit and pedestrian supportive environment; and

- (iv) the *accessory drive-through* does not conflict with or compromise the objectives or policies of the applicable land use designation as stated within Chapter 8, Land Use Policies-Urban Area, of this Plan.
- c) Notwithstanding Subsection 8.7.1.2 b) of this Plan, an *accessory drive-through* may be permitted without a site-specific amendment to this Plan or the Zoning By-Law where:
  - (i) the *accessory drive-through* was existing or approved prior to the coming into force of this Plan; or
  - (ii) the *accessory drive-through* is associated with, and located within the same building as, a *motor vehicle service station*.
- d) An *accessory drive-through* shall not be located between a building façade and a public right-of-way.
- e) *Accessory drive-throughs* shall be designed in a manner which promotes pedestrian safety and accessibility.
- f) *Accessory drive-throughs* shall be designed to address the following functionality, *compatibility* and urban design considerations through the site plan review process, to the City's satisfaction:
  - (i) sufficient dedicated vehicle queuing areas;
  - (ii) sufficient separation distances between an *accessory drive-through* and a site access/egress area shared with a private or public roadway;
  - (iii) sufficient separation distances, with respect to mitigating noise and/or emissions, between an *accessory drive-through* and current or future *sensitive land uses*, including residential uses, where identified as a permitted use on the subject site or adjacent sites through this Plan;
  - (iv) associated buildings and facilities that incorporate urban design that is *compatible* with the surrounding context or area; and
  - (v) site location which minimizes the presence and impact of the *accessory drive-through* on the surrounding *streetscape*.

November 27, 2017

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

Dear Ms. Smith:

**RE: Nelson Aggregate Co. – Comments on City of Burlington Draft Official Plan**  
**OUR FILE 9135C**

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On behalf of Nelson Aggregate Co., thank you for providing a copy of the draft Burlington Official Plan dated November 2017. Based on our review of the Official Plan, Nelson Aggregate Co. has the following comments and suggested revisions to the Official Plan:

- 4.1.2 a) - Should include a policy similar to 4.1.2 a) xii) to support local aggregate production. This change would be consistent with the Provincial Policy Statement (PPS) and conform to the Greenbelt Plan to recognize the importance of close to market aggregates to reduce greenhouse gas emissions.
- 4.10.2(1) c) – Delete. The intent of this policy is unclear and inclusion of this policy contradicts Policy 4.10.2(1) b) and other policies of the Plan.
- 4.10.2(2) b) – Delete “but outside the Niagara Escarpment Development Control Area” since the PPS requires the protection of existing mineral aggregate operations within the Niagara Escarpment Plan and this exclusion is not consistent with Policy 4.10.2(1) g).
- 4.10.2(2) i) iii) - Policy should be revised to read “habitat of endangered and threatened species, except in accordance with Provincial and Federal requirements” to conform to the Regional Plan and NEP and be consistent with the PPS. A similar change should occur to 4.2.2.k) i) c).
- 4.10.2(2) g) & l) – Should be revised so the Plan is not misinterpreted to require an Official Plan Amendment for existing mineral aggregate operations, consistent with Policy 2.5.2.4 of the PPS.
- 4.10.2(2) i) v) – Should not be located in this section and should be revised to be consistent with 110 (8.2) of the Regional Plan which was approved following an OMB hearing. Similar to the Regional Plan, this policy should be included in Section 4.10.2(2) j).

- 4.10.2(2) r) – Should be revised to include “In prime agricultural areas” at the beginning of the policy to be consistent with Policy 2.5.4.1 of the Provincial Policy Statement.

Thank you for consideration of the above comments. We would appreciate an opportunity to meet with the City of Burlington to discuss the suggested revisions prior to approval of the plan.

We have also sent a separate letter requesting a copy of the Notice of Decision to Amber LaPointe, Committee Clerk, City of Burlington, City Hall, 426 Brant Street, P.O. Box 5013, Burlington, Ontario, L7R 3Z6.

If you have any questions, please don't hesitate to call.

Yours truly,

**MHBC**

A handwritten signature in black ink that reads "Brian Zeman". The signature is written in a cursive style with a large, stylized 'B' and 'Z'.

Brian Zeman, BES, MCIP, RPP  
President

cc. *Quinn Moyer, Nelson Aggregate Co.*  
*Steve Bisson, Nelson Aggregate Co.*  
*David White, Devry Smith Frank LLP*

**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](mailto:ssnider@tmalaw.ca)

Via email to [newop@burlington.ca](mailto:newop@burlington.ca) and  
[leah.smith@burlington.ca](mailto:leah.smith@burlington.ca)

November 27, 2017

City of Burlington  
Planning and Building Department  
**Attn: Leah Smith**  
426 Brant Street, PO Box 5013  
Burlington, Ontario L7R 3Z6

Dear Ms. Smith,

**Re: Committee Meeting | November 30, 2017  
Burlington's Proposed New Official Plan  
Comments on behalf of Penta Properties Inc.  
Our File No. 13122**

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We are counsel to Penta Properties Inc. ("Penta") and have requested to speak before Committee at its November 30<sup>th</sup> meeting with respect to the City of Burlington's Proposed New Official Plan (PB-50-17). We have made an electronic request to appear as a delegate at this council meeting.

Our client will be submitting detailed comments on the draft Official Plan directly to Staff.

Needless to say, a new official plan is a major undertaking that requires careful consultation with those who take the time to make submissions on it. In our view, it is essential that Staff undertake to meet with those who have provided substantive comments before advancing the Plan to a council meeting.

We are requesting that all notices, including notices of decision, be provided to this office and also directly to Penta Properties Inc. as follows:

**Penta Properties Inc.**  
**Attn: Dave Pitblado, Director of Real Estate Development**  
4480 Paletta Court  
Burlington, Ontario L7L 5R2  
(email [dpitblado@paletta.ca](mailto:dpitblado@paletta.ca))



**City of Burlington**  
**Attn: Ms. L. Smith**  
**November 27, 2017**

**Page 2**

Thank you for your assistance with this.

Yours truly,

A handwritten signature in blue ink, appearing to read "Scott Snider", with a stylized, cursive script.

Scott Snider

Cc: Dave Pitblado

SSnd  
13015\346



**PENTA**  
PROPERTIES

**Penta Properties Inc.**, 4480 Paletta Court, Burlington, Ontario L7L 5R2  
tel: 905.632.6036 fax: 905.632.0064 [www.PentaProperties.ca](http://www.PentaProperties.ca)

November 28, 2017

Andrea Smith  
City of Burlington  
Planning & Building Department  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

Dear Ms. Smith:

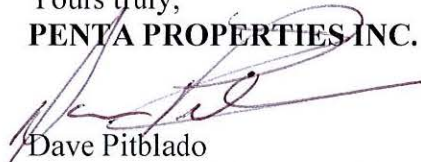
**Re: Burlington's Proposed New Official Plan (PB-50-17)**

Please accept our comments for your consideration in advance of the November 30<sup>th</sup> Planning and Development Committee Meeting. Scott Snider of Turkstra Mazza Associates has already registered as a delegation at the evening session of this meeting to speak on our behalf.

As you will see, our comments are comprehensive and cover the Official Plan as a whole, not strictly policies that have a direct impact on lands we own. Respectfully, being given barely 3 weeks to complete this review was not sufficient given the importance of this guiding document. We were additionally informed that the intention is to take this new Official Plan to Council in January for adoption. How can the City possibly give due consideration to the comments provided in such a short period of time?

We acknowledge and appreciate your offer to meet with us, and now that we have completed our review, agree that a meeting would be appropriate. However, this meeting needs to be meaningful and productive. Too often through this process and through the Mobility Hub Study process we have been asked to provide comments both verbally and in writing, given certain assurances by City representatives that changes would be made, only to find out that nothing changed. We have no desire to spend additional time and resources if lip service is all we can expect in return.

Yours truly,  
**PENTA PROPERTIES INC.**



Dave Pitblado  
Director, Real Estate Development

Cc: Mayor and Members of Council  
Mary Lou Tanner  
Alison Enns  
Leah Smith  
Frank McKeown - BEDC  
Scott Snider – Turkstra Mazza Associates

## City of Burlington

### Official Plan Review - Comments

November 2017

Section	Official Plan Text	Comments / Concerns
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 records outside of Rural Settlement Areas, where landowners still have a right to undertake certain forms of development, such as building an addition onto their home.
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; Major Parks and Open Space which are designated within settlement areas; and other parks in the Urban Area such as Neighbourhood Parks, Parkettes and Special Resource Areas. In the Rural Area, agriculture is considered to be a compatible and complementary use in much of the Green System.	The revised wording is helpful in a sense, but we still question the need for another layer of designation and policies above and beyond those that already exist for the three components. In the rural area, agriculture should be considered the top priority, period. Stating that it is compatible and complementary suggests that it is not in fact the top priority, but instead a sub-designation that could be impacted should changes to the Green System ever be made. We recommend deleting all references to this Green System, and let the merits of the three components stand on their own.
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?
2.3	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.
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.
2.4.2.(d)	An Official Plan Amendment proposing an increase in height, density and/or intensity may be determined by the City to be premature where an area-specific plan has been initiated...	How long are these area-specific plans expected to take from start to completion? Landowners have a right to apply for development approvals whenever they want, and should not be delayed or deemed premature should they wish to proceed with an application ahead of any outstanding work the City may be undertaking. If these area-specific plans are that important to the City, then the City should start them immediately so as to minimize such pre-maturity arguments from arising in the first place.
3.1.1.(1)	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 may be this City's only remaining piece of land that could achieve this policy, if ever allowed to develop in such a manner.



3.1.1.(2).(h)	The City shall require the inclusion of housing policies within all new area-specific plans, requiring development proponents to provide commitments to achieve the Region's affordable housing targets... As part of the area-specific plan or implementing development approval process, the City will require the designation of lands for affordable, assisted, and/or special needs housing, where appropriate.	Development, property values and construction costs are driven by market forces. If the design and implementation of these forms of housing are not financially viable for a private landowner or developer under current market conditions, there should be no such policies that force them to develop anything less than the highest and best use.
3.1.1.(2).(i)	The City shall require the submission and implementation of a housing impact statement as a condition of Zoning By-Law approval, where the development proposal includes more than 200 dwelling units, identifying...	Same comments as above re. 3.1.1.(2).(h)
3.1.1.(2).(l)	The City will encourage a mix of housing forms. However, the city's existing stock of low density residential housing shall be considered sufficient to contribute towards that component of the mix.	What is the impact of this policy on development applications that propose additional low density residential housing?
3.1.4.2.(e)	The City will recognize the importance of development applications which will provide assisted and special needs housing...	While we appreciate that you amended the wording of this clause, it is still not a fair practice for those who submitted complete applications and paid all application fees first.
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.	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. Furthermore, within the past few years alone the City has approved several places of worship within the employment lands in the Alton community along the Highway 407 corridor, which otherwise could not have been built under this new policy (see 3.2.3.(b))

3.2.2.(h).(ii)	The City will initiate the development 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 as compared with areas within the Designated Greenfield Area.	In discussions with Planning staff, no consideration of future land uses within Bronte Creek Meadows was going to be given until after the completion of this Post-Secondary Institution Strategy. Now with this policy, the City is wanting to look at the Downtown and Mobility Hubs as potentially better locations for a post-secondary institution. If Bronte Creek Meadows isn't considered a desirable area for the post-secondary institution, which is fine, why are we being forced to wait until after this study is completed?
3.3.2.(d)	The majority of new parkland will be acquired by the City through the development approval process as parkland dedication in accordance with Subsection 12.1.16 of this Plan.	This is the old way of thinking, back when Burlington had residential greenfield developments. That isn't the case anymore for Burlington. Development applications in the future will be very site and property specific. Land for new parks doesn't really exist anymore, therefore the entire parkland dedication idea needs to be reconsidered.
3.3.2.(f)	Connections between neighbourhoods and parks, such as pedestrian and bicycle trails shall be identified and secured during the development approval process.	Again, this is the old way of thinking. Burlington is built out. If those connections and trails don't exist already, there's likely not going to be much of an opportunity to create them now. Development applications in the future will be very site and property specific, and will not cover large parcels of land where the creation of these types of features is possible.
3.3.2.(h)	A high priority shall be placed on environmental protection, accessibility for all ages and abilities, public safety, public access and increased visibility along streets during the detailed design and development of parks.	Again, this is the old way of thinking. Burlington is built out, there is no land for development of new parks of any significant size.
3.3.2.(i)	Parks shall be located, designed and maintained to enhance the local neighbourhood or community.	Again, this is the old way of thinking. Burlington is built out, there is no opportunity for more "neighbourhood" type developments like we've seen in the past. If the park doesn't already exist, there's likely not going to be much of an opportunity to create them now.
3.3.2.(j)	In areas of the city that are deficient in parkland, parkettes may be developed by the City to respond to this deficiency.	On what land? Does the City have significant undeveloped land holdings, or will efforts be made to purchase such land?
3.4.3.(d)	The City will encourage the inclusion of public art in all significant private sector development across the city, using applicable planning tools and processes.	What does public art have to do with planning approvals and development? Where in the Planning Act does it state public art is a requirement? If the City wants public art, that's fine, pay for public art. The word "encourage" is open to interpretation based on how strongly the City wants to push.

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?
4.2.1.(e)	To recognize and support agriculture as a primary activity and a complementary and compatible use within the Prime Agricultural Areas.	It should be the other way around, NHS should be a compatible use within the Agricultural System. Not enough importance is placed on the role of agriculture, and the challenges it faces because of competing NHS policies. If lands are designated Prime Agricultural Areas, priority should be given to normal farm practices regardless of any perceived negative impact to the NHS. At the pace at which NHS policies are getting more and more restrictive to farming activity, agriculture is being strangled out of the Prime Agricultural Area. NHS is important, but without agriculture, we don't eat.
4.2.1.(f)	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.(n)	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 located within other Key Natural Features. Elsewhere in the Natural Heritage System, development and site alteration shall not be permitted except 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.(l)	Where appropriate, the City will enhance the function of the City's Natural Heritage System through the development process by locating City parks and open space adjacent to or near the City's Natural Heritage System and designing and managing that open space to enhance natural features and ecological functions.	Again, this is the old way of thinking. Subdivision applications where blocks of land can be dedicated to the City won't be happening like they used to.



4.2.2.(m).(i)	The designation of land as part of the Natural Heritage System does not imply that those lands are available or open to public use.	Good. This needs to be emphasized to the public, not just hidden as a policy in the Official Plan which most residents don't ever read.
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 forced into a position of either purchasing 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, 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.
4.2.5.(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. It's one thing to require dedication of roads needed for the development, but this policy allows for the possibility of taking otherwise useable property.
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?
4.4.2.(2)	Water Resource and Stormwater Management	Many of these policies reflect the old way of thinking, when there were opportunities for the construction of stormwater management ponds in new subdivisions. Now that development will primarily be restricted to infill intensification, some of these policies may warrant a second look to ensure they reflect the new reality of what development in Burlington will look like. New innovative methods are now available to manage storm water.
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, <b>or can be made suitable</b> 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)	The City will promote economic development and competitiveness and the development of complete communities by: focusing 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.(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 preserved, 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 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.(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.	We understand the goal for this area to be the "Prosperity Corridor", and agree in principle with this policy net of the Mobility hubs, which should allow mixed use. Something needs to be done to rectify the traffic issues which currently make these properties undesirable. The QEW is often a parking lot, causing traffic to divert onto Harvester Road which again grinds traffic to a halt. Traffic movement along these corridors during rush hour is often horrific.
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 is worse than the previous wording! 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.



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 given the surrounding sensitive land uses.
5.4.3	A specific area of the 403 West Corridor will be considered as part of the area specific plan for the Aldershot Mobility Hub.	Please identify this "specific area". Why does the City need to complete both an area specific plan AND a Mobility Hub plan in this area? Why is a portion of 1200 King Road shown as included in the Mobility Hub, while staff have informed us that the west portion of this property has no development potential and has been removed from the Mobility Hub? Which is it? How does the City intend to adhere to the terms of the 2009 Minutes of Settlement if they plan to remove this property from the Mobility Hub?
5.5.1	Objectives of the Agricultural System	Add an objective to the effect "To understand the need to find a proper balance between Agriculture and NHS when NHS policies negatively impact farming within Prime Agricultural Areas."
5.5.2.(e)	The City will consider the development of an urban agricultural strategy to identify and support appropriate agricultural uses in the Urban Area.	Are there enough farm properties within the urban area to warrant this?
6.1.2.(h).(iii)	New or expanded infrastructure shall avoid Key Natural Features, Prime Agricultural Area, sensitive surface and ground water features, and unacceptable adverse impacts on cultural heritage resources.	"Shall" should be changed back to "should". There needs to be at least some degree of flexibility in instances where circumstances may dictate no other viable options.

6.1.2.(h).viii)	Proposals for new or expanded infrastructure should be planned, designed and constructed to minimize unacceptable adverse impacts on the community, the Agricultural System, cultural heritage resources...	This is a more acceptable wording, however it contradicts 6.1.2.(h).(iii). In one policy it says this infrastructure shall avoid these features, whereas in this policy it says this infrastructure should be designed and constructed to minimize adverse impacts. This leaves too much room for inconsistent interpretation and enforcement of these policies.
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 (6.2.2.1.(g), 6.2.2.2.(b)) to increase capacity. Where is this additional capacity going to come from?
6.2.2.1.(c)	To place emphasis on developing a connected and contiguous grid-oriented street network that supports convenient and efficient travel by all modes and discourages the development of street configurations that disrupt the grid network.	Does this even apply to Burlington anymore? Where are there developments occurring that are sufficient enough in size to require this policy? Development now is limited to infill and re-development. In most cases, if not all, the major road network is already in place, and no new roads are being built.
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, such as a grid-oriented street network.	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?
6.2.2.2.(o)	Through area-specific plans and development applications, a grid-oriented street network shall be provided to create a continuous and highly permeable active transportation network.	What about in circumstances such as those identified in 6.1.2.(h).(iii), where Key Natural Features, cultural heritage resources, etc... interfere with a developer's ability to create a grid-oriented street network? The word "shall" be provided needs to be revised to "should" in order to allow the flexibility needed when these types of circumstances are encountered. Also, with all these new policies promoting active transportation (ie bike lanes), how do you reconcile that when you are also promoting reduced street widths? This policy could have impacts on Bronte Creek Meadows, Eagle Heights, and 1200 King Road, the two latter of which already have active applications under review.

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.
6.2.4.1.(b)	To develop and maintain a continuous on-street and off-street bikeway and trail system across the city, connecting to adjacent municipalities, for greater commuting and recreational purposes.	What percentage of the population do you expect to see riding bikes and walking to adjacent municipalities as part of their commute? Given the growing traffic congestion problems in this City, an off-street system where possible would be a far better option, but then again where can you create this system when the City is already built out? The "road diet" trial period along New Street has already proven unsuccessful.
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 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? How much worse will that make traffic congestion?
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.
6.5.2.(g)	To the extent that land is available within the Urban Area, the City shall 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.

7.1.2.(f)	An Urban Design Advisory Panel will be established by the City to provide independent, objective and professional advice on issues of design that affect public realm, architecture, context sensitivity and sustainability.	Strongly opposed to this. An additional level of subjective review of applications will do nothing but frustrate and lengthen the approvals process. This Panel is not a regulatory commenting agency, therefore the developer has no obligation to consider their "advice". Please delete any notion of this advisory panel.
7.3.2.(i)	Ensuring site and building design are compatible to the surrounding area; and enhance its physical character.	This City is changing as the result of intensification, particularly in the Primary Growth Areas, where taller buildings will soon become the norm. The test of compatibility will no doubt be challenged by those living in nearby lowrise residential housing. We suggest adding wording to the effect that in some instances, a building design may not be compatible to the surrounding area, yet still deemed desirable in accordance with the planning objectives of this Official Plan. These same comments also apply to 8.1.1.(1).(e). and 8.1.1.(2).(c).
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? Can these lands then be re-designated for something other than employment if not deemed suitable for employment due to land use compatibility issues with adjacent land uses?



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...	At who's expense? Area Specific Plans are the municipality's responsibility, not the development proponent's. If the City wants and 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	A large portion of the Downtown Urban Centre is within the Urban Growth Centre boundary, an area referred to in the "Places to Grow" - Growth Plan for the Greater Golden Horseshoe, as an area that shall accommodate a significant share of population and employment growth within the city.	Exactly, so why are there competing policies where sometimes this Plan says growth is going to happen, whereas other policies suggest growth can only happen if it's compatible? If intensification, higher densities, and tall buildings are meant to be built in the downtown area, then strong policy direction needs to be given, not mixed messages. Developers who attempt to build structures of any significant size downtown to achieve this policy are faced with nothing but pushback and conflict.
8.1.1.3.2.(i)	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 may 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 seventeen (17) storeys.	What makes 17 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this.
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.(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?
8/1/2/2.(b)	For the Burlington, Aldershot and Appleby Mobility Hubs...	Is 1200 King Road included in the Mobility Hub or not? It appears to be, yet City staff have told us no development is possible on the west half of our property. We strongly object to their position.

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 this included in the Official Plan, when these are Zoning By-Law level details? 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? This policy should be deleted.
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.(f)	A minimum of thirty (30) percent of residential units contained within a development in Urban Corridor lands located within mobility hubs shall consist of units with two bedrooms or more.	Understand that with more bedrooms and floor space comes higher sale prices, which may reduce the number of the more "affordable" units. To some degree the market should dictate, not an arbitrary number in an Official Plan.
8.1.3.7.2.(h)	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, even beyond the 11 storey's noted in 8.1.3.7.2.(i).(i). 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?

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.	So 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?
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? 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...	While we acknowledge you've replaced the word "prohibit" with "restrict", it essentially expresses the same intent. 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.
9.2.3.(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 have 40 acres of designated Prime Agricultural land that we can 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.(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	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 policies and 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 of Burlington 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.
10.4	North Aldershot - Land Use Designations - Residential Areas	Do these policies apply to Eagle Heights? If so, we have concerns as these are not necessarily consistent with the plans for this subdivision. Further review required by City to ensure existing approvals are respected.



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. These numbers warrant further review and discussion given the pending OMB Hearing. 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?
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 statement.
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 policy. This gives the impression that land use planning matters will be voted on by the public, which is not the case.
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 180 days from the date an application is deemed complete.

12.1.3.(2).(d)	Where an area-specific plan has not been identified by the City's work plan and is required by policy and triggered by a private development application, the City may at its sole discretion require that the applicant fund the background studies to support the development of the area specific plan.	This is an unfair policy, and suggests that the City would be better off to not prepare any such plans when they can instead sit back and do nothing, and just wait for private developers to do this work for them. If the City wants an Area Specific Plan, do an Area Specific Plan. Don't pawn this responsibility and cost onto a developer and make them pay for it. This adds significant time and expense, and certainly does not meet your goal of making development and investment in Burlington desirable. Is the City reimbursing all costs for work done on their behalf?
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...	This policy goes on to list 17 different studies which, if policy 12.1.3.(2).(d) is enforced, means the private landowner that wants to develop a specific property now has to spend hundreds of thousands of dollars studying the broader area in connection with this Area-Specific Plan which should have already been completed by the City? How is this reasonable? Is the City reimbursing all costs for work done on their behalf?
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 30ha 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.
12.1.16.2.(a)	Parkland dedication from residential development shall be required as a condition of development. The amount of land shall be determined on the following basis:	You deleted the reference to the cash-in-lieu option. This should be put back in. Since most residential development will be limited to midrise and highrise built form on smaller existing parcels of land, the availability of land to be dedicated may not always be feasible, hence the need for the cash-in-lieu option.
12.1.16.2.(d)	The payment of money equal to the value of the land otherwise required to be conveyed for parks may be required at the discretion of the City.	Perhaps this is the cash-in-lieu option, however there is no indication of how that value will be calculated.

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 have over 40 acres of designated Prime Agricultural Area in rural Burlington that had been farmed for nearly a century that we cannot farm anymore without facing threats of fines and/or imprisonment, all because of conflicting NHS policies and the potential that a salamander could walk across the field twice a year. 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.
Schedule A	City System	<p>c) Green System is not shown accurately on Bronte Creek Meadows or 1200 King Road.</p> <p>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.</p>
Schedule A-1	Provincial Land Use Plans and Designations	Bronte Creek Meadows, 1200 King Road and the Alton commercial plaza are incorrectly shown as "Greenfield" and outside of the built boundary. These properties are urban properties within the built boundary.
Schedule B	Urban Structure	<p>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.</p> <p>The plan incorrectly identifies all the lands on the north side of Harrison Crescent as "Areas of Employment", even though we have commercial permissions.</p>
Schedule B-1	Growth Framework	<p>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 it 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.</p> <p>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.</p> <p>c) Alton commercial plaza is incorrectly shown outside of the built boundary.</p>

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.
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.
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. Why limit that potential? Also, why are City staff telling us that this property is no longer included in the Mobility Hub?
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, with no transit to speak of, in a part of the City that is really only accessible by car.

**General Notes:**

- 1) Why have the policies on Mid-Rise Buildings and Tall Buildings been deleted from Chapter 7?
- 2) Is Burlington using the correct population growth numbers? Hamilton's population is expected to grow by nearly 300,000 people by 2041 if I'm not mistaken, whereas Burlington states their population will only grow by 20,000 people within that same timeframe. Or is that 20,000 residential units? Something seems off. Please clarify.
- 3) We question the maximum building height policies throughout this Plan, even if not specifically identified above. After all the time and effort bringing in Brent Toderian, and listening to his message about building design being more important than building height, this Plan still places height restrictions that serve to limit development potential. How is that consistent with the Grow Bold message?

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**From:** Roger Goulet [REDACTED]  
**Sent:** Monday, November 27, 2017 3:00 PM  
**To:** Smith, Andrea; Campbell, Don; Mailbox, OPReview  
**Cc:** [REDACTED], Sarah Harmer; Vanessa Warren; Ken Woodruff; Gloria Reid  
**Subject:** PERL Submission on Burlington 2017 Official Plan 2nd Draft

PERL - Protecting Escarpment Rural Land

The following is PERL's additional submission on the Burlington Official Plan second draft. Please accept our submission, and incorporate the changes that we are respectfully suggesting.

We thank you for providing a "tracked change" version of the Official Plan. It is very useful to see the changes made to the plan, without having to re-read the Plan over again.

However, not showing or noting where items / policies have been moved to is a problem. It requires the reader to scan the whole Plan looking for moved items.

Not noting moved paragraphs / segments is frustrating and discouraging.

**Schedule A-1** of Niagara Escarpment Plan area and designations is out of date. In 2017 the NEPDA map was updated by the Province. The municipality is required to conform to higher tier plans. Burlington should use the updated map, which shows the Grindstone Creek Headwaters Complex PSW.

**Schedule K** of North Aldershot needs to be updated to reflect the changes in natural heritage designations, features and functions under Provincial Policies, the Greenbelt Plan, and reflect the Cootes-to-Escarpment EcoPark System agreements and future intentions. Of special concern are the land use designations in and around the King Road Jefferson Salamander breeding habitats. Ontario Species-at-Risk regulations must be conformed with.

**SARA** - Species-at-Risk Act is not referenced in any of the natural heritage Official Plan draft policies, that I could find. Why not? With more and more species under threat or endangered due to human activity, development, and climate change, it is all of our responsibility to take decisive actions to protect the species at risk.

Draft OP **4.10.2.2** Mineral Aggregate. The Niagara Escarpment Plan Development Act does NOT allow mineral extraction in the Escarpment Rural designation areas. Mineral extraction may be allowed in Escarpment Rural only upon Plan amendment approval. The language in the Official Plan is misleading, possibly wrong. Refer to NEC policy language.

Draft OP **9.2.3 a) (xiii)** Agriculture Permitted uses. Why is "non intensive recreation uses such as nature viewing and pedestrian trail activities, **only** if lands are publicly owned or part of the Bruce Trail".

This activity currently goes on on private lands. Why make this illegal?

I suggest that you replace "only" with "**encourage** use on publicly owned or part of Bruce Trail".

Draft OP **9.1.2 n)** Special Events on Agricultural Lands.

Thank you for making changes as requested; however, not all community or environmental groups are "registered charities", some are incorporated.

Our request is that this policy applies to registered charitable organization, and to incorporated community or environmental organizations. We can accept the criteria (iii) to (viii).

Thank you for the opportunity to provide our input into the Official Plan processes.

If you have questions, contact me,  
Roger Goulet  
PERL Executive Director

Begin forwarded message:

**From:** Roger Goulet <[REDACTED]>  
**Date:** July 14, 2017 at 1:39:27 PM EDT  
**To:** Andrea Smith <[Andrea.Smith@burlington.ca](mailto:Andrea.Smith@burlington.ca)>, [don.campbell@burlington.ca](mailto:don.campbell@burlington.ca)  
**Cc:** John Taylor <[John.Taylor@burlington.ca](mailto:John.Taylor@burlington.ca)>, [Blair.Lancaster@burlington.ca](mailto:Blair.Lancaster@burlington.ca)  
**Subject:** PERL Submission on Burlington 2017 Official Plan

**Reference:** City of Burlington 2017 Official Plan Comment Submission  
Submitted July 14, 2017

#### **PERL - Protecting Escarpment Rural Land**

PERL is a non profit citizens advocacy group dedicated to promoting ecological, social and economic sustainability especially as it relates to North Burlington.

PERL is fostering a new vision for the future of the social, economic and fragile ecology of this area in keeping with the principles of sustainability.

Please accept PERL's comments below.

PERL supports many parts of the draft Official Plan; however there are changes we respectfully request be made.

Most of our comments pertain to Burlington's rural area.

We await issuance of a revised 2017 Official Plan.

In the past, PERL has reviewed and commented on Municipal strategic and planning documents, delegated on a number of issues, and participated on working groups and Official Plan appeals.

When the new Bylaws stemming from the 2017 Official Plan are drafted, we would like to review them. We ask that any changes to existing Bylaws or new Bylaws be highlighted.

If you have any questions contact me.

Roger Goulet  
PERL Executive Director  
[https://www.facebook.com/PerlBurlington/?ref=page\\_internal](https://www.facebook.com/PerlBurlington/?ref=page_internal)

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#### **BURLINGTON OFFICIAL PLAN 2017 - Comments on Draft OP**

##### 3.5.2.1 Cultural Heritage Resources...

> Does this OP policy include the possibility of reviving the 'Rural Cultural Landscape Conservation Designation' for the Mount Nemo Plateau?

If not, why not?

Appendix G 'Cultural Heritage Landscape Study Area' map encompasses the Mount Nemo Plateau and slopes.

Since the Province did not accept the NEC *Escarpment Protection* designations for much of the Mount Nemo Plateau, the City needs to **strengthen its rural protective policies** for this unique Plateau.

#### **4.2 Natural Heritage System:**

Schedule N map

> Why are the agricultural lands on the Mount Nemo Plateau not identified as 'prime agricultural lands'?

Schedule K map shows that most of these agricultural lands as "prime agricultural area".

Schedule K should be the designation.

Schedule A-1 map - Provincial Land Use Plans and Designations

> The map does not show the MNRF 2010 designation, and recent NEP 'escarpment natural' designation which is the *Grindstone Creek Headwaters Wetland Complex Provincially Significant Wetlands* (PSW); nor the MNRF designation areas for the Jefferson Salamander habitats on and adjacent to the Nelson Aggregate lands, which was determinative in the Joint Board's application 'denial' decision of October 2012.

#### **4.2.2 General Policies...**

4.2.2 Paragraph F "The boundaries of the City's Natural Heritage System, and of Key Natural Heritage Features, and other components within it, may be refined, with additions, deletions and/or boundary adjustments..."

> Recommend adding, "and other components and **species-at-risk** within it..."

4.2.2 Paragraph J "...Major changes to the boundaries of the City's Natural Heritage System ..."

> The NEP and Greenbelt NHS designations and re-designations are under separate authority

4.2.2 Paragraph J "Major changes...or removal or addition of Key Natural Features on Schedule N..., shall require an amendment to this Plan.

> This Policy should also require public meeting(s).

4.2.2 Paragraph K "...the review of a development application, it is found that there are natural heritage feature(s) or function that have not been adequately identified or evaluated, or new information has become available, the applicant shall be required to have an Environmental Impact Assessment prepared..."

> This Policy should add **{or potential for species-at-risk}**. This became determinative in the denial of the Nelson Aggregate new quarry application on Mount Nemo. The applicant, Nelson Aggregate, did not identify the presence of endangered Jefferson Salamanders and their habitats.

Paragraph M (i) "...prohibited development and site alteration within:

a. b. c. d.

> This Policy should add **e. {significant woodlands designated within the Halton Natural Heritage System}**.

#### **4.2.3 Greenbelt Natural Heritage System...**



4.2.3 Paragraph d) "The boundaries of Key Natural Features within the Greenbelt...or similar studies accepted by the City and the Region"

> Changes to the Greenbelt NHS boundaries...add = **must be approved by the Province.**

4.2.3 Paragraph h) "The proponent of any development or site alteration...shall be required to carry out an Environmental Impact Assessment"

> Should add...**must comply with Greenbelt development policies**

> Should add...**the Environmental Impact Assessment must be approved by the City, Region and where appropriate Conservation Authority**

Refer to 4.2.4 a)

4.2.4 Paragraph f) "Through the Environmental Impact Assessment, the boundaries...complete development application"

> Add..."corroborated by Regional staff and Conservation Halton and Provincial Ministries where appropriate **and the Niagara Escarpment Commission where appropriate**"

4.4.2.1 e) Water Management..."All sub-watershed studies shall be completed...Sub-watershed studies include, but are not limited to:

(i) a general inventory of existing geology, hydrology, hydrogeology, limnology, fish habitats and other environmental data;"

> Should add...**endangered and threatened species**

#### 4.10 Mineral Aggregate Resources...

4.10.2.2 j) (i)..."the City shall not permit new Mineral Resource Extraction Areas or expansion...

(i) The Niagara Escarpment Plan Area, except the Escarpment Rural Area"

> Need to clarify that the NEP does not permit / allow mineral extraction in any part of the NEP, except through NEP amendment within the Escarpment Rural designated area. The wording in (i) implies that mineral extraction is allowed in NEP Escarpment Rural areas. Not so.

PERL was a contributor to the creation of the Cornerstone Standards, along with other environmental organizations and a few aggregate industry companies.

The Cornerstone Standards, for socially and environmentally responsible aggregate operations, go well beyond most Municipal Official Plan policies / guidelines, and Provincial Aggregate Resources Act regulations and standards.

PERL supports stronger environmental, health and safety requirements and policies, which reduce the negative impacts from mineral extraction operations on people, communities and the environment.

One of the desired outcomes of the Cornerstone Standard is for Municipalities and developers to specify that suppliers of mineral aggregates be certified under the Cornerstone Standards, à la FSC.

A few aggregate quarries have been certified under the Cornerstone Standards for aggregate operations. Certification is for an individual quarry, not their corporate entity.

<http://www.cornerstonestandards.ca/>

#### 8.4.2.3 Site-Specific Policies...

Paragraphs a) (i) (ii)

> The "Major Parks and Open Space" designation reference to (Wellness House) needs to be updated, since Wellness House is not located within the delineated private or public open space. According to Schedule C Land Use - Urban Area, Wellness House is within 'Urban Centres'. There should not be a public health care building within the private open space owned by The Villages of Brantwell.

#### 9.1 Rural Community...

PERL supports the Rural Community policies.

#### 9.2 The Agricultural System...

Paragraph 9.2.3 a) Permitted Uses (xiii) "Non intensive recreation uses such as nature viewing and pedestrian trail activities, only if the lands are publicly owned or are part of the Bruce Trail"

> The policy should not prevent nature viewing and pedestrian trail activities **on private lands, assuming owner permission**. This is the current practice in parts of the rural area. The City should not discourage public enjoyment of our rural areas.

Paragraph 9.2.3 b) The Agricultural System (i) Special Events on commercial farms..."the events are directly related to the farm operation, to an agricultural related use or to an on farm diversified use..."

Paragraph 9.3.2 e) "On a commercial farm located **outside** the Escarpment Natural Area and Key Natural Features,..."

Also..."the events have been approved by the City through an amendment to the zoning bylaw, a temporary use bylaw, or a permit issued by the City..."

> We do not agree with this policy. A private landowner having a farm property should be able to host 'special events' unrelated to their farm operations.

PERL sponsored a number of fundraising concerts in the rural area, on private land. Without the funds generated, we would not have been able to hire the experts that identified the Grindstone Headwaters Wetland Complex PSW, which set the stage for the identification of the Jefferson Salamander habitat in and around the Nelson Aggregate proposed quarry, nor be a Party at the Nelson Aggregate Joint Board Hearings.

Furthermore, RBGC sponsored a comedy event to raise money to help fight the unjust SLAPP suit brought by the Burlington Airpark.

NGOs like PERL and RBGC make a valuable contribution towards environmental and social advocacy. The City should not prevent NGOs' ability to use special events for fundraising in support of our mission, which primarily advocates for the protection of our rural natural heritage and agricultural lands.

> The City should not require an amendment to the zoning bylaw, or a temporary use bylaw for special events. Bylaws take too much time and resources, effectively preventing Special Events. The current "permit" process is more than adequate, since it requires approvals by the City, the Region, and the Niagara Escarpment Commission if within the NEP. A bylaw amendment is not necessary.

Other elements of the Special Events policies (ii), (iii), (iv), (v) are acceptable, since they are already part of the current requirements for a permit.

## 9.5 Rural Settlement

### 9.5.2 General Policies

9.5.2 f) "Major rock cutting and blasting for road construction within Rural Settlement Areas *shall* not be permitted. The regrading of the existing land for road construction *shall* be discouraged."

> Should **require application for City 'site alteration permit'**

Sent from my iPad



**GROW BOLD**

2015-2040

Nov 20/17



## Proposed New Official Plan for the City of Burlington

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](mailto:newop@burlington.ca) by **no later than 4:30pm on Monday November 27, 2017**, if you want your comments received by the Planning and Development Committee at the public meeting scheduled for **November 30<sup>th</sup>, 2017 at 1pm and 6:30 pm.**

**From:**

Name

Address

E-mail

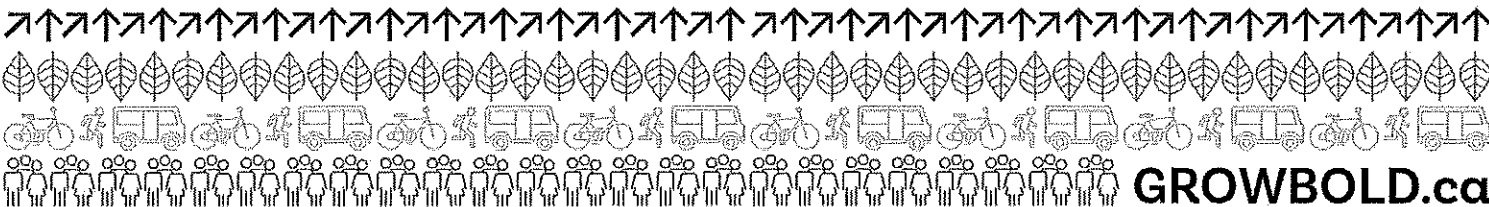
Phone

Al Ruggero TBR / Renton Dets  
4101 Steeles Ave W.  
Toronto, ON M3N 1V7  
plan@roses.com  
416-788-2453

We own lands currently designated Mixed Use Employment and Mid-High Density residential. These lands are adjacent to a Hydro corridor along an old CNR spur.

The new OP proposes to redesignate these lands to Infrastructure & Transportation corridor. Not very appetizing from our position as it basically freezes the site for devt.

Obviously we are not satisfied and will object to the OMB.



**GROWBOLD.ca**



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**From:** Ruiter [REDACTED]  
**Sent:** Tuesday, November 21, 2017 2:20 PM  
**To:** Mailbox, OPRReview  
**Cc:** Elizabeth Ruiter  
**Subject:** Burlington Draft Official Plan Comments

Please find below our comments to the official plan.

We request the Neighbourhood Centre designation be defined with a maximum of 3 stories.

This revised designation will make it easier for developers to change the look and feel of neighbourhoods that are less populated (e.g., low-density residential) with current low rise buildings (3 storeys and under) to be able to change to a mid-rise building. This will put pressure on existing infrastructure with the increase in height.

Additionally, most areas designated as 'Neighbourhood Centre' are within residential areas where the typical structure is a 2 storey residence. Having the possibility of 6 stories and even 11 stories, significantly changes the nature of those residential areas. These mid-rise structures should be allowed only in designated 'Mobility Hub' areas.

Increased pressure on infrastructure:

1. More traffic on already busy streets (we continue to see increased traffic flow East and West, especially south of the QEW. Additional development of mid-rise structures will compound this issue)
2. Additional pressure on water and waste lines.
3. Plan closure of schools resulting in more bus traffic in these areas.
4. Stress on amenities due to over-population (e.g. local parks & greenspaces)
5. Height issues; Sunshade due to height (especially in winter, there will be no sunshine in surrounding areas) and View-Blocking (views of the lake currently enjoyed by residents not located directly on the Lakeshore will be blocked)

Regards,

Elizabeth and Jonathan Ruiter  
215 Thomas Court  
Burlington.

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**From:** Smith, Andrea  
**Sent:** Wednesday, November 08, 2017 3:42 PM  
**To:** Smith, Leah  
**Subject:** FW: City of Toronto - Planning for Children in New Vertical Environments

Leah, please add to the feedback file.

Andrea

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**From:** Sharman, Paul  
**Sent:** Wednesday, November 08, 2017 3:37 PM  
**To:** Jeremy Skinner  
**Cc:** Smith, Andrea  
**Subject:** RE: City of Toronto - Planning for Children in New Vertical Environments

Thank you for this Jeremy,  
I have copied Andrea Smith for her to treat your comments as official feedback on the New OP.

I am keen to see staff response  
Regards  
Paul

Paul Sharman  
City & Regional Councillor  
Ward 5

Do you receive my monthly news letter by email? If not would you like to? Please send me an email providing your approval for me to add you to my mailing list Paul Sharman.

Contact Information:  
Phone: 905-335-7600 (ext. 7591)  
Fax: 905-335-7881  
Email: Paul Sharman  
Webpage: Councillor Paul Sharman - City of Burlington

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**From:** Jeremy Skinner [REDACTED]  
**Sent:** Wednesday, November 08, 2017 3:27 PM  
**To:** Sharman, Paul  
**Subject:** City of Toronto - Planning for Children in New Vertical Environments

Paul:

Jennifer Keesmaat, Chief Planner for the City of Toronto, launched an initiative entitled "Planning for Children in New Vertical Environments".

Ref: <https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=35cf62e9d88c0510VgnVCM10000071d60f89RCRD>

The City Planning Website on this topic includes a Draft set of Urban Guidelines in a very readable PDF document.

Ref: [https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/V/Vertical\\_Communities/Draft%20Growing%20Up%20Guidelines\\_May\\_2017.pdf](https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/V/Vertical_Communities/Draft%20Growing%20Up%20Guidelines_May_2017.pdf)

A quick assessment by the Planning Department may permit the City of Burlington to take a position on those elements which would benefit the Grow Bold strategy.

Alignment with the City of Toronto or the ability to differentiate particular policy elements to favour City of Burlington objectives may assist in governing multi-storey development applications in a more timely fashion.

For example:

The city of Toronto proposes that the ideal 2-bedroom size for all elements including: Entrance & Storage; Laundry; Kitchen & Dining; Living Room; Bedrooms; Balcony & Terrace.

They also make recommendations on how residential units can be made adaptable for layout change over time using movable panels.

They suggest that an ideal 2-bedroom is 90m<sup>2</sup> or 969sf and that an ideal 3-bedroom is 106m<sup>2</sup> or 1140sf.

Comparison:

Vertical community comprising of 459 units in a 25-storey building with a footprint of 10,780m<sup>2</sup> vs a low rise community comprising of 450 units with up to 4-storeys with a footprint of 150,700m<sup>2</sup>.

I will see you tonight at your open house meeting at Bateman HS.

Regards -- Jeremy Skinner [REDACTED]

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**From:** Jeremy Skinner [REDACTED]  
**Sent:** Sunday, November 12, 2017 11:00 PM  
**To:** Mailbox, OPReview  
**Subject:** Proposed OP Nov 2017 Chapter 2 Definition Query

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Section 2.3.1 entitled MIXED USE INTENSIFICATION AREAS

What does linear or nodal Mixed Use Intensification Areas mean from the statement:

b) Mixed Use Intensification Areas will occur in either linear or nodal forms at different levels of intensity and will accommodate a wide, or in some cases, a limited, range of uses in accordance with the underlying land use designations.

Please either rewrite the sentence or provide definitions for each of linear forms and nodal forms in the Definitions Chapter.

Regards -- Jeremy Skinner [REDACTED]



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**From:** Jeremy Skinner [REDACTED]  
**Sent:** Sunday, November 12, 2017 7:28 PM  
**To:** Mailbox, OPReview  
**Cc:** Sharman, Paul  
**Subject:** Proposed OP Nov 2017 Chapter 2 Suggestions

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please consider the following suggestions to the Nov 2017 version of the proposed OP.

#### Section 2.2.3 Entitled PROVINCIAL PLAN BOUNDARIES AND CONCEPTS

Under Growth Plan for the Greater Golden Horseshoe

Added text in italics

(ii) The Delineated Built Boundary ... The Regional Official Plan *Table 2 Intensification and Density Targets* states that a minimum of 8,300 new housing units must be added within the Delineated Built-up Area between 2015 and 2031

Justification: This reference is for key metrics which has been downloaded into the Burlington OP and therefore the citation warrants more detail as to the source.

#### Section 2.2.4 Entitled POPULATION AND EMPLOYMENT DISTRIBUTION

Please consider adding a summary statement after the chart indicating that the population is expected to grow by 22,000 representing a 13% increase in population.

Please consider adding a summary statement after the chart indicating that employment is expected to grow by 18,000 representing a 20% increase in employment.

Justification: These metrics will be often quoted by the press and the public. Therefore it is important to manage the message so as to avoid misinformation.

Please be sure to validate that you agree as to the delta numbers and percentages.

#### Section 2.3.1 Entitled MIXED USE INTENSIFICATION AREAS

Under Urban Centres

Added text in italics

d) The city has two existing Urban Centres: the Downtown Urban Centre *as depicted in Schedule D* and the Uptown Urban Centre *as depicted in Schedule E*. These areas represent established *mixed-use* development areas with both established neighbourhood areas and dynamic evolving growth areas.

#### Section 2.3.1 Entitled MIXED USE INTENSIFICATION AREAS

Under Mobility Hubs

Added text in italics

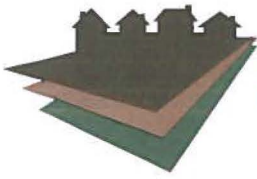
k) In Burlington there are four identified Mobility Hubs. Two of these hubs, Downtown Burlington *as depicted in Schedule D* and the area around Burlington GO *as depicted in Schedule F*, have been identified by Metrolinx, included in the Halton Region Official Plan, and classified as an Anchor Hub and Gateway Hub, respectively. An additional two Mobility Hubs, *both classified as Gateway Hubs*, have been identified by the City in the areas around Aldershot GO *as depicted in Schedule G* and Appleby GO *as depicted in Schedule H*. All four areas are considered major transit station areas. In this Plan, these four hubs are identified collectively as areas that will be subject to further detailed area-specific planning.

#### Section 2.4.2.(3) Entitled ESTABLISHED NEIGHBOURHOOD AREAS

c) In the Established Neighbourhood Area, land assembly for development applications that are not compatible is discouraged.

Should we not consider adding an exception permitting the assembly of property for neighbourhood lands which face onto Frequent Transit Corridors & Candidate Frequent Transit Corridors as depicted in Schedule B-2 for replacement by strip townhomes?

Regards -- Jeremy Skinner 5023 Cenaber Court, Burlington L7L4Y6 [REDACTED]



November 28, 2017

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

Attention: Leah Smith

Dear Leah,

**Re: Burlington Proposed New Official Plan  
November 2017**

We represent Sundial Homes (Walkers Line) Limited, the owner of the lands within Registered Plan of Subdivision 20M-1193, located at the NW corner of Dundas Street and Walkers Line.

As you may know, we are actively building houses within this Plan of Subdivision, and have additional building permits to obtain in the future.

Can you please confirm that the proposed new Official Plan will have no negative impact on the current Zoning and Official Plan policies that we currently enjoy. Can you also please confirm that the lands within our Registered Plan of Subdivision are “grandfathered” from any potential new planning policies.

Yours very truly,  
MATSON, McCONNELL LTD.

Christopher S. Matson, B.E.S.

(chris/2017/sundial.walkers line/28nov.burlington)

Encl.

November 28, 2018

City of Burlington's Draft New Official Plan (November 2017)  
Feedback Form – Chapter 8 Downtown Urban Centre Pages 9 - 35

Name: Guy Sheppard

Company/Organization: Sustainable Development Committee

Contact Information (address/email): On file with BSDAC

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Suggested Change/Action
General	The City has basically qualified the whole section by “additional objective, policies, etc. may be added subject to the outcome of that <i>area-specific plan process</i> , and incorporated as part of this Plan and/or through a future amendment to this Plan.” This makes it extremely difficult to comment on it in certain sections.	
General	The way this document plays around with heights it looks like you will never achieve the objective 8.1.1.3.1 d) To ensure <i>development</i> incorporates effective transitions with adjacent <i>development</i> and surrounding areas. This is going to be a real hodge-podge.	
<b>8.1.1.3.3 Downtown Parks and Promenades Precinct</b>	Three Key Directions missing: <ul style="list-style-type: none"><li>• Identify a new pedestrian promenade be established from Lake Road to St. Luke's Anglican Church.</li><li>• Identify Elgin Street from Brant to the Ontario Corridor as a potential future extension of the Elgin Promenade.</li><li>• Recognize the Burlington War Memorial (Canotph) as a permanent public park.</li></ul> How are you going to address these??	
<b>8.1.1.3.4 Downtown</b>	One Key Direction missing:	



<b>Public Service Precinct</b>	<ul style="list-style-type: none"> <li>Identify additional land within Downtown Mobility Hub which may be required to accommodate future public services in anticipation of future population and employment growth – additional areas outside 421 John Street.</li> </ul> <p>How are you going to address this?</p>	
8.1.1.3.4 b) Public/private partnerships	How do you intend to carry out the Public-Private Partnerships? Need to spell out more clearly.	
8.1.1.3.4.2 a) 431 John Street	Why was the idea of accommodating future post-secondary education facility dropped from this area? Do not forget residence needs if going to accommodate.	
<b>8.1.1.3.5 The St. Luke's and Emerald Neighbourhood</b>	"Enhanced cycling and pedestrian connections ... Downtown." - Be careful with new and/or enhanced pedestrian and cycling connections as dealing with narrow streets with many not having sidewalks.	
<b>8.1.1.3.6 Bates Precinct</b>		
8.1.1.3.6.2 Bates Precinct Special Planning Area	This should not be allowed. City should not allow greater than 3 storeys in the Bates community. Needs to stick to its guns on planned building heights.	
<b>8.1.1.3.7 Brant Main Street Precinct</b>	<p>Two Key Directions missing:</p> <ul style="list-style-type: none"> <li>Establish a maximum floor plate size for portions of a building above four storeys.</li> <li>Require developments to achieve a minimum of two uses within a building. – May want to set minimum number based on size two uses for 10,000 square feet may not make sense.</li> </ul> <p>How are you going to address these?</p>	

8.1.1.3.7.2 Brant Main Street Precinct Special Planning Area	Already modified 17 storeys to 23 storeys. Was it appropriate for building height transition given going to transition to other buildings with maximum heights of 11 storeys in the future?	
<b>8.1.1.3.9 Downtown Tall Residential Precinct</b>		
8.1.1.3.9.1 c)	Maximum height should be spelled out so not buried in a Zoning By-law. Should not exceed 17 stories.	
<b>8.1.1.3.10 Old Lakeshore Road Precinct</b>	Delete “ Modest <i>tall buildings</i> which transition downward for the <i>adjacent</i> Downtown Core Precinct towards the waterfront may be accommodated where such <i>development</i> achieves strategic public and city building objectives, including the provision of public waterfront access and the creation of new uninterrupted view corridors to Lake Ontario.” No building should exceed 6 storeys south of Lakeshore Road.	
8.1.1.3.11 c), d), and e)	See above.	
<b>8.1.1.3.12 Downtown Core Precinct</b>		
<b>8.1.1.3.12.1 b)</b>	May want to minimum number of permitted uses depending on size (area) of retail. Minimum of two for 10,000 sq. ft. may not make sense.	
8.1.1.3.12.1 c)	May want to limit where 17 maximum storeys is allowed. Do not want it throughout the precinct.	
<b>8.1.1.3.13 The Cannery Precinct</b>		
8.1.1.3.13.1 c)	Should not exceed 17 storeys in north west section so will transition nicely into the Brant Main Street Precinct.	
<b>8.1.1.3.14 Upper Brant Precinct</b>	One Key Directions missing: <ul style="list-style-type: none"> <li>Require developments to achieve a minimum of two uses</li> </ul>	

November 28, 2018

	<p>within a building. – May want to set minimum number based on size two uses for 10,000 square feet may not make sense.</p> <p>How are you going to address this?</p>	
8.1.1.3.13.1 c)	Should not exceed 17 storeys in north west section so will tie in nicely transition into the Brant Main Street Precinct.	
<b>8.1.1.3.15 Downtown Urban Design</b>		
<b>8.1.1.3.15 a)</b>	Also include Old Lakeshore Precinct as an exclusion.	

CHAPTER ONE- INTRODUCTION				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Comments
Guy Sheppard, Sustainable Development Committee	1.4	Do not see our proposed Vision anywhere.	Comment noted. Elements of the vision proposed by Sustainable Development Committee can be found in the guiding principles, community vision and throughout the Plan.	OK
Guy Sheppard, Sustainable Development Committee	1.5	Principles: Sustainable Development –do not see economic or social aspects, Diversity and Adaptability – see diversity related to Natural Heritage but nothing else. Adaptability is not addressed. Community – see it in bits and pieces but Neighbourhood re. interacting, supporting each other or identifying opportunities. Invigorated Rural Areas – Looks fairly well covered. Interconnectivity – Looks fairly well covered . Accessibility and Equity – Accessibility appears covered. See nothing on Equity. Health and Vitality – Looks fairly well covered.	Policy modified. Economic aspects addressed in 1.5.1 a) c) f) g) h) i), Social aspects addressed in 1.5.1 a) e) g), 1.5.3 f), 1.5.4 a) b) c). 1.5.1 e) to modified to reflect social aspects. "Diverse" "Adaptable" now reflected in 1.5.1 a) and "Equitable" in 1.5.3 f).	Thank-you.
Guy Sheppard, Sustainable Development Committee	1.5.1 b)	North Aldershot – why a distinct role? Shouldn't that eventually either be urban or rural?	Policy maintained. The next Regional Official Plan Amendment will update the land use vision for North Aldershot.	OK
Guy Sheppard, Sustainable Development Committee	1.5.1 g)	Provides for the efficient, effective, and financially responsible...	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	1.5.2	The language is vague, referencing only active and sustainable transportation choices. Provide greater detail on how land use aligns to multi-modal transportation	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	1.5.3 f)	Promotes health, safety and social well-being ... health care facilities, recreation facilities, parks ...	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	1.5.4 d)	Proposed new item d): “supports and encourages the community to identify opportunities to build active creative neighbourhoods	Policy maintained. 1.5.4 a) b) and c) enable this direction.	Sorry don't see it.



CHAPTER ONE- INTRODUCTION				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Comments
Guy Sheppard, Sustainable Development Committee	Introduction	City is evolving into a “complete city” or “complete City”, but definition is only provided for a “complete community”. Suggest harmonizing the language, e.g. “a city of complete communities”, using only “a complete community”	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	Introduction	Economic and social aspects of sustainable development are not well introduced, particularly with respect to create neighborhoods. Maybe Complete Community definition covers daily needs. Nothing addresses the social side.	Policy modified.	Where was this covered?
Guy Sheppard, Sustainable Development Committee	Introduction	Adaptability and climate resilience are not addressed.	Policy modified. These themes are also being considered as part of the Regional Official Plan Review. Updates to the City's Official Plan will be required in the future to expand upon these themes.	OK

CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	2.1 general	Do not see enough reference to people or connectivity.	Policy modified.	See connectivity but not reference to people.
Guy Sheppard, Sustainable Development Committee	2.1 general	Suggest deleting Paragraph 6, “A new sense of shared purpose ...” does not contribute to the overall message of the section.	Policy modified by deletion.	Good
Guy Sheppard, Sustainable Development Committee	2.1 general	Paragraphs 7, 8 & 9 are confusing with respect to “city building” and key messages. Specific wording recommended in comments.	Policy modified.	Good
Guy Sheppard, Sustainable Development Committee	2.2.1 d)	Last sentence, “Limited growth will be directed ...” is redundant	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	2.2.1 e)	Specific edits for clarity recommended in comments	Policy maintained. Only minimal modifications to the existing North Aldershot policies were undertaken through the development of the Official Plan. The Regional Official Plan Review will consider this area and modifications may be required to the City's Official Plan in the future.	Understand
Guy Sheppard, Sustainable Development Committee	2.2.3 d) ii)	Could the yearly number be included, as in 519 units per year from 2015 to 2031? This may help some with a better perspective on growth.	Policy maintained. While that figure (519) represents the average annual number of units that would be required over the time period this target is established in the Regional Official Plan and the achievement of the policy is not measured on an annual basis, rather from the year 2015 to 2031.	Understand
Guy Sheppard, Sustainable Development Committee	2.2.3 e)	Land use in this area in North Aldershot is significantly influenced by the large land-areas owned and controlled by RBG, and by the planned Cootes to Escarpment Park.	Policy maintained. The next Regional Official Plan Amendment will update the land use vision for North Aldershot.	Understand
Guy Sheppard, Sustainable Development Committee	2.2.4	Could a percentage increase per year be included to help readers gain a better perspective on growth? This would show growth of less than 1% per year over 25 years.	Policy maintained. This is an item that is outside of the scope of the Official Plan.	Understand

CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	2.3.1 j)	Since City is indicating it will designate a new Walkers/Cumberland GO station as a mobility hub, consider mentioning Appleby/Dundas as potential future mobility hub location once Dundas Street BRT is underway.	Policy maintained. The Walker's Cumberland station is under review by Metrolinx as a potential future GO station, while Appleby/Dundas is not under consideration.	OK
Guy Sheppard, Sustainable Development Committee	2.3.2 c)	Does this mean that every area in the city can be changed by a municipal comprehensive review or is it just employment lands?	Policy modified. Policy 12.1.2.1 outlines the issues that can only be assessed at the time of an Official Plan Review. Since the release of the Draft Official Plan the Province released the revised Growth Plan for the Greater Golden Horseshoe (2017) which redefined the term municipal comprehensive review. A municipal comprehensive review may now only be conducted by an upper or single-tier municipality. Modifications have been made to reflect that change.	OK
Guy Sheppard, Sustainable Development Committee	2.3.4	a) and b) only state what they are. Are these areas to be protected or can they be developed or intensified? This may not be clear to the public.	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	2.4.1 d)	Language around mobility choices is weak. We need to prioritize & support active transportation/transit not just provide choice. Suggest that language be strengthened to indicate prioritizing active transportation/transit.	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	2.4.1 e)	e) To limit the introduction of unplanned <i>intensification</i> in established neighbourhood areas”. This is objective is vitally important and needs to be supported in any fashion possible as we have lot of this.	Refer to response to comment S.2.27. This was copied from S.2.27. Policy modified to clarify intent. In general the Established Neighbourhood Areas are expected to accommodate only limited intensification. The Growth Framework policies, and specifically the Established Neighbourhood policies discourage intensification have been modified to rely on appropriate processes, policies and criteria to assess potential development, rather than to limit the ability to assess an individual application on its own merit. Please refer to Chapter 2 (2.4).	The final version has removed prohibition of Official Plan amendments in Established Neighbourhoods. Zoning By-law amendments, plans of subdivisions cannot be prohibited. Discouraging land assemblies is not strong enough. Need to tell Council the concept of protected Established Neighbourhoods is not possible. Prepare for a blanket of townhouse with no trees in all low density neighbourhoods. <b>Note changes in Row 34 and 35 in blue below.</b>

CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	2.4.2.1 c)	Should we list tools similar to employment lands?	Policy modified - moved. Strategic Investment Area policies are located in the Implementation and Interpretation Chapter of the Plan (12.1.20).	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.1 e) i)	Could not find the Section 2.3 Urban Structure objectives. Do you mean 2.4 Growth Framework Objectives?	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.2 (b) (i)	What does significantly mean? 5%, 25%, or 100%. This is unclear.	Policy deleted.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.2 a) i)	Should be Schedule P-1 not B-1.	Policy maintained. The listing of street types in this instance is to provide context for the residential lands included in the Secondary Growth Framework, but the policy relies on Schedule B-1.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.2 b) (iii)	Add 50 units/ha so do not greatly exceed 25 units/ha as have the capability to go up to 75 units/ha which could lead to over intensification.	Policy deleted.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.3	Specific edits for established neighbourhoods provided in comments	See response to comment S.2.27. This was copied from S.2.27. Policy modified to clarify intent. In general the Established Neighbourhood Areas are expected to accommodate only limited intensification. The Growth Framework policies, and specifically the Established Neighbourhood policies discourage intensification have been modified to rely on appropriate processes, policies and criteria to assess potential development, rather than to limit the ability to assess an individual application on its own merit. Please refer to Chapter 2 (2.4).	The final version has removed prohibition of Official Plan amendments in Established Neighbourhoods. Zoning By-law amendments, plans of subdivisions cannot be prohibited. Discouraging land assemblies is not strong enough. Need to tell Council the concept of protected Established Neighbourhoods is not possible. Prepare for a blanket of townhouse with no trees in all low density neighbourhoods. <b>Note changes in Row 34 and 35 in blue below.</b>

CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	2.4.2.3 b)	We like the idea of introducing policies that prohibit privately initiated Official Plan amendments for increased density beyond that permitted through the underlying use designation. Strong language is needed that prevents any Official Plan Amendments beyond existing maximum density.	Refer to response to comment S.2.27. This was copied from S.2.27. Policy modified to clarify intent. Policy modified to clarify intent. In general the Established Neighbourhood Areas are expected to accommodate only limited intensification. The Growth Framework policies, and specifically the Established Neighbourhood policies discourage intensification have been modified to rely on appropriate processes, policies and criteria to assess potential development, rather than to limit the ability to assess an individual application on its own merit. Please refer to Chapter 2 (2.4).	The final version has removed prohibition of Official Plan amendments in Established Neighbourhoods. Zoning By-law amendments, plans of subdivisions cannot be prohibited. Discouraging land assemblies is not strong enough. Need to tell Council the concept of protected Established Neighbourhoods is not possible. Prepare for a blanket of townhouse with no trees in all low density neighbourhoods. <b>Note changes in Row 34 and 35 in blue below.</b>
Guy Sheppard, Sustainable Development Committee	2.4.2.4	Does this go as far as saying the city will go out and recruit business to come to our city? As we have limited experience in implementing incentives, we should learn from other municipalities who have been successful and replicate their practices.	Comment noted. The role of the Official Plan is to ensure there are adequate opportunities provided for a mix of employment and economic activities throughout the City. The City in partnership with BEDC and the Region of Halton can develop additional strategies to facilitate growth of jobs throughout the City, and within the City's Area of Employment.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.4 c)	Do you really want this? You could be leaving yourself open to investing in whole lot of infrastructure when you do not have the resources? You intend to prioritize everything the same? Should consider Employment Secondary areas.	Policy maintained. The policies are supportive of employment growth within all Employment Growth Areas, however priorities for development may be further refined by identifying certain areas as Strategic Investment Areas. BEDC through its Economic Strategy will develop various programs and initiatives to support employment growth and employment development.	OK
Guy Sheppard, Sustainable Development Committee	2.4.2.4 d) (viii)	Do we not want to use DPS in other areas particularly in recognized growth areas?	Refer to response to comment S.2.39. Copied from S.2.39 Policy modified - moved. Strategic Investment Area policies are located in the Implementation and Interpretation Chapter of the Plan (12.1.20).	OK



CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	2.5.2	Not sure if this addresses the concept of building better buildings. It may be covered in Chapter 7.	Comment noted. Yes, Chapter 7 Design Excellence covers this concept.	OK
Guy Sheppard, Sustainable Development Committee	2.5.2 a)	What are you to use for measuring TDM?	Policy modified to clarify that TDM is provided in accordance with subsection 6.2.10.	OK
Guy Sheppard, Sustainable Development Committee	2.5.2 a)	What happened to grading as a compatibility criterion? It made good sense.	Policy maintained. Staff are not aware of a previous grading criterion, however the development criteria require review of stormwater management and grading and drainage plans are a requirement of a complete application (see subsection 12.1.2).	OK
Guy Sheppard, Sustainable Development Committee	2.5.2 a)	Consider the following as potential intensification criteria: Section 4 criteria, Sustainability Building and Development Guidelines, District Energy Evaluation, Carbon Analysis of proposed fuels, and triple bottom line assessment.	The criteria includes all policies in Chapter 7 which includes Sustainable Design and a link to the Sustainable Building and Development Guidelines. The guidelines provide guidance on low carbon buildings and district energy.	Thanks for the explanation.
	2.5.2 b)	The policy does not put a "red light" on development in Established Neighbourhoods.	Not addressed.	??
Guy Sheppard, Sustainable Development Committee	General	The chapter doesn't indicate the importance of reducing energy usage / reducing GHG in the built form. This seems like a significant gap, and a missed opportunity. Integrate messaging about the impact of built form on energy consumption and GHG emissions, and the City's goal of reducing both through better land use planning.	Policy modified. Community vision has been modified.	OK
Guy Sheppard, Sustainable Development Committee	General	Clarify City System as both an interconnected system of land use areas, and a strategic framework. Current language is confusing.	Policy modified.	Suggested wording generally followed.
Guy Sheppard, Sustainable Development Committee	General	Language around prioritizing active transportation/transit should be strengthened.	Section 2.3.1 modified.	OK
		RESIDENTIAL NEIGHBOURHOOD AREAS		

CHAPTER TWO - SUSTAINABLE GROWTH				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
	2.3.3 b)	June Draft 2.3.3 b) Residential Neighbourhood Areas are established residential areas, and are not intended to capture a significant portion of the City’s growth. Rather, only limited intensification such as infill development and accessory dwelling units. Any development occurring in these areas shall consider the physical qualities and characteristics which are prevalent in the area.	November Final 2.3.4 b) Residential Neighbourhood Areas are established residential areas, and are not intended to capture a significant portion of the city’s growth. Rather, only limited intensification such as secondary dwelling units shall be permitted. Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area.	

CHAPTER THREE - COMPLETE COMMUNITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	3.1.1.2 f)	Additional options should be provided, beyond having to met the CHMC regulations, allowing for conversion to take place. As an example, City of Hamilton policies allows for the proponent to either A) meet (at or above) CHMC vacancy rates, or B) obtain 75% approval from all tenants in the building prior to being able to convert a property to condominium tenure.	Refer to comment S.3.5	Looked at comments in S.3.5. Does not answer our Stakeholder Comment.
Guy Sheppard, Sustainable Development Committee	3.3.2 e)	Provide a timeline for the update the existing Parks, Recreation and Cultural Assets Master Plan for accountability purposes	Policy maintained as this process is outside the scope of the new OP project. Parks and Open Space staff forecast the delivery of a new Parks Master Plan by the end of 2018/early 2019.	OK - Parks Master Plan to be developed end of March 2018/early 2019.

CHAPTER 4 - ENVIRONMENT AND SUSTAINABILITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	4.1 general	Climate Change and Air Quality fifth line, add “effective” after “sustainable”.	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	4.1.2	Address GHG and fuel emissions as part of Climate Change Objectives and Policies.	Policy modified. Preamble and policy updated to refer to greenhouse gas and fuel emissions.	Thanks addressed greenhouse gas and fuel emissions. Why did you change the start of the policies to "The City will-shall-work to improve---"
Guy Sheppard, Sustainable Development Committee	4.1.2 a) (iii)	Or build intensification so existing or planned transit can be used.	Policy maintained. The policy as written achieves this effect.	OK
Guy Sheppard, Sustainable Development Committee	4.1.2 a) (ix)	Could effective on-site non-fossil fuel energy generation not help?	Policy modified. Existing policy 4.1.2 vii) addresses this consideration, and policy 4.1.2 xi) was added to reflect a broader scope of energy considerations.	Do not see this in vii. Deals with water.
Guy Sheppard, Sustainable Development Committee	4.1.2 a) (x)	How will this help?	Policy maintained. This helps by ensuring sensitive land uses (e.g. residential) are not impacted by air quality impacts like dust and odour.	Thanks for explanation.
Guy Sheppard, Sustainable Development Committee	4.1.2 a) (xi) & (xii)	Proposed additions: 1. Control air emissions from manufacturing operations AND encourage energy conservation	1. Policy maintained. Air emissions from manufacturing operations are controlled by the provincial government. 2. Policy modified. policy 4.1.2 xi) was added to reflect a broader scope of energy considerations, such as energy conservation.	OK
Guy Sheppard, Sustainable Development Committee	4.2 general	Why would you ever want to strike a “balance between protection and enhancement of the Natural Heritage System and community growth and development” - Dangerous statement to put in here	Policy modified by removing this sentence.	OK
Guy Sheppard, Sustainable Development Committee	4.2.1 g)	Consider adding “and away from NHS”.	Policy maintained. The policies place restrictions on development to maintain and enhance the Natural Heritage System but do not direct all development away from the NHS.	OK

CHAPTER 4 - ENVIRONMENT AND SUSTAINABILITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	4.2.1 j)	Consider adding “and water quality”	Policy modified. Objective added respecting water quality and quantity.	OK
Guy Sheppard, Sustainable Development Committee	4.2.1 Objectives a) , b) and f)	Change objectives to start “To maintain, enhance and restore”	Policy modified. Objectives a) and b) revised to be consistent with Provincial policy.	OK
Guy Sheppard, Sustainable Development Committee	4.2.2 c) (vi)	Is Hamilton Conservation Authority not involved on west side of Burlington?	Comment noted. Burlington is entirely under the jurisdiction of Conservation Halton.	Thanks for explanation.
Guy Sheppard, Sustainable Development Committee	4.2.2 General Policies, b)	What about Natural Heritage shown on Schedules C and N??	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	4.2.2 j)	What are Major and Minor Changes? These should be spelt out.	Policy deleted. Please refer to policy 4.2.2 f).	OK
Guy Sheppard, Sustainable Development Committee	4.2.3 h (i)	Fourth Line, Consider adding “and/” before “or”.	Policy maintained. The policy conforms with the Greenbelt Plan.	OK
Guy Sheppard, Sustainable Development Committee	4.2.3 k)	(i) “no alternative” – How often does this occur?	Comment noted. This wording is required for conformity with the Greenbelt Plan and the Region's OP.	OK
Guy Sheppard, Sustainable Development Committee	4.2.3 k)	(ii) “Impact ... minimized to the maximum extent possible” – how often does this occur?	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	4.2.4 a) (i) b.	Should a smaller size than 1000 square metres be used?	Policy maintained. This question could be considered through the Region's OP review.	When will the Region's OP Review take place?



CHAPTER 4 - ENVIRONMENT AND SUSTAINABILITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	4.3 general	Should we not mention something about a Tree Bylaw?	Council did not approve a city wide by-law. A pilot tree bylaw for the Roseland Character Area is being developed, however it does not require OP policy to be implemented.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	4.3 general	The Urban Forest Management Plan needs to be updated. It is more than five years old.	Comment noted and referred to Roads and Parks Maintenance, the lead department on the Urban Forest Management Plan.	OK
Guy Sheppard, Sustainable Development Committee	4.3.2 Policies d)	What about replacing unhealthy trees with healthy trees?	Policy 4.3.2 d) iii) modified. Trees of varying levels of health are all currently considered in tree replacement requirements.	OK
Guy Sheppard, Sustainable Development Committee	4.3.2 Policies e)	Great idea!!	Comment noted. Thanks.	OK
Guy Sheppard, Sustainable Development Committee	4.4.1.1 c)	What about protection of species like fish etc.?	Policy maintained. This is covered by Natural Heritage System policies which includes wildlife habitat and fish habitat.	Thanks for the explanatioj.
Guy Sheppard, Sustainable Development Committee	4.4.1.2 l)	What about controlling the quantity of water running off building or site?	New objective added.	Thanks for adding.
Guy Sheppard, Sustainable Development Committee	4.4.2	What about a policy to encourage stewardship of watersheds by Local Land Owners?	Policy modified.	What policy was modified?
Guy Sheppard, Sustainable Development Committee	4.4.2.1 a)	Is there not a partnership with Source Water Protection as well?	Source Protection is implemented by the Region of Halton in conjunction with Conservation Halton	OK
Guy Sheppard, Sustainable Development Committee	4.4.2.1 c)	What Schedule is used for Urban Watershed Plans?	Policy modified to reference Schedule C - Land Use Urban Area.	OK

CHAPTER 4 - ENVIRONMENT AND SUSTAINABILITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	4.4.3 p)	Is Source Water Protection Committee not involved here?	Source Protection is implemented by the Region of Halton in conjunction with Conservation Halton. The primary responsibility of the committee is to create the source protection plan, oversee any technical updates and review annual progress reports.	OK
Guy Sheppard, Sustainable Development Committee	4.4.3 q) (i)	Why are we then reconstructing Waterdown Road?	This policy is subject to a "may" test which allows discretion. Therefore it may be applied in some parts of South Aldershot as conditions warrant, but not all parts of South Aldershot (e.g. Waterdown Road).	May? - OK
Guy Sheppard, Sustainable Development Committee	4.5.2.1 c)	Can now drive dune buggies on the beach?	This objective speaks generally to multimodal access to the waterfront. The enabling policies are intended to facilitate a range of transportation options to support connection to waterfront lands.	Still comes across as able to drive on the beach with trucks, cars, or any vehicle you want.
Guy Sheppard, Sustainable Development Committee	4.5.3.2 e)	Is this fair to those who currently own land on the bay and lake and have access to boating?	This policy only applies to development proposals made through the Planning Act and would not impact landowners of single detached dwellings that wish to maintain their current land use and have boating access.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	4.7.2 k)	Good to see	Comment noted. Thanks.	OK
Guy Sheppard, Sustainable Development Committee	4.10.2.2 b)	How much effort is being put into this? Settlement areas are almost on top of some of these deposits.	Comment noted. The City attempted to ensure that development was not permitted adjacent to the North Aldershot Quarry but was unsuccessful.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	General	Modify intro so the description of Sustainable Development matches with the new Sustainable Development Principles and Objectives write-up.	Policy modified. The first paragraph of the introduction includes verbatim wording from the principles and objectives write up. Paragraphs 2 & 4 have been updated to further reflect updated Principles and Objectives write up.	Further discussion needed on first paragraph and definition.

CHAPTER 4 - ENVIRONMENT AND SUSTAINABILITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	General	Consider adding a section to cover the re-development of golf courses as well as ongoing maintenance around Natural Heritage. Also need as North Aldershot still allows Golf Courses although Rural area does not allow.	Comment noted. Policy 8.4.2.2 d) d) specifies that a proposal to re-designate lands within the Major Parks and Open Space designation to permit urban development shall only be considered in conjunction with a municipal comprehensive review. This applies to golf courses. The Official Plan does not provide the means to set maintenance requirements.	OK

CHAPTER FIVE - ECONOMIC ACTIVITY				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	5.2.2 b) (vii)	This seems vague – not sure what it means.	Policy maintained. This policy implies that any issues that might have impacts to the Region of Halton, including the Towns of Oakville, Milton, and Halton Hills as well as Hamilton have been considered.	OK
Guy Sheppard, Sustainable Development Committee	5.2.2 b) (x)	“shall meet at least two of the following conditions:” Why two, rather than one, three or some other number of conditions?	Policy maintained. This policy is additional discretionary policy which adds local context and consideration to a very comprehensive and detailed process to consider employment land conversions.	OK
	5.4.1 c)	Can the OP be more specific about the kinds of support (or incentives) to be considered? E.g. Full property taxes levied on unused properties, favourable development charges to re-purpose older buildings, etc.	No Response.	Would appreciate one.
Guy Sheppard, Sustainable Development Committee	5.4.4	On Appleby Line, the area has a high rate of commercial retail business. Need for increased diversity of employment with advanced technology or professional business development. Would like to see a target sector including office space and limit ‘retail’ commercial space, in comparison to ‘prestige’. Where “prestige” employment, would like to see a minimum building height (2 stories).	Policy maintained. This policy applies to the designated employment lands along the Highway 407 corridor and includes very few properties with frontage on Appleby Line.	OK
Guy Sheppard, Sustainable Development Committee	5.5.2 a)	Consider sale of property currently used for recreational purposes be zoned for agriculture purposes on Class 1(+).	Comment noted. It is not expected that the City would rezone Open Space lands for Agricultural purposes.	Still need to look at in a little more detail.
Guy Sheppard, Sustainable Development Committee	General	Provide timelines to complete area-specific plans (McMaster Innovation District and Bronte Creek Meadows) and Employment intensification Study	This level of detail would not be provided in the Official Plan, however future city work plans will identify the timing of the other studies or Area Specific Plans noted in the Official Plan.	If you do not lay-out an overall high level three to five year plan outlining when you to do the work in large chunk it will never be accomplished. Doing yearly does not look at the final end point you are trying to achieve.
Guy Sheppard, Sustainable Development Committee	General	In conversations with BEDC, they mentioned it would be beneficial to define “Mixed Use” by degree or range of use.	Section 8.1 of the proposed new Official Plan contains objectives and policies pertaining to mixed use. The Official Plan, along with the zoning by-law are tools to define the specific requirements, depending on their context (e.g. within an urban centre, at a site level).	OK

CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES					
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response	
Guy Sheppard, Sustainable Development Committee	6.1.1 b)	Please identify the “ areas in the Growth Framework"	Comment noted the Primary Areas in the Growth Framework are the Urban Centre and Mobility Hubs.	Thanks for making change.	
Guy Sheppard, Sustainable Development Committee	6.1.1 b) and 6.1.2 b)	How are you going to prioritize new development such as the Northwest corner of Dundas and Walker or Evergreen that is ready to go?	Servicing priority for greenfield areas such as these is addressed through the related Secondary Plan and the Region's servicing allocation process. The policies in this chapter are intended to assist in establishing how priorities will be identified in intensification areas.	Thanks for the explanation.	
Guy Sheppard, Sustainable Development Committee	6.2 general	What kind of programs does the city have to promote and facilitate carpooling-car sharing or bike –sharing? The Awareness sub-committee of the SDC could implement some free workshops for residence to increase environmental awareness. Or assigning some budget for Burlington Green to run the workshops	The city's TDM policies and Sustainable Building and Development guidelines promote carpooling, car sharing and bike sharing, and the city's Transportation Department has been pursuing opportunities to facilitate these options. The city would appreciate the support of the committee in promoting these programs through public workshops.	SDC Awareness should address with City's Transporation Department.	
Guy Sheppard, Sustainable Development Committee	6.2 general	Need to consider when we should prioritize transit over cycling and cycling over transit. Cycling cannot have priority over transit all the time as more people will use transit over cycling in the long run.	Policy modified. Now indicates a general shifting of priorities to support more sustainable modes of transportation such as walking, biking and transit, and that specific priorities may be determined based on context.	Thank-you.	
Guy Sheppard, Sustainable Development Committee	6.2 general	Change “Public Transit/Transportation definition to “Transit/Transportation” definition which should include bus (public/school), taxis, for hire, car/bike share/rental, autonomous cars, etc.	Definition has not been added. The intent of these policies is to address public transit as a form of public infrastructure and in the city's jurisdiction to manage. Broadening the definition is not appropriate as the policies apply to public service. Instead additional policies have been added to address ride sharing, autonomous vehicles, etc., and that they will be evaluated in conjunction with providing transit service.	Beside city transit need to consider transit provided by private means such as school buses, company or private buses, airline services, taxis, automous vechicles, car pooling for work and school, and city pick-up services. As we become more crowded we are going to need a infrastructure for these types of vechicles and should plan for it. What you are planning for is City Transit not Public Transit. Public transit can be carried out by both City as well as Private Groups. Need to start thinking boarder. See comment in Definiton section.	



CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	6.2.1.1 g)	Like the context sensitive design concept. Design guidelines are definitely good to need to be flexible to make this work.	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	6.2.1.1 h)	Will <i>complete streets</i> strategy truly work in all instances? A lot of streets are not wide enough.	It is anticipated that the complete streets strategy will identify different standards for varying street types/widths.	OK
Guy Sheppard, Sustainable Development Committee	6.2.1.2 c)	Should effectiveness not also come into play? I would rather be carrying out the right thing inefficiently than the wrong thing efficiently. This holds true in a lot other areas.	Policy modified.	Good
Guy Sheppard, Sustainable Development Committee	6.2.1.2 j)	Can the OP address the need for Area-Specific Plans to better coordinate economic activity opportunities with required MTO approvals to facilitate long term planning with developers?	Policy maintained. The city is currently undertaking a study to assess the impacts of MTO approvals along the QEW corridor and to recommend a streamlined pre-approvals approach for future developments. The OP will not need to address this through ASP's.	When do you intend undertake this study?
Guy Sheppard, Sustainable Development Committee	6.2.10.1 b)	How the city does support sustainable transportation choices? And what are these choices?	The Transportation Demand Management policies in this section are intended to support sustainable transportation choices. See policy 6.2.10.(2) c) E.g. Bike facilities, supports for car-pooling, bike-sharing/car-sharing, provision of transit passes, etc.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	6.2.10.2 d)	This policy makes no sense. For example the building would be permanently built with reduced parking yet the implementation would not have been completed to the satisfaction of the City.	Policy maintained. Legal agreements, financial securities and other tools are used to ensure that measures are implemented to the satisfaction of the city.	Does it really work? We have a 17 storey tower built but no parking garage. Does financial incentives really work?
Guy Sheppard, Sustainable Development Committee	6.2.10.2 e)	That's a great idea, but it is recommended to add a more detailed plan or program in the policy	Policy modified. Policy is intended to show general support for external service providers of TDM programs such as car share.	Good
Guy Sheppard, Sustainable Development Committee	6.2.2.2 a)	Does this policy include the streets that new developments are applying for their permits at the moment in them?	No, the OP policies are not in effect until approved.	Thanks for the explanaiton.

CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	6.2.2.2 d)	What are daylight triangles? Please define.	Policy modified. Now refers to a definition of daylight triangles.	Thank-you.
Guy Sheppard, Sustainable Development Committee	6.2.2.2 m) and n)	Need to outline what are the consequences of “LOS’E” or better or “LOS “F”. These terms mean nothing to the general public.	Policy modified. References to LOS removed.	Good.
Guy Sheppard, Sustainable Development Committee	6.2.3.1	There is nothing in this that states there will be investment in a more convenient, affordable and reliable transit system. It only states that the city will promote the use of transit. It should be clear that the city will invest dollars in a better transit system not just promote it.	See response S.6.35.	Taken from S.6.35 - Policy 6.2.1.(2) i) speaks to the implementation of multi-modal transportation options (including transit) through the capital budget process. Council has made a commitment to invest in transit operations to improve service reliability in 2017, and further investment will be considered as part of the 2018 budget. At the same time work is being done to analyze alternative service models using existing service hours. In addition, once the service alternative work through the Integrated Transit Mobility Plan reaches completion in 2018, a 5 year Business Plan including a growth strategy will be developed.

CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	6.2.3.1 c)	Does touch on the implementation of a frequent transit system but it should be clear that there will be a financial commitment to make a better transit system.	See response S.6.35.	Taken from S.6.35Policy 6.2.1.(2) i) speaks to the implementation of multi-modal transportation options (including transit) through the capital budget process. Council has made a commitment to invest in transit operations to improve service reliability in 2017, and further investment will be considered as part of the 2018 budget. At the same time work is being done to analyze alternative service models using existing service hours. In addition, once the service alternative work through the Integrated Transit Mobility Plan reaches completion in 2018, a 5 year Business Plan including a growth strategy will be developed.
Guy Sheppard, Sustainable Development Committee	6.2.3.1 e)	How can you possibly carry this out under a <i>complete streets</i> strategy?	Connecting developments to transit should not be hindered by a complete streets strategy.	OK
Guy Sheppard, Sustainable Development Committee	6.2.3.2 a)	With the coming of BRT along Dundas Street and Evergreen, should east of Appleby Line on Dundas Street not be considered Frequent Transit Network candidate?	The Frequent Transit Network has been located to align with the city's primary, secondary and employment growth areas. Regional transit planning by Metrolinx will evaluate BRT service for this corridor, and the plan will be amended accordingly once confirmed.	OK
Guy Sheppard, Sustainable Development Committee	6.2.3.2 e)	It is recommended to bring some explanations about the “Region of Halton’s Transportation Master Plan” or to mention where this master plan can be found.	Policy modified to include full title of document. It can be found on the internet or by contacting the Region (this level of detail would not be included in an OP).	Good
Guy Sheppard, Sustainable Development Committee	6.2.4.1 b)	It is recommended to consider about Health and safety of bike riders.	Objectives modified. See 6.2.4.(1) d) and new objective h).	Thanks.

CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	6.2.4.2	A policy should be incorporated such that barriers should be provided to protect cyclists wherever feasible.	Policy maintained. 6.2.4.(2) g) speaks generally to the consideration of cyclist safety in the design and development of facilities. The Cycling Master Plan may identify specific requirements and the OP may be updated accordingly.	Needs to be a policy to protect riders where feasible. Should not depend on Cycling Master Plan to do that.
Guy Sheppard, Sustainable Development Committee	6.2.4.2 b) and d)	Changes made to these theses schedules could impact other areas in the Plan with unknown consequences. Saying an unapproved schedule takes precedent what is an approved schedule is dangerous.	Policy modified. Now indicates that an OPA is not required provided the modifications to the schedule are in keeping with a Council-approved Cycling Master Plan to ensure that a public process has been held.	OK
Guy Sheppard, Sustainable Development Committee	6.2.5.2 b)	This item needs to be reviewed for safety matters	6.2.5.(2) e) requires safety measures for developments adjacent to railways.	Good
Guy Sheppard, Sustainable Development Committee	6.2.5.2 g)	What is the definition of “appropriate locations”	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	6.2.6.1	Does this include an oversight on the possible contaminant emissions by transportation systems?	No, this is under the jurisdiction of the Federal Government.	Understand.
Guy Sheppard, Sustainable Development Committee	6.2.8.2 b)	In what situations is heavy truck traffic restricted? And what kind of goods movement?	The policy refers to residential areas. Goods movement is dealing with heavy commercial vehicles, policies also refer to heavy trucks and freight.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	6.3.1 c)	Should be compatible	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	6.3.1 f)	Where is the policy encouraging this?	Policy modified.	It can also provide electricity not just heating and cooling. The question has not been answered.
Guy Sheppard, Sustainable Development Committee	6.3.2 j)	This will restrict the usage of electric vehicles and is a barrier.	Policy maintained. Consultation with the city on new electric power facilities should not present a barrier to the use of electric vehicles.	OK

CHAPTER SIX - INFRASTRUCTURE, TRANSPORTATION & UTILITIES				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	6.5.1 a)	Support this objective.	Comment noted, thank-you.	OK



CHAPTER SEVEN - DESIGN EXCELLENCE				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
	7.1.1	Make clear what is being proposed in reference to sustainability	No comment provided	Provide follow-up on what done.
Guy Sheppard, Sustainable Development Committee	7.2	Add “and costs” after “infrastructure demands”. Beyond environmental, economic, and social considerations, should you consider cultural.	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	7.1.1 d)	Use Place Making approach previously sent to staff. We do not feel this is planner jargon.	Although the term "Placemaking" has not been added in policy, elements of this approach has been incorporated in preambles, objectives and policies of this Plan (e.g.. socially-active places, sense of belonging and engagement ). Chapters 7 and 12.	Probably can't do any better
Guy Sheppard, Sustainable Development Committee	7.1.2 d)	Delete “The preparation of” – not needed)	Policy modified.	OK
	7.1.2 c)	Other standards will have to be used outside "municipal" such as Ontario Building Code.	No comment provided	Provide follow-up on what done.
Guy Sheppard, Sustainable Development Committee	7.1.2 e)	Need to develop urban design brief guidelines used in Development Applications.	Comment noted.	Would like timeframe
Guy Sheppard, Sustainable Development Committee	7.1.2 f)	Draw from the current and past members of the SDC for the Urban Design Panel. Need this tool in place to help ensure design excellence is achieved.	Comment noted. The City is developing terms of reference for The Burlington Urban Design Advisory Panel which will establish the purpose, scope of work, membership, meeting procedures, etc. The City will initiate recruitment in Q4 2017.	Time is running out.
Guy Sheppard, Sustainable Development Committee	7.1.2 g)	Urban design award is a good idea. What other tools are you going to consider?	Comment noted. The City continues to assess opportunities to achieve design excellence.	OK
Guy Sheppard, Sustainable Development Committee	7.1.2 h)	What does this mean? How?	Policy deleted and new objective was added. The City will work with stakeholders in the implementation of the design objectives and policies.	OK
Guy Sheppard, Sustainable Development Committee	7.1.2 h)	How are you going to get Senior orders of government to implement design objectives?	See response to comment S.7.19 i.e. see above comment.	OK

CHAPTER SEVEN - DESIGN EXCELLENCE				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	7.1.3 e)	This doesn't make sense because it leaves the entire City open for review with no prioritizing. It would be better to require any application to identify whether a landmark significance exists then address how to retain and enhance it. Consider that the Heritage Committee look at it and prioritize.	Policy deleted. New section on New Community design was included. The appropriate built form and urban design will be determined through a coordinated Area-Specific Planning exercise (7.3.1).	OK
Guy Sheppard, Sustainable Development Committee	7.1.4 c)	Human scale needs to be in italics. Does not make sense when use only "scale" definition in Chapter 13 with human in front.	Both "scale" and "human scale" are defined in Chapter 13 and shall be in italics.	OK
Guy Sheppard, Sustainable Development Committee	7.1.4 e)	Will also help tourism.	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	7.1.4 i)	Are there design standards for Public Safety regarding safe sidewalks, accessibility, etc. that needs to be considered?	The City develops and permanently updates engineering and design standards that are implemented to ensure the safety and accessibility of all users.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5 b)	If a real issue do not allow it to be built.	Comment noted. Design direction maintained in policy.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5 g)	What are "terminus lots"?	Terminus lots are predominant locations fronting a T-intersection, generally located at the end of a view corridor, which has the opportunity to contribute to the public realm the pedestrian perception and the community identity.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5 n)	Not possible if no transit.	Policies modified to provide flexibility, communicate design priorities and non-prescriptive provide guidance. New policy considers improving the quality of streets, sidewalks and other facilities to provide more direct access to transit.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5 q)	How do you intend to avoid acoustical walls? We have them all over the place. May need some guidelines.	See response to comment S.7.1	OK

CHAPTER SEVEN - DESIGN EXCELLENCE				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	7.1.5 z)	Should provide guidelines how this should be done.	Policy deleted. Sustainable Design policies and the Sustainable Building and Development Guidelines encourage energy efficiency and low carbon buildings through many techniques, including passive design measures.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5.1 a)	Should provide guidelines fairly quickly in support of this.	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5.1 f)	Stipulate in guidelines.	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	7.1.5.2 d) (i)	Put “human scale” in italics	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	7.2.1 a)	Add an additional objective to improved energy generation efficiency and reduce greenhouse gases.	Objective modified.	OK
Guy Sheppard, Sustainable Development Committee	7.2.2	These are out of order with Appendix A17 and some are voluntary. One mandatory is missing.	Policy and guidelines modified.	OK
Guy Sheppard, Sustainable Development Committee	7.2.2 f)	If it is mandatory you may want to make an amendment to the plan.	That is correct. Changes to mandatory requirements would require an amendment to the plan, unless they have been mandated by other legislation (e.g. the Building Code).	OK

CHAPTER EIGHT - LAND USE POLICIES URBAN AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	8.1.1.1.2 l) (x)	What about the impact of light on park, open spaces, and natural heritage?	Policies have been integrated into modified Chapter 7.	OK
Guy Sheppard, Sustainable Development Committee	8.1.1.1.2 l) (xi)	Architectural features and setbacks will not totally fix. It is important to get the height, massiveness and transition correct.	See response to comment S.7.1 and policies contained in Chapter 7. S.7.1 Comment - Policies modified to provide flexibility that was provided for, and built into the Sustainability guidelines.	OK
Guy Sheppard, Sustainable Development Committee	8.1.1.2	It is important to finish the Site Specific work in this area quickly so we do not lose control of it.	Comment noted.	Have planned finished dates been established?
Guy Sheppard, Sustainable Development Committee	8.1.1.2.1 j)	The bottom of each street should have a view and access to the lake such as the bottom of Elizabeth or Martha Streets.	Comment noted. Staff have heard this message through public feedback as a part of the Downtown Mobility Hub Work. Comments are noted in the engagement record as an input to the Downtown Mobility Hub.	Actually spelt out now with addition Downtown Mobility Hub changes in Proposed New Official Plan.
Guy Sheppard, Sustainable Development Committee	8.1.1.3	The proposed location of the Uptown Core is troublesome from the perspective of car traffic and the Region’s intent to make Appleby an arterial road. Recommend staff take a very hard look at whether this is the absolute right location to planned mixed-use, walkable urban core. Appleby Line and Dundas Street would make a better location for an anchor hub as it is a near where the 407 commuter buses, Dundas BRT, Appleby Line Express Bus Route, and connections to Milton can readily be met.	Policy modified to clarify that the development of the Uptown Core designation will result in fine grain redevelopment of large parking lots.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	8.1.1.3.1 e)	How do you intend to ensure social, cultural and entertainment uses are in place. They have a long way to go.	Comment noted. The objective is to support the continued development of an important destination within the City. The policies of this plan permit these uses.	OK
Guy Sheppard, Sustainable Development Committee	8.1.1.3.11 b)	Is this feasible given the amount of traffic coming from the proposed CN container shipping terminal on Tremaine?	Comment noted. The City will work with the Region in assessing this matter as it relates to the design of Appleby Line and Upper Middle Road.	OK

CHAPTER EIGHT - LAND USE POLICIES URBAN AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	8.1.1.3.2 h)	Great idea to link Dryden Avenue to Millcroft Park.	Comment noted.	OK
Guy Sheppard, Sustainable Development Committee	8.1.1.3.7.2 a) (i)	What is this?	Comment noted. Subsection (i) deleted and policies were renumbered.	OK
Guy Sheppard, Sustainable Development Committee	8.1.3.3.2 d) (iii)	<i>residential uses</i> with the exception of single-detached, <del>and</del> semi-detached dwellings <b>and</b> townhouses;	See response to comment S.8.69 Comment from S.8.69 - Policy modified. Other forms of ground oriented dwellings may be permitted subject to criteria.	Staff response does not address the question.
Guy Sheppard, Sustainable Development Committee	8.1.3.3.2 f), <b>8.1.3.3.2 f),</b> and 8.1.3.6.2 g)	Have a concern with townhouses particularly back to back and stacked townhouses. Some of the developments have been awful and are going to lead to slums.	Comment noted.	How do you intend to handle?
Guy Sheppard, Sustainable Development Committee	8.1.3.6.2 m)	We need more affordable family units. Suggest increase to 50%.	See response to comment S.8.89 and S.8.187. Comment from S.8.89 - Comment has been incorporated into the record of engagement for the Mobility Hub Study and is considered as part of specific plans currently underway. Comment from S.8.187 - Policies modified. Also please note that any new Official Plan policies related to Mobility Hub will be amended as required to reflect the outcome of the area specific plans (i.e. mobility hub study.	Note and track when area specific plan changes come out.
Guy Sheppard, Sustainable Development Committee	8.1.3.6.3 c)	Is this what current zoning for the ADI development?	Policy deleted. The property is located within a mobility hub study area. Area specific plan process is underway. A development application on the site has been submitted.	OK
Guy Sheppard, Sustainable Development Committee	8.1.3.7.2 k)	Why not quote exact heights here?	See response to comment S.8.83 Comment from S.8.83 - Policy modified. A maximum Floor Area Ratio is provided as indicator of the appropriate built form for the designation. FAR increases will be subject to a Zoning By-law amendment of minor variance application.	OK



CHAPTER EIGHT - LAND USE POLICIES URBAN AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	8.1.3.7.2 m)	Link to subsection 8.1.3.6.2 u) makes no sense	Policy modified to cross reference subsection properly.	OK
Guy Sheppard, Sustainable Development Committee	8.2 general	Saw nothing outlining how Bronte Meadows was going to be handled. Site specific study?	Comment noted. Please refer to Chapter 5 Section 5.4.2.	OK
Guy Sheppard, Sustainable Development Committee	8.2 general	Several cross referencing issues noted	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	8.2.1.1 j)	Is there not a longer term strategy developed than 5 years?	Comment noted. The Burlington Economic Development Corporation has a 5 year Economic Development Strategy that is reviewed and updated regularly.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	8.3 general	Ensure that intensification in established neighborhoods has tighter controls, including rules that prevent developer-initiated OP amendments and zoning by-law changes	Policies modified. Intensification is discouraged in the Established Neighbourhood Area of the growth framework. Development in Residential Neighbourhood Areas is subject to development application process and applicable policies of the Plan including Development Criteria. Also refer to response to comment S.2.27. Comment from S.2.27 - Policy modified to clarify intent. In general the Established Neighbourhood Areas are expected to accommodate only limited intensification. The Growth Framework policies, and specifically the Established Neighbourhood policies discourage intensification have been modified to rely on appropriate processes, policies and criteria to assess potential development, rather than to limit the ability to assess an individual application on its own merit. Please refer to Chapter 2 (2.4).	The final version has removed prohibition of Official Plan amendments in Established Neighbourhoods. Zoning By-law amendments, plans of subdivisions cannot be prohibited. Discouraging land assemblies is not strong enough. Need to tell Council the concept of protected Established Neighbourhoods is not possible. Prepare for a blanket of townhouses with no trees in all low density neighbourhoods.

CHAPTER EIGHT - LAND USE POLICIES URBAN AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	8.3.2.1	Specific edits suggested for residential low density	Comment noted.	The final version has removed prohibition of Official Plan amendments in Established Neighbourhoods. Zoning By-law amendments, plans of subdivisions cannot be prohibited. Discouraging land assemblies is not strong enough. Need to tell Council the concept of protected Established Neighbourhoods is not possible. Prepare for a blanket of townhouses with no trees in all low density neighbourhoods.
Guy Sheppard, Sustainable Development Committee	8.3.3.1 b) and c)	Change maximum density to 50 units/ha and use Residential Policy Direction A 1. “Create the potential to permit ... to specific requirements” Use three requirements listed in original brief. This has the potential to intensify 3 fold. Two fold is bad enough.	Policy maintained. Proposed policy would allow the development of compatible built forms.	OK
Guy Sheppard, Sustainable Development Committee	8.3.3.2 c)	Both addresses are west of William O’Connell Boulevard.	Policy modified to address comment.	OK
Guy Sheppard, Sustainable Development Committee	8.3.4.1 c)	We do not agree with this. Any building intensification going above 185 units/ha should have an Official Plan Amendment. This will provide our citizens an early warning of what is taking place and provide them with an opportunity to comment on it.	Policy maintained. Staff believe that a development application can be assessed through a rezoning and effectively respond to context and address the development criteria and built form guidance set in the OP and other tools such as design guidelines.	By burying it in Zoning By=law the public will not be aware of large changes coming. This hold for other areas not just this clause.
Guy Sheppard, Sustainable Development Committee	General	“Affordable” needs to be carefully defined. In one context it suggests a variety of housing options and general market availability designed to allow greater access to a diverse population, in another context it specifically means providing housing for low-income families.	Policy maintained. There are definitions for affordable housing, assisted housing and special needs housing. The unitalicized term affordable is now used in select policies and is described in each policy.	OK

CHAPTER NINE - LAND USE POLICIES RURAL AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	9.1.2 d)	Suggested additions to policy: (i) the development envelope shall be located within 120 m of a municipal road and shall not exceed one hectare in area. (ii) The development envelope shall be located so as to minimize impacts on the viability of the current and future agricultural use of the lot. (iii) A new or replacement dwelling shall not be greater than 225 sq. m in size	Policy maintained. The planning rationale for limiting the size of the dwelling 225 sq m is not provided.	Not our comment. Came from Mark Bales of Carriage Gate.
Guy Sheppard, Sustainable Development Committee	9.2.3 (b)	Definition of types of events seems rather vague, but also overly restrictive; should include events which raise awareness of local agriculture. Types of events allowed is very restrictive- allowing only events directly related to the farm operation or related to on-farm diversified use producing value-added agricultural products eliminates a farm`s ability to host private events such as weddings, which may provide a much needed boost to bottom line while also functioning as a promotional tool to encourage interest in their agricultural products or encouraging agro-tourism in general. If the size, type and number of events were restricted, why not allow this use, as long as it doesn`t negatively impact agricultural operations, natural areas or neighbours? It is another means of building in flexibility and enabling farms to be creative in adapting to being in a near urban context while remaining competitive at a level that allows them in invest in other types of agriculture related expansions and/or improvements	Policy modified to ensure that events support commercial agricultural operations. A new policy added to permit events supporting registered charitable orgnaizations.	OK

CHAPTER NINE - LAND USE POLICIES RURAL AREA				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	9.2.4	Specific wording edits suggested to Prime Agricultural Area policies in comments	Policy modified to require that proposals to redesignate land within Prime Agricultural Areas must demonstrate that alternative locations have been evaluated and demonstrated to be unsuitable.	OK
Guy Sheppard, Sustainable Development Committee	9.2.4	Should there be restrictions on aggregate extraction in the prime agricultural land designated area as it all seems to be prime land and just requiring a swap at time of rehabilitation seems unwise.	Comment noted. The PPS permits mineral aggregate extraction in Prime Agricultural Areas. The City's OP specifies that a new or expanded mineral aggregate operation requires an amendment to the Plan and requires that impacts on the Agriculture System be evaluated in considering such amendments. It also requires that when aggregate extraction is complete the site be rehabilitated to agricultural use where feasible.	Best can do.
Guy Sheppard, Sustainable Development Committee	9.2.4	Not sure why the criteria applicable to areas outside the Greenbelt Plan area do not apply to those within, seems like we are putting too much faith in the Greenbelt Plan which is something that is out control of the municipality and could be impacted by changes in Provincial government.	Comment noted. The criteria do not apply to redesignation of Prime Agricultural lands within the Greenbelt as the Official Plan does not permit such redesignation within the Greenbelt.	Best can do.

CHAPTER TEN - LAND USE POLICIES NORTH ALDRSHOT				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	10.3.6 (b)	New public roads will be built to rural standards: We'd like clarification on what exactly this means (defined somewhere else in the plan?) but we question whether this is sufficient as we are trying to achieve a 'balanced' transportation system and there are plans in the works to widen a number of our rural roads to improve safety for cycling.	Existing policy maintained. A review of the North Aldershot policies will be done through the Region's Official Plan Review, and any changes will be made at that time.	When will Region Plan be done?
Guy Sheppard, Sustainable Development Committee	10.4.4 (c)	Need to be careful that lower density appearance is not confused with sprawl	Comment noted. A review of the North Aldershot policies will be done through the Region's Official Plan Review, and any changes will be made at that time.	When will Region Plan be done?
Guy Sheppard, Sustainable Development Committee	10.4.7 f) (ii)	Use Audubon (or similar) standard for any expansion/change of golf operations	See response to comment S.10.4.	When will region Plan be done?



CHAPTER ELEVEN - PUBLIC PARTICIPATION & ENGAGEMENT				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	11.1	“The City is known for its sound decision-making processes”. Is this a goal? Or something already achieved? If so, it would be better to back it up with a reference (i.e. According to...).	Policy modified to reflect the source reference, the Strategic Plan.	OK
Guy Sheppard, Sustainable Development Committee	11 Preamble	suggest identifying which strategic plan you are referencing i.e. 2015-2040	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	11.1.1	Objectives are general - It would be better to explain more about “how” the City is going to implement these	Policy maintained. Objectives are intended to be high level general statements, while the policies are intended to explain how the city will achieve the objectives.	OK
Guy Sheppard, Sustainable Development Committee	11.2.1	As Environmental awareness is a key factor in engaging the public community, we propose to add an item specifically for Environmental awareness maybe into this section or section 11.3.1 Procedures. The city could implement Environmental awareness seminars or workshops for residents/or consider a budget for this. Other possible engagement strategies could be inclusion in councillors’ newsletters, website posting area, and automated e-mail notifications.	Policy modified. We agree that awareness is important on many matters, so we have added a broader policy that supports awareness related to all matters addressed by the Official Plan (this includes environmental issues, amongst many others).	OK
Guy Sheppard, Sustainable Development Committee	11.3.1	Outline what citizens can do in terms of asking questions and providing opinion at each public meeting (Neighbourhood, Statutory, Recommendation to Committee and Council).	Policy maintained. This level of detail is not addressed by an Official Plan. Please refer to the Engagement Charter and the city's website for addition details on delegating to Council and participating in public meetings.	Engagement Charter only provided general guidelines and is really no help. Current procedure outlines what Citizens can do in neighbourhood meetings? Why not other meetings?
Guy Sheppard, Sustainable Development Committee	11.3.1	Provide recommendations four weeks in advance of Planning and Development Recommendation meeting. Allow time to properly analyze.	Policy maintained. Committee agenda timelines are outside of the scope of the Official Plan. Your comment has been shared with Council and the Clerks Department for consideration.	Where do we stand on this consideration?

CHAPTER ELEVEN - PUBLIC PARTICIPATION & ENGAGEMENT				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	11.3.1 a) (xi)	In what circumstances does the City consider a high level of public engagement to be required? Provide reference to document that fully spells out this process or better describe in Official Plan. How is this defined? What is considered to be a ‘potentially significant impact’? Who makes this decision?	Policy maintained. The term is not defined and has been left broad to allow for discretion in implementation. Typically this decision would be made by city staff or Council, often based on feedback received from the community that demonstrates the need for further consultation.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	11.3.1 a) iv)	Please consider adding more advisory committees and persons who have expressed interest to the circulation list.	Policy modified.	OK
Guy Sheppard, Sustainable Development Committee	11.3.1 a) ix)	Consider changing “adequate time may be allowed” to “adequate time shall be allowed”. Does the fact that it is a statutory public meeting imply that staff should analyze all public comments?	Policy modified.	Changed from "may" to "should". Not going to get much better.
Guy Sheppard, Sustainable Development Committee	General	Numerous editorial suggestions (e.g. punctuation, minor wording changes) made in comments	Policies modified.	OK
Guy Sheppard, Sustainable Development Committee	Graphic 11-1	Could this be turned into a 2 x 5 table giving examples of situations when the City would employ one type of engagement over another?	Existing graphic maintained. A more detailed table regarding the spectrum of public engagement is found in the City's Engagement Charter.	Thanks for spelling out in Official Plan.

CHAPTER TWELVE - IMPLEMENTATION & INTERPRETATION				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	12.1.2.1 c)	Define “minor”.	Policy maintained. The Plan does not define major or minor in order to allow for interpretation subject to context, scale and potential impacts.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.1.2 e)	What municipal requirements does that include? Agricultural zones will be re-developed as “urban zone” after interim period. Can this be explained a little more clearly?	In the case of a Development Zone, the Official Plan establishes a parent Designation which describes its ultimate urban land use, however the D zoning allows for existing uses or agricultural uses to continue until such time as development occurs.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.1.5.2 g)	Suggest adding the following policy: Community benefits provision shall be considered where the increased density and height conforms with the intent of the e Plan and the increase in height and density is compatible with adjacent existing or proposed development.	Policy maintained. The policy requires that the development proposal constitutes good planning and is consistent with the intent of the policies of this plan. Compatibility is sufficiently addressed.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.1.7.2	a) Items (i) to (v) Not clear enough regarding timing	Policy maintained. The Planning Act stipulates that a temporary use may be authorized by by-law and that permission shall not exceed three years. The Planning Act also allows extensions for three years each. The Planning Act further distinguishes that Garden Suites may be permitted, subject to certain criteria for not longer than 20 years.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.1.8.2 b) vii)	Safety matters should also be addressed.	Policy maintained. The list of criteria to be satisfied deal with a wide range of land use planning considerations.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.3.2 d)	Energy conservation could be added to the items	Policy maintained. The Planning Act does not allow for the regulation of energy conservation through Site Plan, unless it can be achieved through external features such as tree planting.	OK
	12.1.3.5.1	Should employment lands not also be addressed here?	No comment provided	Provide follow-up on what done.

CHAPTER TWELVE - IMPLEMENTATION & INTERPRETATION				
Name/Company/ Organization	OP Section	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	12.1.3.6 a)	Instead of saying “acquire land” perhaps suggest that new developments will need to develop parkland when a new development takes place. Instead of may which gives developers a loop hole, suggest using the words “will be required” to ensure compensation if parkland is not developed.	Policy maintained. Parkland dedication whether in the form of conveyance of land or payment of cash is a requirement of development, and is noted as "shall be required" in the policy.	OK
Guy Sheppard, Sustainable Development Committee	12.1.3.7.2 a)	More info about the program would be great	The property standards by-law 040-2009 is accessible on the City's website.	OK
Guy Sheppard, Sustainable Development Committee	12.1.4.2.2	Why such a high density of 300 people and jobs per ha? What is the make-up of the 28 percent?	The Metrolinx Mobility Hub guidelines provide suggested transit supportive densities and identifies 300 people and jobs per ha as the upper range for hubs serviced with Regional Express Rail. The new Growth Plan now sets a minimum target of 150 people and jobs per ha. The target will be confirmed/refined through the Area Specific Planning (ASP) process. 28% is identified by the Region of Halton’s Transportation Master Plan. It is broken down as 20% Transit, 5% Cycling and Walking, and 3% Travel Demand Measures (carpooling). The ASP will look at this in more detail.	OK
Guy Sheppard, Sustainable Development Committee	12.2.2 g)	What is “minor”? Provide examples.	Policy maintained. The Plan does not define major or minor in order to allow for interpretation subject to context, scale and potential impacts.	OK

CHAPTER THIRTEEN - DEFINITIONS				
Name/Company/ Organization	Definition	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Ancillary Employment Use and Area of Employment and Employment	Provide detailed definitions of employment uses with examples.	Existing definitions maintained. The policies of the Plan support the interpretation of these definitions.	Not asking to change the definition. Only want examples so can better understand the definition.
Guy Sheppard, Sustainable Development Committee	Development	The definition appears to be very limiting.	Definition maintained. Consistent with definition of development in Region's OP.	OK
Guy Sheppard, Sustainable Development Committee	Mixed Use	Include "Mixed Use" in the Definitions section to make clear the City's intention in including this term in the OP; i.e. identify a minimum requirement for space allocation such as percentage of space by type (retail, commercial, residential), etc. to qualify as an acceptable Mixed Use. Confirm Mixed Use development has an inherent benefit to the community as a component of "placemaking". Suggest: Mixed-use development is a type of urban development that blends residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections.	A definition of Mixed Use is not recommended in the OP. As an alternative, the preamble of Section 8.1 Mixed Use Intensification Areas, introduces the term.	Thank-you as discussed.
Guy Sheppard, Sustainable Development Committee	Placemaking	Suggest adding: Placemaking is a multi-faceted approach to the planning, design and management of public spaces, the public realm and communities that involves including people in the discussion of designing public spaces that reflect shared value and support healthy communities.	The term "Placemaking" is not used in policy. Elements of this approach to the design of spaces are incorporated in preambles, objectives and policies of this Plan (Preamble and 7.1.1 k), Chapter 12).	Thank-you as discussed.
Guy Sheppard, Sustainable Development Committee	Service Commercial	Provide an example or two with definition.	Comment noted. Policy not modified.	Not asking to change the definition. Only want examples so can better understand the definition.



CHAPTER THIRTEEN - DEFINITIONS				
Name/Company/ Organization	Definition	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Sustainable Development , Sustainability , Etc	Need a better definition of Sustainable Development. Here's a suggestion - Sustainable Development as a pattern of resource use that "meets the needs of the present without compromising the ability of future generations to meet their own needs". In order to preserve the natural world, economic, social and environmental factors must be jointly considered and harmonised.	Definition modified.	Thank-you.
Guy Sheppard, Sustainable Development Committee	Transit	Define "transit" .	Definition not added, see Chapter 6.	In the development of Sustainable Principles and Objectives, Council requested we needed to change our understanding of transit. All we are trying to do is get a definition of transit that is not in conflict with ours.

CHAPTER FOURTEEN - SCHEDULES & TABLES				
Name/Company/ Organization	Schedule/Table	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Schedule A	Label for Major Transit System easily gets lost on the map. A brighter colour or image i.e. star, diamond, etc. would be better.	Comment noted. Schedule modified.	OK
Guy Sheppard, Sustainable Development Committee	Schedule A	Green Belt Plan Area and Built Boundary are too similar in colour/style when looking in the Aldershot area – change colour or line type on one of them for ease of reading.	Comment noted. Schedule modified.	Orange line is not defined on Schedule A.
Guy Sheppard, Sustainable Development Committee	Schedule A	Parkway Belt West Plan hard to understand in the east end.	Schedule modified. Please refer to Schedule A-1 for provincial plan boundaries.	OK
Guy Sheppard, Sustainable Development Committee	Schedule A-1	The line types for North Aldershot Policy Area and Designated Greenfield Area are extremely similar and causes minor confusion when reading.	Schedule modified to provide clarify.	OK
	Schedule B	Urban Growth Centre is shown on map but not labeled.	No comment provided	Provide follow-up on what done.
Guy Sheppard, Sustainable Development Committee	Schedule B1	Urban Growth Centre is noted at 'UGC' - use full name as there is space	Comment noted. Schedule modified.	OK
Guy Sheppard, Sustainable Development Committee	Schedule B2	This schedule should also show external linkages to Oakville, BRT, Hamilton, and 403 & 407 Bus Routes. A separate map showing all non-car/truck linkages to Mobility Hubs should be developed for walking, cycling and public transit routes along with external links.	Schedule maintained. This schedule is intended to show the relationship between growth areas and higher order levels of transit, such as the GO Regional Express Rail Line and the frequent transit corridors, other transit service is illustrated on transit maps external to the Official Plan. Area Specific Plans will contain schedules outlining multi-modal connections in Mobility Hubs.	Thanks for the explanation.
Guy Sheppard, Sustainable Development Committee	Schedule B2	Primary Mobility Hub Connector, make line type have a smaller dash, for legibility.	Schedule modified.	OK

CHAPTER FOURTEEN - SCHEDULES & TABLES				
Name/Company/ Organization	Schedule/Table	Stakeholder Comments	Staff Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Schedule C	From roughly Kerns Road to Hendon Road – south of Dundas to Lake – why is no Natural Heritage shown.	Schedule maintained. The NHS mapping conforms to the Natural Heritage System in the Region's approved OP. Policies in Section 4.2 have been updated to include direction for unmapped features.	Glad to see there is policy for handling unmapped features but how are you suppose to know where they are if you do not map them??
Guy Sheppard, Sustainable Development Committee	Schedule C	Northeast corner of Walkers Line and Upper Middle Road is not Open Space and Park Area. It is a hockey arena.	Schedule maintained. Municipal parks and related public service facilities (e.g. an arena) are permitted in the Open Space designation.	OK
Guy Sheppard, Sustainable Development Committee	Schedule C	From roughly Kerns Road to Hendon Road south of Dundas to Lake why is there no Natural Heritage shown	Schedule maintained. The NHS mapping conforms to the Natural Heritage System in the Region's approved OP.	Glad to see there is policy for handling unmapped features but how are you suppose to know where they are if you do not map them??
Guy Sheppard, Sustainable Development Committee	Schedule D1	Watercourse is not labeled	Schedule modified. Watercourse designation is now shown on Schedule D only.	OK
Guy Sheppard, Sustainable Development Committee	Schedule F	'Rail Line' is very difficult to identify on the plan, and the rail line does not continue south past Grahams Line, unlike what the schedule shows.	This schedule has been removed. Please now refer to Schedule D.	Schedule has been removed but not rail line pass Graham's Lane
Guy Sheppard, Sustainable Development Committee	Schedule Q	Shows 'Highway Interchange Crossing' along Harvester Rd, likely a mistake?	Schedule Modified.	OK
Guy Sheppard, Sustainable Development Committee	Schedule Q	Add carpool parking lot at QEW & Guelph line and at Appleby & 407; change label on map to be 'Car Pool Lot' rather than 'Go Transit Car Pool Lot'	Schedule maintained. The intent of showing the GO Transit Car Pool lot is to reflect the use of this lot as a GO Bus Stop. No edits needed.	OK

General Comments			
Name/Company/ Organization	Comments	Response	SDC Response
Guy Sheppard, Sustainable Development Committee	With all the plans, studies, guidelines, area-specific work, new processes, etc. proposed in this new Official Plan, it is important to put together an overall Work Plan outlining the scope of work, timeline, and resources. This Work Plan should be monitored and controlled to ensure the Work Plan is carried out successfully in a timely fashion and those responsible are held accountable.	This level of detail would not be provided in the Official Plan, however prioritization of various initiatives are considered on an annual basis to determine timing, budget and resources.	If you do not lay-out an overall high level three to five year plan outlining when you to do the work in large chunkc it will never be accomplished. Doing yearly does not look at the final end point you are trying to achieve.

Sustainable Building and Development Guidelines Comments				
Name/Company/ Organization	Section	Comment	Response	SDC Response
Guy Sheppard, Sustainable Development Committee	General	Should stress the importance of: Greenhouse Gas Emission Reduction, Water Conservation, Energy Generation and Conservation, Waste Reduction. May want to consider a priority scheme similar to Toronto.	Guidelines modified, and now identify these items and stress the importance of implementing voluntary items that deliver Strategic Plan and Community Energy Plan goals (e.g. carbon neutrality, energy generation and conservation, etc). A priority scheme may be considered through future updates to the guidelines.	OK
Guy Sheppard, Sustainable Development Committee	General	Should develop guidelines for single family homes.	Guidelines maintained. Burlington no longer requires Site Plan for single detached dwellings and receives very few subdivision applications, so there is not a clear implementation mechanism.	How are the requirements of the previous site plan dealt with currently? For example, are tree protection reports and weekly inspections required? Are there deposits required that will only be released on compliance with requirements?
Guy Sheppard, Sustainable Development Committee	Intro, Page 2	After “Compliance for additional voluntary building measures ...award”, add “if received community benefits, non-monetary benefits or monetary benefits”.	Document modified to reflect change.	OK
Guy Sheppard, Sustainable Development Committee	Intro, Page 5, Next Steps	May have a difficult time trying to carry out this training for everyone who needs it. If inspectors are going to do this, you have a lot of work in front of you.	Comment noted. At this stage inspectors will not be reviewing compliance of voluntary measures.	OK
Guy Sheppard, Sustainable Development Committee	Transportation, Item 1	How handle cycling or walking paths that going through the site?	Guideline modified for clarity.	OK
Guy Sheppard, Sustainable Development Committee	Water Conservation and Quality, Item 1	Can we not go pass level one for requirements?	Guideline maintained. Level one is the highest standard. This equals enhanced quality treatment which requires 80% long term suspended sediment removal or better.	Will new requirements being developed include a quantity standard?



Sustainable Building and Development Guidelines Comments				
Name/Company/ Organization	Section	Comment	Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Water Conservation and Quality	Add New: Do not forget, in February 2017 Ontario Regulation 20/17, Reporting of Energy Consumption and Water Use was filed and published. The regulation outlines what building owners must do to comply with Ontario’s Large Building Energy and Water Reporting and Benchmarking (EWRB).	Guideline modified, in maintenance, monitoring and communication category.	OK
Guy Sheppard, Sustainable Development Committee	Water Conservation and Quality	Consider LEED criteria for Water Efficient Landscaping, Reduce by 50%	Guidelines maintained. Low maintenance landscaping is reflected under natural environment.	Ok
Guy Sheppard, Sustainable Development Committee	Water Conservation and Quality	Consider LEED criteria for Water Reduction, 30% Reduction	Guideline maintained. Encouraging WaterSense fixtures was selected as an alternative to the LEED criteria as it is easier to demonstrate compliance.	Ok
Guy Sheppard, Sustainable Development Committee	Energy	Rename to Energy and Emissions	Guidelines modified.	OK
Guy Sheppard, Sustainable Development Committee	Energy	Follow Strategic Plan focus on net zero carbon and new SDC Principles and Objectives	Guidelines modified to refer to net zero.	OK
Guy Sheppard, Sustainable Development Committee	Energy	Heat Island Items normally fall under Sustainable Sites.	Comment noted, this guideline achieves both objectives.	OK
Guy Sheppard, Sustainable Development Committee	Energy, item 4	Provide a metric similar to Toronto in kWh/m2 or LEED criteria: Minimum Energy Performance and Optimize Energy Performance	Guideline maintained as energy guideline # 4 is based on LEED. LEED grants points for energy optimization for 6% improvement or better for new construction. The city has set a minimum target of 10% or better as the aspirational voluntary guideline.	OK
Guy Sheppard, Sustainable Development Committee	Energy, item 7	Add metric similar to Toronto in kgCO <sub>2</sub> /m <sup>2</sup> New LEED Net Zero can provide some background.	Guidelines modified. LEED Zero Carbon Building Standard and Toronto Zero Emissions Building Framework have been added as references.	OK

Sustainable Building and Development Guidelines Comments				
Name/Company/ Organization	Section	Comment	Response	SDC Response
Guy Sheppard, Sustainable Development Committee	Energy, item 8	Do not forget, in February 2017 Ontario Regulation 20/17, Reporting of Energy Consumption and Water Use was filed and published. The regulation outlines what building owners must do to comply with Ontario’s Large Building Energy and Water Reporting and Benchmarking (EWRB).	Guidelines modified, noted in maintenance, monitoring and communication category.	OK



Fogler, Rubinoff LLP  
Lawyers

77 King Street West  
Suite 3000, PO Box 95  
TD Centre North Tower  
Toronto, ON M5K 1G8  
t: 416.864.9700 | f: 416.941.8852  
foglers.com

October 26, 2017

Reply To: Joel D. Farber  
Direct Dial: 416.365.3707  
E-mail: jfarber@foglers.com  
Our File No. 148005

**VIA EMAIL**

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

Attention: Clerk

Dear Sir or Madam:

**Re: OFFICIAL PLAN REVIEW – NEW OFFICIAL PLAN PROJECT**

**SUBMISSIONS TO COUNCIL ON BEHALF OF RK (BURLINGTON MALL) INC. –  
BURLINGTON MALL 777 Guelph Line**

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We are the solicitors for RK (Burlington Mall) Inc., owner of lands within the Burlington Mall shopping complex.

As Council is aware, our client through the ownership group of RioCan REIT and KingSett Capital, have recently invested approximately \$60 million into the mall to create an improved shopping and eating experience, and to retrofit the former Target space. These renovations and improvements are currently underway with completion anticipated in early 2018.

While the current renovations address immediate term needs for the facility, it is critical that the future planning framework for the site provide opportunities for the longer term. These opportunities include the prospect of substantial residential and commercial intensification of the site in the future. The site is large enough to accommodate more intensive forms of development and is within a recognized intensification corridor.

Our client has been monitoring the City's new Official Plan initiative and has engaged with staff in respect of its various policy concerns. Our client is supportive of the proposed Mixed Use Commercial Centre designation, including the retention of the site's commercial planned function. However, our client is of the view that the historical built form and other detailed technical constraints should not be carried forward from the existing plan. These policies include, but are not limited to the following:

1. The built form standards (minimum 2 storeys – maximum 12 storeys) are not necessary and unduly constrain future development potential. Built form standards should be developed in the context of development applications, and not constrained by Official Plan policies.
2. There should be no floor space restrictions related to office, hospitality or residential uses. These restrictions are problematic as they presumably would be applied over different parcels of land. Accordingly, development on parcels within the Mixed Use Commercial Centre could adversely affect development opportunities on other parcels.
3. As the planned commercial function of the Burlington Mall is recognized as a critical part of the City's overall commercial structure, there should be no requirement for market studies that require the demonstration of "need" to support an expansion project.

We will continue to try and work through our client's issues with staff with the aim to present to Council a revised set of policies for Burlington Mall for inclusion in the City's new Official Plan. These policies will establish the planning framework required to support the continued investment, enhancement and intensification of Burlington Mall, the City's largest shopping centre.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber\*

\*Services provided through a professional corporation

JDF/sz

cc: Andrea Smith & Hugo Rincon (City of Burlington)  
client (Stefan Wisniowski)

K:\jfarber\WpData\RioCan\Burlington Mall Planning Matters 148005\Letters\Letter to Burlington re Burlington mall 20171002.docx



Fogler, Rubinoff LLP  
Lawyers

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TD Centre North Tower  
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foglers.com

October 26, 2017

Reply To: Joel D. Farber  
Direct Dial: 416.365.3707  
E-mail: jfarber@foglers.com  
Our File No. 133235

**VIA EMAIL**

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

Attention: Clerk

Dear Sir or Madam:

**Re: OFFICIAL PLAN REVIEW – NEW OFFICIAL PLAN PROJECT SUBMISSIONS  
ON BEHALF OF RIOCAN HOLDINGS INC. MILLCROFT CENTRE 2000-2080  
Appleby Line**

---

We are the solicitors for RioCan Holdings Inc., owner of lands within the Millcroft Centre shopping complex. Our client is the owner of the entire site together with Canada Mortgage and Housing Corporation, save and except for the Canadian Tire lands which are held in separate ownership.

Our client is very pleased to have been able to secure Movati Athletics as its new tenant at the site of the former Target, with a new 70,000 square foot athletic centre currently under construction and hoping to be open shortly. While the Movati building addresses some of immediate term needs for the facility, it is critical that the future planning framework for the site provide opportunities for the longer term. These opportunities include the prospect of substantial residential and commercial intensification of the site in the future. The site is large enough to accommodate more intensive forms of development and is within the Uptown Urban Centre, a focal point for intensification.

Our client has been monitoring the City's new Official Plan initiative and has engaged with staff in respect of its various policy concerns. Our client is supportive of the Uptown Corridor and Uptown Central land use designations for the site, which is an improvement from the now existing three separate land use designations that apply to the site.

Our client is also supportive of the proposed official plan policies that recognize and maintain the site's commercial planned function. However, our client is of the view that the proposed policies for the site are overly prescriptive and could undermine ongoing reinvestment and intensification. Among the key policies of concern are as follows:



1. The prohibition against single storey buildings [8.1.1.3.2 (b)] which could preclude new buildings or extensive renovations to existing buildings on the site;
2. The requirement for a development proponent to provide a pedestrian connection from Dryden Avenue to Millcroft Park including a pedestrian overpass of the CNR tracks [8.1.1.3.2 (h)] which should be a municipal responsibility;
3. The prohibition against single purpose buildings [8.1.1.3.3.2 (b) and 8.1.1.3.4.2 (b)] which policy conflicts with the existing uses of the site, including the new Movati athletic facility and could preclude redevelopment, intensification and reinvestment in the site;
4. The cap on individual uses of 1,400 sq.m. at grade [8.1.1.3.3.2(c) and 8.1.1.3.4.2(c)] which policy is overly and unnecessarily prescriptive;
5. The built form standards of height and density [8.1.1.3.3.2(f&g) and 8.1.1.3.4.2 (f&g)] are not necessary and unduly constrain future development potential. Built form standards should be developed in the context of development applications, and not constrained by Official Plan policies.
6. There should be no floor space restrictions in the Uptown Corridor designation [8.1.1.3.4.2(d)]; and
7. We would appreciate confirmation that future development applications for the Millcroft Centre will not require Area Specific Planning.

We will continue to try and work through our client's issues with staff with the aim to present to Council a revised set of policies for Millcroft Centre for inclusion in the City's new Official Plan. These policies will establish the planning framework required to support the continued investment, enhancement and intensification of site as one of Burlington's key areas for intensification.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber\*

\*Services provided through a professional corporation

JDF/sz

cc: Andrea Smith & Hugo Rincon (City of Burlington)  
client (Stefan Wisniowski)

**From:** [Lesley Simpson](#)  
**To:** [Mailbox, Clerks](#)  
**Subject:** Comments for November 30th meeting  
**Date:** Tuesday, November 28, 2017 11:03:19 AM

---

Good morning. I would like to voice my concern over the proposed future development that is happening downtown Burlington. As a long time citizen of Burlington and a resident in the core area...I am afraid the downtown area will begin to look like the waterfront downtown Toronto. Have you seen that lately? Certainly not my idea of the Best mid size city in Canada to live in.

The uniqueness of the downtown area with its personality is what makes the core area desirable to live in and not to mention the traffic flow. The town houses on Ghent have increased traffic already and not sure what will happen when the Berkley is open and the condos at the Fairview GO station. We will not be able to move downtown...but lets say, I dont drive to take advantage of living in a walkable area of Burlington, where are we going to shop for groceries, eat in restaurants...and if you touch Spencer Smith Park, it will certainly change the whole make up of our great city.

I understand growth and change will happen and we need to accommodate and move forward, but I am not sure that changing the whole waterfront area and uniqueness of our midsize buildings with high rises, is the right direction.

I know if we sell our house and move, someone will move into our house and the taxes will be paid and no one will notice we are gone, but we certainly are watching this development as we consider our long term plans and if this is where we want to retire.

Good luck Burlington..we are proud to live here and call it home

--

Lesley Simpson



---

**From:** Robinson, Jim [<mailto:Jim.Robinson@fticonsulting.com>]

**Sent:** Tuesday, November 28, 2017 9:28 PM

**To:** Mailbox, OPRReview

**Subject:** Comments to New Official Plan - City of Burlington, ATTN: Leah Smith, Planning Department

Dear Ms. Smith

I have been a resident of the City of Burlington for the majority of my life and grew up near Walkers and Lakeshore - only short drive away from the Downtown area.

I have reviewed the new proposed Official Plan as well as the proposed Downtown Mobility Hub Precinct Plan. Having been fortunate to travel to a number of world-class cities around the world, a key element that I have noticed about successful and vibrant cities has been their ability to direct growth, density, and vibrancy towards their downtown area. I believe the City of Burlington needs to take a similar approach and can benefit greatly from additional forms of housing opportunities, retail and commercial spaces in the downtown area.

In an urban environment such as Downtown Burlington, I think this is best achieved through the creation of well-designed tall buildings. Tall buildings provide the opportunity to add density in a much slender and architecturally pleasing form. They reduce the bulkiness at the human scale and reallocate the density to a higher component of the built form which is not as visually impactful. A great example of this is the recent approval of 421 Brant St. within the Brant St. Special Policy Area.

On balance I am writing this email to show my support for a long term vision of Downtown Burlington which includes the incorporation of additional density through the use of well-designed tall buildings.

Best regards,

Jim Robinson

**Jim Robinson, HBA, CPA•CA, CIRP**

Managing Director, Corporate Finance & Restructuring

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**Confidentiality Notice:**

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November 29, 2017

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

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan (November 2017 Proposed Draft)  
Commercial Properties at Walker's Line and New Street (4033-4059 and 4011 New Street)  
OUR FILE: 17221A**

---

MHBC is retained by Marydale Construction Co. Limited (Mr. Augustine Arrigo) and Kapmory Limited (Mr. Stuart Warner) to undertake a review of the City of Burlington New Official Plan (November 2017 Proposed Draft) as it pertains to their separate landholdings located at Walker's Line and New Street and municipally known as 4033-4059 and 4011 New Street (the "Subject Lands").

### **Current Official Plan Framework**

The Subject Lands are currently designated Residential Areas (Schedule A) and Neighbourhood Commercial (Schedule B) in the in-force City of Burlington Official Plan. The current land use structure that applies to the subject lands provides opportunities for commercial centres within and at the periphery of residential neighbourhoods at locations that meet residents' day-to-day and weekly goods and service needs. A range of retail and commercial uses are permitted within the Neighbourhood Commercial designation and residential uses may be permitted in retail and commercial buildings above the first storey. The current Neighbourhood Commercial designation differentiates "small scale" and "large scale" neighbourhood commercial areas based on overall size, whereby a maximum building area of approximately 2,500 square metres over a 1 hectare site is considered small scale and 12,500 square metres over a 5 hectare site is considered large scale. There is no stated minimum or maximum height in the Official Plan and height is currently governed by the Zoning By-law.

### **Proposed Official Plan Framework (Draft 1-March 2017)**

On March 24, 2017, the City released the new Draft Official Plan, in which the subject lands were proposed to be designated Mixed Use Nodes and Intensification Corridors (Schedule B), Secondary Growth Area (Schedule B-1) and Neighbourhood Centre (Schedule C).

On August 3, 2017, we provided comments to the City on the first draft New Official Plan as they pertain to the Subject Lands. In our previous comments, we identified several concerns with the proposed policy framework and its effect of constraining our clients' lands for future development which are briefly summarized again, below, for your information:



- The proposed minimum height of two storeys limits the potential to develop and redevelop the commercial sites in the short-term;
- The proposed maximum height of 6 storeys (11 storeys through bonusing) limits potential for redevelopment and intensification in the future;
- The proposed Floor Area Ratio caps for retail and service commercial uses is limiting and does not reflect the broader range of retail and service commercial uses which may exceed the proposed 2,800 m<sup>2</sup>/ 1,400 m<sup>2</sup> at grade requirement; and,
- The proposed policy which directs that development occur largely in the form of mixed use buildings is limiting and could impact redevelopment opportunities in the future. Flexibility to allow for a mix of uses on a site or a mix of uses within a building would be more appropriate to maintain the planned function.

In general, based on the above concerns, we recommended the City adopt a more flexible policy approach for the Neighbourhood Centres to recognize the evolving redevelopment opportunities along New Street and reflect the need for a phased development approach to commercial plazas which allows the retail planned function to be maintained in the interim and longer term.

#### **Comments on the Proposed Draft Official Plan (November 2017)**

The subject lands continue to hold the same designations as they did in the first draft (Mixed Use Nodes and Intensification Corridors, Secondary Growth Area, and Neighbourhood Centre). We have reviewed the proposed Draft Official Plan, as it applies to our client's lands, and offer the following comments:

- General Policy 8.1.3.2 k) has been added to the new Draft, which states that "development in the form of minor expansions and renovations to existing buildings, new small buildings and/or minor building replacements that are consistent with the existing scale and built form may be permitted, provided the proponent demonstrate how the development contributes to achieving vibrant, active and walkable built environment and does not compromise the long-term development of the site". We understand that the City has added this policy to address comments received through the first round of consultation, including our August 3, 2017 submission, which requested that a 1-storey built form be permitted. We also note that the language in Policy 8.1.3(4.2) e) respecting height permissions within the Neighbourhood Centres designation has been softened to encourage a minimum height of two (2) storeys whereas the minimum height within the Neighbourhood Centre designation previously included a requirement that the minimum building height shall be two (2) storeys. **We believe that these modifications address our previous concern with respect to minimum building height standards within the Neighbourhood Centre designation.**
- While the maximum height of six (6) storeys has been retained, we note that the November 2017 Draft has been revised to permit taller buildings up to a maximum height of eleven (11) storeys subject to a Site Specific Zoning By-law Amendment within all Neighbourhood Centres. More importantly, the November 2017 draft has been revised to consider taller buildings in excess of eleven (11) storeys, as part of a comprehensive site development, through a site-specific Official Plan Amendment whereas the April 2017 draft did not provide this flexibility. **We are supportive of the City's shift toward a more flexible approach with respect to height permissions within the Neighbourhood Centre designation.**
- With respect to density of development, we note that the November 2017 draft includes a policy which states "The Maximum Floor Area Ratio of development of 2.5:1 is regarded as appropriate

built form in the Neighbourhood Centre. An increase 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". This revision provides additional flexibility to support the redevelopment of older retail plazas throughout the City. Additionally, in our comments of August 3, 2017, we noted that the proposed Floor Area caps for retail and service commercial uses were limiting and suggested that the 2,800 m<sup>2</sup>/ 1,400 m<sup>2</sup> at grade requirements be removed. **We note that these requirements have been removed from the November 2017 draft; however, a policy has been added in place which states these will be established in the Zoning By-law. This policy modification addresses our previous concerns; however, we ask that the City continue to consider our previous comments related to the limitations of imposing 2,800 m<sup>2</sup> and 1,400 m<sup>2</sup> at grade caps when proceeding with the implementing Zoning By-law.**

- The April 2017 Draft of the New Official Plan contained policy which stated that "Development in a Neighbourhood Centre shall be designed to contain a range of land uses, largely in the form of mixed use buildings..." (Policy 8.1.3.3.2 b)). **This policy has been removed from the November 2017 draft, which provides additional flexibility for the redevelopment on our client's lands.**
- The November 2017 Draft now contains the following policy:

***Policy 8.1.3(4.2) i)*** "Any proposed development of sites designated Neighbourhood Centre should retain the existing retail and service commercial floor area on site. Any proposed reduction of floor area shall not compromise the planned function of the designation as described in Subsections 8.1.3 (4.1) a) and b) of this Plan, and shall be supported by a retail and service commercial needs assessment prepared by a qualified person, to the satisfaction of the City."

**We have sought clarification from staff as to the intent of this policy and its application to redevelopment.**

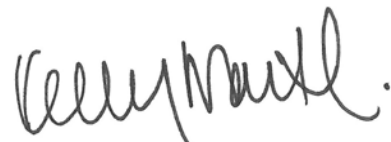
We appreciate the opportunity to comment on the Proposed New Official plan as it applies to our client's lands. We will continue to monitor the Official Plan processes and provide additional comments, as necessary, and ask that you keep us informed throughout the process. Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP



Kelly Martel, M.Pl

Cc: Augustine Arrigo, Stuart Warner  
Mary Lou Tanner, City of Burlington  
Andrea Smith- City of Burlington

**From:** [Meed Ward, Marianne](#)  
**To:** [Dave Lawson](#)  
**Cc:** [Mailbox, Clerks](#)  
**Subject:** Re: Planning and Development Committee Meeting, 30 Nov - Written Submission  
**Date:** Wednesday, November 29, 2017 9:13:01 AM

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Thanks Dave. I appreciate the thoughtful feedback.  
I will ask the clerks to include this as correspondence for all of committee members for the Nov. 30 deadline.

On Nov 28, 2017, at 3:13 PM, Dave Lawson <[REDACTED]> wrote:

To the Clerks,

As advised by a current sitting councillor, I would like to submit in writing the following information to be conveyed to council and those present at the subject meeting with respect to items 2.1 and 2.2 of the agenda.

It has become a point of recent discussion and debate within the City of Burlington on the matter of the Official Plan and specifically with respect to the intention for intensification of the downtown area. I attended an public meeting at the Art Gallery of Burlington a few weeks ago and made myself familiar with the broad strokes of the plan. With the helpful assistance of a few of the city staff, I was able to get some detail of what is, and what is not, contained within the Official Plan.

With respect to the broad concept of Mobility Hubs, it is clear that this is necessary to address the current and anticipated growth of the city. The prime hub locations, aligned with existing GO infrastructure, and encompassing much existing mix use lands, is generally sensible and appears to be sustainable for the foreseeable future.

With respect to the Downtown Core, however, the plan and the information presented in the information session was found quite lacking. What was presented reads as an unguided proposal to permit very significant increases (2 or 3 times) in building heights and includes most of the lands immediately fronting on Brant Street. At the same time, there is no mention or proposal for a complimentary transit and traffic plan to accommodate the increase. Secondly, the notion of "podiums" (a couple or several stories high) will yield a complete deconstruction of the Brant Street character.

We have seen countless incursions on the existing Official Plan. It was directly stated by City Staff that this has been made easy by the relative porosity of the current plan as approved by councils past, including some individuals who sit on the council to this day. It has been unambiguously stated by city staff that the new Official Plan is required urgently to prevent many more incursions against the existing plan. Thus, based on this information it would seem the council itself has failed the residents of Burlington. Now you present a rushed plan with incomplete planning to support it. This is

unconscionable.

The City has chosen a slogan “Grow Bold”. Two words. Two words that ought inspire change and trigger an evolutionary pathway, blazing us towards a bright future.

They are, of course, meaningless. They connote no grand plan, no vision, just more and more and more in the core of our city. The very things that Burlingtonian’s often point with pride; the waterfront, Sound of Music, Ribfest, and countless other uses in addition to it simply being a nice place to bring your family on the weekend seem to have become lost in the hunger for growth, as though growth for its own sake is desirable.

So, I seek to see the vision behind this. What experiences of the downtown core will the citizens of Burlington, or our thousands of visitors each year, report? From what I see, it is likely that the most common response will be “just like Toronto”. Just what is the grand vision here?

Don’t show us maps, with numbers and 15 different colour codes and cross-hatches in their bizarrely irregular borders.

Show us a vision.

Tell us what we should expect to experience, and why.

Now, I accept that progress is necessary. I would think that Burlington has seen its share of debate over the decades as we grew from village to city. In much of those times it was to provide for expansion of housing and retail shopping for the growing population. That was largely a modernization and spreading out of the existing character. Undoubtedly items like a new central library, city hall, reconstruction of the waterfront, etc all posed challenges that triggered debate. It is good that we see it here now. My firm expectation for council is that this debate be taken with great seriousness and value. Failure to do so would be at their own democratic peril.

With respect,

Dave Lawson  
377 Cosburn Crescent  
Burlington, ON  
L7L 2W5





# Ruth Victor & Associates

481 North Service Road West  
A-33, Oakville, ON L6M 2V6  
**rvassociates.ca**  
**P** 905-257-3590  
**E** admin@rvassociates.ca

November 29, 2017

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

Dear Mayor and Members of Council:

**Re: New Draft City of Burlington Official Plan**  
**2095 Prospect Road**  
**City of Burlington**

This letter is submitted on behalf of Welwyn Interests who are the owners of the properties located at 2095 Prospect Road in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

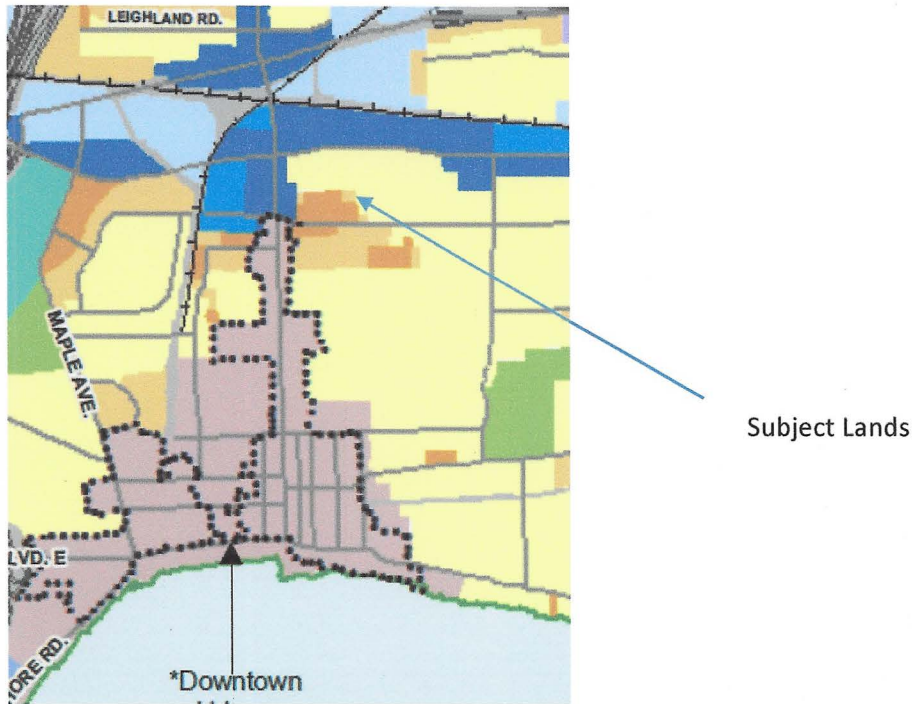
The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning & Development Council at a Public Information Meeting on November 30, 2017 prior to being brought before Council for adoption in January 2018.

As per the proposed Official Plan, the subject lands are located within the Residential Neighbourhood Area and are designated as Residential Medium Density. The owners have explored with City of Burlington Planning Staff the proposed redevelopment of the rear of these lands for stacked townhouses as approved for the two properties immediately to the west on Prospect Road. The redevelopment of these lands would be for rental housing.

As part of the approval process for the lands to the west, the City determined that the preferred approach would be 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. We anticipated that the same approach would be the preferred approach for these lands as part of the upcoming application. Within the proposed official plan Section 2.4.23. restricts development to the underlying designation and intensification to the maximum density permitted under that designation.

In addition, Section 12.1.1(3) would restrict requests for any official plan amendment for a period of 2 years from the date of approval unless Council by resolution identifies circumstances where an amendment could be accepted. It is not known whether this type of application could proceed.





Section 12.1.1(3)(x) sets out criteria for an official plan amendment which cumulatively would make the redevelopment of these lands unviable which would prevent these lands from being redeveloped for much needed rental housing.

There 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 approved next door and would remove the opportunity for adding needed rental housing.

We would request that the City of Burlington consider revisions to these policies to permit the opportunity to file an application amend the designation on these lands to Residential High Density and review and amend the policies to appropriately facilitate the production of rental housing within this community.

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

Yours truly,

**Ruth Victor, MCIP RPP MRTPI**



# Ruth Victor & Associates

481 North Service Road West  
A-33, Oakville, ON L6M 2V6  
[rvassociates.ca](http://rvassociates.ca)  
P 905-257-3590  
E [admin@rvassociates.ca](mailto:admin@rvassociates.ca)

November 29, 2017

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

Dear Mayor and Members of Council:

**Re: New Draft City of Burlington Official Plan**

**431, 425, 419, 415 Burlington Avenue and 1421, 1415, 1407 Lakeshore Road,  
City of Burlington**

This letter is submitted on behalf of Welwyn Interests who are the owners of the properties located at 431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road 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 & Development Council at a Public Information Meeting on November 30, 2017 prior to being brought before Council for adoption in January 2018.

As per the proposed Official Plan, the subject lands are located within the “Urban Centre” (see Figure 1), as well as being within the Downtown Urban Centre Area (see Figure 2). The Downtown Urban Centre is an area of the Mobility Hub Study, which are areas within the City that were identified as being able to accommodate the majority of the city’s future growth until 2041. These Mobility Hub Studies were completed throughout 2017, and their findings and land use designations are included in the land use mapping (Schedules D-H) of the proposed Official Plan.

As per Schedule C (Land Use), the subject lands are located partially within the Urban Growth Centre boundary, and this is translated into two separate land use designations as laid out in Schedule D (see above). The lands located at 1421, 1415, and 1407 Lakeshore Road as well as 415 Burlington Avenue, are designated “Downtown Mid-Rise Precinct – Special Planning Area”, while the properties at 431, 425, and 419 Burlington Avenue are designated “St. Luke’s/Emerald Neighbourhood Precinct” designated “St. Luke/Emerald Neighbourhood”. Both these designations offer differing policies as the type of development that is permitted in each respective area.



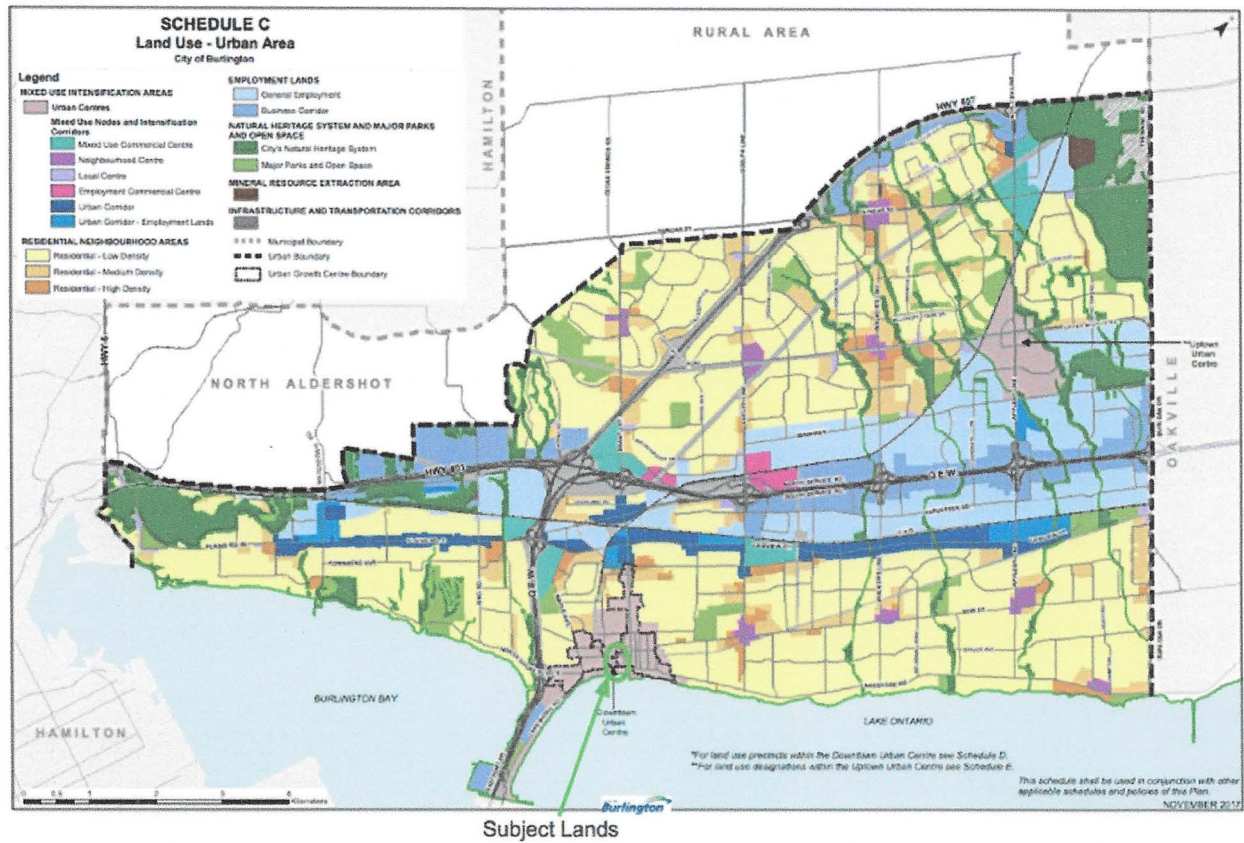


Figure 1 — Schedule C (Land Use – Urban Area) of the proposed Official Plan with the subject lands circled. The subject lands are within the “Urban Centre”.

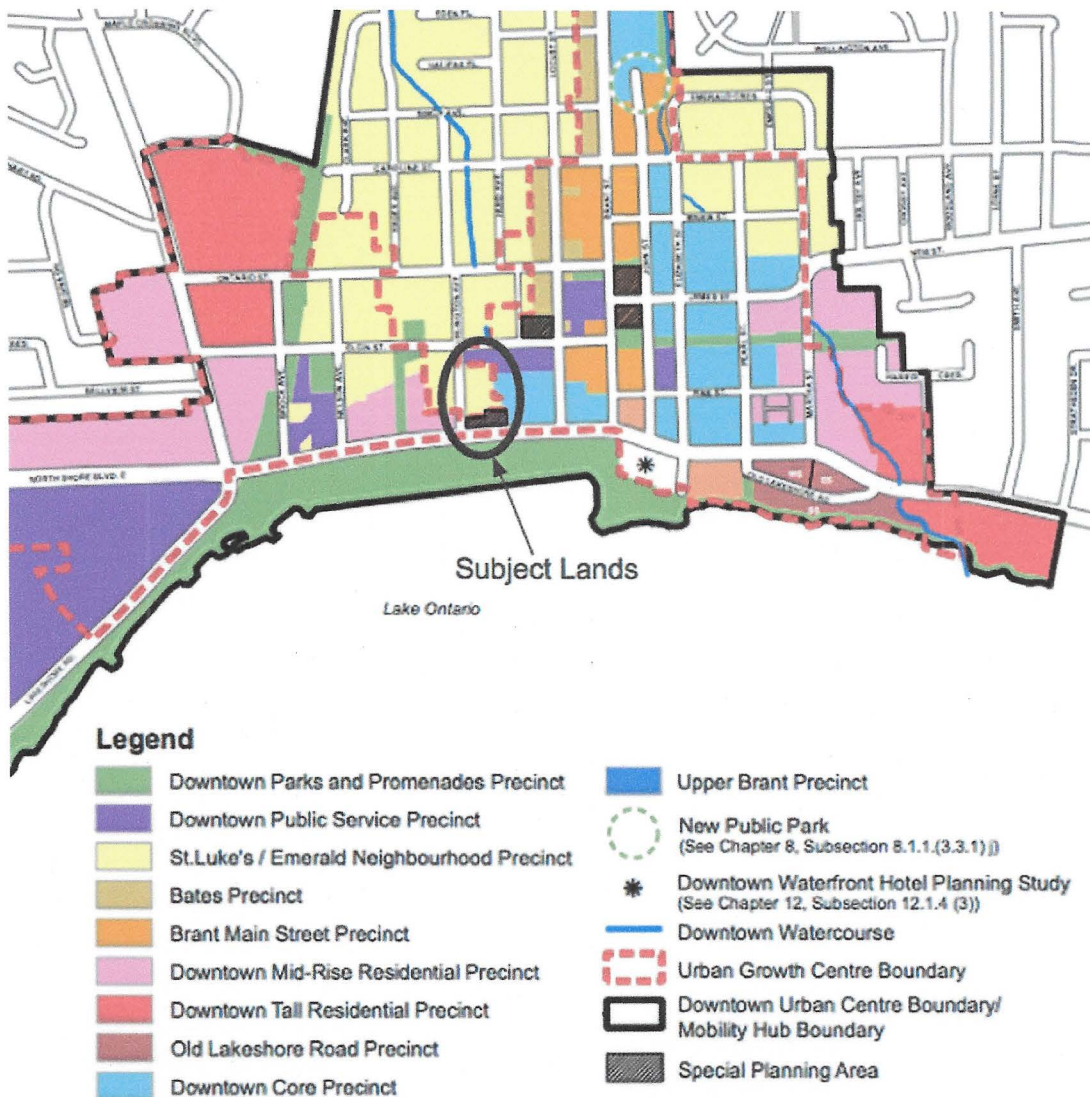


Figure 2 — Schedule D (Downtown Urban Centre) of the proposed Official Plan with the subject lands circled. The subject lands are designated both “St. Luke’s/Emerald Neighbourhood Precinct” and “Downtown Mid-Rise Precinct – Special Planning Area” within the Downtown Centre.

The “Downtown Mid-Rise Precinct – Special Planning Area” is to recognize the area’s function as a gateway to the established, low-density St. Luke’s neighbourhood from Lakeshore Road along Burlington Avenue (Section 8.1.1(3.8.2)), while the “St. Luke/Emerald Neighbourhood Precinct” designation is to maintain the existing established residential and historic character of the neighbourhood (Section 8.1.1(3.5)).

The subject lands are located within the Downtown Urban Centre, and represent an important gateway between the Downtown Core Precinct and the established St. Luke’s neighbourhood to the north and west. Burlington Road would function as a more effective boundary between the two areas versus a rear lot line adjacent to an existing apartment building. It is our request that the designation of the entirety of the subject lands should be within this Special Planning Area to allow for an appropriate transition in built form and density from the existing uses to the adjacent low density neighbourhood.

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 blue ink, appearing to read 'Ruth Victor', with a stylized flourish at the end.

**Ruth Victor, MCIP RPP MRTPI**



**VIA E-MAIL**

November 28, 2017

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

File 16121.00001

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)**

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We are solicitors for A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA), (collectively, "Clients"). We are providing this written submission to you on behalf of our Clients after having reviewed the proposed Burlington Official Plan (November 2017 version).

In this regard, we understand that a comment letter from our Clients' planning consultants Labreche Patterson & Associates Inc. dated June 30, 2017 (see attached) was previously provided to the City. We are also advised that at least two previous written submissions were provided to the City in response to the Commercial Policy Review Direction Reports, as well as attending a "workshop" on drive-through facility policies.

We also understand that a meeting between City staff, Andrea Smith and Hugo Rincon and Victor Labreche (Labreche Patterson & Associates) and Greg Hogarth (local owner/operation of Tim Hortons Restaurants) occurred on July 12, 2017 wherein Mr. Labreche and Mr. Hogarth. Irrespective of these submissions and meetings, our concerns have not been addressed, necessitating this further correspondence.

Our concerns with the latest draft of the Official Plan can be summarized as follows:

1. Chapter 7 – "Design Excellence", Policy 7.3.3 Specific Use Policies



The reference to “emissions” in policy 7.3.3 a) (iv) is not acceptable. Based on related studies that our clients have had completed, there is no evidence to support that the operation of a Drive Through Facility (“DTF”) results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. To our knowledge, no such study supporting this policy has been commissioned by the City of Burlington, and if it has been, it has not been shared with the public.

2. Chapter 8 – 8.7 “Specific Use Policies”, Policy 8.7.1 “Accessory Drive Throughs”

We object to the opening paragraph of policy 8.7.1 as proposed. We ask that this policy be deleted and replaced as follows:

*“An accessory drive-through provides an added convenience to people travelling by private automobile. Although convenient, accessory drive-through may present transportation management, planning and urban design challenges. The addition of an accessory drive-through to commercial uses, needs to ensure compatibility with the stated objectives for an area or designation so they do not alter the form, function and compatibility of a principal use and compromise other city objectives including intensification and pedestrian oriented development.”*

3. Policy 8.7.1. (2) “Policies”

We object to the proposed policy as it notes that accessory drive-throughs “shall be prohibited” in the Urban Growth Centre and mobility hubs. We ask that the reference to “shall be prohibited” be replaced with “*may be permitted through a site specific Zoning By-law Amendment*”.

4. Policy 8.7.1. (2) b); we object to this policy in its entirety.

5. Policy 8.7.1.(2) (c); as proposed it is acceptable however this policy needs to be reconciled with proposed policy 8.7.1. (2).

Our clients have satisfactorily resolved many of their concerns pertaining to the use of prohibitions of DTF in Official Plans in numerous other municipalities without the need for a contested hearing as the use of prohibitions of the type proposed is not in accordance with related case law. Notwithstanding this, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan policies such as build form, density and massing requirements that are typical of most urban downtown and intensification areas, the same as any other land use within these areas. As such, it is our position that a specific prohibition has not been justified.

In summary, we request that the current proposed policies be revised. As we believe it would assist in your considerations, we would like the opportunity to discuss the above and other alternative language with you that have been successful in other municipalities to address our concerns.

Finally, 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

Encls.

cc : [newop@burlington.ca](mailto:newop@burlington.ca)

Clients

Victor Labreche, Labreche Patterson & Associates Inc.

11133741.1



## Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL ([newop@burlington.ca](mailto:newop@burlington.ca))

**Our File: P-375-EEE**

June 30, 2017

Official Plan Review Staff  
City of Burlington  
426 Brant Street, PO Box 5013  
Burlington, Ontario  
L7R 3Z6

**Re: Draft Official Plan for the City of Burlington**

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As you are aware based on our previous submissions on the past Official Plan direction reports leading to the preparation of the draft Official Plan for the City of Burlington, we represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Horton's Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the current draft Official Plan.

Our comments relate to our client's current and future business, employment and operating interests for the above noted brands and their industry association. As you know several of our client's locations includes an accessory drive-through facilities (DTF) and our comments specifically related to *Chapter 8.7 – Specific Use Policies* of the draft Official Plan which contain proposed land use policies on DTF. Based on our review of these policies (attached hereto) and as we have consistently stated in our previous written comments and at workshops held on considerations of new DTF policies, we object to the proposed specific prohibition of DTF that is proposed in policy 8.7.1.1 b) and policy 8.7.1.2 a) in the draft Official Plan. As we have previously stated, we object to any proposed Official Plan based prohibition as such prohibition is principally not in accordance with related OMB and judicial review case law relative to such prohibition. In this regard we cite OMB case No. PL031324, PL050759, PL050584 – Order No. 2649, Sept. 21, 2006 wherein OMB Member R. Makuch states:

*The Board finds that drive-through facilities need to be carefully controlled and that the proper approach for controlling these is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its official plan. Official Plans do not need to be prescriptive like zoning by-laws.*

We and our clients as well as legal counsel have referenced this noted case and others over the last 10+ years to mutually resolve with any municipalities that have initially proposed prohibition at the level of an Official Plan as such prohibition is not in accordance with related case law. In this regard, we fully respect that the restaurant and DTF brands would otherwise have to meet all Official Plan based policies such as minimum build form, density, massing, mixed use requirements that are typical of most urban downtown and intensification areas just like any other land use would have to meet. As such, a specific prohibition is not justified as the existing policies would have to be complied with no matter

what the proposed use to ensure all policy requirements to direct required built form; density etc. of the plan is achieved.

As a related OMB case example of what we mean in this regard on the fact that OP policies would need to be met for any land use and as such a specific prohibition is not justified comes from a case in the Town of Grimsby. OMB Case No. PL111079 presided by Vice-chair Susan de Avellar Shiller, decision date May 10, 2012, relative to a proposed new OP for the Town of Grimsby. The relevant statements in the OMB decision are as follows:

*"The official plan has four policies which place restrictions on the locations of drive-through facilities in the downtown and in the Winston neighbourhood area. Mr. Seaman (Director of Planning, Town of Grimsby) testified that the particular concern regarding drive-through facilities in these areas related to matters of urban design and quality of pedestrian realm.*

*Mr. Seaman noted that the official plan already had a large number of sections dealing with urban design and the quality of the pedestrian realm that would govern any development in these areas, including drive-through facilities. Some of these policies include front and flanking façade treatments, building location on site and driveway access and circulation that is sensitive to pedestrian needs.*

*Having reviewed several of these sections the Board finds that the area-specific policies regarding design and pedestrian realm provide important and appropriate protection. On this basis, the appeals by A&W Food Services of Canada Inc., McDonalds Restaurants of Canada Inc., Wendy's Restaurants of Canada Inc., Ontario Restaurant Hotel & Motel Association and TDL Group Corp. are allowed in part.*

*The Board modifies subsection 3.5.3.3(a), subsection 3.5.4.2(a) and subsection 11.3.3.1(b)(i) to remove the prohibition on drive-through in these sections."*

Based on our overall review of the draft Official Plan, we found it to be overall very comprehensive particularly in the *Mixed Use Nodes and Intensification Corridors, Urban Centres, Mobility Hubs and Urban Corridor* designations with regard to the required density, massing and overall built form to be achieved in these areas. The policies for these areas, indirectly of course, relates to the principle findings and above noted decision in the case noted above. We submit that, given the fact that specific study and proper justification has not been completed to justify a specific prohibition of DTF with regard to the draft City of Burlington Official Plan, our clients in any event would have to meet the same policies for these areas just like any other land use would without any justified need for a specific prohibition.

We wish to note that our work with several municipalities over the years on behalf of our noted clients including surrounding municipalities to Burlington being the City of Hamilton, City of Mississauga and Town of Oakville regarding resolution of new DTF policies that where essentially performance based policies regarding specific built form criteria that would have to be met for specific areas of those municipalities. In some cases a zoning by-law amendment would also be required in specific areas as a further process to implement Official Plan policies for a specific area. No specific prohibition of DTF in the respective Official Plans of these municipalities was implemented.

Relative to proposed policy 8.7.1.2 b) we object to this policy as it is currently written. Relative to this policy the reference to *"shall be prohibited"* in this context is not acceptable wherein the policy then provides for a Zoning By-law amendment. We note that of the 27 DTF locations operated by our clients in the City of Burlington 10 of these are located in the designation areas noted in policy 8.7.1.2 b) as well as in the proposed *Mixed Use Nodes and Intensification Corridors*. Again, a specific prohibition at the level of the Official Plan is not acceptable.



Further with regard to policy 8.7.1.2 b) we object to the specific need for a zone change in the noted areas. We state this as the over arching policies of the plan would seem to require any use not just a DTF that may locate in these areas would have to meet similar policies in other parts of the plan that are similar to those noted in 8.7.1.2 b) to f). Further, we are very perplexed why a site specific amendment to the Official Plan or the Zoning By-law is not required when a DTF is located within the same building as a motor vehicle service station but requires at least a zoning amendment or it would be outright prohibited for a DTF to locate within its own self contained building or multi-use/tenant building or plaza arrangement?

Also, as per policy 8.7.1.2 b) (i) and f) (iii) the context or notion that a DTF cannot exist with or abutting a mixed use type zone permitting "sensitive land uses" such as residential uses is not acceptable. Planning policies are more and more encouraging mixed uses particularly along urban corridors and within intensification areas with policies to direct buildings to be placed as close to heavy travelled vehicle corridors and intersections carrying 20,000+ cars a day in many cases. The various negative impacts from immediately abutting roads in our opinion is far greater than a single DTF lane which can be properly screened and located based on basic and reasonable site plan control requirements.

Based on the foregoing, we object to Chapter 8.7.1 in its entirety as currently written in the draft Official Plan. We request an opportunity to meet with you at your earliest opportunity to discuss resolution options to our concerns. The approach of performance based type policies that are noted in policy 8.7.1.2 b) to f) we would suggest provides a basis to consider which of these are acceptable as written, should be revised or removed and where the consideration of a site specific Zoning By-law amendment is appropriate.

The above reflects our comments on the current draft Official Plan for the City of Burlington. We reserve our rights to comment further on this matter as the process proceeds and new information or material is brought to our attention.

Finally, please also consider this letter as our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations on this matter.

Yours truly,

**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Principal, Senior Planner**

Attach.

Copy: *Leslie Smejkal, ORHMA*

*Riley Hallwood, A&W*

*Julie May Rodgers, McDonalds Restaurants*

*Carol Patterson, Restaurant Brands International (Tim Hortons)*

*Denise Baker, WeirFoulds, LLP*

## 8.7 SPECIFIC USE POLICIES

### 8.7.1 ACCESSORY DRIVE THROUGHS

*Accessory drive-throughs* are an automobile-oriented amenity which can alter the form, function and *compatibility* of a principal use. The addition of an *accessory drive-through* can result in otherwise permitted commercial uses becoming not *compatible* with the stated objectives for an area or designation.

#### 8.7.1.1 OBJECTIVES

- a) To ensure that principal uses which include an *accessory drive-through* adopt a form and function that responds to and supports the planned *development* of an area.
- b) To prohibit new *accessory drive-throughs* in specific Mixed Use Intensification Areas which are intended to accommodate higher *intensity developments*, pedestrian and transit-oriented *development* and where a high level of *compatibility* amongst a wide range of uses, including *sensitive land uses* within a building, site or area, will be required.
- c) To ensure that *developments containing accessory drive-throughs*, where permitted and appropriate, are developed with minimal impacts on the functionality, *compatibility* and urban design of a site or area.

#### 8.7.1.2 POLICIES

- a) *Accessory drive-throughs* within the Downtown Urban Growth Centre, as identified on Schedule B, Urban Structure, *shall* be prohibited.
- b) Within the Uptown Urban Centre and Mobility Hubs, as identified on Schedule B, Urban Structure, as well as lands designated Urban Corridor on Schedule C, Land Use – Urban Area, of this Plan, *accessory drive-throughs shall* be prohibited except where the proposed *accessory drive-through* is the subject of a Zoning By-Law amendment application and where the following criteria are met to the satisfaction of the *City*:
  - (i) the applicable Official Plan and Zoning By-law designations for the subject site do not permit residential or other *sensitive land uses*;
  - (ii) the *accessory drive-through* will not impede current or future opportunities for *intensification*, including the *development of sensitive land uses*, on or adjacent to the site;
  - (iii) the *accessory drive-through* will not impede the *development* of private or public *development* or facilities located on the same site,



## CHAPTER 8 – LAND USE POLICIES – URBAN AREA

adjacent sites or public rights-of-way which would contribute towards the creation of a transit and pedestrian supportive environment; and

- (iv) the *accessory drive-through* does not conflict with or compromise the objectives or policies of the applicable land use designation as stated within Chapter 8, Land Use Policies-Urban Area, of this Plan.
- c) Notwithstanding Subsection 8.7.1.2 b) of this Plan, an *accessory drive-through* may be permitted without a site-specific amendment to this Plan or the Zoning By-Law where:
  - (i) the *accessory drive-through* was existing or approved prior to the coming into force of this Plan; or
  - (ii) the *accessory drive-through* is associated with, and located within the same building as, a *motor vehicle service station*.
- d) An *accessory drive-through* shall not be located between a building façade and a public right-of-way.
- e) *Accessory drive-throughs* shall be designed in a manner which promotes pedestrian safety and accessibility.
- f) *Accessory drive-throughs* shall be designed to address the following functionality, *compatibility* and urban design considerations through the site plan review process, to the City's satisfaction:
  - (i) sufficient dedicated vehicle queuing areas;
  - (ii) sufficient separation distances between an *accessory drive-through* and a site access/egress area shared with a private or public roadway;
  - (iii) sufficient separation distances, with respect to mitigating noise and/or emissions, between an *accessory drive-through* and current or future *sensitive land uses*, including residential uses, where identified as a permitted use on the subject site or adjacent sites through this Plan;
  - (iv) associated buildings and facilities that incorporate urban design that is *compatible* with the surrounding context or area; and
  - (v) site location which minimizes the presence and impact of the *accessory drive-through* on the surrounding *streetscape*.

---

**From:** Steve Cogeco [<mailto:sanderson39@cogeco.ca>]

**Sent:** Wednesday, November 29, 2017 10:38 AM

**To:** Goldring, Rick; Craven, Rick; Meed Ward, Marianne; Taylor, John; Dennison, Jack; Sharman, Paul; Lancaster, Blair

**Cc:** Tellier, Jamie; 'Steve Cogeco'

**Subject:** The Future of Burlington November 30th

My vision of Burlington five years ago was one of mid-sized architecturally compatible mixed use buildings with a mixture of 2-8 and 9-16 storey buildings.

I approve of moderated growth and controlled management of our vertical and core downtown spaces.

So, why are we so eager to give in to the approval of new developments with storeys of 20++?

Today the city staff and council have not provided a vision of a new downtown City of Burlington or at least a vision pictured 5 years out to 2023.

Like a puppy dog in the back of a car window, council nods approval of multiple concrete towers with no overall vision of the endgame for the City of Burlington.

How do the developments fit together? Approvals are so rapid it is impossible to understand how the buildings, roads, sewers, sight lines, ..., will work in harmony.

What would a citizen experience when walking downtown after all the tall buildings have been completed? Better than a lunch time walk today?

I am disappointed we are thrusting unwanted growth on our citizenry and we have lost the ability to have our concerns heard and acted upon.

I ask you to reduce the height in the official plan.

Say "NO" to development requests that do not benefit a walkable, breathable, enjoyable City of Burlington free of uninspiring lofty edifices.

Sincerely,

Steve Anderson

2183 Harris Crescent  
Burlington

November 29, 2017

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

Dear Ms. LaPointe:

**RE: City of Burlington New Official Plan (November 2017 Proposed Draft)  
Public Meeting November 30, 2017  
5166-5170 Lakeshore Road, Burlington  
OUR FILE: 10501**

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MHBC is retained by GWL Realty Advisors ("GWL") in relation to their property located at 5166-5170 Lakeshore Road in the City of Burlington (the "Subject Lands"). The Subject Lands are approximately 2.13 hectares and are currently occupied by two ten (10) storey apartment buildings.

#### **Current Official Plan Framework**

The subject lands are currently designated **Residential Areas** (Schedule A) and **Residential High Density** (Schedule B) in the in-force City of Burlington Official Plan.

#### **Proposed Official Plan Framework (Draft 1-March 2017)**

On March 24, 2017, the City released the new Draft Official Plan, in which the subject lands were proposed to be designated **Residential Neighbourhood Areas, Established Neighbourhood Area** (Schedule B and B-1), and **Residential High Density** (Schedule C).

On June 30, 2017, we provided comments to the City on behalf of GWL on the first draft new Official Plan as they pertained to the Subject Lands. In our previous comments, we identified several concerns with the proposed policy framework which are briefly summarized again, below, for your information:

- The draft Official Plan contains language which states that Official Plan Amendments "shall not be supported", which restricts redevelopment and infill on lands within the Residential High Density Designation, and removes the decision making ability of Council and pre-supposes that any location for increased density cannot be justified; and,
- The proposed Official Plan includes a policy which states development on lands designated Residential High Density shall provide a functional outdoor common amenity area at grade level, which we believe is overly restrictive.

In general, based on the above concerns, we recommended the City adopt a more flexible policy approach for the High Density Residential Designation to allow for appropriately designed and sited infill.

#### **Comments on the Proposed Draft Official Plan (November 2017)**

The subject lands are proposed to be designated **Residential Neighbourhood Areas** (Schedule B), **Established Neighbourhood Areas** (Schedule B-1) and **Residential High Density** (Schedule C). Additionally, they are located along a **Frequent Transit Corridor** (Schedule B-2). We have reviewed the proposed updated draft Official Plan, as it applies to the Subject Lands, and offer the following comments:

- Policy 2.4.2 (3) c) has been revised to state “In the Established Neighbourhood Area, land assembly for development applications that are not compatible is discouraged” whereas this policy previously stated “In the Established Neighbourhood Area, Official Plan Amendments for increased height and/or density/intensity beyond that which is currently permitted in the underlying land use designation shall not be supported. Where such an amendment is submitted, it shall be subject to the policies of subsection 2.5, Development Criteria, of this Plan.” **We recognize that the strong language which was previously contained in this policy has been removed, however, we are unsure of the intent of the new policy which has been included in its place in the most recent draft. We question whether it is necessary to include such a policy as it leads to more uncertainty. Further clarification on the intent of this policy is required. Specifically, what are the compatibility criteria that development applications must meet? Does this policy apply to all development within the Established Neighbourhood Area, or only to development proposing increased height/density than what is permitted in the underlying designation? Alternatively, is it the intent of this policy to discourage private developers from purchasing and assembling land for the purposes of redevelopment in the form of infill or intensification? While we are supportive of the removal of the previous policy per our request, given the ambiguity of the revised policy, we recommend it be reviewed and clarified in future drafts.**
- We note new Policy 2.4.2 (3) a) ii) has been added which states that Established Neighbourhood Areas shall be recognized as a distinct area within the City’s Urban Area where intensification is generally discouraged. Previously, Policy 2.4.2.3 a) iii) stated that Established Neighbourhood areas shall be identified as areas with limited opportunities for intensification, and shall accommodate growth opportunities restricted to the permissions and densities established in the underlying land use designation. A new notwithstanding clause is proposed, via Policy 2.4.2(3) b) which identifies the types of intensification opportunities that may be permitted. **It is our opinion that the proposed revised policy may actually be more prohibitive than the previous policy with respect to infill and intensification, which is now discouraged, notwithstanding certain exceptions where opportunities for intensification may be permitted especially in High Density Residential Areas. In contrast, the previous framework contemplated limited intensification within Established Neighbourhood Areas and identified the forms of intensification which may be permitted. The addition of the new policy and subsequent notwithstanding clause does not respond to or address our previous comment and concern. Accordingly, we request that this policy be revised such that Residential High Density areas within Established Neighbourhood Areas are regarded as areas which have opportunities for intensification (as contained in the first draft). Providing a framework which is supportive of appropriate intensification within the Residential High Density areas in Established Neighbourhoods would allow flexibility for appropriately designed and sited infill.**

- With respect to amenity areas, Policy 8.3.5(1) e) has been revised to state *“Development on lands designated Residential- High Density should provide a functional outdoor amenity area at grade level for use by residents”*. **This policy revision removes “shall” and replaces it with “should “which provides additional flexibility with respect to the location of amenity area and addresses our previous comments.**

We appreciate the opportunity to comment on the updated draft of the new Official Plan as it applies to our client’s lands. We will continue to monitor the Official Plan processes and provide additional comments, as necessary, and ask that you keep us informed throughout the process. Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

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

Kelly Martel, M.Pl

Cc: Lilly Wu, GWL Realty Advisors  
Adrian Frank, Devine Park  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington



November 29, 2017

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

Dear Ms. LaPointe:

**RE: CITY OF BURLINGTON NEW DRAFT OFFICIAL PLAN (NOVEMBER 2017)**  
**419 PEARL STREET, BURLINGTON**  
**OUR FILE: 17119A**

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We are writing on behalf of our clients, Holy Protection of BVM Ukrainian Catholic Church, located at 419 Pearl Street ("the Subject Lands"), in the City of Burlington. Further to our previous commenting letter dated June 30, 2017, our clients continue to have concerns with the land use policies proposed in the most recent draft Official Plan (November 2017) which incorporates the Downtown Mobility Hub study findings and recommended policies.

The Subject Lands are approximately 0.3 ha in area and are currently occupied by the Holy Protection of the Blessed Mary Ukrainian Catholic Church and a community centre. A Pre-Consultation Meeting was held in the spring of 2017 with City staff regarding the potential redevelopment of the southern portion of the church lands to include a residential development.

Under the Current Official Plan, the subject lands are currently designated as **Mixed Use Activity Area, Mixed Use Centre, Downtown Urban Growth Centre, Downtown Core Precinct** in Schedules A, B, E in the in-force City of Burlington Official Plan. The Downtown Core Precinct permits a range of uses including high-density residential apartments with a minimum density of 51 units per hectare and a maximum floor space ratio of 4.0:1.

The first draft of the New Official Plan (April 2017) identified the subject lands as being located within the **Downtown Mobility Hub Boundary, Urban Growth Centre and Urban Centre, Primary Growth Area and Downtown Urban Centre**. The first draft also proposed to designate the subject lands as Downtown Core Precinct. Given that the Downtown Mobility Hub policies were not yet developed, our comments

related to ensuring a comprehensive block redevelopment for this area of the Downtown was contemplated.

The second draft of the **New Official Plan (November 2017)** did not change any of the proposed designations for the Subject Lands, but did incorporate the Downtown Mobility Hub Study recommended policies. Policy 8.1.1.(3.1.2.1)b) requires a minimum of two land uses in any development. Policy 8.1.1.(3.12.1).d) then requires office uses to be on the entire second and third floor of any development. While our client supports both retail and office uses in the Downtown, the proposed policies, in our opinion, are overly prescriptive especially given the evolving planning framework which will soon no longer permit any amendments to the Official Plan or appeals to such Plans should they not be appropriate to achieve a development in both a locational and market context. The mandatory requirement for retail and office uses with residential development on the Subject Lands given their location within the Downtown is not appropriate.

We recommend consideration be given to soften this restrictive policy approach to allow flexibility to adapt to changing market conditions and to respect site locations which are not main street locations within the Downtown.

Please do not hesitate to contact me with any questions or comments on this matter.

Yours truly,

**MHBC**



Dana Anderson, MA, MCIP, RPP  
Partner



Amanda Wyszynski, MES (Pl)  
Planner

cc: *Father Zenon Walnyckyj*  
*Cynthia Zahoruk, CZ Architects*  
*Mary Lou Tanner, City of Burlington*  
*Andrea Smith, City of Burlington*

NOV 28 PM 1:10

VIA E-MAIL

November 28, 2017

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

File 16121.00001

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)**

---

We are solicitors for A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Restaurant Brands International (operators and licensors of Tim Hortons Restaurants) as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA), (collectively, "Clients"). We are providing this written submission to you on behalf of our Clients after having reviewed the proposed Burlington Official Plan (November 2017 version).

In this regard, we understand that a comment letter from our Clients' planning consultants Labreche Patterson & Associates Inc. dated June 30, 2017 (see attached) was previously provided to the City. We are also advised that at least two previous written submissions were provided to the City in response to the Commercial Policy Review Direction Reports, as well as attending a "workshop" on drive-through facility policies.

We also understand that a meeting between City staff, Andrea Smith and Hugo Rincon and Victor Labreche (Labreche Patterson & Associates) and Greg Hogarth (local owner/operation of Tim Hortons Restaurants) occurred on July 12, 2017 wherein Mr. Labreche and Mr. Hogarth. Irrespective of these submissions and meetings, our concerns have not been addressed, necessitating this further correspondence.

Our concerns with the latest draft of the Official Plan can be summarized as follows:

1. Chapter 7 – "Design Excellence", Policy 7.3.3 Specific Use Policies

The reference to "emissions" in policy 7.3.3 a) (iv) is not acceptable. Based on related studies that our clients have had completed, there is no evidence to support that the operation of a Drive Through Facility ("DTF") results in greater emissions than otherwise permitted accessory parking lots to retail and service commercial land uses. To our knowledge, no such study supporting this policy has been commissioned by the City of Burlington, and if it has been, it has not been shared with the public.

2. Chapter 8 – 8.7 "Specific Use Policies", Policy 8.7.1 "Accessory Drive Throughs"

We object to the opening paragraph of policy 8.7.1 as proposed. We ask that this policy be deleted and replaced as follows:

*"An accessory drive-through provides an added convenience to people travelling by private automobile. Although convenient, accessory drive-through may present transportation management, planning and urban design challenges. The addition of an accessory drive-through to commercial uses, needs to ensure compatibility with the stated objectives for an area or designation so they do not alter the form, function and compatibility of a principal use and compromise other city objectives including intensification and pedestrian oriented development."*

3. Policy 8.7.1. (2) "Policies"

We object to the proposed policy as it notes that accessory drive-throughs "shall be prohibited" in the Urban Growth Centre and mobility hubs. We ask that the reference to "shall be prohibited" be replaced with "may be permitted through a site specific Zoning By-law Amendment".

4. Policy 8.7.1. (2) b); we object to this policy in its entirety.

5. Policy 8.7.1.(2) (c); as proposed it is acceptable however this policy needs to be reconciled with proposed policy 8.7.1. (2).

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In summary, we request that the current proposed policies be revised. As we believe it would assist in your considerations, we would like the opportunity to discuss the above and other alternative language with you that have been successful in other municipalities to address our concerns.

Finally, 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

*DBaker*

Denise Baker

DB/mw

Ends.

cc : [newop@burlington.ca](mailto:newop@burlington.ca)

Clients

Victor Labreche, Labreche Patterson & Associates Inc.

11133741.1

CLERKS DEPARTMENT			
Action Required		Council Agenda	
Info Only		Standing Comm. Agenda	
Reply to Clerk		Council Information Pkg.	
COPY TO			
City Mgr Office		Human Resources	
Clerks	<i>ADA</i>	I.T.S.	
Councillors Office		Legal	
Capital Works		Mayor's Office	
		Parks & Recreation	
Finance		Planning & Building	<input checked="" type="checkbox"/>
Fire		Roads & Parks Maint.	
B.I.T.		Transportation	
Comments:		File No: _____	
<i>emailed.</i>			

To: Amber LaPerle

November 30<sup>th</sup>, 2017

**RE: Proposed November 2017 Burlington Official Plan ('OP')**

To: Council Members:

I wish to make you aware of a number of objections that I have with regard to the proposed plan. I'm of the view that the proposed plan will have a serious impact on the resident's standard of living. My specific objections are as follows:

1. Identifying downtown as a 'mobility hub'; we would recommend that the downtown be reclassified as a 'historical or heritage district' and with protection rights

The present proposal would significantly alter the makeup of the area and amount to serious 'over intensification'. Furthermore this area in becoming a mobility hub would not be of benefit to its surrounding landscape or the environment, to the contrary it would lead to the loss of valuable light and urban space.

In particular, the scale and proportions of surrounding buildings, would be dwarfed by new development through new height permissions which does not respect the local context. This would be entirely out of character for the area, to the detriment of the local environment.

In addition, the definition of 'mobility hub' as described in the OP does not apply to the downtown core since the level of transit service that is planned for this area and the contemplated development cannot accommodate different modes of transportation without significant investment in infrastructure.

2. Loss of privacy and overlooking, increase of noise pollution

The OP does not make clear that development will be expected to provide high standards of layout and design that ensures adequate privacy for the occupant of adjacent residential properties. The Human Rights Act, Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the OP allows for development which would have a detrimental impact on residents and their right to quiet enjoyment of their property.

Noise pollution affects both health and behavior and the OP does not clearly address the heightened need to ensure the wellbeing of its residents.

3. Inadequate parking, traffic and access

Although the OP is making attempts to increase public transit, there is no clear outline as to how this is achieved in a high density area. I have serious concerns on land use, the plot size and orientation of structures each of which will not easily adapt to increased ridership.

In conclusion I would also request that Council consider waiting until all assessments and studies are completed prior to approval of the OP. Also more time for public review and comment needs to be provided. While I understand and appreciate that the city is creating an



Urban Design Panel and would strongly recommend that residents also participate on such panel.

I would be grateful if Council would take my objections into consideration when reviewing this OP and would welcome the opportunity to meet with a representative of the Planning Department to discuss in more detail my objections.

Thank you.

Susan Goyer

1401 Elgin Street

Burlington, On L7S 1E6

November 29, 2017

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

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan (November 2017 Proposed Draft)**  
**441 Maple Avenue, Burlington**  
**OUR FILE: 16295A**

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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.

#### **Current Official Plan**

The Subject Lands are currently designated **Mixed Use Activity Area, Mixed Use Centre- Downtown Urban Growth Centre** and **Downtown Residential- Medium and/or High Density Residential Precinct** in accordance with Schedules A, B and E of 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 Draft Official Plan (April 2017)**

The first draft of the new Official Plan was released in April of 2017 and identified the Subject Lands as being located within an **Urban Centre (Urban Growth Centre), Primary Growth Areas and Downtown Urban Centre** in accordance with Schedule B, B-1 and C of the draft Official Plan. The Subject Lands were also proposed to be designated as **Downtown Residential Medium and/or High Density Precinct**, with a note that the lands were under review through the Mobility Hubs Study and revised policies and map changes would follow (Schedule D).

Given that the Mobility Hub study was in the beginning stages at the time of our first draft comment submission dated June 29, 2017, we provided general comments and requested further information with respect to the process upon which changes to the current policy would be provided including the detailed analysis of how each site would be assessed for its redevelopment potential and how considerations for height and density throughout the Downtown would be analyzed.

#### **Proposed Draft Official Plan (November 2017)**

The Proposed Draft Official Plan (November 2017) has been revised to include a policy framework for the Downtown Mobility Hubs. In accordance with the November 2017 Draft Official Plan, the Subject Lands continue to be identified as **Urban Centre (Urban Growth Centre), Primary Growth Areas and Downtown Urban Core** in accordance with Schedules B, B-1 and C, consistent with the April 2017 Draft. However, this version of the Plan now proposes a **Mid-Rise Residential Precinct** designation on the Subject Lands.

The Proposed Draft Official Plan (November 2017) states that the function of the Downtown Mid-Rise Residential Precinct is to accommodate existing residential development consisting of eleven (11) storeys or less. Permitted uses include residential uses; townhouse developments only when incorporated into a mid-rise building; retail and service commercial and office uses within the first and/or second storey of a development; and, recreation uses within the first and/or second storey of a development. No density cap for development is provided.

As noted above, we attended a pre-consultation meeting with City staff in May 2017 where we provided preliminary concepts for a high rise residential building (20 storeys). We have noted staff's initial comments and concerns related to the proposed height 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.

Given the development concept for the Subject Lands envisions a high rise residential building, we have concerns with the mid-rise residential designation proposed for the Subject Lands. First, we note that the Subject Lands are currently designated as Medium and/or High Density Residential Precinct where 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, but no maximum height, is proposed. We question the City's rationale for the down-designation of the Subject Lands, given:

1. The existing context contains several tall buildings; and,
2. Surrounding blocks are proposed to continue to be permitted to develop with tall buildings in this new framework.

We have still not seen the detailed planning analysis or report that identifies how the proposed height was established. It is our position that the Subject Lands, located within a precinct that contains some of the tallest and most dense developments within the Downtown, can appropriately achieve a compatible height and density through a tall building development that incorporates terracing and step backs and maintains view corridors. It is our opinion that the Downtown Tall Residential Precinct designation should be extended to include the Subject Lands and, accordingly, we request that the City revise the draft Official Plan such that our client's lands are designated Downtown Tall Residential Precinct.

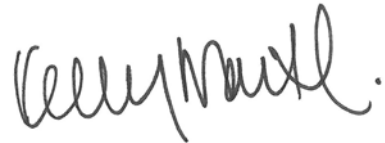
We appreciate the opportunity to comment on the proposed updated draft Official plan as it applies to our client's lands. We will continue to monitor both the Official Plan and Downtown Mobility Hub planning processes and are available to discuss our comments further with staff. We look forward to working 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'.

Dana Anderson, MCIP, RPP  
Partner

A handwritten signature in black ink, appearing to read 'Kelly Martel'.

Kelly Martel, M.Pl  
Planner

Cc: Sameer El-Fashny and Sam Badawi, Better Life Retirement Residence Inc.  
Mary Lou Tanner, City of Burlington  
Andrea Smith, City of Burlington

November 29, 2017

Mary Lou Tanner, MCIP RPP  
Director of Planning and Building  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Ms. Tanner:

**RE: City of Burlington New Official Plan  
441 North Service Road, 891 North Service Road, & 1450 King Road, Burlington  
OUR FILES: 1743A, 1743F & 1743D**

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MHBC is currently retained by Quantum Automotive Group and Astra Capital Inc. in relation to the properties located at 441 North Service Road, 891 North Service Road, & 1450 King Road in the City of Burlington.

#### **Site Description**

The property located at 441 North Service Road is located on the north side of the North Service Road, between Hickory Lane and Yorkton Court, with a site area of approximately 2.4 ha. It is currently occupied by Mercedes Benz Burlington. It is also the subject of a current rezoning application to expand the facility which was recently approved by Planning and Development Committee.

The property located at 891 North Service Road is located on the north side of the North Service Road and east of King Road, with a site area of approximately 3.6 ha. It is currently vacant.

The property at 1450 King Road is located at the northwest corner of King Road and the North Service Road. It is also currently vacant. We recently attended a pre-consultation meeting for this site with the City and are in the process of preparing a development application for the site.

#### **Current Official Plan Framework**

All three properties are currently designated **Employment Lands** (Schedule A) and **Business Corridor** (Schedule B) in the in-force City of Burlington Official Plan.

Site-specific policies currently apply to the property located at 441 North Service Road which permit the motor vehicle dealership facility. Additional site specific policies apply to the redevelopment of 441 North Service Road and 1450 King Road which require: an Environmental Impact Assessment as described in Part II, section 2.5 of the Official Plan; a viewshed study and calculations of maximum building heights; and compliance with the criteria of Part V, Section 2.4, related to design.

The property at 891 North Service Road is also subject to a number of specific policies as stated in Section 3.4.3.a of the Official Plan.

**Proposed Draft Official Plan (April 2017)**

The Subject Lands were identified as an **Urban Area** on Schedule A, **Employment Lands** in Schedule B, **Employment Growth Area** and **Developed Area Outside Built Boundary** in Schedule B-1 and **Business Corridor** in Schedule C of the April 2017 Draft Official Plan.

The Business Corridor land use designation remained relatively unchanged in the April 2017 Official Plan, however, large scale motor vehicle dealerships were permitted subject to criteria on all lands and the site specific exception for 441 North Service Road was removed.

**Comments on Proposed Draft Official Plan (April 2017)**

We provided a letter dated June 30, 2017, which conveyed our support for the addition of the motor vehicle dealership use to the Business Corridor designation and the additional flexibility provided for accessory uses. In relation to the current Mercedes Benz facility at 441 North Service Road, we requested confirmation that the current facility and its range of supportive uses were reflected in the new draft Official Plan. We also wanted to ensure that the expanded facility, now approved through the rezoning process, is recognized in the new Official Plan including those lands on which the expanded parking area is to be located. We did not receive any formal response from staff on these clarifications.

We noted that the properties at 1450 King Road and 891 North Service Road will benefit from the flexibility provided in the new Business Corridor policies.

**Comments on Proposed Draft Official Plan (November 2017)**

We note that the latest draft Official Plan (November 2017) continues to designate the properties as Business Corridor. We further note that the majority of the policies appear to remain the same with two differences:

- i) Automotive commercial uses are now removed as a permitted use; and,
- ii) The requirement for a large-scale motor vehicle dealership to be located on an Industrial Connector is a "should".

While we are supportive of the continued flexibility provided in the criteria for the location of the large-scale motor vehicle dealerships, we are concerned about the removal of automotive commercial uses from the list of permitted uses in the Business Corridor designation. These uses as defined in the latest draft Plan and would include those uses contemplated by our client as part of their overall facility operations in the area on the three properties noted. We believe these uses should remain as permitted uses within the Business Corridor designation.

We would appreciate a response from staff on these comments. We would also request that we are notified of all future meetings in relation to the new Official Plan and any further changes to the Business Corridor policies or other policies that may impact the development potential for all three sites.



We look forward to continuing to participate in the City's Official Plan review process and will provide additional comments as the policies are further developed. Please do not hesitate to contact us should you have any questions.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over a faint horizontal line.

Dana Anderson, MCIP, RPP  
Partner

Cc: Shaun Harcus, Quantum Automotive

November 29, 2017

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

Dear Ms. Smith:

**RE: City of Burlington New Official Plan  
1549 and 1569 Yorkton Court, Burlington  
OUR FILE: 1743C & 1743H**

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MHBC is currently retained by Quantum Automotive Group and Astra Capital Inc. in relation to the properties located at 1549 and 1569 Yorkton Court in the City of Burlington. The properties are located north of the North Service Road. The lands located at 1569 Yorkton Court are currently vacant whereas the lands located at 1549 Yorkton Court contain a multi-tenant industrial building.

#### **Current Official Plan Framework**

The Subject Lands are currently designated **Employment Lands** (Schedule A) and **Business Corridor** (Schedule B) in the in-force City of Burlington Official Plan.

#### **Proposed Draft Official Plan (April 2017)**

The Subject Lands were identified as an **Urban Area** on Schedule A, **Employment Lands** in Schedule B, **Employment Growth Area** and **Developed Area Outside Built Boundary** in Schedule B-1 and **Business Corridor** in Schedule C of the draft proposed Official Plan (April 2017).

#### **Comments on Proposed Draft Official Plan (April 2017)**

We provided a letter to the City with our comments on the April 2017 draft Official Plan as it related to 1569 Yorkton Court on July 21, 2017. As you may know, our client is proposing the development of a 130,000 square facility at 1569 Yorkton Court. The facility is primarily designed to be a sales, service and finishing hub for Mercedes-Benz' line of utility vans and to provide Q-aesthetics services to eight or more other dealerships. The facility will include the following uses:

- Show rooms for utility vans and van kits (specific groups of additional vehicle components which are installed based on the particular occupation / trade of the customer);
- Full service department geared toward servicing utility vans;
- Q-aesthetics department which includes body shop, paint shop, vehicle wrapping and detailing
- Assembly department where van kits are installed into stock utility vans;

- Storage of vans and vehicle components; and
- Office and employee amenity areas.

We were supportive of the addition of the large-scale motor vehicle dealership use to the Business Corridor designation and the additional flexibility provided for accessory uses. It is our interpretation that the aforementioned facility represents a sales, service, and assembly facility that could fall under the definition of a large-scale motor vehicle dealership but could also be defined through a combination of other permitted uses listed in Policy 8.2.3.2 of the Draft Official Plan: *industrial* (assembling / fabricating), *automotive commercial*, and *warehousing*.

We also noted that Yorkton Court was not identified as an Industrial Connector and if defined solely as a large-scale motor vehicle dealership would require a site specific amendment to be permitted.

#### **Comments on Proposed Draft Official Plan (November 2017)**

Since our July comments, our clients have purchased the lands at 1549 Yorkton Court. We note that the latest draft continues to designate the two properties as Business Corridor. We further note that the majority of the policies appear to remain the same with two differences:

- i) Automotive commercial uses are now removed as a permitted use; and,
- ii) The requirement for a large-scale motor vehicle dealership to be located on an Industrial Connector is a "should".

While we are supportive of the flexibility provided in the criteria for the location of a large-scale motor vehicle dealership, we are concerned about the removal of automotive commercial uses from the permitted uses in the Business Corridor. These uses as defined in the latest version of the Plan would include those uses contemplated by our client as part of their overall facility operations in the area. We believe these uses should remain as permitted uses within the Business Corridor designation as they will allow the associated and supportive dealership facilities proposed by Quantum to be developed.

We would appreciate a meeting with staff to clarify the Business Corridor policies as they relate to the business needs of Quantum Automotive. Please contact us should you have any questions.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP  
Partner

Cc: Shaun Harcus, Quantum Automotive

# RENIMMOB PROPERTIES LIMITED

242 Main Street East  
Hamilton, Ontario L8N 1H5

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

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November 28, 2017

Sent via Email: [amber.lapointe@burlington.ca](mailto:amber.lapointe@burlington.ca)

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

**Attention: Amber La Pointe, City Clerk's Department**

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

Dear Ms. La Pointe:

We are the owners of property known municipally as 535-553 Brant Street. It has come to our attention that the City of Burlington is currently reviewing its Official Plan and preparing a secondary plan for the Downtown – the Downtown Mobility Hub Precinct Plan - that may impact the redevelopment potential of our properties. We are also aware that our properties are included within an area designated by the Province of Ontario as Burlington's "Urban Growth Centre".

In the second draft of the New Official Plan, our properties are located within a portion of an area proposed to be designated in the New Official Plan as "Downtown Core Precinct" and that more detailed land use and redevelopment policies are proposed to be prepared and included in the new Precinct Plan.

While monitoring the evolution of the new planning policies for the Downtown and their direct relationship to the redevelopment of our properties, we are concurrently examining the redevelopment potential of our lands. We have concluded that our properties are suitable for high density/tall buildings.

In previous versions of the draft land use plans that have been prepared by the City's consultants, we note that open space was being considered as a potential land use for an area including our properties. We would strongly object to any and all land use policies that would promote parkland uses for our properties.

# RENIMMOB PROPERTIES LIMITED

242 Main Street East  
Hamilton, Ontario L8N 1H5

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

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We want to be active participants in the planning process that affects our properties and we trust that the City will amend appropriate policies accordingly.

We look forward to a response and working with the City of Burlington on this.

Yours truly,

**RENIMMOB PROPERTIES LIMITED.**



Per:  
Gerald Asa



PARTNERS:

**GLEN SCHNARR**, MCIP, RPP

**GLEN BROLL**, MCIP, RPP

**COLIN CHUNG**, MCIP, RPP

ASSOCIATES:

**JASON AFONSO**, MCIP, RPP

**KAREN BENNETT**, MCIP, RPP

**CARL BRAWLEY**, MCIP, RPP

**JIM LEVAC**, BAA, MCIP, RPP

November 29, 2017

Ms. M L Tanner  
City of Burlington –Department of City Building  
426 Brant Street, PO Box 5013,  
Burlington, ON  
L7R 3Z6

Our File: 1087-001

Attention: Ms. Mary Lou Tanner - Director of Department of City Building

**RE: Commentary on Burlington's Proposed New Official Plan**

Glen Schnarr & Associates Inc. are the planning consultants acting on behalf of King Paving and Materials Ltd. and 2033940 Ontario Inc. whom are the registered owners of the properties located at 1070 Waterdown Road and 1093 Howard Road, Burlington. Both registered owners are corporate entities associated with KPM Industries Ltd. On behalf of our clients, we have been actively engaged in monitoring the development of the City of Burlington's new Official Plan as well as the Aldershot Mobility Hub Study. To date, we along with our client, have been active participants in a number of the City's Open Houses and have provided commentary at many of the City's workshops and roundtable discussions. We have reviewed the proposed new Official Plan policies and land use designations as they apply to our client's lands and would like to provide commentary in support of the proposed new Official Plan to be considered by Council on November 30<sup>th</sup>, 2017.

Based on our review, the new Official Plan appears to represent a balanced approach to achieving the City's mandated growth obligations while at the same time preserving the established character of the City's mature neighbourhoods. Where appropriate, the new Official Plan has allowed for significant increases in height and density thus realizing the full development potential of areas of strategic planning importance to the City. Council and City Staff are to be commended for their efforts in this regard.

Given the location of our client's properties in the Aldershot Mobility Hub Area, the policies and land use designations applicable to the area are of great importance to our clients. We are pleased with the proposed policy direction that the new Official Plan is taking with respect to recognizing the importance of providing a range of land uses and development densities around the City's major transit stations and priority transit corridors. Of particular interest is the designation of the Mobility Hub Areas as Primary Growth Areas as shown on Schedule B-1 Growth Framework and described in Section 2.4.2. (1). of the new Official Plan. The policies relating to the Primary Growth Areas confirm that these areas are intended to be the focus for future growth, development and infrastructure investments. We note that *Schedule C – Land Use Urban Area* of the new





Official Plan continues to apply the '*Urban Corridor – Employment Lands*' and '*General Employment*' land use

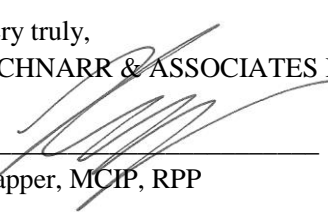
designations to our client's properties. We understand that until such time that an Area Specific Plan for the Aldershot Mobility Hub area has been prepared, the applicable objectives and policies for the underlying land use designations, those being '*Urban Corridor – Employment Lands*' and '*General Employment*', shall apply.

Based on our discussions with Planning Staff, we understand that the employment land use designation is required to be maintained in the City of Burlington Official Plan in order to ensure conformity with the Region of Halton Official Plan which designates the properties within the Regional Employment Overlay. Furthermore, we understand that the Regional Employment Overlay is to be reviewed through the next Municipal Comprehensive Review (MCR) conducted by the Region of Halton. It is our hope that during the Region's MCR, the proposed Area Specific Plan for the Aldershot Mobility Hub is sufficiently advanced to inform the Region's MCR process and therefore provide appropriate direction to the Region of the City's planning intentions for the area. It is our submission that an emphasis should be placed on finalizing the Aldershot Mobility Area Study as soon as possible so as to be able to inform the Region's MCR process.

Although not considered part of the new Official Plan, our support is based, in part, on the draft land use concepts that have been prepared as part of the Aldershot Mobility Hub Area Study. It is recognized that these land use concepts have not been considered by Council, nor have they been vetted through the full public consultation process. The draft land use concepts do however provide insight on the preliminary direction for a future Area Specific Plan for the Aldershot Mobility Hub Area. The proposed land uses, densities and building heights appear to be aligned with the direction of the proposed new Official Plan policies relating to the Mobility Hub Areas. The draft concepts illustrate an appropriate development framework for achieving the City's growth obligations in proximity to a major transit station. As such, we are in support of the proposed Official Plan policies relating to the Aldershot Mobility Hub Area.

On behalf of our client's, Glen Schnarr & Associates Inc. would like to thank the City of Burlington for the opportunity to provide comments on the new City of Burlington Official Plan. We would be pleased to meet to discuss our comments further if required. We finally request that we be kept apprised of this important process as it evolves. If you have any questions regarding these comments, please do not hesitate to contact the undersigned.

Yours very truly,  
GLEN SCHNARR & ASSOCIATES INC.

  
\_\_\_\_\_  
David Capper, MCIP, RPP  
Associate

# RUSSELL D. CHEESEMAN

*- Barrister & Solicitor -*

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

November 30, 2017

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

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017  
LBS Group Limited  
1830 Ironstone Drive  
City of Burlington**

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We are the solicitors for LBS Group Limited (“LBS”). LBS owns the property and building located at 1830 Ironstone Drive which is presently occupied by RONA. Our client, through its land use planning consultants, Wellings Planning Consultants Inc., has made several submissions on behalf of LBS with respect to the latest submission dated June 27, 2017 pertaining to the April 2017 version of the Draft Official Plan. Wellings Planning Consultants Inc. has also previously submitted a Planning Justification Report dated November 2014 regarding an Employment Conversion Request for the subject lands.

RONA and its predecessors have been at this location since 1989. This property has served a commercial rather than an employment function since 1989 and it would seem reasonable and appropriate that the commercial function be continued in the new Official Plan. RONA being a commercial use, has always been accessory to the broader area serving businesses, employees and nearby area residents.

We were pleased to see some positive changes between the April 2017 and November 2017 draft versions of the Official Plan for the subject lands including a site-specific policy allowing for the existing home improvement use and reinstatement of the permission for entertainment and recreation uses. Despite these changes, LBS remains concerned with the proposed “Uptown Business Corridor” designation for the property and the recent change to include the LBS lands within the employment overlay. The designation and overlay severely limit the redevelopment potential of the subject lands and are not consistent with the current commercial use of the property. The proposed policy framework also ignores the fact that these lands have never contributed to or served an employment function in the City or broader Region.

Royal Building  
277 Lakeshore Road East, Suite 211  
Oakville ON L6J 1H9



Toronto Meeting Rooms  
Brookfield Place, 161 Bay Street, Suite 2700  
Toronto ON M5J 2S1

We are hopeful that these concerns can be resolved prior to the final Official Plan being presented to Committee and Council in January 2018 and welcome further dialogue with City staff in this regard.

We will not be in attendance at the Planning and Development Committee meeting on November 30, 2017, as the writer is currently out of the country, but we trust that the Committee will receive this letter and that our concerns will be noted for the record.

We respectfully request to be notified of any future meetings and/or Council decisions with respect to the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,

A handwritten signature in black ink, reading "R.D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final "y".

Russell D. Cheeseman

cc. Alison Enns/Andrea Smith, City of Burlington Planning  
Jim Maxwell, LBS Group Limited  
Glenn Wellings



PARTNERS:

**GLEN SCHNARR**, MCIP, RPP

**GLEN BROLL**, MCIP, RPP

**COLIN CHUNG**, MCIP, RPP

ASSOCIATES:

**JASON AFONSO**, MCIP, RPP

**KAREN BENNETT**, MCIP, RPP

**CARL BRAWLEY**, MCIP, RPP

**JIM LEVAC**, BAA, MCIP, RPP

November 30, 2017

Our File: 1173-001

The City of Burlington  
Planning and Building Department  
426 Brant Street  
Burlington, ON L7R 3Z6

**RE: Proposed New Official Plan  
Block D, RCP PL1421  
The Hudson's Bay Lands, Burlington Mall  
777 Guelph Line, Burlington**

Glen Schnarr & Associates Inc. are the planning consultants for 3056376 Canada Inc., owner of the above-noted lands.

The subject lands are part of the Burlington Mall and are comprised of the Hudson's Bay building, associated parking, and one one-storey automotive centre building. The property has an area of approximately 4.86 hectares (12 acres) and has frontages of approximately 136 metres (446 feet) on Fairview Street and 150 metres (492 feet) on Prospect Street.

We have reviewed the land use policies of the Proposed New Official Plan as they apply to the subject lands and provide the following comments for your consideration.

**The Burlington Official Plan (July 2015 Office Consolidation)**

Schedule A, Settlement Pattern of the current Burlington Official Plan indicates that the subject lands are within a "Major Retail Area". Section III – Land Use Policies – Urban Area indicates that "Major Retail Areas" provide locations where the primary use of land involves the buying and selling of services and goods on a City-wide or community-wide basis. Four Commercial Area land use designations, which include "Regional Commercial", "Community Commercial", "Employment Commercial", and



“Neighbourhood Commercial”, are identified on Schedule B, Comprehensive Land Use Plan – Urban Planning Area (“Schedule B”).

Schedule B designates the subject lands “Regional Commercial”. Section 4.2.2, Policies indicates that “Regional Commercial” areas will provide a wide range of retail and service commercial uses and community facilities. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all the City, as well as population in adjacent municipalities. They are to be mainly developed for retail and service commercial uses. Offices and residential uses may, however, also be permitted.

Section 4.3, Regional Commercial Designation indicates that the following uses may be permitted subject to the evaluation of site specific criteria:

- All types of retail uses;
- Supermarkets/grocery stores;
- Service commercial and personal service uses;
- Department stores;
- Warehouse clubs;
- Home and auto supplies;
- Furniture stores;
- Financial institutions and services;
- Offices;
- Entertainment, recreation and other community facilities such as daycares; and
- Medium and high density residential uses to a maximum height of 12 storeys. A minimum building height is not specified.

The floor area of a property designated “Regional Commercial” that is devoted to freestanding residential, hospitality, entertainment, recreation and office uses shall not exceed half of the total floor area on the property. Development is subject to policies, which include:

- b) Development in a Regional Commercial Area or node shall be a commercial centre functioning primarily for Regional scale shopping, where a group of retail, service commercial or other uses function with some common parking and loading facilities, and egress and ingress, and may include lands on other quadrants of an intersection. Freestanding buildings shall be permitted on the site provided they do not adversely affect access or traffic circulation within the commercial area;



- c) Residential uses shall be located in buildings exclusively used for residential use or in upper storeys of commercial buildings;
- d) Office uses shall be located in freestanding buildings, within the shopping centre building, or on upper storeys of commercial buildings.
- e) A Regional Commercial area or node shall be at least 20 ha in size and have a total retail building area of approximately 45,000 sq. m. or greater; and
- h) Regional commercial areas or nodes shall be fully served by public transit services

### **The Proposed New Official Plan**

Chapter 2, Sustainable Growth, of the Proposed New Official Plan (the “Proposed Plan”) outlines a community vision for the Plan and provides the framework to guide growth and development. It outlines a proposed Urban Structure and describes the function of each element within this structure. Schedule B, Urban Structure indicates that the subject lands are within a “Mixed Use Intensification Area” and are a “Mixed Use Node and Intensification Corridor”.

Section 2.3.1, Mixed Use Intensification Areas, indicates that lands identified as “Mixed Use Intensification Areas” provide locations where a range and intensity of employment, shopping, public service facilities, residential uses and complementary uses such as open space and parks, institutional, and cultural uses will be developed with transit supportive densities in compact built form. “Mixed Use Intensification Areas” offer substantial development opportunities and represent a key element in the Proposed Plan’s strategy to accommodate and direct growth in the city over the planning horizon and beyond. Development within these areas will be guided by the underlying land use designation of the Plan.

The “Mixed Use Nodes and Intensification Corridors” section contains policies for “Mixed Use Nodes” and “Intensification Corridors”. Lands identified as “Mixed Use Nodes” represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas. Nodes are generally located at points where two or more transit routes intersect. Lands identified as “Intensification Corridors” consist of areas of street oriented uses which incorporate a mix of commercial, residential and employment uses, developed at overall greater intensities, serving as important transportation routes along higher order transit corridors and selected arterial streets.





Chapter 2 also contains policies that are used in conjunction with the Urban Structure policies to outline the relative priority, degree, type and location of growth among four Growth Framework areas proposed by the Proposed Plan. These areas are “Primary Growth Areas”, “Secondary Growth Areas”, “Employment Growth Areas”, and “Established Neighbourhood Areas”. Schedule B-1: Growth Framework, identifies the subject lands as a “Secondary Growth Area”.

“Secondary Growth Areas” are recognized in the Proposed Plan policies as distinct areas within the city’s Urban Area that will accommodate growth primarily within the permissions and densities of the land use designations. These Areas are areas expected to transition over the planning horizon and will not result in a significant relocation of planned growth outside of the Primary Growth Areas. Development is limited to a mid-rise building form, unless otherwise permitted by the policies of the Proposed Plan and, where applicable, shall support the frequent transit corridors and accommodate development that is compact, mixed use and pedestrian-oriented in nature.

The objectives and policies for the major land use designations of the Proposed Plan are outlined in Chapter 8, Land Use Policies – Urban Area. Schedule C, Land Use – Urban Area indicates that the subject lands are within a Mixed Use Intensification Area and a Mixed Use Nodes and Corridor. They are designated “Mixed Use Commercial Centre”.

The applicable policies indicate that “Mixed Use Nodes and Intensification Corridors” are locations where mixed commercial, residential and employment uses will be developed and integrated in a compact built form and at greater development intensities, to encourage the efficient use of physical resources and municipal infrastructure. They will serve as areas for more intensive integration of uses such as retail, service commercial, offices, institutional and entertainment uses with residential uses, public service facilities, cultural facilities, institutional uses and open space to provide amenities and services closer to where people live. A diverse range of household sizes and incomes is encouraged to be accommodated in these areas. Proper integration with surrounding established Neighbourhood Areas to ensure that development is compatible with the area is also required.

Section 8.1.3(3), Mixed Use Commercial Centre Designation indicates that this designation provides locations for Mixed Use Commercial Centres that offer a wide range of retail and service commercial uses, office uses, residential uses, public service facilities and open spaces. They are intended to serve a regional market as well as provide retail goods and services to residents in the immediate area and the city.

The designation recognizes locations that are currently characterized by one or several space-extensive, automobile-oriented large retail uses on one or more properties, which have the potential to re-develop in the long-term in a more intensive, mixed use, pedestrian and transit-oriented manner. It is the objective of



this designation to protect the planned commercial function within “Mixed Use Commercial Centres” while encouraging job creation and residential uses, public service facilities, and public outdoor amenities for employees, residents and visitors where appropriate. The development of surface parking lots and the intensification of under-utilized lands and buildings is also encouraged.

The following uses may be permitted on lands designated “Mixed Use Commercial”:

- All types of retail and service commercial uses;
- Automotive commercial uses;
- Residential uses except for single-detached and semi-detached dwellings;
- Office uses;
- Entertainment uses; and
- Recreation uses.

Notwithstanding the permitted residential uses, other forms of ground-oriented dwellings may be permitted as a component of an overall development of mixed residential or residential/commercial building forms, provided that the ground-oriented residential portion of the development:

- (i) Does not abut an identified Major Arterial, Multi-Purpose Arterial Street, Urban Avenue or Industrial Connector;
- (ii) Is developed in conjunction with, and is accessory to, a multi-residential or mixed use building; and,
- (iii) Does not compromise the long-term objectives of the Mixed Use Commercial Centre designation with respect to such matters as mix of uses, retail and service commercial function, site design, building form and intensity.

Within the designation, development is encouraged to have a minimum building height of two storeys and a maximum building height of 12 storeys. Development applications on large sites that propose one or more *tall buildings*, which are defined as buildings twelve storeys or higher, as part of a comprehensive site development shall be subject to the preparation of an *area specific plan* in conformity with the approved policies and design guidelines of the City. Office uses may be in freestanding buildings, within a shopping centre building, or on upper storeys of commercial buildings.

The ground floor frontage of buildings fronting a Major Arterial or Multi-Purpose Arterial Street such as Guelph Line or Fairview Street respectively, or public open space must consist of retail and service commercial uses. Residential uses are also encouraged in the upper storeys of commercial buildings and may be permitted in buildings exclusively used for residential use provided that the proposed development



does not adversely impact the capacity of the “Mixed Use Commercial Centre” to provide for the retail and service commercial function established in the Plan. The residential building must also be part of an overall development of mixed residential/commercial building forms.

### **Comments**

We have reviewed the land use policies of the Proposed New Official Plan and support the proposed “Mixed Use Commercial Centre” designation. We also agree that it is important to maintain the planned retail and service commercial function set out in the Plan. To achieve this, we believe that it is important that the existing commercial permissions from the current Official Plan be maintained for the subject lands and that they not be restricted or limited in the Proposed New Official Plan. We therefore provide the following comments:

1. The Proposed Plan contains policies for “Mixed Use Nodes” and “Intensification Corridors”. It is not clear; however, which policies apply to the subject lands since they appear to meet the criteria for both. Please clarify which policies are applicable.
2. The current Official Plan may permit specific uses including supermarkets/grocery stores, department stores, and warehouse clubs. These uses are defined in the Proposed Plan but, unlike the current Official Plan, are not specifically listed as permitted uses in the “Mixed Use Commercial Centre” designation. Given this, we request that you please confirm that these uses will continue to be permitted in the Proposed Plan.
3. The current Official Plan also permits *community facilities*, which are defined as a facility provided by a service agency, service club, church or non-profit organization for social, cultural, religious, welfare, athletic or *recreational* purposes. This term is not, however, carried over in the Proposed Plan. Please confirm that the “community facilities” uses will continue to be permitted in the Proposed Plan.
4. The current Official Plan does not specify a minimum building height for lands designated “Regional Commercial”. In contrast, the Proposed Plan “encourages” a minimum building height of two storeys. To protect the planned commercial function within Mixed Use Centres and the viability of future commercial uses, it is important that one storey commercial buildings continue to be permitted. We therefore request that the Proposed Plan be revised to eliminate the minimum two storey height.



5. The current Official Plan may permit medium and high density residential uses in buildings used exclusively for residential uses or in the upper storeys of commercial buildings provided that the floor area of a property designated “Regional Commercial” that is devoted to freestanding residential, hospitality, entertainment, recreation and office uses does not exceed half of the total floor area on the property.

The Proposed Plan, however, may permit ground-oriented dwellings as a component of an overall development of mixed residential or residential/commercial building forms, subject to criteria including a requirement that they not be not about a Major Arterial, a Multi-Purpose Arterial Street (Fairview Street), an Urban Avenue (Guelph Line) or an Industrial Collector. They must also be developed in conjunction with, and be accessory to, a multi-residential or mixed use building.

We agree that it is appropriate to allow freestanding ground-oriented dwellings as part of the “Mixed Use Commercial Centre” but are not clear on what constitutes a “mixed residential” building form and what is meant by “accessory to” as required by the proposed policies. The meaning of the words “as a component of an overall development” are also unclear in the context of the subject lands, which are physically part of the larger Burlington Mall but are owned separately from the remainder of the mall.

6. We recognize that both the current and Proposed Plan indicate that a maximum building height of twelve storeys is encouraged. It may also allow taller buildings as part of a comprehensive site development that is subject to the preparation of an area-specific plan and conformity with the policies and design guidelines approved by the City. We are unclear, however, how this policy would be applied to the subject lands given that it is physically part of the larger Burlington Mall but owned separately from the remainder of the mall. We therefore request that you clarify how these policies would be implemented on the subject lands.

We appreciate your consideration of our comments and request a meeting with staff to discuss them further. If you have any questions in the meantime, please do not hesitate to contact me.



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

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Colin Chung, MCIP, RPP  
Partner

X:\...\Mark B./Project Files/Burlington/1173-001 (Burlington Mall\_Burlington)/171129 Draft Official Plan Comment Letter

# RENIMMOB PROPERTIES LIMITED

242 Main Street East  
Hamilton, Ontario L8N 1H5

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

14:11:00 ON

November 28, 2017

Sent via Email: [amber.lapointe@burlington.ca](mailto:amber.lapointe@burlington.ca)

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

**Attention: Amber La Pointe, City Clerk's Department**

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

Dear Ms. La Pointe:

We are the owners of property known municipally as 535-553 Brant Street. It has come to our attention that the City of Burlington is currently reviewing its Official Plan and preparing a secondary plan for the Downtown – the Downtown Mobility Hub Precinct Plan - that may impact the redevelopment potential of our properties. We are also aware that our properties are included within an area designated by the Province of Ontario as Burlington's "Urban Growth Centre".

In the second draft of the New Official Plan, our properties are located within a portion of an area proposed to be designated in the New Official Plan as "Downtown Core Precinct" and that more detailed land use and redevelopment policies are proposed to be prepared and included in the new Precinct Plan.

While monitoring the evolution of the new planning policies for the Downtown and their direct relationship to the redevelopment of our properties, we are concurrently examining the redevelopment potential of our lands. We have concluded that our properties are suitable for high density/tall buildings.

In previous versions of the draft land use plans that have been prepared by the City's consultants, we note that open space was being considered as a potential land use for an area including our properties. We would strongly object to any and all land use policies that would promote parkland uses for our properties.



# RENIMMOB PROPERTIES LIMITED

242 Main Street East  
Hamilton, Ontario L8N 1H5

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

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We want to be active participants in the planning process that affects our properties and we trust that the City will amend appropriate policies accordingly.

We look forward to a response and working with the City of Burlington on this.

Yours truly,

**RENIMMOB PROPERTIES LIMITED.**



Per:  
Gerald Asa

**RUSSELL D. CHEESEMAM**  
*- Barrister & Solicitor -*

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

November 29, 2017

**VIA COURIER**

The Mayor and Council Members  
The Corporation of the City of Burlington  
City Hall  
425 Brant Street  
Burlington, Ontario  
L7R 3Z7

Attention: Ms. Angela Morgan, City Clerk

Dear Mayor and Members of Council:

NOV 30 AM 11:40

**Re: New City of Burlington Official Plan**

We are solicitors for First Urban Inc. and Bloomfield Developments Inc., the owners and developers of lands within the City of Burlington.

We have reviewed the Agenda of the November 30, 2017 Planning and Development Committee, as well as the staff report that was prepared in respect of the new draft Official Plan of the City of Burlington. Our clients' land use planning consultants, Weston Consulting, submitted two letters to the City as part of the Official Plan Review process. The first was dated November 14, 2016 and related to concerns about the proposed Official Plan as it related to lands at 800 Lasalle Park Road, and the second was dated April 5, 2017 and raised concerns about the Official Plan as it related to lands known as 140 Blue Water Place and 105 Avondale Court. Copies of those two letters are attached for your reference.

In our review of the newly revised draft Official Plan, it appears that the concerns raised in our letters have not been suitably addressed. As such, we would ask Planning and Development Committee of the City of Burlington, and ultimately the Council of the City of Burlington to delay any adoption of the proposed draft Official Plan until such time as our clients' concerns can be addressed in a manner that would be suitable to both the City and our clients.

Royal Building  
277 Lakeshore Road East, Suite 211  
Oakville ON L6J 1H9



Toronto Meeting Rooms  
Brookfield Place, 161 Bay Street, Suite 2700  
Toronto ON M5J 2S1

TELEPHONE: 416-955-9529 | CELLULAR: 416-520-9854 | EMAIL: rdcheese@aol.com | FACSIMILE: 416-955-9532

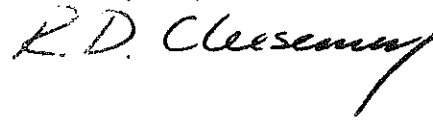
[www.MunicipalLawChambers.com](http://www.MunicipalLawChambers.com)

Planning and Development Committee and Council should both be aware that the lands at 140 Blue Water Place and 105 Avondale Court are currently the subject of an Ontario Municipal Board Hearing scheduled to commence on May 14, 2018. It would be desirable for the outcome of that Hearing to be consistent with the new Official Plan.

We will not be in attendance at the Planning and Development Committee meeting on November 30, 2017, as the writer is currently out of the country, but we trust that the Committee will receive this letter and that our concerns will be noted for the record.

If you have any questions, or require any further information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read "R.D. Cheeseman", written in a cursive style.

Russell D. Cheeseman

cc. Mr. T. Perruzza (via e-mail)  
Mr. S. Chelliah (via e-mail)  
Mr. M. Quarcoopome (via e-mail)



**WESTON  
CONSULTING**

planning + urban design

Clerks Department  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

April 5, 2017  
File 7643

**Attn: Ms. Angela Morgan, City Clerk**

Dear Ms. Morgan

**Re: 143 Blue Water Place & 105 Avondale Court  
Response to Draft Official Plan, April 2017**

Weston Consulting is the Planning Consultant for the owners of the above referenced lands. This letter is in response to the new draft 2017 Official Plan policies that are being presented to the Committee of the Whole on April 6, 2017. Following are our concerns related to height and the provision for new rights of ways.

Height

The subject lands are designated *Residential- Low Density* in the current in-force Official Plan. Section 7.5.6- Residential Areas of the OP prescribes the development policies for these areas which include, building type, density and compatibility.

It is recognized that the majority of the existing policies in the in-force Official Plan have been duplicated in the new draft 2017 OP. However, additional policies have been added, specifically related to height:

Section 8.3.2.1 d) On lands designated Residential – Low Density, the maximum height of *development shall* be established through the implementing Zoning By-Law.

Section 8.3.2.1 e) For development, *re-development* or *infill developments* on lands designated Residential- Low Density, the following additional criterion *shall* be considered when evaluating minor variance applications for increased height:

- (i) the maximum building height *should* be comparable to the average height of the highest points of the rooflines of existing residential buildings on



the immediately adjoining properties sharing lot lines with the lands under application.

It is our opinion that these policies are too prescriptive and redundant. Section 8.3.2.1 b) requires that other ground orientated dwellings, not including single and semi-detached housing types, *be compatible with the scale, urban design and community features of the neighbourhood*. Compatibility is a defined term in the draft OP: *development or redevelopment which may or may not be the same as or similar to existing development, but can co-exist with the surrounding areas without unacceptable impacts*. This approach to determine maximum height is appropriate as it does not limit redevelopment to existing by-laws or lands immediately around any property. It is also reinforced through Section 2.5.1 a) Development Criteria Objectives and Section 2.5.1 a).i Development Criteria Policies of the new draft Official Plan.

#### Right of Ways:

Blue Water Place is a private road which provides access to not only residence on the subject property, but provides direct and indirect access to several residential dwellings. New draft OP policies seek to *encourage* new redevelopment projects to provide/ dedicate these roads to the City:

Section 8.3.1.2 d) *Development* which proposes the creation of a new common roadway *shall be encouraged* to provide the roadway in the form of a public right-of-way.

It is unclear how this provision is intended to be implemented. If the City requests that an existing private road to become public, compensation to the landowner should be made.

We ask the Committee consider implications of the above referenced policies and request Planning Policy staff to remove or provide additional clarity.

Yours truly,

**Weston Consulting**

Per:



Martin Quarcoopome, BES, MCIP, RPP  
Associate

- c. T. Perruzza, First Urban Inc.
- S. Chelliah, Bloomfield Homes



**WESTON  
CONSULTING**

planning + urban design

Andrea Smith  
Manager of Policy and Research  
426 Brant Street  
Burlington, ON  
L7R 3Z6

November 14, 2016  
File 7692

**RE: 800 Lasalle Park Road, Burlington  
City of Burlington – Official Plan Review**

Weston Consulting has been retained by First Urban Inc. to provide planning assistance regarding the property municipally known as 800 Lasalle Park Road, Burlington (herein referred to as the 'subject lands'). This letter has been prepared on behalf of our client who wishes to participate in the City of Burlington's Official Plan Review process and proposes a re-designation of the subject lands.

The subject lands are located in the City's Aldershot community. The lands are 11,897.72 square metres (2.94 acres) and contain an existing detached dwelling. The lands have water frontage and a shared inlet on the site's west side with the adjacent homeowner. The subject lands are surrounded by a high-rise residential apartment building (La Salle Towers) to the north, Lasalle Park and Marina to the east, the Burlington Bay/ Hamilton Harbour to the south, and single detached dwellings to the west.

The City's current Official Plan designates the subject lands *Residential – Low Density*. Given the ongoing Official Plan Review, we believe it is the appropriate time to seek re-designation of these lands to *Residential – High Density* as part of the ongoing Official Plan Review process.

The requested land use change is consistent with the immediate area as the 15- storey La Salle Towers apartment building is situated to the north of the lands, and is designated *Residential – High Density*. This re-designation request is also in keeping with the City's Urban Structure and Intensification Policy Directions Report from July 2016. The report details how growth should be managed within the City, and this includes accommodation through targeted intensification and development that is supportive of the City's transit initiative. The immediate community includes the following amenities that can support high-density residential intensification:

- Lasalle Park: this 57 acre full- service park includes a playground, splash pad, washrooms, picnic area, baseball diamonds, passive recreational lands, and a portion of the Waterfront Trail; and
- Lasalle Marina: the only public docking facility within the City of Burlington who are seeking a multi-million dollar expansion which includes a new permanent break wall and increase of boat slips from 219 to 349.



The subject lands are located approximately 1 km south (10 mins walking distance) of Plains Road East, which is identified as a *Primary Intensification Corridor* on the City's Draft Intensification Framework Mapping (PB-29-16 Appendix C). This corridor is a primary transit route in the City and is intended to absorb growth to meet Provincial growth mandates. Additionally, the lands are less than 2 km south of the Aldershot GO Station and are less than 1 km from the Aldershot Mobility Hub Study Area identified on the City's Transportation Network Mapping (PB-29-16 Appendix D).

The Aldershot GO Station is one of the City's key major Transit Station Areas and is a critical location for intensification and achieving transit-supportive densities. The Mobility Hubs initiative is intended to make more efficient use of the surrounding lands to help guide growth and development. Considering these Official Plan Review objectives, the subject lands provide a development opportunity which will help the City achieve its intensification targets and support their transit initiatives.

It is our opinion that the re-designation of the subject lands to *Residential – High Density* is compatible with the surrounding area and consistent with the City's objectives for future growth and intensification. We appreciate the opportunity to take part in the City's Official Plan Review and kindly request that we be notified of any future reports and/or public meetings regarding this matter.

If you have any questions or would like to discuss this letter further please contact the undersigned at ext. 266.

Yours truly,

**Weston Consulting**

**Per:**



Martin Quarcoopome, BES, MCIP, RPP  
Associate

c. Mark N. Emery, President, Weston Consulting;  
Tony Perruzza, First Urban Inc.;  
Russell Cheeseman, Municipal Law Chambers.

June 28, 2017

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

Dear Andrea:

**Re: Meehan & Wilson - 2070 and 2090 Queensway Drive**

Please accept this submission on behalf of Mr. Don Meehan and Mr. Brad Wilson, owners of 2090 and 2070 Queensway Drive respectively. Through the process of considering employment lands that may be converted to non-employment uses last year, the above property was identified as a site that could be converted to non-employment uses to a form of mixed use development.

From my reading of the plan, I note that the subject property is identified in Schedule B as being within a "Mixed Use Intensification Area" with a specific designation identified with a purple colour which notes: "*Mixed Use Nodes and Intensification Corridors*". This designation in Section 8.1.3 allows a range of uses including residential. This designation appears to be consistent with the Council direction to permit mixed uses on this property and is supported by the owner.

However, there appears to be a conflict with Schedule C which notes that the lands are designated General Employment. From a review of policies in Section 8.2.2 General Employment designation, it would appear that this designation does not permit residential uses.

We would recommend that Schedule C - Land Use - Urban Area - will be modified to replace the General Employment designation on these properties to Urban Corridor in order to be consistent with the intent of Council decision and the designation in Schedule B.

We would also ask for two amendments to the standard Urban Corridor policies, including elimination of floor area ratio and maximum building height. We believe these measures should be included in the implementing Zoning By-law to provide clarity for development expectations and also to allow for any minor modifications that may be desirable from a design perspective without the need for an official plan amendment should a desirable project come forward that exceeds these limits.

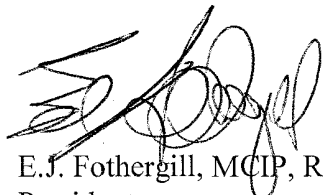
If a limit is to be established, we would suggest that a floor area ratio of 6.0:1 be utilized to reflect future expectations based on current built form as well as applications that are being considered by the City. We believe the provision found in Policy 8.1.3.6.2(i) be retained to permit an increase in floor area ratio beyond this limit subject to fulfilling the five criteria set out in the draft plan.

With respect to height, if a height limit is required, we would suggest a limit be set at 25 storeys to reflect the importance of this site given its location within a Mobility Hub and proximity to the Burlington GO Station as well as the form and nature of surrounding land uses.

Thank you very much for the consideration of this submission.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
President

cc. Don Meehan  
Brad Wilson

November 29, 2017

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

Dear Ms. Morgan:

**Re: City of Burlington Official Plan  
Public Meeting - Thursday November 30, 2017**

Please accept this submission on behalf of the Molinaro Group and its associated companies with respect to three sets of property holdings within the limits of the Urban Growth Centre. Staff are to be congratulated for producing a comprehensive planning document that, for the most part, has been able to respond to a variety of competing interests in the Urban Growth Centre.

**1. Cannery Precinct**

The Molinaro Group supports the intent to establish tall buildings in the precinct and agrees with the identification of the north-east corner of Brant and Lakeshore as a node which deserves special attention. They would, however, like to propose a change to the plan to allow for a range of heights between 22-27 storeys. This would allow for an appropriate degree of flexibility in terms of design options for the site which would take into account the need to provide significant public space that is being contemplated in the plan. While we agree with the principles associated with the establishment of a public space on this site, we would suggest that the extent of the open space as shown on page 9 in the documentation included in the Mobility Hub Workbook Study should be reviewed as a conceptual illustration and not used to precisely define the extent of open space that might also be established on this site. The size, shape, and function of this space should be left to a later date at which time very detailed site assessment and building design can be undertaken.

The request for flexibility is important to ensure that the planning process which will lead to the creation of a specific development project on this site achieves the best possible outcome for the City and the proponent. The flexibility of additional height allows for better consideration of achieving more affordable limits, minimizing impacts on abutting properties, and accommodating the significant loss in building area associated with the public space objectives. It also allows for more creative design alternatives to be considered and a greater ability to achieve the design objectives of the Urban Design Guidelines. The presence of two heritage buildings in this block also contributes to the need to consider additional height to be able to properly accommodate the limitations and restrictions that may arise out of design efforts to respond to heritage matters.

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From the extensive experience of the developer and the City with respect to creating successful and innovative tall buildings, it has become evident that the design exercise associated with a successful project must be carefully crafted with input from the City. This will ensure that the variety of often conflicting objectives of both the City and the developer are taken into account to achieve a well designed, well balanced project that responds to not only the site opportunities and limitations, but also contributes to the enhancement of the design of the downtown core. Until this design exercise is completed, it is difficult to pre-determine with any great precision all the design outcomes of that process, including building height. As a result, strategic sites such as this should be provided with a range of height options that allow for bringing forward a built form which is the best possible fit for this site.

We would therefore suggest that the Official Plan add flexibility by providing a 22-storey limit as of right with the possibility of up to 27 storeys in this strategic location subject to the assessment of criteria which could include the provision of public open space, and the consideration of potential impacts on abutting properties, building separation, creative urban design and other matters.

## **2. Lakeshore Road between John Street and Elizabeth Street**

The Molinaro Group agrees that the expectations with respect to this site are different than those of the property to the west located at the corner of Brant Street and Lakeshore Road. However, for the same reasons as articulated above, it is recommended that the Official Plan contain flexibility in terms of ultimate building height and for this site would suggest a range from 17-23 storeys as being appropriate with additional height being provided based on the same criteria as noted above.

## **3. Brant and Ghent Avenue**

The Molinaro Group has purchased properties at the north-west, north-east and south-east corners of Ghent Avenue and are considering an integrated development project that would meet the objectives of the Upper Brant Precinct and establish a desirable precedent for future development within this Precinct.

The Molinaro Group supports the 25 storey height limit for the properties located at the north-west and north-east corners of Brant and Ghent Avenue. However, it is recommended that the Official Plan contain a policy to permit flexibility to allow for a different distribution of height between the two sites. This would allow for the consideration of differing heights of one or more buildings on each site which could improve the architectural context of the two sites in a manner similar to that successfully implemented in the award-winning Paradigm project. In that case, design excellence was achieved through the creative distribution of height on the site to create a more architecturally pleasing project without exceeding overall development limits.

In the same fashion, there may be an opportunity, for example, to add some height to the north-east corner which is adjacent to a more high-rise context, and perhaps a somewhat lower height on the north-east corner on a site which is closer to lower-rise residential development. If an absolute height limit is required for the north-east corner, it is suggested it be set at 30 storeys.

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The Molinaro Group does not disagree with the direction of reducing building heights on the south-east corner given the proximity of low-rise residential uses to the east. Our background studies for this site would confirm that the recommendation from staff of 11 storeys in this location is appropriate. However, for the same reasons outlined earlier, we believe this is a site that could also warrant additional height if special design considerations were undertaken.

As an example, from preliminary work undertaken by the Molinaro Group, we believe that a tower feature on the site of up to 15 storeys would be appropriate with the impact on the neighbourhood being minimized by lower rise, i.e. 4-storey buildings north and south of the proposed tower. We believe this would have less of an overall impact on the community, would better assist in achieving some of the objectives of the Urban Design Guidelines. It would also result in a much more integrated urban design that would tie in better to the anticipated built form on the north-east and/or the west corners. Given these design details have not been finalized and there has not been an opportunity for full input to this form of development which could very well end up resulting in a superior design that is better accepted by the community, we believe the Official Plan policy for this site should include a provision to allow up to 15 storeys subject to a further design exercise and consideration of the matters addressed earlier.

We believe that the changes we are proposing can be accommodated within the plan in a manner that will complement and not adversely affect any other policies or designations within the Urban Growth Centre. More importantly, we believe these changes are necessary to ensure the enhanced standard of urban design that is expected to be generated through the implementation of these Official Plan policies can be achieved.

The success of the Molinaro Group in terms of both creating and implementing award winning design projects and playing a key role in the transformation of the Burlington downtown has been attributed in part to their ability to work with the City and staff in a creative fashion to generate projects which not only establish the highest architectural precedents in the City, but also have been functional and have contributed significantly to attracting new residents to the downtown area. The amendments being proposed will allow that process of dialogue and collaboration to continue and believe that the changes being proposed will result in a much better outcome for the City and establish an even higher standard of excellence for subsequent development projects.

We note that in some of the background documents, one of the objectives of the downtown Mobility Hub is: ***"where possible, establishing maximum building heights which are consistent with existing development precedent"***.

We would suggest that this objective be modified to replace the word "consistent" with "compatible". Pursuing building heights which are compatible with existing development precedent but may not be necessarily consistent with existing development. Given that the intent of the Official Plan review is to "grow bold", this objective could be seen as a contradiction if the template for the consideration of building heights is limited to that of existing development. The use of the word "compatible" provides more flexibility and does not tie future design elements of new and exciting built form to the downtown to existing development, some of which has existed for more than 50 years. If the intent is to truly break from past practices and precedents, limiting new development to current standards should not be an impediment to "growing bold".

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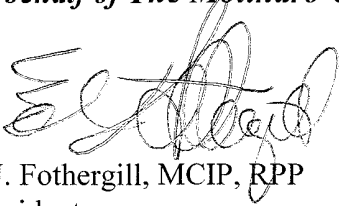


We thank you for the opportunity to have input to the new Official Plan and look forward to continuing our ongoing dialogue with staff.

Thank you very much.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**  
***on behalf of The Molinaro Group***

A handwritten signature in black ink, appearing to read 'E.J. Fothergill', written over a horizontal line.

E.J. Fothergill, MCIP, RPP  
President

cc. Vince Molinaro  
Sam DiSanto  
Rob Molinaro  
Kristen Baugaard  
Andrea Smith  
Mary Lou Tanner



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
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[ibigroup.com](http://ibigroup.com)

November 30, 2017

Mayor Goldring and Members of Council  
City of Burlington  
426 Brant Street  
Burlington, ON  
L7R 3Z6

Dear Mayor Goldring:

**COMMENTS ON PROPOSED NEW CITY OF BURLINGTON OFFICIAL PLAN - RE: 1309  
APPLEBY LINE - TAYLOR FARM**

We are the planning consultants retained by the Owner to review the subject lands in the context of the City's Official Plan exercise, and specifically the sub-component which reviewed City-wide employment land designations and needs. The Owners are not able to attend the Public Meeting on November 30. However, please accept these comments under the requirements of the Planning Act with respect to written submissions prior to a decision being made, and consider them also as part of the official public meeting proceedings.

With respect to the subject lands, we have made previous submissions to staff and Council. These included:

1. Initial screening request under the employment lands review
2. Detailed Planning Justification Report for a proposed conversion from employment designation to primarily a residential designation
3. Delegation and presentation to Planning Committee in support of report submission and to address recommendations on the employment land review

Following this process, we have reviewed the proposed Official Plan document to be presented and discussed on November 30. We note that the subject lands are identified/proposed to be designated on the following Schedules:

1. Mixed Use Intensification Area (Urban Centre) and Areas of Employment Overlay (Employment Designations within Urban Centres) on Schedule B – Urban Structure
2. Primary Growth Area on Schedule B-1 – Growth Framework
3. Mixed Use Intensification Area (Urban Centre – Uptown Urban Centre) on Schedule C – Land Use-Urban Area
4. Uptown Business Corridor, Uptown Residential – Medium Density, Natural Heritage System and Uptown Major Parks and Open Space on Schedule E – Uptown Urban Centre

With respect to the previous employment lands review process, it appears that the proposed Official Plan is adopting a recommendation by the City's consultant, which proposed partial conversion of the lands from employment to residential designations, as it pertains only to the easterly portion of the site along Lampman Ave. While this recommendation should not be completely disregarded, it does not align with our previous submissions and the detailed

Mayor Goldring and Members of Council – November 30, 2017

justification we provided, which proposed that the bulk of the lands should be re-designated to residential uses. Our opinion remains that the majority of the lands are best-suited to residential uses, which would assist the City in meeting a range of stated city-building goals, such as accommodating residential intensification at appropriate locations. Within our previous recommendation, we also proposed that a portion of the lands at the corner of Lampman Ave and Mainway be maintained as designated employment lands, which would still maintain some employment lands in an appropriate location within the Uptown Urban Centre. With this proposal, the City can still maintain an appropriate range and mix of uses at this location.

At this stage, rather than re-submit the material already provided, we are taking this opportunity to re-iterate our position that the lands should be designated from employment to residential uses, as we previously proposed. Such a conversion is only possible at the time of a comprehensive review exercise such as this, and thus the opportunity is now for this decision to be made.

Thank you

A handwritten signature in black ink, consisting of a series of fluid, connected loops and strokes, identifying Mike Crough.

Mike Crough RPP MCIP  
Senior Planner

---

**From:** Deby Morrison [REDACTED]  
**Sent:** Thursday, November 30, 2017 12:31 PM  
**To:** Mailbox, OPReview  
**Cc:** LaPointe, Amber; ecob47@gmail.com; Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Taylor, John; Lancaster, Blair; Dennison, Jack; Sharman, Paul  
**Subject:** Do not rush the Adoption of this Official Plan tonight

It is unacceptable to be rushing this Official Plan through Development and Committee tonight to head to Council for a vote when the public has been given 14 days to comment on such major and drastic changes to the future of this City.

The Official Plan was released November 9, 2017 to the public, an email went out Nov 13/17 and the public was given 14 days to Nov 27/17 to comment. After only 14 days, why is this plan being considered today, November 30, 2017, at a Planning & Development committee meeting to be sent to Council for a vote? Noted, there were three public open house presentations of this plan from November 16 to 20th, 2017, 4 days, during which time I was out of the Country; I am sure that I am not alone in this situation. Many Burlington residents are still unaware that the Official Plan has been released.

This Plan is recommending drastic changes to the City and is going to forever change the landscape and culture of Burlington and our Downtown. This should not be rushed to Council prior to a specific, detailed design of the Downtown Core has been established and further public consultation and discussion. I haven't had time to review the entire report, but I do not agree with raising heights to 17 to 25 storeys from 4 to 8 storeys in entire precincts and changing precinct borders without a more refined, detailed design of the Downtown Core.

I am pro development, but I am NOT pro development of a canyon of 25 storey condo buildings up the entire length of Brant Street. What a sure way to kill the Downtown core for people and entrepreneurial business and encourage car traffic. What is being proposed would create a most unfriendly environment for people and create a congested traffic mess. This City is going to end up with what King Street in Toronto has become. Toronto is spending millions trying to figure out how to end the daily traffic gridlock and bring people back to King Street at night. We have history and lessons close by to draw from, why would we do this to our Downtown Core? Who is benefitting from this type of Development and why are we in such a rush to move forward in this manner?

I attended many of the public sessions on developing the new official plan and the grow bold initiatives and was left with the impression that the majority of residents did not support this level of increased height and density in the core. The City is on target to meet their intensification targets of 200 people/jobs per hectare as we are already at 174 jobs/hectare, without this level of intensification in the Core.

It would be irresponsible to change these zoning laws without having a Downtown Design, Transit, Traffic and Infrastructure Plans in place. The traffic and construction time and effect of these buildings will gridlock the downtown in the near term and forever be a detriment to

the appeal and draw to our downtown core. Any successful City needs a successful Downtown.

Making zoning law changes for Developers over these past years has led Developers to overpay for downtown properties as they gambled on whether or not they would be able to build 23 storeys vs. the zoned 4 to 8 storeys. These Developers have allowed the Downtown Core to become somewhat shoddy as they have not kept their properties in good repair nor have they allowed entrepreneurial business owners to sign long term leases. Developers wanted to be ready to go when "the height was right". Should Developers be rewarded for these actions; driving up property prices and encouraging decaying property conditions. Why should the residents of the City have to pay the price because Developers are lamenting that they can't make a profit on 4 to 8 storeys as a direct result of their own decision to overpay for property. Should Developers be driving the design and future of our Downtown Core? Or should the citizens of Burlington be the driving force behind the design of our Downtown?

A wonderful Downtown 'culture' has been emerging the past few years with interesting entrepreneurial businesses bringing residents and tourists alike to our Downtown Core. Kellys, a major draw for residents & young people from far and wide, Centro Garden Store & their Sunday Farmer's market & Maker's Markets, Tamp Coffee, a major meeting hub for business & residents, the Burro, draws a younger crowd from far and wide, just to name a few and none of these businesses will survive the higher rents these new high rise condos bring. In fact, Kellys has been given their walking papers by a Developer, Centro is slated for a 17 storey development and we won't get these businesses back. We should be nurturing and encouraging these business owners, as against all odds, they were building a culture and environment that was drawing young people, residents and tourists to the core. If there's any doubt about that just look at the current businesses at ground level in the current high rise condo towers: real estate, bank, mortgage, franchise, medical, empty; absolutely no draw or culture to be found.

Sometimes what's in the buildings is more important than the buildings and we have an opportunity to foster and create that environment in our City. Part of the Downtown Core should be developed into an area where these businesses can flourish, perhaps a Pedestrian Promenade. This should be designed prior to any change in the Official Plan. We only have one Downtown Core, there is no where else in our City for these businesses to relocate or this type of Pedestrian friendly area to be developed. I'm sure if this type of project was tendered to Developers, we'd see some wonderful plans.

We have a gem on the Lake, let's be careful going forward and foster a thriving "Niagara-on-the-Lake" destination, not a "Toronto Queen's Quay Nightmare" on the Lake.

I am pro development downtown, however, I am for reasonable, responsible development with a defined design plan prior to pushing forward.

Thankyou for your consideration,

Deby Morrison





**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

**VIA EMAIL**

November 30, 2017

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

Attention: Ms. Leah Smith, Senior Planner

Dear: Ms. Smith:

**Re: Official Plan Review – November 2017 Draft  
Preliminary Comments on behalf of Terracap Management Inc., Glenwood  
Brant Holdings Inc. and Cabo Two Investments Inc.  
Burlington Power Centre  
1220 Brant Street, 1250 Brant Street and 1326 Brant Street  
Burlington, ON  
Our File: TER/BUR/14-02**

We are the planning consultants for Terracap Management Inc. with regard to the City's Official Plan Review process for lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street in Burlington, Ontario.

On behalf of Terracap Management Inc., Glenwood Brant Holdings Inc. and Cabo Two Investments Inc. we provided the enclosed preliminary comments dated July 7, 2017 with regard to the April 2017 Draft Official Plan. Responses to our comments were provided in Staff Report PB-50-17 dated November 30, 2017.

On behalf of Terracap Management Inc., Glenwood Brant Holdings Inc. and Cabo Two Investments Inc. we have reviewed the November 2017 Draft Official Plan and associated Staff Report PB-50-17 and we have preliminary comments for the November 2017 Draft Official Plan as outlined below and may provide further comments as required.

Our preliminary comments for the November 2017 Draft Official Plan are as follows:

- In general, our comments dated July 7, 2017 were satisfactorily addressed as outlined in Staff Report PB-50-17 Appendix E, however, we will continue to monitor in order to ensure appropriate implementation;
- Section 7.3.2.(1) a)(i) d. relates to locating primary public entrances for each use located at grade towards a public right-of-way and immediately adjacent to the public right-of-way and Section 7.3.2.(1) a)(i) e. relates to including direct pedestrian access to the primary public entrances on the building façade. In our submission, policies related to the placement and orientation of entrances require flexibility in order to account for operational needs, irregular parcels, grades and



site context. Accordingly, we request the policies include "where possible" language;

- Section 8.1.3.(2) l) that relates to development applications proposing a comprehensive development of a site that includes the replacement of existing commercial floor area, we request clarification as to how Staff intend to evaluate whether a "development does not adversely [sic] impact the long-term provision of goods and services" and if changing retail demand will be considered. We are concerned that this policy may be implemented and interpreted in such a way that, in any redevelopment, the commercial gross floor area existing prior to redevelopment will be required to be replaced in any new development;
- Section 8.1.3.(2) m) where development proponents considering the development of a site that contains an existing food store should be required to retain the food store function as part of the overall development, in our submission, the policy should be revised to account for changes in demand, the introduction of new grocery stores in the immediate area and other circumstances that may ensure the continued provision of services to area residents and employees;
- Section 8.1.3.(3.2) e), in our submission, language should be included that, notwithstanding Section 8.1.3.(3.2) d) which states that the maximum building height shall not exceed twelve storeys, additional height for tall buildings (defined as a building twelve storeys or higher) may be considered on sites under the Mixed Use Commercial Centre designation, subject to an evaluation of site-specific criteria that may include, but not be limited to, traffic, land use compatibility and environmental factors, similar to the policy language found in Part III, Section 4.3.2 a) of the current Official Plan;
- Section 8.1.3.(3.2) g), in our submission, the requirement for retail and service commercial uses at grade should also include provision for lobbies and entrances into office and residential uses, office uses, entertainment uses and recreation uses, which represent the permitted uses under the Mixed Use Commercial Centre designation (Section 8.1.3.(3.2) b)). In addition, Section 8.1.3.(3.2) g) is inconsistent with Section 8.1.3.(3.2) i) where residential uses may be permitted in buildings exclusively used for residential uses; and
- Section 8.1.3.(3.2) k), where office uses (including dentist and medical offices) may be located in free standing buildings, within a shopping centre building, or on upper storeys of commercial buildings, we request clarification that office uses may be permitted in multi-unit commercial buildings (since "shopping centre building" is not defined) as well as on the ground floor of mixed use buildings.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments further. In addition, please kindly ensure the undersigned is listed to be given notice of any further public meetings, or meetings of Council or committees of Council at which the above-noted matter is considered.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Jonathan Rodger, MScPI, RPP, MCIP  
Senior Associate

cc. Terracap Management Inc. (via email at [JMcCauley@terracap.ca](mailto:JMcCauley@terracap.ca))  
cc. Leah Smith (via email at [Leah.Smith@burlington.ca](mailto:Leah.Smith@burlington.ca))



**ZELINKA PRIAMO LTD**

*A Professional Planning Practice*

***Via Email***

July 7, 2017

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

**Re: Official Plan Review – April 2017 Draft  
Preliminary Comments on behalf of Terracap Management Inc., Glenwood  
Brant Holdings Inc. and Cabo Two Investments Inc.  
Burlington Power Centre  
1220 Brant Street, 1250 Brant Street and 1326 Brant Street  
Burlington, ON  
Our File: TER/BUR/14-02**

We are the planning consultants for Terracap Management Inc. with regard to the City's Official Plan Review process for lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street in Burlington, Ontario.

We have been monitoring the Official Plan Review process and have reviewed the policies within the April 2017 Draft Official Plan on behalf of Terracap Management Inc. We have preliminary comments for the Draft Official Plan as outlined below and may provide further comments as required.

Our preliminary comments for the April 2017 Draft Official Plan are as follows:

- Section 7.1.5 h): we are concerned with the prohibition of blank facades, and how it will impact commercial buildings that cannot provide consistent windows and openings at ground level due to the requirements of internal operations. We suggest that "shall" be replaced with "shall, where possible";
- Section 7.1.5 u): we request clarification as to what considerations are intended under the "where feasible" language. In our submission, the wording of the policy should be revised to "encourage" underground, internal or above-grade parking where appropriate;
- Section 8.1.3.1.2 n): whereby "for developed commercial sites... the minimum height and mixed use requirement... shall not apply for minor additions and renovations to existing buildings" in our submission, the Official Plan should include permissions for the addition of stand-alone infill buildings to existing sites to accommodate short and medium term infill that would otherwise be designed to meet the intent and standards of the in-effect Official Plan and Zoning By-law. As a result, the policies would implement the objectives under Section 8.1.3.2.1 b), that recognize the locations such as the Terracap Management Inc. lands, that are currently characterized by one or several space-extensive, automobile-oriented

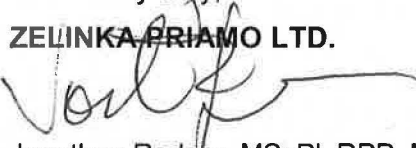
large retail uses that may generally retain their current character in the short and medium-term;

- Section 8.1.3.2.2 f): we request clarification as to whether the policy is intended to require or encourage a two storey minimum height. We are concerned that regulations requiring a two storey minimum building height may be incorporated into the implementing Zoning for areas designated Mixed Use Commercial Centre, and how this regulation would limit the potential to add stand-alone infill buildings to existing sites that would otherwise be designed to meet the intent and standards of the in-effect Official Plan and Zoning By-law; and
- Section 8.7.1.2: we seek clarification as to whether new accessory drive-throughs will be permitted on the lands known municipally as 1220 Brant Street, 1250 Brant Street and 1326 Brant Street.

We would welcome the opportunity to meet with Staff to discuss our preliminary comments further. In addition, please kindly ensure the undersigned is listed to be given notice of any further public meetings, or meetings of Council or committees of Council at which the above-noted matter is considered.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Jonathan Rodger, MScPI, RPP, MCIP  
Senior Associate

cc. Terracap Management Inc. (via email)



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

**VIA EMAIL**

November 29, 2017

City of Burlington  
Planning and Building Department  
426 Brant Street, PO Box 5013  
Burlington ON L7R 3Z6

ATTN: Ms. Andrea Smith, Manager, Policy and Research

Dear Andrea:

**Re: City of Burlington New Official Plan Project  
Preliminary Comments on Behalf of Choice Properties REIT & Loblaw  
Companies Limited  
Stratford, ON  
Our File: CHO/GEN/17-01**

---

We are the planning consultants for Choice Properties REIT ("CP REIT") and Loblaw Companies Limited ("LCL") regarding the City of Burlington New Official Plan Project. CP REIT and LCL are the owners of the following lands within the City of Burlington:

- The multi-tenanted commercial plaza including No Frills Supermarket at 2400 Guelph Line (Burlingwood Shopping Centre, Guelph Line & Coventry Way);
- The multi-tenanted/building commercial plaza including uses such as a Fortinos Supermarket, Goodlife Fitness and a restaurant with accessory drive-through at 2545 Appleby Line (Appleby Line & Dundas Street);
- The multi-tenanted/building commercial plaza including Fortinos Supermarket and Sears Home Store at 1045 Plains Road East (Plains Road East & Designers Way);
- The multi-tenanted commercial plaza including No Frills Supermarket at 571 Brant Street (Brant Street & Victoria Avenue);
- The multi-tenanted/building commercial plaza including uses such as a Fortinos Supermarket and a restaurant with accessory drive-through at 2025 Guelph Line (Guelph Line & Upper Middle Road); and
- The Shoppers Drug Mart Store at 3023 New Street (New Street and Guelph Line).

On August 24, 2017 we met with City of Burlington Staff to discuss the April 2017 Draft New Official Plan. On behalf of CP REIT and LCL we submitted comments on September 5, 2017 with regard to the April 2017 Draft New Official Plan. Responses to our comments were provided in Staff Report PB-50-17 Appendix E dated to Committee on November 30, 2017. For the November 2017 Proposed Official Plan, we have preliminary comments as outlined below, and we may provide further comments as required. At this time, our preliminary comments are as follows:



- As outlined in our letter dated September 5, 2017, we reiterate our concern with proposed OP Section 8.1.1.(3.2)(e) (previously Section 8.1.1.2.2c in the April 2017 Draft New Official Plan), which states that *Development* along Main Street Retail Streets and Mixed Use Major Streets *shall* be required to provide a minimum floor-to-ceiling height at the ground floor. In response to our comment, Staff stated at the Public Open House on November 20, 2017 that the minimum height metric will be provided through an extensive future review of the Zoning By-law. As such, we respectfully request that the existing building heights be recognized in the future Zoning By-law provision(s), as requiring a minimum building height above the existing arrangement would create a legal non-conforming use, which results in unnecessary uncertainty for developers and investors.

Should you have any questions, or if you require information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Dave Hannam, BRP, MCIP, RPP

Senior Planner

Cc. Kathy Kakish, Manager, Development, Choice Properties REIT (Via Email)  
Vincent Raso, Manager, Real Estate Development, Loblaw Companies Ltd. (Via Email)





**November 30, 2017**

Mr Hugo Rincon  
Planner II – Policy  
Planning and Building Development  
City of Burlington  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

**Dear Mr. Rincon:**

**RE: Our Submission to Statutory Public Meeting for the proposed new Official Plan for the City of Burlington for our lands located south of Graham Lane adjacent to the hydro corridor.**

---

We own the lands adjacent to the hydro corridor, south of Graham Lane that run parallel to Hager Ave in the City of Burlington. These lands were formerly owned by CN Rail but the track no longer exists. The Aerial Map highlights our site with a red border and shows the location of our lands in relation to the surrounding area.

As you are aware we have expressed concern on several occasions dating back to the summer and more recently at the Open House on November 20 2017 with respect to how our lands were being considered through the official plan review process.

Your email of November 28 2017 has alleviated some our concerns. You indicate that Schedule 'C' was revised to reflect the fact that the track no longer exists. You also provide a summary of the designations on our site based on the existing Official Plan and the proposed new designations in the new Official Plan. You state in the email the following:

The proposed new schedule C indicates the proposed land use designations of the property as follow:

Existing Official Plan

Proposed New Official Plan

Mixed Use Corridor – Employment

Urban Corridor-Employment Lands (Section 8.1.3(8))

Residential High Density

Residential High Density (Section 8.3.5)

Residential Medium Density

Residential Medium Density (Section 8.3.4)

Residential Low Density

Residential Low Density (Section 8.3.3)

4101 Steeles Ave. West Suite 201  
Toronto, ON M3N 1V7  
Tel: (416) 736-4900 Fax: (416) 736-4901

## Aerial Map – Graham Lane Property



Based on these proposed new designations for our property in the proposed new Official Plan and pending confirmation of the approval and adoption of the new Official Plan by Planning Committee and Council we do not anticipate objecting to the new Official Plan at this time unless circumstances change.

Please maintain our status as an interested party and keep us apprised of all decisions reflecting this Plan and its impact on our property.

Sincerely,

REXTON Developments Ltd.

***Al Ruggero***

---

Al Ruggero, MCIP, RPP, OLE

4101 Steeles Ave. West Suite 201  
Toronto, ON M3N 1V7  
Tel: (416) 736-4900 Fax: (416) 736-4901



**BOUSFIELDS INC.**

November 30, 2017

Andrea Smith  
Manager, Policy and Research  
City Hall, 426 Brant Street  
Burlington, ON, L7R 3Z6

Project No.:14145

Dear Ms. Smith:

***Re: Burlington Proposed New Official Plan, November 2017  
Staff Report PB-50-17***

---

We are the planning consultants for bcIMC Realty Corporation, the owner of Georgian Court, located at 610 & 611 Surrey Lane, 865 King Road, 615 and 699 Marley Road, and 847, 871, 894 and 917 Warwick Drive. In September 2017, applications to amend the current City of Burlington Official Plan and Zoning By-law were filed in relation to a master planned redevelopment of Georgian Court.

Notwithstanding that the Draft Official Plan policies would not apply to the subject Georgian Court applications, we have reviewed the policies and recognize the significant changes to the previous draft, including what appears to be added flexibility. We are writing to advise that we are monitoring the ongoing Official Plan Review process and may provide further detailed comments at a later date.

Yours very truly,

**Bousfields Inc.**

Michael Bissett, MCIP, RPP





November 29, 2017

**Delivered By Hand**

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

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

Dear Ms. LaPointe:

**Subject: New Draft Official Plan & Downtown Mobility Hub  
Secondary/Precinct Plan  
2069 & 2079 Lakeshore Road & 383 and 385 Pearl Street  
Lakeshore Burlington Inc.**

---

Lakeshore Burlington Inc. is the owner of properties within the easterly portion of the "Old Lakeshore Planning Precinct" known municipally as 2069 and 2079 Lakeshore Road and 383 and 385 Pearl Street (the "subject land").

Recently, the City of Burlington released a 2<sup>nd</sup> draft of the New Official Plan and this document includes a planning framework for the new Downtown Mobility Hub Secondary Plan.

**Background:**

The City of Burlington is required to accommodate its fair share of growth, just like every other municipality in the GTA. At the same time, the development landscape in the City of Burlington has changed dramatically in recent years and redevelopment and intensification opportunities are limited. The typical and predominant "greenfield" form of development in the City is no longer available as these lands have been exhausted. The only option is to grow up and not out. This is a fundamental change that Burlington is striving to embrace through the preparation of a new official plan and secondary plans for each of the mobility hubs, including the subject land.

Lakeshore Burlington Inc. has been an active participant in the Official Plan review and the City's process to develop a new secondary plan for the area known as the "Downtown Mobility Hub".

**Context:**

The subject land is located in the northeast quadrant of the intersection of Lakeshore Road and Pearl Street and is within the City's only Urban Growth Centre (the City's primary intensification area). These lands are within comfortable walking distance of the Burlington Bus Terminal, within the area identified as the "Anchor Mobility Hub".

The subject land is located in the middle of an area including a number of tall buildings that extend easterly on Lakeshore Road from Brant Street to approximately Smith Avenue. Tall buildings are located immediately to the west include: 360 Pearl Street – 17 storeys (constructed in 2007); and, 390 Pearl Street – 14 storeys (constructed in 2012). Immediately to the east of the subject land is 374 Martha Street – a potential 26 storey building. A series of tall buildings ranging in height from 12 to 18 storeys currently exist to the east of the subject land. The existing tall buildings to the east represent the easterly extension of tall building built forms that are significant elements of the city's downtown. Clearly, the subject land is located in an existing tall building environment.

**History:**

The City of Burlington has been actively preparing the New Official Plan and the planning framework for a series of mobility hubs. Each mobility hub serves a similar function to promote transit supportiveness and to implement "The Big Move". The subject land is located within what is known as the "Downtown Mobility Hub". The New Official Plan and the Downtown Mobility Hub Secondary Plan are required to provide the City with a realistic method to accommodate Burlington's future growth while at the same time enabling the City to satisfy Provincial growth requirements.

While the City has identified that new planning frameworks and policies are to be developed for the mobility hubs, the Downtown Mobility Hub is noted as the City's top priority. The Downtown Mobility Hub has been identified as the area in the City where the lion's share of future intensification and redevelopment is to be accommodated. The secondary plan for the Downtown Mobility Hub has yet to be completed and we have been advised by City Planning staff that the background studies required to justify the proposed New Official Plan and the Downtown Mobility Hub Secondary Plan have yet to be completed and may not be available until next year.

In the new Draft Official Plan (version 2.0), the subject land has been identified as being located within the Downtown Mobility Hub and more specifically within "Downtown Core Precinct". A maximum height limit of 17 storeys is proposed for the subject land, subject to satisfying a series of mixed-use requirements.

Although a formal planning application(s) has yet to be made in respect of the redevelopment of the subject land, the redevelopment of the subject land was given serious consideration at the Ontario Municipal Board hearing for 374 Martha Street. The desire of Lakeshore Burlington Inc. to redevelop its lands for tall building/high density uses was discussed in detail at this hearing. In addition, the City of Burlington has also conducted pre-submission consultation with Lakeshore Burlington Inc. in respect of a preliminary tall building concept to redevelop the subject land.

**Concerns:**

The 2<sup>nd</sup> Draft of the New Official Plan, including the Downtown Mobility Hub Planning Framework, is seriously flawed and the City is unable to provide the supporting background studies. Therefore, we have a number of significant concerns that include but are not limited to the following:

- The geographic extent and area of the "Urban Growth Centre" has been arbitrarily modified and reduced such that the existing population and employment density calculations are inflated. This compromises the City's ability to accommodate the required amount of future redevelopment and intensification within the Urban Growth Centre – as a key focus for development to accommodate intensification;
- The extent of the "Downtown Mobility Hub" in the Plan is inconsistent with the area of the "Urban Growth Centre", as determined by the Province of Ontario, and serves no purpose as the areas outside of the defined (and approved) Urban Growth Centre are protected from change and cannot accommodate additional growth;
- The population and employment table included on page 2-12 of the track changes version of the 2<sup>nd</sup> Draft of the New Official Plan appears to fail to recognize and accommodate the growth/intensification requirements for the Downtown Mobility Hub (the additional growth requirements that are required to be met by 2031 to satisfy the minimum population and density target of 200 people and jobs for this area);
- The Draft Official Plan fails to promote and facilitate an appropriate level of intensification and redevelopment within the Urban Growth Centre to support and ensure the viability of the existing and future transit services;
- The Plan fails to provide policies and a framework to promote, support, enhance and expand the use and function of the downtown bus terminal;
- The Draft New Official Plan fails to promote an appropriate scale and mix of uses where appropriate, particularly insofar as the optimization of the redevelopment and intensification of the subject land is concerned;



- Provincial policy as established in the Provincial Policy Statement, Places to Grow and the Growth Plan is not adequately addressed and implemented; and,
- The proposed requirement for office uses to be included on the second and/or third floors of a new building are inappropriate in this location.

The City of Burlington recently approved Tall Building Guidelines (“TBGs”). The TBGs are intended to establish a series of criteria that are to be considered and addressed to promote compatibility and fit of new tall buildings. The TBGs are not intended to be policy but rather to provide a series of tools to be used as part of the assessment of new development applications for tall buildings. It is understood that the redevelopment of the subject land must respect and satisfy the intent of the TBGs.

The manner in which the City describes and proposes to regulate the maximum height of buildings through proposed New Official Plan and Downtown Mobility Hub Secondary Plan policies is flawed. City references to maximum building height in terms of the number of storeys is inappropriate in an emerging urban centre, especially within an “Urban Growth Centre”. In our opinion, effective planning policies within an urban environment are most appropriately based on an understanding and evaluation the relationship of new development to other existing and planned land uses, built form in the vicinity of the site, environmental elements, harmonious fit and an ability to mitigate potential adverse impacts. The 2<sup>nd</sup> Draft of the New Official Plan fails to satisfy this test.

We are adamantly opposed to any efforts that fail to encourage, promote and facilitate the optimal redevelopment of the subject land.

Lakeshore Burlington Inc. is carefully examining the redevelopment potential of the subject land in recognition of the above and:

1. the importance of the subject land within the Downtown Mobility Hub/Urban Growth Centre;
2. the necessity to grow up rather than out;
3. the City’s constrained ability to accommodate its fair share of new development;
4. Provincial growth requirements; and,
4. emerging redevelopment and intensification trends

### **Request:**

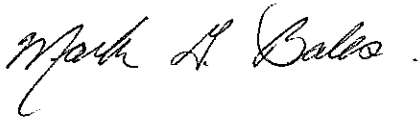
We are not satisfied that the Draft New Official Plan City will realistically accommodate the built form and scale of development that is required to be accommodated within the Urban Growth Centre and the subject land in particular. Notwithstanding the redevelopment status of the subject land (pre-submission consultation has occurred and Lakeshore Burlington Inc. has

participated in the Ontario Municipal Board hearing for 374 Martha Street), there has been no direct consultation with the landowner. In our opinion, the subject land is best suited to accommodate a tall building significantly greater than 17 storeys and should be recognized accordingly.

Based on the above, we request the City not to approve the New Official Plan (including the Downtown Mobility Hub Secondary Plan Framework) at this time and refer these matters back to staff with direction to address the comments noted above.

We look forward to working with City Planning Department staff and City Council to address our concerns.

Yours truly,  
**Lakeshore Burlington Inc.**

A handwritten signature in cursive script, reading "Mark G. Bales".

Mark G. Bales, MCIP, RPP



PB-50-17  
505-08  
Correspondence

November 29, 2017

**Delivered By Hand**

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

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

Dear Ms. LaPointe:

**Subject: New Draft Official Plan & Downtown Mobility Hub  
Secondary/Precinct Plan  
2107 and 2119 Old Lakeshore Road  
Old Lakeshore Burlington Inc.**

---

Old Lakeshore Burlington Inc. is the owner of properties within the easterly portion of the "Old Lakeshore Planning Precinct" known municipally as 2107 and 2119 Old Lakeshore Road (the "subject land").

Recently, the City of Burlington released both a 2<sup>nd</sup> draft of the New Draft Official Plan and the framework for the new Downtown Mobility Hub Secondary Plan.

**Background:**

The City of Burlington is required to accommodate its fair share of growth, just like every other municipality in the GTA. At the same time, the development landscape in the City of Burlington has changed dramatically in recent years and redevelopment and intensification opportunities are limited. The typical and predominant "greenfield" form of development in the City is no longer available as these lands have been exhausted. The only option is to grow up and not out. This is a fundamental change that Burlington is striving to embrace through the preparation of secondary plans for each of the mobility hubs, including the subject land. The mobility hub areas have been confirmed as the locations within the City where the lion's share of future intensification and redevelopment is to be accommodated. Special recognition of the Downtown Mobility Hub has been made as it (including the subject land) is identified as the "primary intensification area". In fact, City Council has noted that the Old Lakeshore Precinct area represents the City's last "Golden Egg", representing opportunities for increased height, density and public benefits.

## **History:**

In 2009, planning and urban design consultants retained by the City of Burlington prepared a series of urban design guidelines for the redevelopment and intensification of this area – “Old Lakeshore Road Precinct Phase II: Urban Design Guidelines” (“UDGs”). At that time, the UDGs were intended to feed into previous efforts by the City to review and update the Official Plan and to develop new planning policies to guide the redevelopment and intensification of this area/precinct. However, as this planning effort evolved, the City determined that additional review and study of this area is required. Therefore, the land use policy framework for the Old Lakeshore Planning Precinct was deferred.

After the release of the UDGs, the City of Burlington proposed to “down-zone” lands (including the subject land) through the passing of By-law 205. Old Lakeshore Burlington Inc. and others appealed the proposed down-zoning to the Ontario Municipal Board (“OMB”). In its decision, the OMB refused the City’s request to down zone the lands and upheld the existing zoning standards allowing a building(s) with a maximum height of twelve (12) storeys.

The OMB concluded that “change, must ... embrace the emphasis on intensification established by the Growth Plan and the PPS, and reflect the ‘new approach to city building in the GGH’.” The OMB also interpreted the proposed down-zoning as an “attempt (by the City) to effectively reduce the existing land supply for intensification” that “may be actually prejudicial to the public interest”.

We have actively participated in City planning initiatives including the subject land for many years, including the 2009 “Old Lakeshore Road Precinct Phase II: Urban Design Guidelines”, the above-noted OMB hearing, the ongoing Official Plan review and the secondary plan development process for the Downtown Mobility Hub and the City’s Urban Growth Centre. Although there have been a number of Open Houses for the Downtown Mobility Hub Secondary Plan, there have been no direct consultations with Old Lakeshore Burlington Inc. or its representatives to discuss future planning policies for the subject land.

As part of the Downtown Mobility Hub Secondary Plan public consultation process, City Planning Department staff and its consultants have inconsistently shown the redevelopment and intensification potential of the subject land:

- Open House #2 on June 21<sup>st</sup>, 2017 – Maximum building height of 11 storeys (this maximum height fails to respect the above-noted OMB decision).
- Open House #3 on September 7<sup>th</sup>, 2017 – Maximum building height of 15 storeys
- Further to the completion of the Open Houses, City Planning staff prepared Planning Report PB-68-17. This report includes a series of appendices. Appendix B includes conceptual massing that indicates that a maximum height limit for the subject land of six (6) storeys. This maximum height fails to respect the above-noted OMB decision.

These inconsistencies are confusing, as any reduction of the height and density below the current existing permissions would be contrary to the OMB decision noted above and the evolving nature of redevelopment and intensification within the City's primary intensification area.

In addition, City Planning has indicated that a separate Area Specific Plan for the Old Lakeshore Precinct is required to address specific matters including the "complexity of this area", the City's Tall Building Guidelines and a number of other related and area specific issues – see pages 20 and 21 of City Planning Report PB-68-17.

Notwithstanding the recommendations of City Planning staff to undertake additional analysis and review of the redevelopment and intensification potential of the subject land, we note that the recently released 2<sup>nd</sup> draft version of the New Official Plan includes an entire section devoted to detailed planning policies for the Old Lakeshore Planning Precinct [Section 8.1.1(3.10 – 8.1.1(3.11))] and the City is not committing to undertake or complete the Area Specific Plan.

#### **Concerns:**

We have a number of significant concerns that include but are not limited to the following:

To-date the City has not carefully and realistically examined the built form and scale of development that is to be accommodated on the subject land and, as noted earlier, there has been no consultation with the landowner and an Area Specific Plan has not been completed. In our opinion, the subject land is best suited to accommodate tall building uses and should be recognized accordingly.

We are adamantly opposed to any efforts that:

1. promote the down-zoning of the subject land; and,
2. fail to encourage, promote and facilitate the optimal redevelopment of the subject land.

Old Lakeshore Burlington Inc. is carefully examining the redevelopment potential of the subject land in recognition of the above and:

1. the importance of the subject land within the Downtown Mobility Hub/Urban Growth Centre;
2. the necessity to grow up rather than out;
3. the City's constrained ability to accommodate its fair share of new development;
4. Provincial growth requirements; and,
4. emerging redevelopment and intensification trends

**Request:**

Insofar as the redevelopment of 2107 and 2119 Lakeshore Road are concerned, we are hereby requesting the City of Burlington to not approve the 2<sup>nd</sup> Draft of the New Official Plan and refer it back to City Planning staff to ensure that it is modified as follows:

Delete Sections 8.1.1(3.10) and 8.1.1(3.11) in their entirety and replace with a new Section 8.1.1(3.10) that states:

- The Old Lakeshore Planning Precinct is designated a new "Special Policy Area – Old Lakeshore Planning Precinct";
- A new Area Specific Plan is to be prepared for the Special Policy Area - Old Lakeshore Planning Precinct. New land use and redevelopment policies for the Old Lakeshore Planning Precinct will recognize the unique attributes of properties within this Area Specific Plan area and will establish a planning framework to accommodate high density development. Future land use policies and development standards will promote and enhance the prominent role that these lands represent within the Downtown Mobility Hub Secondary Plan area;

and,

- Until such time as an Area Specific Plan is approved and comes into effect, existing Official Plan policies in effect the day prior to the approval of this Plan shall continue to apply. This will allow the City to undertake and complete a detailed planning policy review and analysis in conjunction with consultation with the public and the landowners.

Efforts by the City of Burlington to promote and approve planning policies for the subject land in both the New Official Plan and the Downtown Mobility Plan Secondary Plan prior to the completion of an Area Specific Plan and without consultation with the landowner are inappropriate and prejudicial.

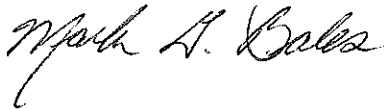
We also find the manner in which the City describes and proposes to regulate the maximum height of buildings through proposed New Official Plan and Downtown Mobility Hub Secondary Plan policies to be flawed. City references to maximum building height in terms of the number of storeys is inappropriate in an emerging urban centre, especially within an "Urban Growth Centre". In our opinion, effective planning policies within an urban environment are most appropriately based on the relationship of new development to other existing and planned land uses and built form in the immediate vicinity, environmental elements, harmonious fit and an ability to mitigate potential adverse impacts.



We are adamantly opposed to any efforts that fail to encourage, promote and facilitate the optimal redevelopment of the subject land.

We look forward to working with City Planning Department staff and City Council to address our concerns.

Yours truly,  
**Old Lakeshore Burlington Inc.**

A handwritten signature in black ink, appearing to read "Mark G. Bales". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark G. Bales, MCIP, RPP



PB-50-17  
505-08  
Correspondence

November 29, 2017

**Delivered By Hand**

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

**Attention: Amber LaPointe, Committee Clerk**

Dear Ms. LaPointe:

**Subject: Proposed New Official Plan for the City of Burlington**

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Carriage Gate Homes is the owner of several properties in the City of Burlington, primarily within the Urban Growth Centre and the Downtown Mobility Hub Secondary Plan Area. We have been actively involved in the Official Plan Review process with City staff and colleagues from the Hamilton Halton Home Builder's Association. The New Official Plan is of great importance to us.

This letter is in response to the notice we received regarding the statutory public meeting being held by the City of Burlington Planning and Development Committee on November 30, 2017.

**Background:**

Since the adoption of the Official Plan in 1994, the City of Burlington has experienced dramatic changes and is now at a very important point in its evolution. Burlington is no longer a developing suburb, it is now a developing city. As Mayor Goldring noted this spring:

*"... Back in 1994, we had all sorts of room left for greenfield development and at this particular time we have virtually zero room left for greenfield development, so the new official plan is about transitioning Burlington from being a suburban community to much more of an urban one".*

and

*"... this plan formalizes the city's focus on growing smart .... In the [proposed] official plan we've clearly defined where we want to see more density and we've defined it in five areas of the city where we have primary growth areas ... within our downtown, around our three GO stations and in an area called Uptown".*

Mary Lou Tanner, the Director of Planning has also noted *“we’re going to grow up ...”* and recognizes that transit must be aligned with density and most importantly that the majority of the new development and redevelopment will occur in the downtown (the Primary Growth Area) and in the vicinity of the GO stations through intensification, while stable residential neighbourhoods are to be protected.

The Plan presents a focused effort to implement the city’s new Strategic Plan which was approved unanimously by City Council in 2016. We fully support the guiding principles in the Strategic Plan and expect to see the establishment of a planning policy framework in the New Official Plan that implement the Strategic Plan and its vision.

The New Official Plan (“the Plan”) is an urban structure based plan, based on the success of a series of nodes (including the downtown) and corridors. The Plan correctly acknowledges that the identified intensification areas within the city (the GO station areas and the Urban Growth Centre – the downtown) will experience significant change over the next twenty years and beyond.

As City Council and staff can appreciate, the creation of a new Official Plan is a significant undertaking, requiring input from the public, City Council, the development industry and many other stakeholders. City Planning takes information and inspiration from City Council, the public, various stakeholders and the development industry and uses its professional expertise and judgement to create the Plan. The new planning policy framework is intended to not only respond to the requests of the public and various stakeholders but also to the statutory requirements established by the Province of Ontario and the Region of Halton. This is a very challenging balancing act.

The new Plan will effectively establish the “blue print” for the City that is intended to effectively guide and manage future growth from now until approximately 2031. City Planning Department staff have worked very hard and must be commended for the manner in which they conducted themselves and undertaken this effort.

The result of City Planning staff’s efforts has been two versions of the New Official Plan. The second version prepared by City staff is intended to address many of the comments that had been received from the public, the development industry, the Planning Committee and City Council on the first version. The second version of the Plan has been modified significantly to respond to the comments received and must be reviewed thoroughly and carefully.

Please note that we have provided you with two additional letters that outline site specific development concerns that we have in respect of specific properties that we own that are impacted by both the New Plan and the proposed policies for the Downtown Mobility Hub Secondary Plan.

**Concerns:**

While we commend staff for their efforts, we have not had enough time to review the revised Plan in detail and we have yet to receive copies of the detailed studies that have been completed by the City's consultants in support of the proposed Plan. In the absence of this information and the lack of time for due process, we are unable to provide comprehensive comments at this time. In addition, significant and substantive changes and additions have been made to the Plan that we are unable to review in such short order.

However, in the limited time that we have had to review the Plan, we are not of the opinion that the Plan satisfies Provincial policy as contained in the "Provincial Policy Statement" and the "Growth Plan for the Greater Golden Horseshoe" (the "Provincial Growth Plan").

In addition, the City of Burlington recently approved Tall Building Guidelines ("TBGs"). The TBGs are intended to establish a series of criteria that are to be considered and addressed to promote compatibility and fit of new tall buildings. The TBGs are not intended to be policy but rather to provide a series of tools to be used as part of the assessment of new development applications for tall buildings. It is understood that the redevelopment of individual properties must respect and satisfy the intent of the TBGs.

The manner in which the City describes and proposes to regulate the maximum height of buildings through proposed New Official Plan is flawed. City references to maximum building height in terms of the number of storeys is inappropriate in an emerging urban centre, especially within an "Urban Growth Centre". In our opinion, effective planning policies within an urban environment are most appropriately based on an understanding and evaluation the relationship of new development to other existing and planned land uses, built form in the vicinity of the site, environmental elements, harmonious fit and an ability to mitigate potential adverse impacts. The 2<sup>nd</sup> Draft of the New Official Plan fails to satisfy this test.

**Request:**

We hereby request that the 2<sup>nd</sup> Draft of the New Official Plan be received by Planning and Development Committee and referred back to City Planning staff with direction to:

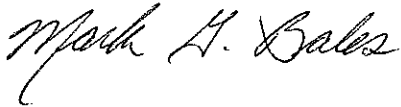
- Provide Carriage Gate Homes with copies of all background studies prepared by its consultants in support of the Plan prior to December 15<sup>th</sup>, 2017 for review; and,

- That City staff be directed consult with the development industry commencing in mid-January 2018 to discuss and review comments on the Plan further to having been provided with an adequate opportunity to review the background studies.

This request is reasonable as it provides Carriage Homes an appropriate opportunity to comprehensively review and comment on the document and the supporting background studies and to provide City staff an opportunity to respond without unduly impacting the City's schedule.

To move further towards an approval of the Plan at this time is premature.

Yours truly,  
**Carriage Gate Homes**

A handwritten signature in cursive script that reads "Mark G. Bales".

**Mark G. Bales, MCIP, RPP**

**VIA E-MAIL**

December 4, 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

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

File 99999.99904

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**

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We are solicitors for 01665349 Ontario Inc. regarding its properties located at 481 John Street and 482 Elizabeth Street, in the City of Burlington. 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:

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.

Any information from the Province that is being relied upon to justify an 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 Urban Growth Centre to ensure that a minimum of 200 persons and jobs per hectare can be achieved, as is 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 Urban Growth Centre.

Our second overarching issue is the fact that none of the background material has been made available to the public, or Council, with respect to the proposed Official Plan policies. How can the public make informed submissions, and more importantly how can Council make an informed decision on any of the policies, when the background materials supporting the policies are being withheld? We respectfully request that Council direct staff to release to the public all background work that has been completed to date, in advance of any decision being made on the Official Plan.

More specific concerns with respect to my client's properties include, but are not limited to, the following:

In the proposed Official Plan the City has the following policy/caveat:

8.1.1.(3) DOWNTOWN URBAN CENTRE

The Downtown Urban Centre is presently under review through the Downtown Mobility Hub Area-Specific Plan process. 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.

This is generally repeated in policy/caveat:

8.1.1.(3.12) DOWNTOWN CORE PRECINCT

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

These policies make it clear that the work as it relates to the creation of policies for the Downtown Urban Centre and the Downtown Core designation remains unfinished. It is therefore inappropriate to be bringing forward policies for these areas on a piecemeal basis. The entire Downtown Urban Centre and the Downtown Core Precinct should be reviewed holistically to ensure that the policies reflect the Official Plan and Growth Plan objectives in their totality. Further, such a piecemeal approach as the one proposed adds unnecessary expense to ratepayers who are required to retain consultants to review the Official Plan multiple times as new policies are introduced. This will result in an unwieldy process going forward.

As a result of the unfinished work and the piecemeal approach being taken, we have concerns with all of the proposed policies under the Downtown Urban Centre heading in the proposed Official Plan.

There are also some inherent inconsistencies in the proposed policies. For example in section 8.1.1.(3.12) the Plan identifies the Downtown Core Precinct as the pre-eminent destination for office and major office uses....

However in policy 8.1.1.(3.12.1) a) the policies pertaining to permitted uses indicate only that such office uses “*may*” be permitted. It is submitted that if the Downtown Core is to be the pre-eminent location for offices, these uses should be permitted without qualification.

The policy then goes on to say that “8.1.1.(3.12.1) b) Development *shall* contain a minimum of two permitted uses, as identified in Subsection 8.1.1.(3.12.1) a) of this Plan. However since there is uncertainty whether the uses found in 8.1.1.(3.12.1) a) are in fact permitted (by virtue of the use of the word “*may*”), 8.1.1.(3.12.1) b) becomes meaningless.

The above, while only one example, demonstrates an Official Plan that has been put together with limited thought to its overall implementation. Time should be taken to ensure that nomenclature is precise, so that the document is absolutely clear to the average reader on what the City’s policies are.

Policy 8.1.1.(3.12.1) c) speaks to a permitted height of 17 storeys in the Downtown Core Precinct. However we have not seen any analysis as to why such an arbitrary number has been chosen for lands proposed to be designated Downtown Core. In fact, recently on lands adjacent

to my client's lands, across John Street, staff has recently supported the development of a 23 storey building. There is no information available as to why that site should be permitted 23 storeys and my client's site is limited to 17 storeys. In the absence of this detailed analysis, there is no transparency in the planning process, leading landowners being treated differently from one another by the City without a rational land use planning explanation.

Finally we have concerns with respect to the Implementation section of the proposed Official Plan. For example, policies 12.1.1.(3) c) and d). It is our position that the policies should contain clear direction in what circumstances an Official Plan amendment would be permitted. This would ensure the necessary transparency in the planning process in every instance, not just on an ad hoc basis.

The above highlights just some of our concerns with the proposed Official Plan. We would be pleased to meet with staff to discuss our concerns in advance of the adoption of the Official Plan by Council.

Yours truly,

**WeirFoulds LLP**



Denise Baker

DB/mw

cc : client

11137767.1

Dear Planning Committee:

My name is Pam Casey and my family have lived in Burlington for over 36 years, 33 years in a house and in the last 3 years the two of us are in an apartment at the Brock. We moved from Mississauga in 1981 to raise our 3 children here and now our 2 granddaughters are growing up here too. Burlington is a wonderful community for families.

I have seen lots of change happening in Burlington over the years as the city has grown. The population has grown as well and with this growth comes changes in particular, new tall buildings. I don't mind the changes as I want to see Burlington prosper (particularly downtown) and continue to be one of best middle size communities.

I am in favour of the development in downtown Burlington. Currently our downtown area needs improving. There are vacant areas such as stores in Village Square and on Brant Street. During our major events such as the Sound of Music and the Rib fest, the downtown changes as lots of folks will come to dine and take part in the events. I am hoping with all of this development, more folks will come to live downtown and make it an active & prosperous place that I know it can be.

Sending new folks the message that there the new highrises are at the GO train stations mobility hubs, this is not what the message that i want to happen. I love our view of the lake from the 14<sup>th</sup> floor, being close to Spencer Smith Park and a 10 minute walk downtown. I want others to move downtown and experience that too.

Bottom line these new tall buildings have a smaller environment footprint and residents in them don't use so many resources as the residents in large homes. It is great for Burlington's overall environment footprint as well.

However what I don't want to continue is the discourse and anger that is growing with the current residents. With the recent approval of the new tall building at Brant and James and all the other recommended changes, has come so much anger.

Let's move on Burlington residents. It is time to make our new official plan a good one and make Burlington a place that folks want to live in and move to.

Pam

Pam Casey  
[Pcasey472@outlook.com](mailto:Pcasey472@outlook.com)



70 Townsend Ave.,

Burlington, Ontario

November 30, 2017

To: Burlington Planning and Development Committee

From: Tom Muir, resident.

Subject: Nov. 28 Statutory Meetings - 1. Proposed new official plan (PB-50-17); 2. Proposed downtown mobility hub precinct plan and proposed official plan policies (PB-81-17)

Dear Councilors;

I am writing this correspondence for the record of this meeting.

I found the subject meeting impossible for me to delegate personally. The two sets of agenda items documentation reports are too formidable to be able to read, study, assess, and then comment on intelligibly in the time that was made available to the public. This is what I found to be impossible.

It continues to appear that Council is determined to ram these major policy changes through the process, and it seems the Statutory Meetings are little more than a box checking exercise to fulfill the Planning Act requirements.

What I see happening here is Council and planners hurrying to conclude the biggest business deal in city history and they want to work out the details later. Hello?

I understand exactly what they are doing, but I would like to settle the entire matter before it is approved as legally binding, in force and effect.

I'm sure any reasonable resident would agree. Even the developers group doesn't seem comfortable with the pace.

The residents are the ones paying for this. Those not being heard is a matter of public record, and they will have to live with something they may not be happy with, for a very long time.

From all my experience, this majority of Council is really driving the bus by not stopping it for sober second thoughts and public input. Some say it's been 6 years, so let's go, no waiting, no more thinking or public discussion – details later.

So we are supposed to digest and judge 6 years of push compressed into 1000 pages (or so or more with all the revisions), in 1 month or so.



And this is just the proposed OP, never mind the Mobility Hub and Precinct Plans that are all being piled onto the public process at the same time in an impossible to comprehend sequence. In this Nov. 28 meeting, the downtown hub and precinct and proposed OP policies are also on the agenda.

I have previously commented on the issues of the Downtown Precinct proposed plans, and these are broadly shared and expressed by residents. Too much height and density, traffic and parking, unrealistic assumptions about transportation, no compliance with existing OP, absence of any other vetted and approved OP/bylaws, or Hubs, in force and effect, to justify extensive and non-compliant amendments of existing and determinative OP.

The preferred precinct plan tabled Nov. 28 is another complex document with numerous implications. Included are sacrifice of existing business, inflationary land prices and rents, and so are not demonstrably compliant with the PPS pointing to the need for commercial uses to be planned for and increased, a mix and range of employment uses, a diversified economic base, employment sites supporting a wide range of economic activities, and take into account the need of existing business.

Nowhere does the PPS say that existing business needs are to be sacrificed.

On Dec. 4, the other 3 GO Mobility Hubs are being considered in another Statutory Meeting of P&D. This furthers the impossibility of reviewing and commenting on all of the information documents provided for this meeting so quickly and comprehensibly.

This is an impossible situation that must be paused or stopped if there is to be any sense brought to bear on how wrong on so many counts, including business, this apparent hurry is.

I bet most people in Burlington have no idea what is being done here.

Do I really have to remind you that this is the OP? - the plan for 25 years that embeds 25 stories as of right in the laws, even in existing stable neighborhoods, something we have been assured for the whole 6 years would not be allowed to happen??

There are so many missing pieces that are critical parts of any plan that is to function, to actually work, and deliver good results for the residents of the city.

As has been said – whose city is it?

The OP approval plan timeline is leading, and out of synch with the Mobility Hubs approval timeline plan. The Hubs plans are the major component of the proposed OP delivery.

Even a cursory look at the Hubs plans reveals huge growth plans that are only half-baked. I was particularly shocked by the plan in Aldershot to increase the population by 27,200 (present is 18,000?).

Without these Hubs reviewed by an engaged public before the OP being approved means the proposed OP will also be half-baked - if it proceeds to approval as is proposed, far ahead of the Hubs plans, which are far from complete.

Overall, there is no transportation/transit plan – a big hole. There is no concrete idea to be seen how people will get around anywhere, just convenient assumptions and assertions without proof.

You are not mandated to just tell people to walk – that's just not thinking about it.

There is no traffic or parking plan. There is no plan to deal with all the extra cars the planners are unwilling to admit will appear and are not providing for. No active transport plan to help up the modal split, while admitting it will never replace the car.

The not yet existent biking plan will go down in flames when the New St. trial is cancelled, as staff recommends and Committee agreed.

Again, there is no overall employment/commercial plan.

In the meantime, development proposals are being approved based on proposed OP/bylaw and Hubs ideas that have no force and effect, and as a result the killing of existing business and commercial continues apace.

These essential parts of the whole are missing, and there are others not mentioned here. But it seems that the planners and Council don't care.

What is being suggested by Council is that half-baked is good enough.

These BIG changes are a BIG deal, and to watch this Council just push what they want through, will make public consultation a fake and sham process that will not make a whit of difference by the look of things.

Don't try to kid anyone, or yourself, that this is not the case, with the haste that is so obvious.

So for all intents and purposes, you have already approved the unapproved proposed plans that you are here asking the public about in order to meet the Planning Act and Municipal Act laws on process and procedure.

This borders on illegitimacy, and failure of fiduciary duty that all the city participants in this apparent misadventure are responsible to deliver.

If you persevere in this hurried, ill-considered concluding process to get this entire OP to approval, when it is far from done, my view is that this Council and the planners will be determining the future of the city from the grave.

Thank you, Tom Muir

**From:** CROZIER CATHERINE [<mailto:CATHERINE.CROZIER@ca.mcd.com>]

**Sent:** Thursday, November 30, 2017 3:23 PM

**To:** LaPointe, Amber; [ecob47@gmail.com](mailto:ecob47@gmail.com); Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Taylor, John; Lancaster, Blair; Dennison, Jack; Sharman, Paul

**Cc:** [coresidents@gmail.com](mailto:coresidents@gmail.com); 'jcrozier@feelgoodgifts.ca'; 'joe\_p\_galea@sympatico.ca'

**Subject:** FW: Do not rush the Adoption of this Official Plan tonight, Defer to June, 2018

**To Senior Burlington Officials:** I am a lifetime Burlington resident, home owner and we are business owners in Burlington. I wholeheartedly support these sentiments and hope we do not erode the beauty and liveability of the BEST city in Canada if not the world. Please STOP and provide for citizen engagement and discussion to enable a sequenced and strategic vision we will all be proud to call our own.

With thanks,

Catherine Crozier

3103 South Drive

Burlington, ON

L7N 1H5

Dear Planning Committee:

My name is Pam Casey and my family have lived in Burlington for over 36 years, 33 years in a house and in the last 3 years the two of us are in an apartment at the Brock. We moved from Mississauga in 1981 to raise our 3 children here and now our 2 granddaughters are growing up here too. Burlington is a wonderful community for families.

I have seen lots of change happening in Burlington over the years as the city has grown. The population has grown as well and with this growth comes changes in particular, new tall buildings. I don't mind the changes as I want to see Burlington prosper (particularly downtown) and continue to be one of best middle size communities.

I am in favour of the development in downtown Burlington. Currently our downtown area needs improving. There are vacant areas such as stores in Village Square and on Brant Street. During our major events such as the Sound of Music and the Rib fest, the downtown changes as lots of folks will come to dine and take part in the events. I am hoping with all of this development, more folks will come to live downtown and make it an active & prosperous place that I know it can be.

Sending new folks the message that there the new highrises are at the GO train stations mobility hubs, this is not what the message that i want to happen. I love our view of the lake from the 14<sup>th</sup> floor, being close to Spencer Smith Park and a 10 minute walk downtown. I want others to move downtown and experience that too.

Bottom line these new tall buildings have a smaller environment footprint and residents in them don't use so many resources as the residents in large homes. It is great for Burlington's overall environment footprint as well.

However what I don't want to continue is the discourse and anger that is growing with the current residents. With the recent approval of the new tall building at Brant and James and all the other recommended changes, has come so much anger.

Let's move on Burlington residents. It is time to make our new official plan a good one and make Burlington a place that folks want to live in and move to.

Pam

Pam Casey  
[Pcasey472@outlook.com](mailto:Pcasey472@outlook.com)  
905-467-3763



**IBI GROUP**  
200 East Wing – 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
[ibigroup.com](http://ibigroup.com)

November 30, 2017

Mayor Goldring and Members of Council  
City of Burlington  
426 Brant Street  
Burlington, ON  
L7R 3Z6

Dear Mayor Goldring:

**COMMENTS ON PROPOSED NEW CITY OF BURLINGTON OFFICIAL PLAN - RE: 960 CUMBERLAND DRIVE - CEDAR SPRINGS RACQUET CLUB**

We are the planning consultants retained by the Owner to review the subject lands in the context of the City's Official Plan exercise, and specifically the sub-component which reviewed City-wide employment land designations and needs. The Owners were not able to attend either of the Public Meeting sessions on November 30. However, please accept these comments under the requirements of the Planning Act with respect to written submissions prior to a decision being made on the new Official Plan.

With respect to the subject lands, we have made previous submissions to staff and Council. These included:

1. Initial screening request under the employment lands review
2. Detailed Planning Justification Report for a proposed conversion from employment designation to primarily a mixed use designation including residential uses
3. Delegation and presentation to Planning Committee in support of report submission and to address recommendations on the employment land review

In advance of the November 30 Public Meeting, we have reviewed the proposed Official Plan document. We note that the subject lands are identified/proposed to be designated on the following Schedules:

1. Employment Lands and Areas of Employment Overlay on Schedule B – Urban Structure
2. Employment Growth Area on Schedule B-1 – Growth Framework
3. Employment Lands – Business Corridor on Schedule C – Land Use-Urban Area

It is our opinion that the material previously provided through our various submissions provided the appropriate planning rationale to convert these lands from employment uses to a mixed-use option that includes residential. We are not providing those submissions as attachments to this letter, but wish to highlight the following main points:

1. The subject lands currently contain a use that is not employment in nature, but rather an established recreational use
2. This site is well-suited to accommodating additional uses, such as a form of residential intensification that would diversify and complement the recreational nature of the current use



Mayor Goldring and Members of Council – November 30, 2017

3. Given that the lands do not provide an employment use, they do not form a critical component of the City's employment land base
4. There are no land use compatibility impacts associated with a conversion

As we have noted on other submissions, a conversion of this site to a mixed-use option that includes residential is only possible at the time of a comprehensive review exercise such as this, and thus the opportunity is now for this decision to be made.

Thank you

A handwritten signature in black ink, appearing to read 'Mike Crough', with a long horizontal stroke extending to the left.

Mike Crough RPP MCIP  
Senior Planner

December 1, 2017

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

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017  
Mattamy (Monarch) Limited  
2082, 2086 and 2090 James Street  
City of Burlington  
Our File No.: 2017/04**

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We are Planning Consultants for Mattamy (Monarch) Limited ("Mattamy") with respect to the subject lands located at 2082, 2086 and 2090 James Street in Downtown Burlington. The subject lands represent a key gateway site and entry to the Downtown. On behalf of Mattamy, we provide the following comments and concerns regarding the latest version of the Draft Official Plan dated November 2017.

Mattamy has closely monitored the Downtown Mobility Hub planning process culminating with Staff Report PB-68-17 which recommended key land use policy directions put forth by City Planning staff for the Downtown Mobility Hub Draft Precinct Plan. The recommendations of Staff Report PB-68-17 were presented to Committee of the Whole on September 28, 2017 and fully endorsed by City Council on October 10, 2017. The Draft Precinct Plan identified the Mattamy lands within the "Downtown Core Precinct" which permits a maximum height of 17 storeys. The Draft Precinct Plan has been instrumental in Mattamy's continued interest in the subject lands, and has provided comfort in the future acquisition of these lands and moving forward with development applications.

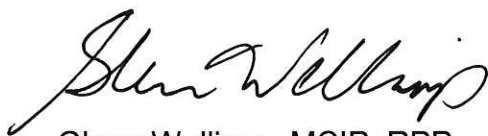
The recently released Draft Official Plan dated November 2017 proposes a new "Downtown Mid-Rise Residential Precinct" designation for the subject lands with a policy permission for a maximum of 11 storeys. The Draft Official Plan is inconsistent with the policy direction of the Draft Precinct Plan for the subject lands. Mattamy was not notified or adequately consulted on the changes between the Draft Precinct Plan and Draft Official Plan (November 2017) despite several meetings and ongoing discussions with City staff. In speaking with City Mobility Hub staff at the November 20, 2017 Open House, I understand that the

basis for the designation change was due to technical concerns regarding the redevelopment potential of the subject lands based on the existing floodplain and creek conditions. These technical concerns were previously discussed with City Planning and Engineering staff at length and have since been addressed through recently completed engineering reports. Given the size of the subject lands (i.e. 0.23 hectares), the floor plate for an 11 storey vs. 17 storey building would not be significantly different. The assumptions made by City staff coupled with insufficient consultation on the latest Draft Official Plan is concerning. It is expected that development applications will be filed shortly for the subject lands consistent with the Draft Precinct Plan with detailed reports addressing all technical aspects of the proposed development.

Based on the above-noted comments, Mattamy requests that the final version of the Official Plan to be presented to Council in January 2018 show the subject lands within the "Downtown Core Precinct" designation with a height permission to a maximum of 17 storeys consistent with the policy directions of the Draft Precinct Plan. Alternatively, Council could defer consideration of the designation on the subject lands until the technical aspects of the redevelopment are further reviewed. In either case, the technical justification is necessary to support any redevelopment of the subject lands.

Please ensure we are notified of any future meetings and/or Council decisions on the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**

A handwritten signature in black ink, appearing to read 'Glenn Wellings', with a stylized flourish at the end.

Glenn Wellings, MCIP, RPP

- c. City of Burlington Planning Department  
Mattamy (Monarch) Limited  
Turkstra Mazza



December 1, 2017

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

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017  
Mattamy (Monarch) Limited  
2082, 2086 and 2090 James Street  
City of Burlington  
Our File No.: 2017/04**

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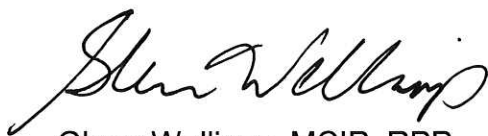
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Based on the above-noted comments, Mattamy requests that the final version of the Official Plan to be presented to Council in January 2018 show the subject lands within the "Downtown Core Precinct" designation with a height permission to a maximum of 17 storeys consistent with the policy directions of the Draft Precinct Plan. Alternatively, Council could defer consideration of the designation on the subject lands until the technical aspects of the redevelopment are further reviewed. In either case, the technical justification is necessary to support any redevelopment of the subject lands.

Please ensure we are notified of any future meetings and/or Council decisions on the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**

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

Glenn Wellings, MCIP, RPP

- c. City of Burlington Planning Department  
Mattamy (Monarch) Limited  
Turkstra Mazza

December 4, 2017

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

Attention: Amber LaPointe, Committee Clerk:

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

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

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

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



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

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

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

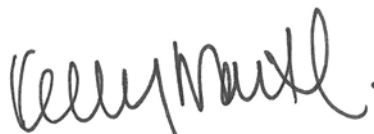
Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP  
Partner



Kelly Martel, M.Pl  
Planner

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

November 28, 2017

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

Dear Ms. LaPointe:

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Dana Anderson'.

Dana Anderson, MCIP, RPP

A handwritten signature in black ink, appearing to read 'Kelly Martel'.

Kelly Martel, M.Pl

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

November 30, 2017

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

Attn: Mayor and Members of Planning Committee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This includes Policy 3.1.4 (2) (e):

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



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

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

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

*...*

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

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

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

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

If you have any questions, please contact me.

Yours truly,

Roger Broad



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



# Halton District School Board

Planning Department

June 29, 2017

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

Dear Ms. Andrea Smith:

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

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

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

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

## General Comments

### *Development Intensification*

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

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

### *Development Application*

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

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

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

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

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

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

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

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

#### *Partnerships*

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

#### *Active Transportation*

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

### **Official Plan Specific Comments**

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

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

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

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



## **Chapter 2 – Sustainable Growth**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Chapter 7 – Design Excellence**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **8.3 Residential Neighbourhood Areas**

The majority of HDSB schools are located within this designation.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Domenico Renzella

General Manager of Planning

cc Lucy Veerman Superintendent of Business Services

cc Alison Enns, Senior Planner, City of Burlington

cc Fred Thibeault, Administrator, HCDSB

U:\Municipal\_Regional Planning\BURLINGTON\2017 OP\Nov 2017\FINAL OP comments - Nov 29 EDIT.doc

December 21, 2017

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

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017  
Reserve Properties Ltd.  
401-413 Brant Street, 444-450 John Street, and 2012 James Street  
City of Burlington  
Our File No.: 2017/31**

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

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

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



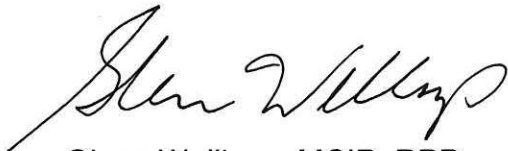
November 13, 2017, Council endorsed the staff recommendations to approve the 23 storey mixed use development.

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

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

We request further notification of any future meetings and/or Council decisions with respect to the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,  
**WELLINGS PLANNING CONSULTANTS INC.**

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

Glenn Wellings, MCIP, RPP

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



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

REGARDING ADDITIONAL INFORMATION ON NORTH ALDERSHOT – December 18, 2017

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

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

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

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

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Example 1:

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

North Aldershot Policy Area

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

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

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

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

139. It is the policy of the Region to:

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

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Example 2:

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

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

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

Directions Report

5) Additional Studies to address ROPA 38 Settlements

b) North Aldershot Policy Review

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

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

C1.8 Documentation and Reporting

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

APPENDIX E. ROPR Work Plan Additional Studies

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

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

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

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

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

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

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

1

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

4 a

2

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

1

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

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

2

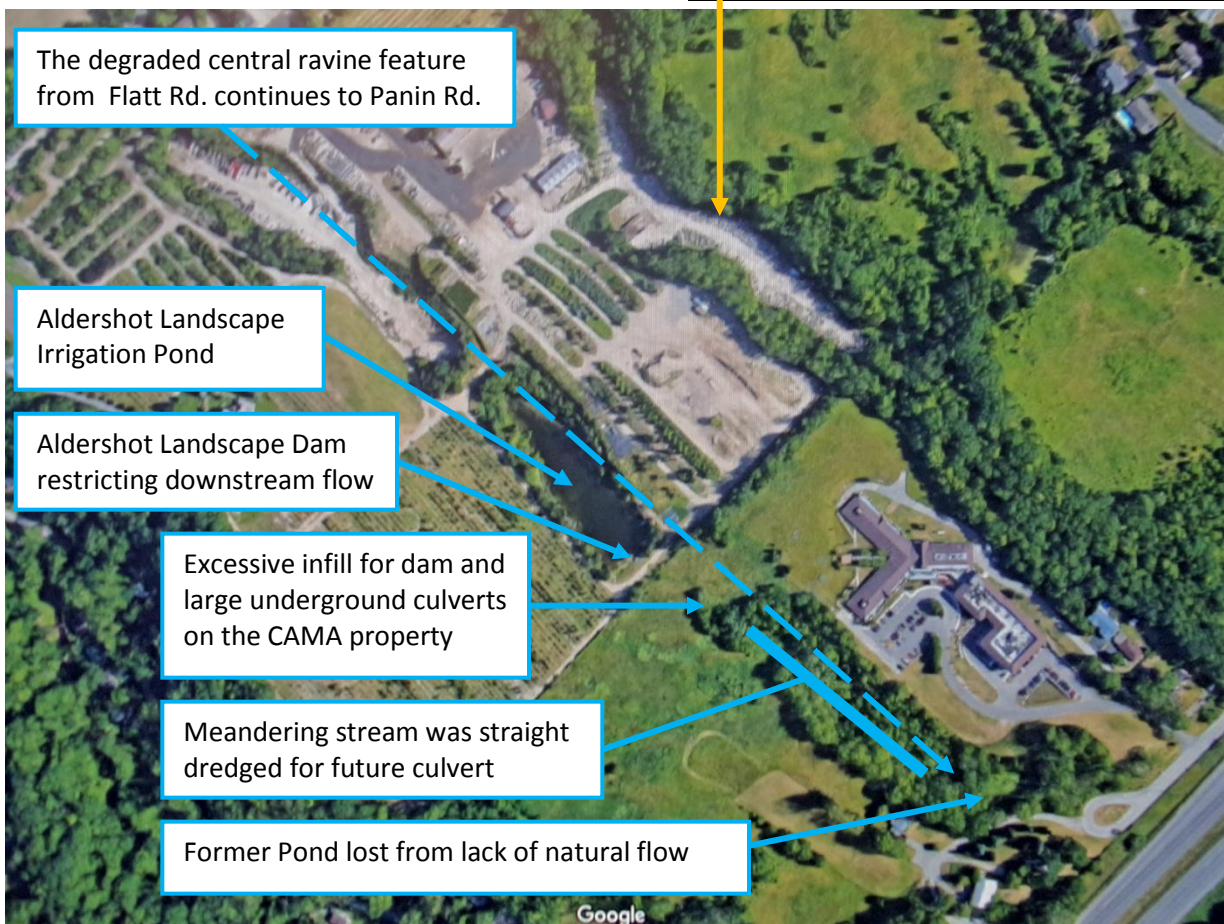
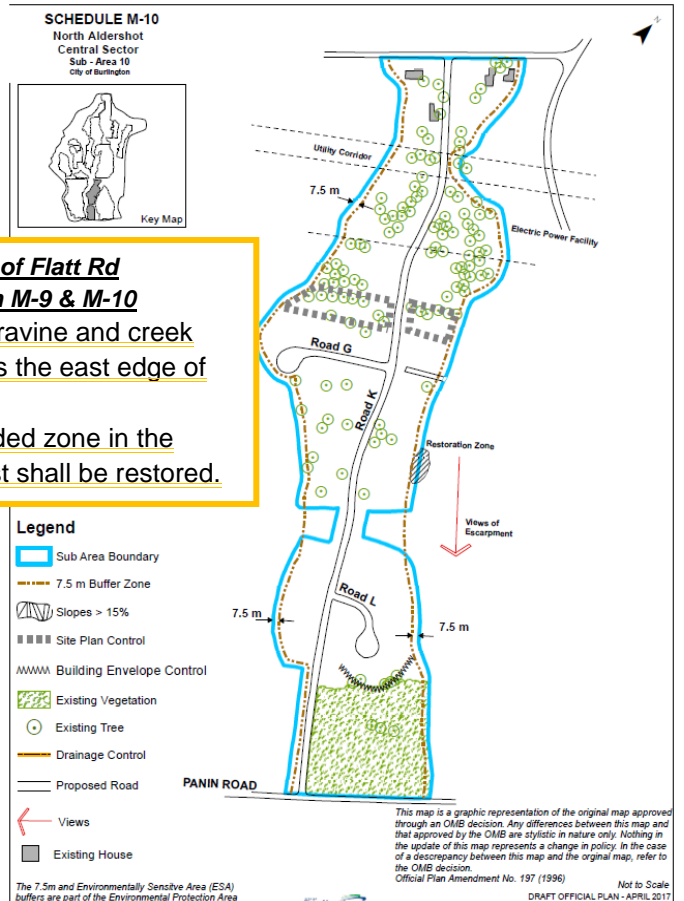
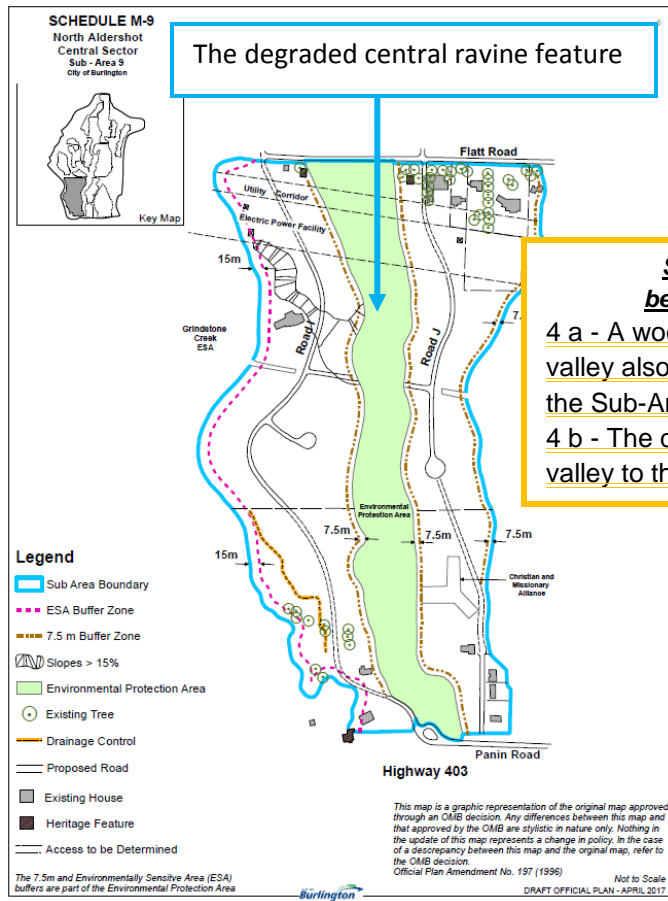
The recent three storey CAMA LTC facility expansion is now the dominant visual and is no longer set into the landscape.

3

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

4 a & 4 b

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





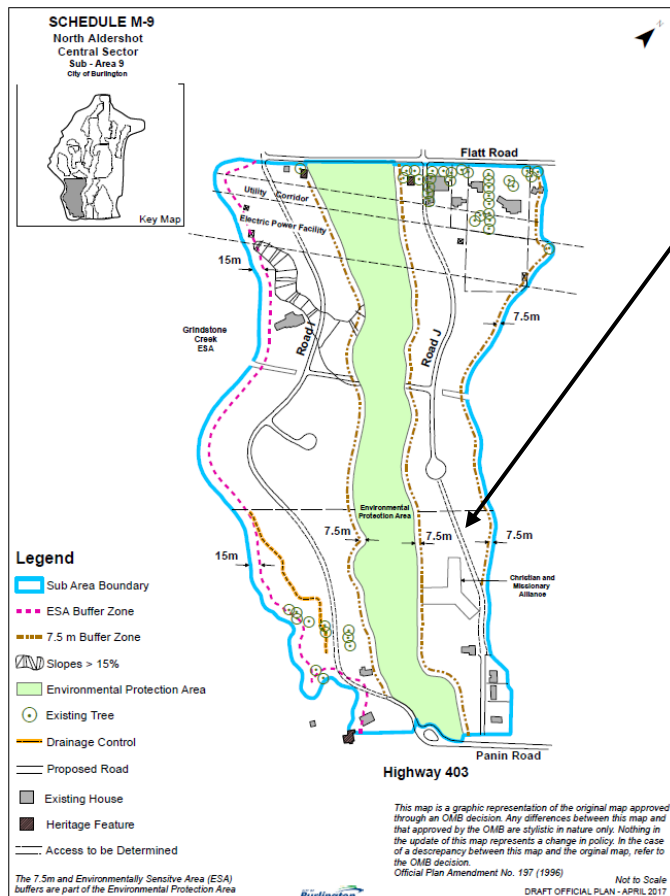
## Excerpt from:

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

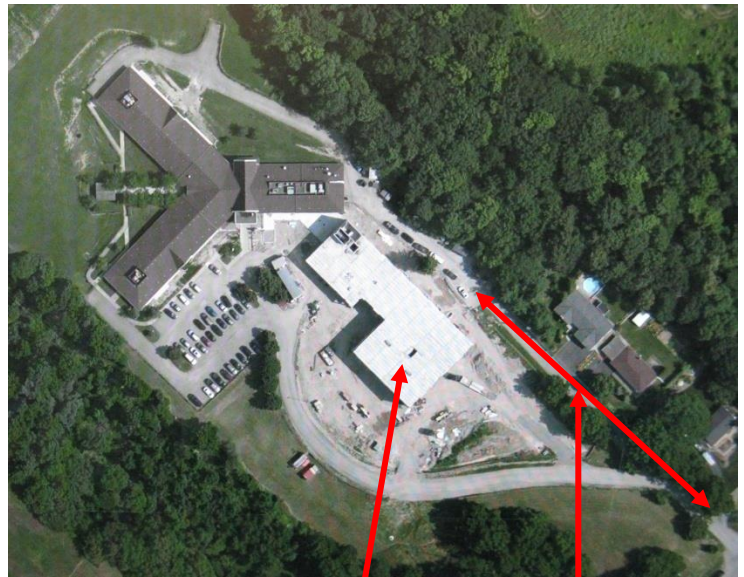
### PART V – NORTH ALDERSHOT PLANNING AREA

#### Future utility corridor b)

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



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

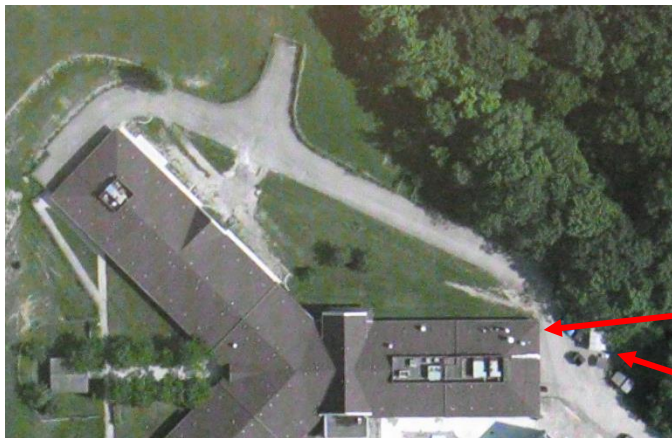


New CAMA 3 storey expansion addition.

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

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

Waste Treatment pumping shed.



**SHOULD and SHALL**

Excerpts From:

Official Plan

Approved by the Ontario Municipal Board October 24, 2008

Text and Maps updated December 2010

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

**PART VIII – DEFINITIONS**

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

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

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

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

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

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

**10.3.2 GENERAL POLICIES**

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



**VIA E-MAIL**

December 6, 2017

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

File 16132.00009

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

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

Dear Mayor and Members of Council:

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

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

**Overarching Concerns**

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

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

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

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

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

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

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

#### **General Policies**

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

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

#### **Secondary Growth Areas**

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

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

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

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

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

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

#### **Introduction**

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

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

#### **7.1.2 Policies**

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

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

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

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

### 7.3 Urban Design and Built Form

#### Introduction

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

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

#### 7.3.2 Existing Community Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Dear Ms. LaPointe

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

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

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

Policy 8.1.1. (3.10) provides that:

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

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

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

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

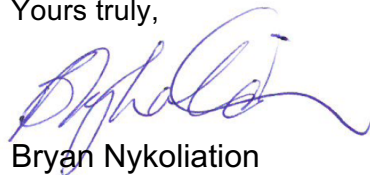
*“The City will consider undertaking an area-specific plan for lands within the Old Lakeshore Road Precinct with respect to the review of existing height and density permissions and conditions for development as stated within this Plan, as well as other matters as determined by the City. The area-specific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

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

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

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

Yours truly,



Bryan Nykoliation  
President  
Core Development Group

PB-11-18  
502-02-68  
Delegation correspondence

Hello. I am submitting this letter regarding the issues that will be discussed at the above planned meeting. This email is to be provided to all City Councillors and the Mayor prior to the meeting.

My name is Nancy Cunningham. I reside in Ward 2, Burlington Ontario. I have lived at this address since 1989 and have watched and experienced the changes that have affected Burlington over the past 29 years.

As a citizen of this city and eligible voter in this municipality I formally submit my Full Support for All of the 8 Motions as presented in the January 23rd Agenda Package with special emphasis on Motion 1 to delay the approval of the Official Plan until the completion of the upcoming Municipal Election.

It seems we are living in a world where elected officials have forgotten their fundamental responsibilities to listen to and represent the constituents who elect them. It is difficult to identify the factors that feed into this change however regardless of the source , they are unacceptable.

Residents of this entire city are fully aware that change and growth is good for a city however it how that Planning is undertaken that matters. Developers will always have self-interest at the forefront with little concern for the affects of residents and the community. That is where City Councillors and the Mayor have the responsibility to understand all the far-reaching impacts of the plan and listen to the population that elected them based on the belief that they would represent the city's and constituent's best interests.

The Plan presented is totally flawed and the infrastructure to support it is currently missing. How can City Council and the Mayor make informed decisions and approve the building submissions when the infrastructure fundamentals have not even been studied (ie Transportation, Character studies of the Downtown core, Inaccurate designation of the Bus Station as a Mobility Hub, Proper study of Density of living and working people per hectare in the core).


In conclusion, the citizens throughout Burlington are galvanized and banning together to address the concerns they have with this plan and it's long term and far reaching effects on the future of this beautiful city.

I request that City Council and the Mayor seriously and sincerely consider the comments submitted in this email as they make their motions on the 23rd that will affect the city for generations to come and their tenure on City Council.

Regards,

Nancy Cunningham



  
Burlington, Ontario.

January 23, 2018

To: Planning and Development Committee

From: Tom Muir, Resident.

Subject: Statutory Meeting; **Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies**

Dear Councilors;

I am out of town and will not be able to delegate personally to this meeting. Therefore, I am providing this written delegation for the record of this Statutory Meeting of January 23.

Some of my comments will be partial repetitions from my previous delegations going back several months; however, I have also included new material that provides further context.

And I must say at the outset, that the new Supplementary Information report to this meeting is 33 pages that is impossible to review and formulate an understanding and interpretation for response and comments in the time given for this meeting.

It seems that staff is recommending that this report be considered with the draft OP in the scheduled Feb. 27 P&D Committee meeting on the proposed OP, for adoption of that OP by Committee followed by adoption by Council.

In my view, this is yet another installment of the too much too fast process being implemented here. It does not consider that this is unrealistic in the timeline provided for public review.

This installment, with others to come in rapid succession, is another reason why the timeline needs to be revised again.

1. I will begin what I am able to assemble here for written delegation, with one of my latest reviews of city reports pertinent to both the Downtown Hub Precinct Plans and the overall proposed OP.

I just finished reading more than 80 comment submissions, of almost 300 pages, to the November 30 Committee meeting on the OP and Downtown. More than 90% were from the development industry.

In a nutshell:

- I saw that almost none are happy;
- almost none want it approved as is;
- one developer critic sees it as too loose, such that it could be interpreted to mean almost anything;
- collectively, all want even more density, height, tall buildings, very tall buildings commercial/employment conversions to residential, permissions for residential, fewer restrictions, more flexibility, numerous tweaks and revisions of language, and other considerations.
- Inclusions of lands not in Mobility Hubs, in the Hub.
- Many of these requests are for permissions that exceed even the highest heights, and most intensification-loaded proposals, beyond city needs, and in the draft form OP that is so publically controversial and opposed.

Other complaints were lack of engagement, consultation, and response to comments, with particular demands that planning provide all of the supposed background studies justifying their plans to the public, and to provide written responses and explanations to all the concerns, comments and questions submitted.

Collectively, the development community does not support proceeding with approval on the timeline proposed and without this wanted documentation and process.

There are two reviews provided of the entire OP and comments that this is the worst OP they have ever seen – that it is based on dreamy assumptions about traffic and transportation which is already a problem, is driving out existing business, and with high condos will replace it with what’s known as “throwaway commercial”. This kind of criticism is frequent.

The bottom line, whoever you believe, is that this cannot be responded to and fixed to a good result for all citizens, in the still totally rushed and artificial timeline that is proposed.

This is an incredibly consistent read that is remarkable I think. If all of this discontent is the object of appeasement, you can kiss goodbye to the downtown, and many other parts of the city.

I support all of the motions being brought forth by Councilor Meed Ward. They are well rationalized and I think go a long way to meet citizen concerns and objections.

But the only one, Motion 1, that is consistent with getting this grand plan right, is to take the time needed to do so - and make the OP an election issue.

That is, to get a whole plan, integrating all the parts that will be needed to make it actually work, and be understandable to the public.

The all-around reception of the draft OP puts it in serious disarray at planning. Planning is already largely piecemeal in their approach, and the public cannot possibly interpret and understand what is being proposed without all the bits and pieces.

The draft OP introduction says that the plan needs to be read in its entirety to be understood, but that is not the way the planners are making it available.

There is no explanation for this too much too fast rush, and no one seems happy with this pace, which is not needed.

So I think it necessary to support Motion 1, and make approval an election issue and put it off until then.

If Council is so convinced the draft OP as written, with all kinds of loose ends hanging out all over, is good enough, then they can give the voters a chance to come to understand it, and then to let their votes decide.

2. One very public concern about the planning for two recently approved projects (421 Brant St, and 35 Plains Rd E) and three application proposals (2100 Brant St; 92 Plains Rd E; and 454 Plains Rd. E) involves the very important development and intensification policy of “compatibility”, which includes 13 criteria, and is intended to be applied in the context of the in force existing OP – that is compatible with what exists.

It is not to be determined in the imagined, non-existent context of some planning documents that have not received public vetting or Council approval, and have no policy implications, as they do not yet exist. It is not appropriate or “good planning” to couch this compatibility criterion in terms of an uncertain and undefined notion of “emerging” context.

Unfortunately these unofficial documents form a major component of language and ideas contained in the planning justification documents of both staff for approvals, and developers in applications.

How is this justified as good planning?

Staff appears to be already reviewing these applications in light of the unapproved OP. Look at the staff reports, and look at the developer proposal planning justifications to see this kind of language.

Then look at approvals on Brant and Plains Rd, for example, and see how the existing OP is amended to reflect just this unapproved language and rationale. Then look at developer proposals and see the same thing.

This new OP does not yet exist legally, but it is being used anyways.

3. Another very important missing piece of the proposed OP and Hubs plans includes discussion of the parts of the PPS that emphasize the economy, economic opportunity, existing business, commercial economic development, and so on. There is no commercial/employment background study showing how this key policy “shall” mandate will be planned for and built in the proposed OP and Hubs plans.

With the population intensification emphasis that I usually see, including what we are looking at here, there is little concern with this, aside from the condo builds. So what we are seeing is too little and not fully serviced “throwaway” commercial, and the planning is putting existing business out of business.

This is what token “mixed use” does in fact, when balance is not built into the plans and zoning, and commercial is not protected, and from the economic development values of dense residential zoning that drive commercial business losses.

What I have said on this previously is that the proposed OP, intensification, and the Hubs in particular, are based on fantasies of some kind of tall building utopia where the business dead will rise again.

I copy this piece from one of my previous delegations. There may be other relevant parts of the PPS to draw on, but this is all I used.

*“Section 1.3.1 of the PPS states that Planning authorities shall promote live/work, economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*

*In other words, the Strategic Plan and the PPS mandates the need for commercial uses to be planned for and increased not reduced, and the needs of existing business to be accounted for, not sacrificed. But the proposal contradicts what the policy calls for. It talks about complete communities, but goes in the opposite direction.”*

Notice the directions inherent in the words “shall” and “mandates”. I do not see these directions being followed in the city quest focused on population intensification.

4. To elaborate point 3 further, note that included in this, is the jobs component of the Growth Plan, which is largely ignored. The non-residential component is always lagging in attention as you know the condos are a much easier sell and that's where the push is.

This is a general thing that I noticed in my development charges committee experience - the Region finances the non-residential component of the need for services to meet the BPE numbers and residential builds, and the non-res DCs lag.

There is no staff commercial/employment plan except a paper and pencil reality, commercial zoning is endangered (not where the money is), population based intensification is going the other way, and so on.

This concern with the urban economic aspect is missing from the projects I have delegated and commented on, and the de-commercialization continues apace with applications submitted under the existing OP.

The economic pressures of permissible heights are also ignored. As height and density go up, the price of land inflates speculatively (this is where the real money is made).

Everything in the way of application land assembly gets neglected, rents go up, and existing businesses can't afford the new rates, and get burned.

Walkability targets decline, car use is forced up, congestion gets worse (Burlington is seen as a traffic mess already), and is a reason why some employment areas are not taken up.

5. There is no transportation plan, transit supply increases will not automatically create demand and are not provided that way, and operating costs of running empty buses act as a brake.

Staff are assuming car ownership rates to fit their urban design, traffic gets worse, buses get caught in it too, despite small tweaks like traffic signal control to green on buses, and so on and so on, in a sort of feed-forward amplification loop. Buses do not take people everywhere they need or want to go in practical reality times they have available, and the purposes.

In my city DC experience, we were told by Vito Tolone that Burlington wasn't building any more roads, and I recall that City Manager James Ridge recently said the same thing.

Despite this, with the help of car ownership and modal split assumption, we have never seen a traffic study for an application ever fail the test - there is never a traffic impact, and the roads can handle whatever.

For just one thing that always stands out in the staff report is the traffic and parking assertions. These are completely at odds with public comment and concern. I suggest that they do this in part to enable the heights and densities that are wanted, and cannot be physically accommodated in the build.

Further enabling are assertions that traffic is never above the road capacity, no matter how much is added, and the cumulative load is never considered. It doesn't matter what the real road congestion situation is.

The parking requirements are similarly nonsensical to me. There is increasingly a departure from the reality of multiple car ownership per unit.

I agree that not every unit will have 2 or more cars, but it's just fantasy to say and assume that all units will have mostly 1 car, and thus dismiss the parking issue that is a reality.

All those thousands of unaccounted for vehicles are not going to disappear because the planners refuse to recognize they exist.

6. As I alluded to above, I have acquired a new appreciation for compatibility. It is clearly important beyond what I thought before seeing additional material, and then seeing some of it myself in action. This is particularly abused as a policy in the developer planning justifications and some staff reports, for example with our experience on Plains Rd.

The shortcoming of the planners in not enforcing the existing in force OP is becoming clear to me to be a big problem. It is reasonable to see that the existing OP is just being used as a vehicle to implement what they want the proposed, and not approved OP to be, or beyond.

The developers are catching on and that is what we are seeing, and it goes beyond even the most extreme. It's getting out of control.

There needs to be some accountability in planning for this. I don't see it as appropriate or "good planning", however you might want to describe it.

7. Also, all the missing pieces to support delivery and practical workings of the plans warrant emphasis. I will repeat some things here, but they summarize critical missing pieces, and are from another of my written delegations, this one for November 30, Statutory Meeting.

I apologize for this repetition, but it's important to repeat this issue over and over again in the deliberations you are undertaking. Consider it a restatement of some things in a different wording and context, and shows the issues are known and have been brought to your attention a number of times by a number of people.

I wrote, in one part;

*"Statutory Meetings – 1. Proposed new official plan (PB-50-17); 2. Proposed downtown mobility hub precinct plan and proposed official plan policies (PB-81-17)*

*There are so many missing pieces that are critical parts of any plan that is to function, to actually work and deliver good results for the residents of the city. As has been said – whose city is it?*

*The OP approval plan timeline is leading and out of synch with the Mobility Hubs approval timeline plan. The Hubs plans are the major component of how the proposed OP will be delivered.*

*Even a cursory look at the Hubs plans reveals huge growth plans that are only half-baked. Without these Hubs reviewed by an engaged public before being approved means the proposed OP will also be half-baked if it proceeds to approval as it is proposed, far ahead of the Hubs plans, which are very far from complete.*

*There is no transportation/transit plan – a big hole. There is no concrete idea to be seen how people will get around anywhere, just convenient assumptions and assertions without proof.*

*You are not mandated to just tell people to walk – that's just deluded thinking.*

*There is no traffic or parking plan. There is no plan to deal with all the extra cars the planners are unwilling to admit will appear and are not providing for. No active transport plan to help up the modal split, while admitting it will never replace the car.*



*The biking plan will go down in flames when the New St. trial is cancelled, as staff recommends and Committee agreed.*

*There is no employment/commercial plan.*

*In the meantime, proposals that are being approved based on proposed ideas that have no force and effect, and as a result the killing of existing business and commercial continues apace.*

*When you read the Aldershot specific Hubs paper as an example, they talk loud about office/commercial numbers in the future, but in the meantime, in the present, the killing floor is in action.*

*How you get commercial in the OP and Hubs by driving out the only existing business that is there, by design, is beyond me.*

*These essential parts of the whole are missing, and there are others not mentioned here. But it seems that the planners and Council don't care.*

*What is being suggested by Council is that half-baked is good enough. This is nuts to me"*

In conclusion, I return to my initial opinion and request that the Motions brought forward at this meeting be debated and supported.

Further, as I have outlined here, there is a substantial opinion and desire by the public, and even the development industry, that the draft proposed OP and Mobility Hub plan for the Downtown, as a major related component of the City, and of the draft OP, are proceeding far too fast, with no time for appropriate public comment and staff response, and with too many critical missing pieces in the city piecemeal approach.

Other critical pieces such as Precinct Plan policies were introduced before the proposed, revised OP, and the Mobility Hub plans are either lagging, or like the Downtown Plan, are being rushed with too little time to review and research all the material. Staff indicates that there may be further unknown, precinct policy changes introduced at some unspecified date, or after the OP passes.

The timeline changes made still put the Statutory Meeting on the proposed OP on February 27, a few days longer than one month from this meeting date of Jan. 23. This process timing is flawed on several levels and needs to be revised again.

Again, it's all too much too fast, and not necessary. It's not "good planning" as it does not "provide full, clear, and accurate information on planning matters to decision makers and the public", according the Professional Code of Practice requirement for all members of the Ontario Professional Planners Institute.

The piecemeal approach being followed is not full disclosure. Does staff think it is? Will they tell us?

More time is needed – to complete needed studies, including planning and design rationales behind Precinct and other policies in question; to review policy proposals; to consider and approve a whole integrated OP document; more time to make it an election policy issue.

This is a critical document guiding the City for at least until 2031, but is part of the 25 year strategic plan. So what's the rush?

This written delegation contains numerous but far from all the reasons I request that you support the Motion 1 to postpone approvals until after the election, so the public can exercise their rights to choose what they want for their city.

Thank You,

Tom Muir

Brad Owen  
c/o Burlington Automotive Centre  
1692 Graham's Lane  
Burlington, ON



January 22, 2018

Via Email

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

Attention: Leah Smith, Planning Department – City of Burlington

Dear Sirs:

Subject: Official Plan – City of Burlington

Hello,

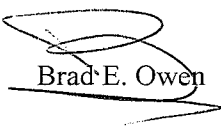
I am a resident of downtown Burlington and have been paying attention to everything coming out of the proposed Official Plan and the Downtown Mobility Hub Precinct Plan.

While I believe there are many positive aspects of our downtown, I also believe there is always room for improvement. City Council has a great opportunity right now to embrace a new way of looking at our downtown, by growing it and adding diversity to the skyline.

I believe we should look to other cities that encourage a variety of taller buildings and embrace density. If we have a downtown core with more people, everyone will benefit. The city will generate a greater tax base of revenue, local shops and businesses will have a more diverse and permanent customer base and we as a community will be doing our part under the mandated provincial growth requirements. Growth requirements that have set minimums, not maximums for an urban growth center such as downtown Burlington.

On balance a denser more diverse downtown will create a much richer environment for all Burlington residents. I firmly believe that this is positive change.

Thank you,

  
Brad E. Owen

PB-11-18  
502-02-68  
Delegation correspondence

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

File 99999.99904

January 23, 2018

City of Burlington  
Planning & Development Committee  
426 Brant Street  
Burlington, ON L7R 3Z6

Attn: Amber LaPointe, Committee Clerk

Dear Mayor and Members of the Planning and Development Committee:

**RE: Burlington Official Plan**

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This letter is submitted on behalf of Welwyn Interests (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.

The Client previously provided correspondence in connection with this matter on November 29, 2017. However, today's correspondence is in response to Item PD-01-18. While we have fundamental concerns with respect to most of the motions contained within PD-01-18, in this instance we have particular concerns with respect to Motion 6b). Motion 6 in its entirety reads:

Motion 6:

- 6a. Add the north west corner of Burlington Avenue and Lakeshore Road to the special planning area to match the north east corner.
- 6b. Reduce height to 3 storeys.

While the drafting is unclear, it appears that motion 6b is intended to reduce the height to 3 storeys for both the north east and north west corners of Burlington Avenue and Lakeshore Road, this being inferred from the use of the term "match".

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. Motion 6b would place an unreasonable constraint on those discussions entirely in the absence of any planning analysis under either the existing or proposed Official Plan policies that would apply to the Site.

It is requested that this motion not be supported in the absence of the City receiving recommendations from Planning Staff. We therefore request that this motion not be carried.

We look forward to having further discussions 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

11317688.1

Private Citizen Delegation

Open Letter to Burlington City Council and Staff, re: The New Official Plan.

Delegation correspondence

Yielding to intensive lobbying, delegation and protests from Citizens Groups, Local Businesses and even from Building Developers, Burlington City Council and Staff have pushed the schedule for passing their revamped "Official Plan." Back to April 2018. The original December 2017 schedule for Burlington's most important planning document for the next several decades, was being rushed in order to have the plan adopted before it could become a 2018 election issue. On Tuesday January 23, council will discuss final implementation dates for that plan.

The question now becomes: Will that final vote by council in April, on the plan that will guide city development for decades to come, still allow councillors to avoid electoral accountability in next year's election?

Those same community groups are still suspicious and are now saying very loudly that accountability for that final vote on the plan can only be served by moving the decision even farther back until a new council is elected. The New Official Plan is important enough to be a major issue in that upcoming election. Instead of rushing to avoid electoral accountability, Council and Staff should spend the time finalizing a Plan that serves our city, its people, its downtown retail, commercial and business communities.

That New Official Plan must be based on the Mobility Hub, Transit and Cycling Plans, all of which have been promised but none of which are currently completed, begging the question how do you build an overarching plan when the building block plans are not yet in place? These should all be developed with real input from all Citizen, Retail and Commercial Groups and with real engagement; not the pseudo consultation that has taken place to date, and put in place first.

The New Official Plan represents a radical change to our city. It contemplates massive increases in population, allowing hi-rises on traditional downtown retail and commercial sites with no allowance for preserving the quality of life for residents. The city would have us believe that any negative effects of the Plan will be addressed by Mobility Hub, Transit and Cycling Plans which, as previously stated, are not even in place yet.

As our city moves forward with the revised schedule for its Official Plan. We ask of our city fathers and staff.

1. Please do not close off further citizen input and delegation. The legalities of the Official Plan approval process demand citizen input. To date that input has at best been directed by staff rather than real participation by those citizens directly impacted. The best and most attention grabbing ideas so far have come from engaged and active citizens groups, small businesses even city developers and not from the Pseudo Involvement so far undertaken by the city. Let staff and council use this time and this groundswell of engagement to seek real input to improve and perfect the plan.
2. Having accepted that the timeline for the New Official Plan was indeed flawed and reacted properly by revising that timeline, we ask that the decision on the zoning amendment for 421/423 Brant Street be revisited and any revisions of that zoning be included as an integral part of the fresh review of the New Official Plan. The parallels between the two issues, Intensification in General, and Specific Downtown Zoning are so similar it seems logical to consider one as part of the other bigger issue.



3. Citizens accept that council are elected and staff employed to provide the best possible planning for our city's future. We will not always agree on what that planning may look like so we rely on two things to address our disagreements. First; the professionalism and qualification of city staff to provide guidance to council and second; the underlying accountability that our representative democracy gives us to hold our elected officials to. So we ask again: Why the rush to pass this Plan? If it truly is the basis on which our city will be built over the coming decades, and if our city fathers truly believe in the plan they have created, why not let council make this New Official Plan the core issue in the 2018 election? Why not let the people speak?

Be assured that citizen groups are paying very careful attention to this issue and council's responses to their voices. A failure to listen to your citizens now will not go unnoticed in October.

Jim Young, Burlington.

Additional comments  
PB-11-18  
502-02-68

## **ADDITIONAL COMMENTS FROM RESIDENTS**

**From:** JOSEPH VEITCH [REDACTED]  
**Sent:** Monday, January 22, 2018 11:00 AM  
**To:** LIST - Users - Internet Email Address - Clerks  
**Subject:** Jan 23 2018 Planning and Development Committee

My name is Joe Veitch and I have lived in Burlington for 51 years and now live at [REDACTED] Burlington L7S 1A9. I am of voting age. I support a motion to delay approval of the Official Plan until after the upcoming Municipal Election. I wish to preserve my right to seek an appeal through the OMB or PLAT should council reject the motion to delay approval of the Official Plan until after the upcoming Provincial Election. Thank You, J.H.Veitch

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**From:** Madison Falco [REDACTED]  
**Sent:** Monday, January 22, 2018 10:52 AM  
**To:** Mailbox, OPReview  
**Cc:** Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Meed Ward, Marianne; Dennison, Jack; Taylor, John; Sharman, Paul; Lancaster, Blair  
**Subject:** Draft Official Plan

Dear Ms. Smith,

I am writing to you because I am concerned that voices like mine are going unheard at the expense of our city's future. Having lived in the City of Burlington for a number of years I have grown used to seeing other cities in the GTA grow skywards and hog the limelight. I do not want to stay silent as the proposed Official Plan and Downtown Mobility Hub Precinct Plan are potentially significantly modified in the upcoming Planning & Growth meeting.

Although I applaud the investment that is happening around the GO station I fear that all this is doing is taking attention away from the struggling downtown area. The downtown urgently requires high density development in the form of tall residential buildings with space for storefronts and office space. My generation doesn't want to commute for hours on a crowded subway train, or highway to get to work. We are desperate for walkable communities with coffee shops, parks, gyms, grocery stores... all on our doorstep. We also need affordable places to live. Tall buildings provide ordinary people the chance to get a foot on the property ladder.

I support the current proposed plan by city staff which directs a portion of density and intensification towards various parts of the downtown (ie. precincts), including the incorporation of some tall buildings.

Thank you for your time.

Regards,  
Madison Falco

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Good afternoon.

My name is Paula Evans Nash. I live in Burlington at [REDACTED] L7P 5B3. I am of voting age.

I support the motion to delay approval of the Official Plan until after the upcoming 2018 Municipal Election.

I wish to preserve my right to seek an appeal through the OMB or LPAT should Council reject the motion to delay the approval of the Official Plan until the upcoming Municipal Election.

Thank you.

Regards,

Paula Evans Nash

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ADDITIONAL COMMENTS FROM RESIDENTS:

For my entire life, I've been a proud City of Burlington resident, and I have lived just minutes away from the downtown.

I am proud to have raised a lovely family here. At my current stage in life as a retiree my focus and attention is mostly towards that of the future of the next generation and in particular to me, the future of my grandchildren. When it comes to city planning we must always balance the needs of those who are here to speak up today and those who will be living here tomorrow.

I would like to share my opinion with you, after having reviewed the new proposed Official Plan and the proposed Downtown Mobility Hub Precinct Plan.

I would like to enthusiastically, and unconditionally state my support for taller buildings within the downtown because it offers a range of housing types, and therefore contributes diversity to the downtown, which can only benefit from different backgrounds and experiences. It would also encourage a larger amount of people to engage with our downtown.

As long as the tall buildings are well-made and designed, I have no problem, and actually encourage this kind of development in my city.

I wanted to let you know that I think the long-term plans for the downtown area should encourage density, diversity, and engagement and that saying no to any building simply because it is tall represents dated, counter-productive thinking.

Thank you,

Katherine Ricci

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My name is Jan Thompson. My wife, Catherine, and I bought our house in Burlington in 1979. We raised our family here.

I have enjoyed watching the city grow and develop and look forward to more changes. But I am not pleased with many of the changes proposed for the new official plan.

Many parts of the plan are flawed, and the process so far has not been inclusive enough. Many of the components of the proposed official plan are predicated on the downtown core being a "Mobility Hub", specifically an "Anchor Hub". However, it is clear from the documents that the city fails to understand that the downtown core is not now and is unlikely to ever meet the criteria for mobility hubs set out in the 2008 document "The Big Move".

Below are two excerpts from that document which make this clear:

PRIORITY ACTION #7 (page 45) A system of connected mobility hubs.  
Create a system of connected mobility hubs, including Anchor Hubs and Gateway Hubs, at **key intersections in the regional rapid transit network** that provide travellers with access to the system, support high density development, and demonstrate excellence in customer service.

GLOSSARY OF TERMS (page 85)

... **Anchor Hubs** have the potential to transform the regional urban structure and **act as anchors of the regional transportation system**.

The downtown core is not served by any Rapid Transit Network and so does not meet the fundamental criteria.

And as such, most of the existing proposals for the development of the core need to be completely revised, after many opportunities for community consultation and engagement. Any Official Plan should be taken to the citizens at election time.

I fully support Councillor Meed Ward's several motions as outlined in the Jan 23, 2018 Agenda Package.

Moreover, I support a motion to delay approval of the Official Plan until after the upcoming Municipal Election.

I wish to preserve my right to seek an appeal through the OMB or LPAT should Council not revise the proposed official plan and postpone the approval of any proposed Official Plan until after the next municipal election.

Thank you

Jan Douglas Thompson

[REDACTED]

Burlington, ON L7R1G7

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My name is Gary Parker, My address is: [REDACTED], Burlington, L7R1W3

I am of legal voting age

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne

Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

Gary Parker  
[REDACTED]  
[REDACTED]

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My name is Glen Smith, My address is: [REDACTED], Burlington L7R1W2

I am of legal voting age

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

Glen J Smith  
[REDACTED]  
[REDACTED]

Sent from my iPad

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I am of legal voting age

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

My name is Laurie Rocco,  
[REDACTED]

Kind Regards,

Laurie

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I am of legal voting age.

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

My name is Judy Snyder,

[REDACTED]

Burlington, ON  
L7S 1L2

Kind Regards,

Judy Snyder

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My name is Bruce Taylor; my address is [REDACTED] Burlington ON L7T 2L3, of legal voting age and I would like to have my name added to supporting Mr. Parkers that any voting be withheld until our Municipal Elections are held.

Bruce Taylor

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My name is Gary Parker

My address is: [REDACTED], Burlington, L7R1W3

I am of legal voting age

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

Gary Parker

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**From:** Justin Cochrane [REDACTED]  
**Sent:** Monday, January 22, 2018 2:24 PM  
**To:** Mailbox, OPReview  
**Cc:** Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Meed Ward, Marianne; Dennison, Jack; Taylor, John; Sharman, Paul; Lancaster, Blair  
**Subject:** Letter to City January 22

Via Email

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

Attention Planning Department  
Subject: New Official Plan City of Burlington

Hello,

I am a resident in Ward 4 near Tuck School and the issues that have been going on in the core are concerning to me as well. I have been more involved in what has been happening in Burlington since the New Street Road Diet. I have also begun following your news letters more closely.

In November/December issue, there is a section on page 6 with regards to the Official Plan. I didn't find any insight on your perspective on the plan and/or any reference as to how this change in development rules affect my neighbourhood or the drastic changes to the Urban Centers.

I found in Chapter 11 of the Official Plan that the City will ensure that community members are engaged, welcomed, and well served by their City. Based on the rush that has been put on pushing the New OP forward I do not believe that the community goals are being reflected in the current Land Use planning decisions. The downtown is a place where our family enjoys spending time, we know that the downtown residents are working to ensure that the Character of downtown is preserved. This doesn't mean that tall buildings are not supported – there are already many under development right now. It means that the whole downtown is not over intensified with buildings greater than 4-8 stories on Brant Street. Why would the City build in so many new locations and Precincts for such intense heights? We want more people downtown to keep it busy, but making it a concrete jungle won't help anyone.

In Ward 4 There is a potential Future Transit Station at Walkers between Harvester and Fairview. Does this mean that soon my area will border on a Mobility Hub? How will I know this if the Mobility Hub Plan and Transportation Plan are still underway? Does this mean our neighbourhood will soon experience the effects of living near a Mobility hub? Do you feel that you have communicated this new change to your constituents?

In closing, the issue with downtown needs to be looked at again with the community feedback from the Planning and Development meeting on January 23<sup>rd</sup>. Thank you,

Justin Cochrane – Ward 4

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**From:** Lauren Jenkins [REDACTED]

**Sent:** Monday, January 22, 2018 3:35 PM

**To:** Mailbox, OPReview

**Cc:** Craven, Rick; Meed Ward, Marianne; Dennison, Jack; Taylor, John; Sharman, Paul; Lancaster, Blair; Mailbox, Office of Mayor Rick Goldring

**Subject:** New Proposed Official Plan

Attention: Leah Smith – City Planning Department

I would like to weigh in on the proposed Official Plan and Downtown Mobility Hub. I have reviewed a number of the key documents and supporting materials and I believe that a variation of height and design of buildings is something that our downtown cityscape is in need of.

I was disappointed to see that a new motion is being brought forward to essentially banish tall buildings within the downtown under the new proposed official plan. Restricting tall buildings all together limits us to a stale and dated mode of city-building.

Having traveled to many major cities around the world, I can attest that development of all kinds including tall buildings should be encouraged to move our beautiful, albeit smaller city, into a positive direction and with enhanced walkability, commercial viability and vibrancy.

We should be approving a plan which encourages the opportunity for taller buildings in our downtown on the merits of their design as well as their response to both the existing and planned context.

Thank you for taking the time to review my letter.

Regards,

Lauren Jenkins, DC

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**From:** Joe Lepore [REDACTED]  
**Sent:** Monday, January 22, 2018 4:43 PM  
**To:** Mailbox, Office of Mayor Rick Goldring; Smith, Leah; Craven, Rick  
**Subject:** Re: Jan 23, 2018 Planning and Development Committee

My name, Joseph Lepore

I live in ward 1

I am of voting age.

I support ECOB's position on delaying the approval of the draft official plan. I do not agree with the current draft official plan allows for balanced growth and the proposals more than double the existing permissions. We don't need to over intensify to meet targets: we need 185k people by 2031; we are already at 183k - we will meet and surpass our targets in the next 5-8 year across the city. I support a motion to delay approval of the Official Plan until after the upcoming Municipal Election.

Joe

---

**From:** Paula Presswood [REDACTED]  
**Sent:** Monday, January 22, 2018 8:15 PM  
**To:** Smith, Leah  
**Subject:** TEC

Subject: Jan 23, 2018 Planning and Development Committee

My name is Paula Presswood.

I live at [REDACTED] Burlington Ontario L7P1P7 Canada - Tyandaga

I am of voting age.

I support ECOB's position on delaying the approval of the draft official plan. I do not agree with the current draft official plan allows for balanced growth and the proposals more than double the existing permissions. We don't need to over intensify to meet targets: we need 185k people by 2031; we are already at 183k - we will meet and surpass our targets in the next 5-8 year across the city. I support a motion to delay approval of the Official Plan until after the upcoming Municipal Election.

Paula Presswood

Sent from my iPhone

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**From:** Fran Fendelet [REDACTED]

**Sent:** Monday, January 22, 2018 11:00 PM

**To:** Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Meed Ward, Marianne; Taylor, John; Dennison, Jack; Sharman, Paul; Lancaster, Blair; Smith, Leah

**Subject:** Planning and Development Committee - Jan 23, 2018

Dear Mayor Goldring, Councillor Craven, Councillor Meed-Ward, Councillor Taylor, Councillor Dennison, Councillor Sharman, Councillor Lancaster, Ms Leah Smith

I support the ECOB's (Engaged Citizen's of Burlington) position on delaying the approval of the draft official plan.

I do not agree that the current draft official plan allows for balanced growth and the proposals more than double the existing permissions. We don't need to over intensify to meet targets: we need 185k people by 2031; we are already at 183k - we will meet and surpass our targets in the next 5-8 years across the city. I support a motion to delay approval of the Official Plan until after the upcoming Municipal Election.

I am of voting age and reside in Ward 1.

Thank you for your attention to my request.

Regards,

Fran Fendelet

[REDACTED]

Burlington, ON L7P 5B5

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**From:** Smith, Leah on behalf of Mailbox, OPReview

**Sent:** Tuesday, January 23, 2018 8:59 AM

**To:** LaPointe, Amber

**Cc:** Bustamante, Rosa; Caldwell, Phil; Plas, Kyle; Caldwell, Phil

**Subject:** FW: Letter to City January 22.doc

Hi Amber - For the public record.

-----Original Message-----

**From:** vanessa drew [REDACTED]

**Sent:** Monday, January 22, 2018 2:55 PM

**To:** Mailbox, OPReview; Craven, Rick; Meed Ward, Marianne; Dennison, Jack; Taylor, John; Sharman, Paul; Lancaster, Blair

**Subject:** Letter to City January 22.doc

January 22 Via Email

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

Attention Planning Department  
Subject: New Official Plan City of Burlington

Hello,

I am a resident in Ward 4 near Tuck School and the issues that have been going on in the core are concerning to me as well. I have been more involved in what has been happening in Burlington since the New Street Road Diet. I have also begun following your news letters more closely.

In November/December issue, there is a section on page 6 with regards to the Official Plan. I didn't find any insight on your perspective on the plan and/or any reference as to how this change in development rules affect my neighbourhood or the drastic changes to the Urban Centers.

I found in Chapter 11 of the Official Plan that the City will ensure that community members are engaged, welcomed, and well served by their City. Based on the rush that has been put on pushing the New OP forward I do not believe that the community goals are being reflected in the current Land Use planning decisions. The downtown is a place where our family enjoys spending time, we know that the downtown residents are working to ensure that the Character of downtown is preserved. This doesn't mean that tall buildings are not supported – there are already many under development right now. It means that the whole downtown is not over intensified with buildings greater than 4-8 stories on Brant Street. Why would the City build in so many new locations and Precincts for such intense heights? We want more people downtown to keep it busy, but making it a concrete jungle won't help anyone.

In Ward 4 There is a potential Future Transit Station at Walkers between Harvester and Fairview. Does this mean that soon my area will border on a Mobility Hub? How will I know this if the Mobility Hub Plan and Transportation Plan are still underway? Does this mean our neighbourhood will soon experience the effects of living near a Mobility hub? Do you feel that you have communicated this new change to your constituents?

In closing, the issue with downtown needs to be looked at again with the community feedback from the Planning and Development meeting on January 23<sup>rd</sup>. Thank you,

Vanessa Drew – Ward 4

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**From:** Robinson, Jim [REDACTED]  
**Sent:** Monday, January 22, 2018 10:15 PM  
**To:** Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Meed Ward, Marianne; Taylor, John; Dennison, Jack; Sharman, Paul; Lancaster, Blair; Mailbox, OPRReview  
**Subject:** New Draft Official Plan for Downtown

Dear Mr. Mayor and Burlington City Council Members,

I understand there is an upcoming Planning & Development Committee meeting which will be discussing and addressing the components of the new Draft Official Plan pertaining to the Downtown. As such, I am writing this email to you in an effort to reiterate my position which was formally put forth to the city in late November, a copy of which is shown below.

In order to succeed over the next 10-20 years, we need be forward thinking in how we plan our city. We must use good planning principles, rely on our experienced professionals to help guide us through this process and be welcoming of change, not fearful of it. Growth and intensification can bring so many good things which our downtown is in dire need of.

I do hope that: i) you will continue to stand behind city staff's recommended direction, which council supported during the September Planning and Growth meeting (ie. precinct plan which allocates a variety of buildings in the downtown core along with a number of taller buildings); and, ii) council will set in place a plan that will in fact allow Burlington to finally Grow Bold.

Regards,

Jim Robinson

\*\*\*\*\*

#### **Email Sent On November 28, 2017**

Dear Ms. Smith

I have been a resident of the City of Burlington for the majority of my life and grew up near Walkers and Lakeshore - only short drive away from the Downtown area.

I have reviewed the new proposed Official Plan as well as the proposed Downtown Mobility Hub Precinct Plan. Having been fortunate to travel to a number of world-class cities around the world, a key element that I have noticed about successful and vibrant cities has been their ability to direct growth, density, and vibrancy towards their downtown area. I believe the City of Burlington needs to take a similar approach and

can benefit greatly from additional forms of housing opportunities, retail and commercial spaces in the downtown area.

In an urban environment such as Downtown Burlington, I think this is best achieved through the creation of well-designed tall buildings. Tall buildings provide the opportunity to add density in a much slender and architecturally pleasing form. They reduce the bulkiness at the human scale and reallocate the density to a higher component of the built form which is not as visually impactful. A great example of this is the recent approval of 421 Brant St. within the Brant St. Special Policy Area.

On balance I am writing this email to show my support for a long term vision of Downtown Burlington which includes the incorporation of additional density through the use of well-designed tall buildings.

Best regards,

Jim Robinson

**Jim Robinson**

**FTI Consulting**

[REDACTED]

[REDACTED]

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**From:** Kassia Falco [REDACTED]

**Sent:** Monday, January 22, 2018 10:28 PM

**To:** Mailbox, OPReview

**Cc:** Mailbox, Office of Mayor Rick Goldring; Craven, Rick; Meed Ward, Marianne; Dennison, Jack; Taylor, John; Sharman, Paul; Lancaster, Blair

**Subject:** Mobility Hub Study + Official Plan

To whom it may concern:

I feel that I have some insights to offer regarding the proposed Downtown Mobility Hub Study and Proposed Official plan, as I have lived near the downtown Burlington area for the majority of my life. Most notably, after having lived in Toronto for a number of years my Husband and I have just recently moved back to Burlington to raise our twin daughters here.

Aside from our connection to family and friends within the Burlington area one of the major driving forces that informed our decision to move back was the proposed

direction of the city in terms of their new official plan and desire to grow bold. In its simplest form we wanted to raise our children in a city that is forward thinking about the future and creates a place of opportunity for them to grow and learn.

I believe in supporting new development, and think that higher density tall buildings will bring new people to boost our economy and to create new interest in our downtown. Our downtown has a lot to offer, with great restaurants, stores, and other services and I feel that by declining high density mixed use buildings, we are detracting from our city. We could benefit so much from inviting a variety of buildings into our downtown core, and encouraging development into our small sized city can and should be seen as a positive.

Additionally, I've applauded the approval of the development at 421 Brant Street, which I believe will also rejuvenate our downtown. I hope this kind of encouraging development can continue to create a bustling downtown, for my children and grandchildren to enjoy for years to come.

Thank you for your time.

Sincerely,

Kassia Kocharakkal

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The Official Plan ('OP') should not only be approved and supported by council but more importantly **it should be put forth to the taxpayers of Burlington for their support and approval via a referendum.** Rationale being, does Council have the necessary expertise and background to properly evaluate the merits of the OP by solely relying on a handful of City Planners and staff?

City Planners have provided an alternative, unconventional and presumably progressive view on the future of Burlington not shared by many of the residents of Burlington.

My view is that the City has failed its residents as follows:

- Not adequately disseminating important information to the general population on the OP
- Understanding that information has a 'shelf life', no real financial or social analysis/proof that this OP will be of long term benefit
- No risk analysis and discussion of mitigants
- Discounting residents' consistent opposing views that were gleaned through town halls, workshops, surveys etc.

- Rushing complex decisions through council, without allowing for the necessary time frames to absorb the information and understanding the impacts those decisions will have in the coming decades

The OP should highlight the solidarity of its citizens that is inclusive and respectful of the many challenges and opportunities that face Burlington.

Thank you for your consideration,

Susan Goyer

[REDACTED]

Burlington, ON

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January 22, 2018  
Ms. Amber LaPointe  
Committee Clerk  
Clerks Department, City of Burlington  
By email: Amber.Lapointe@burlington.ca

Re: Proposed Changes to draft Official Plan downtown policies

Dear Ms. LaPointe:

The Burlington Downtown Condominium Association ("BDCA"), representing 11 condominiums, over 1,000 residents in 690 units and providing in excess of \$3,000,000 in property tax revenue to the City, appreciates and applauds the contributions made by Council. These contributions have resulted in Burlington being recognized as the best mid-sized city in Canada. In August 2016, our submission to Ms. Bustamante regarding the ADI proposal on Martha Street, documented our support of the Official Plan and expressed our concerns with other than minimal future alteration to the Official Plan. We are therefore disappointed with the proposed modifications to the Official Plan, the draft Official Plan. This letter registers our opposition to the draft Official Plan.

Infrastructure

The proposals to increase allowable heights will increase the residential density in the downtown core with no significant change in the related infrastructure, including traffic, parking, sewers and drains. The following is a quote from John Tory, Mayor of Toronto on his January 17, 2018 blog.

*"Development along the Etobicoke waterfront has exploded in recent years but transit infrastructure has not kept up with that growth. I have heard from so many people who live in this area who have told me about the frustration they face trying to get to work and home again."*

We are not opposed to change but do not wish downtown Burlington to be the subject of similar headlines.

Traffic

Downtown traffic, without factoring in the inevitable increase from already approved projects, is currently at capacity during rush hour periods.

The BDCA cannot support the proposed increases in allowable storeys.

Parking

Residential buildings need adequate parking for visitors and tradespeople, and commercial enterprises need parking for their customers. The City has currently allowed downtown condominiums many exceptions, thus reducing available parking. Bunton's Wharf and 360 Pearl have no parking for visitors. As well, the approved Waterfront Development on Lakeshore does not have adequate parking. The new senior home on Pearl has no visitor parking spaces. The proposed changes will increase the density, thus compounding the problem, yet there is no mention for a new parking garage in the Downtown Area.

The BDCA cannot support the proposed increases in allowable storeys.

#### Sewers and Drains

Given the recent flooding throughout Burlington we have serious concerns that continued residential growth will place undue strain on the current infrastructure. No evidence has been provided to suggest otherwise.

The BDCA cannot support the proposed increases in allowable storeys.

We support the motions to be proposed by Councillor Meed Ward, specifically:

#### Defer the approval of the draft Official Plan until after the 2018 Municipal Election

This will allow for full and fair discussion from all affected interests. The BDCA fails to understand the urgency to push the amendments through without a full appreciation of the concerns of those who will be directly impacted. A longer time frame for discussion would enable the changes required in infrastructure to be identified and addressed. The BDCA supports the deferral of the proposed changes to the Official Plan until after the 2018 Municipal Election.

#### Remove the mobility hub classification for the downtown and shift the Urban Growth Center to the Burlington GO station

The BDCA understands the need for a city to grow but is concerned that the growth is too heavily weighted to residential growth in the downtown area. In addition, the BDCA is not aware of plans to amend the current infrastructure to address this growth.

#### Review the Downtown Urban Growth Centre boundaries and consider restoring original boundaries with the exception of Spencer Smith Park.

The BDCA is not aware of any benefits to be realized by the proposed changes and understands that the Region would support the proposed boundary changes.

#### Retain the current height restriction of 4 storeys (with permission to go to 8 storeys with community benefits) for the Downtown Core Precinct. Include policies to allow additional density in developments that preserve heritage buildings, as a factor of square footage preserved.

The BDCA supports this motion. The BDCA would support a range of mid-rise developments as contemplated in the existing Official Plan.

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

The BDCA supports this motion. The BDCA believes in the existing Official Plan.

#### Add the north-west corner of Burlington Avenue and Lakeshore Road to the special planning area to match the north-east corner. Reduce height to 3 storeys.

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

#### Upper Brant Precinct: 8a. Remove East side of Brant from Blairholm to Prospect

#### Remove West side of Brant from Blairholm to Olga

The BDCA supports the above motions.





Respectfully submitted on behalf of the Downtown Condominium Association



Patricia Volker, Brant's Landing  
On behalf of the BDCA, President, Jack Bolzan

Members of the BDCA

	Sandy Pinto
	Dennis Roy
Baxter:	Mary Mazure
Brant's Landing:	Patricia (Trish) Volker
Bunton's Wharf:	Marianne Fletcher
Harbour Lights:	Dawson Kilpatrick
Harbourview:	Colette Ertel
Lakeforest:	Bob Rideout
Pine and Pearl:	Jack Bolzan
The Residences of Village Square:	Joe Lamb

cc: Mayor Rick Goldring  
Rick Craven  
Marianne Meed Ward  
John Taylor  
Jack Dennison  
Paul Sharman  
Blair Lancaster  
James Ridge

January 22, 2018

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

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan Downtown Mobility Hub Precinct Plan and Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies (PB-11-18)  
Emshih Developments Inc. 433-439 Brant Street, Burlington  
OUR FILE: 1583F**

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As you may know, MHBC is retained by Emshih Developments Inc. to provide comments on its behalf related to the new City of Burlington Draft Official Plan as it pertains to their land located at 433-439 Brant Street ("the Subject Lands").

On November 28, 2017, we provided written comments with respect to the proposed Draft Downtown Mobility Hub Precinct plan which highlighted our concerns and questions with the proposed policies (attached). To date, we have not had any response from staff and have not had an opportunity with staff to discuss further.

On January 19, 2018, we received a copy of PB-11-18: Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies. We have reviewed the Supplementary Information and Directions Report (PB-11-18) prepared by staff and note that it does not appear to address the concerns and issues raised by citizens, agencies and landowners (including our client). We appreciate the opportunity to comment further on the Proposed Downtown Mobility Hub Precinct Plan, however, we still have several concerns with respect to background information and inputs into the Area Specific Planning process, including the determination of the Parks and Promenades Designation, in particular, which we would like to discuss with staff before these policies are approved and incorporated into the New Official Plan. We need to better understand how these policies are to be implemented and how parkland is to be acquired. We respectfully request a meeting with staff to discuss these issues, in advance of any formal approval by Council.

Our concerns remain, as summarized below:

1. Parks and Promenades Designation

A Parks and Promenades designation has been applied to a portion of our client's lands and it is unclear how this was determined. We noted in our letter that these lands currently provide a retail and commercial function and include an associated outdoor garden centre, which is part of a private business. On this matter, we asked staff whether a detailed analysis of open space was undertaken as part of the work for the area-specific planning process and requested further information with respect to the background work done to determine the parks and open space needs requirements within the Downtown. **We still have considerable concerns with what methodology was used to determine the appropriate land needs and locations for the parks and promenades precinct. We have further concerns and questions around what the City's approach and process will be with respect to obtaining the proposed parks and promenades lands from private owners, where they are not owned by the City, such as is the case with our Client's lands.**

2. Urban Design and Built Form along Brant Street

In our previous submission, we highlighted concerns with the inclusion of strong policy language in the Plan with respect to built form, including the required 45-degree angular plane and three storey podiums along Brant Street. It continues to be our position that the physical character along Brant Street can be maintained without the strict requirement of a 45-degree angular plane, which may not be feasible on all sites; and, flexibility in design which would permit development proposals to contemplate two-storey podiums along Brant Street, should that be desired. In our letter, we noted that this rigid policy framework would have the unintended consequence of sterilizing lands from development. Particularly, in the case of the Subject Lands, redevelopment of the site is constrained due to parcel size and configuration and, as a result, terracing back to meet the full 45-degree angular plane may not be feasible. **We continue to request that the Brant Main Street Precinct policies be revised to allow greater flexibility for site redevelopment, in recognition of existing constraints within this area and other urban design measures that can be implemented to ensure good building design.**

3. Clarification of the Brant Main Street Special Planning Area

Our November 28, 2017 letter outlined concerns with application and interpretation of language within the Brant Main Street Special Planning Area designation. Primarily, we noted that we were unsure of how the term "immediately adjacent" was being applied within the context of the Special Planning Area. This directly impacts our client's lands, which are identified as being within the Special Planning Area; however, we are unsure how to interpret whether the seventeen (17) storey height maximum applies to these lands or not. **We continue to request that further clarity be provided with respect to the application of the term "immediately adjacent" in the context of the Brant Main Street Precinct Special Planning Area, including clarification that the 17 storey height consideration applies to our client's lands.**

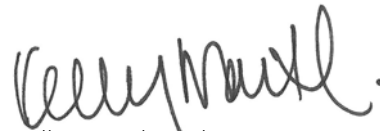
We look forward to meeting with the City moving forward to further discuss our comments and requests in order to facilitate the redevelopment of our client's lands. Please do not hesitate to contact me or Kelly Martel of this office with any questions or comments on this matter.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

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

Kelly Martel, M.P.I

Cc: Dr. Michael Shih, Jeffrey Kelly- Emshih Developments Inc.  
Ms. Andrea Smith, MCIP, RPP- City of Burlington  
Ms. Mary Lou Tanner, MCIP, RPP- City of Burlington  
Ms. Rosa Bustamante, MCIP, RPP- City of Burlington

November 28, 2017

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

Dear Ms. LaPointe:

**RE: Comments on the City of Burlington New Official Plan (November 2017 Proposed Draft)  
Emshih Developments Inc. 433-439 Brant Street, Burlington  
OUR FILE: 1583F**

---

MHBC is retained by Emshih Developments Inc. to provide comments on its behalf related to the new City of Burlington Draft Official Plan as it pertains to their land located at 433-439 Brant Street ("the Subject Lands").

#### **Site Description and Surrounding Context**

The Subject Lands are located on the east side of Brant Street, at the intersection of Brant Street and Ontario Street and are currently developed with one-storey commercial businesses and an outdoor garden centre. The Subject Lands are located immediately adjacent to the Council-approved 421 Brant Street redevelopment, which will allow for the redevelopment of the adjacent lands to include a 23-storey mixed-use development with a maximum of 169 residential apartment units, a minimum of 365 square metres of office space and 900 square metres of commercial retail space.

Presently, our client is considering development options for the Subject Lands within the context of the current and proposed Official Plans with the intent to redevelop the lands.

#### **Current Official Plan Framework**

The Subject Lands are currently designated **Mixed Use Centre** (Schedule B) and **Downtown Core Precinct** (Schedule E) in the in-force City of Burlington Official Plan. The current land use structure that applies to the subject lands permits commercial activities, high density residential apartment uses, cultural uses of all types, recreation and hospitality uses, entertainment uses, and community facilities. Developments are permitted to a maximum height of 4 storeys. A maximum height of 8 storeys and 29 metres may be permitted subject to criteria and community benefits. A minimum density of 51 units per hectare and a maximum Floor Area Ratio of 4.0:1 is established (higher FAR may be permitted in conjunction with increased height).

### **Proposed Official Plan Framework (November 2017)**

The Subject Lands are located within the **Downtown Mobility Hub**, which was subject to a separate area-specific planning exercise. The Subject Lands are proposed to be designated **Urban Centre** and **Urban Growth Centre** (Schedule B), **Primary Growth Area** (Schedule B-1), **Downtown Urban Centre** (Schedule C), **Brant Main Street Precinct Special Planning Area** and **Downtown Parks and Promenades Precinct** (Schedule F). In accordance with the notes contained throughout the Official Plan, it is understood that within the various layers of designations applied to lands within the Mobility Hub, additional objectives and/or policies may be added to the Official Plan, subject to the outcome of the area-specific plan process.

The Downtown Parks and Promenades Precinct identifies current and future parks, promenades and green spaces within the Downtown. These lands are primarily to serve the residents and employees of the Downtown as well as provide parks of a scale that will serve as significant destinations for city-wide and regional events and activities. Existing uses may be permitted within the Parks and Promenades designation.

The Brant Main Street Precinct is intended to serve as a unique retail destination. Development is to maintain and enhance the existing traditional main street physical character along Brant Street. Development is to achieve a low-rise form on Brant Street which could also form the podium to a mid-rise development. A variety of uses are permitted within this Precinct, including residential, office, retail and service commercial, hotel, entertainment and recreation uses. Development within the Brant Main Street Precinct are required to contain a minimum of two permitted uses. The built form in this area is proposed to be low-rise or mid-rise. A maximum height of three (3) storeys immediately adjacent to Brant Street and eleven (11) storeys immediately adjacent to John or Locust Streets is proposed. Additionally, developments are required to achieve a terraced built form and not to exceed a 45-degree angular plane measured from the centre of the Brant Street public right-of-way. Within the Brant Main Street Precinct Special Planning Area, a maximum height of seventeen (17) storeys may be permitted, subject to criteria.

### **Comments on the Proposed Draft Official Plan (November 2017)**

Within the limited timeframe available to review the document, we have reviewed the proposed Draft Official Plan, as it applies to our client's lands, and offer the following comments:

- It is unclear how the application of a Parks and Promenades Precinct designation was placed on a portion of our client's lands. As noted above, the lands currently provide a retail and commercial function and include an associated outdoor garden centre which is part of a private business. Was a detailed analysis of open space needs within the Downtown undertaken as part of the background work for the Mobility Hub area-specific planning process? If so, can we be provided with this analysis? We would appreciate further clarity from staff with respect to the rationale behind the application of such a designation on our client's lands.
- The proposed Draft Official Plan contains strong policy language with respect to built form along Brant Street, identifying that a terraced built form shall be achieved and an angular plane of 45-degrees measured from the centre of the Brant Street public right-of-way is required. We understand that the intent of this policy is to ensure the physical character along Brant Street is maintained; however, we note that this angular plane requirement may not be achievable on all sites within the Precinct and may have the effect of sterilizing lands from development. In the case of the Subject Lands, redevelopment of the site is constrained due to parcel size and configuration and terracing back to meet the full 45-degree angular plane requirement may not be feasible. The cumulative impact of applying this policy on the Subject Lands would result in a



poorly designed building, whereas a more flexible approach would yield a better design for the site and the overall aesthetic of Brant Street. It is our opinion that intensification can be achieved through site redevelopment that represents good urban design without the provision of a 45-degree angular plane. We request that the consideration 45-degree angular plane requirement be more flexible for redevelopment of sites along Brant Street.

- Policy 8.1.1 (3.7.1) e) states “Development within the Brant Main Street Precinct shall provide a three (3) storey podium for all portions of a building fronting a public right-of-way”. The current built form along Brant Street includes a mixture of 1 and 2- storey commercial buildings, which provides variety in the streetscape. Considering the current built form of Brant Street, a redevelopment proposing a two-storey podium with subsequent storeys stepped back would, in our opinion, maintain the character of Brant Street. This policy is again highly prescriptive and overly restrictive. We suggest it be revised to allow for more flexibility in design should a development proposal contemplate a two storey podium.
- In addition to the Brant Main Street Precinct policies, the proposed Draft Official Plan contains a Special Planning Area, in which a portion of the Subject Lands is included. In accordance with the policies of the Brant Main Street Precinct Special Planning Area, it is understood that lands within this designation may be permitted to develop to a maximum height of seventeen (17) storeys, subject to criteria. Within this policy section, we note that this applies to development “immediately adjacent to the intersection of Brant and James Street”. We are unsure of how the City is applying the term “immediately adjacent” in this scenario, as the Subject Lands are not immediately adjacent to the intersection; however, are identified as being within the Special Planning Area on Schedule F. Does this apply only to lands on either corner of Brant and James Street? Or, is it the intent that the City would consider heights up to 17 storeys on the Subject Lands? Clarity on this matter is required. We note that we are generally supportive of increased height permissions and the inclusion of our client’s lands within the Special Planning Area.

We appreciate the opportunity to comment on the Proposed New Official plan as it applies to our client’s lands and look forward to meeting with you to further outline our comments and requests outlined herein, being that:

- The City provide further information with respect to the background work done to determine parks and open space needs and requirements within the Downtown;
- The Brant Main Street Precinct Special Planning Area designation be applied to the entirety of our client’s lands and, in doing so, the portion of these lands which is proposed to be designated ‘Parks and Promenades Precinct’ be removed unless the City intends to purchase these lands;
- The Brant Main Street Precinct policies are revised to allow greater flexibility for site redevelopment, recognizing the reality of existing constraints within this area and other urban design measures that can be implemented to ensure good building design; and,
- Further clarity be provided with respect to the City’s application of the term “immediately adjacent” in the context of the Brant Main Street Precinct Special Planning Area, including clarification that the 17 storey height consideration applies to our client’s lands.

We look forward to working with the City moving forward to facilitate the redevelopment of the Subject Lands. Please do not hesitate to contact me or Kelly Martel of this office with any question or comments on this matter.

Yours truly,

**MHBC**

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

Dana Anderson, MCIP, RPP

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

Kelly Martel, M.Pl

Cc: Dr. Michael Shih, Jeffrey Kelly- Emshih Developments Inc.  
Andrea Smith- City of Burlington  
Mary Lou Tanner- City of Burlington

ADDITIONAL ITEMS PACKAGE-PART 3

Good morning:

My name is Ruth Douglas. My address is [REDACTED], Burlington, Ontario. L7R 1W2. I am of legal voting age.

I wish to register my support for the 11 amendments that will be raised by my city councillor, Marianne Meed Ward at the Planning and Development meeting. I sincerely hope that no final decision on the city's new official plan will be made prior to the upcoming municipal elections.

Kindly,  
R. Douglas MD, CCFP.

[REDACTED]  
[REDACTED]

---

On Jan 23, 2018, at 1:25 PM, Charlie Harniman <[REDACTED]> wrote:

we support your views Gary and our councillor Marianne Meed Ward in these matters,, regards, Charlie and Dorothy Harniman--our address is [REDACTED], Burlington, L7R4J9---calling live from Ft' Myers, Florida

On Tue, Jan 23, 2018 at 7:16 AM, [REDACTED] wrote: My name is Gary Parker

My address is: [REDACTED], Burlington, L7R1W3, I am of legal voting age

I wish to register my support for the 11 amendments that will be raised at today's meeting of the Planning and Development Meeting by my city councillor, Marianne Meed Ward. I strongly believe that no final decision on the contents of our city's new official plan should be made until after municipal elections are held later this year.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Please include for public record:

In any event, I would like the record to show that I am not anti-development, but I am against intensifying Downtown Burlington through the use of high-rise buildings. By that statement, I am against the proposed Official Plan and I urge council to put this matter on hold until after the next municipal elections and allow all stakeholders to be heard for a redrafting of the proposed Official Plan.

Best regards, Conor Kearns

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**From:** Susan Goyer [mailto: [REDACTED]]  
**Sent:** Tuesday, January 23, 2018 12:57 PM  
**To:** LaPointe, Amber  
**Cc:** Meed Ward, Marianne  
**Subject:** Planning & Development Committee Meeting of Jan. 23/18

Hi Amber,

I am so sorry for the late submission, as I am unable to make tonight's ' Planning and Development Committee meeting, would you be so good to provide Council with my view as outlined below.

many thanks,

Susan Goyer

The Official Plan ('OP') should not only be approved and supported by council but more importantly **it should be put forth to the taxpayers of Burlington for their support and approval via a referendum.** Rationale being, does Council have the necessary expertise and background to properly evaluate the merits of the OP by solely relying on a handful of City Planners and staff?

City Planners have provided an alternative, unconventional and presumably progressive view on the future of Burlington not shared by many of the residents of Burlington.

My view is that the City has failed its residents as follows:

- Not adequately disseminating important information to the general population on the OP
- Understanding that information has a 'shelf life', no real financial or social analysis/proof that this OP will be of long term benefit
- No risk analysis and discussion of mitigants
- Discounting residents' consistent opposing views that were gleaned through town halls, workshops, surveys etc.
- Rushing complex decisions through council, without allowing for the necessary time frames to absorb the information and understanding the impacts those decisions will have in the coming decades

The OP should highlight the solidarity of its citizens that is inclusive and respectful of the many challenges and opportunities that face Burlington.

Thank you for your consideration,

Susan Goyer  
[REDACTED]  
Burlington, ON

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January 22, 2018

**Delivered By Hand**

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

**Attention: Amber LaPointe, Committee Clerk**

Dear Ms LaPointe:

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

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

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

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

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



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

*Comment:*

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

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

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

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

“Motion: 1

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

*Comment:*

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

“Rationale:

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

*Comment:*

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

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

Comment:

It is unclear what this statement is intended to address.

Conclusion:

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

“Motion: 2

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

Rationale:

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

Comment:

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

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

Comment:

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

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

Major Transit Stations are intended:

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

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

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

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

Comment:

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



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

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

Comment:

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

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

Comment:

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

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

Comment:

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



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

**Comment:**

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

**Conclusion:**

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

**“Motion 3:**

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

**Rationale:**

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

**Comment:**

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

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

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

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

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

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

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

Areas to Eliminate:

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

Areas to Add back:

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

Comment:

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

Conclusion:

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

“Motion 4:

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

Comment:

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

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

Comment:

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

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

Comment:

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

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

“Rationale:

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

Comment:

This is incorrect – Provincial policies are minimums, not maximums

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

Comment:

How has the majority been determined?

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

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

*Comment:*

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

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

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

*Comment:*

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

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

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

*Conclusion:*

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

“Motion 5:

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

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

*Comment:*

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

*Conclusion:*

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

“Motion 6:

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

*Comment:*

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

“6b. Reduce height to 3 storeys.”

*Comment:*

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

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

Rational:

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

*Comment:*

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

Conclusion:

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

“Motion 7:

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

Rationale: Reflects existing heights in the area.”

Comment:

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

Conclusion:

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

“Motion 8:

Upper Brant Precinct:

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

Comment:

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

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

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

Comment:

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



**Conclusion:**

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

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

**End of Memorandum**

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

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



**Carriage Gate Homes**

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