



October 6, 2020

Refer to File: 1014-002

City of Burlington
Mayor and Members of Council
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Mayor Meed Ward and Members of Council

Re: Staff Report 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, August 28, 2020 and September 30, 2020.

Amendment No. 4:

Further to our letter of September 30, 2020, we continue to have concerns related to Amendment No. 4 to the City's proposed modifications of the Adopted Official Plan, which was considered at the September 30, 2020 Planning Committee Meeting and which Council is considering endorsing



at their meeting of October 7th, 2020. This Amendment proposes to “*deem the most recent Zoning Bylaw Amendment for the property at 2085 Pine as appropriate for this property*”. 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 (2017) 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 and reiterated verbally at the City’s Planning Committee of September 30, 2020 by the City’s Executive Director of Community Planning, Regulation and Mobility.

Downtown Placemaking and Urban Design Guidelines:

As we noted in 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 wish to express our concerns with policies that tie these guidelines so closely to our clients’ lands.

Specifically, Section 8.1.1. (3.10.1) (e) applies directly to our clients’ lands and makes specific references to specific built form impacts such as excessive shadowing and overlook, and references built form transition tools including building setbacks, step backs, property consolidations, building heights, building orientation, balcony orientation. In our opinion, Policy 8.1.1 (3.10.1) (e) has not been fully vetted through a comprehensive urban design analysis.

As well, reference is made in this policy section to other possible transition tools which are outlined in Policy Section 8.1.1 (3.19.4). This policy section on transition provides additional policies related to transition tools including shadowing, wind impacts, overlook impacts, application of 45-degree angular plane, setbacks, step-backs, intervening built form, separation distances, building heights, and terracing. In our opinion, these policies result in performance standards that are overly prescriptive, arbitrary and have not been evaluated based on a comprehensive urban design exercise.

As well, we have concerns with the direct policy references and reliance on the *Downtown Placemaking and Urban Design Guidelines* throughout the City’s proposed policy modifications in the Adopted Official Plan. Specifically, it is overly prescriptive to entrench urban design guidelines into a policy planning framework as a test for new developments. Further, this gives the *Downtown Burlington Placemaking and Urban Design Guidelines* a weight that is inappropriate. In our opinion, applying policy in an Official Plan that relies directly on a guideline document is inappropriate, since the guideline document 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, nor finalized.

We respectfully request that members of Council do not endorse Amendment No. 4 as it relates to 2085 Pine Street because this Amendment is not the result of, or representative of, any sort of transparent, comprehensive planning process or planning opinion. We also respectfully request that Council does not endorse the overly prescriptive policy sections that so closely tie urban design tools as a test for new developments and to not endorse the policy framework that embeds the (not yet final) urban design guidelines into the policy framework in the Official Plan.



Please accept this letter as our request to be notified of any decision made in respect of this matter.
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: C. Benson, Region of Halton
D. Baker, WeirFoulds
Pine Street Burlington Corp.