

Taking a Closer Look at the Downtown: Responses to Submissions Received through the New Official Plan Project (2018) Related to the Downtown

A number of submissions were received related to the Downtown through the New Official Plan project that was brought to Council for endorsement in April 2018. In 2017, there were several site-specific submissions that were determined to be premature, given the on-going work on the Downtown Mobility Hub and the need for a future Area Specific Plan. These comments were held over to the current project, Taking a Closer Look at the Downtown, and were reviewed and considered in the creation of the recommended policy modifications contained in Appendix 2 of PL-16-20.

All submissions determined to be premature from 2017-2018 have been re-reviewed and considered by the project team for the Taking a Closer Look at the Downtown project (the Re-examination of the Downtown Policies in the adopted Official Plan). This appendix reproduces comments or excerpts of comments where appropriate for the purpose of summarizing and responding to the input received.

Within the table below, under the “Stakeholder Comment” column, comments are reproduced for reference. Where possible, comments have been summarized; in other cases, excerpts of comments have been quoted verbatim. Where appropriate, staff have addressed certain comments under the “Staff Response” column. Some submissions did not require a response because they were clear and could be applied to the project team’s work without the need for discussion; in these cases, only the words “comments noted” appear under the “Staff Response” column.

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Feb 22, 2018	MHBC on behalf of Holy Protection of	The Church Property is designated as Downtown Core Precinct with Pearl Street expected to be a mixed-use major street. Under the revised draft Official Plan, the maximum height permitted is 12 storeys, rather than	Through the Taking a Closer Look at the Downtown study, the Place of Worship building has been

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	BVM Ukrainian Church	<p>the 17 storeys permitted under the previous draft. However, 17 storeys may be permitted if office space is accommodated or additional parking is provided based on Section 8.1.1(3.11.1) c). Since Pearl Street has been identified as a mixed-use major street and Section 8.1.1(3.11.1) b) requires a minimum of two permitted uses, it is our understanding that retail is required at grade with the remaining portion of a building to be another use (i.e. residential or hotel). This change appears to be a Council direction as there is no planning analysis supporting this.</p> <p>There are no policies in the draft Official Plan that allow for supportive or senior housing without retail at grade. It is our opinion that this requirement is not appropriate for the church site and restricts development potential.</p> <p>Once the draft Official Plan has been adopted, it cannot be amended for two years. This severely limits development opportunities in the short term for the church site.</p>	<p>designated Public Service; the remainder of property is now located in the newly created Village Square Precinct which permits mid-rise development up to a maximum of 11 storeys, as shown on Schedule D-2 of the recommended policy modifications. Note that some properties may not be able to develop to the full height maximum shown on Schedule D-2 due to site-specific constraints.</p> <p>Additionally, Pearl Street is now identified as a Mixed-Use Street on Schedule D-1 which is subject to recommended policies in 8.1.1(3.21).</p> <p>The SGL Final Report (Appendix 1 to PL-16-20) provides the planning rationale for the inclusion of the church in the Public Service designation as well as the creation of the mid-rise Village Square Precinct.</p>
	Dana Anderson, MHBC on behalf of Better Life	In April of 2017, our client's lands were identified as Downtown Residential- Medium and/or High Density Residential on Schedule D of the Official Plan.	The property is now located in the Apartment Neighbourhood Precinct.

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	Retirement Inc, 441 Maple Ave	<p>In November 2017, a "Downtown Mid-Rise Residential Precinct" designation was provided on the site, (permitted buildings up to eleven (11) storeys).</p> <p>February 2018 Draft Official Plan designated the Subject Lands as "Downtown Mid-Rise Residential Precinct".</p> <p>Remain concerned with application of Mid-Rise Residential Precinct designation on our client's lands. As noted in our previous submissions, this represents a down-designation of the site which, in our opinion, can accommodate an appropriately designed and sited tall building.</p> <p>"The surrounding context consists of buildings between 12 and 20 storeys. In particular, a 15-storey building, and a 14-storey building are located at the intersection of Maple Avenue and Elgin Street, opposite and adjacent to the Subject Lands.... Given the existing context, we question the rationale for the down-designation of our clients site."</p> <p>"It remains our opinion that the Subject Lands should be designated Downtown Tall Residential Precinct and we request that the Draft Official Plan be revised such that our client's lands are designated Downtown Tall Residential Precinct or that the opportunity to increase height from 11 to 17 storeys is provided in the Downtown Mid-Rise Residential precinct, without the need for an OPA subject to criteria, similar to other locations in the downtown."</p>	<p>This precinct does not provide maximum heights, but indicates that new infill developments are subject to the Built Form Policies in 8.1.1 (3.10) which are intended to permit context-driven infill development. These are explained in detail through the recommended policy modifications as well as the SGL Final Report (Appendix 1 to PL-16-20).</p>
	Renimmob Properties Limited (for 533- 535 Brant St)	<p>Concerns with new Official Plan and Downtown Mobility Hub Plan dated November 28, 2017:</p> <p>Identified in New Official Plan as Downtown Core Precinct.</p>	<p>The property is now identified as Mid-Brant Precinct and is identified for mid-rise built form on the Height Schedule included in Appendix 3 to PL-16-20.</p>

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		<p>Owners have determined that the property is suitable for High Density/tall buildings. Additionally, owners strongly object to policies that suggest the use of their property for parkland.</p> <p>Council changes in January 2018 changed the Official Plan dramatically but did not address November concerns and were not contacted to be part of the planning process. Object to the new Official Plan and Downtown Mobility Hub Plan for the November reasons.</p>	<p>The SGL Report also discusses the proposed park to be considered through the comprehensive block planning process for the Mid-Brant Precinct.</p>
	<p>Denise Baker (WeirFoulds) for Welwyn Interests Inc. (415, 419, 425, 431 Burlington Avenue and 1407, 1415, and 1421 Lakeshore Road)</p>	<p>"...we remain very concerned with the fact that we have not been privy to any of the background information or documents that purportedly support the policies which impact these lands.</p> <p>This includes, but is not limited to policy 8.1.1(3.8.2) which states: "The policies of the Downtown Mid-Rise Residential Precinct Special Planning Area continue to be developed as part of the Downtown Area-Specific Plan. Additional policies and/or objectives may be added to this section, subject to the outcome of the area-specific plan process and incorporated as a part of this Plan and/or through a future amendment to this Plan"."</p> <p>"...until the work on the Downtown Mid-Rise Residential Precinct Special Planning Area is completed, and all studies have been released to the public for their review and comment, it is premature to come forward with any policies that impact these lands."</p> <p>"This is particularly important as it relates to the context surrounding the subject lands and the fact that a portion of these lands are located within the Provincially designated Urban Growth Centre. In the absence of these particular studies, it is not possible for planning staff or the public to</p>	<p>The noted properties are now located in the Low-Rise Residential Neighbourhood Precinct, which allows for limited intensification in a form that is compatible with and fits into the existing physical character Rationale for the recommended policy modifications is contained in Section 4 of the SGL final report (May 2020).</p> <p>Additionally, all supporting studies are available as appendices to PL-16-20, with a few exceptions as noted within PL-16-20.</p>

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		determine how the proposed policies affecting these lands are consistent with the Provincial Policy Statement, or how they conform to the Growth Plan.”	
	Burlington Furnished Rentals (466 & 470 Nelson St, 1359 Elgin St)	<p>Disappointed that mix of housing forms not permitted in the St Luke’s Precinct (Nov 2017 version).</p> <p>“St. Luke’s is adjacent to the Downtown and my properties are located within the Urban Growth Centre Boundary, but the proposed policies do not allow for growth or redevelopment on my properties.”</p> <p>Requested consideration that 466 & 470 Nelson Street permit townhouses, including the protection of the heritage building. These properties abut a hydro corridor and are appropriate for a transition from low density residential to the intensification in the Mobility Hub.</p> <p>Request townhouses be permitted on Neighbourhood Connector Streets.</p> <p>Future require height permission for 3.5 storeys</p> <p>Regarding 1359 Elgin, disappointed that the only permitted uses are existing uses and no new policies permitting the intensification of the property through the expansion of the existing uses including provisions to add any additional storeys to the existing building.</p> <p>Requests consideration of policies to permit redevelopment of existing low-rise apartment buildings in St. Luke’s to achieve a maximum of 5 storeys.</p>	Please refer to the SGL Final Report (Appendix 1 to PL-16-20) for a discussion about the permitted heights and forms recommended for the Low-Density Residential Neighbourhood precinct which includes the St. Luke’s and Emerald Neighbourhood precincts.
	Tyler Grinyer, Bousfields for Spruce Partners	Our opinion is that the site is a gateway site into the Downtown and supportive of a tall building built form.	A revised system of Precincts has been developed to reflect local context and appropriate

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	<p>and Amico Properties Inc. (1161-1167 North Shore Blvd)</p>		<p>development types for various parts of the Downtown. The recommendations do not include the identification of specific gateway locations.</p> <p>The subject lands are located in the Apartment Neighbourhood Precinct through the Taking a Closer Look at the Downtown process on Schedule D to the Official Plan.</p> <p>The recommended policy modifications allow for intensification through a variety of built forms as appropriate in each precinct. The Apartment Neighbourhoods Precinct permits infill development that fits into and respects the existing physical character of adjacent properties, with a requirement to transition to, and be compatible with adjacent Low-Rise Neighbourhood Precincts and other established residential neighbourhoods.</p> <p>Refer to section 8.1.1(3.12) of the recommended policy modifications for specific recommended wording</p>

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			of policies. These are explained in detail through the proposed modified policies as well as the SGL Final Report (Appendix 1 to PL-16-20).
	<p>Scott Snider Turkstra Mazza for Victoria- Brant Ltd et al. (559-615 Brant St, 2016 Victoria Ave) (and Counsel for 2018, 2022 Victoria Ave)</p>	<p>(8.1.1 (3.11.2) b) (i) (ii) Downtown Core Precinct, Site-Specific Policy The proposed policies state that as a part of any future development, all existing retail, service commercial and office floor area shall be maintained, along with the food store function. This policy is unduly prescriptive and not appropriate for an Official Plan. We recognize that maintaining the food store at this location is important for the City and our client is willing to consider its continued use. However, requiring our client to commit to maintaining a specific square footage for each of the existing retail, service commercial and office uses is unreasonable and could restrict future development of the site which may include residential uses. This would be inconsistent with the PPS and would not conform to the Growth Plan or the site's status within the Official Plan. If the new Official Plan will have site specific policies for the site, our client would like the opportunity to meet with staff to discuss future plans.</p> <p>8.1.1 (3.11) c) (i) (ii) (a) (b) Policies The proposed policy restricts height to 12 storeys, with the option to go to 17 if the options in (ii) are met. A height of 12-17 storeys does not provide significant incentive for intensification on the site, contrary to the PPS, the Growth Plan, and the site's status within Official Plan. The site allows for residential development and it would be more appropriate for a higher form of development (in the range of 22 storeys) to be permitted. Any development on the site could also be supported by the existing food store.</p>	<p>The subject properties are now located in the Mid-Brant Precinct. The SGL Final Report outlines the proposed modified requirements for the Mid-Brant precinct with respect to form, height and massing, mix of uses, grade activation and retention of the food store function as well as the proposed park and comprehensive block planning process.</p> <p>Staff have met with planning consultants for this property through the Taking a Closer Look at the Downtown and have responded to their comments in Appendix 17 of report PL-16-20.</p>

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		<p>8.1.1 (3.11) j) Policies Schedule D of the proposed Official Plan shows a new public park located in and around the subject site. It is unclear if this “public park” reference is to apply to privately owned lands. It is not appropriate to identify lands for public use unless there is a commitment from the City to acquire the lands within a reasonable period of time. Locating a public park in this location would also be inconsistent with the overall direction in provincial policy to use fully serviced lands in urban growth centres efficiently. It would also be inconsistent with the identified need for public parking in this part of the city.</p> <p>8.1.1 (3.2) d) (ii) General Policies This policy requires that the service commercial or office uses at grade continue in buildings which have frontage on a public street and pedestrian pathways. It is unclear how this requirement is to be applied to the site. There is substantial parking area in front of the food store that is supportive of this particular use. Opportunities for redevelopment should be confined to developing along Brant Street only.</p> <p>8.1.1 (3.2) j) General Policies This policy requires that in developments containing both retail and service commercial uses at grade, as well as residential uses (which are planned for the site), office uses or uses accessory to residential should be required as an intermediary use between areas of the building or floors containing retail and service commercial uses. This intermediary use between floors is proposed to minimize adverse impacts such as noise and vibration that may be caused by some types of retail and service commercial uses. Our client is unsure how this requirement can be incorporated into its future development plans for the site.</p>	

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		<p>Given the City's desire to impose detailed, site-specific policies on the site, it is certainly necessary and appropriate for staff to meet with our client to ensure the policies would not frustrate its plans.</p> <p>We are requesting staff be directed to meet with our clients to discuss these concerns and to refine the policies in the proposed plan that apply to this site.</p>	
	<p>Dana Anderson, MHBC for Emily Shih (431-39 Brant)</p>	<p>Concerns from November 28, 2017 and January 22, 2018:</p> <ul style="list-style-type: none"> • The application of the parks and promenades precinct designation on the Subject Lands; • Restrictive and detailed policy language related to design and regulatory controls for development along Brant Street; and, • The extent of the boundary for the Brant Main Street Special Planning Area. <p>Following the release of the February 7, 2018 draft Official Plan, and meeting with staff on February 16, 2018, our client still has significant concerns as noted:</p> <p>Park Requirement: Despite the removal of the Parks and Promenade Precinct on the property on the Schedule, the following site-specific policy is a concern: "8.1.1 (3.7.2) SITE SPECIFIC POLICIES</p> <ul style="list-style-type: none"> a) 433 and 439 Brant Street: As part of any comprehensive development of the properties located at 433 and 439 Brant Street, a public pedestrian walkway between Brant Street and John Street shall be provided which may be in the form of a Privately-Owned Publicly Accessible Space (POPS)." <p>Restrictive Urban Design Metrics:</p>	<p>The property is included in the Brant Main Street Precinct as shown on Schedule D in Appendix 3 of report PL-16-20. The Parks and Promenade precinct (now designation) is no longer applied to the property and there is no longer a proposed site-specific policy for the property.</p> <p>As outlined in the SGL Final Report, there are policies to guide the design of buildings specific to Brant Street as well as the Downtown in general.</p>

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		<p>Restrictive urban design metrics continue to be included in the Downtown policies of the draft Official Plan. The urban design guidelines have been implemented as required policy without consideration for the locational context and without flexibility. The design guidelines are imposed through mandatory requirements using the term “shall”. Most notably, we have concerns with the following:</p> <ul style="list-style-type: none"> • Mandatory requirement that a 45-degree angular plan from the centreline of Brant Street; • Mandatory requirement that all podiums along Brant street be a minimum height of three storeys; and, • Mandatory requirement that all tall buildings have maximum floor plates (750 square metres) and provide a separation distance of 30 metres. <p>The physical character along Brant Street can be maintained through good urban design without the inclusion of such restrictive policies in an Official Plan. The policies provided for in the February 2018 draft would in fact impede development that still meets the intent of the guidelines since it would trigger the need for an Official Plan Amendment application should a two-storey podium be proposed that still meets the 45-degree angular plane or should a slight encroachment be proposed into the angular plane with a 3-storey podium.</p> <p>Including such rigid requirements in policy creates significant constraints to development and in some cases makes feasible redevelopment almost impossible on some sites, especially in a mid-rise form. Such may be the case for the Subject Lands should a seniors housing development be considered which would not generally provide for a 3-storey podium. Requiring an Amendment to the Official Plan for design related matters is unduly onerous and in fact, as now required under the Planning Act, Official Plan Amendments are not permitted within two years following</p>	

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		<p>the Plan's approval. Staff advised that the two year restriction would be a good time period to see how things work or don't work and would allow time for consideration of changes. This constraint and time lag could also restrict the very objective of providing well designed buildings that meet the City's objectives.</p> <p>With respect to the new mandatory requirement of a 30 metre separation distance between tall buildings, we understand that this has been included as a result of Council direction. The City previously went through an extensive public process to develop tall building guidelines which established 25 metres as the appropriate separation distance between towers of tall buildings. These guidelines were approved in May 2017 and previous drafts of the OP included this separation distance. Again, it is our opinion that these urban design matters should not be included as mandatory policy in the Official Plan and should remain as guidelines within the approved guideline documents. Moreover, we note that the existing conditions in the Downtown would make it impossible for many new developments to meet a 30 metre separation distance. There does not appear to have been any further analysis or public consultation to revise what was otherwise accepted and approved by Council.</p> <p>The mandatory urban design guidelines should be discretionary, and we would recommend the language be amended to "should" where "shall" is currently provided.</p> <p>Special Planning Area We have previously requested that the entirety of Subject Lands should be included within the Brant Main Street Special Planning Area, which would allow for the opportunity to explore broader redevelopment</p>	

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		<p>options for the site above the current 11-storey height requirement to a maximum of 17 storeys. It continues to be our opinion that the Special Planning Area should extend to these lands and request that the Downtown Mobility Hub Land Use Schedule be revised to include the Subject Lands.</p>	
	<p>Tony Millington on behalf of Victoria Brant Developments (Brant Plaza) and the Old Lakeshore Road</p>	<p>We feel strongly that our site has the potential for higher densities.... We feel with an increase in density we can provide units which are diverse in size and are more affordable. This also takes pressure off the downtown which in this present environment seems to be a plus.</p> <p>An increase in density also allows for more pedestrian oriented shoppers at the commercial units around this major intersection.</p> <p>Re: Proposed Park (directly south of site) The propose park presently holds 160 parking spaces and the city has already sited a deficiency in parking in the downtown area. The Brant Plaza tenants also have a shortage of parking due to the surrounding uses having little or no available parking. Security personnel are often hired to manage illegal parking at the site. To remove the parking to facilitate a park does not make sense.</p> <p>Want to keep food store at this location as a viable downtown asset.</p> <p>Why do we need another park in this area with Spencer Smith only 4 blocks away?</p> <p>..."to use second floor office space as suggested to create sound attenuation is not an option. This amount of office space is not rentable there just isn't any demand. We have had empty space for years and basically it has to be given away."</p>	<p>The subject properties are now located in the Mid-Brant Precinct. The SGL Final Report outlines the proposed modified requirements for the Mid-Brant precinct with respect to form, height and massing, mix of uses, grade activation and retention of the food store function as well as the proposed park and comprehensive block planning process.</p> <p>Staff have met with planning consultants for this property through the Taking a Closer Look at the Downtown and have responded to their comments in Appendix 17 of report PL-16-20.</p> <p>The recommended policy modifications do not suggest the removal of any public parking to accommodate a future park. The location of the park will be</p>

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		<p>Old Lakeshore Rd: We would request that this site or the area be deferred by council to a special study area.</p>	<p>determined through the comprehensive block plan study.</p>
	<p>Eldon Hunt, Solicitor for Brant Park Cooperative Apartments (Burlington) Limited ("Brant Park"), (1157-1167 North Shore Blvd. East, Burlington.)</p>	<p>"...In support of the Official Plan amendments proposed April 2017 as they affect the above property, providing for medium and high-density zoning (allowing taller buildings) instead of the medium density proposed in the November 30, 2017 version. Unfortunately, the revisions announced on November 30th, 2017 may jeopardize the contemplated development.</p> <p>I hereby submit that the high density (taller building) proposed in April 2017 consistent with the Province's policies of intensification are more favourable than the November 2017 proposal for the following reasons:</p> <ul style="list-style-type: none"> • Provides a greater incentive to develop the site as a Prime Gateway to the city of Burlington. • Provides an opportunity for the occupants of the property to realize the true value of their units (homes) and be able to enjoy the desired and, in some cases, much needed, amenities elsewhere in a Burlington Condo. • Provides an opportunity for the City to generate significantly higher property tax revenues for the benefit of all of its residents. 	<p>The property is located in the Apartment Neighbourhood Precinct through the Taking a Closer Look at the Downtown process on Schedule D to the Official Plan.</p> <p>The recommended policy modifications allow for intensification through a variety of built forms as appropriate in each precinct. The Apartment Neighbourhoods Precinct permits infill development that fits into and respects the existing physical character of adjacent properties, with a requirement to transition to, and be compatible with, adjacent Low-Rise Neighbourhood Precincts and other established residential neighbourhoods.</p> <p>Refer to section 8.1.1(3.12) of the recommended policy modifications for specific policy wording. These are explained in detail through the</p>

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			recommended policy modifications as well as the SGL Final Report (Appendix 1 to PL-16-20).