

April 19, 2018

Mayor Goldring and Members of Council
City of Burlington
426 Brant Street, Box 5013
Burlington ON,
L7R 3Z6

Dear Mayor Goldring and Members of Council:

**RE: Comments on the City of Burlington New Official Plan Recommended for Adoption
(April 2018)
Emshih Developments Inc. 800 Burloak Drive, Burlington
OUR FILE: 1583**

MHBC is retained by Emshih Developments Inc. with respect to their lands located at 800 Burloak Drive in the City of Burlington (the "Subject Lands"). The Subject Lands are currently designated General Employment, in accordance with Schedule B of the City of Burlington Official Plan. They are further identified within the Region of Halton's Employment Areas on Map 1- Regional Structure of the Halton Region Official Plan.

Prior versions of the City's proposed Draft New Official Plan identified the Subject Lands as follows:

- Mixed Use Nodes and Intensification Corridors (Schedule B)
- Secondary Growth Area (Schedule B1)
- Local Centre (Schedule C)

The April 2018 Official Plan identifies the Subject Lands as follows:

- Employment Lands, Region of Halton Employment Overlay (Schedule B)
- Secondary Growth Area (Schedule B1)
- General Employment (Schedule C)
- Mixed Use Nodes and Intensification Corridors (Appendix A: Urban Structure Vision)

Prior versions of the new Official Plan included a site specific policy for the Subject Lands, Section 8.1.3 (5.3)(d) which stated:

"Notwithstanding Subsection 8.1.3(5.2) b) of this Plan, on the Local Centre identified as 800 Burloak Drive, residential and other sensitive land uses are prohibited"

The proposed new Official Plan recommended for adoption has removed this policy and has revised the mapping schedules such that the Employment designation has been applied back to the Subject Lands. We understand that this has been done to address feedback from Halton Region and the Province to avoid conflict with the Halton Region Official Plan. As a result, a 'non-operative' schedule to the Official

Plan (Appendix A: Urban Structure Vision) has been added which describes the employment conversion recommendations and identifies the future Urban Structure element for lands included in the Region's Employment Area overlay which are recommended for conversion. In accordance with Appendix A, the intended future Urban Structure Element to be applied to the Subject Lands is Mixed Use Nodes and Intensification Corridors. **Our client supports of the City staff removal of the site specific policy and the recommendation that the Subject Lands be removed from the Region's Employment Area overlay and have no objection to the intended future Urban Structure Element applied to these lands in accordance with Appendix A of the Official Plan.**

Planning Report PB-04-18: Revised Proposed New Official Plan Recommended for Adoption contains a recommendation that Council endorse the 'conversions' to ensure that Burlington's position is clear on the refinements necessary to achieve its 'city building' objectives. With respect to this recommendation, the report refers Council to Appendix D: Lands Recommended for Employment Conversion that are located within the Region of Halton Employment Area overlay. The Subject lands are identified as item 'K' in this Appendix. Staff, through Appendix D, is requesting Council endorse the following recommendations for the Subject Lands:

Address(es)		Current Proposed Designation on Schedule C of the Official Plan (April 2018)	Future Urban Structure Element on Appendix A to the Official Plan (April 2018)	Future Land Use Designation	City's Request to be considered as part of the Halton Region OPR/ MCR
K	800 Burloak Drive	General Employment	Mixed Use Intensification Area: Mixed Use Nodes and Intensification Corridors	Local Centre, subject to site specific policy. Potential wording as follows: "Notwithstanding Subsection 8.1.3(5.2) b) of this Plan, on the Local Centre identified as 800 Burloak Drive, residential and other <i>sensitive land uses</i> are prohibited"	City recommends removal of these lands from Halton Region Employment Area overlay, consistent with the direction provided in Section 2.3.3(f)(ii) of the New Official Plan (April 2018)

While our client is again supportive of the recommended conversion of the Subject Lands and their removal from the Regional Employment Area overlay, they are not supportive of the staff recommendation that the site specific policy prohibiting residential and other sensitive land uses be reintroduced for the Subject Lands. The reference to this additional site specific policy should be removed and remain out of the Plan entirely. We do not believe a site specific policy needs to be added back into the Plan for the following reasons:

- To our knowledge, there has been no analysis completed to date which identifies that these lands are not appropriate for residential or other sensitive land uses. It is our opinion that precluding these lands from future residential mixed use development, in the absence of any study, is premature and inappropriate planning. Redevelopment of the lands should be guided by the appropriate studies required as part of any development application.

- Any redevelopment on this site proposing to introduce residential or other sensitive land uses, would be subject to a development approvals process. The current GE2-48 Zone does not permit residential uses, though Hotel, Office and Service Commercial uses are all currently permitted. As part of the required development application pre-consultation process, the appropriate studies required to support any development proposal would be identified, including studies which must address potential adverse effects from neighbouring employment facilities.
- The April 2018 Official Plan includes policies related to sensitive land uses and compatibility (Section 4.6.1 and 8.1.3.1.f) which state compatibility is to be addressed through appropriate design and appropriate mitigation and that all uses within the Mixed Use Nodes and Intensification Corridors shall be compatible. These policies are reflective of Provincial policies and will ensure appropriate and compatible development in the mixed use intensification areas is undertaken. There is no reason to have prohibitive policies when these sections address the need to ensure compatibility.
- With respect to such studies, in recent history, our client had intentions to develop the Subject Lands with a mixture of service commercial uses, including a daycare. As a daycare facility is considered a sensitive use, our client previously submitted an Emissions Impact Assessment to the City, dated March 7, 2014 and prepared by A&A Environmental Consultants Inc., which found that facilities with the potential to impact the site are operating in compliance with respective ECA requirements. Given the results of this study, there is even further evidence why the inclusion of a policy prohibiting residential and sensitive uses is not justified or appropriate planning.

Direction to re-introduce a prohibitive site specific policy is unnecessary and should not be supported by Council. Accordingly, we request that the site specific policy recommended by staff not be adopted and this be clarified by the following amendment to Council's recommendation:

"That the recommendation in PB-04-18, Appendix D, item K, related to Future Land Use Designation be amended to state Local Centre"

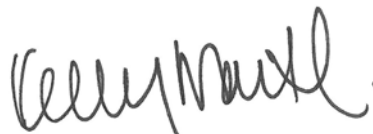
We appreciate the opportunity to comment on the April 2018 Official Plan recommended for adoption and Council's consideration of our client's request.

Yours truly,

MHBC



Dana Anderson, MCIP, RPP
Partner



Kelly Martel, M.Pl, MCIP, RPP
Planner

cc: Andrea Smith, Manager of Policy and Research
Dr. Michael Shih, Emshih Developments
Jeffrey Kelly, Emshih Developments