

Council Planning Primer

December 11, 2018

City Building – Planning Divisions

Today's primer focuses on land use planning sections:

- Policy Planning – Leah Smith
- Mobility Hubs – Phil Caldwell
- Development Services – Tami Kitay
- Urban Design – Jamie Tellier

What services are provided by the City Building Department?

- Continuum from setting vision, developing policy and establishing land use designations to preparing detailed land use plans; processing development applications, issuing building permits, and enforcing City by-laws.

What do Planners do?

- Our Planning staff are bound by the professional standards of the Canadian Institute of Planners (CIP) and Ontario Professional Planning Institute (OPPI)
- Education and experience requirements must be achieved and examinations successfully completed.

What do Planners do?... cont'd

- Code of Practice established by CIP and OPPI that must be followed:
 - responsible to plan for the public interest – current and future
 - responsible to provide independent professional advice to Council
 - responsible to continue to be committed to professional development and integrity

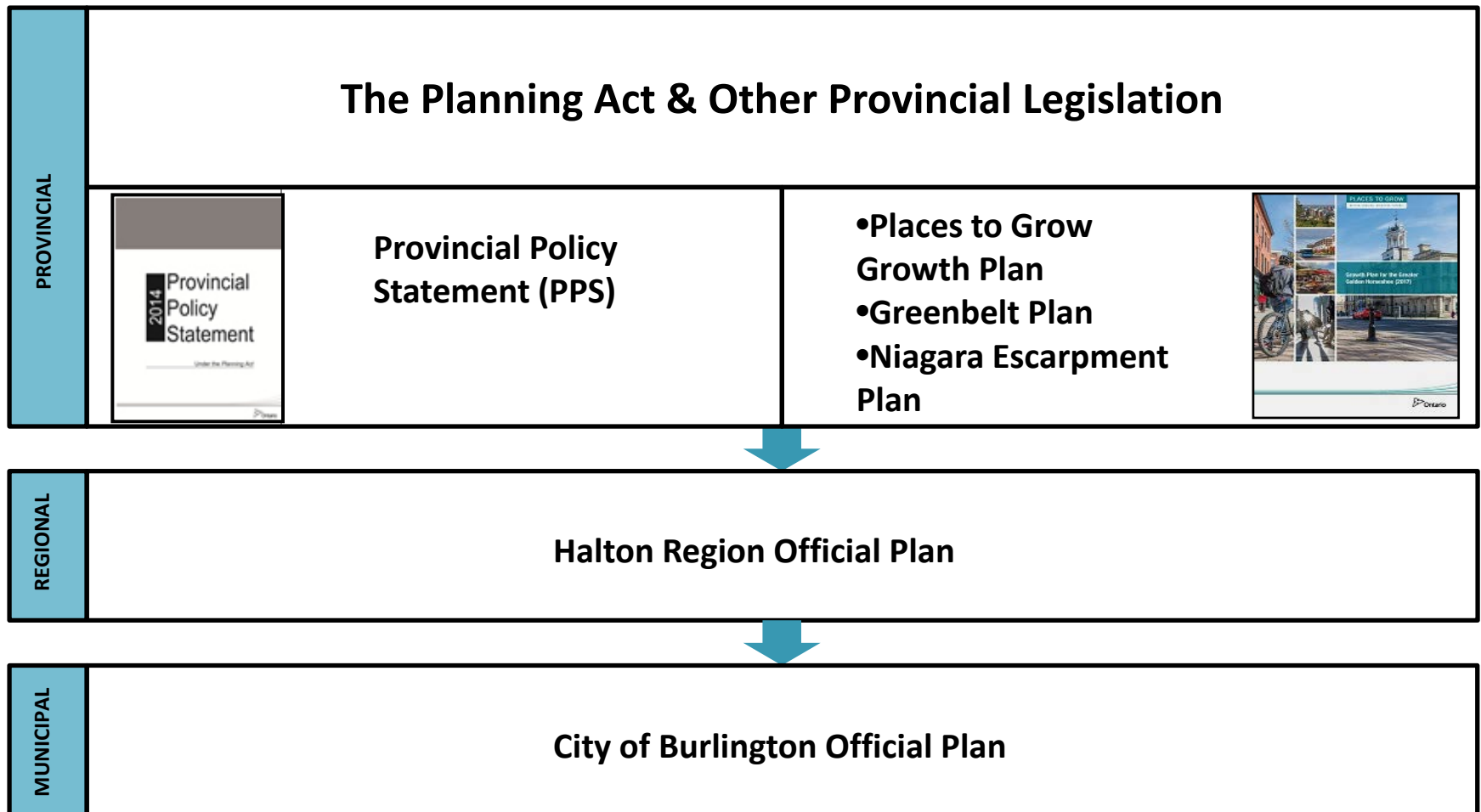
Legislative Context

- Municipalities are “creatures of the Province”
- Municipalities only have powers granted to them by the Province in statute, regulation, policy and guidelines.
- Compliance with Provincial legislation and plans is mandatory.

Legislative Context... cont'd

- Legislative framework that Planning works within includes:
 - Planning Act
 - Municipal Act
 - Condominium Act
 - Ontario Heritage Act
 - Greenbelt Act & Places to Grow Act
 - And more...

Legislative Context... cont'd



Planning Processes

- In developing policy and processing applications, Planners seek input from various departments and external agencies and the public.
- Professional recommendations are formulated based on input received, what best serves the public interest and complies to legislation and provincial plans.
- Recommendations are presented to Council with supporting material for its decision.

Public Interest

- The public interest we represent includes future generations and a long term vision for the entire community as a whole, including those who are not here yet.
- The public interest is not based solely on short term interests, and may not be fully represented by the voices you hear.

Burlington's Transition

- Supply of greenfield lands is dwindling
- Development and growth shifting to intensification in areas supported by transit
- This is in conformity with provincial direction but also achieves the following:
 - protects the urban rural boundary and natural and environmental areas
 - provides for different housing and lifestyle options to existing and future residents
 - allows for efficient use of existing planned infrastructure



The Official Plan

- Derives its authority from the *Planning Act*
- Contains goals, objectives and policies to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality.



The Official Plan

- Must meet the requirements of the Planning Act
- Consistent with the Provincial Policy Statement (PPS)
- Conform to the Provincial Plans – The Growth Plan, the Greenbelt Plan and the Niagara Escarpment Plan
- Conform to Upper-Tier Official Plans, i.e. the Region of Halton's Official Plan

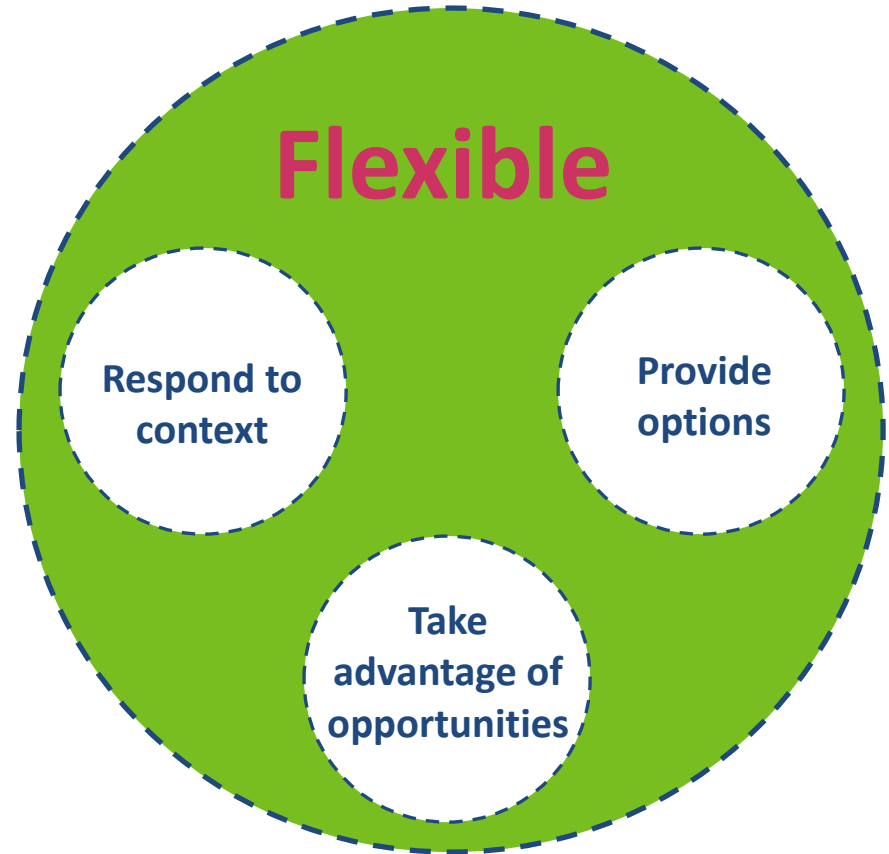
The Official Plan

- Long term horizon – in the case of both our existing and new Official Plan, to 2031.
- Next Burlington OP Review: Once the Region has updated their plan to conform to the provincial plans, to 2041.
- The OP is statutory but not regulatory. It is implemented with more precision through the Zoning By-law.

Changing the Official Plan

- The *Planning Act* requires a review of the Official Plan every 5 years, or every 10 years in the case of a new Official Plan.
- The OP is adopted by Burlington Council, approved by the Region, and subject to appeal to the Local Planning Appeals Tribunal.
- The *Planning Act* allows amendments to the Official Plan.

Official Plan Policy



Grow Bold: The New Official Plan

- Began in 2011
- Adopted on April 26, 2018
- Community engagement, included 120 meetings and workshops, 35 meetings with citizen advisory committees, over 2,000 surveys and attendance at events and festivals.



Grow Bold: Background

- For background and more information visit:
www.burlington.ca/newop
- 40 staff reports related to the Official Plan can be accessed here:
<https://www.burlington.ca/en/services-for-you/Staff-Reports---Official-Plan-Review.asp>.
- Until the new OP is approved by the Region of Halton, the existing OP remains in force and effect.

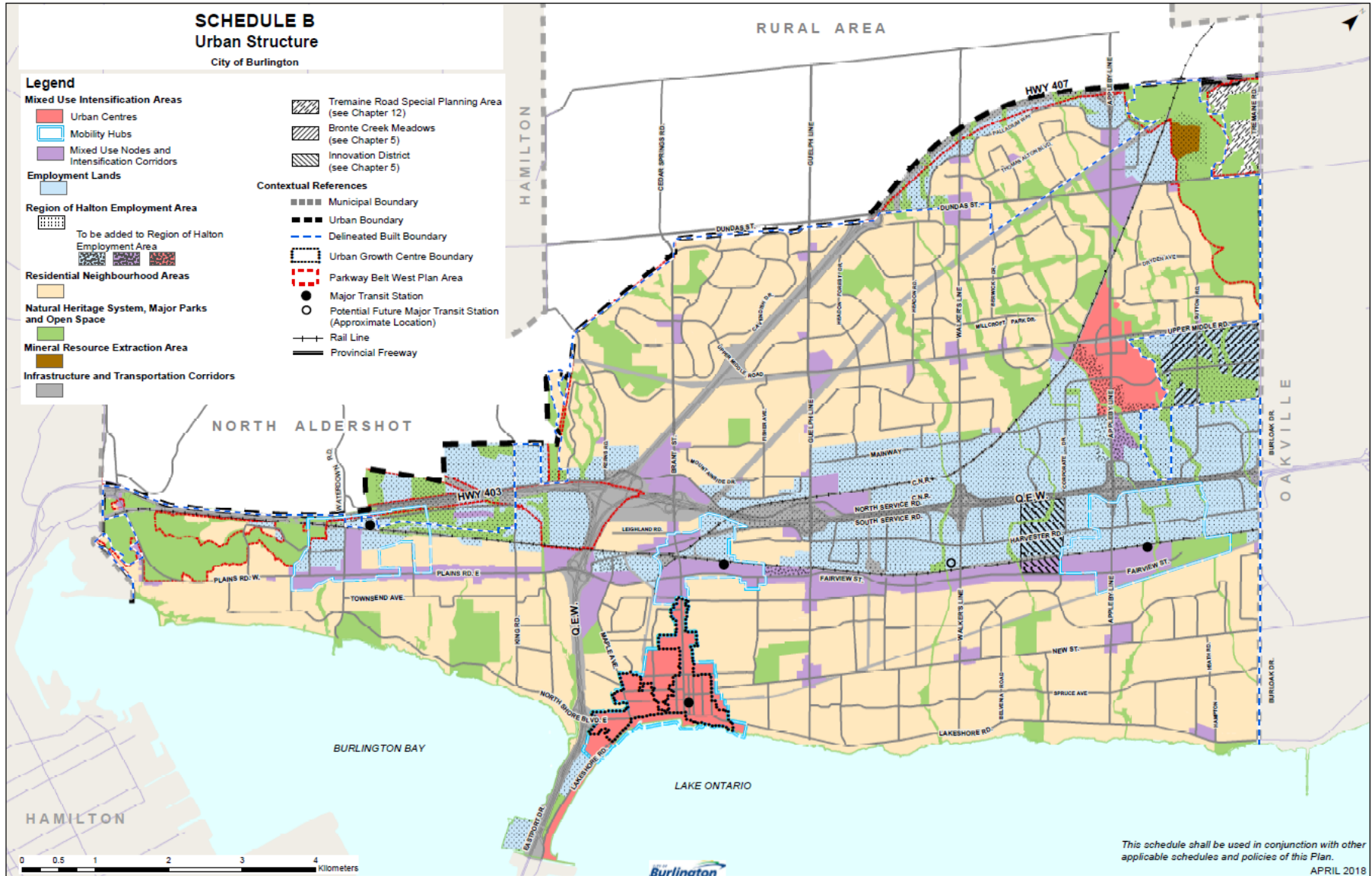
Highlights of the New Official Plan

- Community vision and guiding principles
- Guide to the plan
- Urban Structure and Growth Framework
- Downtown
- Established Residential Neighbourhoods
- Employment Lands
- Transportation and Frequent Transit Corridors

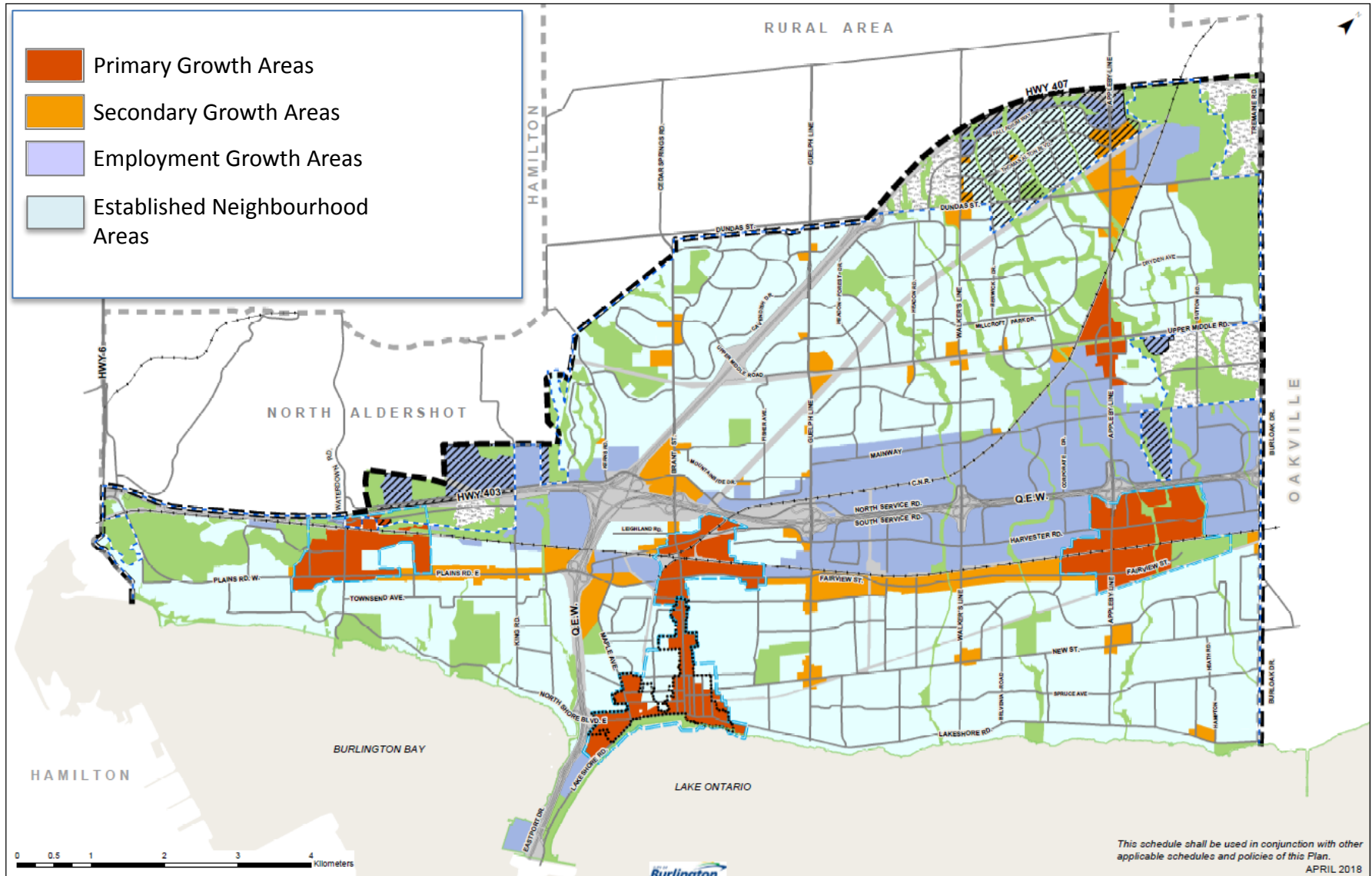
Highlights of the New Official Plan

- Mixed Use Land Use Designations
- Design Excellence
- Rural Community and Agriculture System
- Natural Heritage System and Sustainability
- Public Participation and Engagement
- Implementation

Urban Structure



Growth Framework



Growth Framework

- Primary Growth Areas: Priority for planning exercises such as area specific planning and for investments in infrastructure.
- Secondary Growth Areas: Growth and development can occur if no significant investment in infrastructure is required.

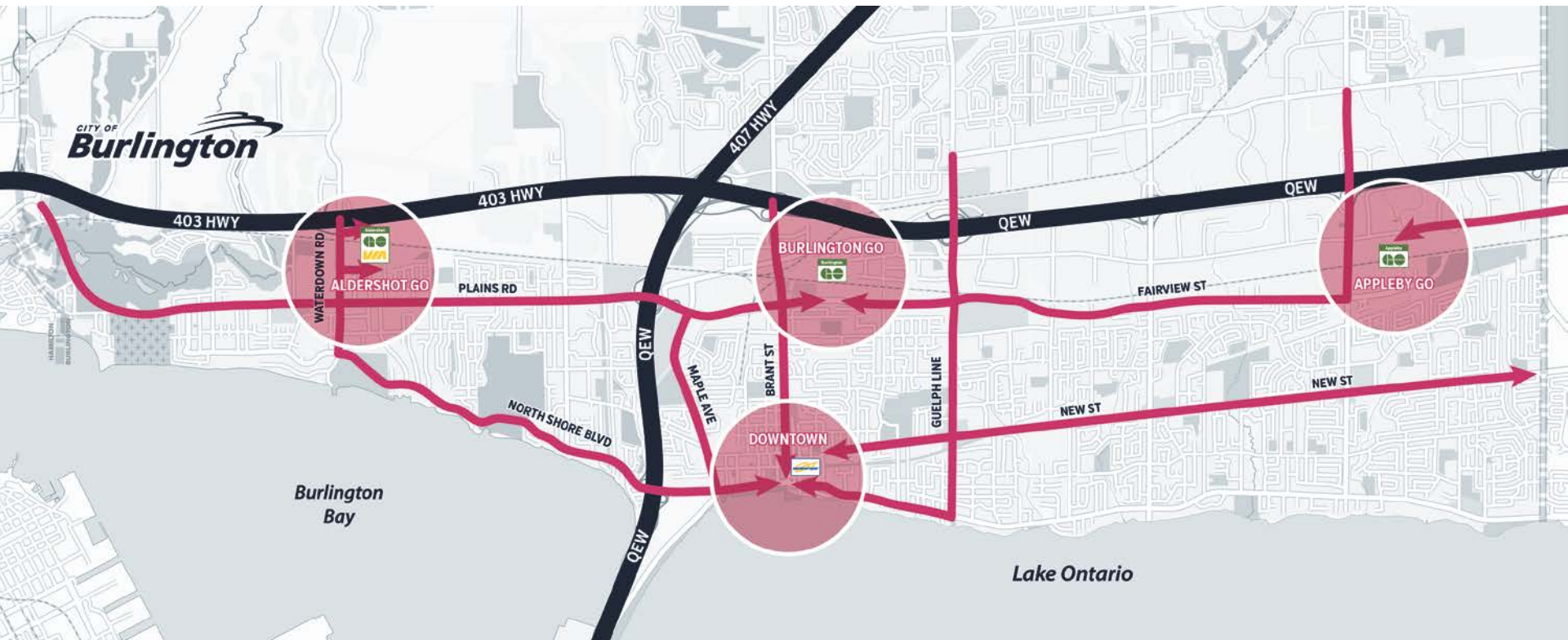
Growth Framework

- Established Neighbourhood Area:
Intensification is generally discouraged, is not essential to achieve the population growth distributions as required by the provincial plans, however intensification can happen here in accordance with the underlying land use designations.
- Employment Growth Area: Employment growth is supported in all employment lands.

Growth Framework

- The Urban Structure, Growth Framework and land use designations all work together to shape growth, alongside other OP policies.
- Does not allocate new growth numbers, but communicates the priorities for where growth is to be accommodated to 2031 and beyond

Mobility Hub/Major Transit Station Area Secondary Planning



What are Mobility Hubs/Major Transit Station Areas?

Major Transit Station Areas: *The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 metre radius of a transit station, representing about a 10-minute walk. (Province of Ontario Places to Grow (2017))*

Mobility Hubs: *Mobility Hubs are Major Transit Station Areas at the intersection of two or more Frequent Rapid Transit Network routes, designed to support a high number of transit boardings and alightings, and facilitate seamless, efficient transfers between modes. They have and/or are planned to have a high density mix of jobs, residences, public services, and other land uses that encourage and support transit use and active transportation, or the potential to develop into areas with a high-density mix of land uses. See Major Transit Station Area. (Metrolinx 2041 Regional Transportation Plan)*

What are Secondary Plans?

(also referred to as Area Specific Planning)

- Provides a more detailed, area specific vision and policy framework for development in a defined geographic area of the City
- Requires significant number of technical studies to be undertaken in support of the plan
- A completed secondary plan requires an amendment to the Official Plan to be implemented

Why are We Doing These Plans?

- Burlington's Land Supply

- Burlington has limited remaining greenfield (suburban) land supply to grow
- thoughtful intensification of areas around major transit stations will:
 - utilize existing infrastructure to minimize future financial costs associated with growth
 - reduce potential impacts to the City's transportation network by creating transit and pedestrian focused neighbourhoods
 - provide opportunity to maintain existing established residential neighbourhoods

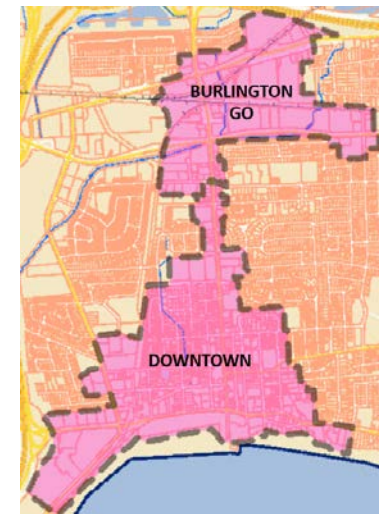
Why are We Doing These Plans?

- Provincial Places to Grow (2017)
 - Major Transit Station Areas are to be planned to achieve a minimum of 150 people and jobs per hectare
 - Urban Growth Centres are to be planned to achieve a minimum of 200 people and jobs per hectare by 2031 or earlier



Why are We Doing These Plans?

- Metrolinx 2041 RTP (2018)
 - Burlington GO and Downtown Burlington identified as mobility hubs for the purposes of current and future transit investment by Metrolinx
 - considered key transportation nodes within the greater Toronto and Hamilton Area transportation network

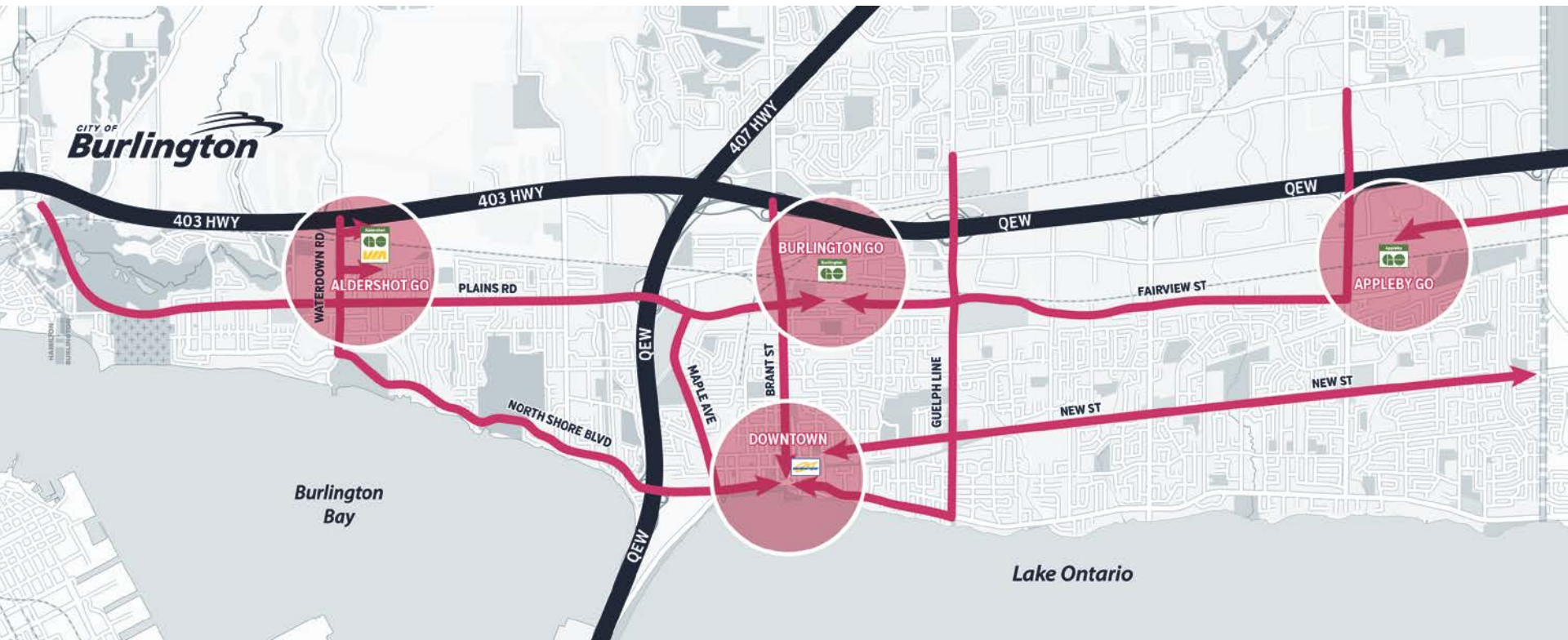


Why are We Doing These Plans?

- Provincial/Metrolinx Investments
 - electrification of the Lakeshore West Line (referred to as Regional Express Rail) by 2025
 - this will increase GO train service in Burlington to every 15 minutes all day in both directions



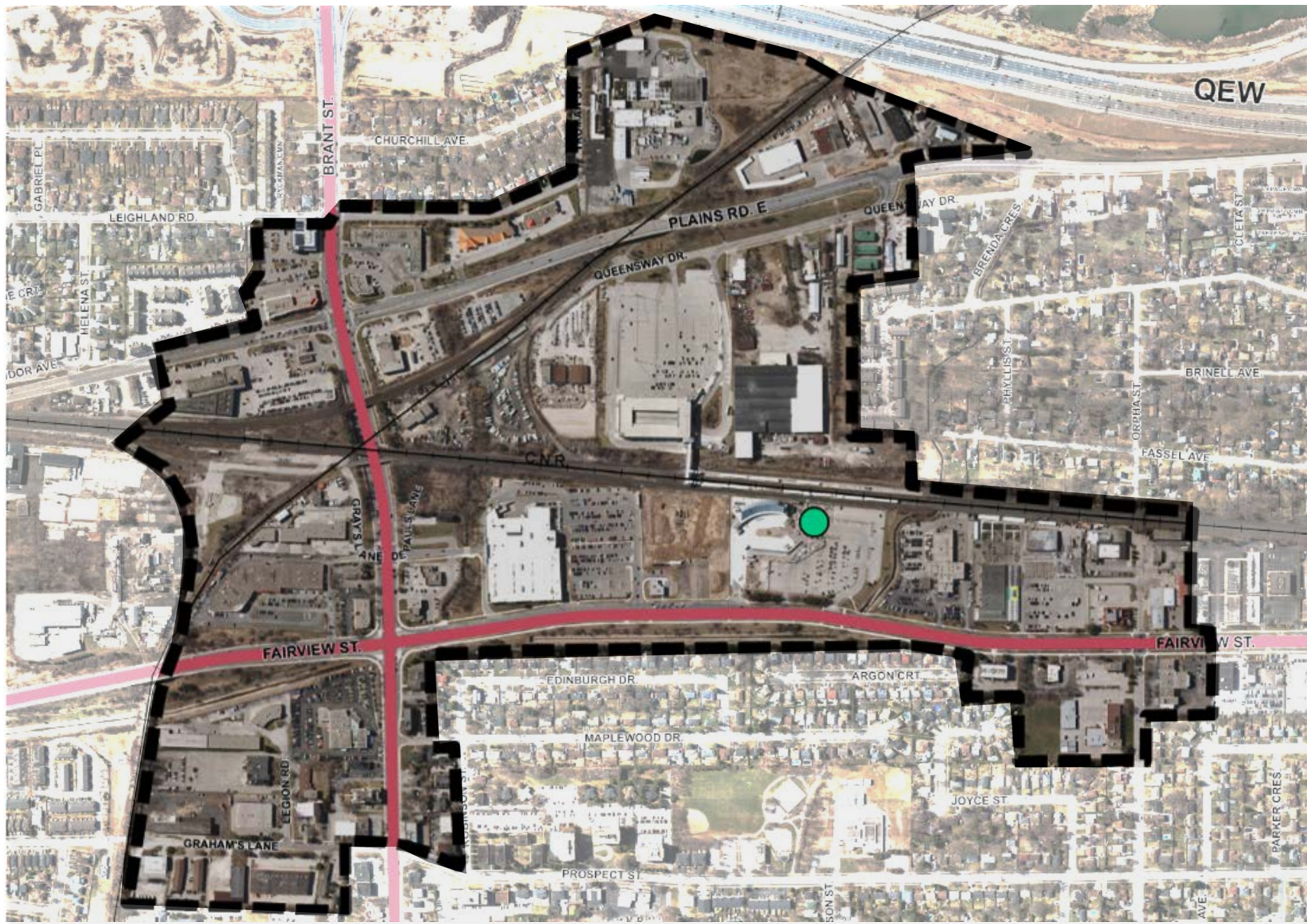
Where Are We Today?



Aldershot GO Study Area

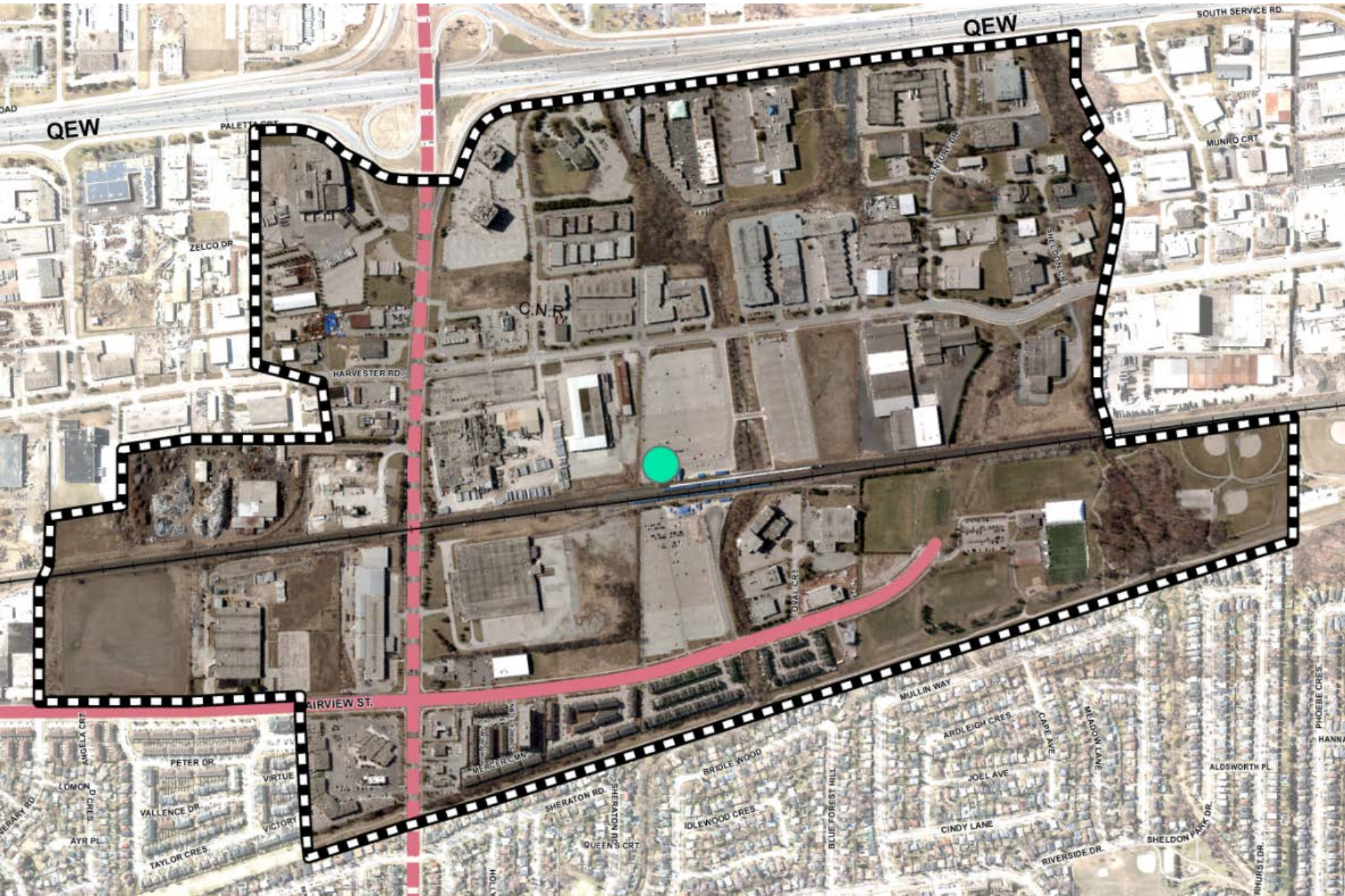


Burlington GO Study Area





Appleby GO Study Area



On-going Community Engagement

50 Public Events and Meetings Held So Far



- Direct mailings
- Council Workshops
- Community Org. Presentations
- Email blasts
- Project website
- Online workbooks
- Newspaper ads
- Tweets
- Facebook ads
- Burlington Transit bus ads
- Online surveys





**Locate Near GO and
Transit Corridors**



Minimize Shadows



Height Transitions



**Future Public
Service Facilities**



Variety of Housing

Secondary Plan Objectives



**Active Transportation
Connections**



**Employment
Destinations**



**New Parks &
Open Spaces**



**Recognizing Cultural
Heritage Resources**



**Attract Retail and
Commercial Uses**



Improve Connectivity

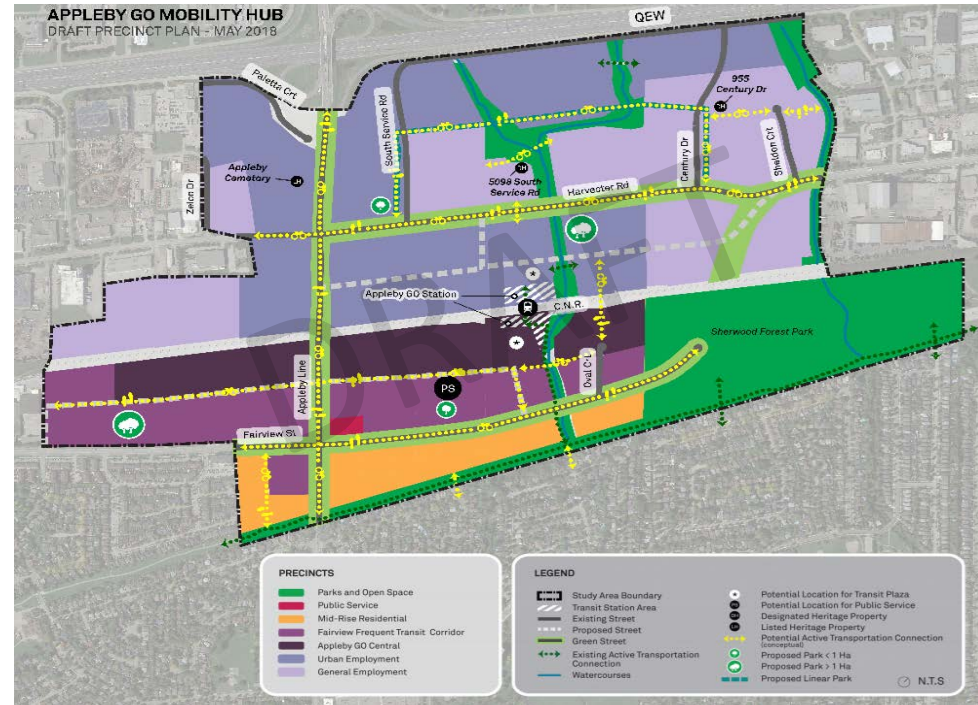
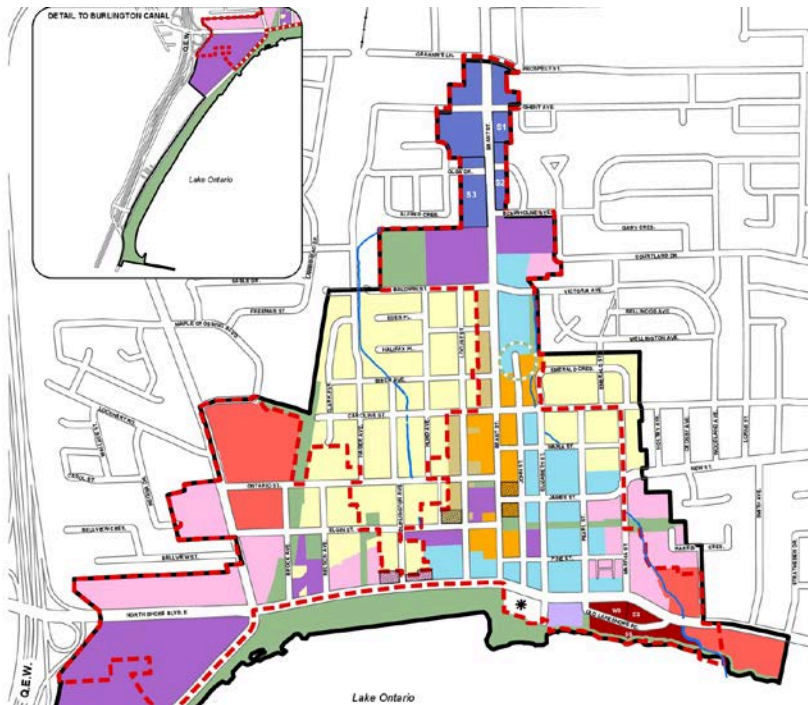
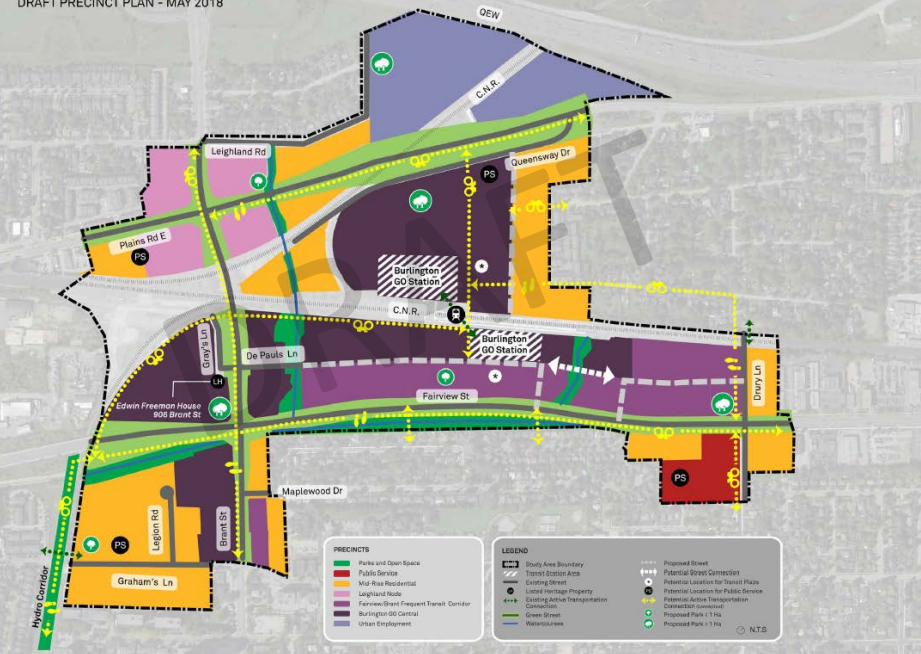
ALDRSHOT GO MOBILITY HUB

DRAFT PRECINCT PLAN - MAY 2018

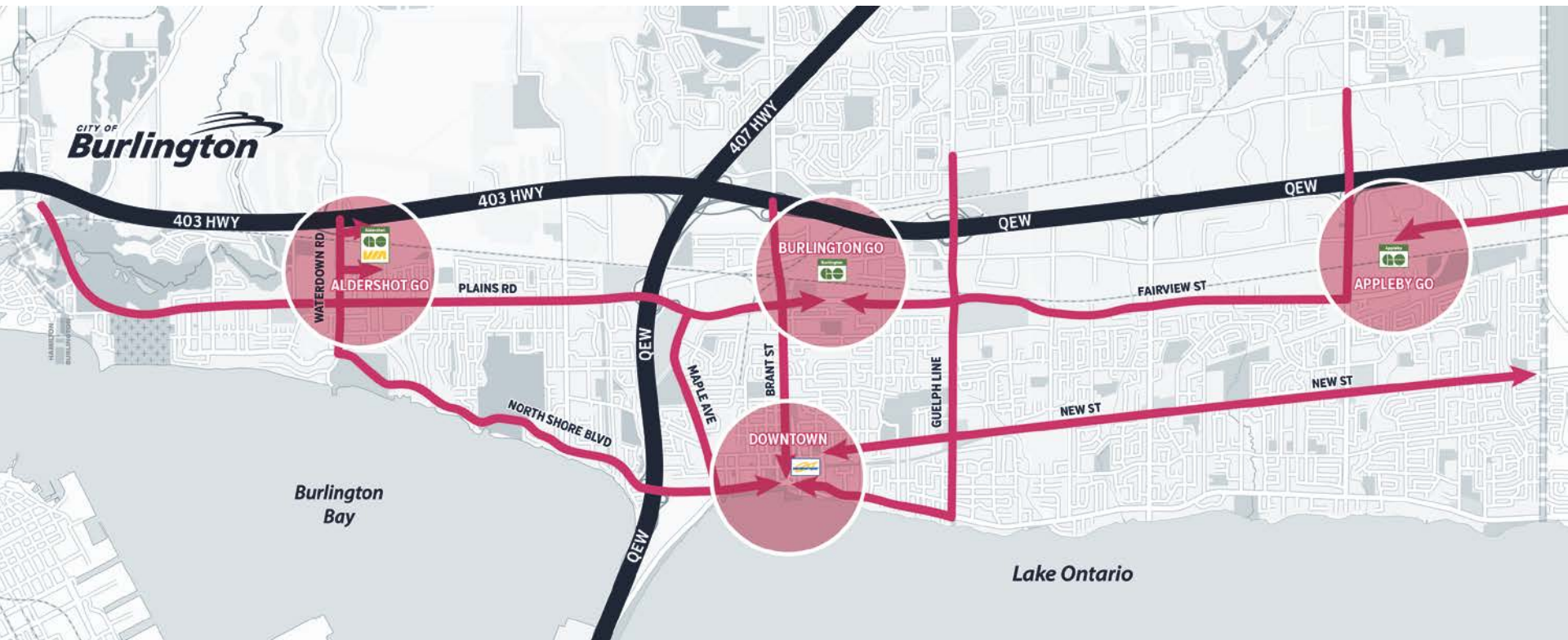


BURLINGTON GO MOBILITY HUB

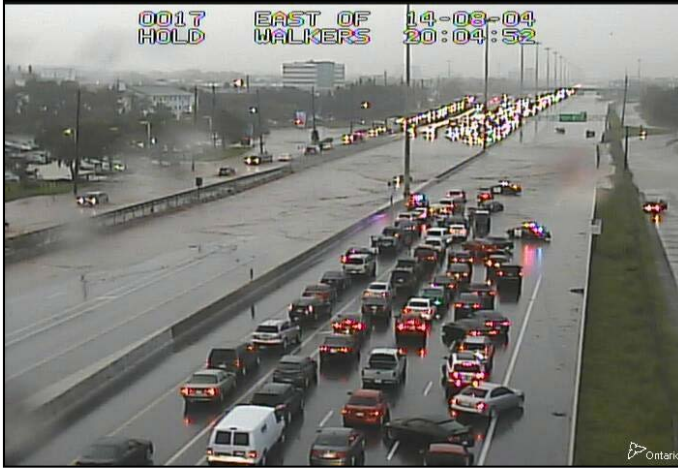
DRAFT PRECINCT PLAN - MAY 2018



Important On-Going Considerations for the Secondary Plans



Technical Studies



- Market Analysis
- Air Quality Assessments
- Noise and Vibration Studies
- Functional Servicing Studies
- Environmental Impact Studies
- Transportation Studies
- Archeological Assessments
- Cultural Heritage Assessments

Public Parks & Open Spaces



- Parks are integral to making the mobility hubs healthy, active and livable neighbourhoods
- Physical dedication of public parks and/or open spaces (instead of cash-in-lieu) will be a priority
- Precinct plans identify strategic urban park locations developed with Parks and Open Space section
- Other parks and/or open spaces (not on the precinct plan) may be required

Transportation



- Each hub will incorporate new transportation connections to:
 - increase pedestrian, cycling, transit and vehicular permeability
 - create new development opportunities
 - provide new transportation connections to and from the hubs to mitigate traffic congestion

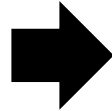
Employment Uses / Jobs

- Preliminary target is to achieve a 2:1 ratio of residents to jobs within each hub (subject to on-going assessment)
- Employment uses accommodated through:
 - employment only precincts; and/or
 - requirements for employment only floor space in mixed use developments
- The greater the height/density permitted in a precinct the greater the employment floor space required

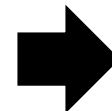


Next Steps

Secondary Plan
Development and
Further Public
Engagement



Completion of
Final Secondary
Plans



Implementation
(Region coordination,
zoning by-law updates,
design guidelines etc.)



www.burlington.ca/mobilityhubs

Development Planning Teams

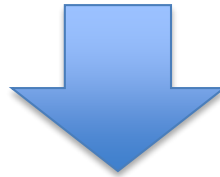
Development Planning:

Planning Act applications for Official Plan Amendments, Zoning By-law Amendments, and Subdivision approvals. Heritage conservation.



Zoning Examination:

Property Information Reports, Zoning Verification, Zoning Certificates, LCBO review, Licensing review, DC calculations.



Committee of Adjustment:

Minor variances, consents, legal non-conforming.

Development Planning Team

- Responsible for evaluating, processing, and managing applications for Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision in accordance with the *Planning Act*.
- By the numbers:
 - 27 active development applications
 - 5 staff
 - 1 coordinator/supervisor

Development Application Process

- Approval process for OPA, ZBA, and/or Subdivision essentially the same.
- Legislated timelines and actions in accordance with the *Planning Act*
- Section 3(5) of the *Planning Act*:
 - A ***decision of the Council*** of a municipality, in respect of the exercise that affects a planning matter,
 - a) shall be consistent with the policy statements
 - b) shall conform with the provincial plans that are in effect

Development Application Process

- Prior to formal application:



Approximate timing: 6 months

Development Application Process, cont'd

■ Pre-Consultation:

- Application circulated
- Pre-consultation meeting held by City staff, attended by applicant, and staff from circulated agencies
- Discussion around flagged challenges and opportunities, preliminary policy identification, and itemized list of requirements prepared and agreed to.
- Pre-consultation document signed by all parties, 6 month expiry.

Development Application Process, cont'd

■ Neighbourhood Meeting:

- Date, time, location arrived at in consultation with City staff and Ward Councillor, hosted by applicant.
- Notice prepared by applicant but mailing list and distribution undertaken by staff, minimum 20 days notice, 120m circulation.
- Held in an accessible location in same neighbourhood as subject property.
- Staff present where possible to observe, answer policy and/or procedural questions.
- Applicant must document issues raised and then discuss how mitigated for in the Planning Justification Report.

Development Application Process, cont'd

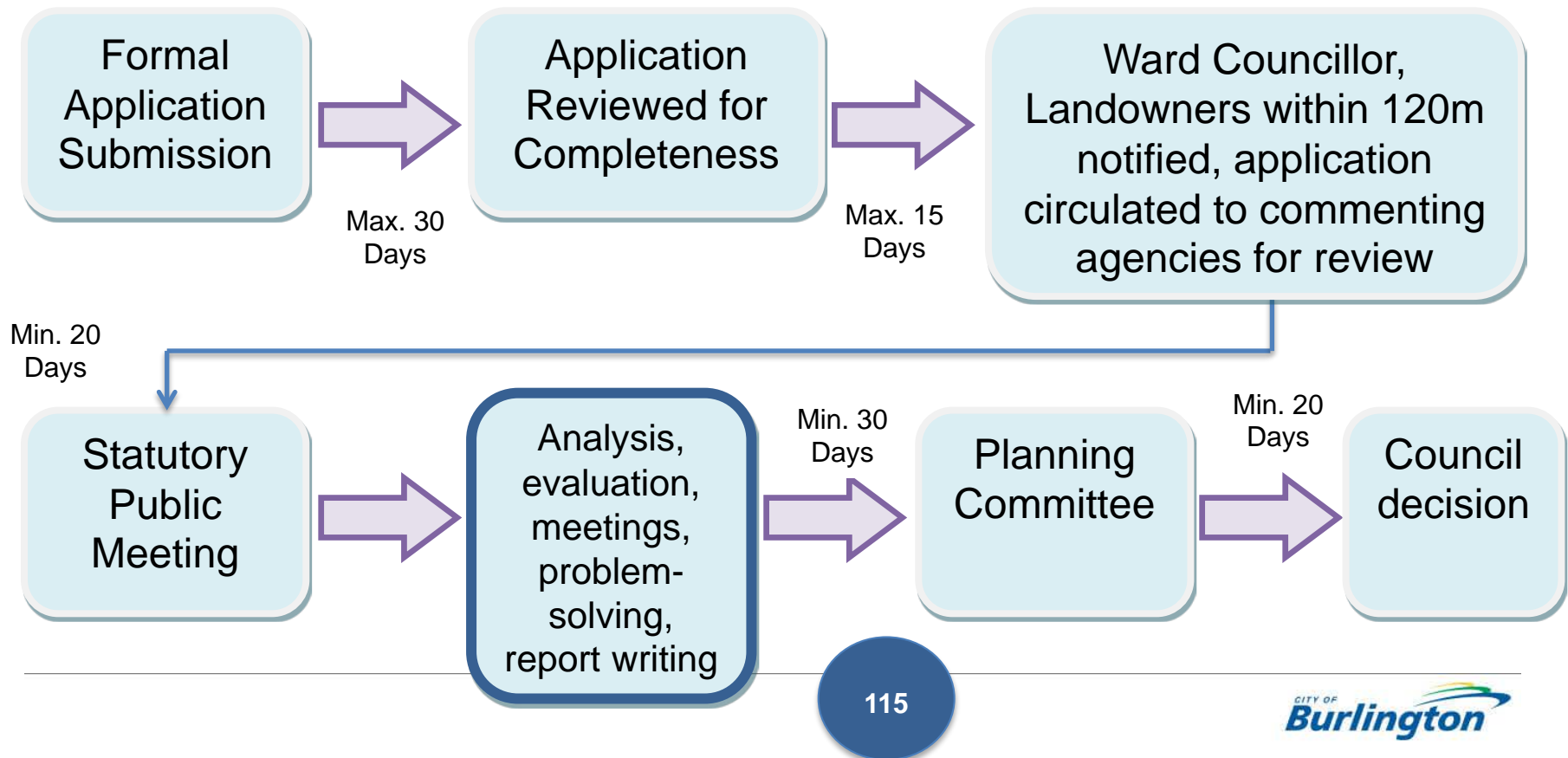
- Burlington Urban Design Review Panel:
 - BUD: Urban Design advisory to staff
 - Applicant must address how issues raised mitigated for in the Urban Design Brief



Development Application Process, cont'd

■ Formal Application:

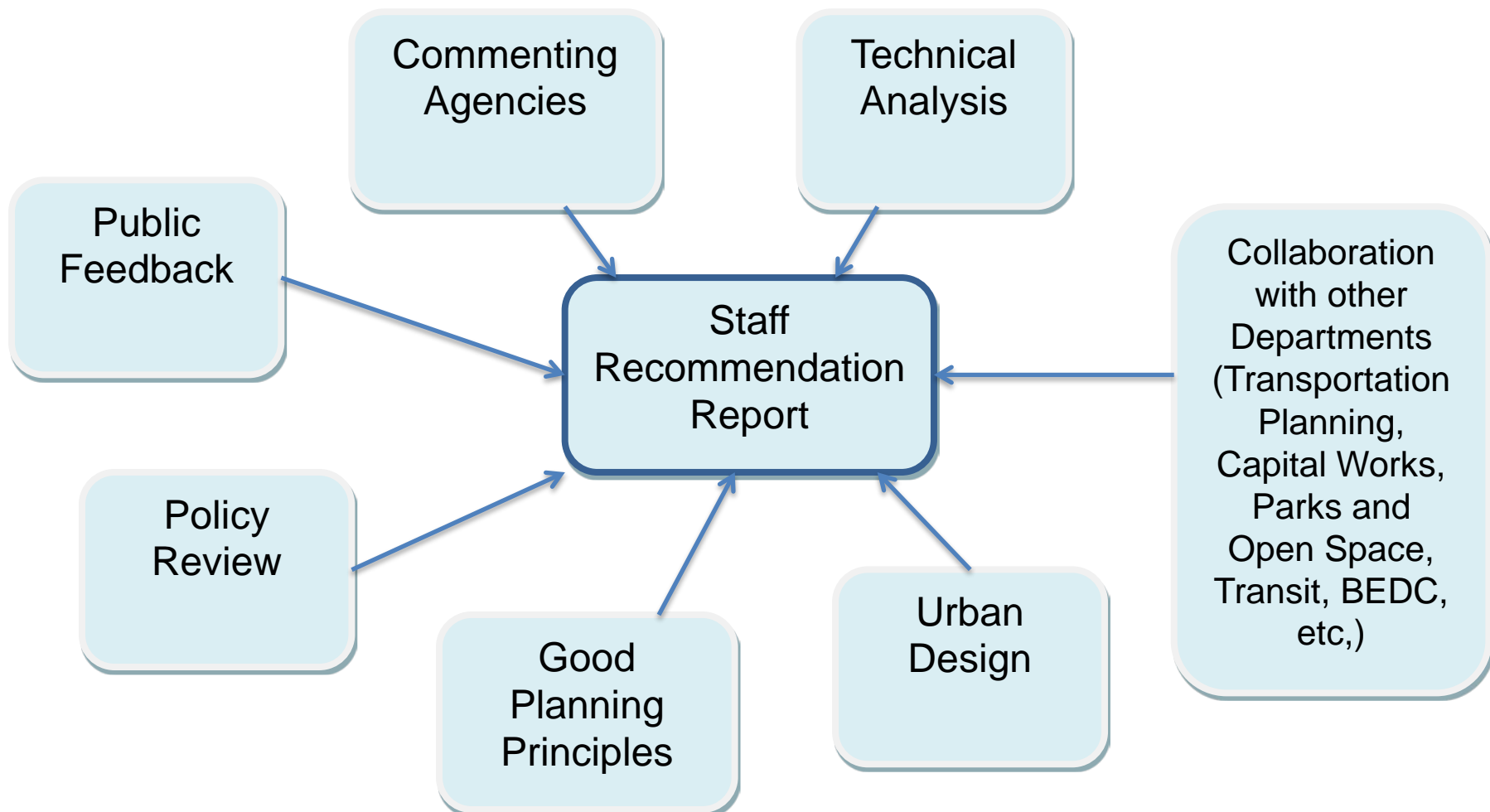
- Timelines dictated by the *Planning Act* and municipal policy



FAQs: Why does the City accept applications to change the OP/ZBL?

- Cities evolve, Provincial Plans change, demographics change, infrastructure changes.
- Democratic, fundamental property rights entrenched in legislation.
- If the application is complete under the *Act*, we *have* to consider it.

FAQs: How are recommendations arrived at?



FAQs: Why don't staff listen to public comments?

- We DO listen and we address EVERY *land use impact issue* raised by residents and commenting agencies through changes to the plan, discussion in the report, and/or recommendations to Council.



FAQs: Why don't staff listen to public comments?

- Examples of legitimate land use issues:
 - “There are four development applications on the street I live on, I am concerned about traffic impacts and lack of parking.”
 - Action: Planning staff work with Transportation Planning to assess the cumulative impacts of the four development applications. A Traffic Impact Study (TIS) is prepared and submitted by the developers traffic engineer and is reviewed by Transportation Planning staff to assess and quantify current traffic conditions, future background traffic conditions (which take into account other area development as well as generalized growth), then impacts of development-related traffic are assessed in order to determine if specific improvements are required as a result of the proposed development. Transportation planning staff provide a comprehensive discussion around traffic and parking impacts and rely on industry-standard methodology and empirical study data to form their recommendations.

FAQs: Why don't staff listen to public comments?

- Examples of legitimate land use issues:
 - “I live at the property next door and notice that the drainage from the property crosses over public walkways which in the winter poses a slipping hazard.”
 - Action: Planning staff work with Site Engineering staff to ensure that the proposed grading plan corrects the impact on a permanent basis and reaches out to Parks and Facilities staff to see if an interim mitigation solution can be implemented.



FAQs: Why don't staff listen to public comments?

- Comments that staff will not entertain:
- Discriminatory language, including:
 - Racist, sexist, homophobic comments
 - Slander, libel, or unfounded accusations.



Zoning Team

- By the numbers:
 - Zoning Clearance: 785
 - Site Plans: 22
 - Minor site plans: 7
 - Minor modifications: 16
 - Subdivisions: 2
 - Condominiums: 2
 - Counter inquiries 310/month
 - 5 staff (one devoted to the residential landowner), 1 Coordinator, 1 Customer Service Representative
 - Also a direct support to the By-law Enforcement and Building Teams.

Committee of Adjustment

- Appointed by Council to make decisions on their behalf under sections 45 and 53 of the *Planning Act*
- Committee Members: Chair, Vice-Chair, 3 members, alternates for coverage/quorum
- 2018: 152 minor variance applications and 24 consent applications
- 2 staff: Secretary-Treasurer of the Committee of Adjustment, Committee of Adjustment Clerk

Committee of Adjustment, cont'd

- Section 45:
 - Section 45(1) minor variances
 - Section 45(2)(i) extensions/enlargements of legal non-conforming uses
 - Section 45(2)(ii) permission for similar uses

- Section 53 (Consents):
 - Consent to sever land
 - Consent for long term leases
 - Consent to create easements

Committee of Adjustment, cont'd

- The Four Tests for Minor Variances:
 - Must be minor (in terms of impact, not numerical)
 - Must maintain the intent of the Official Plan
 - Must maintain the intent of the Zoning By-law
 - Is desirable for the appropriate development or use of the land

- Not The Four Tests for Minor Variances:
 - Hardship or need
 - Cumulative impact
 - Numerical size
 - Popularity or acceptability by residents

LPAT

- Bill 139 changed from OMB to LPAT
- Participant vs. Party Status:
 - Participants: Provide a statement of impact to the Tribunal member
 - Party: provides evidence, evidence is weighted depending on qualifications of the witness, can be cross examined, can be held responsible for costs if determined to be acting in a frivolous or vexatious manner.
- The weight of a Council decision:
 - LPAT considers the contents of the enhanced municipal record. If no Council decision provided, then LPAT will have no choice but to apply more weight to the applicant's submission.

LPAT

- Tests for OPA/ZBAs:
 - The portion of the OP or ZBL that would be affected by the amendment does not conform with Provincial policies/plans, and
 - The requested amendment is consistent/conforms with Provincial policies/plans.

Delegated Authority

- Council has delegated their approval authority on some municipal processes to various Directors.
- For example, the Director of City Building can approve certain development applications such as Site Plans and Condominiums under delegated authority.

Delegated Authority

- Delegated authority allows planning staff to approve certain development applications (that are not legislated public processes) by implementing Council approved policies and regulations such as zoning, design guidelines, engineering standards, etc.

Delegated Authority

- Delegated authority is a best management practice that allows certain decisions to be made at the staff level thus utilizing Council and staff resources as efficiently as possible.
- Council may "undelegate" the approval authority from the Director of City Building back to Council if they deem a development application to be controversial or if it creates a high level of public concern.

Site Plan Control

- Detailed organization of buildings and elements on a property.
- Implements Council approved regulations and policies.

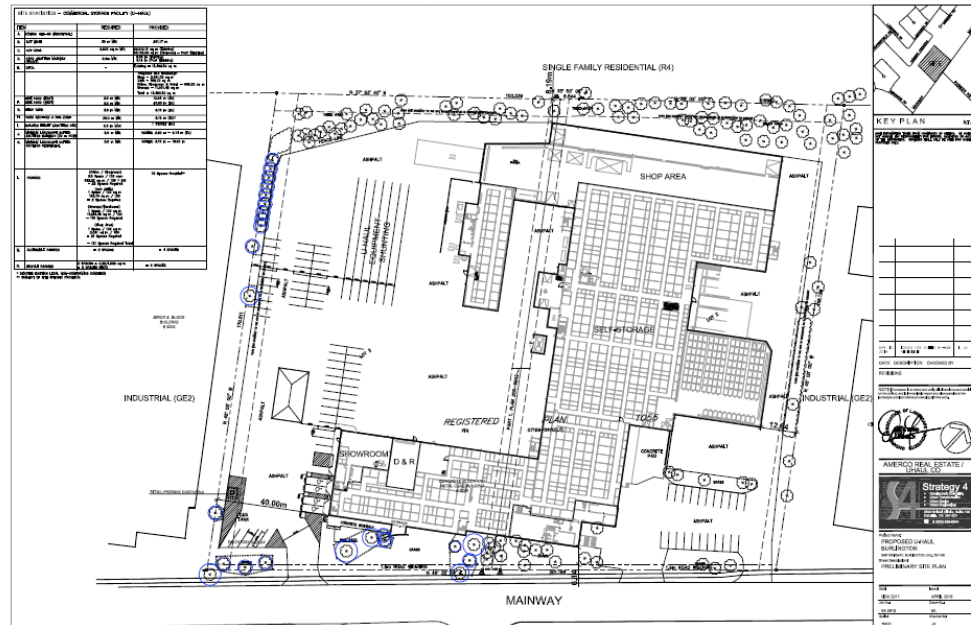


Site Plan Control

- Multidisciplinary technical review requiring input from various departments and external government agencies.
- Regulated under Section 41 of the Planning Act.
 - 30 days to approve before applicant can appeal to LPAT for a non decision.
 - Limited items for consideration.

Site Plan Control

- Site plan considerations can include:
 - Grading and drainage
 - Landscape
 - Urban design
 - Lighting
 - Road widening
 - Parking
 - Public access and pedestrian movement



Site Plan Control

- Site plan control links planning to building permits.
- Ensures alignment with building permit processes and all “applicable law” has been addressed.



Site Plan Control

- It does not regulate land use or building height – that is the role of zoning.
- It is not a legislated public process under the Planning Act and decisions are not appealable by the public.
- It cannot secure community benefits.

Urban Design

- Urban design is the intersection of planning, architecture, and landscape architecture.



Urban Design

- When done well, urban design facilitates development that contributes to pedestrian friendly streets and high quality architecture that enhances the surrounding community.
- Urban design is one of the considerations in the development review process.
- Urban design is not a land use permission – that is the role of Zoning.

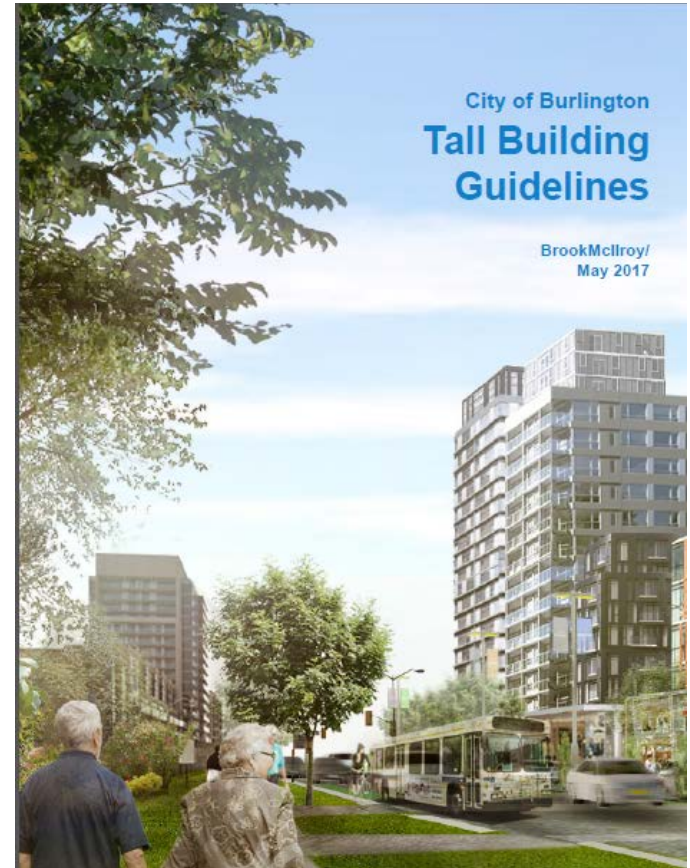
Urban Design

- The Official Plan contains policies that deal with urban design and its role in creating a sense of place and achieving design excellence.



Urban Design

- Urban design initiatives such as Tall Building, Mid Rise, and Streetscape Guidelines assist with the implementation of the Official Plan.



Urban Design

- An urban design advisory panel has been created to provide urban design advice to staff on tall and mid rise development applications and public initiatives.
- The panel is an independent and objective advisory body comprised of highly qualified design professionals representing the fields of architecture, landscape architecture, and urban design.

Urban Design

- Advice from the panel is intended to reinforce the City's expectation for a high standard of urban design excellence.
- The urban design advisory panel is not intended to replace the development review process and does not approve or refuse projects. The panel does not advise on matters of land use planning.

Special Business Area Coordinator

- Burlington has two Business Improvement Areas (BIAs): Aldershot Village and Downtown.
- Staff resource dedicated to assist the BIAs.



Special Business Area Coordinator

- The purpose of this staff resource is to:
 - Help the BIAs implement their work plans.
 - Be a liaison between the BIAs and city staff.
 - Lead planning studies or initiatives within BIA boundaries.
 - Provide assistance for businesses located within the BIAs.

