

## **Appendix P - Agency, Public and Stakeholder Feedback and Staff Response Summary (PB-04-18)**

The following appendix is a summary of feedback received on the proposed new Official Plan (February 2018), and the staff response to that feedback. It includes a response to all feedback provided between the release of the February 2018 version of the plan, and March 16<sup>th</sup> (the writing of this report). The feedback is organized into the following categories:

1. New Official Plan Process and Implementation Issues (see page 1)
2. Downtown (see page 8)
3. Feedback organized according to Official Plan Chapters and policy themes (see page 21)
4. Site Specific Property Requests (see page 31)

\*Please note: If a comment was previously responded to in the feedback summaries presented as part of staff report [PB-50-17](#) or [PB-14-18](#) it may not have been repeated here. We have attempted to repeat some key themes and issues and point the reader to where the previous response can be found to be helpful. However, please see Appendices E, F and G to staff report [PB-50-17](#) and Appendix E of staff report [PB-14-18](#) for a summary of feedback and staff responses on the April 2017 and November 2017 versions of the proposed new Official Plan.

### **Official Plan Process and Implementation Issues**

#### **1. Planning Analysis of Previous Council Motions**

Commenters: Hamilton Halton Homebuilders Association, Carriage Gate, Dana Anderson for Emily Shih

Issue: Concern that Council motions directing staff to make specific changes to the Official Plan are not supported by staff and have not been supported by planning analysis.

Response: Section 9 of staff report PB-04-18 includes a summary of all council motions and staff's response and analysis of each motion.

#### **2. Exceptions to the Official Plan**

Commenters: Tom Muir, Jeremy Skinner

Issue 1: Concerns with policies that allow for Official Plan and Zoning By-law Amendments that allow site specific policies or exceptions in the zoning by-law.

This process turns every application into an argument and arbitrary negotiation. Need objective rules to limit arbitrary and site specific decisions. Proposed OP states that height variances are to be discouraged but many applications have been submitted and approved.

Response 1: There is a two part response to this feedback, one to reflect the city-wide Official Plan, and another that pertains to Area Specific Plans such as the Mobility Hub areas.

On a city-wide basis, there is a role for the processes that are undertaken through Planning Act applications such as an Official Plan or Zoning Bylaw Amendment (OPA & ZBLA). This is because we cannot anticipate every circumstance, on every parcel of land, within the city. An OPA/ZBLA enables the city to use certain policy levers to obtain outcomes otherwise not obtainable. An OPA, is essentially a managed conversation with policy parameters around that conversation, that involves the public and other stakeholders and includes a range of technical requirements and studies, that can yield an outcome different than what can be achieved through broad OP land use permissions. On a city-wide basis it is not possible to complete such a detailed level of study on every single property, so these applications present an opportunity to achieve a development with variations to what was described in the OP. For this reason, the Official Plan purposefully includes several policies to trigger an Official Plan Amendment or Zoning By-law amendment.

The Planning Act also acknowledges that changes to an Official Plan can occur by development applications – and contains regulations to guide such processes. That means, it is wise for Burlington to have strong policies within its Official Plan to guide how amendments to the plan, and to identify the range of considerations that should form part of the discussion. The new Official Plan contains stronger policies and development criteria to guide the OPA/ZBLA process and to ensure it is not arbitrary, rather it is guided by objective rules to ensure the outcome addresses the public interest.

The approach is different for areas that are being considered as part of an area specific plan, such as the downtown. While the area specific plan is not yet complete for the downtown, significant work has been advanced in order to include direction into the Official Plan. In these areas, the city has undertaken a much more detailed level of review including detailed technical studies, to arrive at the land use permissions and heights on various properties. In these cases the building heights established are intended to be maximum heights to provide the public, City Council, City staff and the development industry with predictability and transparency. It is important to note that Planning Act legislation permits

property owners to submit applications to amend Official Plan policies (including heights), however the detailed work puts the city in a much stronger position to defend the heights established in the Official Plan.

Issue 2: Update the OP to assist the reader as to the development planning process when it comes to Official Plan and Zoning By-laws. Most people do not understand that these can be changed through amendments by an approval body as provided in the Planning Act. This includes City Council, Halton Region, OMB, etc.

Response 2: We agree this part of the process is not well understood by the public. Staff will update the Grow Bold Frequently Asked Questions at [www.growbold.ca](http://www.growbold.ca) to provide a more accessible location for this information.

### **3. Insufficient Engagement on the OP**

Commenters: Jim Young, Lisa Kearns for ECOB

Issue: Throughout a six year project, citizens were only involved in the closing months of the process. Consultation on the project was only based on the “Inform” and “Consult” levels of the public participation spectrum, never “Involve, Collaborate or Empower”. General references to “other members of the public” instead of naming citizens might be construed by the public as misleading to minimize the extent of public opposition.

Response: Please see Appendix G of staff report PB-04-18 which summarizes the public engagement undertaken, which includes considerable consultation throughout the entire six year project. A variety of techniques on the public engagement spectrum were used throughout the project. Tools along the spectrum of public engagement were selected based on the stage of the process and the ability for public input to shape the outcome. For example, if proposed policies must conform to provincial or regional plans, an inform level of consultation is most appropriate. Examples along the spectrum include: Inform (e.g. Official Plan Open Houses, Grow Bold website and frequently asked questions), Consult (e.g. written public feedback on draft and proposed versions of the new Official Plan, Grow Bold surveys, public meetings and events), Involve (e.g. rural and downtown workshops), Collaborate (e.g. polling on the preferred location of height peaks in the downtown). Empower cannot be used in the case of a new Official Plan as the *Planning Act* identifies the approval authority (Regional Council) as the final decision maker. General references to “other members of the public” was used to identify those members of the public for which we did not have names. We apologize if this caused confusion and we have not used this approach in this feedback response document.

#### **4. Provincial Policies and Processes**

Commenter: M. Paley

Issue: Need to fix provincial policies on intensification to ensure clarity on the characteristics of appropriateness, considering cumulative impacts, and respecting the character of existing neighbourhoods.

Response: The policies of the new Official Plan take the broad direction of the Growth Plan and develop supportive policies to define where growth should be located alongside policies that consider a wide range of issues including design excellence. The policies of the new Official Plan implement the local vision for the growth identified by the province, and is supported by development criteria established in subsection 12.1.2(2) against which all development applications shall be evaluated. The policies of the new Official Plan define terms like “compatibility” and “physical character” to support consideration of a development application in the context of the existing and planned area.

#### **5. Planning and Development Committee**

Commenter: M. Paley

Issue: Bring knowledgeable objective views by having members of the public on the Planning and Development Committee.

Response: The Planning and Development Committee is a standing committee of Council. Only Council members can sit on the committee. Council members are officials elected by constituents throughout the city and specific wards, and serves as a decision making body on behalf of the community. However members of the public, including citizen advisory committees can delegate at committee to share their views, and there are many other opportunities for the public to participate throughout the planning process to inform the outcome of an application.

#### **6. Bill 139/LPAT**

Commenters: Scott Snider of Turkstra Mazza on behalf of Paletta International Corporation/ Penta Properties Inc.; Denise Baker of WeirFoulds LLP, on behalf of Branthaven Development Corp.

Issue: Changes to the Planning Act have limited evidence that can be heard at the LPAT to existing submissions on record. What has been provided in the staff report and response table is not sufficient for a hearing.

Response: Staff agree that the changes within Bill 139 and the establishment of the LPAT introduce a new, as yet untested, standard for municipal staff reports.

The staff report for adoption along with the other 40 staff reports and supporting materials transmitted to Council throughout the Official Plan project all serve as existing evidence on record.

## **7. Exhaust in Mid and Tall Rise Buildings**

Commenter: Jeremy Skinner

Issue: Request appropriate exhaust ventilation to be included in proposed mixed-use mid-rise and tall building developments.

Response: This issue would not be addressed by policies in the Official Plan. The Ontario Building Code includes requirements regarding exhaust ventilation.

## **8. Alignment with Halton Regional Plan**

Commenter: Lisa Kearns, ECOB

Issue: Burlington's OP should align with Halton Regional Plan 2019

Response: Burlington's Official Plan Review/New Official Plan project began in 2012 in order to conform to the Region of Halton's 2009 plan, also known as ROPA 38. Once the Region's next Official Plan is approved (currently forecasted for 2020), Burlington will commence another Official Plan review to ensure conformity to the Regional Official Plan.

## **9. Lack of Detail to conform to Provincial Growth Policies**

Commenter: Hamilton Halton Homebuilders Association

Issue: Lack of detail to confirm OP is in keeping with Provincial Policies, and specifically regarding the amount of growth in various areas of the city.

Response: Please see Section 4 of the subject staff report PB-04-18 and the appendices referred to in this section for a discussion on conformity to provincial and regional plans, and see Section 5 for a city-wide and Urban Growth Centre Analysis. Please also see response S.1.5 in Appendix E to [PB-50-17](#) please also refer to Key Issues 1 and 5 in [PB-50-17](#). Further, it is the purpose of the Regional review and approval process to confirm conformity to regional and provincial plans.

## **10. Timeline for Review**

Commenter: Hamilton Halton Homebuilders Association

Issue: Insufficient time given to review the revised materials.

Response: Please see response 1 in Appendix E to staff report [PB-14-18](#). The project was extended by three months, however city staff did not receive any additional feedback from the HHHBA on the November 2017 version, nor did city staff receive acceptance on our offers to meet. While staff did receive 'high level' comments on behalf of HHHBA in relation to the statutory meetings held on November 30, 2017 and February 27, 2018, it was understood that more specific comments, clarifying and expanding upon concerns would be submitted. At time of printing of this April 2018 report, additional comments have not been received from HHHBA.

## **11. Other Plans Need Updates**

Commenter: Marwa Selim, Burlington Green

Issue : Request completion of the Urban Forest Management Plan, Transportation Plan, and Parks Master Plan by close of 2019. These need update and review to ensure a sustainable community. Need new methodology to identify greenspace/park needs (e.g. Richmond Hill, Ottawa, Vancouver) and OP policies to secure greenspace (e.g. updating dedication rates and securing land instead of cash in lieu, bonusing).

Response: Please see responses 7, 11, 12 and 67 of Appendix E to staff report [PB-14-18](#). The Official Plan sets the vision for these items, and the plans referenced by Burlington Green implement this vision. Staff will consult the example Park Plans identified by Burlington Green, thank you for sharing these best practices. Updated dedication rates (land and/or cash-in-lieu) will be considered upon completion of the Parks Master Plan. The community benefits (i.e. bonusing) policies of the Official Plan allow for the consideration of additional parks, trails and open space and/or additional protection, restoration, enhancement and/or dedication of the Natural Heritage System. These contributions must be greater than that which would be achieved through the requirements of the plan, other city standards, the *Planning Act* or the *Development Charges Act*.

## **12.5-Year Implementation Plan**

Commenter: Sustainable Development Committee

Issue: A high level five-year plan needs to be developed, outlining the necessary key steps (such as Aldershot or Appleby Mobility Hub Specific Area Plan) and supporting plans to achieve what is envisioned in the New Official Plan. This will be critical to its success

Response: See response 7 of Appendix E to staff report [PB-14-18](#).

### **13. Ontario Municipal Board**

Commenter: Larry Czainki

Issue: OMB should be held accountable for their actions. Should be held accountable for any wrongful decisions against property owners.

Response: These comments have been shared with the Provincial Ministry of Municipal Affairs and Housing.

### **14. Mobility Hubs in Burlington**

Commenter: Larry Czainki

Issue: Mobility Hubs are not integrated with surrounding communities, and lack amenities and sense of community.

Response: Burlington's Mobility Hub Study is currently underway with the purpose of planning complete, compact and sustainable communities around Burlington's four (4) Mobility Hubs – Aldershot GO, Burlington GO, Appleby GO and the downtown. The city is preparing secondary plans/area specific plans along with implementation strategies for each Mobility Hub. These plans will include land use, urban design, servicing, public transportation, parking and parks and open space needs. Information such as public engagement completed to date, preferred concepts and next steps can be found on the [Mobility Hub Study webpage](#).

### **15. Requesting redesignation of residential lands through the proposed Official Plan**

Commenter: Various property owners including 800 LaSalle Park Drive, 675-835 Dynes Road, and 2442 Lakeshore Road.

Issue: A number of owners and proponents request that individual residentially designated sites be designated for a range of reasons, including a request for higher densities.

Response: The growth framework policies establishes that the Established Neighbourhood Areas are areas where intensification is generally discouraged. Within the Established Neighbourhood Areas the new OP project did not contemplate the redesignation of lands.

The proposed new Official Plan establishes a new framework against which future development applications will be assessed. There is a role for process, specifically an Official Plan Amendment provides an option should a development proponent wish to develop the site at a higher density than that

established in the new Official Plan. An Official Plan Amendment would be evaluated subject to Official Plan Amendment criteria set out in 12.1.1(3)k) including the development criteria established in 12.1.2(2). Further, the Official Plan project is not the appropriate process for establishing site-specific designations that would only be warranted through technical review through a development application and targeted public engagement.

Please see also S.2.46 in Appendix E to staff report [PB-50-17](#), Key issue 3 in [PB-50-17](#).

## **Downtown**

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

- a. 419 Pearl Street (MHBC for Holy Protection of BVM Ukrainian Catholic Church)
- b. 441 Maple Avenue (MHBC for Better Life Retirement Inc.)
- c. 535-553 Brant Street (Renimmob Properties Limited)
- d. 415, 419, 431 Burlington Ave and 1407, 1415, 1421 Lakeshore Road (WeirFoulds for Welwyn Interests)
- e. 466 and 470 Nelson Street (Burlington Furnished Rentals)
- f. 1359 Elgin Street (Burlington Furnished Rentals)
- g. 1161-1167 North Shore Boulevard (Bousfields Inc. for Spruce Partners & Amico Properties Inc.) and (Paul Sustronk from Spruce Partners/Alica)
- h. 559-615 Brant Street and 2016, 2018 and 2022 Victoria Avenue (Turkstra Mazza for Victoria-Brant Limited et al. & Millington & Associates)
- i. 433-439 Brant Street (Dana Anderson, MHBC Planning, for Emily Shih)
- j. Old Lakeshore Road (Tony Millington, Millington & Associates for Pro-Fund Developments)
- k. 1157-1167 North Shore Boulevard (Eldon Hunt, Hunt Legal Professional Corporation for Brant Park Cooperative Apartments (Burlington) Limited)

### **17. Renderings for Downtown Streetscapes**

Commenter: Bob Osborne

Issue: Provide a 360 degree view of streetscapes



Response: To date, staff have four streetscape renderings which illustrate how future redevelopment could look like along various streetscape in the downtown. These renderings can be viewed on the [Downtown Mobility Hub webpage](#). Also see response 32 of this document.

## **18. Upper Brant – Sector 2**

Commenter: Bob Osborne

Issue: The draft OP would permit buildings of six to eight storeys in this sector and would not be compatible with the adjacent residential area.

Response: Policy for Upper Brant Sector 2 (S2) includes a maximum height of 7 storeys. Staff note that the increase from 6 storeys in the current Official Plan to 7 storeys is a nominal height increase in an urban context and in the Urban Growth Centre. This permission generally represents similar conditions elsewhere in the city, particularly on Plains Road East, with regards to parcel depths. Staff note that there is a role for process as part of a site-specific development application process in the context of an urban area. Through specific development applications, the City will ensure that new development is compatible with existing adjacent or proximate development by satisfying the development criteria outlined in the Official Plan.

Staff have also added the following policy: The City's implementing Zoning By-law will establish a minimum rear yard setback requirement for development within Sector 2 (area 'S2'), as identified on Schedule D: Land Use – Downtown Urban Centre of this Plan, which ensures a consistent and compatible separation distance is maintained between a development and the principal residential building located on an adjacent property designated Residential -Low Density on Schedule C: Land Use – Urban Area, of the Official Plan.

Further, staff is completing an analysis on the 45 degree angular plane off the rear property line to confirm the height that would be achieved. This analysis will be completed through the Area Specific Plan, and this is an opportunity to refine policies to address how development will be designed. The Area Specific Plan will be done before we start the updates to the zoning by-law.

## **19. Bates Precinct and Upper Brant S2**

Commenter: Brian Aasgaard

Issue : Sector 2 (S2) of the Upper Brant Precinct should have the same height permission as Bates Precinct at a maximum of 3 storeys. A maximum height of

6-7 storeys would result in a significant loss in value, decreased quality of life, negative shadowing impacts and privacy implications.

Response: The Bates precinct was created to formally recognize existing policy in the current Official Plan to retain and improve the existing character of the low-rise areas located on the west side of Brant Street, between Baldwin Street and Caroline Street and the west side of Locust Street between Caroline Street and Elgin Street. The Bates Precinct is also a response to public feedback which identified a strong desire to further protect the existing heritage character in these areas of the downtown and along these particular streetscapes.

Also, see response 18 above.

## **20. Loss of Tree Canopy and Migratory Bird Paths**

Commenter: Karen Brock

Issue: Tall buildings will result in loss of bird species due to fatal collisions at on the shores of Lake Ontario. With intensification comes loss of mature tree canopy.

Response: Policy 7.4.1 a) x) of the proposed new Official Plan requires bird-friendly design measures for glass buildings and all buildings adjacent to the Natural Heritage System and the Lake Ontario shoreline. Section 3.4 of the [proposed Sustainable Building and Development Guidelines](#) provide further guidance and reference materials to implement this direction. The City will also be creating Bird Friendly Guidelines as part of the implementation of the Official Plan.

The proposed Official Plan includes a new section on Urban Forestry to address the planting and preservation of trees. See Section 4.3. The policies work in conjunction with the city's Urban Forest Management Plan.

## **21. Waterfront Hotel Property**

Commenter: Jack O'Brien

Issue: Current Waterfront Hotel property be purchased by City and converted to parkland as an extension of Spencer Smith Park.

Response: The Waterfront Hotel study is currently underway and has been engaging with the public and various stakeholders on the future redevelopment of this site.

## **22. Northeast Corner of Pearl and Pine Streets**

Commenter: Don and Liz Wilson

Issue: A maximum of 17 storeys at this corner doesn't not allow for a reasonable transition from Pearl Street and Pine Street corner to Martha Street, creating a cavernous-like effect between structures in this area. This property should be changed from Downtown Core to low density.

Response: Staff note that there are existing tall buildings in this area, including a tall building kitty-corner to the referred site. Further, the approved 6 storey development at 1285 Pine Street, located within the Mid-Rise Residential precinct, will act as a transition and buffer down toward Martha Street. In the current Official Plan, the site located on the northeast corner of Pearl and Pine Streets is not contemplated as a site for low density.

### **23. Brant Street Corridor**

Commenter: Don and Liz Wilson

Issue: The proposed Official Plan, which will attempt to limit heights and other building mass restrictions, will still contribute to a cavernous setting affecting the natural sunlight in the areas and the overall experience of downtown living in Burlington.

Response: The Brant Main Street Precinct is a new precinct that has been created to recognize the unique and fine grain "Main Street" character of Brant Street, to achieve a pedestrian-scaled environment, and to establish public realm improvements between Pine Street and Caroline Street. The Brant Main Street Precinct responds to the overwhelming public feedback about the importance of retaining the character of Brant Street.

The Brant Main Street Precinct includes policies intended to retain a pedestrian-scaled character along Brant Street through the establishment of a maximum building height of 3 storeys immediately adjacent to Brant Street and 11 storeys along John and Locust Streets, subject to a 45-degree angular plane analysis and the terracing of building heights as well as podium requirements along Locust and John Streets.

Additional policies are included to establish a requirement for retail and service commercial along Brant Street, a minimum of two uses within buildings and the provision of a mid-block connection between Brant Street and John Street at the eastern terminus of Ontario Street.

### **24. 478 Elizabeth Street & 749 John Street – Pedestrian Mid-block connection**

Commenter: Karmel & Inaya Sakran

Issue: Concern regarding the pedestrian mid-block connection shown on the Conceptual Block Plan (Appendix F to Report [PB-11-18](#))

Response: The 2D block plan included as Appendix F to Report [PB-11-18](#) was developed for illustration purposes only, in order to demonstrate the potential building form and height that could be achieved over the long-term, should certain properties in the Downtown redevelop at some point in the future. As such, the pedestrian corridor shown in Appendix F of [PB-11-18](#) would only be considered (not necessarily required in that location or configuration) at such time in the future that properties within this block were consolidated and the owner(s) made a decision to comprehensively redevelopment their properties by taking advantage of the permissions outlined in the proposed precinct plan.

## **25. Background Studies for Downtown Mobility Hub**

Commenters: Hamilton Halton Homebuilders Association, Carriage Gate, Denise Baker, WeirFoulds for Adi Development Group, Sustainable Development Committee

Issue: Request background studies on downtown Mobility Hub. Until work on the Downtown Mobility Hub Area-Specific Plan is completed and all studies are released to the public for their review and comment, it is premature to come forward with any policies that impact the Downtown Mobility Hub or Downtown Urban Growth Centre.

Response: To date, the following technical information is available for the Downtown Mobility Hub and is posted on the [Downtown Mobility Hub webpage](#):

- Natural Systems Assessment
- Scoped Storm Water Management Assessment
- Traffic Conditions Memo
- Water and Wastewater Servicing Considerations
- Market Analysis – Technical Memo (September 2017)

The findings of technical studies to date, currently available on the Downtown Mobility Hub webpage, have provided background information to inform the development of the proposed downtown official plan policies. As part of the Secondary planning process, more detailed technical studies are currently being undertaken which will inform more detailed policies for the Downtown Area Specific Plan.

## **26. Downtown Core Precinct**

Commenter: Denise Baker, WeirFoulds for Adi Development Group

Issue: There has been no rationale or study put forward that explains why maximum heights are proposed to be reduced from 17 storeys to 12 storeys.

Response: The Downtown Core precinct is envisioned as a precinct appropriate for tall buildings given the precedent development that is currently located within this precinct. The Official Plan defines a tall building as 12 or more storeys.

Further, at the January 23 and 24th Planning and Development meeting, the following motion was put forward and carried: Direct the Director of City Building to modify the building height permissions of the Downtown Core Precinct so that development shall:

- i) have a maximum height of 12 storeys; or
- ii) have a maximum height which shall not exceed 17 storeys, subject to a site-specific Zoning By-Law Amendment, with additional storeys above that permitted in the Downtown Core Precinct being provided in accordance with the following:
  - 1. one additional storey for every 150 sq m of dedicated office and/or employment floor space; or
  - 2. one additional storey for every 8 publicly accessible parking spaces provided in an underground parking structure

Prior to the council motion the proposed Downtown Core precinct required office space in all developments. Modifications made through the Council motion provide further flexibility by providing the opportunity to develop without an office component but at a lower intensity.

### **27.374-380 Martha Street**

Commenter: Denise Baker of WeirFoulds for ADI

Issue: OP needs a special policy to reflect OMB board decision.

Response: This will be addressed through the new Official Plan after fulfillment of conditions as set out by the Ontario Municipal Board, and prior to Regional approval.

### **28. Downtown Urban Design Policies – Tower Separation and Maximum Floor Plate**

Commenter: Denise Baker, WeirFoulds for Adi Development Group

Issue: The inclusion of policy 8.1.1(3.14) b) and c) is entirely inappropriate, and without justification. These are matters best dealt with in Guidelines.

Response: At the January 23 and 24th Planning and Development meeting staff were directed to incorporate Additional Supporting Policies for the Downtown, as described in report PB-11-18, as amended, into the proposed New Official Plan.

Further, at the January 23 and 24th Planning and Development meeting, a motion to direct the Director of City Building to include policies to incorporate within the proposed new Official Plan an increased minimum tower separation requirement for tall buildings within the Downtown Mobility Hub of 30 metres was put forward and was carried.

The increased tower separation of 30 metres reflects the need to secure additional separation between towers to preserve availability and access to sunlight and privacy in an area planned to have a higher concentration of tall buildings than other parts of the City for which the broader City-wide guideline of 25 metres may be more appropriate. The incorporation of this metric within the Official Plan provides a greater level of certainty for the public and development industry as to what the expectations are for tall buildings within the downtown context.

## **29. Boundaries on Schedule D**

Commenter: Jeremy Skinner

Issue: Various suggestions to modify the downtown precinct plan including: defining Major Transit Station Area, changing the colour and outline of precincts, distinguishing mixed use and residential neighbourhoods, and colours for parks and historical and heritage sites.

Response: The Downtown Precinct Plan has been developed as a refinement of the existing Downtown Precinct System in the current Official Plan. The use of additional schedules and maps will be explored through the Area Specific Planning process.

## **30. Use of Precincts**

Commenter: Jeremy Skinner

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

Response: The precincts are components of the Downtown Mobility Hub Area Specific Plan and the precincts are intended to recognize areas with consistent

vision, objectives and built form expectations within the Official and form part of the Downtown Area Specific Plan, which involves a comprehensive review of the entire downtown and all associated precincts.

### **31. Burlington Lions Club property**

Commenter: Perry Bowker from Burlington Lions Club

Issue: Burlington Lions Club met with City staff. Burlington Lions Club Board has determined that they wish the Official Plan to reflect the northern portion of their property as low-rise residential and the southern portion as Downtown Core, which is in line with the proposed Official Plan. They are satisfied with the land use designations as proposed in the Official Plan.

Response: Staff note the comments of Burlington Lions Club and the proposed Official Plan remains the same for this property.

### **32. Variety of Issues Raised by ECoB**

Commenter: Lisa Kearns, ECoB

Issues:

- The Official Plan is an election issue

Response: See response 2 in Appendix E to [PB-14-18](#).

- Complete supporting plans such as Transit, Mobility, Transportation

Response: See response 43 in Appendix E to [PB-14-18](#).

- The Downtown precinct plan is a central concern; community consultation has been limited

Response: See response 42 in Appendix E to [PB-14-18](#), and response 3 above.

- 3D model or physical model should be developed for the Downtown (also commented on by Leslie Aske, Catherine Crozier, Deborah Ruse, Trevor Williams)

Response: Feasibility for a 3D or physical model (including cost, time, legal implications and appropriateness/accuracy) will be explored through the Downtown Area Specific Plan.

- Opportunity at 901 Guelph Line to take development and other areas to take pressure off the core

Response: See response 30 in Appendix E to [PB-14-18](#).

- Need character study for St Luke's and Emerald Neighbourhood (also commented on by Leslie Aske)

Response: At the February 28, 2018 Planning and Development Committee meeting, a motion to consider a Character Area Study for the St. Luke's and Emerald precincts was put forward and failed.

- Increase 45 degree angular plane to the same side of Brant Street

Response: Such a measurement would result in significant building setback before the first storey could be developed, resulting in a built form inconsistent with the existing character of Brant Street.

- Consider the microclimates being created when height is forced to John St./Locust St.; wind tunnels will make this a commercially unattractive corridor.

Response: Any potential impacts from new development concerning wind are reviewed through site specific application process in the context of an urban area. Through specific development applications, the City will ensure that new development implements measures that adequately limit any resulting shadowing, and uncomfortable wind conditions on the streetscape, neighbouring properties, parks and open spaces and natural areas, as outlined in the proposed new Official Plan.

- Request a peer review on the Downtown Urban Centre to provide advice to Council.

Response: A peer review of the Downtown Urban Centre will be completed by Regional staff as part of the Regional conformity exercise that will occur before the Region approves Burlington's Official Plan. The plan is also reviewed by provincial staff through the approval process. The Region's proposed modifications to the Official Plan will be provided to Burlington Council for endorsement at a Planning and Development Committee Meeting prior to Regional approval.

### **33. Amenities in Downtown**

Commenter: Deedee Davies

Issue: Need to ensure that the Downtown is a Complete Community with all the amenities needed for residents to live, work and play, including parks, recreational facilities, offices, medical services, daycare, seniors gathering areas, youth gathering areas, a mix of housing etc.



Response: The proposed Downtown Mobility Hub plan includes policies to support and encourage important community amenities such as food stores, office space, park space, retail and commercial space, as well as public services. Strategies to secure important amenities in the downtown will be further explored through the Area Specific Planning process and the subsequent Implementation Stage.

#### **34. Three (3) Bedroom Units**

Commenter: Art Hilson

Issue: Request that more buildings contain 3 bedroom units

Response: To be explored through a future Housing Strategy.

#### **35. Section 8.1.1 (3.12.1) c) – Development shall not exceed a height of twenty-two (22) storeys.**

Commenter: Turkstra Mazza for Paletta International Corporation/Penta Properties Inc.

Issue: What makes 22 the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this. From the ground, the difference between 22 storeys and 30 storeys is negligible.

Response: A maximum height of 22 storeys reflects prior approval of the development currently under construction on this property within the Cannery Precinct, referred to as the “Bridgewater” development.

#### **36. Tall Buildings and appropriate transitions**

Commenter: Sustainable Development Committee

Issue: The way tall building are being located it looks like we will never achieve the objective 8.1.1.3.1 d) To ensure *development* incorporates effective transitions with adjacent *development* and surrounding areas. This is going to be a real hodge-podge of tall buildings mixed with lower height buildings. How are you going to address this issue?

Response: Recognizing the established neighbourhoods on the east and west sides of downtown, precincts such as Bates provide transitions down to the St. Luke’s and Emerald neighbourhoods. Further, 45 degree angular plane has also been used to manage transitions in precincts such as Brant Main Street and Upper Brant. In addition, through site specific development applications, developments are reviewed for compatibility with surrounding uses.

### **37. Missing key directions in Downtown Parks and Promenades**

Commenter: Sustainable Development Committee

Issue: Three Key Directions missing:

- Identify a new pedestrian promenade be established from Lake Road to St. Luke's Anglican Church.
- Identify Elgin Street from Brant to the Ontario Corridor as a potential future extension of the Elgin Promenade.
- Recognize the Burlington War Memorial (Cenotaph) as a permanent public park.

How are you going to address these??

Response: At this time, Schedule D is the appropriate place to identify these spaces in the downtown. Through the Area Specific planning process, additional policies may be required to further recognize new park and promenade spaces shown in Schedule D.

### **38. Public-Private Partnerships**

Commenter: Sustainable Development Committee

Issue: How do you intend to carry out the Public-Private Partnerships? Need to spell out more clearly.

Response: Strategies to implement public-private Partnerships will be further explored through the Area Specific Planning processes, more specifically, the Implementation Stage and subsequently through site-specific development applications.

### **39. Future post-secondary education facility in the downtown**

Commenter: Sustainable Development Committee

Issue: Why was the idea of accommodating future post-secondary education facility dropped from this area? Do not forget residence needs if going to accommodate. Could act as an anchor to the Downtown in the future.

Response: Rather than identify a specific property to locate a future post-secondary education facility, the Downtown Core Precinct intention statement now identifies this entire precinct as a preferred location for a future post-secondary education facility.

### **40. Enhanced cycling and pedestrian connections in the Downtown**

Commenter: Sustainable Development Committee

Issue: Be careful with new and/or enhanced pedestrian and cycling connections as dealing with narrow streets with many not having sidewalks

Response: The intention of this policy is to consider enhanced cycling and pedestrian connections for future streetscape improvements, as well as be considered through future transportation planning in the Downtown.

#### **41. Use area requirements in the downtown**

Commenter: Sustainable Development Committee

Issue: 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.

Response: Use area requirements will be further explored through the Area Specific planning processes.

#### **42. 2020 Lakeshore Road – Waterfront Hotel Site**

Commenter: Bousfields Inc. for Vrancor Group

Issue: Various comments on proposed Downtown Official Plan policies as they relate to

the Waterfront Hotel property.

Response: The Waterfront Hotel property is currently undergoing a separate Planning Study and has been engaging with the public and various stakeholders on the future redevelopment of this site. Any policy modifications resulting from this Study will be implemented as part of a separate Official Plan amendment at the conclusion of that study.

#### **43. Heritage**

i. Commenter: Karen Brock

Issue: Heritage Homes should be acknowledged and protected in the downtown

Response: See response 37 in Appendix E to [PB-14-18](#).

ii. Commenter: Catherine Crozier, Joe Veitch

Issue: Brant Main Street and Downtown Core precincts should be excluded from the plan and should be a Heritage District

Response: See response 37 in Appendix E to [PB-14-18](#).

#### **44. Downtown designation as a Mobility Hub**

Commenter: Michael Hribljan, David Cherry, Jim Barnett, Trevor Williams, Joseph Gaetan, Perry Bowker, Gary Scobie

Issue: Downtown Mobility Hub designation should be removed. The John St. bus terminal does not make the Downtown a Mobility Hub; Downtown isn't a Mobility Hub.

Response: See response 38 in Appendix E to [PB-14-18](#).

#### **45. Lack of Technical Reports such as Transportation/Transit Plan**

Commenter: Michael Hribljan, Lisa Kearns for ECoB, Jim Barnett

Issue: Other supporting plans such as transit and transportation plans, and parking standards to support the proposed new Downtown precinct plan have not been completed

Response: See response 43 in Appendix E to [PB-14-18](#).

#### **46. Delay the Official Plan**

Commenter: Gary Scobie, Joseph Gaetan, Lisa Kearns from ECoB, Leslie Aske, David Cherry, Trevor Williams, Deedee Davies

Issue: Delay Official Plan and Downtown Precinct Plan until after 2018 municipal election

Response: See response 2 in Appendix E to [PB-14-18](#).

#### **47. Over Intensification and Tall Buildings**

Commenter: Leslie Aske, David Cherry, Deedee Davies

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

Response: See response 39 in Appendix E to [PB-14-18](#).

#### **48. Negative Impacts to Downtown Businesses**

Commenter: Remi Imber, Larry Czainki

Issue: Tall buildings and over-intensification will add to downtown congestion and change the character of the downtown, and negatively impact downtown businesses.

Response: See response 40 in Appendix E to [PB-14-18](#).

#### **49. Exceptions to the Plan**

Commenter: Sustainable Development Committee

Issue: How will the city ensure maximum heights?

Response: See response 46 in Appendix E to [PB-14-18](#), and response 2 of this document.

### **Feedback organized according to Official Plan Chapters and policy themes**

#### **50. Chapter 2 - Community Vision**

Commenter: Jeremy Skinner

Issue: Request inclusion of "healthy community supportive development" and communities which are supportive of children, the elderly and the infirm (those who require accessibility considerations) in 2.1 Community Vision.

Response: The community vision in Section 2.1 has been modified to identify healthy communities and to further support people of all ages and abilities.

#### **51. Chapter 3 – Accommodating residential growth**

Commenter: Penta Properties Inc.

Issue: Where does the City have serviced land available to accommodate growth? Bronte Creek Meadows and Eagle Heights could achieve this policy.

Response: Please refer to response S.3.3 in Appendix E of [PB-50-17](#).

#### **52. Chapter 3 – Affordable Housing**

Commenter: Penta Properties Inc.

Issue: What is considered “affordable” anymore within the GTA. Is “affordable” not a relative term?

Response: Affordable housing is a defined term in the Official Plan; consistent with the definition of affordable housing in the Halton Region Official Plan. It means housing with a market price or rent that is affordable to households of low and moderate income spending no more than 30 percent of their gross household income.

#### **53. Chapter 3 – Post Secondary Institutional Strategy**

Commenter: Penta Properties Inc.

Issue: When will this work begin? How long will it take?

Response: The Post Secondary Institutional Strategy is being led by Burlington Economic Development Corporation (BEDC) and will be initiated soon. BEDC expects to bring the Post Secondary Institutional Strategy and any associated recommendations to the BEDC Board in September 2018.

#### **54. Chapter 4 - Natural Heritage Enhancement**

Commenter: Penta Properties Inc.

Issue: It is unreasonable to provide that conditions may be placed on a proposed development to restore degraded components of the City's Natural Heritage System (NHS) unless the degradation was caused by the development proponent.

Response: Policy Modified. The Provincial Policy Statement (PPS) indicates that the natural heritage systems should be restored or, where possible, improved. The Halton Region OP and the City's OP contain objectives and policies to implement this provincial direction. The policy has been modified so that requirements for natural heritage restoration may only apply to components of the NHS located within the development site.

#### **55. Chapter 4 - Urban Forestry**

Commenter: Penta Properties

Issue: How will replacement and compensation plantings policy in Section 4.3.2 f) regarding tree removals that occurred prior to and after the submission of a development application be administered? I.e. consideration of who owned the property when the removals occurred, trees removed due to legal normal farm practices.

Response: Policy modified from "shall" to "should" as defined by the plan to allow a proponent to present a convincing planning reason in order to not fully comply with the policy.

#### **56. Chapter 5 - Strategic Economic Development Areas – Downtown**

Commenter: Burlington Economic Development Corporation

Issue: Recommended specific wording revisions to policies in Section 5.4.5.

Response: Policy modified.

#### **57. Chapter 6 - Pipelines**

Commenter: Trans-Northern Pipelines, Trans Canada

Issue 1: Request that Trans-Northern pipelines are identified on OP schedules, and policies are included to retain the easement.

Response: A policy has been added to the OP to provide direction that pipeline rights-of-way will be identified in the City's Zoning By-law. An objective of this section has been modified to recognize and protect major utility corridors and other lands required for utility purposes. Official Plan polices encourage consultation with utility providers prior to the submission of a development application and for development and excavation in proximity to utility corridors and facilities.

Issue 2: Update TransCanada policy to note that increases in population density may require pipeline replacement.

Response: Policy added to recognize that increases in population density may require pipeline replacement.

## **58. Chapter 6 - Utilities**

Commenter: Meaghan Palynchuck for Bell

Issue: Revise policy 6.3.2 f) regarding the burial of existing and proposed overhead utilities such that it applies only if it is determined to be technically feasible based on consultation with public utilities. Bell's Urban Design Manual provided for further reference.

Response: Policy modified (6.3.2 g)) to include "where feasible."

## **59. Chapter 6 - Servicing capacity and phasing of infrastructure to support development**

Commenter: Biglieri Group Ltd for Canapen Limited and Ivanhoe Cambridge II Inc.

Issue: Recommends that policy 2.4.2(2)(iii) makes reference to considerations in Section 6 with respect to servicing capacity to provide further clarity with respect to what is meant by "not result in a significant relocation of planned growth". This would also serve to provide further clarity with respect to potential trigger for an ASP in a Secondary Growth Area.

Response: Policy modified to reference policies in Chapter 6 in relation to existing and planned Infrastructure, Phasing of Infrastructure to support development, and Financial Sustainability. Staff note that modifications made to the February 2018 policy with respect to the Mixed Use Commercial Centres

removed reference to the requirement of an area-specific plan. Staff do note that Council may at any time identify an area which it deems to require the development of an area-specific plan to appropriately guide development in an area.

## **60. Chapter 6 - Scope of Transit/Transportation Policies**

Commenter: Sustainable Development Committee

Issue: Overall scope of Transportation and Transit still needs to cover the following items: school buses, company or private buses, airline services, taxis (or similar services such as Uber), carpooling and other pick-up services.

Response: Previous modifications have been made to the Official Plan to further support *multi-modal* transportation which is a defined term and would encompass and address the items listed above. As a result many policies within Section 6.2 assist in supporting the items listed above, even if they are not explicitly noted in the policy. We have also added policies to consider innovative and emerging technologies such as ride sharing (e.g. Uber, Lyft or other similar services) in delivering Transit. Transportation Demand Management policies in Section 6.2.10 address carpooling, and Air policies in Section 6.2.6 address air service at the Burlington Air Park.

With respect to schools, the Active and Sustainable School Transportation program is a provincial initiative that is actively supported by both the city's Transportation Department and the Region, external to the Official Plan. This program seeks to encourage modal shift away from automobile pick up/drop off and by school bus, and towards active transportation options.

## **61. Chapter 7 - Design**

Commenter: Bob Osborne

Issue: Suggest edits to the design policies to reflect public input in the development of urban design brief, and to provide standards for evaluating wind impacts/shadowing/traffic, etc., and to reflect the use and enjoyment of property in the adverse effects definition and tie it to design.

Response: The urban design brief is a report prepared by a qualified person that describes, analyzes and demonstrates how a proposed development meets the urban design objectives and policies of the Plan and any relevant design guidelines (note: Qualified Person is a defined term in the new OP). The report, in addition to the documentation listed in Chapter 12 –Implementation and Interpretation, may be required by the City to allow the full consideration of a



development application. The City will provide opportunities for public input during the development application process, where applicable. The City has also created an Urban Design Advisory Panel to provide independent, objective and professional urban design advice to the City, with the objective to achieve design excellence.

When required, acceptable levels of traffic, shadowing, or wind effects are assessed at a site level by an expert who properly determines the degree of impact (i.e. at certain times of the year in the case of shadowing). The information produced informs the development application review.

## **62. Chapter 7 - Residential Neighbourhoods – Compatibility with Mid and Tall Rise Buildings**

Commenter: Jeremy Skinner

Issue: Reference to how this will be done such as the proposed building must be contained within an angular plane from the ROW street facing property line of the bordering house or the backyard property line of the bordering house.

Response: The new Official Plan outlines an urban design policy framework for the city that addresses a series of considerations such as transition, building orientation, massing, or design measures including angular planes in the design of development. The City has prepared Tall Building Guidelines and will prepare Mid-Rise Building Guidelines and other guidelines to address all design aspects of a building. These design guidelines should be referenced in the design and review of development applications.

## **63. Chapter 8 – Physical Character**

Commenter: David Falletta, Bousfields for the Vrancor Group

Issue: Request to modify policy 8.1.3(2) (g) to describe how the physical character of the neighbourhood will be enhanced.

Response: Policy modified to remove the reference to physical character in policy 8.1.3(2) (g). The new Official Plan outlines an urban design policy framework in Chapter 7 that addresses a series of considerations in the design of all developments in growth areas, and the use of applicable design guidelines. In addition, all developments will be subject to the development criteria outlined in Chapter 12, including consistency with the policies of Chapter 7.

## **64. Chapter 8 - Mixed Use Centres/Nodes/Intensification Areas**

Commenter: Jeremy Skinner

Issue: Seeking clarity in terms of the definitions of Mixed Use Intensification Areas, Mixed Use Nodes, and Mixed Use Centres which appear to be used interchangeably throughout the OP.

Response: Chapter 2 introduces the terms and describes the components of the Urban Structure. Chapter 8 introduces specific land use designations within each component. The Mixed Use Intensification Areas are comprised of Urban Centres, Mobility Hubs, and Mixed Use Nodes and Intensification Corridors. Mixed Use Nodes are organized into four land use designations: Mixed Use Commercial Centre, Neighbourhood Centre, Local Centre, and Employment Commercial Centre. Intensification Corridors are organized into two land use designations: Urban Corridor and Urban Corridor-Employment Lands.

#### **65. Chapter 8 - Townhouses in Mixed Use Commercial Centres**

Commenter: Sustainable Development Committee

Issue: Include townhouses in the list of housing forms prohibited in Mixed Use Commercial Centres.

Response: The new Official Plan supports a mixed of uses and a range and housing options within Mixed Use Commercial Centre lands in accordance with the land use designation permissions. The introduction of housing forms, including ground-oriented, dwellings will be subject to design and development criteria and will ensure the protection of the commercial function, the development of complete communities, and the integration of building forms through design. The City will ensure that properly planned and designed townhouses and other forms of ground oriented dwellings, where proposed, will contribute to achieving the objectives of the designation.

#### **66. Chapter 8 - Plains Road/Fairview Street “View Streets”**

Commenter: Jeremy Skinner

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

Response: The City may prepare Corridor Studies for all or part of the various Urban Corridors to take into account contextual references such as adjacent land uses, width of right-of-way, lot configuration, etc. and provide specific built form

guidance for their development into pedestrian-oriented environments, ensuring compatibility and quality of the public realm. In addition, any approved design guidelines for specific building forms provide best practices related to building height, massing, transitions, sun/shadowing, and building articulation to promote and encourage high-quality proposals.

## **67. Chapter 8 – Building Height in Mixed Use Commercial Centres**

Commenter: Turkstra Mazza for Paletta International Corporation/Penta Properties Inc.

Issue: What makes 12 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this.

Response: The existing Official Plan policies permit 12 storeys. The proposed OP establishes a built form vision at a city-wide level and introduces a built form policy framework to promote the development of complete communities that acknowledges that the existing 12 storey as of right permissions are to be retained. The Plan also identifies the process (e.g. development applications) to access the introduction of greater height subject to criteria, including development criteria, and design guidance through future development applications.

## **68. Chapter 8 - Drive Throughs**

Commenter: Denise Baker, Weir Foulds for A&W Food Services of Canada, McDonald's Restaurants of Canada, Restaurant Brands International and the Ontario Restaurant Hotel and Motel Association.

Issue: Reiterate previous concerns with policies 7.3.3 and 8.7.1. Also note that Drive Throughs are not a matter of convenience as stated in the Official Plan, but they also provide an accessibility function. Outright prohibition of Drive Throughs adversely affects the ability of older persons and persons with disabilities from being able to fully participate in society contrary to 1.1.1 f) of the Provincial Policy Statement.

Response: Response 80 in Appendix E to [PB-14-18](#) addresses concerns with regard to design criteria and preamble of Section 8.7.

It is staff's opinion that prohibiting drive-throughs within the UGC and Mobility Hub areas within the OP, for reasons previously outlined in staff report [PB-14-18](#), is not in conflict with provincial policy [Policy 1.1.1 f) of the Provincial Policy Statement]. The requirements of the *Building Code Act* and the *Accessibility for*

*Ontarians with Disabilities Act*, and other relevant provincial legislation, continue to apply to buildings and open spaces in the City.

Also, it should be noted that, while the new proposed OP prohibits accessory drive-through uses in certain geographies within Burlington, there are many other areas of the city that permit drive-throughs, subject to criteria, providing availability and choice within the City.

#### **69. Chapter 9 - Cemeteries DC**

Commenter: Michael Larkin for Arbor Memorial Inc.

Issue: Lack of appropriate cemetery policies in the OP.

Response: Refer to response 90 in Appendix E to [PB-14-18](#).

#### **70. Chapter 9 - Niagara Escarpment Plan**

Commenter: Kim Peters, Niagara Escarpment Commission

Issue: OP needs to reflect different definitions for “development”, “compatible” and “natural environment” as the definitions in the Niagara Escarpment Plan differ. Request NEC is referenced as an agency to be consulted for Environmental Impact Assessments.

Response: Policies modified and no longer refer to the italicized/defined terms as it pertains to the Niagara Escarpment Plan area. The NEC has been referenced as an agency to be consulted (Chapter 4).

#### **71. Chapter 9 - Natural Heritage System Policies: Impacts on Agriculture**

Commenter: Penta Properties

Issue: The NHS is one of the greatest threats to agriculture as NHS regulations continually override agriculture, reducing the amount of arable land.

Response: The Official Plan only applies to agricultural development requiring *Planning Act* approval. It does not apply to farming activities, such as what to plant and where. Official Plan policies may lead to setback requirements for farm buildings but the setbacks may still be used for growing crops or pasturing livestock. Where regulations protecting species at risk impact on growing of crops or pasturing of livestock, those regulations are implemented through the Provincial *Endangered Species Act*, not through the Official Plan.

#### **72. Chapter 10 - North Aldershot Development Policies**

Commenter: Penta Properties

Issue: Object to any policies that may contradict what was previously approved by the OMB. Given that there is an ongoing OMB appeal, is it appropriate to put policies in place at this time that may not be consistent with the ultimate OMB decision?

Response: Policies maintained. The North Aldershot policies and mapping in the City's current OP have been maintained in the proposed OP, and will be updated through the Region's Official Plan Review.

### **73. Chapter 11 - The Use of Empower in Public Participation Policies**

Commenter: Penta Properties

Issue: Identifying "Empower" in Section 11.2.1 (l) (v) is misleading as it pertains to land use planning as Council has been elected to make these decisions on behalf of the public.

Response: Policy modified to indicate that decisions made under *The Planning Act* shall be made by the approval authority identified in the Act.

### **74. Chapter 11 - Public Participation Policies**

Commenter: Sustainable Development Committee

Issue: It would be very helpful to outline the ways that citizens can provide input during each part of the development application process (e.g. Neighbourhood, Statutory, Recommendation and Council meetings). Citizens should be allowed more time to review the recommendation prior to it going to the Planning and Development Committee.

Response: See response 94 of Appendix E to staff report [PB-14-18](#). This feedback has been shared with the Clerk's Department, development planning staff and the city's public involvement consultant.

### **75. Chapter 12 - Two Year Hold on Official Plan Amendments**

Commenter: MHBC on behalf of Nelson Aggregates, MHBC for Holy Protection BVM Ukrainian Catholic Church, Ruth Victor & Associates for Welwyn Interests, Denise Baker/WeirFoulds for Adi.

Issue: Request clarity on the general process for OPA's within the 2 year time frame. As it pertains to Mineral Aggregate Resources, request an Official Plan policy for cases where the proposed development requires amendment to the Official Plan as it is a requirement of the applicable policy (e.g. Mineral Aggregate Operations), the applicant would not be required to first obtain

approval from Council for exemption to the two year freeze prior to proceeding with the Official Plan Amendment.

Response: See response 95 in Appendix E to staff report [PB-14-18](#). Based on the requirements of the *Planning Act* a council resolution is required to consider Official Plan amendments within the two year period from the date of approval of the plan. Staff will prepare a report that recommends the types of OPA's that may be supported to obtain a council resolution in keeping with the *Planning Act*. This will be brought forward prior to Regional approval of the new Official Plan.

## **76. Chapter 12 - Severance of Surplus Farm Dwellings**

Commenter: Penta Properties

Issue: Do not agree with the requirement that, to be eligible for severance, a surplus farm dwelling must be built and occupied since December 2004.

Response: Policy maintained. This requirement is necessary for conformity with the Halton Region Official Plan Amendment 46 respecting severance of surplus farm dwellings.

## **77. Chapter 12 – Area-specific planning**

Commenter: Penta Properties

Issue: When will area-specific plans be completed and what happens if a landowner submits an application ahead of the completion of the area-specific plans?

Response: An update on the timing of the Mobility Hub Area-Specific Plan processes will be released in a memo to Council. Any application preceding the approval of any area-specific plan would be assessed against the in force and effect policies of the existing Official Plan which are determinative. The application would also be assessed against the policies of the new Official Plan, which will be informative but not determinative.

## **78. Chapter 12 – Area-specific planning support studies**

Commenter: Penta Properties

Issue: Given that area-specific plans are prepared by the City will individual development applications need to duplicate the work done as part of the area-specific plan?

Response: A development application will be guided by the policies developed through the area specific plan work and any relevant policies of the Official Plan.

Development applications will be required to submit appropriate supporting studies and must demonstrate how the proposal is consistent with the policies of the Official Plan. The studies prepared to support an area specific plan are at a high level and there may be requirements to submit studies to demonstrate how the development application will implement the direction from the higher level studies.

## **79. Chapter 13 – Definition of Complete Communities**

Commenter: Penta Properties

Issue: The proposal for development at 4480 and 4450 Paletta Court would go a long way to achieving the goals set out in the definition of complete communities.

Response: Definition maintained. The concept of complete communities, as originally contemplated in the Draft Official Plan worked with the definition of complete communities that was found in Places to Grow, 2006. The definition was modified in order to conform with Places to Grow, 2017. The revised complete communities definition suggests a geography of a sub area within a settlement area. While the term complete community is employed in policy it does not suggest that all areas, sub areas, neighbourhoods or even an entire Mobility Hub should permit the entire range and mix of uses identified as components of a complete community as defined.

## **80. Chapter 14 - Delineated Built Boundary Mapping**

Commenter: Dave Pitblado, Penta Properties

Issue: The Delineated Built Boundary mapping contained in the Official Plan does not correctly show Bronte Creek Meadows, 1200 King or Appleby and 407 properties. All are developed or surrounded by development with services available within the urban area. Further, why does the Growth Framework not apply on these lands?

Response: The Delineated Built Boundary was defined by the Province and is included in conformity with Places to Grow, please see Chapter 2, Subsection 2.2.3 ii) for more details. Please also see response S.14.2 of Appendix E of [PB-50-17](#).

In relation to the growth framework please see response S.2.37 of Appendix E of [PB-50-17](#).

## **Site Specific Requests**

### **81. 3073, 3119 and 3167 North Service Road**

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

Issue: Change from "Employment Growth Area" to "Secondary Growth Area" on Schedule B-1. Do not support changes to Policy 2.4.2(4) a) "Employment Growth Area" that now also references Secondary Growth Areas. Do not support wording in Section 5.2 that restricts other non-employment uses including retail uses in a Mixed Use Intensification Area and wish to retain the wide range of uses captured in Exception 37 in Zone BC 1 of the Zoning Bylaw. Change wording in 8.1.3(6.1)a)iii) to "should" not compete. Request exemption from minimum floor area requirements for each individual unit.

Response: Policy and mapping maintained. Staff continue to support the designation of Employment Commercial Centre lands as Employment Growth Area; referred in Section 2.4.2 (4) as lands with potential to accommodate a significant portion of employment. In addition, these lands are not located within the Employment Area overlay as shown on Schedule B: Urban Structure.

The Official Plan has introduced flexibility to establish floor area requirements and identifies that a Zoning Bylaw Amendment is used to evaluate the consideration of alternative minimum floor area requirements.

Please see also response 15 in Appendix E to staff report [PB-14-18](#).

## **82.619 & 625 Maple Avenue**

Commenter: Ruth Victor on behalf of Welwyn Interests

Issue: Section 2.4.2(3) precludes the consideration of redevelopment of the lands for additional density, and Section 12.1.1(3) precludes any future Official Plan Amendments for two years.

Response: The policies of the new Official Plan increased the density range of the Residential – Medium Density designation from 26-50 units per net hectare to a range of 26 – 75 units per net hectare.

The Official Plan Amendment criteria have been modified to require Official Plan Amendments to consider the Growth Framework policies, rather than demonstrate consistency with the Growth Framework policies.

The growth framework policies establish that the Established Neighbourhood Areas are areas where intensification is generally discouraged. An Official Plan Amendment provides an option should a development proponent wish to develop the site at a higher density than that established in the new Official Plan. An Official Plan Amendment would be evaluated subject to Official Plan Amendment



criteria set out in 12.1.1(3)k) including the development criteria established in 12.1.2(2).

Please see also S.2.46 in Appendix E to staff report [PB-50-17](#), Key issue 3 in [PB-50-17](#).

In relation to the preclusion of future Official Plan Amendments please see response 95 in Appendix E to staff report [PB-14-18](#) and response 75 above.

### **83. 2087-2103 Prospect Street**

Commenter: Ruth Victor on behalf of Welwyn Interests

Issue: Section 2.4.2(3) b) and Section 12.1.1(3) unduly restrict the opportunity to redevelop the last remaining piece of land on this street for the same use approved on the adjacent lands and could remove the opportunity for rental housing.

Response: The Official Plan Amendment criteria have been modified to require Official Plan Amendments to consider the Growth Framework policies, rather than demonstrate consistency with the Growth Framework policies.

The growth framework policies establish that the Established Neighbourhood Areas are areas where intensification is generally discouraged. A process option, specifically an Official Plan Amendment provides an option should a development proponent wish to develop the site at a higher density than that established in the new Official Plan. An Official Plan Amendment would be evaluated subject to Official Plan Amendment criteria set out in 12.1.1(3)k) including the development criteria established in 12.1.2(2).

Please see also S.2.46 in Appendix E to staff report [PB-50-17](#), Key issue 3 in [PB-50-17](#).

### **84. 3455 North Service Road**

Commenter: Debra Kakaria MHBC for Hopewell

Issue: Concerns with minimum FAR in Policy 8.2.4(2) c) and request a site specific policy with a FAR of 0.25:1.

Response: Business Corridor policy has been modified to provide more flexibility, by encouraging a minimum Floor Area Ratio of 0.25:1 to support more efficient use of land within the designation.

### **85. 1860, 1880 and 1900 Appleby Line**

Commenter: Mike Crough on behalf of LJM Developments

Issue: Requesting two changes. Add lands acquired at the rear of 1837 Ironstone and remove them from the employment area. The entire site, including new lands at 1837 Appleby Line, should be placed in the Uptown Core designation. This change is expected to remove difficulties of multiple designations and will allow phasing.

Response: The lands acquired at the rear of 1837 Ironstone were acquired from the City to support the accommodation of parking on the site. Staff are of the opinion that it would be appropriate to redesignate these lands for non-employment uses, given that the transfer has taken place. These lands will be designated Uptown Urban Corridor.

The designations remain the same, except for the change noted above. Please see response S.8.57 in Appendix E to staff report [PB-50-17](#), and response 14 in Appendix E to staff report [PB-14-18](#).

#### **86. Vacant Parcel on South Service Road east of Guelph Line**

Commenter: Dov Harvester (SL) Limited

Issue: Satisfied with changes to the Business Corridor Designation to permit large scale motor vehicle dealerships and which to retain the employment policies as currently drafted.

Response: No further response required.

#### **87. 4853 Thomas Alton Blvd and Alton Community**

Commenter: Denise Baker Weir Foulds for Adi Development Group

Issue: Need to identify the boundary of the Alton Community, in reference to limiting height in the community to a maximum of 10 stories [Section 8.3.5(2)]. A site specific policy is needed to reflect a recent staff position at 4853 Thomas Alton Blvd.

Response: Policies referring to the Alton Community have been modified to include a description of the area boundaries as described in the Alton Secondary Plan.

With respect to a site-specific policy for 4853 Thomas Alton Blvd, as the application is before the OMB for a decision it is premature to include a site-specific policy at this time. Any Official Plan Amendments that are approved by Council under the current Official Plan (1994, as amended) prior to Regional approval of the new Official Plan will be submitted to the Region for approval as a

modification to the new Official Plan. This includes all amendments resulting from OMB/LPAT decisions in this time period.

#### **88. 1830 Ironstone Drive**

Commenter: Glenn Wellings for LBS Group

Issue: Modifications requested to acknowledge the existing use and to remove prohibitive language related to sensitive land uses such as residential.

Response: Policy modified.

#### **89. 900 Maple Ave (Mapleview Shopping Centre)**

Commenter: Biglieri Group Ltd for Canapen Limited and Ivanhoe Cambridge II Inc.

Issue: Primary concern in regard to the Area Specific Plan process for Mixed Use Commercial Centres and the lack of clarity in policy on how to interpret the definition of tall building and how it would be used to trigger an area-specific plan, considering that a maximum 12 storey height is permitted.

Response: The proposed Official Plan (February 2018) addressed this comment by removing the requirement for an area specific plan. The policy now indicates that development applications that introduce additional height (beyond 12 storeys) in Mixed Use Commercial Centre lands may be considered by way an Official Plan Amendment, where a set of conditions are met. Please see the Mixed Use Commercial Centre policies, specifically 8.1.3(3.2) e).

Issue: Limiting the capacity to develop ground oriented dwellings fronting Urban Avenues may be in conflict with policies which direct development to be designed in such a manner as to ensure compatibility with adjacent residential uses, and in particular, low-density residential uses.

Response: The OP has established a land use vision for the Mixed Use Commercial Centre designation that seek to achieve the development of these lands as complete communities, and recognizes the role of the development application process in ensuring compatibility while alternative forms and locations are proposed.

Issue: It would be appropriate for hospitality uses to be included in the permitted uses for the MUCC designation.

Response: Policy modified to include hospitality uses in the list of permitted uses.

#### **90. Bronte Creek Meadows**

Commenter: Scott Snider for Penta.

Issue: Request that council identify Bronte Creek Meadows as a special planning area similar to Tremaine Road or defer it until when the Area Specific Plan is completed.

Response: While both Dundas/Tremaine and Bronte Creek Meadows are similar in that they are both found within the Designated Greenfield Area in the City of Burlington, they differ in that Dundas/Tremaine is not captured within the Region's Employment Area. The City considered Bronte Creek Meadows as part of the work related to employment lands and employment land conversion requests. It is staff's opinion that there is neither flexibility in the proposed new Official Plan to permit consideration of non-employment uses on these lands, nor is there opportunity to conduct an area-specific planning process that considers a mix of uses. Neither is there an opportunity to defer a decision on these lands until a future area-specific plan is complete because the City is delivering a comprehensive plan now and the Planning Act does not allow the approval authority to defer any part of a decision. This opinion is based on the research and analysis conducted as part of the current Burlington New Official Plan project. This may or may not be the case for a future OP Review. Please refer to the Council Information Package March 23, 2018. Please also see response S.5.1 in Appendix E of [PB-50-17](#).

### **91.720 Oval Court**

Commenter: Denise Baker, Weir Foulds and Andrew E. for Branthaven Homes

Issue: Requesting mixed use at 720 Oval Court. Will not affect employment function, will enhance it.

Response: Please see response to Council motions in PB-04-18.

### **92.957-960 Cumberland Ave**

Commenter: Mike Crough for 957-960 Cumberland Ave

Issue : OP no longer contains a site specific policy for 960 Cumberland Ave (currently in Part III, Policy 3.4.3 i) of the existing plan). Requesting additional uses such as a hotel use and residential.

Response: A site specific policy has been included to recognize the existing fitness and racquet club use on the site and for the off-site parking located at 957 Cumberland Avenue.

As detailed in the Employment Conversion Analysis Report and PB-30-16, staff continue to recommend that these sites and the surrounding area remain in the Employment Area. Please note these lands are also within the Region's Employment Area.

### **93.675-835 Dynes Road**

Commenter: Weston Consulting for Amelin Property Group, 675-835 Dynes Road

Issue : Recommend a new policy that indicates that intensification is appropriate in established neighbourhood areas on high density residential sites. Recommend the northern  $\frac{3}{4}$  of the site is designated Residential High Density.

Response: Please see response 15 in the Official Plan Process and Implementation Issues section of this document.

### **94.422 Guelph Line**

Commenter: Tony Millington for Waldemar, 422 Guelph Line.

Issue : Requesting a site specific policy to permit more height than is currently permitted in the Neighbourhood Centre designation to justify the high costs of addressing the remediation of contamination on site.

Response: The proposed new Official Plan establishes a policy framework that supports achieving compatible built forms in Neighbourhood Centres, and a Zoning By-law Amendment and/or Official Plan Amendment process to assess development applications at a site level. The proposed new Official Plan establishes a new framework against which future development applications will be assessed. Please note that Official Plan Amendment Criteria enable the city to support an amendment that would remove a significant barrier to development that would otherwise render the site undevelopable and/or underutilized [Section 12.1.1 (3) k ix)]. Also, please see response 15 in the Official Plan Process and Implementation Issues section of this document.

### **95.4480 Paletta Court**

Commenter: Scott Snider, Turkstra Mazza for Paletta International Corporation/Penta Properties Inc.

Issue: This site located within the Appleby GO Mobility Hub is an opportunity for residential within this employment area.

Response: The City has concluded its assessment of potential employment conversions and have recommended which lands should be considered for

conversion as part of Halton Region's Municipal Comprehensive Review, through staff report PB-30-16: Official Plan Project: Employment Land Conversion Preliminary Recommendations and Policy Directions and through subsequent versions of the proposed Official Plan. This site was considered through the assessment of the Appleby GO Mobility Hub and these lands were recommended to be retained in the Employment Inventory.

Staff suggest that Penta convey its interests with respect to an employment conversion on these lands to Halton Region, for consideration through its municipal comprehensive review.

#### **96.3215 Appleby Line and 3270 Harrison Crescent**

Commenter: Scott Snider, Turkstra Mazza for Paletta International Corporation/Penta Properties Inc.

Issue: Given the prime location near Appleby Line and Hwy 407, residential uses, supermarkets/grocery stores, warehouse clubs, and retailing of non-work related apparel should be permitted.

Response: Land use permissions are reflective of an OMB existing decision.

#### **97. Large Scale Motor Vehicle Dealerships – Several Properties**

Commenter: Dana Anderson for Quantam Automotive (owner of Mercedes Benz dealership 441 NSR, 891 NSR, King Rd, Yorkton Court and Kings Forest Circle)

Issue 1: Request to modify and clarify language provided to staff.

Response: Policy modified.

Issue 2: Earlier version of the City's plans illustrated an area of NHS mapping and the employment area (business corridor designation on 361-391 North Service Road. It came to our attention that the mapping had changed with the February draft to show a solid NHS designation for the lands. How did mapping change and why?

Response: Policy and Schedule modified. During preparation of the February 2018 version of the new Official Plan it was discovered that the NHS mapping for this location that was in previous versions of the new Official Plan did not fully conform with the NHS designation mapping in the Region's OP. The mapping in the February 2018 version was modified to bring it into conformity.

Section 116.1 of the Region's Official Plan provides that the boundaries of the NHS, and of Key Features within it, may be refined through an EIA. Once such refinements have been approved under the Planning Act, they are in effect on

the date of that approval. The Region will maintain mapping showing such refinements and incorporate them in the Schedules of its Official Plan as part of the next statutory review of its Plan. Subsection 4.2.2 f) of the City's proposed new Official Plan contains similar policies.

The Region currently is undertaking a statutory review of its Official Plan and will incorporate approved refinements to the NHS in the Plan's Schedules through that process. The City in turn will incorporate these refinements into its Official Plan Schedules.

The proposed Official Plan has incorporated the Region's Employment Area in Schedule B as an overlay. This addition recognizes that these lands are within the Employment Area. Additionally, policy has been modified to assist in interpreting the local OP land use designation in cases where, through the appropriate refinement process, the NHS extent is minimized.

**98. Alton West Block 299 (3750 Palladium Way)**

Commenter: Jonathan Rubin, Embee Properties Limited

Issue: Reiterate concern that a portion of Block 299 is designated Natural Heritage System.

Response: See response 20 in Appendix E to [PB-14-18](#) and response from the Region of Halton.

**99. 0000 Graham's Lane (former CN spur line lands)**

Commenter: Al Ruggero, TBR/Rexton Developments

Issue: Requesting confirmation that edits made to the November 2017 version of the Official Plan remain in place, and that the lands are not designated for infrastructure.

Response: Response 24 in Appendix E to [PB-14-18](#) remains valid. Schedules were modified to remove the rail track which no longer runs through the property.

**100. 352-344 Guelph Line and 353-359 St Paul Street**

Commenter: Ruth Victor for Welwyn Interests

Issue: Satisfied with changes to OP.

Response: Comment noted.

**101. 1200 King Road**

Commenter: Dave Pitblado, Penta Properties

Issue: The site specific policies on this property reference a 9,000 seat arena. Request that the seats be increased from 9,000 to 18,000-20,000 seats.

Response: Policy maintained. The policy in the new Official Plan carries forward the provisions in the existing Official Plan which were developed as part of the 2009 Minutes of Settlement. The policy specifically identifies that the appropriate process for considering a larger seat capacity is through an Official Plan Amendment.

**102. 4445 Fairview Street**

Commenter: Dave Pitblado, Penta Properties

Issue: The site should be designated Urban Corridor, not Urban Corridor Employment.

Response: Mapping maintained. This property is designated Mixed Use Corridor – Employment in the existing Official Plan and is proposed to be designated Urban Corridor- Employment in the proposed Official Plan, which will then be modified through the area-specific planning process. Please see response 4 of Appendix E to staff report [PB-14-18](#).

**103. 800 LaSalle Park**

Commenter: Matt Johnston IBI for 800 LaSalle

Issue : Requesting a high density designation to 25 storeys.

Response: Please see response 15 in the Official Plan Process and Implementation Issues section of this document.

**104. East Aldershot Quarry**

Commenter: Ian Keaveny

Issue: Planning and Development Committee needs to address the east cell of the East Aldershot Quarry to meet the overall intent of the Provincial Policy Statement.

Response: Policy not modified. The quarry expansion lands are licenced for mineral aggregate extraction by the Ministry of Natural Resources and Forestry. The Mineral Resource Extraction Area designation shown on Schedule L: Land Use - North Aldershot includes the lands in Burlington that are licenced for aggregate extraction. This designation is in conformity with the Region's OP, as required under the [Planning Act](#).



The Provincial Policy Statement (PPS) requires that municipalities protect mineral aggregate operations (i.e., lands licenced by the Ministry). It also requires that as much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible requires that municipalities protect mineral aggregate operations (i.e., lands licenced by the Ministry).

**105. 40-70 Plains Road East, and 1029-1063 Waterdown Road and 2 Masonry Court**

Commenter: Bousfields for Infinity Development Group, Arjun Anand

Issue : Requesting a change in land use designation from urban corridor employment to urban corridor to not restrict uses. Defer development standards until when the Area Specific Plan is approved.

Response: Please see response 4 of Appendix E to staff report [PB-14-18](#).

**106. 2442 Lakeshore Road**

Commenter: Albert Faccenda

Issue: Redesignate lands to accommodate 7 to 8 units, no specific details provided.

Response: Please see response 15 in the Official Plan Process and Implementation Issues section of this document.

**107. 6589 Milborough Line**

Commenter: Maura & James Romanelli

Issue: Concerns with Natural Heritage System designation on the property. Should be a rural/agricultural designation.

Response: The lands in question are designated Natural Heritage System (NHS) in the Halton Region Official Plan (OP). The Provincial *Planning Act* requires that the City's Official Plan be in conformity with the Region's OP. This means that the City is required under Provincial law to designate these lands as NHS in its new Official Plan. Halton Region has begun work on a review of its own Official Plan. These concerns should be shared with the Region, as any changes to the NHS mapping would occur through the Region's Official Plan review.

**108. 53 & 71 Plains Road East and 1025 Cooke Boulevard**

Commenter: David Falletta, Bousfields for the Vrancor Group

Issue: Request an Urban Corridor designation, and other revisions to mobility hub policies.

Response: Please see response 4 of Appendix E to staff report [PB-14-18](#). Staff also note that there is an active development application underway for this site.

**109. 437 Plains Road East**

Commenter: David Falletta, Bousfields for the Vrancor Group

Issue: Request revisions to Urban Corridor policies at certain locations within mobility hubs determined through the area-specific plan.

Response: The property at 437 Plains Road East is designated Urban Corridor and is located outside the Aldershot mobility hub. The request to review the Urban Corridor policies would not apply to this particular property, and the policies in the Official Plan remain.

Within Mobility Hub areas, the land use designations from the existing Official Plan have been carried forward given that the Area Specific Plans will consider the ultimate land use for a given site and provide a new policy framework informed by the technical background and policy work.