

April 10, 2018

Alison Enns, MCIP, RPP
Senior Planner
Planning and Building Department
City of Burlington
426 Brant Street, Box 5013
Burlington, ON
L7R 3Z6

Dear Ms. Enns:

**RE: City of Burlington New Official Plan
391 North Service Road, Burlington
OUR FILE: 1743B**

As you know MHBC is currently retained by Quantum Automotive Group and Astra Capital Inc. in relation to an interest in the property located at 391 North Service Road in the City of Burlington (the “subject lands”). We are writing to follow up on the uncertainty and inconsistency within the City’s new draft Official Plan with respect to the subject lands and to propose three minor revisions to address this issue. We ask that our proposed revisions, detailed below, be provided in staff’s final report to Council as additional recommended modifications.

Issue Background

The subject lands are currently owned by the Region of Halton and are vacant. As you know, our client is considering the acquisition of the subject lands to allow expansion of its adjacent employment use.

Our concern originates in the subject lands’ mapping and land use designation change from Business Corridor to Natural Heritage System from the earlier versions of the draft Official Plan (April 2017 and November 2017) to the February 2018 version. In a delegation to the City’s Planning and Development Committee in February 2018, we conveyed our concern that an environmental impact assessment for the subject lands was in progress which would confirm which areas were developable and appropriately designated to allow business uses, but that the draft Official Plan did not identify the designation to be applied to the subject lands upon completion of the assessment.

On March 7, 2018 you confirmed that notwithstanding the new proposed Natural Heritage System designation, an environmental impact assessment could be completed to identify the “developable areas” without amendment to the Plan. As you know, we raised a concern that it was not clear how the appropriate underlying policy designation would be determined if the Natural Heritage System Area boundaries were revised or removed through an assessment and on March 12, 2018 we provided draft

policy language to address the issue of the need for an underlying designation. On March 20, 2018 you confirmed that staff would be updating the draft policies to address this issue.

We appreciate the recognition of the issue by staff and the updated policies which partially address our concern. However, having now reviewed the April 2018 final draft version of the Official Plan, in our opinion there remains a clarity and consistency issue within the Official Plan as it relates to the subject lands.

Recommended Revisions to the April 2018 Draft Official Plan

In order to ensure certainty and consistency in the policies, we recommend the following revisions to the draft Official Plan:

1. Revise the last sentence of Section 4.4.2 h) to replace “Zoning By-law designation” with **“underlying zoning, or where identified by site specific exception, with the identified land use designation,”** so that it reads as follows:

“4.2.2. h) The boundaries of the City’s Natural Heritage System, and of Key Natural Features within it, may be refined, with additions, deletions and/or boundary adjustments, through:

- (i) a sub-watershed study undertaken in the context of an area specific plan and prepared in accordance with Subsection 4.4.2(1) of this Plan;
- (ii) an individual Environmental Impact Assessment (EIA) prepared in accordance with Subsection 4.2.4 of this Plan; or
- (iii) a similar study.

Provided that the study or EIA has been accepted by the City, the Region and, where appropriate, Conservation Halton. Once such refinements have been approved through an approval process under The Planning Act, The Niagara Escarpment Planning and Development Act or Federal or Provincial Environmental Assessment requirements, these refinements shall be in effect on the date of such approval. The City will maintain mapping showing such refinements and shall incorporate them in the appropriate Schedules to this Plan as part of the City’s statutory review of this Plan. If the refinement undertaken in accordance with this policy leads to a reduction in the size of the Natural Heritage System designation, the new land use designation shall be consistent with the **underlying zoning, or where identified by site specific exception, with the identified land use designation**, and shall not require an Official Plan Amendment.”

2. Revise the first sentence of Section 8.2.4 (3) (b) to correct the designations of the subject lands by adding **“Natural Heritage System and Region of Halton Employment Area (overlay) and”** after “Development of lands designated”; and, revise section 8.2.4(3)b(i) to include **“Upon completion of the EIA, the lands shall be designated “Business Corridor;”** so that this section reads as follows:

“8.2.4 (3) (b) 151, 201, 291 & 391 North Service Road: Development of lands designated **Natural Heritage System and Region of Halton Employment Area (overlay) and** “Business Corridor” on the north side of North Service Road, west of King Road, and identified as 151, 201, 291 & 391 North Service Road, shall also be required to submit and implement the following:

- (i) a site-specific Environmental Impact Assessment (EIA), as described in Subsection 4.2.4 of this Plan, and prepared by a qualified person, to ensure that negative impacts on the natural environment and natural heritage features and areas are minimized, through such measures

as maximum impervious surface limits and setbacks from watercourses and natural features.

Upon completion of the EIA, the lands shall be designated “Business Corridor”;

- (ii) a viewshed study and calculation of maximum building heights to ensure views to the Escarpment are maintained to the maximum extent; and
- (iii) compliance with the policies of Subsection 10.3.3 of this Plan.”

Planning Rationale

As outlined above, the proposed revisions are required to ensure consistency and certainty in relation to the policies to be applied to the subject lands. The following is a brief analysis of the proposed revisions within the current policy and regulatory context.

Provincial Policy Statement

Policy 1.3.2.1 of the Provincial Policy Statement states that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. In addition, policy 1.3.2.3 states that planning authorities shall protect employment areas in proximity to major goods movement corridors for employment uses that require those locations.

The subject lands are located in close proximity to Highway 403. The proposed revision would ensure the protection and preservation of future employment uses on the subject lands.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan identifies several guiding principles which provide the basis for guiding decisions on the management of land. Policy 1.2.1 states the following principle of relevance to the subject lands, *“Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.”*

Section 2.2.5 sets out employment policies that will promote economic development and competitiveness in the Greater Golden Horseshoe. Specifically, policies 2.2.5.1 a) - d) require making more efficient use of existing and underutilized employment lands, ensuring the forecasted employment growth can be accommodated while developing goals and strategies to retain and attract investment.

The proposed revisions to the Official Plan satisfy this vision for growth by contributing to economic development and employment opportunities. The proposed revisions will provide the flexibility needed to pursue the development of a new employment use on the subject lands that will generate new jobs and provide a boost to the local and Regional economy.

Region of Halton Official Plan

Section 77.1 of the Regional Official Plan sets out the objectives of the *Employment Areas* as follows:

- (1) *To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton’s and its Local Municipalities’ economic competitiveness;*
- (2) *To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and*

- (3) *To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.*

The proposed revisions to the Official Plan satisfy these objectives by maintaining the employment land supply in order to support the Regional and local economy and accommodate the forecasted employment growth. Moreover, the proposed revisions consider the future expansion needs of the existing business located directly adjacent to the subject lands. In addition, the proposed Official Plan revisions will make certain that an *Employment Area* remains in the vicinity of an existing major highway interchange (Highway 403 and QEW).

Proposed City of Burlington Official Plan (April 2018)

The proposed revisions to the proposed Official Plan are required to ensure consistency and certainty in relation to the policies to be applied to the subject lands.

The proposed revision to section 4.4.2.h) corrects an internal inconsistency by acknowledging that site specific policies of the Official Plan may be in place - and are in place for the subject lands - and that such policies must be considered in determining the underlying designation.

The revision to section 8.2.4 (3)(b) corrects an internal inconsistency created by the change in mapping by simply including the additional use and overlay designations from the new Official Plan.

The revision to section 8.2.4 (3)(b)(i) is necessary to bring clarity and certainty to the subject lands. As the subject lands have a site-specific policy, it is good planning to include the designation that is consistent with the site-specific policy and with the intent of policy 4.4.2.h) which, consistent with the underlying zoning, would have the subject lands designated Business Corridor upon completion of the environmental impact assessment. In the absence of the proposed amendments, there could be uncertainty in applicable policies if the underlying designation is not identified.

Zoning by-law 2020

For reference, the H-BC2 (Business Corridor) zone currently applies to the subject lands.

Thank you for your consideration. We would appreciate confirmation of the best approach to ensuring the proposed revisions are included in the final Official Plan. If you require any additional information or have any questions, please let us know.

Yours truly,

MHBC



Dana Anderson, MCIP, RPP
Partner



Arash Oturkar
Planner

Cc: Ken Szekely, Quantum Automotive