



April 18, 2018

### **Burlington Sustainable Development Committee's Review of**

#### **Burlington's Proposed New Official Plan (April 2018) Downtown Urban Centre Comments**

Attached are the comments for the Proposed New Official Plan (April 2018) Downtown Urban Centre Comments. (Attachment 1)

We greatly appreciate the time taken by Staff to review our comments and provide responses.

The Burlington Sustainable Development Committee (BSDC) updated the comments by reviewing the Revised New Official Plan (April 2018) (tracked changes), and Appendix P or PB-04-18.

After reviewing this Downtown Urban Centre portion of the Proposed Official Plan (April 2018) we have the following comments:

1. It is very difficult to review the proposal as it is only partially complete. The SDC requests the opportunity to review and provide input once this proposal is more fully laid out.
2. Appropriate Transition in Building Height
  - Original comment "Transitioning of multiple Burlington's Tall Building Guidelines" state "Where multiple towers exist on a site, this transition shall be reflected across the entire site." We should be transitioning across the City in a similar manner. With what is proposed for Downtown, it is not clear how this can be accomplished.
    - See page 11 of Burlington's Tall Building Guidelines:  
[https://www.burlington.ca/en/services-for-you/resources/Planning\\_and\\_Development/Urban-Design/May\\_2017\\_Tall\\_Building\\_Guidelines.pdf](https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Urban-Design/May_2017_Tall_Building_Guidelines.pdf)
    - Or pages 18 to 20 of Toronto's Tall Building Guideline:  
[https://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/tall-buildings.pdf](https://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/tall-buildings.pdf) .
  - It is good to see the work from the January 23, 2018 Staff Report addressing this issue including:
    - "Burlington Skyline – What could it look like in 100 years" at the end of the staff presentation.

- Appendix F – Plan of Primary Downtown Redevelopment Sites at Build-out.
  - Would like to see Lake view closer to shore and views looking from North, East and West.
  - The way tall buildings 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?
3. Some comments provided by the committee have not received a response.

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

Yours sincerely,

Jillian Gorbald and Glenn Portch

Co-Chairs, Policy and Development Sub-Committee of Sustainable Development Committee

NOTE: Reviewed and approved by the SDC's Committee of the Whole on Wednesday, April 18, 2018.

## Attachment 1

### City of Burlington's Draft New Official Plan (February 2018) Feedback Form – Chapter 8 Downtown Urban Centre Pages 9 - 35

Name: Guy Sheppard

Company/Organization: Sustainable Development Committee

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

Responses are rated as follows:

Green – Agree with response and/or understand why our suggestion could not be followed.

Yellow – Need to watch progress and timing such as Mid-Rise Design Guidelines, that need to be followed-up or not that critical.

Red – Critical issue. Request a more detailed response or need a question answered.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
General	In some areas there is a maximum height of 17 stories such as the Brant Main Street Precinct Special Planning Area and the Downtown Core Precinct. However, this is not being achieved. In the Brant Main Street Precinct Special Planning Area, the 421 Brant Street building height has been increased from 17 to 23 storeys by Council and there has been an application submitted to have the building height of 409 Brant Street be 24 storeys. In the Downtown Core Precinct, the OMB has approved 26 storeys for 374	See response 46 in Appendix E to PB-14-18, and response 2 of this document.  Details on shown Attachment 2	Thanks for the explanation.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
	Martha. How will the City ensure a maximum height of 17 storeys?		
8.1.1(3)General	<p>The City has basically qualified the whole section by “additional objective, policies, etc. may be added subject to the outcome of that <i>area-specific plan process</i>, and incorporated as part of this Plan and/or through a future amendment to this Plan.”</p> <p>This makes it extremely difficult to comment on it in certain sections.</p>	<p>To date, the following technical information is available for the Downtown Mobility Hub and is posted on the Downtown Mobility Hub webpage:</p> <ul style="list-style-type: none"> <li>• Natural Systems Assessment</li> <li>• Scoped Storm Water Management Assessment</li> <li>• Traffic Conditions Memo</li> <li>• Water and Wastewater Servicing Considerations</li> <li>• Market Analysis – Technical Memo (September 2017)</li> </ul> <p>The findings of technical studies to date, currently available on the Downtown Mobility Hub webpage, have provided background information to inform</p>	<p>Appreciate the response but it still makes it extremely difficult to comment on them particularly if you are member of the public and have limited time to respond.</p>

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
		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.	
General	<p>The way tall buildings are being located it looks like we will never achieve the objective 8.1.1.3.1 d) To ensure <i>development</i> incorporates effective transitions with adjacent <i>development</i> and surrounding areas. This is going to be a real hodge-podge of tall buildings mixed with lower height buildings.</p> <p>How are you going to address this issue?</p>	<p>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.</p>	<p>Appreciate the response but it does not fully address the issue. We are <b>not</b> controlling it. We are plucking down tall building wherever developers want them. How can you toughen up?</p>
<b>8.1.1.3.3 Downtown Parks and</b>	Three Key Directions missing:	Pedestrian Promenade from Lake Road to St.	SDC will need to track progress.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
<b>Promenades Precinct</b>	<ul style="list-style-type: none"> <li>Identify a new pedestrian promenade be established from Lake Road to St. Luke's Anglican Church.</li> <li>Identify Elgin Street from Brant to the Ontario Corridor as a potential future extension of the Elgin Promenade.</li> <li>Recognize the Burlington War Memorial (Cenotaph) as a permanent public park.</li> </ul> <p>How are you going to address these??</p>	<p>Luke's Anglican Church is shown on Schedule D.</p> <p>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.</p>	
<b>8.1.1.3.4 Downtown Public Service Precinct</b>	<p>One Key Direction missing:</p> <ul style="list-style-type: none"> <li>Identify additional land within Downtown Mobility Hub which may be required to accommodate future public services in anticipation of future population and employment growth – additional areas outside 421 John Street.</li> </ul> <p>How are you going to address this?</p>	No response.	Have checked Appendix P of PB-04-18 and PB-14-18 and cannot find a response.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
8.1.1.3.4.1 b) Public/private partnerships	How do you intend to carry out the Public-Private Partnerships? Need to spell out more clearly.	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.	Great, SDC will track progress.
8.1.1.3.4.2 a) 431 John Street	<p>Why was the idea of accommodating future post-secondary education facility dropped from this area? Do not forget residence needs if going to accommodate.</p> <p>Could act as an anchor to the Downtown in the future.</p>	<p>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.</p> <p>Covered under 3.3.2 g)</p>	Good point, thanks for highlighting.
8.1.1.3.5 The St. Luke's and Emerald Neighbourhood	"Enhanced cycling and pedestrian connections ... Downtown." - Be careful with new and/or enhanced pedestrian and cycling connections as dealing with narrow streets with many not having sidewalks.	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.	Mainly a warning for consideration.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
<b>8.1.1.3.7 Brant Main Street Precinct</b>	<p>One Key Direction suggest changing</p> <ul style="list-style-type: none"> <li>Require developments to achieve a minimum of two uses within a building. – May want to set minimum number based on size two uses for 10,000 square feet may not make sense.</li> </ul>	Use area requirements will be further explored through the Area Specific planning processes.	Thanks for considering. Will have to track progress.
8.1.1.3.7.2 Brant Main Street Precinct Special Planning Area	Already modified 17 storeys to 23 storeys for 421 Brant St. Was it appropriate for building height transition given other buildings going to maximum heights of 11 storeys in the future?	Staff have suggested Council could consider raising height to 23 storeys.	Have checked Appendix P of PB-04-18 and PB-14-18 and cannot find a response.
<b>8.1.1.3.9 Downtown Tall Residential Precinct</b>			
8.1.1.3.9.1 c)	Minimum height 12 stories. Maximum height should be spelled out so not buried in a Zoning By-law. Should not exceed 17 stories.	Max entered instead of Zoning By-law of 21 stories.	<p>Why is it exceeding 17 stories?</p> <p>Have checked Appendix P of PB-04-18 and PB-14-18 and cannot find a response.</p>
<b>8.1.1.3.10 Old Lakeshore Road Pricinct</b>	Delete “ Modest <i>tall buildings</i> which transition downward for the <i>adjacent</i> Downtown Core Precinct towards the waterfront may be accommodated where such <i>development</i> achieves	No Response.	Have checked Appendix P of PB-04-18 and PB-14-18 and cannot find a response.



Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
	<p>strategic public and city building objectives, including the provision of public waterfront access and the creation of new uninterrupted view corridors to Lake Ontario.”</p> <p>No building should exceed 6 storeys south of Lakeshore Road.</p> <p>Note presentation – “Tallest developments in areas moved away from Lake Ontario”</p>		
8.1.1.3.10.1 c), d), and e)	See above.	No Response	Have checked Appendix P of PB-04-18 and PB-14-18 and cannot find a response.
<b>8.1.1.3.11 Downtown Core Precinct</b>			
<b>8.1.1.3.11.1 b)</b>	May want to minimum number of permitted uses dependent on size (area) of retail. Minimum of two for 10,000 sq. ft. may not make sense.	Use area requirements will be further explored through the Area Specific planning processes.	Thanks for considering. Will have to track progress.
<b>8.1.1.3.13 Upper Brant Precinct</b>	<p>One Key Direction suggest changing:</p> <ul style="list-style-type: none"> <li>Require developments to achieve a minimum of two uses within a building. – May want to set minimum number based on size two uses for 10,000</li> </ul>	Use area requirements will be further explored through the Area Specific planning processes.	Thanks for considering. Will have to track progress.

Official Plan Topic Area (Policy Number, Schedule/Appendix Number)	Comment	Staff / City Response	SDC Response
	square feet may not make sense.		
<b>8.1.1.3.14 Downtown Urban Design</b>			
<b>8.1.1.3.14 a)</b>	Also include Old Lakeshore Precinct as an exclusion.	Have been excluded.	Thanks.

## Attachment 2

Detail Staff Responses for first item in Attachment 1

### 46. Exceptions to the Plan (From Appendix P of PB-04-18)

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

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

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

### 2. Exceptions to the Official Plan (From Appendix E of PB-14-18)

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.