



File No. 2019

September 29, 2020

City of Burlington
426 Brant Street, PO Box 5013
Burlington, ON L7R 3Z6

Attention: Allison Enns (newop@burlington.ca)

Dear Ms. Enns:

***Re: Burlington New Official Plan Project for
401-417 Martha Street, Burlington***

We are the planning consultants for Landform Development Group (the “Owners”) who are the owners of the properties known municipally as 401, 405, 407, 409, 411 and 413 Martha Street, Burlington (the “subject site”). We are writing to provide our comments in respect of the City of Burlington’s proposed modifications to the adopted official plan.

The subject site’s current existing Official Plan designations and identifications are as follows:

- “Mixed Use Centre” and within the “Downtown Urban Growth Centre Boundary” on Schedule B – Comprehensive Land Use Plan – Urban Planning Area.
- “Downtown Residential – Medium and/or High Density Precincts” on Schedule E – Downtown Mixed Use Centre.
- Martha Street is identified as a “Collector Road” on Schedule K – Classification of Transportation Facilities Downtown Area.

Section 5.5.5 of the in force Official Plan provides the policies for the “Downtown Residential Medium and/or High Density” precinct. The objectives, as described in Policy 5.5.5.a) for this land use designation is to recognize the variety of the existing residential medium and/or high density development that currently exists and to provide for future medium and/or high density development that is compatible with the surrounding uses. Policy 5.5.5.c) further provides that all development and re-development shall be compatible with the existing character of the precincts and the

neighbouring precincts with respect to such matters as height, setbacks, massing, design, and community features.

In our opinion, the current in force permissions of the Official Plan do not set a specific height limit for medium and/or high density residential development and rely on policy directing all new development and re-development to be compatible with the existing character.

The following is a summary of the subject site's proposed designations and identification:

- "Primary Growth Area" and within the "Urban Growth Centre Boundary" on Schedule B-1, Growth Framework.
- "Village Square" on Schedule D, Land Use – Downtown Urban Centre.
- Pine and Elgin Streets are identified as a "Mixed Use Street" on Schedule D-1, Downtown Urban Centre Retail Streets.
- Site specific "Maximum 22 metre height" on Schedule D-2, Maximum Building Heights.
- Martha Street is identified as a "Neighbourhood Connector" on Schedule O-3, Classification of Transportation Facilities Downtown Urban Centre.

The proposed modifications refine the Village Square Precinct policies, which are contained in Section 8.1.1(3.10) and state that it will serve as a pre-eminent retail destination with predominantly mid-rise residential uses within stand alone or mixed-use buildings. In our opinion, there is no rationale as to why this is proposed as a "predominantly mid-rise" built form. It is also our opinion that there is a lack of urban design analysis rationalizing this position and policy.

In our opinion, Policy 8.1.1(3.10.1) should expand the range of permitted uses to include office, hotel and other uses that support the Downtown Mixed Use Centre.

In our opinion, Policies 8.1.1(3.10.1) b), c) and e) have not been fully vetted through a comprehensive urban design analysis and the transition policies should be tied to specific built form impacts such as excessive shadowing and overlook.

Policy 8.1.1(3.10.2) a) states that the subject site shall be permitted a maximum building height of 22 metres and shall provide a built form transition to Martha Street and Centennial Pathway. In our opinion, there is a lack of urban design analysis to

rationalize the proposed 22 metre height and this policy is too prescriptive and should not tie the height to a metric height, but instead relate it to transition and built form impacts. Furthermore, the Owners have met with the City as part of a pre-application consultation, community meeting and Burlington Urban Design Panel meeting and filed a Site Plan Control application for an 11-storey (plus occupied mezzanine) residential building. The timeline for these development applications are as follows:

- Pre-Consultation Application – March 12, 2020
- Burlington Urban Design Advisory Panel Submission – May 5, 2020
- Burlington Urban Design Presentation – May 19, 2020
- Site Plan Control Application – September 23, 2020

Section 8.1.1(3.17) provides a new set of policies related to Downtown Urban Design. In our opinion, these policies unnecessarily deviate from the City's Mid-Rise and Tall Building Guidelines and result in performance standards that are arbitrary and not based on a comprehensive urban design exercise. Also, embedding urban design guidelines into a policy planning framework as a test for new developments is overly prescriptive and gives the Downtown Burlington Placemaking and Urban Design Guidelines weight that is inappropriate. In our opinion, giving conformity authority to a guideline is inappropriate, since it is a document that is not subject to statutory requirements and can be modified without public input. Furthermore, the guidelines have not been thoroughly assessed and reviewed by the public.

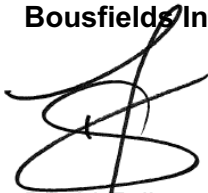
In our opinion, the Downtown Burlington Placemaking and Urban Design Guidelines (the "DBPUD Guidelines") are overly prescriptive, unnecessarily deviate from the City's Mid-Rise and Tall Buildings Guidelines, and are not based on a comprehensive urban design exercise that considers and takes into account public input. In our opinion, the DBPUD Guidelines inappropriately refer to density targets, include guidelines that increase tower separation within the Downtown where tighter relationships typically exist, include built form transition policies that do not recognize the variety and site specific considerations within the downtown that create the need for flexibility, and provides guidelines related to views and vistas that are ambiguous and not ground in good urban design principles.

We have been made aware of proposed amendments by Mayor Marianne Meed Ward and Councillor Lisa Kearns. In our opinion, the proposed modifications are inappropriate and do not include planning and urban design rationale.

We would be pleased to meet with you to discuss these revisions ahead of the Community Planning, Regulation, and Mobility Committee of City Council on September 30, 2020. Please accept this letter as our request to be notified of any decision made in respect of this matter.

Respectfully Submitted,

Bousfields Inc.



David Falletta MCIP, RPP

/DF:jobs

cc. Owners
Denise Baker, WeirFoulds LLP