



SUBJECT: Work Plan for the scoped re-examination of the Adopted Official Plan

TO: Planning and Development Committee - Public

FROM: Department of City Building - Planning Building and Culture

Report Number:PB-47-19

Wards Affected:All

File Numbers:505-08

Date to Committee:May 21, 2019

Date to Council:May 27, 2019

Recommendation:

Direct the Director of City Building to proceed with the work identified in the Terms of Reference attached as Appendix C to department of city building report PB-47-19, and the work generally identified in section 4.1; and

Direct the Director of City Building to propose refinements to the Neighbourhood Centres Policy to simplify and clarify the intent of the policies, generally described in section 4.2.3; and

Direct the Director of City Building to modify the terms of reference upon confirmation of impacts related to Bill 108 and other Provincial changes to the land use planning and development system, if required.

Purpose:

The Official Plan addresses all four pillars of the Strategic Plan: A City that Grows; A City that Moves; A Healthy and Greener City; and, An Engaging City.

This report provides details on the scope of work proposed to be completed by March 2020 in relation to the re-examination of the adopted Official Plan.

Background and Discussion:

1.0 Staff Direction

On April 26, the new Official Plan was adopted by City Council. On May 11, 2018 the new Official Plan record was received by the Region of Halton as the approval authority for the Official Plan. On December 4, 2018 the Region of Halton provided a notice to the City under 17 (40.2) of the *Planning Act* advising that the adopted Official Plan does not conform with the Regional Official Plan in a number of respects. The effect of the notice extends the Region's review process indefinitely, until such time as the Region determines that the non-conformity is rectified. For more information reference can be made to the [December 14, 2018 CIP memo](#).

The supporting information identified that:

The City of Burlington can make additional modifications before the plan is approved by the Region where there is appropriate planning justification and public consultation. Any modifications would need to be assessed for conformity against the Regional Official Plan and Provincial Plans and policy statements.

In February, 2019 Council provided a staff direction to re-examine the policies of the adopted Official Plan:

Direct the Director of City Building to immediately commence a process to re-examine the policies of the Official Plan adopted April 26, 2018 in their entirety related to matters of height and intensity and conformity with provincial density targets.

2.0 Council Workshop

A Council workshop was held on March 18, 2019 to obtain further Council feedback on this direction, which has resulted in the scope of work identified in this report.

To prepare for the Council Workshop, a series of meetings with Councillors were undertaken. The result of these meetings was a list of issues relevant to each Councillor, which informed the preparation for the Council Workshop.

The Council Workshop was facilitated by Glenn Poitier and was organized into a number of facilitated discussions. The workshop was live webcast, recorded, and the key notes were captured live. The key notes (Appendix A) include the questions posed and notes reflecting the answers provided by the Mayor and Councillors.

2.1 Council Workshop Key Themes

A number of key themes emerged from the workshop discussion. It was clear that Council agrees that the work identified should be completed by the end of Q1 2020. A high-level overview of other key themes is provided below.

2.1.1 Adopted Official Plan, April 2018

Through discussion at the workshop it was agreed that the adopted Official Plan brings in new policies and forward looking approaches to land use planning and growth. In general, Council supports the majority of the policies within the adopted Official Plan. Two key areas emerged as requiring further consideration: the Downtown Precinct Plan and the Neighbourhood Centre policies.

2.1.2 Role for the Amendment Process

It was acknowledged at the workshop that the Official Plan is not intended to provide detailed land use policies for specific sites. As a result there is a role for more detailed land use planning processes. These processes can include both detailed, city-led area specific planning exercises such as area-specific plans, or site-specific development applications for Official Plan and/or Zoning Bylaw Amendments.

2.1.3 Defensibility

Council noted that the Official Plan re-examination work must be defensible. To this end, staff and consultants will need to work together to prepare modifications to policies, based on technical information and public and stakeholder input, which demonstrate the functionality and feasibility of a recommended scenario in conformity with the Regional Official Plan and Provincial Plans and policy statements.

2.1.4 Community Input

A theme that emerged throughout all of the questions and discussions at the workshop was the community's role. It was indicated that Council and the public are expecting that the outcome of the work will:

- Be reflective of the community's vision for the future of Burlington;
- Be that residents believe that the Official Plan represents their values for the future of the City;
- Be supported by an effective public engagement process; and
- Be supported by the public.

Staff agree that the work to re-examine the Official Plan must be supported by a public engagement process and a decision-making process that all stakeholders can understand and agree to in principle. As identified generally by Council, this need for public satisfaction of the plan must be married with the desire to develop a plan that is defensible from a land use planning perspective. In order to achieve success the project team must transparently:

- educate and communicate the givens (e.g. the plan must conform to provincial policy);
- identify the questions that are in scope and out of scope;
- collect, analyze and respond to the feedback;

- use the best tools possible to communicate alternatives, short and long-term impacts and their associated benefits and drawbacks;
- describe and continually communicate about decision making processes; and,
- identify process challenges along the way.

2.1.5 Other Priorities

At the workshop, Council discussed a number of related high priority initiatives that are identified in the Official Plan and the Strategic Plan such as the Mobility Hub Area Specific Plans and the Housing Strategy. These initiatives will be postponed given Council's focus on the re-examination of the Official Plan and the Interim Control Bylaw Land Use Study as well as the work addressing areas of non-conformity of the adopted Official Plan with the Regional Official Plan and given the uncertainty related to the Region's Official Plan Review, and new Provincial legislative changes.

See Appendix B for a listing of other projects and target timelines for completion.

3.0 The Proposed Study Scope

The Council Workshop identified two key areas of the Adopted Official Plan that must be included in the scoped re-examination of the adopted Official Plan to guide the next year of work: a modified precinct plan for the Downtown Urban Centre; and a review of the Neighbourhood Centres policy.

3.1 Re-Examination of the Downtown Urban Centre Policies

To determine the scope of work related to the Downtown Urban Centre Policies staff considered the following background:

- The Council Workshop (March 18, 2019);
- The Motions related to the Downtown Urban Centre that were not passed during the adoption process (2018);
- The non-Official Plan related Council directions identifying, issues to be considered through the Downtown Area Specific Plan (April 26, 2018 – PB-04-18);
- The Commercial Strategy Study recommendations related to the Downtown, with specific attention to small scale retail in the downtown; and,
- The details of Interim Control Bylaw Land Use Study as described in PB-36-19, as it relates to the Downtown.

The details of the proposed work related to the Downtown Urban Centre policies are discussed in Section 4.1 below and are further detailed in the attached Proposed Terms of Reference (Appendix C).

3.2 Re-examination of the Neighbourhood Centres

To determine the scope of work related to the Neighbourhood Centres policies, staff considered the following background:

- The Strategic Plan directions related to the redevelopment of plazas;
- The findings of the Commercial Strategy Study;
- The 2017 Staff Direction to review the Neighbourhood Centres policies; and,
- The policies of the adopted Official Plan related to the Neighbourhood Centres policy.

The discussion in Section 4.2 below identifies staff's recommendations to clarify and simplify the policies of the Neighbourhood Centres policy.

4.0 The Proposed Work Plan

4.1 A modified Precinct Plan for the Downtown Urban Centre

In support of completing the work identified by Council related to the Downtown Urban Centre, staff has developed Appendix C, titled *Scoped Re-examination of the Adopted Official Plan: Proposed Terms of Reference*. The Terms of Reference identifies the key tasks and deliverables and the decision making framework related to the project.

The Downtown Precinct Plan in the adopted Official Plan was based upon a vision at full build out. Staff has received feedback from Council that a shorter planning horizon is desired. As a result, the scope of the modified precinct plan for the Downtown Urban Centre has been shifted such that the precinct plan will contemplate the planning horizon of 2031, in conformity with provincial policy. The Growth Plan in policy 5.2.4.3 states:

The population and employment forecasts and plan horizon contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will apply to all planning matters in that municipality, including lower-tier planning matters where applicable, until the upper- or single-tier municipality has applied the forecasts in Schedule 3 in accordance with policy 5.2.4.2 and those forecasts are approved and in effect in the upper- or single-tier official plan.

The background technical work prepared to date for the Downtown area-specific plan, to be finalized through this study, will confirm development constraints and provide clarity on infrastructure capacity and required improvements.

The shift of the scope of this work to the 2031 planning horizon means that there are not likely to be significant infrastructure issues identified through this planning exercise. It should be noted however, that after the approval of the Regional Official Plan Amendment implementing the Regional Official Plan Review the City will be required to

undertake future work related to growth and infrastructure to bring the City's Official Plan into conformity. This will include a review of the Downtown Urban Centre policies and the Downtown Urban Centre's role in accommodating growth and development from 2031 to 2041.

Based on the technical studies, the modified policies developed for the Downtown Urban Centre will provide sufficient direction to guide public sector initiatives and investments and will provide the tools needed to guide development applications consistent with the Regional Official Plan and Provincial plans and policies. Ultimately the outcome of this work will not constitute an area-specific plan, instead the outcome will be modified policies which will go beyond the high level Official Plan policies that are included in the current adopted Official Plan (April 2018). The modified policies will be developed to ensure that the City can conform with the Growth Plan policy to accommodate 200 people and jobs per hectare combined within the Urban Growth Centre boundary by considering the findings of technical work and public, agency, and stakeholder feedback.

The attached Proposed Terms of Reference includes the key tasks and deliverables. The Proposed Terms of Reference will guide the staff team and the selected consultant team in completing the project within the one-year time frame.

The Proposed Terms of Reference addresses:

- All precincts within the Downtown Urban Centre where significant concerns regarding height and density were raised by the current Council;
- All precincts impacted by motions not passed when considered by the previous Council in the development and finalization of the adopted Official Plan;
- Specific policies identified to be modified based on the technical work;
- Small scale retail in the Downtown;
- Built form transition to adjacent residential areas;
- Heritage conservation and cultural heritage resources;
- Flexible streets

The Proposed Terms of Reference **do not** address:

- Shifting the Urban Growth Centre from the downtown to Burlington GO. The Urban Growth Centre location is established in the Growth Plan for the Greater Golden Horseshoe and the Region of Halton Official Plan. Any policies proposed for the Official Plan must conform with both;
- Major Transit Station Area and Mobility Hub role and function in the downtown as they will be considered in the Interim Control By-Law Land Use study and recommendations will inform this study;

- Transportation or infrastructure assessments to support people and jobs beyond 2031.
- Undertaking a Neighbourhood Character Area study for the St. Luke's and Emerald precincts. Matters of zoning in the St. Luke's and Emerald precincts will be considered at the time of the Zoning By-law Review;
- The Old Lakeshore Road Precinct. This area requires a more detailed area specific planning process as identified by adopted Official Plan policy. For more details see Appendix B;
- The Waterfront Hotel Site. This site is subject to a process outlined by a Memorandum of Understanding signed by the City and landowner. For more details see Appendix B;
- Revisions to the Downtown Public Service Precinct. It is expected that the development criteria and other policies of the adopted Official Plan provide sufficient guidance for development in the precinct; and,
- Developing parking rates for the Downtown. Parking rates for intensification areas such as the Downtown are to be addressed through the preparation of site-specific zoning. For more details see Appendix B.

4.2 Neighbourhood Centres Policy

Interest was expressed in having the Neighbourhood Centres policies in the adopted Official Plan reviewed.

A brief discussion with respect to commercial policies and the redevelopment of plazas as directed in the Strategic Plan and studied in response to Council Directions is provided in Appendix D titled *Neighbourhood Centre Policy Background*.

4.2.1 Minor modifications to Neighbourhood Centre policy

The role of policy in supporting the redevelopment of Neighbourhood Centres is to establish a detailed policy framework to guide the consideration of site specific development applications. Consistent with the Strategic Plan, the policy framework encourages redevelopment of plazas.

Staff has considered the discussion at the Council Workshop and acknowledge that there is an opportunity to simplify and provide further clarity related to the intent of the Neighbourhood Commercial policies and their relationship to the Strategic Plan. This will be lead by staff and would be implemented as part of the proposed modifications to the adopted Official Plan. This work will include:

- Identifying opportunities to clarify and describe the intent of the policy;
- Simplifying language; and
- Clarifying the relationship of the land use policies with the growth framework.

Strategy/process

The scope of work proposed for the re-examination of the adopted Official Plan has been developed and refined to reflect the one-year time frame identified as a critical success factor. A scope larger than that identified in the attached terms of reference would require additional time to complete. The modified Official Plan needs to be approved by the Region in advance of the Regional Official Plan Amendment implementing the findings of the Regional Official Plan Review / Municipal Comprehensive Review as after that point the City's policies would need to be reviewed to address conformity with the Regional Official Plan with a time horizon to 2041.

As discussed at the Council Workshop held on March 18th, another consequence of proposing work that would extend the timeframe beyond March 2020 is primarily to shift out the initiation of work for a number of planning studies or initiatives by 12 – 18 months which are outlined in Appendix B.

Options considered

A wide range of issues were considered in the development of the proposed scope and attached Terms of Reference. The proposed scope relied upon the identification of key priorities and the importance of completing the re-examination within one year.

In addition, some further uncertainty has been introduced through recently released proposed changes to several pieces of legislation including the *Planning Act* through Bill 108. The Province has also released a new Growth Plan and Provincially Significant Employment Zones Mapping. Staff will continue to assess changes at the provincial level and identify any related impacts to the terms of reference. Upon confirmation staff will revise the work plan, if required.

Staff considered the proposed work plan the impact on other priority planning projects. Other priorities and proposed timelines are outlined in Appendix B.

Financial Matters:

Funding of \$600,000 from the Policy initiatives reserve fund was approved as part of the 2019 budget for Official Plan related initiatives to cover a number of related studies such as the scoped re-examination of the adopted Official Plan.

Connections:

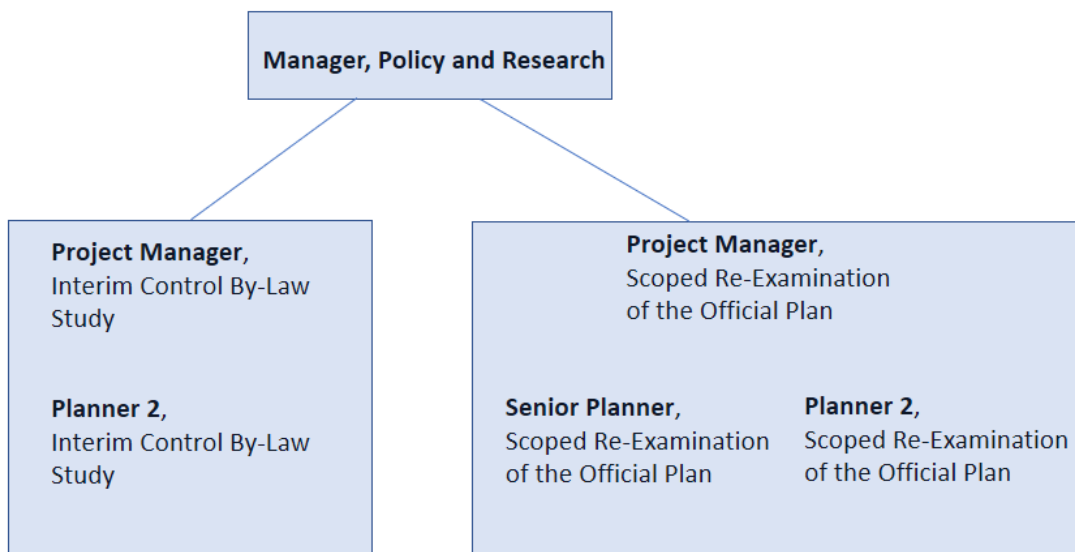
The scoped re-examination of the adopted Official Plan is related to a number of ongoing initiatives within the City and at the Region of Halton.

Approval of the Adopted Official Plan (April, 2018)

The adopted Official Plan is with the Region of Halton for approval, where a number of issues of non-conformity have been identified. Staff continue to work with the Region to address those issues and to finalize modifications required to support the development of the draft decision that will be brought to Council for consideration. It is expected that the outcome of this work will be to propose modifications to policies that are currently included in the adopted Official Plan.

Interim Control Bylaw Land Use Study

An Interim Control Bylaw Land Use study is currently in progress. It is expected that the findings of the Interim Control By-Law Study will inform the policies to be developed as a result of this study. The Manager of Policy and Research will act as liaison between the two projects to ensure alignment. The relationship between the two projects is highlighted below.



A Joint Steering Committee made up of Senior Staff will be struck to monitor both projects and to act as a guidance body for decision making related to each project. The proposed composition is highlighted below.

**Joint
Steering Committee**
proposed composition

City Manager
Senior Manager of Government Relations
Director of City Building
City Solicitor / Assistant City Solicitor
Director of Transportation
Director of Transit
Director of Capital Works
Executive Director, BEDC
Manager, Urban Design

Public Engagement Matters:

The proposed terms of reference includes the development of an engagement and communications plan to support the work related to the development of a modified precinct plan for the Downtown Urban Centre. Council will receive IAP2 training and consider elements of the engagement plan at a Council Workshop in June. The engagement plan will be developed with key stakeholders and the Charter Action Team (ChAT).

Conclusion:

The timeframe and study scope of the re-examination of the Official Plan are recommended based on meetings with members of Council and the Council Workshop. The attached proposed Terms of Reference outlines the scope of the work related to the Downtown Urban Centre policies, and this report identifies the need to consider policy modifications related to the Neighbourhood Centres policy. This report and its attachments will guide the work to be undertaken by the staff team and the consultant team.

Respectfully submitted,

Alison Enns

Project Manager – Official Plan

905-335-7600 ext. 7787

Leah Smith

Manager of Policy and Research

905-335-7600 ext. 7385

Appendices:

- A. Burlington City Council Workshop: Identifying the OP re-examination scope and process for moving forward. Meeting Notes for discussion items.
- B. Updates on Other Initiatives and General Timeframes
- C. Scoped Re-examination of the Adopted Official Plan: Proposed Terms of Reference
- D. Neighbourhood Centre policy background

Notifications:

Curt Benson, Region of Halton

Barb Veale, Conservation Halton

New OP Project Email List

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.