

To: Mayor and Members of Council

From: Rosa Bustamante, Project Manager of ICBL Land Use Study

Cc: Heather MacDonald, Executive Director of Community Planning, Regulation and Mobility;
Tim Commisso, City Manager;
Curt Benson, Region of Halton

Date: January 30, 2020

Re: Staff Report PL-01-20 Interim Control By-law Land Use Study

Revised Recommendations

Having regard for the Committee motion made at Community Planning, Regulation and Mobility Committee to amend the recommendation as well as submissions received at and following the statutory public meeting, staff recommend that Council amend the recommendation as amended by Committee as follows:

- Receive the Interim Control By-law Land Use Study report prepared by Dillon Consulting, as amended, attached as Appendix B;
- Approve the proposed Official Plan Amendment, as amended, attached in Appendix D;
- Approve the proposed Zoning By-law Amendment, as amended, attached in Appendix E;
- Deem that no further notice is required in respect of the proposed Zoning By-law Amendment in accordance with Section 34(17) of the Planning Act concerning a change to a proposed by-law made after the holding of the public meeting; and
- Repeal the Interim Control By-law from the subject lands upon expiry of the appeal period for the proposed Official Plan and Zoning By-law amendments, provided no appeals are filed.

Background and Discussion

On January 14, 2020, a statutory public meeting was held to consider staff report PL-01-20 regarding the Interim Control By-law Land Use Study and receive feedback from the public, stakeholders and Council at the Community Planning, Regulation and Mobility Committee meeting.

At the January 14th statutory public meeting, staff report PL-01-20 contained the following staff recommendations:

- Receive the Interim Control By-law Land Use Study report prepared by Dillon Consulting and attached as Appendix B to community planning department report PL-01-20; and
- Approve the proposed Official Plan Amendment attached in Appendix D to community planning report PL-01-20; and

- Approve the proposed Zoning By-law Amendment attached in Appendix E to community planning report PL-01-20; and
- Repeal the Interim Control By-law from the subject lands upon expiry of the appeal period for the proposed Official Plan and Zoning By-law amendments, provided no appeals are filed.

Committee amended the motion regarding the staff recommendations by adding the following:

- Direct the Executive Director of Community Planning, Regulation and Mobility to consider the following modifications to the proposed Official Plan Amendment:
 - For clarity, any policies that reference growth in the MTSA's should also include reference to the overall MTSA typology which differentiates the characteristics between downtown and the GO Station MTSA's;
 - Policies that address urban design and public realm should identify street trees, street furniture and public art as key elements of the public realm;
 - Opportunities to strengthen compatibility policies and the built form transitions to surrounding areas;
 - Policies that identify innovative sustainable energy, water, landscape and waste management practices should address mitigating the impacts of climate change, sustainable development practices and green infrastructure.

Staff have reviewed this list of elements for consideration and have provided responses contained in Appendix A – Committee-Initiated Motion to this memo and described in greater detail below.

Dillon Report Revisions

Appendix B – Interim Control By-law Land Use Study (Revised January 2020) to this memo contains a revised version of the Dillon report which includes the following edits:

- Page v - "1,800 boardings/alighting" has been changed to "1,200 boardings/alightings", "am" changed to "AM"
- Page 7 - "(partial rights of way refer to instances where transit vehicles operate in a dedicated right of way for only a portion of the total route, such as a bus using queue jump lanes)" added to clarify "partially dedicated rights-of-way"
- Page 53 - "Change (2016 to 2031)" changed to "Change (2016 to Build Out)", "This information is not a forecast" added to footnote.
- Page 54 - Regarding the 20% transit mode share from the Halton TMP, the following text was added: "Note, however, that to achieve these mode shares, significant investment into the transit and active transportation networks, beyond what is currently planned and approved will be necessary."
- Page 82 - Graphic updated to show growth from 320 boardings/alightings to 1,200 boardings/alightings, rather than 1,800.
- Page 108 - Clarified that the number of trips refers to trips in both Downtown Burlington and the Burlington GO Station Area.

Dillon confirmed that there was a discrepancy in the reporting of Figure 5-6 (as indicated on pages v and 82) regarding the 1,200 future AM peak period boardings and alightings. Dillon also confirmed that the corrected number was in the model used for the analysis, but was not updated in the figure in the report and further, that this modification does not impact the conclusions of the report. Dillon also included additional language on pages 7, 53, 54 and 108 to provide clarity. Staff have reviewed the revisions to the Dillon report and confirmed that the revisions do not impact Dillon's conclusions or staff's recommendations. The revised study can be viewed at www.burlington.ca/calendar.

Statutory Public Meeting Submissions

Staff have reviewed and summarized the submissions that were received at and following the statutory public meeting and have provided responses in Appendix C-1 – Staff Responses to Submissions Received.

After considering the verbal and written submissions provided at and following the statutory public meeting as well as the Committee motion, staff are proposing several modifications to the proposed Official Plan and Zoning By-law amendments which are contained in Appendix A - Committee-Initiated Motion and Appendix C-2 - Staff-Initiated Proposed Policy Modifications and discussed in greater detail below.

The proposed modifications resulting from both the Committee motion as well as the staff-initiated proposed modifications to the Official Plan and Zoning By-law amendments have been reflected in the proposed Official Plan amendment, as amended, in Appendix D – Proposed Official Plan Amendment 119 and the proposed Zoning By-law amendment, as amended, in Appendix E – Proposed Zoning By-law Amendment 2020.418.

To assist the reader in understanding the modifications, staff have also provided a “tracked changes” version of the proposed Official Plan and Zoning By-law amendments in Appendix F – Proposed Official Plan Amendment 119 – Tracked Changes Version and Appendix G – Proposed Zoning By-law Amendment – Tracked Changes Version to indicate where policies or zoning regulations have been added, removed or revised.

Proposed Modifications to Official Plan and Zoning By-law Amendments

Committee Motion regarding Modifications to the Proposed Official Plan Amendment

Staff have considered the Committee motion to consider several modifications to the proposed Official Plan amendment. Staff responses are contained in Appendix A to this memo and have resulted in proposed modifications to the following policies:

- a) Additional wording in Part I, Section 4.3 to reflect language in Part III, Section 7 regarding the majority of growth in MTSAs being anticipated in the MTSAs located along higher order transit routes and with planned frequent transit service;
- b) Additional references to street trees, street furniture and public art in Part II, Section 3.11.2 Transit-Supportive Development; Part II, Section 6.1 Design – Principles; Part II, Section 6.3 Design – Existing and New Communities Policies and in Part III, Section 7.2.1 Major Transit Station Area Special Planning objectives;
- c) Additional wording in Part III, 7.2.1 d) to address transitions between various land uses and built forms; and
- d) Additional wording in Part III, 7.2.1 e) Major Transit Station Area Special Planning objectives to include a reference to adapting to the impacts of climate change.

Staff considered incorporating additional language into some of the proposed definitions; however, the definition for “Compact Built Form” has been updated to reflect the 2019 Growth Plan and the proposed definition for “Complete Street” is based on the NACTO definition and is focused on transportation objectives. Staff note that the definition for “Complete Street” includes a reference to public realm.

Staff also considered incorporating additional language into the definition of “Urban Design Brief”; however, staff is of the opinion that the proposed definition provides sufficient flexibility for staff to require applicants to include commentary about the public realm. The existing and proposed Official Plan policies highlight the importance of public realm elements and the proposed definition of “Urban Design Brief” requires applicants to analyze and demonstrate how a proposed development meets the urban design objectives and policies of the Official Plan.

Staff-Initiated Proposed Policy Modifications

The submissions received at and following the statutory public meeting have been reviewed and considered by staff. Appendix C-1 includes a summary of comments for the purpose of responding to the input received. Where appropriate, staff have addressed certain comments under the “Staff Response” column. Some comments did not require a response because they were clear and/or did not require a discussion; in these cases, only the words “Staff have noted these concerns.” appear under the “Staff Response” column.

Proposed Official Plan Policy Modifications

Staff have proposed the following Official Plan policy modifications (see Appendix C-2):

- a) Modifications to Part II, Subsection 3.11.2 e) and Part III, Subsection 7.2.2. q) (iv) to distinguish the requirement to be consistent with Official Plan policies from the requirement to have regard for Council approved Urban Design Guidelines;
- b) Modifications to Part II, Subsection 6.3 e) to incorporate the defined term “compact built form” and add a reference to transit-oriented development;
- c) Modifications to Part III, Subsection 7.1.1 a) and 7.1.2 a) to recognize that secondary planning for the MTSA has already been initiated;
- d) Modifications to Part III, Subsection 7.2.1 g), Part III, Subsection 7.2.3 and Part III, Subsection 7.2.3 d) to recognize employment functions including existing industrial sites;
- e) Modifications to Part III, Subsection 7.2.2 p) to clarify that the concept of optimization should be broadly assessed over the entirety of the MTSA;
- f) A new policy objective in Part III, Subsection 7.2.3.1 b) to establish the importance of a creating a grid-oriented network of transportation connections throughout the Burlington GO MTSA;
- g) Modifications to Part III, Subsection 7.2.3.2 h) (iv) to provide clarity and flexibility regarding building height variations;
- h) Modifications to Part III, Subsection 7.2.3.2 h) (x) to highlight the importance of a new transportation connection between Brant Street and Drury Lane;
- i) Modifications to Part III, Subsection 7.2.3.2 h) (xi) to establish a proportional relationship between the future transportation corridor and the built form that fronts onto it;
- j) Modifications to Part III, Subsection 7.2.3.2 h) (xv) that clarify that the public square / transit plaza component should be incorporated into re-development of the Burlington GO Station site;
- k) Modification to Part VII, Schedule M-1 to replace “New Mid-Block Public Right-of-Way” with “New Mid-Block Transportation Connection” to allow flexibility in determining the detailed function of the transportation connection through the secondary plan process and/or through a development application; and
- l) Modifications to Part III, Subsection 5.3.3.2 l) recognize the site-specific zoning regulations (MXT-386) for the lands located at 2089 and 2095 Fairview Street in accordance with the OMB decision (OMB Case #PL061117).

In addition to the above proposed modifications, staff have modified the Official Plan policy and zoning references (Appendix C-2, Rows 9 and 13 regarding Part III, Subsection 7.2.3.1 b) and Part III, Subsection 7.2.3.2 h)) that established maximum building heights in the area bounded by Brant Street, Fairview Street, Drury Lane and the rail corridor, to focus the establishment of a maximum 6 storey building height within the first 10 m along Brant Street, Fairview Street and Drury Lane (Appendix C-2, Row 13 regarding Part III, Subsection 7.2.3.2 h) (xiii)).

Staff heard delegations and received submissions from the public, stakeholders and Metrolinx regarding the proposed Official Plan policies and zoning regulations related to the establishment of maximum building heights. The rationale for introducing maximum building heights was to assist in achieving appropriate built form transitions. To achieve this objective, staff have proposed modifications to the proposed Official Plan policies and zoning regulations to address the street edge conditions of the Burlington GO MTSA without imposing limits on the development potential of these lands. The proposed modifications ensure that future development will achieve an appropriate transition to adjacent areas through a mid-rise, pedestrian-scale built form along Brant Street, Fairview Street and Drury Lane and also provide built form continuity with the Fairview Street Mixed Use Corridor which permits buildings up to 6 storeys in height.

Staff have also undertaken minor editorial modifications to ensure that defined terms in the proposed Official Plan amendment have been appropriately referenced.

Staff note the importance of continuing to work towards establishing a clear vision for the Burlington GO MTSA which requires the Region of Halton to delineate the boundaries of the Burlington GO MTSA and identify minimum density targets through their Municipal Comprehensive Review while the City works towards completing the secondary plans for the GO Station MTSA's, including the secondary plan for the Burlington GO MTSA.

Based on the submissions received at and following the statutory public meeting, staff expects that potential applicants will work closely with the City to ensure that the Burlington GO MTSA is developed appropriately.

Proposed Zoning By-law Modifications

Staff have proposed the following zoning modifications (see Appendix G):

- a) An additional permission for convenience/specialty food stores up to 1000 m² to ensure that urban format food stores are permitted in the MXT zone;
- b) The removal of diagram 5A which depicted maximum building heights in favour of a 6-storey built form requirement along the Brant Street, Fairview Street and Drury Lane street edge;
- c) Within the site-specific zoning regulations for CR-351, a reference to the existing bicycle parking rates for retail uses in Part 1 of the Zoning By-law; and
- d) A site-specific zoning regulation for MXT-386 which exempts the lands located at 2089 and 2095 Fairview Street from the proposed residential and entertainment bicycle parking rates in accordance with the OMB decision (OMB Case #PL061117).

Staff have also made minor typographic modifications to the proposed Zoning By-law amendment as shown in Appendix G, where required.

No Further Notice Required

Based on the proposed modifications described in this memo (and as contained in Appendices F and G) in conjunction with the feedback received on staff report PL-01-20 at and following the statutory public meeting, staff is of the opinion that no further notice is required in respect of the proposed Zoning By-law Amendment, in accordance with Section 34(17) of the Planning Act concerning a change to a proposed by-law made after the holding of the public meeting.