

SUBJECT: Amendments to PL-16-20 re: Taking a Closer Look at the Downtown:
Recommended Modifications to the Adopted Official Plan

TO: Community Planning, Regulation & Mobility Committee

FROM: Office of the Mayor/Ward 2 Councillor

Date to Committee: September 30, 2020

Date to Council: October 7, 2020

Recommendation:

Direct the Director of Community Planning to amend the policy modifications to the adopted Official Plan contained in Appendices 2, 3, & 4 to Community Planning Report PL-16-20 prior to providing it to the Region of Halton for consideration for inclusion in the draft decision for the Adopted Official Plan (April 2018) as follows:

Amendment 1:

Remove blocks 1, 2, 3, 4 & 6 as identified on Image 1a below from the Downtown East precinct (Appendix 3, p.5, Schedule D: Land Use - Downtown Urban Centre) to allow for further study of the Cultural Heritage Landscape 4, as identified by the ASI report.

Amendment 2:

Remove block 5 as identified on Image 2a below from the Downtown East precinct (Appendix 3, p.5 Schedule D: Land Use - Downtown Urban Centre) and include it in the Downtown Public Service designation.

Amendment 3:

Amend the height for blocks 1, 2, & 3 as identified on Image 3a below in the Village Square Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights) to up to 4 storeys, consistent with the balance of this precinct.

Amendment 4:

Deem the most recent Zoning Bylaw Amendment for the property at 2085 Pine as appropriate for this property noted as block 4 on Image 4a below in the Village Square Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights).

Amendment 5:

Amend the height for block 1 as identified on Image 5a below in the Lakeshore Precinct to be consistent with the balance of the precinct, with a 3 storey podium and step backs to up to 17 storeys. (Appendix 3, p.7 Schedule D-2: Maximum Building Heights)

Amendment 6:

Add the words “and parking” to section 8.1.1 (3.9.2) SITE SPECIFIC POLICIES for 2020 Caroline Street, 510 Elizabeth Street, and 2025 Maria Street, and define “substantial floor area of office development **and parking**” to mean achieving at minimum the parking and office negotiated as part of the block plan development for this site under the most recent Official Plan Amendment/Zoning Bylaw Amendment, noted as block 1 on Image 6a below in the Downtown East Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights)

Amendment 7:

Strike the word “semi-detached” from 8.1.1(3.13.1) POLICIES a) (i) and insert the word “semi-detached” into 8.1.1(3.13.1) POLICIES a) (ii);

and Strike section 8.1.1(3.13.1) (d) related to development of semi-detached dwellings in the Emerald/St. Luke’s neighbourhoods in its entirety.

Amendment 8:

Amend 8.1.1(3. 2) (e) GENERAL POLICIES by inserting the words “design excellence” and “and transition to”.

Amendment 9:

Replace “should” with “shall” in Section 2.4.2 (3) c) ESTABLISHED NEIGHBOURHOOD AREAS.

Executive Summary:

The proposed amendments cover four areas in the downtown and 11 parcels - a small geography, but very important part of the overall Official Plan. Two additional motions deal with general policies.

The motions aim to protect heritage and public service uses, uphold the intent of recent approvals on specific sites, provide consistency in precincts, and add more protections for established neighbourhoods.

The rationale for the proposed amendments is drawn from the planning studies that have been done in conjunction with the OP review where applicable; public input throughout the new Official Plan process which began in 2016; acknowledgement of the changing context downtown; and additional considerations as detailed under each motion.

In terms of process, staff's role is to make recommendations, council's role is to make decisions, in this case for consideration for approval by an upper level of government.

Council-initiated amendments are a standard and legitimate part of this process. During the Adopted OP 2018, 12 OP-related council-initiated motions were brought on the floor and approved by council to be sent to Halton Region, some endorsed by staff, some not. The complete list is here: [2018 OP-Related Council-Initiated Motions](#)

None of these council-initiated motions in 2018 formed the basis of any of the Regional concerns that sent the plan back to the city for further review.

Halton Region is the final decision maker. These motions and indeed the entire package of amendments to the Adopted Official Plan being considered via report PL-16-20, will be subject to review and approval by Halton Region.

We respectfully ask committee and council to include these motions in the package of changes to the Adopted Official Plan that will be considered by Halton Region during their review and approval.

We are in the final steps of approving a new downtown plan. With consideration for approval of these final set of motions, the entire plan will be not only better than the Existing OP, but better than the Adopted 2018, and more reflective of community input we heard since this journey began in 2017. It will be a plan made better through collaboration with the community and worth supporting.

For reference and comparison, throughout this document the three Official Plans will be referred to as follows:

- Existing OP (the current in force and effect Official Plan);
- Adopted OP 2018 (the plan approved by the previous council in 2018 and sent to Halton Region);
- Proposed OP 2020 (the Taking a Closer Look at the Downtown revisions to the Adopted OP 2018 contained in PL-16-20)

Background and Discussion:

Amendment 1:

Remove blocks 1, 2, 3, 4 & 6 as identified on Image 1a below from the Downtown East precinct (Appendix 3, p.5, Schedule D: Land Use - Downtown Urban Centre) to allow for further study of the Cultural Heritage Landscape 4, as identified by the ASI report.

The rationale for this amendment will be addressed under nine issues, with supporting material from planning studies:

1. Need for heritage protection
2. Consistent approach to Cultural Heritage Landscapes
3. Increase in height with no community benefit
4. Density not required to exceed targets
5. Changing policy context regarding MTSA/UGC
6. Mid-rise development is viable
7. Height increase leads to land speculation
8. Post COVID office market is changing
9. Community input



Image 1a: Amendment 1, Downtown East Precinct, Proposed OP 2020

Detail from: [Schedule D Downtown Land Use - Downtown Urban Centre \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- Block 1: The block bounded by John, James, Elizabeth & Maria

- Block 2: James (North Side) between Elizabeth & Pearl, Elizabeth mid block north (excluding existing highrises and excluding Downtown Public Service block in grey to the West)
- Blocks 3-4: James (South Side) between Elizabeth & Martha, from James to Elgin Promenade

Note: There is an existing proposal for an 18-storey building at the South-West corner of James & Martha in Block 4, addresses 2082, 2086 and 2090 James St., that is currently before the Local Planning Appeal Tribunal for a decision.

Rationale:

Issue 1: Need for Heritage Protection

We have an obligation and an opportunity to implement provincial policy mandates to protect heritage. Amendment 1 is in the service of that obligation.

Both the [Provincial Policy Statement 2020](#) (PPS) and [A Place to Grow: Growth Plan for the Greater Golden Horseshoe](#) (hereinafter referred to as the “Growth Plan”) require municipalities to protect cultural heritage assets.

The PPS Section 2.6.1 states, “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The Growth Plan Section 4.2.7 states, “Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas....Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.”

Cultural Heritage Landscape CHL 4 encompasses Blocks 1, 3, and 6 in Image 1a above (and beyond):

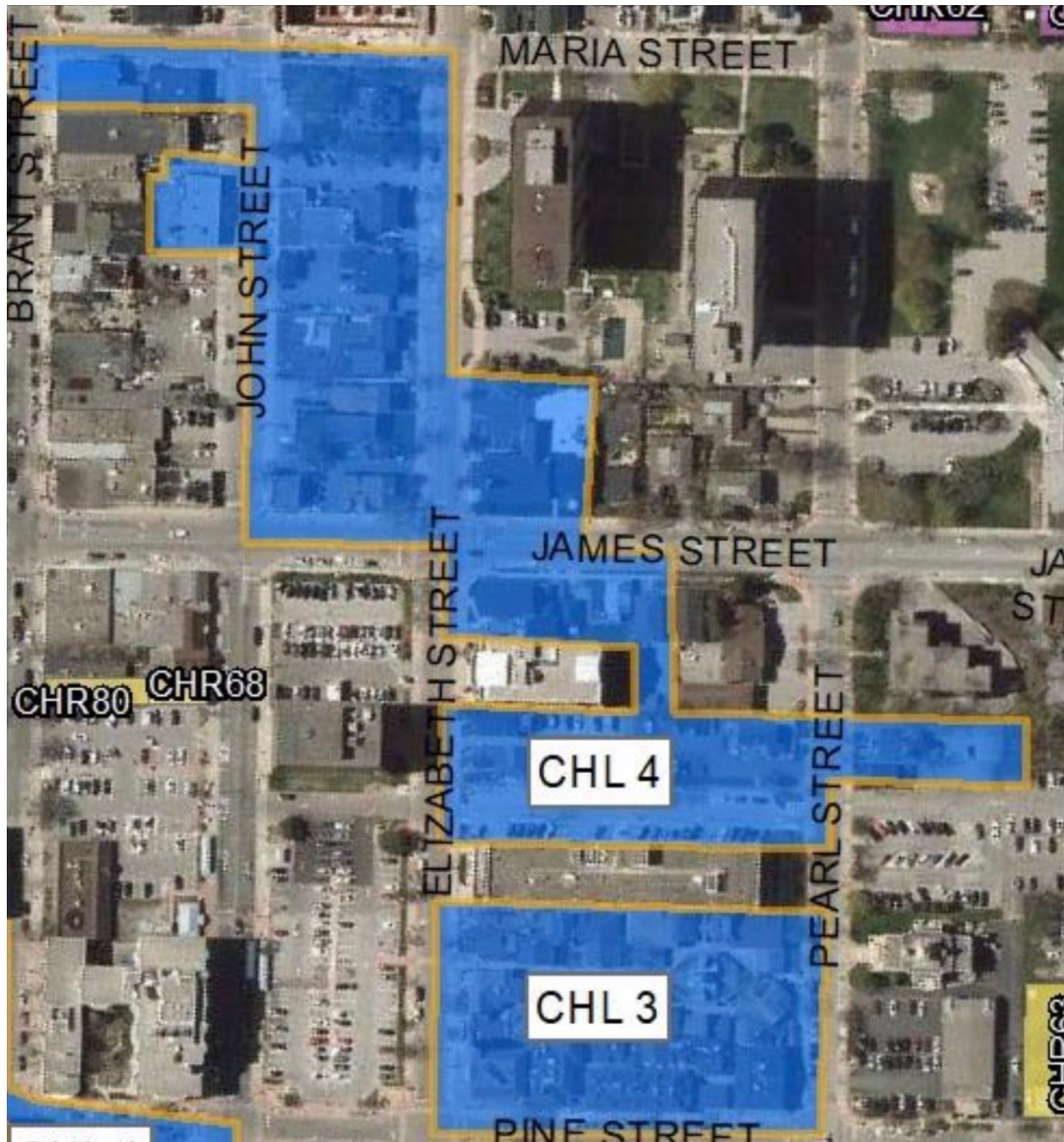


Image 1b: Source: Page 45 [Appendix 6. ASI Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes \(Revised September 2019\)](#)

The areas identified in blocks 1, 3 and 6 in Image 1a have been identified by the ASI report as Cultural Heritage Landscape 4, per Image 1b above. The report identifies CHL 4 as: “John/James/Elizabeth Focus Cluster: Located within a mixed-use area, containing residential buildings, religious buildings, commercial buildings, and residential buildings adapted for commercial use (Figure 19)”

(ASI 2019)



Figure 19: John/James/Elizabeth Focus Cluster,
looking south along Elizabeth Street

(ASI 2019)

According to the ASI study, Table 2, p29, there are 7 properties within this cluster that are "listed" on the heritage registry, and may be candidates for designation under the Ontario Heritage Act which would protect them from demolition. That further study to determine their heritage value has yet to be done. Amendment 1 seeks no changes to the Existing Plan until that study can be complete. Those 7 properties are further detailed on pp 66-71 of the ASI report.

Page ii of the ASI report states:

"The Downtown Mobility Hub redevelopment and intensification plan should incorporate policies that ensure the long-term viability and presence of built heritage resources and cultural heritage landscapes in the area."

Blocks 2, 4 and 5 on Image 1a are adjacent to Cultural Heritage Landscape 4 also deserving protection under the PPS which states in Section 2.6.3 "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where

the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The [SGL Taking a Closer Look at the Downtown Final Report, June 2020](#) notes, in Section 4.6, Cultural Heritage Resources, “In January 2020 (SD-02-20) Council directed staff to study these potential resources and landscapes as a next step to build on the work of the ASI. The recommended modifications to the adopted Official Plan include the introduction of a new policy in 8.1.1 (3.23) that acknowledges the city’s intention to study these areas and provides guidance for any development proposals for these areas that may come forward prior to the completion of this study.”

Further, the SGL report (pg33) recommends “that the city begin an evaluation of the priority list in Appendix H-2). See Image 1c below.



Image 1c: Appendix H-2 Potential Cultural Heritage Study Areas Downtown Source: [Appendix 4: RECOMMENDED MODIFICATIONS TO POLICIES OUTSIDE SECTION 8.1.1\(3\) OF THE ADOPTED OFFICIAL PLAN](#)

That full study has yet to be done.

Amendment 1 seeks to make no changes to the Existing Plan until that study can be complete. It is that much harder to conserve heritage when there is an application for demolition and redevelopment, especially when heritage is not already protected with designation under the Ontario Heritage Act. Further, leaving a heritage assessment to a site specific application doesn't allow for a comprehensive study and potential protection of the entire block or cultural heritage landscape, but starts to chip away at the heritage landscape, property by property.

Let's take the time for the comprehensive study of individual properties as well as the overall Cultural Heritage Landscape in the Downtown East, before granting a significant height increase.

This strategy also aligns with Principle 11, Appendix A of the SGL report June 2020: "Protect and integrate heritage buildings."

Village Square, the subject of Amendment 3, falls within both CHL 3 and CHL 4 and will be addressed separately.

Issue 2: Consistent approach to CHLs

The ASI report identifies five Cultural Heritage Landscapes in the downtown:

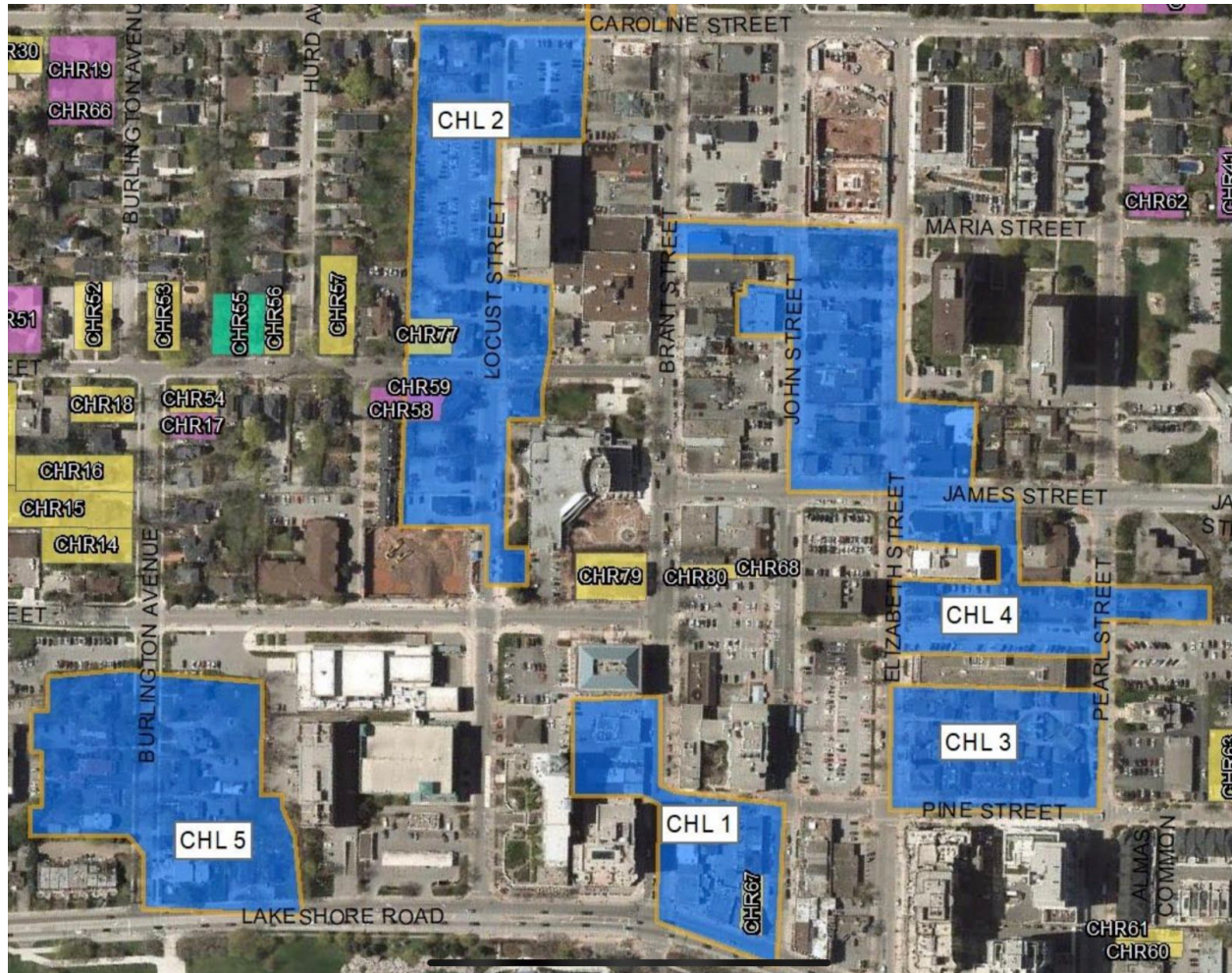


Image 1d: Source: Page 45 [Appendix 6. ASI Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes \(Revised September 2019\)](#)

In no other cluster are height permissions granted up to 17 storeys.

Height permissions for CHL 1, 2, 3, and 5 are as follows:

CHL 1: Foot of Brant/Lakeshore: 3 storey podium, up to 11 storeys. This area contains 4 listed heritage properties.

CHL 2: West side of Locust from Elgin to Caroline: 3 storeys. This area contains 4 listed and 3 designated heritage properties, for a total of 7.

CHL 3: Village Square: 4 storeys. This area contains 4 listed properties.

CHL 5: Burlington/Lakeshore to just South of Elgin: 4 storeys at Lakeshore, 2.5 behind. This area contains 7 listed properties.

DC zone (Blue) Maximum height 4 storeys, 15 metres

DRM Zone (Yellow) Maximum height 3 storeys, up to 12m maximum

CHL4 is in the Downtown East precinct in the Proposed Plan 2020, which proposes to increase the height by more than four times from the Existing Plan of 4 storeys as of right (up to eight with community benefits) to 17 (with two floors of office in a residential mixed-use building). This significant increase in height from 4 (8 with community benefits) to 17 has the potential to make the developable air rights above the existing 2+ storey heritage assets worth more than the heritage listed buildings themselves. Adding to the further risk of protecting these heritage assets is that they are not formally designated under the Ontario Heritage Act, and the studies to determine their appropriateness for designation have not yet been done.

The Existing OP height permissions of four storeys, and zoning of 3-4 storeys, is more consistent with the height permissions in the Proposed OP for the other CHLs in the downtown. As such, the Existing OP for this area should be retained until further study of the heritage assets in CHL can be completed, including what should be designated under the Ontario Heritage Act and thereby protected from demolition via redevelopment. This is the intent of Amendment 1.

Issue 3: Increase in height with no community benefit

In addition to putting listed-but-not-designated heritage assets at risk of demolition and redevelopment, the increase in height proposed for the Downtown East does not include any increase in community benefits for residential buildings up to 11 storeys.

(Section 8.1.1.3.9.1 c) of the Proposed Plan states: “Any building containing residential units above the height of a mid-rise building (11 storeys), shall provide one floor of office space in a podium for every three additional floors to a maximum of 17 storeys.”

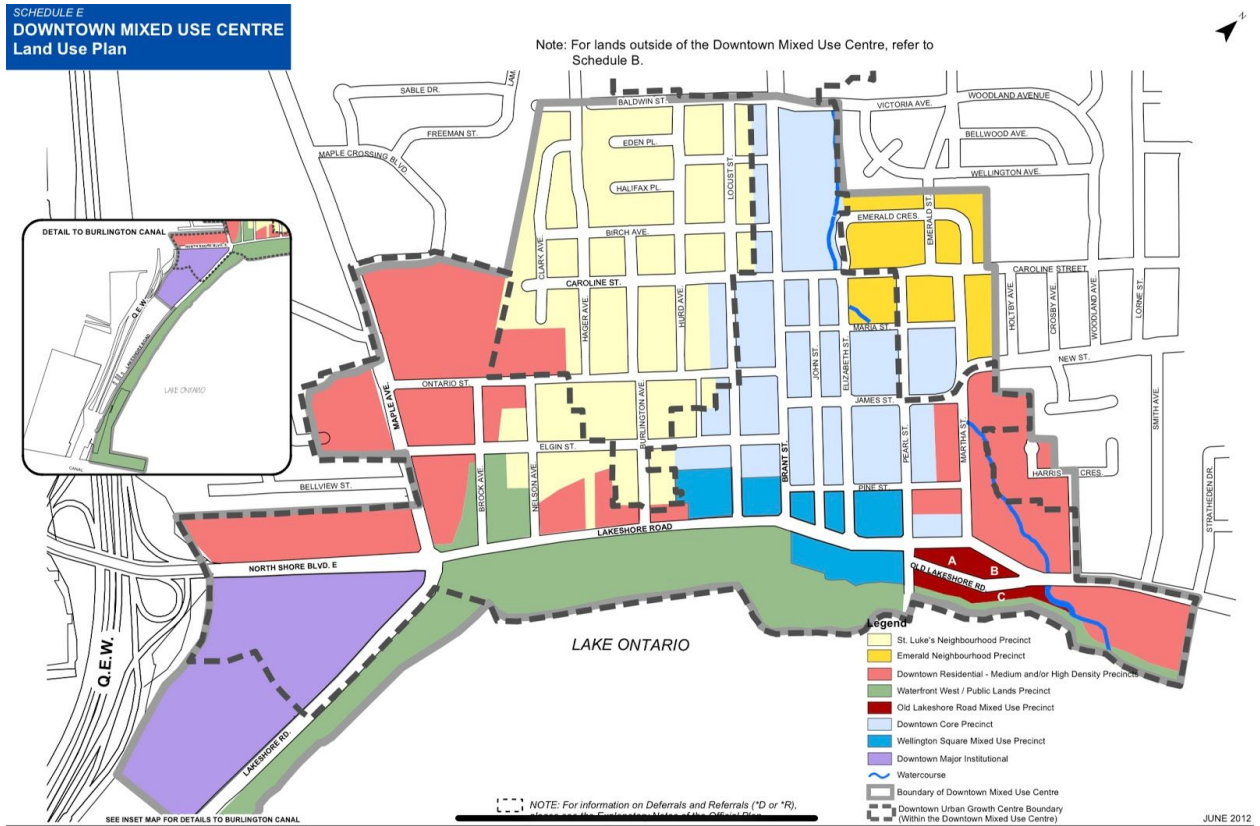


Image 1f: Source: [Existing OP, Schedule E Downtown Mixed Use Centre Land Use Plan](#)

The existing OP Downtown Core Precinct is in light blue above in Image 1f above and in Image 1g below.

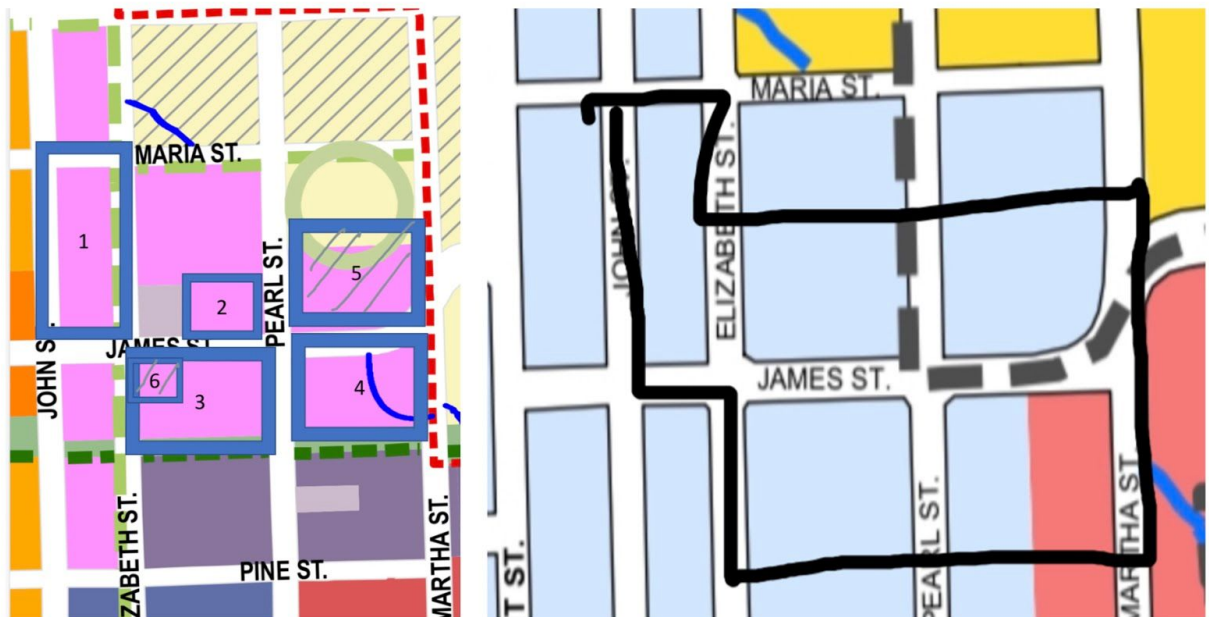


Image 1g: Source: Proposed OP, Appendix 3, Schedule D, Land Use - Downtown Urban Centre (left), and Existing OP, Schedule E (right)

The Existing OP provides for 4 storeys as-of-right in the Downtown East (Downtown Core within the Existing OP, see Image 1f and 1g, with ability to go to 8 storeys with provision of community benefits. The Proposed OP simply gives away seven floors of extra height, from 4 to 11 storeys, with no community benefits.

This is less desirable for the community than what is in the Existing OP which would require community benefits to get up to 4 extra storeys to 8.

Going to 11 storeys represents an almost 4-fold increase in height with no negotiated or discernible community benefit (from 4-11). The significant increase is not warranted for no community benefit - a height giveaway that will not net the community any office, while the Existing OP would allow the city to negotiate for office (or other community benefits) to get from four to eight storeys.

Issue 4: Density not required to exceed density targets

According to the [Urban Growth Density Analysis 2020 \(Appendix 21-D\)](#) we are exceeding our density targets without this quadrupling of height in this area.

The density analysis forecasts that the city will achieve 189 people or jobs per hectare by 2031, with existing projects in various stages of approval or construction, and 217 people or jobs per hectare with projects under consideration.

This projection includes:

- 6 projects completed or under construction
- 3 projects with draft approved site plans
- 2 projects with development approvals, awaiting site plan approval
- 8 projects under consideration

Two of the projects under consideration are in the Downtown East precinct.

The minimum requirement in the Urban Growth Centre is 200 people or jobs per hectare by 2031. Exceeding that by 17 people or jobs per hectare, in the UGC of 104 hectares, delivers 1,768 more people or jobs than required.

To achieve 200 people or jobs per hectare in the UGC, 20,920 people and jobs are required in total, which represents an increase of approximately 1,250 additional people and jobs. According to the Density Analysis, the 8 projects under consideration, if approved at the height/density being they are proposing, would deliver an additional 2,891 people and jobs (p5), well above what is required.

The analysis also doesn't consider any new applications which are sure to come in between now and the planning horizon of 2031.

Thus, even if only some of the projects under consideration are approved, or approved at lesser heights/densities than proposed, or not approved, the minimum UGC targets would still be achieved.

As such, there is no planning imperative to increase the height in the Downtown East precinct by two to four times. This significant height giveaway is not required to meet or exceed the minimum targets, as this will be achieved with other projects under approval or consideration, according to the density analysis.

A final word about the growth targets as "minimums".

The Growth Plan states, "5.2.5 Targets, 1. The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan."

The key caveat to going beyond the minimums is "where appropriate" and further "except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan."

Per the density analysis, and heritage review, it is neither appropriate nor necessary to exceed the minimums given the potential negative impact that doing so would have on heritage protection in the Downtown East precinct, in conflict with the requirement to preserve heritage in the PPS and Growth Plan.

Issue 5: Changing policy regarding MTSA/UGC

The city must produce a Proposed Plan compliant with existing policies, which include the Major Transit Station Area and Urban Growth Centre designations downtown.

Simultaneously, the city has unanimously approved asking Halton Region, during its Municipal Comprehensive Review currently underway, to remove the Major Transit Station Area designation downtown, and shift the boundaries of the Urban Growth Centre to generally align with the Burlington GO station. That work is occurring in parallel timeframe with our update of the Adopted Plan.

The MTSA requires 150 people or jobs per hectare, which the downtown will achieve and surpass with existing approved applications. The UGC requires 200 people or jobs per hectare, which the downtown is on track to achieve when proposed applications are factored in, even if

some of these are not approved to the full requested height and density. The city is meeting our MTSA/UGC requirements under the Existing Plan, without the need for further significant increases in height as proposed in the Proposed Plan for the Downtown East precinct.

Notwithstanding the city is already meeting its provincial policy obligations under the MTSA/UGC designations in the Existing Plan, both designations have contributed to pressures for overdevelopment downtown, and, in the case of the MTSA, led to a separate review over the last year.

These designations are a factor in the Proposed Plan, as they represent current policy.

Given that the policy context may imminently change downtown, and in any event the city is meeting its density and intensification requirements under the Existing Plan and MTSA/UGC designations, there is no need, and no need to rush for further significant intensification in the Downtown East precinct via a 2 to 4 times height increase.

Finally, the Existing OP is compliant with the Provincial Policy Statement intentions for intensification. The PPS defines intensification as follows:

“Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

The Existing OP allows height up to 4 storeys in the Downtown East precinct and 8 with community benefits, in an area of the downtown where the current built form is 2-3 storeys. Going from 2 to 4 or 8 storeys, as allowed under the Existing Plan, represents and plans for “intensification.” Adding units to existing buildings, particularly to preserve built heritage, also represents intensification.

Thus we are meeting our commitment to intensification and requirements for density as part of the MTSA/UGC designations under the Existing Plan, without the significant height increase proposed in the Proposed Plan for the Downtown East precinct, while we await the potential change to the policy framework that will be determined through the Region’s MCR.

We can retain the Existing OP permissions and take the time to study the heritage in this area, while remaining in conformity to Provincial Policies and growth requirements, and in anticipation of a potential change in the policy context with changes to the MTSA/UGC designations which would provide additional relief from the pressures of overdevelopment.

This approach aligns with Principle 20, Appendix A, SGL Report June 2020: “Land Use Plan is defensible.”

Issue 6: Mid-rise development is viable

Part of the vision for the Proposed Downtown East precinct is to deliver office.

The [Brook/McIroy Downtown Burlington Mobility Hub Market Analysis Study](#) prepared by N Barry Lyon Consultants Limited (Appendix 7) noted that Downtown Burlington already has an established non-residential market consisting primarily of retail commercial, service commercial, and office commercial uses. As of 2016, there were 7200 jobs and 499 businesses.

In 2013, urbanMetrics completed a discussion paper on Downtown Burlington’s commercial market as part of their Commercial Strategy Study for the City of Burlington. The paper found that Downtown Burlington compared favourably to other successfully functioning Downtowns.

Regarding the proposed Downtown East precinct for office, while new stand alone office presents a challenge, mid-rise form is viable. (Appendix 7, Section 8.1, Findings, pg 29) “The economics of development at six and eight storeys appear viable in the current market context. The models tested in this analysis generate enough revenue to offset all project costs, developer profit expectations, and a residual payment for land.”

Given mid-rise viability, maintaining the Existing Plan mid-rise height aligns with Principle 20, Appendix A, SGL Report June 2020: “Land use plan is defensible, land use concept is economically viable.”

Further, this area is already achieving significant office and commercial uses in existing built form.

Finally, recent residential mixed use redevelopments have not led to more commercial space, but rather less. For example, the 23 storey development at [421 Brant](#), which involved land assembly of existing commercial properties for a mixed use building, led to an overall reduction in commercial space of roughly 30% versus what was there.

Before significantly increasing the height in the Downtown East, which may attract primarily residential developments supplanting or merely replacing (or even reducing) existing commercial, let’s take a pause to study this area further.

Issue 7: Height increase leads to land speculation

A perhaps unintended consequence of a significant increase in height in the Proposed Plan for the Downtown East precinct is land speculation, and corresponding increase in land values,

making it that much harder to deliver on the goal of affordable housing in Provincial Policy and other policy goals.

According to Brook/McIlroy, p29, “What recent land transaction activity indicates is that the development community may believe, or is speculating, that increases to development heights will be granted through a planning application or appeals process. With confidence that this can be achieved, land values have begun to escalate as the expectations of both the development community and land owners adjust to this context.”

Issue 8: Post COVID19 office market is changing

Our world changed in March 2020 and the office market changed with it.

The [Watson & Associates Downtown Burlington Fiscal Impact Analysis](#) notes in Section 3.1.2 Non-Residential Outlook:

“In addition to its broader impacts on the economy, COVID-19 is also anticipated to accelerate changes in work and commerce as a result of technological disruptions which were already in progress prior to the pandemic. As such, enterprises will increasingly be required to rethink the way they conduct business with an increased emphasis on remote work enabled by technologies such as virtual private networks, virtual meetings, cloud technology and other remote work collaboration tools. These trends are anticipated to have a direct influence on commercial and industrial real estate needs over both the near and longer terms. In light of these anticipated trends, it is important that the long-term employment forecasts for the G.G.H. adequately consider the manner in which these impacts are likely to influence the nature of employment by type as well as by place of work. Today, approximately 7.3% of the G.G.H. workforce is identified as working from home on a full-time basis, up from 6.7% in 2001. During this same time period, the percentage of workers who reported having no fixed place of work increased from approximately 8% to 12%. It is anticipated that the percentage of people who work from home on a full-time and part-time basis, as well as those who do not have a fixed place of work, will steadily increase over the long term.”

The Proposed Plan for the Downtown East has remained largely unchanged since first introduced pre-COVID earlier this year.

The anticipated change in office needs, occurring simultaneously with finalization of the Proposed Plan for Downtown East, is yet another reason to press pause on significant height increases in this area, given those increases are predicated in part on attracting additional office, at a time when the demand for office is changing and work from home is increasing.

Issue 9: Community Input

Residents have expressed concerns throughout the Official Plan process since 2017 about the downtown plan, largely centred on excessive height and density. The concerns persist even still, as noted in report PL-16-20, p21, Section 4.2.2 (b) (c) Engagement Findings:

“Generally, the feedback received falls into the following categories, which are listed in no particular order:

- b. Concerns with the ability of the preliminary preferred concept to protect existing character and provide for sufficient transitions between different types of built form in and around the Downtown;
- c. Concerns that proposed built form provisions were not restrictive enough, particularly with respect to building heights in the Downtown East and Village Square Precincts.”

The primary issue in the most recent election in 2018 was overdevelopment/height in the Adopted Official Plan, along with approvals of site specific highrises. The community soundly rejected the downtown parts of that plan. Three of the council members who voted for it, including the former mayor, were defeated, and the community installed a new mayor and councillor who campaigned to revise the Adopted Official Plan to a vision more in keeping with the community's vision.

Amendment 1 (and others in this report) honours those concerns and delivers on the commitment for a revised downtown plan.

Background & Discussion:

Amendment 2:

Remove block 5 as identified on Image 2a below from the Downtown East precinct (Appendix 3, p.5 Schedule D: Land Use - Downtown Urban Centre) and include it in the Downtown Public Service designation.



Image 2a: Amendment 2, Downtown East Precinct

Detail from: [Schedule D Downtown Land Use - Downtown Urban Centre \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- Block 5: The block bounded by Pearl, James & Martha mid-block, excluding the park (yellow); currently houses the Lions Club and Reach Out Centre for Kids and parking

The Proposed Plan includes a Public Service designation intended to “accommodate current and future public service functions including public healthcare, education, emergency and protective services, cultural activities, civic administration and institutional uses.” (SGL Report 2020, p 14)

The Provincial Policy Statement requires protection of public services. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, states, “Section 1.1.1 Healthy, liveable and safe communities are sustained by: (g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”

The Provincial Policy Statement defines public service facilities as follows:

“Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services.”

The Lion’s Club/Reach Out Centre for Kids in Block 5 on Image 2a meet the provincial definition of a public service. The Lion’s Club provides a number of community and cultural services and charitable activities, and is the current owner of the building and property.

ROCK provides mental health services, a much needed and increasing service demanded in a post-COVID world. Further, ROCK has received government subsidies, via grants in relation to development charges at the city and regional level for their proposed expansion, approved by City Council in 2012, and subsequently by Regional Council. Those grants were extended to ROCK as a healthcare provider, in recognition of ROCK’s affiliation with Joseph Brant Hospital in the provision of mental health services.

[ROCK request](#) for grant in lieu of development charges

[Staff recommendation report](#)

[Council approval March 19, 2012](#)

ROCK/Lion’s Club also meet the city’s vision for the public service designation in being a provider of healthcare, educational services and cultural activities.

Given it meets all the criteria, and in keeping with the Provincial Policy Statement and Proposed Plan vision for the Public Service Designation, this block is proposed to be included in the Public Service Designation.

Background and Discussion:

Amendment 3:

Amend the height for blocks 1, 2, & 3 as identified on Image 3a below in the Village Square Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights) to up to 4 storeys, consistent with the balance of this precinct.

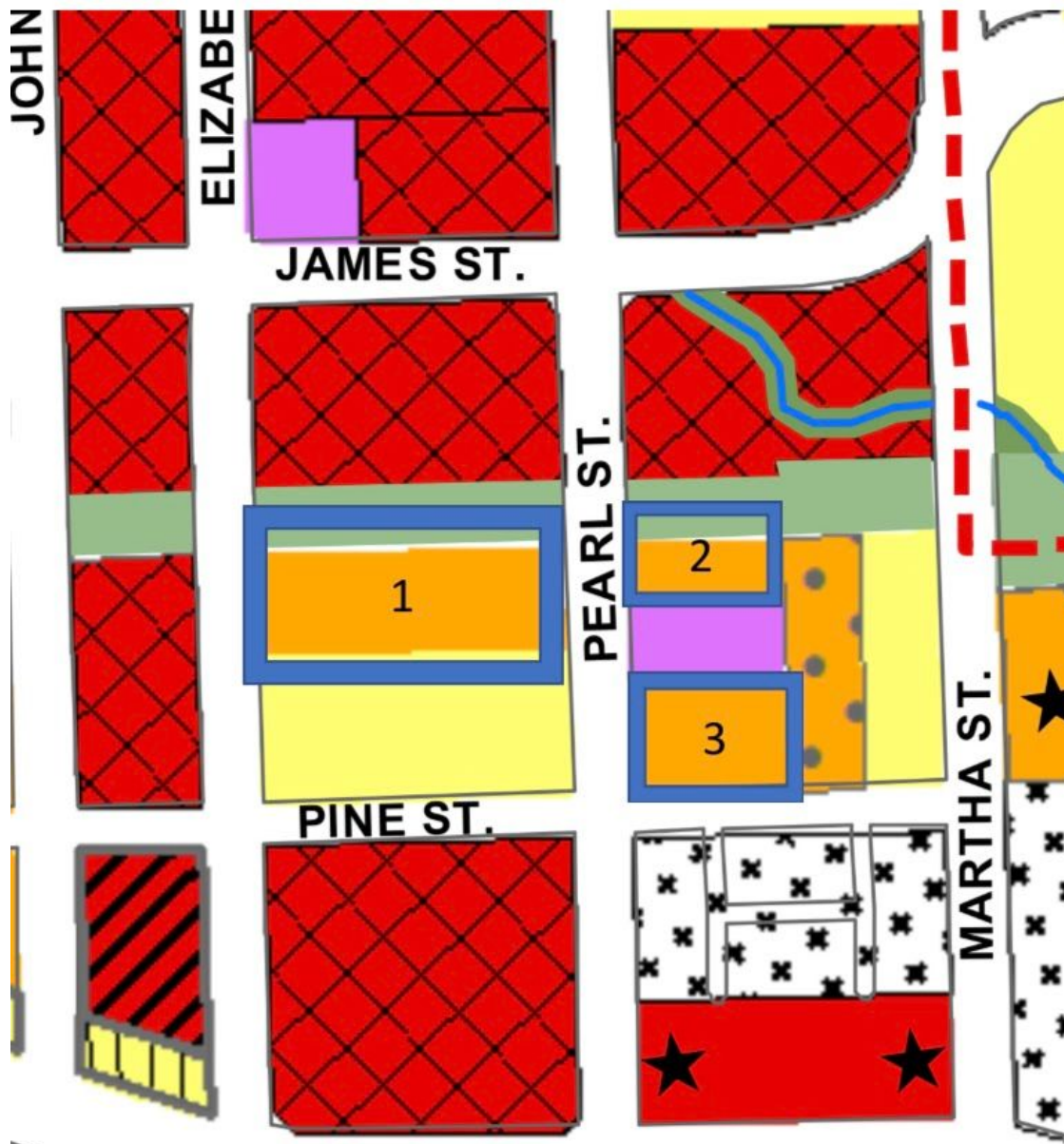


Image 3a: Amendment 3, Village Square Precinct

Detail from: [Schedule D-2 Maximum Building Heights \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- Block 1: Bounded by Elizabeth, Pearl & Pine street, mid-block from Village Square north to Elgin Promenade
- Block 2: East side of Pearl, North of the church, south of the Elgin Promenade

- Block 3: North East corner of Pearl & Pine, south of the church

The Proposed Plan limits height for most of Village Square at 4 storeys (Yellow), but Blocks 1, 2, and 3 propose a height of up to 11 stories. The Existing OP is 4 storeys (up to 8 with community benefits); the zoning is three storeys for blocks 2 and 3, and 4 storeys for block 1 (Image 1e) reflecting the low-rise existing and planned character.

Block 1 is also included in Cultural Heritage Landscape 4 (see Image 1b, c, d) and deserves protection with reduced height to four stories, for many of the same reasons expressed under Amendment 1 for the other properties in CHL4 including:

- Need for heritage protection
- Consistent approach to Cultural Heritage Landscapes
- Increase in height with no community benefit
- Density not required to exceed targets
- Height increase leads to land speculation, making it difficult to preserve existing uses

In addition, Block 1 and 2 are immediately south of the Elgin Promenade. On the other side is the proposed Downtown East precinct, currently proposed for a maximum height of 17 stories. If the plan for both precincts are approved as is, the Elgin Promenade would have a canyon of height on both sides, up to 17 on one side and up to 11 on the other.

This is not in keeping with Principle 5, Appendix A, SGL Report June 2020 to “enhance pedestrian priority areas.”

Blocks 2 and 3 are on either side of the existing church, which is designated Public Service. However, the community hall and parking lot attached to the church are part of Block 3 but are not included in this designation.

The community hall will be under pressure of redevelopment as air rights of 11 storeys would be worth more than 2 storey church-community centre. We would risk losing this public service, contrary to our requirement under provincial policy to preserve public service uses.

To the south and east of Blocks 1, 2 and 3 there are 3 storey live works and townhouses, to the immediate west is Village Square retail area at four storeys. For context and consistency, the entire Village Square precinct should be four storeys including Blocks 1, 2, 3.

Finally residents have expressed concerns through the review process about increased height in this precinct and maintaining a consistent 4 storey height throughout. This amendment would reflect and respect that community input.

For context, consistency, in respect of adjacent heritage uses, to protect public service uses, not overshadow the Elgin Promenade with height, and respect public input, the height should remain low rise (4 storey) throughout the precinct

Background and Discussion:

Amendment 4:

Deem the most recent Zoning Bylaw Amendment for the property at 2085 Pine as appropriate for this property noted as block 4 on Image 4a below in the Village Square Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights).

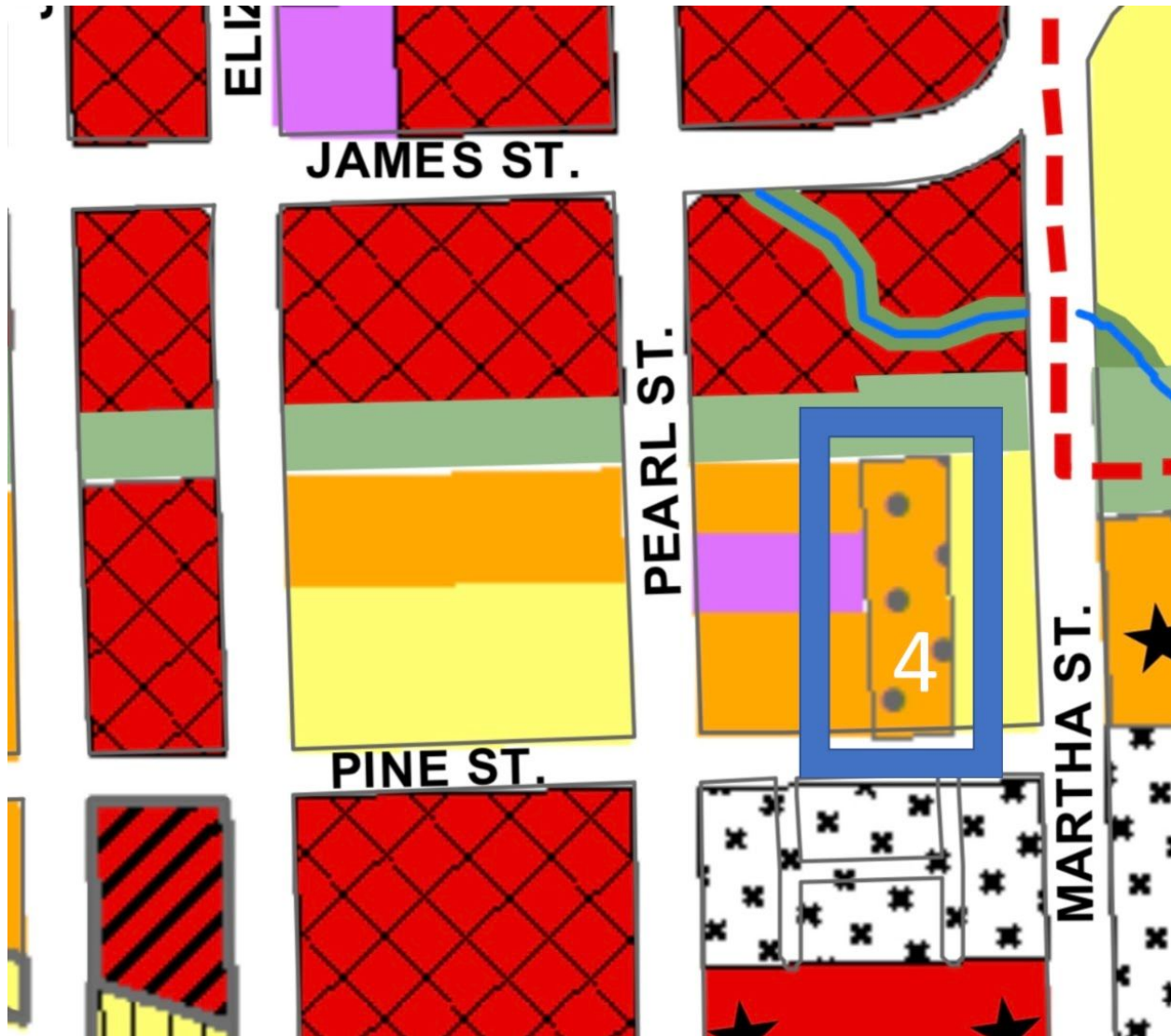


Image4a: Amendment 4, Village Square Precinct

Detail from: [Schedule D-2 Maximum Building Heights \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- The property known as 2085 Pine

This area underwent an extensive review over several years, including extensive consultation with the community, staff and the applicant that led to approval for a Zoning Bylaw Amendment in October 2017 for a six storey condominium apartment with 15 units which includes one level of above ground parking ([File No. 520-05/15](#)). This plan was unanimously supported by planning staff, the community, council and the applicant.

Given this area has already recently undergone an extensive planning review to determine the appropriate planning for this site, the motion seeks to deem the results of that recent approval as the appropriate planning for this site, especially in the absence of any land assembly.

Note: There is a current development [application](#) seeking an 11 storey building on this site. That would require both an Official Plan Amendment and Zoning Bylaw Amendment. That has not been processed beyond an Information Report, due to the extension of the Interim Control Bylaw development freeze, due to appeals to the Local Planning Appeal Tribunal.

Background and Discussion:

Amendment 5:

Amend the height for Block 1 as identified on Image 5a below in the Lakeshore Precinct to be consistent with the balance of the precinct, with a 3 storey podium and step backs to up to 17 storeys. (Appendix 3, p.7 Schedule D-2: Maximum Building Heights)



Image 5a: Amendment 5 Lakeshore Precinct

Detail from: [Schedule D-2 Maximum Building Heights \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- The property known as 2069 & 2079 Lakeshore Road and 383 & 385 Pearl Street

This property is the subject of an existing Official Plan Amendment and Zoning Bylaw Amendment which has been appealed to the Local Planning Appeal Tribunal. The application

seeks a [29-storey mixed-use building](#) with 291 residential units and 482.1 square metres of ground floor commercial retail space fronting on Lakeshore Road and Pearl Street.

The SGL report, Appendix B: Letter from SGL Re: Recommended Building Height for 2069 & 2079 Lakeshore Road and 383 & 385 Pearl Street, recommends 22 storeys here.

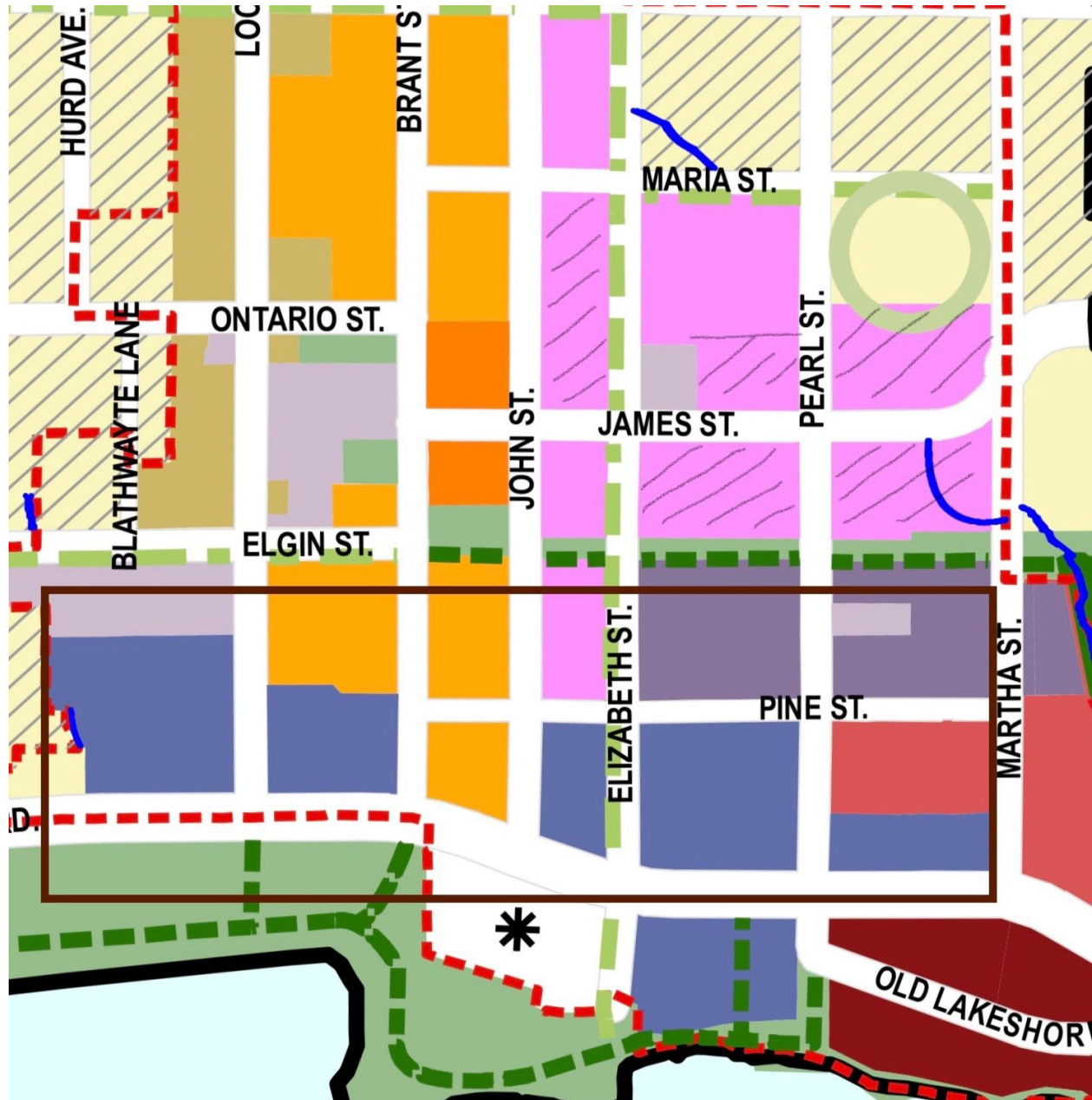


Image 5b: Source: [Schedule D Downtown Land Use - Downtown Urban Centre \(Appendix 3 Report PL-16-20\)](#)

The Existing OP for this site and precinct is 4-8 storeys; in the Adopted OP is 17. This site is located in the Lakeshore Precinct of the Proposed OP, the blue area in the brown box in Image 5b above.

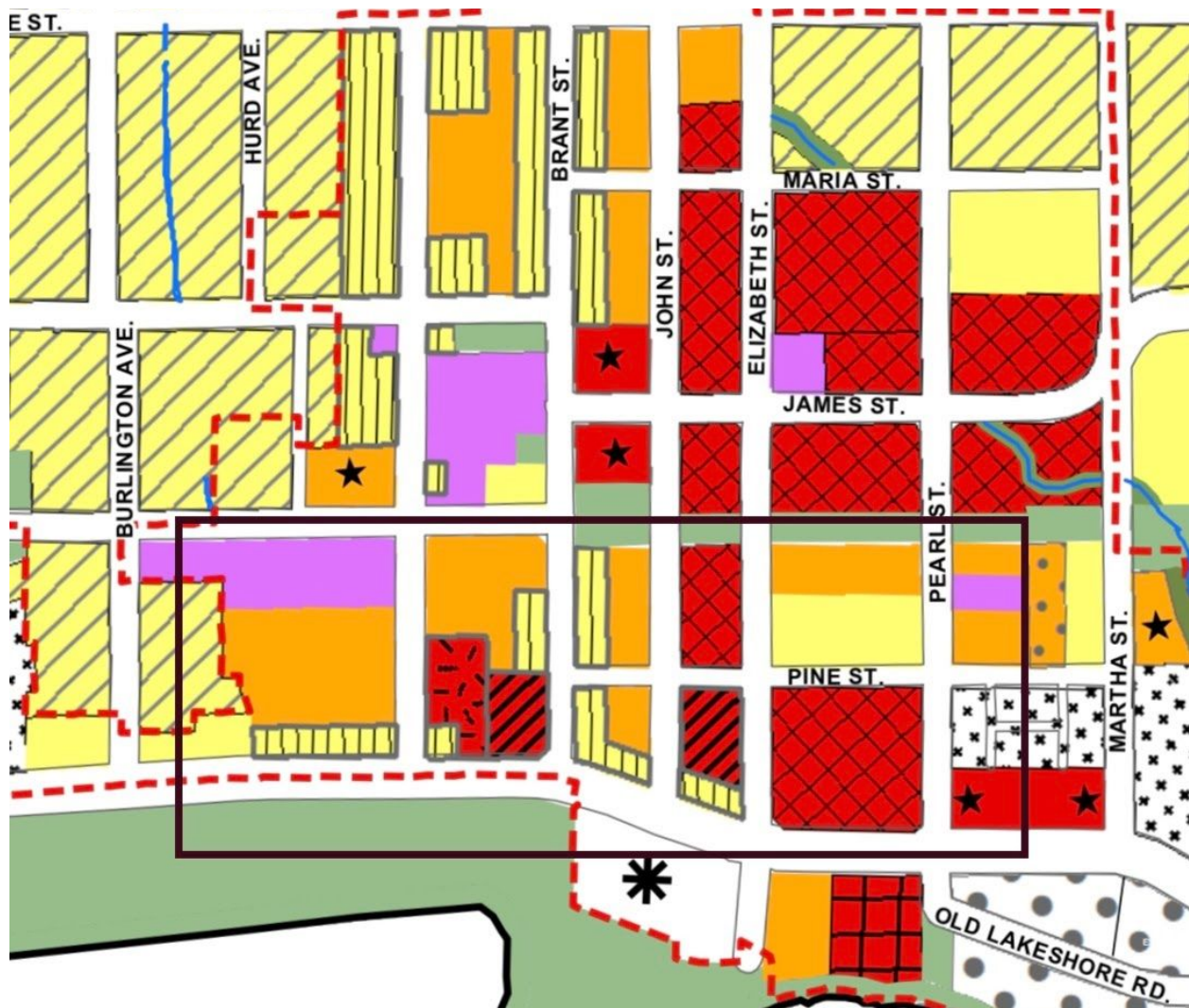


Image 5c: Detail from: [Schedule D-2 Maximum Building Heights \(Appendix 3 Report PL-16-20\)](#)

The precinct calls for a 3 storey podium on Lakeshore (yellow stripes in Image 5c, brown box) up to 11 storeys (orange), up to 13 storeys (red dots), up to 15 storeys (red right hand slash ///), and up to 17 storeys (red cross hatch XXX).

As noted in the density analysis discussion above, the significant additional height being proposed here is not needed to satisfy or meet our density requirements under the UGC or MTSa. A smaller building would also more than satisfy these requirements.

The public were crystal clear at the public meeting on this proposal that they were not in favour of significant height here. A 22 storey building goes against Principle 17, Appendix A, SGL

Report which states: “Limit additional tall buildings on Lakeshore Road.” This does the opposite by adding an additional 5 storeys on top of the 17 in the rest of the precinct and the Adopted OP, and an additional 14 storeys on top of the Existing OP.

Any changes to the Existing, Adopted or Proposed plan for this area are best handled as part of the detailed review of the existing application which has not been complete. Council has not received a detailed analysis or recommendation from staff. Until that review is complete, this Amendment seeks to be consistent with the balance of the Lakeshore Precinct, recognizing further review will be done in the course of evaluating the specific proposal on this site.

Background and Discussion:

Amendment 6:

Add the words “and parking” to section 8.1.1 (3.9.2) SITE SPECIFIC POLICIES for 2020 Caroline Street, 510 Elizabeth Street, and 2025 Maria Street, and define “substantial floor area of office development ****and parking****” to mean achieving at minimum the parking and office negotiated as part of the block plan development for this site under the most recent Official Plan Amendment/Zoning Bylaw Amendment, noted as block 1 on Image 6a below in the Downtown East Precinct (Appendix 3, p.7 Schedule D-2: Maximum Building Heights)

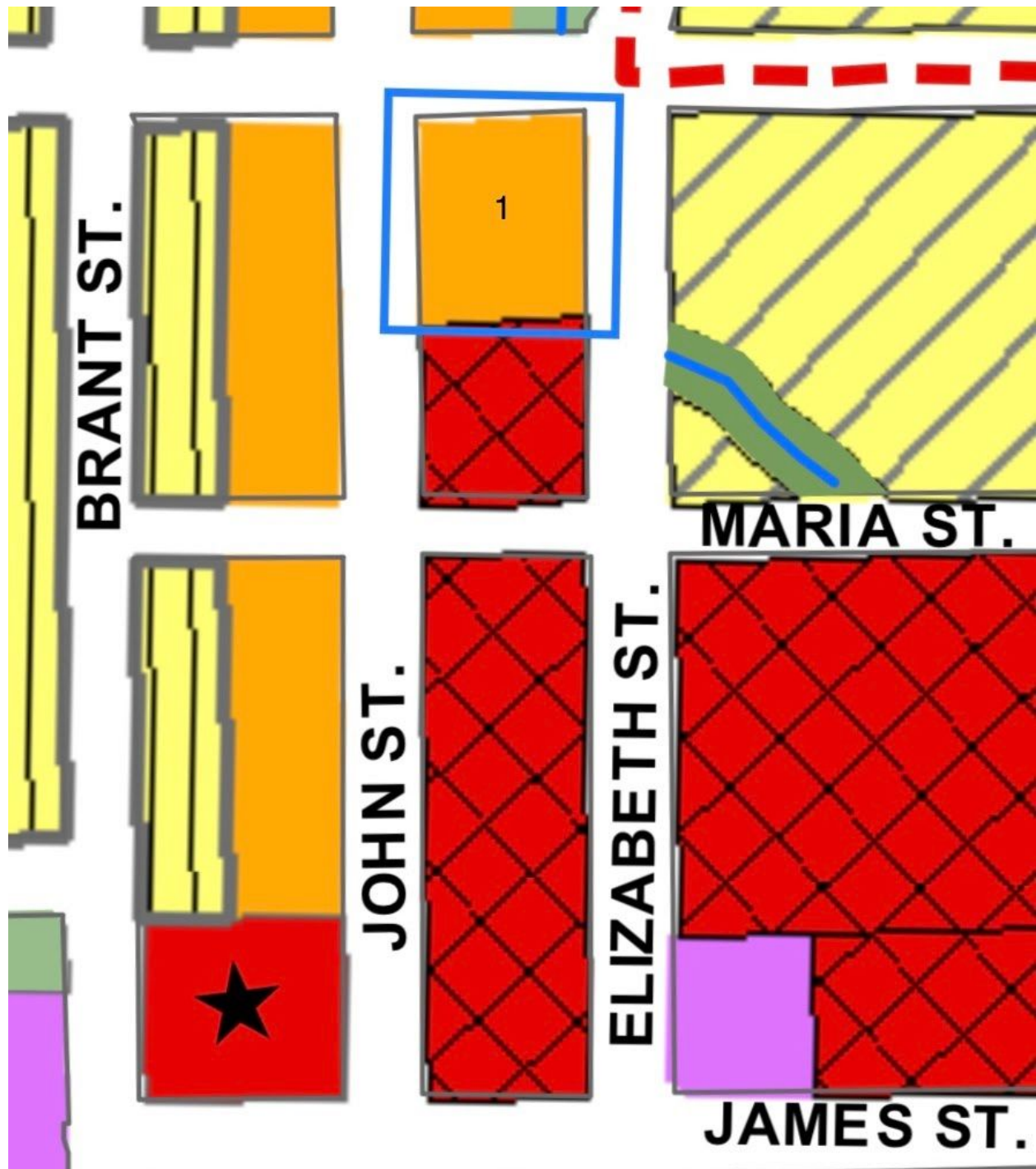


Image 6a: Amendment 6, Downtown East Precinct

Detail from: [Schedule D-2 Maximum Building Heights \(Appendix 3 Report PL-16-20\)](#)

Area under consideration:

- The property known as 2030 Caroline/ 510 Elizabeth/ 2025 Maria

This area was approved as a comprehensive block plan by [Council July 2010](#) to deliver jobs, parking and a majority of units affordable housing, among other elements. The approval of a 17 storey residential building was permitted to make the entire block viable. To date, only the 17 storey building has been delivered.

The percentage of affordable housing units was subsequently renegotiated down from 70% to less than 30%.

The office and parking components have not been constructed. This represents a net loss of both commercial and parking uses. The city sold a surface parking lot to the developer as part of the block plan approval. Further, there were a number of existing commercial businesses on the block that were torn down to make way for the development. No commercial businesses have replaced these, and there is minimal commercial space (sitting empty) in the ground floor of residential building.

This amendment seeks to ensure that the community receives, at minimum, the balance of benefits committed to as part of the comprehensive block plan OPA/ZBA (2010) which included:

- 6-8 storey office
- 6-8 storey parking garage

The amendment would modify 8.1.1 (3.9.2) SITE SPECIFIC POLICIES to define “significant” office as 6-8 storeys, or equivalent square footage. The amendment would also add significant parking to the policies, and define that as a 6-8 storey parking garage (or equivalent number of spaces for public and private use).

The 2010 OPA/ZBA in the Existing OP is in keeping with the Proposed OP vision for this area to deliver office. The 17 storey residential was intended to assist to pay for the office. Holding the applicant to the agreed upon provision of office is in keeping with Principle 9, “Plan for office and other employment opportunities.”

The provision for additional parking is in keeping with the Adopted OP vision for this area to add more parking to the precinct. Provision of parking is also in keeping with Principle 7, Appendix A, SGL report “Ensure availability of parking”.

Background and Discussion:

Amendment 7:

Strike the word “semi-detached” from 8.1.1(3.13.1) POLICIES a) (i) and insert the word “semi-detached” into 8.1.1(3.13.1) POLICIES a) (ii);

And

Strike 8.1.1(3.13.1) (d) (I,ii,iii) POLICIES re: semi-detached development in their entirety.

The revised wording for section 8.1.1(3.13.1) POLICIES a) (i) (ii) would read as follows:

a) The following uses may be permitted in the St. Luke's and Emerald Low-Rise Neighbourhood Precincts:

(i) single-detached and ~~semi-detached dwellings~~;

(ii) townhouses, **semi-detached dwellings**, low-rise apartments and other ground-oriented, multiple unit housing outside of the St. Luke's and Emerald Neighbourhoods;

Area under consideration:

- St. Luke's and Emerald Neighbourhoods

The historical context of St. Luke's and Emerald Neighbourhoods date back over 150 years as the cornerstone of our region. Intensification will be directed away from established neighbourhoods. Iterations of Official Plan drafts, staff reports, information sessions, and city campaigns have all mandated stability for established neighbourhoods. The inclusion of semi-detached dwellings as of right within the Official Plan policies contrasts with the predominant single-detached built form across hundreds of parcels in this precinct. The expeditious result of this policy change in the Proposed Plan, if approved, will, with certainty, destabilize the heritage character of the areas.

New permissions would effectively up-designate the area of St. Luke's & Emerald from a cohesive zone to one that fully erodes and destabilizes the character of the area; all without the benefit of public consultation set out in the OPA process. Intensification should be directed outside of this area.

In 2019 the City prepared an update memo entitled "Urban Growth Centre Density Analysis". Based on a UGC Area of 104.6 ha, the City will need 20,920 people and jobs in the UGC to achieve a minimum density target of 200 people and jobs per hectare, by 2031 or earlier. To achieve 20,920 people and jobs in the UGC, the City needs approximately 1,250 additional people and jobs. The Low-Rise Precincts have been included in this analysis that assumes that all new growth within the area covered by the custom data set (UGC and portions of adjacent neighbourhoods) over the 2011-2016 timeframe occurred in the UGC.

Table 3-1 of the Downtown Burlington Fiscal Impact Analysis supports that 100% of the Downtown Burlington Development Forecast will support residential growth projections in 75% high density residential and 25% in apartment developments. Semi-detached in a limited and specific precinct does not support a material increase in residential growth.

Table 3-1
City of Burlington
Downtown Burlington Population and Housing Forecast
Residential Growth

Period	Population (with undercount)	Housing Units			
		Low Density	Medium Density	High Density	Total Units
2016	7,210	535	200	3,145	3,880
2020	8,223	535	200	3,770	4,505
2031	11,010	535	200	5,490	6,225
2016 - 2031	3,800	0	0	2,345	2,345
2020 - 2031	2,787	0	0	1,720	1,720

Source: 2016 is based on Statistics Canada, Census.

2031 forecast prepared by Watson & Associates Economists Ltd.

Intensification to meet the Growth Plan 2.2.3.2 Urban Growth Centre (UGC) target for jobs and residents has included jobs and residents in established residential neighbourhoods, further intensification forecasts exclude this area. These targets are expected to be met via high density residential and apartment developments. Neither of the aforementioned substantiate the destabilization of unique neighbourhoods to further intensification targets or contribute to a material increase of Property Value Assessment.

Background and Discussion:

Amendment 8:

Amend 8.1.1(3. 2) (e) GENERAL POLICIES by inserting the words “design excellence” and “and transition to”.

The revised section would read as follows:

e) The full extent of maximum development permissions stated within all Downtown Urban Centre precincts may not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, **design excellence**, compatibility with **and transition to** adjacent development, negative environmental impacts, lands, transportation, stormwater management, cultural heritage resources and/or infrastructure capacity, currently under review through the Downtown Area-Specific Plan.

Background:

Section 7.1.2 sets out the city’s objective in achieving the creation of safe, accessible, attractive, vibrant and sociable places that people are drawn to (Ref. 1.4.2). The direct application of this

objective to the Downtown Urban Centre is critical to the aggregate built form compatibility and overall cohesiveness of the built-out core.

Two key criteria drive the ability for new development to make a positive contribution to the downtown: Design Excellence and Transition Policy

Design excellence ensures a high quality of life and long-term livability in an urban context that enhances the public realm. Set out in Chapter 7, and noted as the Urban Design Guidelines, this amendment presents that absolute height limits and the overlay of design standards must work in concert to achieve the objective of this policy directive.

Notwithstanding 8.1.1 (3.17) to 8.1.1 (3.21), this amendment focuses on the application of design excellence to maximum development permissions.

Transition elements (Section 8.1.1(3.19.4)) that support appropriate transition through various design methods should be clearly applied to general policies of the Urban Area and more so with absolute clarity to the policies of the Downtown Urban Centre. Development opportunities are expected to achieve compatibility through a strong focus on transition policies specific to the precinct areas set out in 8. 1. 1. (3) Urban Area.

Notwithstanding 8.1.1(3.2) (h), this amendment focuses on the application of transition policies to maximum development permissions.

Built-form must be cognizant of its context. By establishing design excellence and transition policies to the general policies of maximum development permissions, a more comprehensive and thoughtful Downtown Urban Center can be achieved.

Background and Discussion:

Amendment 9:

Replace “should” with “shall” in Section 2.4.2 (3) c) ESTABLISHED NEIGHBOURHOOD AREAS.

The new Section 2.4.2 (3) (c) would read “In the established neighbourhood Area, land assembly for development applications **shall** be discouraged.

This amendment is proposed to strengthen the language in the Proposed OP to indicate that land assembly for the purpose of redevelopment is discouraged, and not in keeping with the city’s vision for established neighbourhoods. This should help to calm some of the land assembly/redevelopment activity that is known to already be occurring in the established neighbourhoods.

Conclusion:

The proposed amendments cover a small but important geography. The aim is to protect heritage and public service uses, uphold the intent of recent approvals on specific sites, provide consistency in precincts, and add more protections for established neighbourhoods, among other benefits.

The rationale for the proposed amendments is drawn from planning studies, community input, and additional considerations as detailed in this memo.

Halton Region is the final decision maker. We respectfully ask committee and council to include these motions in the package of changes to the Adopted Official Plan that will be considered by Halton Region during their review and approval.

With consideration for approval of these final set of motions, the entire plan will not only be better than the Existing OP, but also better than the Adopted 2018, made better through collaboration with the community.

Respectfully submitted,

Mayor Marianne Meed Ward
Ward 2 Councillor Lisa Kearns