

Planning and Development Committee
Committee Services
City of Burlington
426 Brant Street
PO Box 5013
Burlington, ON
L7R 3Z6

April 23, 2018

Dear Chair and Committee Members;

Re: April 24, 2018 Meeting
Agenda Item 5.1
Proposed New Official Plan

Re: Core Development Group Limited.
2093, 2097 and 2101 Old Lakeshore Road
and 2096 and 2100 Lakeshore Road

Introduction

Urban Strategies Inc submits to the City of Burlington ("the City"), this written submission on behalf of our client Core Development Group Limited ("Core") in respect to the proposed adoption of the City's new Official Plan (April 2018). This submission will support verbal deputations being made by our client (and associated speakers) at the above-captioned meeting.

The following considers the new Official Plan (April 2018) in the context of existing provincial and upper-tier policy documents. As a result of this analysis, Core Development Group Limited are suggesting a modification to the wording of the new Official Plan.

Site Background

Core is the landowner of five adjacent properties within Downtown Burlington, municipally addressed as 2093, 2097 and 2101 Old Lakeshore Road and 2096 and 2100 Lakeshore Road ("Subject Lands"). These lands are located on the parcel of land between Lakeshore Road and Old Lakeshore Road, opposite Martha Street to the north. The adjacent lands between Lakeshore and Old Lakeshore Roads, as well as to the south of Old Lakeshore Road are owned by a number of other property owners.

To date, Core has not submitted any development application to the City in respect to their site, however have aspirations to develop the Subject Lands in the future, which will likely involve submitting a development application.

Core's site is located within the 'Old Lakeshore Road Precinct' as defined by Schedule D of the new Official Plan ("OLRP") which includes the lands between Lakeshore Road and Old Lakeshore Road, as well as the lands to the immediate south of Old Lakeshore Road down to the shoreline. The area is

divided into three sectors - West Sector, East Sector and South Sector. The Subject Lands are approximately two-thirds within the East Sector, and one-third within the West Sector. The Subject Lands do not fall within the 'South Sector' of the Precinct.

New Official Plan

Chapter 8 of the new Official Plan sets out land use policies for the 'Urban Area'. Part 8.1.1 sets out land use policies within Urban Centres and specifically at 8.1.1(3) within the Downtown Urban Centre.

The new Plan proposes a number of Precincts within the Urban Centre (as defined at Schedule D) and sets out specific policies which are considered relevant to each Precinct.

Part 8.1.1(3.10) sets out the policies specific to the OLRP.

It is key to note that the OLRP (and its sectors) is also defined within the existing Official Plan, however the more precise dividing line between East and West Sectors has only been proposed as part of the designation within the new Official Plan.

In regards to the OLRP, and specifically in regards to Core's site, the table below sets out the relevant key differences between the existing Official Plan and the proposed new Official Plan.

The below comparison shows that a number of the policies for the OLRP Area from the new Official Plan, have been carried over from the existing Official Plan, which was first adopted in 2008 (and amended in 2011, 2013 and 2017) when the current higher-tier policy documents were not yet adopted.

Existing Official Plan	New Official Plan
<p>Designations [Schedules B and E]</p> <ul style="list-style-type: none"> Mixed Use Centre Downtown Urban Growth Centre Boundary Old Lakeshore Road Mixed Use Precinct <ul style="list-style-type: none"> Area A (West Sector) Area B (East Sector) Area C (South Sector) 	<p>Designations [Schedules B, B-1, C and D]</p> <ul style="list-style-type: none"> Primary Growth Area Mixed Use Intensification Area (Urban Centre) Urban Growth Centre Boundary Downtown Urban Centre Boundary/Mobility Hub Boundary (see notes) Old Lakeshore Road Precinct <ul style="list-style-type: none"> West Sector East Sector South Sector
<p>Permitted Uses (Old Lakeshore Road Mixed Use Precinct) [5.5.7.2]</p> <p>a) "The following uses may be permitted: (i) high-density apartment residential uses, including the residential use of upper storeys of commercial buildings; (ii) commercial activities including local service and retail uses, office and administration uses; (iii) cultural uses of all types; (iv) leisure, recreation and hospitality uses; (v) entertainment uses; (vi) community facilities."</p>	<p>Permitted Uses (Old Lakeshore Road Precinct) [8.1.1(3.10.1)]</p> <p>a) "(i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone groundoriented dwellings; (ii) office uses; (iii) retail and service commercial uses; (iv) hotel uses; (v) entertainment uses; and (vi) recreation uses."</p>

	<p><i>"b) Development shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.10.1) a) of this Plan."</i></p>
<p>Building Heights [5.5.7.2]</p> <p>West Sector (Area A) <i>"b)..... The minimum height of buildings shall be two storeys and the maximum height of buildings shall be 10 storeys and 31.5 m.</i></p> <p>b) <i>Taller buildings may be permitted in the West up to 15 storeys and 47m, where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium and subject to the community benefits provisions of Part VI, Section 2.3 of this Plan and the following details to the satisfaction of City Council:</i></p> <p>(i) <i>assembly of lands from the Martha Street alignment to Waterfront East consisting of lands within Area 'A', including the Old Lakeshore Road road allowance, and the westerly portion of Area 'C'; (ii) continuation of the Martha Street alignment to meet Old Lakeshore Road; (iii) construction of and dedication to a public authority, a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Part III, Subsection 5.5.7.2 (i); (iv) closure of a portion of Old Lakeshore Road to achieve redevelopment and intensification; (v) provision of a view corridor from Martha Street to Lake Ontario; (vi) provision of enhanced public spaces; (vii) preservation or relocation of significant cultural heritage resources within the precinct; (viii) submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels."</i></p> <p>East Sector (Area B) <i>"b)..... The minimum height of buildings shall be two storeys and the maximum height of buildings shall be 10 storeys and 31.5 m.</i></p> <p>c) <i>Taller buildings may be permitted in the East up to 8 storeys and 29m where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of building</i></p>	<p>Building Heights [8.1.1(3.10.1)]</p> <p>West Sector</p> <p>(i) <i>"development shall: a. achieve a minimum building height of two (2) storeys; and b. not exceed a height of ten (10) storeys and thirty-one and a half (31.5) m, except where permitted in accordance with Subsection 8.1.1(3.10.1) c) (ii) of this Plan.</i></p> <p>(ii) <i>development not exceeding fifteen (15) storeys and forty-seven (47) m in height may be permitted within the West Sector, subject to the provision of the following to the satisfaction of the City:</i></p> <p>a. <i>assembly of lands within the Old Lakeshore Road Precinct between Pearl Street and the future Martha Street alignment and view corridor to the Waterfront (including all lands within the West Sector (Area 'WS'), portions of the westerly portion of the existing Old Lakeshore Road public right-of-way and the westerly portion of the South Sector (Area 'SS') lands contained within the described area);</i> b. <i>continuation of the Martha Street alignment to meet Old Lakeshore Road;</i> c. <i>construction, and dedication to a public authority, of a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Subsection 8.1.1(3.10.1) c) (ii) of this Plan;</i> d. <i>closure of the portion of Old Lakeshore Road identified in Subsection 8.1.1(3.10.1) c) (ii) a. of this Plan;</i> e. <i>provision of a view corridor from Martha Street to Lake Ontario;</i> f. <i>provision of enhanced public spaces;</i> g. <i>conservation or re-location of significant cultural heritage resources within the precinct;</i> h. <i>submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels;</i> and i. <i>community benefits."</i></p>

<p><i>design incorporating a ground level, street-oriented proodium ad subject to the community benefits provisions of Part VI, Section 2.3 of this Plan and the following details to the satisfaction of City Council:</i></p> <p><i>(i) Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;</i></p> <p><i>(ii) preservation or relocation of significant cultural heritage resources within the precinct; (iii) submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.”</i></p>	<p>East Sector</p> <p>(i) “development shall: a. achieve a minimum building height of two (2) storeys; and b. not exceed a height of six (6) storeys and nineteen and a half (19.5) m, except where permitted in accordance with Subsection 8.1.1(3.10.1) d) (ii) of this Plan.</p> <p>(ii) development not exceeding eight (8) storeys and twenty-nine (29) m in height may be permitted within the East Sector, subject to the provision of the following to the satisfaction of the City:</p> <p>a. Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road;</p> <p>b. conservation or re-location of significant cultural heritage resources within the precinct;</p> <p>c. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and</p> <p>d. community benefits.</p>
<p>Density [5.5.7.2] For both West and East Sectors:</p> <p><i>“b) The minimum density of residential buildings shall be 51 units per net hectare.”</i></p> <p><i>“i) A holding zone may be used to specify the conditions of development that must be completed to achieve the higher density development...”</i></p>	<p>Density</p> <p>Minimum or maximum density not specified.</p> <p><i>“A holding zone may be used to specify the conditions of development that must be completed to achieve the higher density development...”</i> [8.1.1(3.10.1) h)]</p>
<p>Transfer of Development Rights [5.5.7.2]</p> <p>To conserve the Chrysler Carriage House in perpetuity: Permitted for 320sqm to other lands in the East Sector once building has been designated and conservation easement granted.</p> <p>To conserve 2084 Old Lakeshore Road: Permitted for 1,500 to other lands in West Sector.</p>	<p>Transfer of Development Rights [8.1.1(3.10.1)g)]</p> <p>To conserve the Chrysler Carriage House in perpetuity: Permitted for 320sqm to other lands in the East Sector once building has been designated and conservation easement granted.</p> <p>To conserve 2084 Old Lakeshore Road: Permitted for 1,500 to other lands in West Sector.</p>

<p>Area Specific Plan No mention of Area-Specific Plans</p>	<p>Area Specific Plan for Lakeshore Precinct [8.1.1(3.10.1) j)]</p> <p><i>“j) The City may consider undertaking an area-specific plan for lands within Old Lakeshore Rd Precinct with respect to the review of existing height and density permissions and conditions, as well as other matters as determined by the City. The area-specific plan will undertake a review in terms of achieving key city building objectives, including but not limited to, the following:</i></p> <p><i>(i) the creation of new public pedestrian connections and park spaces along the waterfront, including any potential linkages with adjacent development as well as areas designated Downtown Parks and Promenades within this Plan;</i></p> <p><i>(ii) the creation of a new view corridor from Martha Street at Lakeshore Road to Lake Ontario including the establishment of any potential associated pedestrian connections; and</i></p> <p><i>(iii) the undertaking of a detailed shoreline study to assess potential impacts on development potential within the precinct, to be undertaken in consultation with Conservation Halton.”</i></p> <p>Planning Process: Area Specific Planning [12.1.3(2)]</p> <p><i>“b) Area-specific plans will be adopted through amendments to the Plan. Following adoption by the City of an Official Plan Amendment as a result of an area-specific plan, development shall be guided by both the general policies of this Plan and policies that apply specifically to the area-specific plan.</i></p> <p><i>“c) Area-specific plans will be prepared by the City</i></p> <p><i>f) An area-specific plan must demonstrate how the community vision, growth management and infrastructure objectives of this Plan are being met and will include (but not limited to), subject to the satisfaction of the City and Region and Conservation Halton where applicable....”</i></p> <p>[plan lists a number of requirements at f)i)- o) which set out the area-specific plan study requirements)</p>
--	---

Proposed Policy Amendment

The policies within the new Official Plan which are relevant to the development of the Subject Lands are within Chapter 8 of the Plan, which are specifically related to the OLRP area, and also within Chapter 12 which considers implementation of policies and specifically the provision of area-specific plans.

In terms of any development above the as-of-right building heights (10 storeys in the West Sector and 6 storeys in the East Sector), the City sets out a number of provisions within both the existing and new Official Plan that must be complied with for enhanced development to be considered. These are almost identical between the existing and new plans and indicate some of the City's aspirations for the OLRP, including (but not limited to):

- Assembly of the lands within Old Lakeshore Road
- Closure of a portion of Old Lakeshore Road
- Provision of a view corridor from Martha Street to Lake Ontario.

The assembly of lands within the OLRP is highly improbable if not impossible, given the number of landowners within the Precinct and the implausibility of collectively aligning their individual aspirations.

There are a number of existing commercial uses which are currently operational along the part of Old Lakeshore Road that the City would intend to close, with no plan or funding in place to achieve that result.

The policy also indicates that the City “may consider” undertaking an area-specific plan for the OLRP (set out in Chapter 8), and within the implementation section (Chapter 12) it is identified that this will be prepared by the City. It is understood that as the OLRP policies have effectively remained unchanged since 2008, and that they have not led to, nor allowed for any development in this location over the past decade. It is understood that the City's intention of providing an area-specific plan is a way to ‘update’ the existing policies. However, the concern here is one of uncertainty and timing, where, development has so far been stagnated by the existing policies, which are still in force, and will likely do so until an area-specific plan is prepared (for which there no confirmed timeframe).

It is identified that the OLRP is located within the ‘Downtown Mobility Hub’ area (Schedule D). Within Part 8.1.2 - Mobility Hubs at subsection (2) the Plan sets out the requirements for development applications preceding an area-specific plan. Part g) states that:

“Development Applications preceding an Area Specific Plan

g) Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within mobility hubs shall submit and implement, to the satisfaction of the City, an urban design brief prepared by a qualified person. The brief shall demonstrate how the proposed development contributes towards achieving, the mobility hubs objectives for design and how the development is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan, and any applicable design guidelines.”

It is assumed that this policy is applicable to development within the OLRP, by virtue of it being located within the ‘Downtown Mobility Hub’ area. However, to remove any ambiguity, and in the absence of specificity to the OLRP, it is suggested that the new Plan be modified as a way to achieve flexibility for our client to proceed ahead of any city-led Area Specific Plan for the OLRP by undertaking, to the City's satisfaction, a contextual urban design study.

For the above reasons and in consideration of the planning policies mentioned hereunder, it is proposed to insert the following between 8.1.1(3.10.1) j), and before Part 8.1.1(3.11), a new point “k)” with wording that has been modelled on the wording at 8.1.2(2) g):

k) In the case of development applications preceding an Area Specific Plan, applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within the Old Lakeshore Road Precinct shall submit and implement, to the satisfaction of the City, an urban design brief prepared by a qualified person. The brief shall demonstrate how the proposed development contributes towards, or does not impede the achievement of, the policy objectives for the Old Lakeshore Road Precinct identified in Policy 8.1.1 (3.10.1) a) through j). The urban design brief will also demonstrate how the development is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan, and any applicable design guidelines.

Policy Analysis

The new Official Plan identifies the OLRP as being designated within the Primary Growth Area, Urban Growth Centre and Downtown Urban Centre Boundary (Schedules B, B-1, C and D). In addition, it is located within a Mobility Hub Area by proximity (less than 500 metres) to the existing Downtown bus terminal (at John Street) and its planned expansion into the adjacent parking lot.

The new Official Plan identifies that Primary Growth Areas “shall be recognized as a distinct area within the City’s Urban Area accommodating the majority of the city’s forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change.”
[(2.4.2.(1)a)(ii)]

Urban Centres (including the Downtown Urban Centre) are described as representing “established mixed use development areas with both established neighbourhood areas and dynamic evolving growth areas.”
[2.3.1 d)]

With regard to Mobility Hubs, the new Official Plan states that “the high level of existing or planned transit service within these area provides an environment within which significant residential and employment growth can be supported. To further support the transit oriented nature of these areas, growth shall occur in the form of compact, mixed-use and pedestrian-friendly areas with residential and employment-friendly areas with residential and employment intensifies greater than which exist in the surrounding areas.”
[2.3.1 i)]

The policy wording within the new Official Plan as described above, shows a clear intention by the City to promote growth within these areas which includes the OLRP, ahead of other, more secondary designated areas. Accordingly, the OLRP is considered to be an area where growth and intensification of development should be prioritized.

Despite this, the existing policies (as detailed above) for intensifying development above 6 and 10 storeys within the respective OLRP Sectors, have not (over the decade that they have been in force) led to any development coming forward in this area, and therefore provide a significant barrier to achieving the planned desired development in the future.

The following policy analysis considers the new Official Plan in the context of the following policy documents and their relevant policies:

- Provincial Policy Statement (2014)
- Growth Plan for the Greater Golden Horseshoe (2017)
- Halton’s Regional Official Plan (Interim Office Consolidation 2015)

The analysis will consider the extent to which Burlington’s new Official Plan and our proposed modification thereto are each consistent with the PPS, and conform to the Growth Plan and Halton

Regional Official Plan, in regards to the policies relating to the OLRP and those relating to the preparation of an area-specific plan. Our commentary is detailed in blue text following each policy.

Provincial Policy Statement (2014)

Policy 1.1.1 states that “healthy, livable and safe communities are sustained by a) promoting efficient development patterns, which sustain the financial well-being of the Province and municipalities over the long term; and e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.”

The existing policies relating to the OLRP have been in force for a decade and yet to date, no development has come forward within the Precinct area which is identified as being within an area of expected growth and intensification. With these policies being carried forward un-amended still in force, they will continue to present significant barriers precluding any development from coming forward in the future, and therefore failing to promote efficient development patterns.

Our proposed modification to the policy wording provides an opportunity for development patterns in the Precinct to come forward more efficiently and in compliance with this PPS policy.

Policy 1.1.3.1 states that “settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

The OLRP is located within a settlement area as defined by the PPS. The current policies relating to the OLRP have served as an obstacle to its regeneration and vitality over the past decade, due to their restrictive and prescriptive nature.

Our proposed modification to the Plan facilitates a means through which development can be considered and thus provide potential for vitality and regeneration of the Precinct.

Policy 1.1.3.3 states that “planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.”

While it is understood that the City has identified the OLRP as an area for intensification and redevelopment, the Official Plan policy wording restricts a number of potential opportunities for intensification and redevelopment as the policy does not allow for development beyond low to mid rise development unless stringent, and unachievable tests are met.

Our proposed policy modification complies with this policy by allowing for the consideration of intensified development through a design brief without compromising the broader visions of the City.

Policy 1.1.3.6 states that “new development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.”

The OLRP is located within a designated growth area and the new Official Plan wording has not, and does not provide sufficient opportunity for development which allows for the efficient use of land. The current wording restricts development to the extent that a mix of uses and densities cannot be realised due to the unachievable tests that are set out.

Our proposed policy modification to the Plan facilitates a means through which development can take place within the growth area, and the existing built-up area and therefore lead to a more efficient use of land, in line with the policy.

Policy 4.7 states that “the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans....” and that, “Official plans shall identify provincial interests and set out appropriate land use designations and policies....” The policy also states that “Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.”

The policy wording within the new Official Plan is not consistent with the intentions of the Provincial Policy Statement and does not achieve provincial interests as have been shown above. The policies are not reasonable or attainable as they provide obstacles that cannot be overcome and therefore prohibit development.

Our proposed modification to the wording of the Plan is compliant in that it is reasonable and attainable and provides flexibility to allow the potential for development in the interests of provincial interests.

Growth Plan for the Greater Golden Horseshoe (2017)

Policy 2.2.1 2 c) states that “within settlement areas, growth will be focused in... i) delineated built-up areas; ii) strategic growth areas; iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv) areas with existing or planned public service facilities.”

As previously mentioned, the new Official Plan designates the OLRP as one where growth is encouraged, being located within a Primary Growth Area, Urban Growth Centre, Downtown Urban Centre and Mobility Hub Area, and within 500 metres of a major transit terminal with planned expansion. Therefore, in line with policy 2.2.1 2c) growth is expected to be focused within areas such as the Old Lakeshore Road Precinct. The existing policies relating to OLRP however do not encourage the focus of growth within the OLRP due to the obstacles that prevent development from occurring within this area, thus they are not consistent with this Growth Plan policy.

Our proposed policy modification complies with the Growth Plan policy by providing an opportunity for development and therefore growth within the OLRP in line with its designations.

Policy 2.2.1 4 identifies that, “applying the policies of this Plan will support the achievement of complete communities that: a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The new Official Plan identifies that the City wishes to build ‘complete communities’. Despite this intention, the policies relating to the OLRP have hindered development for a decade, specifically in regards to the restrictions on providing any development above 6 and 10 storeys and therefore restricted the potential to diversify the mix of land uses within the OLRP and as well as provide new housing options which can serve the community. These policies have been proven not to be consistent with this part of the policy.

Our proposed modification to the policy wording will allow the potential for the consideration of design options for new development and therefore provide an opportunity for a more diverse mix of uses and housing options within the OLRP, in accordance with the Growth Plan policy.

Policy 2.2.3.2 identifies that “Urban Growth Centres will be planned to achieve, by 2031 or earlier, a minimum density target of... b) 200 residents and jobs combined per hectare for.... Downtown Burlington urban growth centre.”

The new Official Plan reiterates this minimum density target for the Urban Growth Centre, yet the existing policy wording threatens this target being met as there has been no residential or employment related development within the OLRP to date, nor is there a clear way to provide any such development with the existing policy wording.

Our proposed modification to the policy wording complies with this policy in providing an opportunity for development to come forward and thus helping the City to achieve its target.

Policy 2.2.4.9 identifies that “within all major transit station areas, development will be supported, where appropriate, by a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels; b) fostering collaboration between public and private sectors, such as joint development projects; c) providing alternative development standards, such as reduced parking standards; and d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.”

The OLRP is located within a Mobility Hub area and close to the downtown bus terminal which is identified as a majority transit station. The wording within the new Official Plan does not support the potential for any development that is described by the policy. As the existing policy which has been in place for 10 years restricts building height, it is clearly prohibitive and adversely affects the achievement of transit-supportive densities.

Our modification proposed will provide some flexibility to the policy wording which will allow development to more easily come forward and potentially achieve densities which are in line with those expected near to a major transit station.

Halton Regional Official Plan (Interim Office Consolidation 2015)

Policy 72 states that the objectives of the Urban Area are:

“72(1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.”

The OLRP policies within Burlington's new OP have been in place for a decade and therefore precede the adoption of the Regional Plan. Nonetheless the OLRP is located within the Urban Area. The policies have not led to any development growth within the OLRP, and their restrictive nature does not accommodate for growth as is required by the Regional Plan.

Our proposed modification to the Plan provides potential flexibility from the current restrictions (without disregarding them) which will allow the potential for growth within the OLRP and thus the Urban Area.

“72(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.”

The new Official Plan identifies that the City wishes to build 'complete communities'. Despite this intention, the policies relating to the OLRP have hindered development for a decade, specifically in regards to the restrictions on providing any development above 6-10 storeys and therefore restricted the potential to provide complete communities. The policy has been proven not to be consistent with this part of the policy.

Our proposed modification to the policy wording will allow the potential for the consideration of design options for new development and therefore provide an opportunity for more varied communities of different sizes, types and characters with a variety of choices for residence, work and leisure.

"72(9) To facilitate and promote intensification and increased densities."

The new Official Plan policies relating to the OLRP do not provide any minimum or maximum density provision (by way of hectares/unit), but provide policies which restrict building heights to low-mid rise with little opportunity for intensification and increased density. The policy has been in place for a decade and to date no intensification nor density increase has been possible, and thus is inconsistent with this policy within the Regional Official Plan.

Policy 81(1) states that it is the policy of the Region to "Direct development with higher densities and mixed uses to Intensification Areas."

The OLRP is located within an Urban Growth Centre and therefore is subject to the objectives and policies for Intensification Areas, as set out by the Halton Regional Plan. The OLRP policies have been in place for a decade and do not provide any realistic possibility for higher density, and therefore mixed use development to be achieved to the Old Lakeshore Precinct. The policies do not encourage or facilitate development to come forward.

Our proposed modification to the policy wording will open the door to allow the consideration of design options for higher densities and therefore more mixed uses within the Intensification Area thus complying with the policy.

Policy 81.1(4) states that "one of the objectives of Urban Growth Centres is to accommodate a significant share of population and employment growth."

The OLRP is located within an Urban Growth Centre, and the new OP policies pertaining to the Precinct are not consistent with this policy in that they prohibit development from coming forward on the site (as they have done for the last decade) and thus do not provide an opportunity to accommodate population and employment growth.

Our proposed modification to the policy wording allows for the possibility for development to come forward at the OLRP and therefore contribute to the share of population and employment growth within the Urban Centre, in line with the policy wording.

Policy 81.3(1) states that "it is the policy of the Region to: require Urban Growth Centres to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier."

The new Official Plan, as well as the Growth Plan reiterate this minimum density target for the Urban Growth Centre, yet the existing policy wording threatens this target being met as there has been no residential or employment related development within the OLRP to date, nor is there a clear way to provide any such development with the existing policy wording.

Our proposed modification to the policy wording complies with this policy in providing an opportunity for development to come forward and thus helping the City to achieve its target.

Conclusions

The Old Lakeshore Road Precinct is designated within the Primary Growth Area, Urban Growth Centre and Downtown Urban Centre Boundary. In addition, it is located within a Mobility Hub Area. These areas promote growth within their boundaries, and therefore within the OLRP. The promotion of growth is reiterated within the Planning Policy Statement, Growth Plan for the Golden Horseshoe and also within the Halton Regional Plan. Despite this, the policy wording, as set out in the new Official Plan, specifically in relation to development in the OLRP, has been in force for a decade and has not resulted in any development in the Precinct thus far. The policy wording is too restrictive and provides significant obstacles to development and intensification within this area, despite the intentions of the higher order policy instruments. The above policy analysis demonstrates on a number of accounts that the policy wording within the new Official Plan is inconsistent with and not in conformity to the aforementioned Plans.

In order to alleviate these inconsistencies and non-conformity, a proposed modification to the new Official Plan wording is requested which allows a degree of flexibility enabling development to come forward by 'opening a door' for development by alleviating the unachievable requirements that are currently set out by the Plan. Thus, the proposed modification provides the opportunity for growth, consistent with the higher-order policies set out in the Planning Policy Statement, Growth Plan and the Regional Plan.

Yours truly,



Cyndi Rottenberg-Walker

Partner, FCIP, RPP, MScPI

cc. Core Development Group Limited
Aird & Berlis LLP