



PL-16-20 CPRM Sept 30, 2020

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Refer to File: 1014-002

City of Burlington
Community Planning, Regulation and Mobility Committee
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Chair Stolte and Committee Members

**Re: Mayor and Ward 2 Councillor Initiated Amendments to PL-16-20
Recommended Modifications to Adopted Official Plan
Taking a Closer Look at Downtown – June 2020 Final Report
2085 Pine Street
City of Burlington File No. 505-03/19 and 520-06/19**

We are the planning consultants to Pine Street Burlington Corp, an arm of York Trafalgar Homes Corp., related to their development proposal for 2085 Pine Street in downtown Burlington. Applications have been submitted with respect to the property and have been assigned City File No. 505-03/19 and 520-06/19.

Our clients' property is located within downtown Burlington and is within the City's Urban Growth Centre. We have been following with interest the "*Taking a Closer Look at the Downtown*" process related to modifications of the City's Adopted Official Plan and we have previously submitted letters on behalf of our clients related to the process dated November 22, 2019 and August 28, 2020.

As we noted in our previous letters, the "*Taking a Closer Look at Downtown*" process involving SGL on behalf of the City of Burlington has presented a series of informative documents which have provided a good overview of the background, purpose and process related to this review. We note that our clients' lands located at 2085 Pine Street have been the subject of different edits throughout the course of this process and that SGL on behalf of the City has recommended in their final report of June 2020 that these lands be identified as "*Mid-Rise Buildings*" with "*Up to 11 Storeys*" and are subject to a site-specific overlay that states "*Height Subject to Built Form Policies*



in 8.11 (3.10.1)". Subsequent to the letter we provided on August 28, 2020 we were provided with the City's draft *Downtown Placemaking and Urban Design Guidelines* and we continue to review those in the context of our clients' lands.

In the midst of our review of the SGL recommendations for "*Taking a Closer Look*" and related Staff Report PL-16-20, we were surprised on Saturday September 26, 2020 to find that Mayor Meed Ward and Councillor Kearns are putting forward some proposed amendments to the SGL work which will have a direct impact on our clients' lands. Specifically, Amendment No. 4 proposes to "***deem the most recent Zoning Bylaw Amendment for the property at 2085 Pine as appropriate for this property***". The previous Zoning By-Law Amendment application related to a site specific development proposal for the lands at 2085 Pine Street and was approved in 2017.

From a planning perspective, we question the appropriateness of establishing Official Plan permission and policy on the basis of a site specific Zoning By-Law that was approved several years ago and prior to the release of the latest Provincial policy documents, including the 2019 Growth Plan, Amendment No. 1 to the Growth Plan (2020), and 2020 Provincial Policy Statement. The intent and purpose of an Official Plan by its very nature is different than the intent and purpose of a site specific ZBL. An Official Plan document lays the foundation for building a good community. It sets out land use policies to guide future development and manage growth. It is a means to bring about positive and appropriate planning as we look toward the future of our cities. A Zoning By-Law is the implementing tool, meant to implement Official Plan policy. In this regard, designating lands to directly relate to a site specific Zoning By-Law Amendment that was approved on lands three years ago is short sighted and does not achieve the intent or purpose of what an Official Plan is meant to do. It does not inform a foundation for future growth or achieve a series of planning principles, criteria or measures which should be considered in future growth and development.

As well, it is concerning from a planning perspective that the Mayor and Councillor Kearns are proposing an amendment to the City's Adopted Official Plan that contradicts the professional planning recommendation of SGL on the City's behalf that has been informed by both extensive public engagement and a series of finalized technical reports, and which has been supported by the City's planners in Staff Report PL-16-20.



The recommended modifications to the adopted Official Plan presented by SGL in their June 2020 Final Report are based on a lengthy process which led up to Council's endorsement of a preliminary preferred concept, a summary of technical studies completed in support of the recommended modifications to the adopted Official Plan, a review of policy conformity and an overview of other recommendations for updating studies to implement the recommended modifications to the adopted Official Plan. The SGL Final Report was based on the study principles, background and initial technical reports, input from public engagement, input from City planning staff and input from the Planning and Development Committee over the last year and a half. In recognition of all that has been done to advance the proposed Official Plan modifications, it is unclear what has substantiated the Mayor and Councillor Kearns' proposed amendments and on what basis these are coming forward.

There is obvious planning rationale to develop the lands at 2085 Pine Street for up to 11 storeys in height. This rationale has been presented through our site-specific planning applications and through the SGL work completed to date. Admittedly, there are criteria that must be met along the way and our client is interested and committed to advancing the site specific applications with an aim to satisfying the requisite criteria to achieve appropriate development on the subject lands. Our client has also shown great interest in the City's '*Taking a Closer Look*' process and wishes to continue to be involved and provide valuable and logical comments as the process advances.

The site specific development applications for these lands have been stalled since the formal Public Meeting occurred in September 2019 due to the Interim Control By-Law and, more recently, appeals to the Interim Control By-Law. It is unfortunate, now, that the Mayor and Councillor Kearns see the need to insert amendments to the proposed modifications to the adopted Official Plan which would have the effect of removing any additional opportunities, permissions and provisions beyond those which were approved in 2017 via a separate site specific Zoning By-Law Amendment application, completed by a previous landowner.

We respectfully request that members of Committee and Council do not endorse these amendments being put forward by the Mayor and local Councillors as these amendments are not the result of, or representative of, any sort of transparent, comprehensive planning process or planning opinion.



Rather, we respectfully request that the SGL recommendations related to 2085 Pine Street be permitted to advance through this process, beginning with the September 30th formal public meeting, and that they be subject to typical public engagement and a robust planning evaluation.

Please do not hesitate to contact the undersigned if you have any questions of clarification.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Karen Bennett, MCIP, RPP
Senior Associate

cc: Pine Street Burlington Corp.
D. Baker, WeirFoulds