



CARRIAGEGATE

November 19, 2019

Delivered by Email

City of Burlington
426 Brant Street
P.O. Box 5013
Burlington, Ontario L7R 3Z6

Attention: Angela Morgan, City Clerk

Dear Ms Morgan:

Subject: Taking a Closer Look at the Downtown – Preliminary Growth Options

Dear Ms Morgan:

On behalf of Carriage Gate Homes, I am writing to you in response to the City's request for comments on the preliminary growth options prepared for the City by its planning consultants SGL in consultation with City Planning staff.

This work is being undertaken in response to Council's direction to modify the April 2018 "adopted" Official Plan, specifically the policies pertaining to the downtown (Urban Growth Centre, MTSA and Anchor Mobility Hub). As an active member of the building industry and a significant landowner in the City's Urban Growth Centre, we have carefully considered the scoped re-examination of the Official Plan for this area. This includes our consideration of the public participation process, the City's lack of engagement with the building industry and the limited information available at this time. The proposed options for the Urban Growth Centre are seriously flawed and fail to appropriately address Provincial policy, the Province's Housing Action Plan and the policies established by the Regional Municipality of Halton.

Requests:

- All background studies prepared for both the adopted Official Plan and the scoped re-examination of the Official Plan be provided to us for review and consideration. We are unable to support the ongoing planning initiatives in the absence of and consideration of this information

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- The land use and policy options for the new Official Plan for the Urban Growth Centre are fundamentally flawed and should be deferred until such time as HHHBA and CGH has been provided an opportunity to review the background studies, the City of Burlington engages the building industry and appropriate adjustments made
- That the City of Burlington re-examine the growth options that are being considered to recognize that high density development will be required to enable the City of Burlington to satisfy the existing policies of both the Region of Halton and the Province of Ontario and the Housing Action Plan
- Consultation with the building industry commence immediately with an expectation that the submissions and comments are respected and appropriately considered

Summary:

- We are of the opinion that process being followed to implement the scoped re-examination of the City's Official Plan is rushed and is in many respects more challenging and exclusive than the process leading to the adoption of the new Official plan in 2018
- We have provided comments, provided written submissions and delegated for over three years in response to the City's efforts to develop a new Official Plan and appropriate policies for the City's primary intensification area - the downtown
- None of the submissions and comments we have provided to-date have been recognized or addressed
- The City has failed to engage the building industry regarding the analyses being completed in response to City Council's imposition of the interim control by-law (ICBL) on March 5th, 2019
- The City has failed to be transparent as background studies have been and continue to be withheld
- The land use study being completed by Dillon Consulting (Dillon) as part of the interim control by-law (ICBL) review is independent of the work being undertaken by SGL and there has been no engagement with the building industry regarding this work and the linkages and interrelationships between the two (2) studies
- The proposed options for the downtown are flawed and unrealistic
- It is premature to consider options for the Urban Growth Centre until such time as the City is prepared to respond with plans, policies and options that will conform with the policies and requirements of both the Region of Halton and the Province of Ontario and it has engaged the building industry
- The City of Burlington should not proceed to conclude its review and prepare staff reports and recommendations until the requested information is provided to us and the building industry. We require sufficient time to review and consider this information and opportunities should be provided to us to review our concerns with City Planning staff.

Background:

Participation in the Process Leading up to the Adopted Official Plan:

- Carriage Gate Homes (CGH) was an active participant in the official plan review process leading up to the adoption of the Official plan in 2018. Through our association with the Hamilton Halton Homebuilders' Association, we attended meetings with City staff, made several requests for information and background studies, provided written comments to the City and delegated at various times during the process
- CGH consistently and repeatedly requested copies of background studies that have not been provided
- At no time have we received responses from the City to any of our written submissions, comments, questions and delegations
- HHHBA wrote to the City indicating its concerns and to assist the City with its planning efforts provided mapping to the City to provide its insight as to where and when redevelopment could be anticipated within the Urban Growth Centre. There has been no response from the City and it appears that its comments and questions have been ignored
- Notwithstanding the detailed comments and issues raised, City Council approved the Official Plan subject to major revisions that were made on the fly at the last Council meeting at which the new Official Plan was adopted. To the best of our knowledge, a technical analysis of the changes made was not undertaken yet the Official Plan was adopted and forwarded to the Regional Municipality of Halton for approval.

Since the Adoption of the Official Plan - April 2018:

- Further to commitments made by elected candidates during the election of 2018, one of the first actions of the new Council was to confirm that the land use policies for the Urban Growth Centre, Anchor Mobility Hub and MTSA designations contained in the adopted Official Plan would be re-examined through an elaborate public engagement process and with the assistance of a wide range of multi-disciplinary consultants
- On December 4, 2018 the Regional Municipality of Halton issued a "statement of opinion of non-conformity with the Region of Halton Official Plan under subsection 17(40.2) of the Planning Act" in respect of the City's newly "adopted" Official Plan. The Region determined that there are four specific policy areas that are required to be further reviewed and modified to be consistent with Regional and Provincial policy. None of the four policy areas identified by the Region are related to the policies, form and function of the Urban Growth Centre

- Without any engagement with the building industry, on March 5th, 2019 the City of Burlington instituted a broad ranging interim control by-law impacting not only the Urban Growth Centre and Anchor Mobility Hub but other areas that collectively represent the primary growth areas in the City
- On May 21, 2019 Planning Committee considered report PB-47-19. This report established the work program for the "scoped re-examination of the adopted Official Plan"
- PB-47-19 states "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."
- City Council indicated that the result of the Official Plan policy re-examination work must result in a defensible set of policies for the Urban Growth Centre. To this end, staff and consultants were directed to work together to prepare modifications to policies, based on technical analysis and public and stakeholder input, which demonstrate the functionality and feasibility of a revised vision for the Urban Growth Centre that would minimize redevelopment within the Urban Growth Centre yet conform with the existing Official Plan for the Region of Halton and Provincial Plans and policy statements
- After May 21, 2019, City staff and its consultants commenced work on both the re-examination of the planning policies for the downtown and the inter-related ICBL land use study
- To-date we have been invited to only one meeting with City staff on July 5th, 2019 to discuss these planning initiatives and this discussion focused only on obtaining comments from CGH and HHHBA regarding a draft public consultation process outline that staff had prepared. Detailed comments were provided to City staff at this meeting. It was made abundantly clear by both CGH and HHHBA that considering the fact that the work to be undertaken in accordance with the terms of reference noted in PB-47-19, all engagement with the public should commence with a discussion of the scope of the terms of reference and the influence of Regional and Provincial policy on the work being undertaken
- We have indicated our desire to participate in the re-examination process. City Planning staff and Council members have not contacted us or engaged with us in any manner regarding any aspects/components of the two (2) studies
- HHHBA requested that it be provided with copies of all background studies that are being used to shape any revised planning policies for the ICBL area. This is the same request that was made during the work leading up to the "adopted" Official plan (that was not provided)

- On August 22, 2019, we attended the first public engagement session held at the Art Gallery ("AGB"). At no time did the facilitator or City representatives mention the guiding role and influence that the policies of upper levels of government play in this review and of the planning and land use planning for the downtown/Urban Growth Centre and the participants were left with an impression that they have carte blanche to consider any changes to the downtown area that they wanted. When the facilitator was questioned about this by CGH, he advised that he was not prepared to discuss the over-riding policy regime with the public
- Consultants hired by the City have completed land use concepts for the Urban Growth Centre and public engagement regarding two (2) options commenced on October 23, 2019, ending on November 2, 2019. CGH attended all three (3) open houses - Two (2) on October 23, 2019 and one (1) on November 2, 2019. It was at these meetings that the public was advised for the first time that Regional and Provincial planning policies guide the policy and land use review being undertaken by the City. Many of the participants were demonstrably confused and confounded by this. Many indicated that they thought the entire process and the resulting options were invalid as they do not reflect solely what these various individuals wanted and what they thought they would receive - very little if any new development in the downtown yet an expectation of improvements to both the services and facilities provided by the City and dramatic civic improvements in the downtown. Based on the platform of the Mayor and the Ward 2 Councillor to remove the Urban Growth Centre and Major Transit Station Area designations from the downtown, some participants suggested that the land use and planning policy options should not be prepared until such time as these designations have been removed from the downtown as this is what they thought City Council intended to do
- The City's consultant (SGL) indicated to the public at the first two (2) community meetings that 20% of the proposed buildings contained in either of the two options would have to be occupied by 2031 to accommodate 1,000 new residential units required to meet the minimum Provincially established density target of 200 people and jobs per hectare within the Urban Growth Centre
- To-date City Council and staff and the consultants hired by the City of Burlington to undertake the two studies have not engaged with the building industry (including CGH), save and except for the public engagement plan meeting noted above
- Consultants hired by the City have been working on land use policies for the areas of the City that are impacted by the interim control by-law with no engagement with the building industry
- There has been no engagement or communication with the building industry (including CGH) regarding the land use work that is being completed in response to the ICBL

- We have not been provided any opportunities to discuss many of the most important matters that were originally identified through the "adopted" Official Plan process that also relate to the new work currently being undertaken including the growth options currently under consideration
- We have yet to be provided with any preliminary findings, background studies or fundamental guiding principles established by City Planning and its consultants
- The additional planning work being conducted for the scoped review is costing the City of Burlington well over \$600,000 and the findings appear to be similar to the work that was completed as part of the Grow Bold planning initiative
- It is clear that additional growth will be occurring in the downtown area and the main issue to be considered are how much of what goes where

Concerns:

- The scoped OP review and ICBL study that the City and its consultants have prepared (and continue to prepare) appear to be ongoing independent of each other. As both studies significantly impact each other, they should be examined concurrently and subject to public scrutiny
- Policies and redevelopment options for the Urban Growth Centre should not be prepared until such time as the land use has been determined
- The boundary of the Urban Growth Centre being used by the City and its consultants is inconsistent with Provincial policy, resulting in a total area that is approximately 11% less than it should be. The reduced area of the Urban Growth Centre artificially increases the existing density calculations used by the City and its consultants to determine how many new residential units and jobs are required to be accommodated within the Urban Growth Centre by 2031 and beyond
- The suggestion made by SGL at the Open Houses that only 20% of the new buildings shown on the two (2) options need to be occupied by 2031 to enable the City to reach the minimum density target for the Urban Growth Centre is incorrect. We disagree with this conclusion. Assuming that the consultant's assumption of the amount of growth required to be realized in the Urban Growth Centre is correct (which we do not), more new buildings and units are required to accommodate more people and jobs. Based on a simple analysis of other buildings of a similar scale and magnitude to those being identified in the options, we calculate that approximately 17 of the new buildings identified by the City's consultant will be required to be built between now and 2031. This is a far greater number of buildings than the 20% of the buildings identified by SGL in either option. The feasibility and practicality of this number of buildings being constructed concurrently and widely across the Urban Growth Centre over the next ten (10) years is questionable at best
- The challenges of land assembly and the impacts of land costs are ignored

- It is unreasonable to conclude that seventeen (17) new buildings (as noted above) will be constructed and occupied within the Urban Growth Centre within the next ten (10) years - an area that has been growing at a rate of approximately 59 units per year for the last ten (10) years
- The promotion of predominantly mid-rise buildings will not facilitate affordable housing and is contrary to the Province's Housing Action Plan
- We note that "Taking a Closer Look at the Downtown: Themes, Principles and Land Use Concepts Report (October 2019)", prepared by SGL provides a summary of input received from various other consultants that are part of the SGL team. Section 5 of this report includes a brief summary of a "Market Analysis" completed by NBLC. The financial viability of low and mid-rise mixed-use redevelopment in the Urban Growth Centre is noted as questionable
- Due to the lack of coordination between the land use study (Dillon) and the planning policy studies (SGL), the lack of engagement with the building industry and the fact that the implications of the Region's Integrated Growth Management Study (41,000 more people to be accommodated in Burlington between now and 2041 - as identified in the Future Growth study that was prepared for the City by Dillon) have not been considered, we have no confidence that the options prepared by SGL are valid
- There appears to be an ongoing and frustrating trend to ignore and fail to respond to and include the building industry in this process. Detailed comments and requests for information and background studies during the "adopted" Official Plan process were and continue to be ignored. This is unacceptable to us, not only as members of the building industry but as a local tax paying business
- The building industry is a major component of the regional economy that should not be marginalized.

Conclusion:

Thank you for your consideration in respect of this matter. We look forward to being provided with much of the missing information and reviewing any additional comments and concerns with City staff as part of an improved engagement process with Carriage Gate Homes and the building industry.

Yours truly,
Carriage Gate Homes



Mark Bales, MCIP, RPP

c.c. Mayor and Members of Council
Heather MacDonald
Jamie Tellier
Leah Smith