



**SUBJECT: Taking a Closer Look at the Downtown: Recommended Modifications to the adopted Official Plan**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Community Planning Department**

Report Number: PL-16-20

Wards Affected: Ward 2, All

File Numbers: 505-08-16

Date to Committee: September 30, 2020

Date to Council: October 7, 2020

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**Recommendation:**

Receive the report titled “Final Report: Taking a Closer Look at the Downtown, June 2020, prepared by SGL Planning & Design and attached as Appendix 1 to community planning report PL-16-20; and

Endorse the recommended policy modifications to the adopted Official Plan attached as Appendices 2, 3 & 4 to community planning report PL-16-20; and

Direct the Director of Community Planning to provide the Council endorsed policy modifications and all supporting documentation to the Region of Halton for consideration for inclusion in the draft decision for the adopted Official Plan (April 2018); and

Receive the following technical studies titled:

- “Stage 1 Archaeological Assessment: Revised Report,” February 2019, prepared by ASI and attached as Appendix 5;
- “Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes Downtown Mobility Hub Study Area,” May 2019, prepared by ASI and attached as Appendix 6;
- “Downtown Burlington Mobility Hub Market Analysis,” August 2017 prepared by N. Barry Lyons and Associates and attached as Appendix 7;
- “Downtown Burlington Mobility Hub – Illustrative Economic Analysis,” July 2019, prepared by N. Barry Lyons and Associates and attached as Appendix 8;

- “Scoped Environmental Impact Study Downtown Mobility Hub,” October 2019, prepared by Dillon Consulting, and attached as Appendix 9;
- “Flood Hazard and Scoped Stormwater Management Assessment,” June 2020, prepared by Wood Environment and Infrastructure Solutions and attached as Appendices 10A-1 and 10A-2;
- “Hager-Rambo Flood Control Facilities Study Report: Downtown and Burlington GO Mobility Hub,” May 2020 prepared by Wood Environment and Infrastructure Solutions, and attached as Appendices 10B-1 to 10B-3;
- “Downtown Burlington Traffic Overview,” October 2019, prepared by CIMA+, and attached as Appendix 11;
- “Downtown Burlington Micro-Level Traffic Operations: Review of the preferred Land Use Scenario,” April 2020, prepared by CIMA+, and attached as Appendix 12;
- “Updated Area Servicing Plan (ASP) for Stormwater, Water and Wastewater: Downtown Burlington,” May 2020, prepared by Wood Environment and Infrastructure Solutions and attached as Appendix 13;
- “Financial Impact Analysis,” July 2020, prepared by Watson & Associates Economists Ltd and attached as Appendix 14; and

Receive the DRAFT Downtown Burlington Placemaking and Urban Design Guidelines contained in Appendix 15 to community planning report PL-16-20 (July 2020); and

Direct the Director of Community Planning to seek public and stakeholder feedback on the Draft Downtown Burlington Placemaking and Urban Design Guidelines contained in Appendix 15 and subsequently present the final version for Council approval; and

Receive Appendix 21 to community planning report PL-16-20, titled “Taking a Closer Look at the Downtown: Project Update and Responses to Submissions (September 2020)”.

## **PURPOSE:**

The purpose of this report is to recommend policy modifications to the Downtown Urban Centres policies of the adopted Official Plan (April 2018). The recommended policies, developed through the Taking a Closer Look at the Downtown project (also referred to as the Scoped Re-Examination of the adopted Official Plan) are released for community and Council consideration and comment. This report and its associated appendices describe the details of the project and provide discussion organized in the following sections.

- **1.0 Taking a Closer Look at the Downtown**  
This section provides a description of the project, a discussion of milestones completed to date, and discusses project management issues.

- **2.0 Planning Context**  
This section provides a discussion of Provincial, Regional and city plans and policies.
- **3.0 Finalized Technical Reports**  
This section provides an overview of the technical work completed in this phase of the project including the Taking a Closer Look at the Downtown Final Report (Final Report), prepared by SGL Planning and Design Inc, (SGL) among the other technical reports.
- **4.0 Prepared Policies**  
This section describes the process, feedback and inputs considered in the development of the recommended policy modifications.
- **5.0 Recommended Modifications to the adopted Official Plan**  
This section provides a high-level summary of recommended policy modifications to the adopted Official Plan.
- **6.0 Implementation and other tools**  
This section provides an overview of several implementation considerations and tools relevant to the Downtown Urban Centre policies.
- **Appendices**  
Various appendices to this report provide additional information including technical analysis, background information, and responses to comments received through public engagement.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

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### **Executive Summary:**

The City has undertaken a scoped re-examination of the adopted Official Plan, focused primarily on the policies in the Downtown Urban Centre. The findings of this work include a set of recommended policy modifications to guide change in the Downtown to 2031, a series of background technical reports as well as a set of draft Downtown Burlington Placemaking and Urban Design Guidelines, released in July 2020. Supported by extensive public engagement, the recommended policy modifications support change and development of the Downtown which is responsive to the wide range of unique contexts all found within the Downtown Urban Centre and is consistent and in conformity with senior-level policy documents.

## **Background and Discussion:**

### **1.0 Taking a Closer Look at the Downtown**

This report was written in May 2020 for consideration in September 2020. In advance of Committee consideration, Appendix 21 will be provided to Committee and the public covering any changes from the project perspective as well as responses to feedback received prior to August 28<sup>th</sup>, 2020. Appendices 14 and 15 will be released in July 2020 and Appendix 21 will be provided in September, in advance of the Community Planning, Regulation and Mobility Committee meeting.

#### **1.1 Project Background**

In April 2018 a new Official Plan was adopted by Council. To learn more about the adopted OP as a whole, reference should be made to PB-04-18 titled: [Revised Proposed New Official Plan Recommended for Adoption](#). That report summarizes the key directions of the new Official Plan, provides background and planning context as well as focusing on the Downtown Precinct Plan among several other key issues. After adoption the plan was provided to the Region of Halton for their consideration for approval.

Through the Region of Halton's approval process several areas of non-conformity were identified in the City's adopted Official Plan (2018). Given the pause initiated by the Region, in February 2019, City Council identified an opportunity to re-examine the policies of the adopted Official Plan that currently rest with the Region for approval. The recommended policy modifications discussed in this report are intended to be considered through the approval of the adopted Official Plan, not the existing Official Plan. The project has developed recommended policy modifications through extensive public engagement, informed by planning rationale and background technical studies.

The scope, timing and work plan related to the re-examination of the adopted Official Plan was the subject of a discussion at a Council Workshop in March 2019 and confirmed through the development of PB-47-19 titled: [Work Plan for the Scoped Re-Examination of the adopted Official Plan](#) in May of 2019. In June SGL Planning and Design Inc. (SGL) were retained to deliver the terms of reference presented in the Work Plan report.

After the scope of the re-examination was identified, a Council Workshop on engagement was held in June 2019 to consider the engagement objectives of the project. The Public Engagement Plan was then developed. The [Public Engagement Plan](#) was made available online on the project page of Get Involved Burlington in August 2019 and included:

- A summary of stakeholders
- Objectives of engagement
- Project milestones and engagement level at each milestone
- Policies and factors that cannot be influenced (“givens”)
- Forms of engagement and communication to the public
- How the City will collect and respond to feedback; and,
- How the City will evaluate the public engagement process.

All Milestones referenced in this staff report reflect the project milestones set out in the Public Engagement Plan. For more details on the engagement plan please refer to section 3.0 of staff report [PL-02-20 titled Taking a Closer Look at the Downtown: Preliminary Preferred Concept](#).

As noted above, in August 2019 the City released the [Public Engagement Plan](#), and at the same time SGL released a document titled [Taking a Closer Look at the Downtown: What you need to know](#). The report provides background on the City’s Official Plan policies for the Downtown and outlines the process and timeline for the project.

In August and September of 2019, the team engaged with the public to understand what mattered most to them about the Downtown. The team used a variety of engagement tactics to collect feedback. In September 2019 a report titled [Taking a Closer Look at the Downtown: Feedback Report](#) was prepared to share what the team heard and to identify the key themes.

In October 2019 those key themes were used to inform the development of two land use concepts for discussion with interested and affected groups about what the Downtown could look like in the future. The deliverable from this phase of the project was the [Taking a Closer Look at the Downtown: Themes, Principles and Land Use Concepts Report](#) prepared by SGL. The report provided details on the process to date, reflections on the finding from the public engagement in August and September, an overview of proposed changes to the Downtown precincts and an overview of the two land use and built form concepts for the Downtown. The report was supported by 3D modelling that visually illustrated the similarities and differences between the two concepts, to facilitate comparison based on shared understanding and informed discussion. Together these formed the basis for engagement in the October to December period. The team again used a variety of engagement tactics to collect feedback, including both in-person and online engagement opportunities. The final element of engagement in this period of the project was the December 5<sup>th</sup> Planning and Development Committee Meeting. For more details on the engagement and feedback please refer to section 4.0 of staff report [PL-02-20 titled Taking a Closer Look at the Downtown: Preliminary Preferred Concept](#).

The next step in the project was the consideration of feedback and the development by SGL of the [Taking a Closer Look: Preliminary Preferred Concept](#) report which was released in early January.

Committee considered PL-02-20, [Taking a Closer Look at the Downtown: Preliminary Preferred Concept](#) on January 16, 2019. The purpose of the report was to:

- provide a progress update on the project completed to date;
- present an overview of the various inputs which had influenced the preparation of the preliminary preferred concept including the technical reports completed to date, the feedback reports and the reports prepared by SGL Planning and Design;
- present the findings of the consideration of the Staff Direction and Councillor feedback from December 5, 2019;
- present the rationale for the preliminary preferred concept;
- describe any unaddressed themes and feedback that would be considered going forward; and,
- describe the next steps in the project.

The report outlined the various attributes of the two built form concepts as well as the feedback on each, and explained the preliminary preferred concept.

The report recommended that Council endorse the preliminary preferred concept and that staff be directed to prepare the modifications to the adopted Official Plan to facilitate the implementation of the preliminary preferred concept.

In considering report [PL-02-20](#) and as a result of the discussion at Committee the following recommendations were modified by Committee and subsequently carried by Council:

1. *Exclude from endorsement, subject to the considerations in 2, the recommended concept for the lands identified as:*
  - i. *Village Square Precinct V2 sub area; and*
  - ii. *Downtown East Precinct located east of Elizabeth Street and south of Lions Park, and the block bounded by John Street, Maria Street, Elizabeth Street, and James Street; and*
2. *Direct the Executive Director of Community Planning, Regulation, and Mobility to consider the following during the development of policy modifications to the adopted Official Plan:*
  - i. *appropriate built form;*
  - ii. *enhancement of transition provisions in the Downtown East Mixed-Use Precinct, to ensure an appropriate interface with the areas to both the east and the north;*



### 1.2.1 Changes to provincial planning policy, legislation and regulations

Bill 108 received royal assent dealing with, among many other things, changes to the Community Benefits section of the *Planning Act* during the term of project. In addition, proposed regulatory matters related to Community Benefits were released for consultation in February 2020.

Bill 108 amended a series of Acts that have an impact on municipalities and land use planning. Since Bill 108 received Royal Assent in June of 2019 further details have emerged through subsequent amendments to various Acts and through the release by the Province of engagement materials related to draft regulations. The main elements of concern related to the Downtown relate to the community benefits charge and changes to the implementation of parkland dedication.

#### a) Community Benefits Strategy

The modifications to the *Planning Act* propose the replacement of the former community benefits section (S. 37) which was a mechanism to consider additional height and density in exchange for community benefits, with new tools called a Community Benefits By-Law and Community Benefits Strategy. At the time of the preparation of the policies for the Downtown the regulation associated with the Community Benefits framework has not been enacted. At the time of enactment of the regulation, consideration of necessary modifications to the entire Official Plan will be considered.

#### b) Parkland Dedication

Given the best information available to date there remain serious concerns related to the ability of a municipality to ensure new development is supported by appropriate parkland. This concern is pronounced in an area like Downtown Burlington where development will occur through intensification and largely made up of higher-density developments than in most other parts of the City. For more information on the City's position on the Province's engagement please refer to [CC-03-20: City of Burlington Comments Regarding ERO 019-1406 \(Bill 108\)](#).

Given the uncertainty and the lack of final regulations, the recommended policy modifications propose a flexible approach to parkland to allow the city to respond to any new regulations passed by the Province.

As well, consultation on an updated Provincial Policy Statement was underway during the project. The updated PPS (2020) which was released in February 2020, is considered in the planning context section below. Please refer to section 2.2 of this report for more details.



### 1.2.2 Requests for additional scope

The project scope was the subject of many discussions and the topic of many submissions. There were three main requests to add scope to the project:

- Adding Old Lakeshore Road Precinct and the Downtown Waterfront Hotel site to the scope of work;
- Removing the designation of Downtown as an Urban Growth Centre, Major Transit Station Area, and identification as a Mobility Hub; and,
- Addressing urban design issues.

#### *Old Lakeshore Road Precinct and the Downtown Waterfront Hotel site:*

Many members of the public and other stakeholders wished to modify the scope of the work to consider these areas in the Downtown that were explicitly excluded in the project terms of reference. Given that there are other processes identified to manage these areas the scope of work remained the same. Please refer to Appendix 20: Updates on Other Initiatives and General Timeframes for more details.

#### *Urban Growth Centre, Major Transit Station Area and Mobility Hub:*

Throughout the project, members of the public voiced continuing concern about how this work relates more broadly to the Downtown as an Urban Growth Centre in the Provincial Growth Plan and its identification as a Major Transit Station Area in the Regional Official Plan. Council, at the time of considering the work plan report, gave the following direction:

*Direct the Director of City Building, after the conclusion of the studies conducted as part of (1) the scoped re-examination of the policies of the adopted Official Plan and (2) Interim Control By-law 10-2019 as amended (21-2019), to report on any changes to the Urban Growth Centre and Major Transit Station Area designations applicable to Burlington's Downtown and the Burlington GO Station that could be recommended as a result of any proposed Official Plan and Zoning By-law amendments arising out of the studies*

This Council direction reinforced that the scoped re-examination had to be prepared to conform to existing provincial and regional plans, and that the evaluation of the UGC and MTSA designations was to occur after the completion of the studies supporting the scoped re-examination of the Official Plan and the Interim Control By-law. It is expected that in July 2020 staff will provide a report to address this Staff Direction.

Please see section 5.2 b) of this report for a discussion of the term Mobility Hub.

*Urban Design and Placemaking Guidelines:*

One change in the scope that has occurred relates to the development of Draft Downtown Burlington Placemaking and Urban Design Guidelines contained as Appendix 15 to this report (released in July 2020). The feedback provided by stakeholders over the engagement period from summer 2019 to winter 2020 focused heavily on issues of design.

The original terms of reference identified that the consultant was to prepare a memo related to urban design, which would discuss the changes required to the existing design guidance documents currently in place for the Downtown. These include the Downtown Urban Design Guidelines prepared in 2006 by Brook McIlroy Planning and Urban Design, the Heritage-Based Urban Design Guidelines for Downtown prepared in 2006 by Philip H. Carter in association with Paul Oberst, the Tall Building Guidelines prepared by BrookMcIlroy in 2017, and the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings prepared internally in 2019.

As was noted throughout the project, there were several limitations related to how the project team could deal with design feedback received from the public. Given the nature of the comments received throughout the project, an opportunity emerged to widen the scope of the exercise to include the development of a set of draft urban design guidelines specific to the Downtown. This opportunity would take advantage of the knowledge of staff and the project consultant of the feedback received through the project and would allow for the earlier development of draft design guidelines, which otherwise would likely have occurred as a separate project after the Official Plan policies were approved. The addition to the scope did not impact timelines of the project as this element is now presented in draft form (July, 2020) and no decision on the design guidelines is recommended as part of this phase of the project.

Releasing this enhanced design guidance while seeking feedback from the public and stakeholders on the broader policy set was also thought to offer a more comprehensive picture as to how the policies and the design guidance documents would function together to guide the design of future development to 2031. The work to date on the draft Downtown Burlington Placemaking and Urban Design Guidelines draws extensively from the engagement feedback provided through the scoped re-examination of the adopted Official Plan and will support the implementation of the policy framework presented.

The draft of the guidelines will be released in July, 2020 and will be subject to its own engagement process in the future.

1.2.3 Unanticipated Risk: Time Delays

One of the givens of the project was that the modifications must be endorsed by City Council by March 2020. However, due to the COVID-19 pandemic the ability to hold

public meetings has been impacted and the timeline has been extended out to the Fall of 2020. Staff will seek all opportunities to use this additional time to collect and understand feedback that may inform revisions to the recommended policy modifications. For more details on the proposed process for considering additional feedback in advance of the Committee meeting, please see the Strategy section of this report.

### **1.3 Project Phase**

The project has now completed Milestones 6 (finalize technical reports) and 7 (prepare policies) as identified in the [Public Engagement Plan](#). The remainder of the report focuses on these two milestones to put together the information needed to address Milestone 8A, the purpose of which is to present changes to the adopted Official Plan.

The purpose of this report is to recommend policy modifications for consideration by the public and Council. This report seeks Council endorsement of a set of modifications to be forwarded to the Region for consideration in the development of the Region of Halton's draft decision related to the adopted Official Plan.

## **2.0 Planning Context**

As was discussed in PB-04-18, titled [Revised Proposed Official Plan Recommended for Adoption](#), land use planning in Ontario is complex given that there are various requirements to have regard for, to be consistent with, to not conflict with, and/or to conform to various plans, policies, legislation and regulation. The Province provides strong top-down direction with respect to land use planning. Further, working in a two-tier municipal government context introduces additional complexity.

A series of appendices were included in staff report [PB-04-18](#) that discussed the adopted Official Plan and how the policies addressed relevant planning documents at the time. In large part this conformity assessment continues to appropriately describe how the overall adopted Official Plan addresses conformity with Provincial and Regional Plans and policies. The focus of the discussion below and in the Final Report prepared by SGL is to add further detail relevant to changes in the policy framework with a Downtown focus. The relevant planning context is discussed within the report Taking a Closer Look at the Downtown: Final Report prepared by SGL (Appendix 1).

Staff are satisfied that the recommended modifications to the adopted Official Plan (2018) conform to Provincial and Regional plans and policies. Reference should be made to the staff report [PB-04-18 and its associated appendices](#) and to the Final Report by SGL (Appendix 1 to PL-16-20) .

## **2.1 Planning Act**

The *Planning Act* sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled and who may control them. The *Planning Act* provides the basis for such matters as consideration of provincial interests; the preparation of Official Plans to guide future development; the regulation and control of land uses through zoning by-laws; the establishment of a streamlined planning process with an emphasis on local autonomy and ensuring members of the public are notified of planning proposals and have the opportunity to participate in the planning process and, where applicable, to appeal planning decisions to the Local Planning Appeal Tribunal (LPAT).

The *Planning Act* requires that all planning decisions by Council shall be consistent with the Provincial Policy Statement (PPS) and conform with provincial plans.

For more details please refer to Appendix I in PB-04-18 titled: Planning Act: Conformity Assessment to the New Official Plan (April 2018).

## **2.2 Provincial Policy Statement (PPS) 2020**

In February 2020 an updated Provincial Policy Statement, PPS 2020, was released after a period of consultation on modifications.

The Provincial Policy Statement supports a comprehensive, integrated, and long-term approach to planning, and recognizes linkages among policy areas. The PPS also acknowledges that municipal Official Plans are the most important vehicle for implementation of the Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official Plans shall identify provincial interests and set out appropriate land use designations and policies.

For more details on the PPS 2020 please refer to Appendix 1 – SGL Final Report.

## **2.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

In 2019 the Province replaced the 2017 Growth Plan with a revised Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan establishes a long-term vision for growth in the area to support the achievement of *complete communities* with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available.

The policies of the Growth Plan are intended to guide decision making on how land is developed, resources are managed and protected, and public dollars are invested, all based on a set of guiding principles. The principles apply across the entire Greater Golden Horseshoe area and range from supporting the achievement of complete communities and prioritizing intensification and higher densities in strategic growth areas, to supporting a range and mix of housing options, conserving and promoting

cultural heritage resources, and integrating climate change considerations into planning and growth management.

Downtown Burlington is identified as an Urban Growth Centre in the Growth Plan. For more details on the Growth Plan please refer to Appendix 1 – SGL Final Report.

#### **2.4 Halton Region Official Plan**

The Regional Official Plan (ROP) is Halton’s guiding document for land use planning. It contains goals, objectives, and policies that manage growth and direct physical change and its effects on the social, economic, and natural environment of the Region to the planning horizon of 2031. The ROP provides clear direction as to how physical development should take place in Halton to meet the current and future needs of its people.

The ROP sets out the Regional Structure and identifies Burlington as a component of that structure. The ROP distributes population and employment and establishes intensification and density targets to Burlington and the other local municipalities in Halton Region. The ROP also contains policies on the Downtown Urban Growth Centre and required minimum density targets similar to those contained in the Growth Plan.

For more details on the Halton Region Official Plan please refer to Appendix 1 – SGL Final Report.

Regional policies provide direction for the development of area-specific plans or the development of policies for Intensification Areas such as Urban Growth Centres. In policy 81(4) policies for intensification areas are to include:

- a) a transportation network designed to integrate active transportation, local transit services and inter-municipal/inter-regional higher order transit services; and
- b) urban design guidelines to promote active transportation and transit supportive land uses in accordance with Regional standards under Section 81(5).

The Regional Official Plan provides a wide range of direction to local municipalities in planning for Intensification Areas. The policies (81(7)) require local municipalities to:

- a) include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas;
- b) prescribe in Official Plans and Zoning By-laws minimum development densities for lands within Intensification Areas;
- c) prohibit site-specific Official Plan or Zoning By-law amendments to reduce development density within an Intensification Area unless it is part of a

municipal comprehensive review of the Official Plan or a review of the Area-Specific Plan for the Intensification Area; and

- d) promote development densities that will support existing and planned transit services.

The adopted Official Plan and the recommended policy modifications to the Downtown fulfil these requirements.

The policies of the Regional Official Plan also include a range of policies for Intensification Areas including:

- Encouraging the use of development permit systems;
- Identifying that the Region considers Intensification Areas as the highest priority for urban development;
- Ensuring water, wastewater and transportation servicing capacity to support development densities;
- Requiring the adoption of zoning for the Intensification Area;
- Encouraging the development of parking standards to support the use of active transportation and public transit;
- Encouraging the consideration of incentives;
- Directing Regional and public services to these areas;
- Directing major office, retail and appropriate major institutional development to these areas; and
- Monitoring the performance of the Intensification Areas.

The ROP requires that local municipalities prepare policies for major growth areas, including the Intensification Areas such as Urban Growth Centres and Major Transit Station Areas. Detailed policies to guide development in the Downtown are present in the existing Official Plan and enhanced through the policies of the adopted Official Plan (2018). These recommended modifications, which were developed as a result of public engagement and planning rationale, are intended to guide development and redevelopment in the Downtown to 2031. The Regional Official Plan includes direction on the elements to be included in the specific policies for an area.

The SGL Planning & Design reports and staff reports, public feedback and background information from the various technical studies contributed to the development of the recommended policy modifications presented as part of this report, which will guide development in the Downtown to 2031. These elements respond to the policy direction from the Regional Official Plan requiring policies for major growth areas.

Given that the Downtown is an existing developed Intensification Area there are necessarily nuances in approaches taken to meet the objectives of the Regional Policies. For instance, a community infrastructure plan was not prepared for the

Downtown. The Downtown currently houses a wide range of community infrastructure including schools, institutions and other public uses like City Hall. The policies acknowledge that change will occur through redevelopment and identify areas that currently serve a role in supporting the community as well as identifying the role for new public service facilities and institutional uses.

## **2.5 Adopted Official Plan (2018)**

The new Official Plan adopted by City Council in 2018 provides a new framework for land use planning in Burlington. This plan has not come into effect because it has not received approval from Halton Region at this time. Discussion of this plan is provided to share the context for the policy modifications presented in this report.

The adopted Official Plan (2018) updated the City's vision for growth through the reinforcement of the local Urban Structure, the development of a Growth Framework and the refinement of land use planning policies. To learn more about the preparation and content of the adopted Official Plan (2018) please refer to staff report [PB-04-18 titled: Revised Proposed New Official Plan Recommended for Adoption](#).

Staff report PB-04-18 states the following about timeframes:

The Official Plan is technically set to a planning horizon of 2031, with population and employment distribution, intensification and density targets that correspond to that timeframe. However, notwithstanding the technical timeframe, the new OP sets the foundation for growth management, land use development and infrastructure planning to 2041, and extends beyond towards a mature state...Planning in a built up municipality requires what the City can plan from a statutory perspective, as well as the long term vision to set the path forward.

The Growth Framework introduces a growth management strategy that differentiates areas within the Urban Area to clearly communicate where the City will and will not be planning to direct growth and intensification. The adopted Official Plan identifies Primary, Secondary, and Employment Growth Areas as the locations for population and employment growth and higher-intensity, mixed uses in appropriate areas to make better use of land and infrastructure.

The Downtown Urban Centre is one of the Primary Growth Areas. Also included as Primary Growth Areas are the Uptown Urban Centre (Upper Middle Rd and Appleby Line) and most lands surrounding the City's three GO Stations. These areas are expected to accommodate growth over the planning horizon to 2031 and beyond. As the Area-Specific Planning processes for Appleby GO, Aldershot GO, and Burlington GO progress, they will be informed by the Region's Municipal Comprehensive Review and will consider how these areas will contribute to population and employment growth beyond 2031 to 2041.

The adopted Official Plan included a new Downtown Precinct Plan and associated policies. The adopted Official Plan set out high-level policies for the Downtown informed by public and stakeholder engagement as well as the interim findings of a variety of technical studies undertaken to that point. The scoped re-examination provided an opportunity to build in enhanced public engagement and finalize technical work. The outcome of the work was to develop recommended policy modifications that address a level of detail similar to a set of area-specific plan policies. The recommended modifications presented in Appendix 2 within this report use the adopted Official Plan policies in 8.1.1(3) as their basis.

## **2.6 Outcome of the Interim Control By-law Land Use Study – Major Transit Station Area**

On March 5, 2019, City Council implemented an Interim Control By-law (ICBL) in order to undertake a land use study to:

- Assess the role and function of the downtown bus terminal and the Burlington GO Station on Fairview Street as Major Transit Station Areas;
- Examine the planning structure, land use mix, and intensity for the lands identified in the study area; and
- Update the Official Plan and Zoning By-law regulations as needed for the lands identified in the study area.

Staff report PB-36-19 included a recommendation to implement an ICBL in response to two primary concerns:

- 1) Growth pressures that continue to emerge for the lands in the study area; and
- 2) The role and function of the John Street Bus Terminal as a Major Transit Station Area.

Downtown Burlington is identified in the Regional Official Plan as a Major Transit Station Area as a result of the presence of the John Street bus terminal within the UGC. The designation of Downtown Burlington as a Major Transit Station Area was identified as a given for this project. The findings of the Interim Control By-Law Land Use Study provide insight to understand the role and function of the Burlington GO Major Transit Station Area and the Downtown Major Transit Station Area.

The findings of the Interim Control By-Law Land Use Study contributed to the development of Official Plan Amendment 119 (OPA 119), which is an amendment to the in-effect Official Plan (1994, as amended), and Zoning By-Law Amendment 2020.418 (ZBLA 2020.418), which are currently under appeal. Notwithstanding those appeals the key findings of that study have informed the development of the recommended modifications to the adopted Official Plan.

Broadly the effect of OPA 119 and ZBLA 2020.418 is to:



- strengthen the relationship between land use and transit in the Official Plan;
- strengthen the concept of Major Transit Station Areas in the Official Plan;
- establish a Major Transit Station Area typology within Burlington's Official Plan policy framework;
- provide development criteria to evaluate development applications within the special planning area in advance of the completion of secondary plans or major planning studies; and
- provide policy guidance to encourage transit-supportive development around the Burlington GO Station while also ensuring that development is appropriate and compatible given the context of the surrounding area.

The report prepared by Dillon Consulting concludes that the Downtown bus terminal is not currently functioning as a major bus depot based on common characteristics of typical major bus depots. This is based on Dillon's evaluation of the current function of the Downtown John Street Bus Terminal and its role as an MTSA that is not supported by planned Regional Express Rail. The narrow rights-of-way downtown and the absence of Regional Express Rail or dedicated rights-of-way limit the transit service level that is available in the Downtown Major Transit Station Area and therefore the Downtown Major Transit Station Area should be differentiated from the other Major Transit Station Areas located along the GO rail line through a policy framework in the Official Plan. The residents and jobs associated with development in the Downtown Burlington MTSA will contribute towards meeting the Urban Growth Centre (UGC) target of a minimum of 200 residents and jobs combined per hectare, as identified in the Growth Plan. Given the limited function of the Downtown Bus Terminal, the Downtown MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown Urban Growth Centre.

For more details please refer to the staff reports (PB-36-19 and PL-01-20) as well as the memo and attachments that were presented at the January 30, 2020 Special Council Meeting.

### **3.0 Finalize Technical Work**

Milestone 6 in the [Public Engagement Plan](#) was identified as the stage at which, once the preferred land use concept was endorsed, the remaining technical and planning work could be completed to inform the development of the recommended modifications.

#### **3.1 Taking a Closer Look at the Downtown: Final Report**

In May 2020, SGL Planning & Design provided their report: Taking A Closer Look at Downtown Final Report attached as Appendix 1 to this report.

The Final Report explains the evolution of the work done by SGL Planning & Design from the creation of the background reports through to the creation of two land use concepts and the set of evaluation criteria (the Evaluation Matrix) to the creation of the preliminary preferred concept and from there, the development of the modified policies of the adopted Official Plan based on public engagement and planning rationale and supported by technical analysis. The Final Report also provides recommendations around key initiatives to assist in implementing the policies and vision for the Downtown.

The SGL Final Report includes the following sections:

- 1 Introduction
- 2 What has been done to date?
- 3 What are the modifications to the precincts in the land use plan?
- 4 What are the recommended policy modifications?
- 5 How do the recommended modifications conform to provincial and regional policy?
- 6 What are the findings of the supporting technical reports?
- 7 What other recommendations are required to implement the Downtown vision?

### **3.2 Technical Studies**

A series of technical studies were prepared. All of the technical studies are included individually as appendices to this report. The list below provides details of the studies, identifies which studies were released in draft form in January 2020 and whether they have been modified since that time, and identifies the appendices of this report in which each study can be found.

<b>Technical Study</b>	<b>Released in January 2020</b>	<b>January version Modified?</b>	<b>Appendix # (to this report)</b>
Stage 1 Archaeological Assessment	Yes	No	5
Cultural Heritage Resource Assessment	Yes	No	6
Market Analysis	Yes	No	7
Illustrative Economic Analysis	Yes	No	8
Environmental Impact Study	Yes	No	9

Flood Hazard and Stormwater Management Assessment	Yes	Yes	10A-1, 10A-2
Hager-Rambo Flood Study	Yes	Yes	10B-1, 10B-2, 10B-3
Detailed Traffic Analysis of Recommended Concept	Yes	No	11
Micro-Level Traffic Overview	Not Completed in January	New	12
Updated Area Servicing Report	Yes	Yes	13
Financial Impact Analysis	Not completed in January	July release	14 (Available July 2020)

A summary of the findings of each of the technical studies completed during this stage is found in the Final Report by SGL Planning & Design (Appendix 1) in section 6. For the studies that were released in January, the a summary of the findings can be found in section 5.1 of the SGL Planning and Design report titled [Taking a Closer Look at the Downtown: Themes, Principles and Land Use Concepts](#).

#### **4.0 Prepare changes to the adopted Official Plan**

Milestone 7 in the [Public Engagement Plan](#) was identified as the stage where the recommended modifications to the adopted Official Plan would be developed.

##### **4.1 Policy development process**

Upon Council’s approval of the modified recommendations related to the preliminary preferred concept, technical studies were completed. Feedback received through submissions and at the Committee meeting in January were considered in the development of policy. Also considered were the 13 themes identified through engagement, and the issues identified in the project terms of reference.

SGL Planning & Design prepared the first draft of the policy modifications and City staff joined with SGL to provide feedback and discussion as the policies were developed. The development of the full set of policies was led by SGL and was iterative.

## **4.2 Feedback**

As noted above, the preliminary preferred concept was presented through staff report PL-02-20, which was released on January 9, 2020, considered by Community Planning, Regulation, and Mobility Committee on January 16, 2020, and subsequently considered by Council on January 27, 2020. Report [PL-02-20](#) included discussion of the public engagement that had occurred up until December 5, 2019. Submissions that had been received prior to or on December 5, 2019 were summarized and responded to in Appendices F1 and F2 of PL-02-20, as well as an addendum to Appendix F2 that appears under “Information Items” in the January 16, 2020 meeting minutes.

Public engagement continued after December 5, 2019, and feedback was received through various means, as discussed below.

### 4.2.1 Feedback Received

Submissions received between December 6, 2019 and March 19, 2020 are discussed in this report. During this time period, the City received 42 submissions concerning the scoped re-examination of the adopted Official Plan, including:

- 27 letters (of which 15 appear as correspondence on minutes of Jan 16, 2020 Community Planning, Regulation, and Mobility Committee meeting; and 2 appear as correspondence on minutes of Jan 27, 2020 Council meeting);
- 6 spoken delegations at Jan 16, 2020 Community Planning, Regulation, and Mobility Committee (of which 3 are associated with letters counted above); and
- 12 e-mails to City staff.

These submissions were received from 32 interested and affected parties, including:

- 9 residents;
- 2 community organizations;
- 1 development industry advocacy organization;
- 16 landowners/developers (9 via solicitors, 4 via planning consultants, and 3 self-represented);
- 3 technical organizations; and
- 1 City Advisory Committee.

In addition to the submissions received between December 6, 2019 to March 19, 2020, the project team also considered a number of submissions that had been received in 2017 and 2018 through the process of the adoption of the new Official Plan. These submissions were site-specific in nature and had been deemed premature at the time of receipt. The Scoped Re-examination of the Adopted Official Plan provided the opportunity for these submissions to be considered; they are summarized and responded to in Appendix 16 of report PL-16-20.

While promoting public engagement opportunities generally, the project team also reached out directly to solicit input from Indigenous communities, technical agencies including the Region of Halton and Conservation Halton, internal City departments, and the Hamilton-Halton Home Builders' Association (HHHBA, now known as West End Home Builders' Association, WEHBA). As a result of this outreach, the following responses were received:

- Huron-Wendat Nation responded to ask for additional information to review, but did not submit feedback;
- Ministry of Transportation responded to ask for additional information to review, but did not submit feedback;
- Three agencies (Halton Catholic District School Board, Halton District School Board, and TransNorthern Pipeline Inc.) provided formal responses, which are included in the discussion above of submissions received between December 6, 2019 to March 19, 2020.
  - These responses expressed concerns about potential impacts from development on their property and services in the Downtown. These concerns have been responded to in Appendix 17 and considered in the development of the recommended policy modifications.
- Staff from the City's Capital Works Department (Parks and Open Space division), Legal Department, Transportation Department, and Community Planning Department provided feedback through meetings with the project team.
- HHHBA/WEHBA responded that they did not intend to provide a formal submission due to insufficient time to review the preliminary preferred concept and supporting reports.

#### 4.2.2 Engagement Findings

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

1. Concerns with the content of the preliminary preferred concept:
  - a. Concerns with the boundaries of certain precincts;
  - 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;
  - d. Concerns that proposed built form and land use provisions were too restrictive and could make development of some sites unfeasible: in particular, concerns were expressed about the proposed maximum building heights, minimum building setbacks, maximum tower floorplates,

the use of angular planes to direct building massing, and the requirement to incorporate office floor space into the podium of buildings in Downtown East Precinct;

- e. Concerns about impacts of the preliminary preferred concept on housing affordability, retail viability, and the viability of existing or future community institutions;
  - f. Concerns that the preliminary preferred concept was too focused on conforming to the Urban Growth Centre density target;
  - g. Concerns that the reports did not sufficiently demonstrate that the preliminary preferred concept would conform to the Urban Growth Centre density target; and
  - h. Some suggestions related to specific wording of proposed policies.
2. Concerns with project process and reporting:
- a. Concerns with the amount of information provided about technical analysis and planning rationale that supported the preliminary preferred concept;
  - b. Concerns with the amount of time that had been provided for the public to review the preliminary preferred concept and supporting documents prior to the January 16, 2020 Committee meeting;
  - c. Concerns with perception that the project has been too focused on building height; and
  - d. Concerns that the building industry was insufficiently engaged by the project team.
3. Concerns that are out of scope of the project:
- a. Concerns with certain project givens, in particular that the project scope did not include:
    - i. recommendations for the Old Lakeshore Road Precinct or Waterfront Hotel site, or
    - ii. consideration for the removal or relocation of the Major Transit Station Area and Urban Growth Centre;
  - b. Concerns with management of construction activity resulting from potential future development;
  - c. Concerns with other City projects such as the Interim Control By-law Land Use Study and the Integrated Mobility Plan; and
  - d. Concerns about City operational matters not related to the *Planning Act*.

For a more detailed summary of submissions received between December 6, 2019 and March 19, 2020, along with staff responses to the submissions, refer to Appendix 17 of report PL-16-20.

#### 4.2.3 How Feedback Influenced the Project

All of the feedback received was considered by the project team and used to inform the development of the recommended policy modifications that are presented in Appendix B of Appendix 1 of report PL-16-20, and also inform the draft Downtown Burlington Placemaking and Urban Design Guidelines (July 2020).

Feedback also informed adaptations in the project process. The concerns that were expressed about the amount of time given to review the material led to the project team using the project website, email newsletters, a media release, and City social media to promote opportunities for interested parties to submit comments on the preliminary preferred concept up to February 14, 2020. This promotion of an extended commenting period exceeded the scope of engagement envisioned for this stage of the project by the Public Engagement Plan, which had originally anticipated that all comments on the preliminary preferred concept would be received prior to the January 27, 2020 Council meeting. The project team continued to accept feedback after the stated February 14, 2020 deadline, and this report reflects the project team's consideration of all submissions received up to March 19, 2020.

### **4.3 Responses to Modified Recommendations from January**

As discussed earlier, Committee and subsequently Council modified and approved recommendations related to the preliminary preferred concept. The Council recommendations asked staff to further consider several areas and issues through the preparation of the policy modifications, each discussed below.

#### 4.3.1 Area-Specific Issues

##### *a) Village Square Precinct*

The Council-modified recommendation directed staff to further consider the Village Square Precinct area identified at the time as V2. This area in the preliminary preferred concept was identified as having a mid-rise built form that would permit up to a maximum of 11 storeys. The modified recommendation directed staff to consider the:

*appropriate built form in the V2 area of Village Square Precinct, with appropriate performance standards to avoid or mitigate potential impacts from new development on the existing low-rise buildings on Martha Street and existing low-rise buildings west of Pearl Street*

The Village Square Precinct was developed acknowledging the unique nature of the area. The key elements of the precinct relate to the role of the existing Village Square retail development, the existing low-rise and mid-rise built form and the opportunity to continue to reinforce retail and service commercial uses as the predominant use at

grade within that development and along Retail Main Streets and Mixed Use Streets within the precinct. It is the opinion of SGL Planning & Design and of staff that the mid-rise built form, with heights ranging from 5 to 11 storeys, is appropriate for this precinct. It acknowledges the existing built form context and the transition from tall buildings in the adjacent Lakeshore Precinct, Apartment Neighbourhoods Precinct, and Downtown East Precinct. The newly developed Height Schedule D-2 (Appendix 3: Recommended modified Schedules to the adopted Official Plan) reinforces the intent with relation to height throughout the Downtown. While the specific descriptions of the sub-areas of Village Square Precinct (“V-1” and “V-2”) are no longer included in the recommended policy modifications, the policies and the description on the Height Schedule stress the importance of transition to areas of the precinct with lower-scale built form such as adjacent to the existing townhomes on the west side of Martha Street and state in policy 8.1.1(3.10.1 e) that:

development abutting the townhouses on Martha Street *shall* incorporate an appropriate built form transition in height and *massing* to minimize the impact of shadowing and overlook. Although a 45 degree angular plan is not required, the transition *shall* include a *compatible* interface to the townhouses which *may* require the use of building setbacks, step backs, property consolidations, height restrictions, building orientations to reduce overlook and other possible transition tools as further described in in Section 8.1.1(3.19.4) and in the Downtown Burlington Placemaking and Urban Design Guidelines.

The cross-reference in that policy relates to guidance for mid-rise buildings and specifically to the requirement for step backs. The policies provide guidance to identify the step back to define the street wall as well as other step backs that may be required to minimize the perception of building mass from the sidewalk and the impact on adjacent properties.

In addition, the proposed Urban Design Policies section includes policies related to transition and identifies the need for transition between mid-rise built form and ground-oriented development. The policies suggest several means of achieving appropriate transitions including:

- Reducing overall building heights;
- Proposing smaller building floorplates;
- Adjusting the placement and orientation of the proposed building;
- Varying heights using an angular plane;
- Assembling of additional properties.

The Draft Downtown Burlington Placemaking and Urban Design Guidelines also provide greater direction on means of transition (July 2020). This approach acknowledges that the review of every development proposal requires consideration of site-specific context



and constraints. The objective of transition guidance is to reduce the potential for shadowing, pedestrian-level wind impacts, and overlook on neighboring properties.

*b) Downtown East*

The Council-modified recommendation directed staff to further consider two sub-areas of the Downtown East precinct:

- The blocks east of Elizabeth Street, south of Lions Park to Martha Street; and
- The block bounded by John Street, Maria Street, Elizabeth Street, and James Street.

With respect to these areas and the Downtown East Precinct in general, staff were directed to consider:

- appropriate built form;
- enhancement of transition provisions in the Downtown East Mixed-Use Precinct, to ensure an appropriate interface with the areas to both the east and the north;
- enhancement of provisions to protect the existing character and streetscape of the Downtown East Mixed-Use Precinct, with particular attention to the pedestrian experience on Elizabeth Street.

*i) Appropriate Built Form*

Tall buildings represent an appropriate built form in the Downtown East precinct. The preliminary preferred concept reinforced the differences between the Village Square Precinct and the Downtown East Precinct and confirmed that mid-rise buildings were appropriate for the former, while tall buildings were appropriate in the latter. This refinement relies on the existing built form context. The maximum height of 17 storeys is reflective of the existing context.

As noted in the Downtown Burlington Mobility Hub Market Analysis prepared by N. Barry Lyon Consultants Limited the “demand for office space is...likely to increase as employers look for unique and quality environments to attract staff. However, as Deloitte has pointed out, rental rates for new office investment have a significant way to go before they will support new construction”. Further the analysis identified that “for the time being, new non-residential space is likely to be built primarily as part of new mixed-use buildings.”

The Downtown East Precinct plays an important role in providing a supportive context for the development of office space, and requires the development of office space in tall buildings up to 17 storeys. The policy framework for the Downtown East Precinct also acknowledges the opportunity for stand-alone office buildings.

The urban design policies as well as the draft Downtown Burlington Placemaking and Urban Design Guidelines provide direction and guidance on both tall buildings and transition policies to support design excellence.

*ii) Transition Policies*

As noted above, transition policies also provide additional built form guidance for tall buildings as well as direction for addressing transition with adjacent properties. The policies include direction to:

- ensure appropriate transitions between mid-rise and ground-oriented development (discussed above in relation to Village Square);
- achieve transitions between different built forms through urban design elements including separation distance, setbacks, and step backs.

The Draft Downtown Burlington Placemaking and Urban Design Guidelines also provide greater direction on means of transition. This approach acknowledges that each development proposal will require consideration of site-specific context and constraints. The objective of transition is to reduce the potential for shadowing, pedestrian-level wind impacts and overlook on neighboring properties.

*iii) Protecting character and streetscape*

The physical character of Elizabeth Street within the Downtown East Precinct is varied. It includes several low-rise buildings constructed in the 19<sup>th</sup> century and early 20<sup>th</sup> century with modern additions and alterations, mixed in with several modern developments ranging from 6 to 17 storeys. While none of the properties on Elizabeth Street within Downtown East are designated under the *Heritage Act*, five are listed on the Municipal Register of Cultural Heritage Resources. Listing on the Register does not protect properties from alteration but does introduce a 60-day delay on demolition proposals, which presents an opportunity for Council to designate a property if it meets provincial criteria for heritage value. The listing of these properties on the Register reflects Council's belief that these properties have cultural heritage value or interest. Section 3.5.2(5) of the adopted Official Plan requires that any development application that may have adverse impacts on the heritage attributes of a Register-listed property must be supported by a Heritage Impact Study completed by a qualified professional. The Cultural Heritage Resource Assessment completed by ASI in September 2019 in support of the Taking a Closer Look at the Downtown project identified several potential cultural heritage landscapes within Downtown, one of which includes parts of Elizabeth Street between Maria Street and the Elgin Promenade. The recommended policies for Downtown include a new policy that acknowledges the City will complete a study of potential cultural heritage landscapes (as directed by Council in January 2020 through SD-02-20) and requires that any development application for lands within the potential landscape must be supported by a Cultural Heritage Landscape Impact Study, regardless of whether the subject properties are listed on the Municipal Register. This new policy strengthens the protections for cultural heritage elements of the character of Elizabeth Street.

Expectations for the improvement of the pedestrian experience are set in both the Downtown Streetscape Guidelines and the draft Downtown Burlington Placemaking and Urban Design Guidelines (Appendix 15). Elizabeth Street is also identified in the recommended new Schedule D as a Green Connector street (Appendix 3: Recommended modified Schedules to the adopted Official Plan). This designation reinforces the importance of this street in terms of connecting existing and future green space and parks as well as providing a comfortable pedestrian experience. Green Connectors:

are public streets that incorporate enhanced pedestrian and/or cycling facilities within the street right of way and contribute to achieving an interconnected network of parks, promenades and open spaces in the Downtown. Green Connector Streets differ from promenades which comprise off-street public open space lands. Enhanced landscaping within the public right-of-way, limitations on driveways and differing setbacks may be considered along Green Connector Streets. The Downtown Urban Design Guidelines provide additional direction on the enhanced facilities.

#### 4.3.2 Acknowledge, protect, and enhance existing community institutions or other private organizations that provide public services or amenities

The Council modified recommendation directed staff to consider:

*policy or mapping-based solutions to acknowledge, protect, and enhance existing community institutions or other private organizations that provide public services or amenities*

The Downtown is a complete community that plays a role as a key civic node and serves a public service and institutional node function for the City. Given this function of the Downtown, consideration was given to acknowledging and protecting existing institutional sites through inclusion in the Downtown Public Service designation. Existing places of worship were identified as key existing land uses that should be acknowledged. The Downtown is fortunate to have these community institutions in place. The policy framework acknowledges that these institutional uses are not expected to change prior to 2031 and it is desirous to maintain these sites for future institutional uses over the long term. This policy framework avoids disrupting or putting undue development pressure on these sites.

This is a departure from the approach for public service and institutional uses for the rest of the adopted Official Plan which permits these uses everywhere and typically assigns to existing institutional uses an underlying land use designation that permits residential uses. Similar to the rest of the adopted Official Plan for the Urban Area, institutional and public service facilities are permitted in all designations, except for lands within the Natural Heritage System. In the Downtown the policies have been modified to support the continued use of these areas designated Downtown Public

Service Designation in order to acknowledge the existing land use as well as the opportunity to support change through appropriate processes. It is also acknowledged that an Official Plan amendment application may be submitted for these sites. The Official Plan Amendment application would provide an opportunity to consider permitting other uses and to provide notification to public authorities as to the potential use of the lands for public use. For a detailed discussion of the approach reference should be made to section 4.2 of Taking a Closer Look at the Downtown: Final Report prepared by SGL (Appendix 1 to this report).

This approach does not mean that lands within the Public Service designation are the only places where future public service facilities and institutional uses will be located; however, it does identify their importance to the function of the Downtown Urban Centre overall.

The City will acknowledge, protect, and enhance existing public service facilities and institutional uses like places of worship in the Downtown and will actively seek to develop partnerships to support their continued presence within the Downtown and to support the location of new community-related uses in the Downtown through the Core Commitment: Downtown Vision and Action Plan. The City can take a more active role in ensuring that community-serving uses and institutional uses that desire to have a presence in the Downtown are supported.

#### 4.3.3 Future Transportation Corridor

The Council-modified recommendation directed staff to further consider the role of the future transportation corridor in the Mid-Brant Precinct. The recommended policy modifications require the provision of a new transportation connection extending from the John Street right-of-way north to Victoria Avenue. The detailed function and design of the transportation connection shall be determined through the Comprehensive Block Planning exercise for these lands. This extension is recommended to be identified on Schedule D and Schedule O3 as Future Transportation Corridor (Appendix 3: Recommended modified Schedules to the adopted Official Plan).

#### 4.3.4 Transitions in Upper Brant Precinct

The Council-modified recommendation directed staff to further consider transitions in the Upper Brant Precinct. The Upper Brant Precinct is located adjacent to several areas of low rise residential neighbourhoods. The policies recognize the need to balance:

- Providing increased density within walking distance to Burlington GO,
- Providing a transition to adjacent established low-rise residential areas, and

- Providing a setback along Brant Street to maintain a low-rise feel.

Please refer to the Final Report prepared by SGL (Appendix 1) for a detailed discussion of the policy approach recommended for this precinct.

#### **4.4 January Staff Directions**

Although the following staff directions are outside of the scope of the current project, the following information and next steps related to each of the staff directions has been prepared with support from appropriate staff.

##### 4.4.1 Staff Directions to the Executive Director of Community Planning, Regulation and Mobility

*Direct the Director of Community Planning, in consultation with Heritage Burlington, to assess the heritage value and appropriate protections (including possible Heritage Act designations) for the potential built heritage resources and potential cultural heritage landscapes identified by ASI in their September 2019 “Cultural Heritage Resource Assessment of the Downtown Mobility Hub”, with funding source to be determined, and report back to Council with the assessment and associated recommendations by Q4 of 2020. (SD-02-20)*

This direction (SD-02-20) represents a next step to follow up on the findings of ASI’s September 2019 report “Cultural Heritage Resource Assessment of the Downtown Mobility Hub” (Appendix 6 to this report). This direction is for work outside of the work plan for the Scoped Re-examination of the adopted Official Plan, and Planning staff will report back to Council regarding potential funding sources and options for scoping this work.

The ASI study and the related staff direction (SD-02-20) have also informed the development of modifications to the adopted Official Plan. A new Appendix (H-2) to the Official Plan has been introduced that identifies the areas of cultural heritage potential on a map. New policies have been introduced in 8.1.1(3.23) that outline the City’s intention to study these areas, and provide guidance for the consideration of any development that may be proposed for these lands prior to the completion of a heritage study by the City: if a development application is submitted for these lands prior to the completion of a heritage study by the City, the proponent of the development is required to complete a Cultural Heritage Landscape Impact Assessment and submit it as part of a complete application. This new policy framework ensures that the potential heritage value of the lands identified by ASI will be evaluated and understood, and that any impacts on such heritage value from proposed development will be assessed by a

qualified professional and avoided or mitigated through heritage-sensitive design of development.

#### 4.4.2 Staff Direction to the Executive Director of Legal Services

The following Staff Direction was provided to the Executive Director of Legal Services:

*Direct the Executive Director of Legal Services, working with the Executive Director of Environment, Infrastructure, and Community Services, to report back with options for the future of Lions Park. (SD-03-20)*

With respect to long-term options for the future of Lions Park the Executive Director of Legal Services has advised that existing agreements with the landowner provide the City with an opportunity to secure those lands in public ownership should the landowner ever intend to sell or redevelop the lands upon which the park is located. Until such time as there is an opportunity to secure those lands in public ownership, the recommended policies in respect of the northern portion of 471 Pearl Street (Lions Park) acknowledge the current private ownership of those lands and their underlying land use designation (Low-Rise Neighbourhood Precinct) and also provide appropriate policy provisions to recognize the current operation of a park on those lands and to reflect the City's long-term vision that those lands should remain as a public park subject to appropriate agreements with the landowner.

#### **4.3 Other Matters to be Addressed**

The project terms of reference identified a wide range of items for consideration in the development of the recommended policy modifications. Section 5 below focuses on the issues identified in the terms of reference that required specific modifications to address the issue. There were several issues that did not require specific modifications; these issues are discussed below:

##### **a) Housing**

Affordable Housing was listed as an issue to be considered in the development of the detailed policies for the Downtown Urban Centre. The recommended modifications to the adopted Official Plan provide for the development of a wide range of housing types in a variety of contexts within the Downtown Urban Centre. The recommended modifications to the Downtown policies are supported by the city-wide Complete Communities policies of the adopted Official Plan (2018) which consider housing supply, tenure, affordability and assisted and special-needs housing. These city-wide policies provide sufficient direction on these issues.

The Downtown is a desirable place to live, work and play, and will continue to experience growth pressures. Finding opportunities to attract a more diverse population of buyers and renters to the Downtown, including a mix of age groups, is important.

The provision of housing is a city-wide objective. The housing policies in Section 3 of the adopted Official Plan reinforce the importance of accommodating a range of housing types, tenures and affordability levels throughout the city. The wide range of housing objectives found in the adopted Official Plan (2018) include 3.1.1(1) c) which identifies the need:

To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing, while maintaining *compatibility* with the character of existing neighbourhoods.

This objective requires a balance between ensuring opportunities for the introduction of more housing stock while ensuring compatible development with existing neighbourhoods. The policies presented in the precincts and within the urban design section and further reinforced through the draft Downtown Burlington Placemaking and Urban Design Guidelines all support opportunities for the development of a wide range of new housing with a clear focus on compatibility with the existing and/or planned context.

This approach is taken with consideration to the Illustrative Economic Analysis memo, also prepared by NBLC, which noted that limiting development to mid-rise in some areas of the Downtown could drive unit prices higher to compensate for lower density, reduce potential for rental housing and delaying investment. The overall precinct plan provides permission for taller development and more density in proximity to higher-order transit while some other precincts are limited to mid-rise or low-rise development as appropriate based on existing or planned context.

Growth pressures are expected to continue in the Downtown. The recommended policy modifications reinforce that the Downtown has transit-supportive densities throughout and is made up of a series of distinct precincts. This approach ensures that a wide range of housing types are permitted in appropriate locations to support a more diverse housing stock within the Downtown through redevelopment in balance with consideration of compatibility with existing neighbourhoods. This approach also supports the development of transit supportive densities in proximity to the Burlington GO Station.

#### **b) Infrastructure, Transportation and Utilities**

Infrastructure, transportation, utilities and phasing were all identified as items to be considered in the development of the detailed policies for the Downtown Urban Centre. With respect to all of these issues the recommended modifications to the adopted Official Plan are provided based on the technical work, which broadly identifies that

infrastructure exists to support development to 2031. The recommended modifications to the Downtown policies are supported by the city-wide infrastructure policies of the adopted Official Plan (2018) in Chapter 6 which address a wide range of considerations and satisfy the consideration of the above.

It is relevant to note that parking was highlighted as a major concern of Downtown residents and visitors throughout the various stages of the project.

Parking is one of the many factors that require balancing in the Downtown along with active transportation and public transit. While there is limited opportunity to provide meaningful policies related to parking through an Official Plan, the work done by SGL Planning & Design and the policy foundation created through the recommended policies lay the groundwork for other more appropriate tools and/or studies to help address parking Downtown.

One of the findings of the engagement and policy work at a broad level was that there is a demand for parking in Downtown, especially east of Brant Street. Based on development to date, land assemblies and parcel sizes, it is expected that the Downtown East Precinct is the best suited to accommodate future parking needs within the Downtown. As noted in Appendix 20, the Downtown Parking Utilization and Future Needs Assessment requires an approved policy framework guiding the development of the Downtown to be in place prior to its commencement.

More fine-grained concerns related to Parking and transportation were raised relating to the number of parking spaces available with the sale of new condominium units, as well as a perceived insufficiency of parking related to visitors, deliveries, and commercial parking to support new development. There remains much concern that new developments are not self-sufficient in terms of parking and that the spillover has led to parking shortages for other uses of the Downtown.

The City retained IBI Group in 2016 to conduct a professional assessment of parking rates and standards in Burlington. This study informed revised parking rates that were approved by Council in September 2019 through report PB-43-19 (currently, residential rates city-wide remain under appeal). At the time of approval, the rates for Intensification Areas, including the Downtown, were not included. The rates proposed through the 2016 study are generally lower than the city's minimum requirements and provide maximums to help to achieve less auto-oriented urban areas. The study also recommended that visitor parking spaces be maintained as a separate supply in Intensification Areas to ensure that these spaces are not diverted to the occupant supply, addressing a significant concern heard through this process. Rates for Intensification Areas will be finalized, and implementation discussed, following the endorsement of the Downtown policies attached. It is recommended that through the consideration of parking in Intensification Areas and through the Comprehensive Zoning By-law Review the following should be considered:



- Establishing minimum commercial loading/unloading spaces to be provided through the approval of development; and,
- Clarifying that residential visitor and short-term parking should be an independent standard and should not be absorbed into either residential or commercial parking requirements.

### **c) Community Improvement Plan**

Issues related to community improvement, including the potential to direct the development of a Community Improvement Plan, was listed as an item to be considered in the development of the detailed policies for the Downtown Urban Centre. The recommended modifications to the Downtown policies are supported by the city-wide Community Improvement Plan policies of the adopted Official Plan (2018). The existing policies are sufficient to guide the development of a Community Improvement Plan in any area of the City. Further, the Final Report prepared by SGL Planning & Design did not identify the need to direct the development of a Community Improvement Plan for the Downtown Urban Centre as part of other recommendations to implement the Downtown Vision.

## **5.0 Recommended modifications to the adopted Official Plan**

Milestone 8 in the [Public Engagement Plan](#) was identified as the stage where the recommended modifications to the adopted Official Plan would be presented to Council for endorsement. The following section provides a high-level overview of the recommended modifications to the adopted Official Plan. For more specific details reference should be made to Appendices 1 and 2 to this report titled Taking a Closer Look at the Downtown: Final Report, and the Recommended Policy Modifications to the adopted Official Plan, both prepared by SGL.

### **5.1 Adopted Official Plan (2018)**

As highlighted in the policy context section, the adopted Official Plan (2018) established several key frameworks to understand how growth and development are expected to shape the City over time. The adopted Official Plan provides policy to guide land use planning with a continued commitment to sustainable growth, complete communities, environment and sustainability, economic activity, infrastructure, design excellence and public participation. The adopted Official Plan also includes a wide range of implementation policies to support the consideration of development applications throughout the City.

The recommended modifications to the adopted Official Plan were informed by public engagement findings, background technical study findings and by the professional planning opinion of SGL and staff. The recommended policy modifications propose development criteria and matters to be addressed in order to guide both future development applications and the future development of a comprehensive Zoning By-law.

For more discussion with respect to how the recommended policy modifications responded to public engagement findings please refer to Appendix A to the SGL Final Report (Appendix 1 to PL-16-20) and section 4.2 of this report.

While the recommended modifications to the adopted Official Plan are focused primarily on the policies within 8.1.1(3) Downtown Urban Centre, there are also several changes to the Schedules and other sections of the Official Plan.

These recommended modifications, if endorsed and subsequently included in the Region's notice of decision, would be considered informative, but not determinative until they receive final approval and come into effect. For more details about transition between the in force and adopted Official Plans, please refer to the Strategy section which addresses issues of transition of policy frameworks.

## **5.2 Modifications within 8.1.1(3) Downtown Urban Centre**

The main outcome of the project was the development of recommended modifications within the Downtown Urban Centre policy section with the objective of guiding development in the Downtown to 2031 including policies related to the height and density of buildings. This section addresses key differences and similarities between the adopted Official Plan and provides a topic-based discussion of key recommended modifications.

### Key differences and similarities

A key change that is evident through the recommended modifications is that, in contrast with the Downtown Precinct Plan and high-level Official Plan policies presented in the adopted Official Plan, the recommended modifications establish in some cases more detailed policies for the Downtown. Similar to the level of study required in the development of an area-specific plan, the policies provide sufficient guidance to inform the development of the comprehensive Zoning By-Law, to identify future work to support the implementation of the policy framework and to inform development within the Downtown. These policies, like all Official Plan policies will be reviewed at regular intervals to assess the effectiveness of the policies and to identify any emerging community needs in the future.

Similar to the Downtown Urban Centre policies within the adopted Official Plan, the recommended modifications continue to rely on a system of precincts. The recommended modifications add further details specific to each precinct with respect to the role of each precinct and the intended built form within the precinct. The approach differs slightly in also identifying existing land uses which play an important role in supporting the Downtown as a complete community. These areas are considered designations in the policy framework. The adopted Official Plan identified 11 precincts, up from 9 in the existing Official Plan in order to better recognize unique areas and their role in supporting the Downtown. The recommended modifications identify 12 precincts and 3 designations. With more precincts and new designations the schedules and policies provide an even finer-grained understanding of the planned character of the Downtown. Although there are more precincts and designations the Land Use Schedule (see Appendix 3) is easy to read as several large precincts from the adopted Official Plan have been divided into smaller, contiguous areas.

In contrast to the adopted Official Plan where maximum building heights were to be read as being inclusive of any and all community benefits (former section 37 of *The Planning Act*) the recommended modifications detail a maximum building height. Similar to the intent of the adopted Official Plan the maximum building heights have been established in policy and supported in the new Height Schedule (see Appendix 3) to clearly state the policy position with respect to building heights. The important note here is that through an Official Plan Amendment application an applicant can propose a taller building. Such an application would be considered on its own merits at the time of application. For more details on the role for process refer to section 6.5.

In contrast to the adopted Official Plan the concept of Special Planning Areas are not carried forward. Instead a new James Street Node Precinct has been developed to identify key means of enhancing the civic node adjacent to City Hall. In other instances the policies identify “site specific policies” to acknowledge existing approved development.

Similar to the adopted Official Plan the recommended policies include design policies that further emphasize the important role of urban design in the guiding development in the Downtown.

Similar to the adopted Official Plan the recommended policies prioritize parks and open spaces. The policies continue to protect existing parks, identify new parks and new types of public realm spaces. The recommended modifications further enhance the idea of a system of open spaces by identifying Green Connectors which will perform the role of linking open spaces throughout the Downtown.

To review the track changes version of the adopted Official Plan in section 8.1.1(3) please refer to Appendix 2 to this report.

Key Topics addressed in recommended modifications

**a) Downtown Vision**

As noted in PL-02-20, several modifications were to be considered through the policy development phase to align with the preliminary preferred concept. At the time, five key policy areas were identified to be considered:

- The need to maintain and add new green spaces and trees while providing additional space for year-round activities and festivals;
- To reinforce, support and enhance the character of Brant Street as the “retail main street” of Burlington with its eclectic mix of shops, meeting places and culture;
- To identify Lakeshore Road as an important pedestrian precinct to support connections to the waterfront to ensure the Downtown’s sense of place is preserved;
- To strengthen the concept of the Downtown as a complete community; and
- To reinforce sustainability policies.

Please refer to section 4.1 of the Taking a Closer Look at the Downtown SGL Final Report for more discussion on the introductory vision and objectives. In addition to those five key elements, the Downtown Urban Centre policies were informed by the Interim Control By-law Land Use Study. The key findings and relevant policy elements were embedded in the preamble to provide an up to date picture of the context related to the role and function of the Downtown bus terminal.

**b) Mobility Hub term not included**

The recommended policies presented in Appendices 2, 3 and 4 have not included reference to the term Mobility Hub. The term Mobility Hub has changed significantly in its meaning over time. In the Big Move (2008) Downtown Burlington and Burlington GO were both identified as Mobility Hubs on Schedules 1 and 2 of that document. The Downtown was considered an Anchor Mobility Hub and Burlington GO was considered a Gateway Mobility Hub. The Big Move defined Mobility Hubs as:

*Major transit station areas, as defined in the Growth Plan for the Greater Golden Horseshoe, that are particularly significant given the level of transit service that is*

*planned for them and the development potential around them. They are places of connectivity between regional rapid transit services, and also places where different modes of transportation, from walking to high-speed rail, come together seamlessly. They have, or are planned to have an attractive, intensive concentration of employment, living, shopping and enjoyment around a major transit station. To be identified as a mobility hub, a major transit station area must be located at the interchange of two or more current or planned regional rapid transit lines as identified in the RTP, and be forecasted in the RTP to have 4,500 or more combined boardings and alightings in the morning peak period in 2031. In addition, these areas are generally forecasted to achieve or have the potential to achieve a minimum density of approximately 10,000 people and jobs within an 800 metre radius. The primary major transit station area associated with an urban growth centre are also identified as mobility hubs, as are Pearson Airport and Union Station due to their roles as the GTHA's primary international gateways. (For more information see the backgrounder "Mobility Hubs, December 2008")*

The definition was also supported in The Big Move by a series of policies ranging from developing a financial plan for facilitating mobility hub-related capital improvements and to facilitate development of these hubs, to parking studies and other various strategies and financial and development tools and other supportive policies that included land use planning related issues. Policy 7.10 of the Big Move stated that:

The regional rapid transit and highway network in Schedules 1 and 2 shall be incorporated into all municipal Official Plans, and these planned transit services shall be used as the basis for determining appropriate land uses and densities in conformity with the Growth Plan for the Greater Golden Horseshoe.

The Big Move acknowledged and reinforced the primacy of the Growth Plan. In defining the term mobility hub The Big Move referenced the term Major Transit Station Areas (MTSA), which is a defined term in A Place to Grow, the current version of the Growth Plan. An MTSA is defined as:

The area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

The policies of the Official Plan must conform to the policies of A Place to Grow.

Both the Downtown and Burlington GO were identified in the Halton Region Official Plan (ROP) as MTSAs and Mobility Hubs within the Regional Structure as part of the approval process for Regional Official Plan Amendment (ROPA) #38 in 2009. In addition to being identified on the Regional Structure Schedule the term Mobility Hub was also defined:

MOBILITY HUB means Major Transit Station Areas (MTSA's) that are designated by Metrolinx as regionally significant given the level of transit service that is planned for them and the development potential around them. They are places of connectivity between rapid transit services, and also places where different modes of transportation, from walking to high-speed rail, come together. They have, or are planned to have a concentration of mixed use development around a major transit station. Given the high level of transit service at or forecasted for Mobility Hubs relative to other MTSAs, it is recommended that the Mobility Hub areas receive a commensurately higher level of development intensity and design consideration that supports transit and multi-modal travel than what may be applied in other MTSAs.

In the consideration first of the Official Plan Review and ultimately in the development of a new Official Plan, the City undertook a technical study of 4 key MTSAs (Aldershot GO, Appleby GO, Burlington GO and Downtown Burlington), two of which were mobility hubs identified by Metrolinx. The City adopted the term Mobility Hub to apply to all 4. The adopted Official Plan (2018) established Mobility Hub Study area boundaries and included policies to guide area specific planning. The City initiated area specific planning for the Downtown and the other three Mobility Hubs in 2016.

Subsequently Metrolinx prepared the 2041 Regional Transportation Plan (2018) which replaced The Big Move, and re-oriented the discussion around Mobility Hubs to focus on identifying Mobility Hubs on Priority Transit Corridors. The 2041 RTP defined Mobility Hubs as:

Mobility Hubs are Major Transit Station Areas at the intersection of two or more Frequent Rapid Transit Network routes, designed to support a high number of transit boardings and alightings, and facilitate seamless, efficient transfers between modes. They have and/or are planned to have a high density mix of jobs, residences, public services, and other land uses that encourage and support transit use and active transportation, or the potential to develop into areas with a high-density mix of land uses. See Major Transit Station Area.

Map 5: Frequent Rapid Transit Network of the 2041 Metrolinx RTP identifies the “existing or in-delivery GO Stations” which are located on Priority Transit Corridors. The John Street Bus Terminal is not shown on Map 5: Frequent Rapid Transit Network of the 2041 Metrolinx RTP, nor is it on the Priority Transit Corridor as shown on Schedule 5: Moving People - Transit in A Place to Grow.

In addition changes to the 2017 Growth Plan and carried forward in the 2019 Growth Plan required that the upper tier municipality delineate the boundary and densities of MTSA’s and sets minimum densities for MTSA’s on Priority Transit Corridors. As a result, it is no longer up to the City of Burlington to delineate the boundaries around MTSA’s or Mobility Hubs.

In 2019 the City initiated an Interim Control By-law (ICBL) Land Use Study to examine the role and function of both the Downtown and Burlington GO (defined study area). As an outcome of this study the City established an MTSA typology which reinforced that the Downtown Major Transit Station Area should be differentiated from the other Major Transit Station Areas located along the GO rail line through a policy framework in the Official Plan.

In April, 2020 City of Burlington Mayor and Council received a joint letter from the Minister of Municipal Affairs and Housing and the Minister of Transportation concerning the Mobility Hub and Major Transit Station Area (MTSA) designations applying to Downtown Burlington. This letter clarified that the John Street Bus Terminal is not considered a Mobility Hub and that the province does not require municipal Official Plans to identify mobility hubs, and identified steps that the Region of Halton and City of Burlington may take if pursuing the removal of the mobility hub and MTSA designations from Downtown Burlington. It was also indicated in the letter that Metrolinx had been directed to remove legacy documents that refer to the 2008 Mobility Hubs, including the guidelines. The letter from the Ministries does not refer to the Urban Growth Centre (UGC) designation that also applies to Downtown Burlington in the provincial Growth Plan (“A Place to Grow”).

Given the revised definition of Mobility Hubs in the Metrolinx 2041 RTP (2018), the policy direction of the Growth Plan (2019), the findings of the ICBL Land Use Study, and the joint letter from the Ministers, the recommended policies no longer identify the Downtown as a Mobility Hub. In this case, and given the direction from the Province and additional land use study, the use of the term “Mobility Hub” is an outdated term. The RTP identifies that:

Metrolinx provides occasional input to the Province’s review of the official plans of upper- and single-tier municipalities through the Province’s One Window process, which is a formal mechanism for reviewing municipal plans. Metrolinx

can also ask to review planning applications submitted to municipalities and other planning documents (e.g., secondary plans and zoning by-law amendments), but there is no formal mechanism to guide this process and for Metrolinx to advise on alignment with the RTP. Strategy 4 recommends development of such a process.

Although the Burlington GO Mobility Hub is identified on Map 5: 2041 Frequent Rapid Transit Network of the 2041 Metrolinx RTP as an “existing or in-delivery GO Stations” located on a Priority Transit Corridors identified on Schedule 5: Moving People -Transit of a Place to Grow it is reinforced that municipal Official Plans are not required to conform to the 2041 Metrolinx RTP and, as the letter states, there is no provincial requirement for mobility hubs to be identified in municipal official plans. From a land use planning perspective it is appropriate to move away from the term Mobility Hub as the term MTSA provides sufficient guidance.

The draft decision on the City’s adopted Official Plan will remove the term Mobility Hubs and will also develop Special Planning Areas to establish boundaries to guide area-specific planning and to apply MTSA policies until such a time as the Region confirms a formal MTSA boundary through the Municipal Comprehensive Review. It is important to note that the Downtown is considered an MTSA and any change to this designation may only occur through the Region’s Municipal Comprehensive Review. The ICBL Land Use Study recommended that the Downtown MTSA be treated differently than the MTSA’s on the priority transit corridor. City Staff will be preparing a report to Council regarding the MTSA designation of the Downtown and UGC boundary based on the findings of the ICBL land use study. Further recommendations from staff regarding the Downtown MTSA may come from that report.

### **c) Precincts and Designations**

The revised Schedule D for the Downtown distinguishes precincts from designations. Precincts are recognized as areas with a distinct common character and set policies for differences in /or objectives for land uses, height and built form, which may be informed by historical development patterns and precedent and the planned function of each precinct. Designations are recognized as areas defined by their land use and not a precinct. The names of precincts and designations were modified in some cases in the development of the final policies.

Please refer to section 4.2 of the SGL Final Report for discussion of the precincts and designations. Please refer to Appendix 3 Recommended modified Schedules to the adopted Official Plan to review Schedule D.



**d) Retail**

In September 2019, the Burlington Downtown Business Association Board of Management passed a motion to explore policy and design solutions to achieving effective and long-lasting retail offerings, specifically in new developments:

Whereas Burlington Downtown is currently experiencing rising land values and rapid intensification, with much of the new retail space added incorporated within the base of mixed-use buildings. This increased permanence, combined with significant redevelopment pressures along the City's historic main streets, necessitates increased diligence on design quality, resiliency, adaptability, and long-term viability of street-oriented retail uses.

“That Staff be directed to deliver Downtown Retail Design Guidelines, consistent with the Office and Deloitte Retail Market Study 2019, including best practice, right sized, signage considerations, or central business district priorities by Q4 2019.”

In addition to the work of Deloitte and the BDBA Board's motion, NBLC noted through its Market Insights report, that, “as the Downtown's population continues to grow, we expect that demand for retail and service commercial uses will increase and new investment will continue its positive trend.”

The motion of the BDBA Board was timely given the projected increase and new investment in retail and service commercial to support additional population and given that the Downtown has begun to experience changes to the retail and service commercial environment as older buildings are removed, sites remain vacant and new buildings are under construction. In conjunction with the BDBA, staff have worked to develop a two-pronged approach to address the Board's motion which includes policy modifications to the adopted Official Plan as well as a set of retail design guidelines embedded within the draft Downtown Burlington Placemaking and Urban Design Guidelines.

The recommended policy modifications related to retail have been included in the precinct-specific policies, specifically Brant Main, Mid Brant and Village Square precincts. Please refer to section 4.2 of the SGL Final Report (Appendix 1 to this report) for discussion of the precincts and designations. In addition, a specific policy section dedicated to retail streets is included in the recommended policy modifications. These policies define Retail Main Streets and Mixed-Use Streets in the Downtown and clarify priorities. The recommended modifications recognize that special direction on

retail uses at grade should be focused on key areas and that otherwise support for appropriate land uses is provided in the precincts. The retail streets policies provide guidance on a wide range of issues including design, minimum floor to floor heights, maximum frontages and minimum floor areas. Please refer to section 4.5 of the SGL Final Report for discussion of the retail streets policies. The policies can be found in Appendix 2 to PL-16-20. For details on the extent of the Retail Main Streets and Mixed-Use Streets refer to the discussion below on schedule changes related to Schedule D-1 (see Appendix 3).

The retail-specific design guidelines have been included in the new draft Downtown Burlington Placemaking and Urban Design Guidelines for Downtown (July 2020). Similar to the retail policies included as recommended modifications to the adopted Official Plan policies, retail design guidelines have been woven into the guidelines throughout the document including precinct-specific guidelines as well as a dedicated retail section. The draft Downtown Burlington Placemaking and Urban Design Guidelines will be provided under separate cover (July 2020).

Staff has provided regular updates to the BDBA and held a workshop in February 2020 with retail-industry experts to incorporate their feedback into the policies. Comments on behalf of the Board will be provided at the upcoming Public Meeting.

#### **e) Cultural Heritage**

The Taking a Closer Look at the Downtown project was supported by a Cultural Heritage Resource Assessment completed by ASI in September 2019 (Appendix 6 to this report). Additionally, in accordance with the project terms of reference, City staff have conducted a review of cultural heritage policies in other municipalities. The results of this review support the importance of utilizing Heritage Act tools to protect cultural heritage resources, while utilizing Planning Act tools such as Official Plan policies and urban design guidelines to support and enhance heritage conservation efforts. This approach recognizes that the Heritage Act and Planning Act are distinct pieces of legislation which enable the City to do different things. For example, the Planning Act does not enable the City to protect a specific building from demolition, but this can be achieved if the City designates a property using the Heritage Act. The City can use Planning Act tools to support heritage conservation, for example by adopting Official Plan policies that require a heritage study to be completed as part of a development application. The study would provide analysis to inform the City in deciding whether the proposed development achieves the City's heritage conservation objectives, and whether it is appropriate for the City to use Heritage Act tools such as a heritage designation to protect cultural heritage resources affected by the development proposal.

Policy modifications are recommended to guide the consideration of cultural heritage resources through the review of development applications, to ensure that cultural heritage resources are conserved and integrated into new development – such as a new policy in 8.1.1(3.19.5)(f) that enables the consideration of reduced parking requirements for uses located within a conserved heritage building.

Section 4.6 of the SGL Final Report (Appendix 1) provides detailed discussion of recommended new policies to reflect the need for further study of potential cultural heritage resources and potential cultural heritage landscapes that were identified in the Cultural Heritage Resource Assessment completed by ASI, prior to development being approved in these areas.

Section 5.4(a) of this report also discusses a recommendation to define what is meant by “lands adjacent to protected heritage property” for the purpose of assessing heritage impacts from new development.

The draft Downtown Burlington Placemaking and Urban Design Guidelines will provide additional guidance on the integration of new development with cultural heritage resources.

#### **f) Urban Design**

The recommended modifications to the adopted Official Plan include a significantly enhanced Urban Design section. These policies rely on the policies in the adopted Official Plan in Chapter 7 – Design Excellence. The policies included in the Urban Design section in the Downtown signify the importance of embedding built form direction and design elements into policy.

Please refer to section 4.4 of the SGL Final Report (Appendix 1 to this report) for more discussion on the Urban Design Policies.

### **5.3 Schedules**

Several important modifications have been proposed to the Schedules in Chapter 14 of the Adopted Official Plan; these include modifications to adopted schedules and the introduction of one new schedule. All modified schedules can be found in Appendix 3: Recommended Modified Schedules to the adopted Official Plan.

#### **a) Schedule B: Urban Structure, Schedule B-1: Growth Framework and Schedule B-2: Growth Framework and Long-Term Frequent Transit Corridors**

A small number of changes were required on Schedules B-1 and B-2 to reflect the extent of the Established Neighbourhood Area to align with the newly defined Low-Rise Neighbourhood Precincts. The refined precinct plan presented in Schedule D is the basis for this change. These small changes acknowledge the role of these areas as part of the Established Neighbourhood Area which are recognized as areas where intensification is generally discouraged and development in these areas shall not be

regarded as essential to achieve the population growth distributions, as stated in the Provincial Growth Plan and as distributed by the Region of Halton.

In addition, Schedules B; B-1 and B-2 have been modified to remove the Mobility Hub Study Area Boundary for the Downtown as discussed above in section 5.2 b). These changes have been reflected in modified Schedules B; B-1 and B-2.

#### Schedule D: Land Use – Downtown Urban Centre

A wide range of changes to Schedule D-1 are proposed in line with the preliminary preferred concept. These changes are discussed in section 3 of the SGL Final Report (Appendix 1 to this report).

##### **b) Schedule D-1: Downtown Urban Centre and Commercial and Office Streets**

The original schedule was developed to depict areas where retail, service commercial and office uses could be located at grade to support the various functions of the streets in the Downtown.

In accordance with the modified policy recommendations, the revised schedule reduces the number of street types from three to two: Retail Main Streets and Mixed-Use Streets. The implications of these street types are discussed in section 5.2 of this report. The changes also propose a new title for the schedule: Schedule D-1: Retail Streets.

##### **c) New Schedule D-2: Height Schedule**

The modifications include the introduction of a new schedule D-2 to illustrate maximum permitted building heights in each precinct of the Downtown. The maximum building heights shown on this schedule may not be achieved on every development site due to site-specific considerations; however, the schedule provides a visualization of the varying height permissions in different parts of the Downtown. For more details on the Height Schedule, please refer to the SGL Final Report (Appendix 1 to this report)

##### **d) Schedule O-3: Classification of Transportation Facilities Downtown Urban Centre**

This schedule is proposed to be modified slightly to identify the new transportation corridor between Caroline Street and Victoria Ave, in line with John Street. This new transportation corridor is an objective of the Mid-Brant Precinct, discussed in section 5.1 of this report.

#### **5.4 Other Modifications outside of the Downtown policies**

The Downtown is a component of the broader City System, Urban Structure, and Growth Framework, representing an Urban Centre and a Primary Growth Area as shown on Schedules B and B-1 of the Adopted Official Plan. The Downtown policies must fit within the broader policy framework of the Official Plan. Thus, although the Scoped Re-examination of the Adopted Official Plan focuses on the Downtown policies of section 8.1.1(3), the recommendations for Downtown also necessitate some modifications to policies in other parts of the Adopted Official Plan. These changes are detailed in Appendix 4 and discussed below:

##### 5.4.1 Defining Lands Adjacent to Protected Heritage Properties

The Cultural Heritage Resource Assessment completed by ASI in support of the Scoped Re-examination of the Adopted Official Plan recommends that the City consider policies for development on, adjacent to, and nearby heritage properties (ASI 2019, page 39). Accordingly, the recommended modifications to the Adopted Official Plan include the introduction of a new policy to assist in implementing Policy 2.6.3 of the Provincial Policy Statement (PPS), which states that development and site alteration shall not be permitted on lands adjacent to protected heritage properties, 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 Province has confirmed through the “Ontario Heritage Toolkit: Heritage Resources in the Land Use Planning Process” that an Official Plan can define what is meant by “adjacent lands” for the purposes of this PPS policy. Therefore, it is recommended that a new policy be introduced in the adopted Official Plan to state that “adjacent lands” includes not only lands that directly abut a heritage property, but also lands that are located directly across the street from, or are located on a corner of the same intersection as, a protected heritage property. This recognizes and addresses the appropriateness, identified by ASI, of incorporating cultural heritage considerations into the design of development nearby cultural heritage resources, even if the development site does not share a common lot line with the heritage property. This policy approach is appropriate not only in Downtown but throughout the City, and therefore the new policy is recommended to be introduced into Section 3.5.2(5), which applies City-wide. It is important to note that this new policy only applies to protected heritage properties, which are defined in the PPS as properties that are subject to a heritage designation or heritage conservation easement under the Ontario Heritage Act; this does not include properties that are listed on the Municipal Register unless they are also designated or the subject of an easement. Approximately 75 properties in the City of Burlington meet the definition of a protected heritage property, including 27 properties located in the Downtown Urban Centre.

#### 5.4.2 Cultural Heritage Landscape Policies and Appendices

The recommended new cultural heritage policies in 8.1.1(3.23) necessitate some modifications to the city-wide policies for cultural heritage landscapes found in Section 3.5.2(5.1) and the associated Official Plan Appendix H in Chapter 15. These modifications are summarized as follows:

- Minor edits to clarify the distinction between the adopted policies for cultural heritage landscapes in the Rural Area and the new policies for potential cultural heritage landscapes in the Downtown area. These edits include renaming Appendix H from “Appendix H: Cultural Heritage Landscape Study Area” to “Appendix H-1: Cultural Heritage Landscape Study Area: Rural”.
- Introduction of a new Appendix H-2: Potential Cultural Heritage Landscape Study Areas: Downtown.
- Introduction of a new policy (b) to outline the required scope of Cultural Heritage Landscape Impact Assessments for potential cultural heritage landscapes in Downtown.
- Introduction of a new policy (c) to require additional information when a development proposal is substantially changed from the scope or design described in a completed Cultural Heritage Landscape Impact Assessment, equivalent to the adopted policy 3.5.2(5)(e) which applies to Heritage Impact Studies.

#### 5.4.3 Removal of references to Downtown Area-Specific Plan process

The Adopted Official Plan makes reference to the need for future completion of an Area-Specific Plan for the Downtown Urban Centre. An Area-Specific Plan is a planning tool that provides detailed analysis and guidance for development in a particular part of the City, following a process and criteria outlined in chapter 12.1.3 of the Adopted Official Plan and in accordance with requirements in the Regional Official Plan.

Through the Scoped Re-examination, the project team has conducted detailed analysis and public engagement and developed a land use vision, built form concept, and detailed policies to guide development in the Downtown Urban Centre. This has removed the need for a future Area-Specific Plan for the Downtown Urban Centre. For this reason, the recommended modifications to the Adopted Official Plan include the removal of references to a future Area-Specific Planning process for the Downtown Urban Centre from sections 2.3.1, 8.1.1, 8.1.2, and 12.1.3.

#### 5.4.4 Supporting Information for Development Applications

Subsection 12.1.2(1.2)(c) of the Adopted Official Plan describes information that the City may require to be provided in support of a development application. It is recommended that “comprehensive block plan” be added to this list to support the

recommended policies for the Mid-Brant Precinct in 8.1.1(3.7) and Comprehensive Block Planning in 8.1.1(3.20).

#### 5.4.5 Modifications to Flood Hazard Mapping

As a result of the findings of the Flood Hazard and Scoped Stormwater Management Assessment a series of revised floodplain mapping has been recommended to be added to Appendix E of the adopted Official Plan. These maps show additional flood hazards identified as a result of the Study. These maps are provided in an appendix to the Official Plan for reference only and the maps specifically identify the need to reference the Flood Hazard and Scoped Stormwater Management Assessment for more details on the nature of the additional flood hazards.

#### 5.4.6 Modification to Chapter 13: New Defined Term

Chapter 13 of the adopted Official Plan contains definitions of terms used through the Official Plan. It is recommended that a new definition be added for “individual retail and service commercial units” to aid in the implementation of the recommended policies for Retail Streets in 8.1.1(3.21). The recommended defined term is as follows:

**Individual retail and *service commercial* units** – are individual spaces within the ground floor of a building that can be rented or sold individually to a retail or *service commercial* business. A business *may* occupy more than one adjacent retail and *service commercial* unit provided that the individual retail and *service commercial* units appear to be individual units from the public street, and if the business vacated the units, the units could be re-leased or sold individually.

## **6.0 Implementation / Other Tools**

The recommended modifications to the adopted Official Plan presented in this report will be implemented through a wide range of other tools. Below is a brief discussion on the various supportive tools and their respective role in supporting the implementation of the recommended modifications to the Downtown Policies. In addition to the items noted below Appendix 20 provides an update to Appendix B of the staff report PB-47-19. Appendix 20 provides a listing of a wide range of projects related to the Downtown and updated target timelines for completion. This includes projects such as the Downtown Waterfront Hotel Project, the Parking Study and Old Lakeshore Road.

### **6.1 Community Benefits**

The recommended modifications to the adopted Official Plan are flexible with respect to community benefits and parkland dedication, in order to allow for the expected new provincial regulations to be finalized and thereafter for Council to make necessary future decisions about whether or not to adopt a Community Benefits By-law, and how to

structure such a by-law. With this in mind, the recommended policies in 8.1.1(3.24) outline the City's approach to community benefits for development in Downtown but state that this approach is subject to change pending direction from the province. These policies address the risk of a changing provincial policy framework by providing guidance on how the City will address community benefits in the short term, while also providing a mechanism for the City to adapt to future provincial policies and regulations by changing its community benefits process as appropriate without the need for a further amendment to the Downtown policies of the Official Plan. The recommended policies also state that the development height, density, and intensity permissions stated in the Official Plan are inclusive of any community benefits that may be required as part of a development approval, meaning that the Official Plan does not set an expectation that stated height, density, or intensity maximums can be exceeded in exchange for community benefits.

Staff will advise of any changes as a result of further Provincial direction and subsequent Council decisions about the City of Burlington's approach to implementation.

## **6.2 Comprehensive Block Planning**

The recommended modifications to the Official Plan introduce a new mechanism, referred to as a Comprehensive Block Plan, to implement the vision for the Mid-Brant Precinct, specifically the lands bounded by Brant Street, Victoria Ave, Rambo Creek, and Caroline Street (the subject lands). These lands are envisioned as a mixed-use community that will include a widened creek block for Rambo Creek, a new creek-side pedestrian trail, a new public park, an improved pedestrian environment on Brant Street, and a new transportation connection between Caroline Street and Victoria Street. The subject lands currently consist of several sites with various owners, including the City of Burlington as the owner of an existing public parking lot. The various development sites will redevelop at different times but must collectively ensure the provision of the new features outlined in the vision. The Comprehensive Block Plan (Block Plan) is a non-statutory document intended to ensure that a holistic approach is taken to planning the redevelopment of the Precinct, while recognizing that redevelopment will occur in phases.

Landowners of sites within the subject lands will be required to complete a Block Plan, which must be approved by Council prior to the approval of any development application. All landowners within the subject lands will be encouraged to work together on the block plan, but an individual landowner may complete the block plan if other landowners choose not to participate. The Block Plan must be completed in accordance with terms of reference approved by the City, and may include, among other things: the Precinct identity and character; land use and built form including transitions to adjacent



neighbourhoods; the location and design of new parks, streets, transit stops, and community infrastructure; the integration of cultural heritage resources; environmental protections and sustainability considerations; stormwater management; urban design considerations; and phasing of development. A more comprehensive list is contained in the recommended policy 8.1.1(3.20.1)(e). Detailed Block Planning considerations specific to the Mid-Brant Precinct are listed in recommended policy 8.1.1(3.7.1)(f).

The Block Plan submitted by the landowner will be reviewed by a multidisciplinary team of City staff before being presented to City Council for consideration and a decision; this will require the City to develop new processes and expertise to facilitate the expeditious review and implementation of a Block Plan in co-ordination with the review of a development application. After Council approval of the Block Plan, development applications for sites within the subject lands must demonstrate their alignment with the Block Plan.

Comprehensive Block Planning is a new, non-statutory tool for the City of Burlington that will allow intensification and infill development to occur incrementally while still ensuring the orderly development of lands with a holistic approach to ensuring the achievement of the City's vision and objectives for the lands. The implementation of this tool will include new responsibilities, new processes and new ways of engaging with expertise across multiple city departments and the development industry to inform a wide range of considerations. The details of an approved Comprehensive Block Plan may be amended over time through subsequent Council approvals, provided that the vision and objectives continue to be achieved.

### **6.3 Zoning By-law**

Zoning is one of the City's key tools for implementing the policies of the Official Plan. Section 34 of the *Planning Act* enables the City to develop a Zoning By-law to regulate land use and built form, including height. The Official Plan and Zoning By-law are used in conjunction with one another to regulate the use of land in Burlington. The Official Plan provides high-level direction on land use, built form, and density or intensity of development, while the Zoning By-law provides specific direction on the location, orientation, and form of buildings and structures, and the density/intensity, height, and parking requirements of development, among other considerations. The full range of land uses and development permissions such as height outlined for given lands in the Official Plan may not be permitted in the zoning for every site within those lands, due to the complex variety of development sites across the City, each with its own unique site-specific characteristics and constraints. For example, the Official Plan may indicate that mid-rise buildings up to a maximum height of eleven storeys are permitted within a certain land use designation or precinct. The Zoning By-law will outline detailed requirements for building setbacks, floor area ratio, parking, and maximum heights, and

may not necessarily permit the full eleven storeys on every site within that land use designation or precinct. The Zoning By-law is an applicable law considered by the City in the review of Building Permit applications; the City will not issue Building Permits for development that does not satisfy the requirements of the Zoning By-law.

The City's current, in-effect Zoning By-law is Zoning By-law 2020, which was first approved in 1999 and has been amended over 400 times. Upon approval of the adopted Official Plan, an important next step will be to comprehensively review the City's zoning regulations and approve a new Zoning By-law that implements the vision outlined in the new Official Plan.

#### **6.4 The role for process: Applications to Amend the Official Plan and/or Zoning By-law**

The recommended modifications to the adopted Official Plan work to guide both future development applications and the development of a comprehensive Zoning By-law, which has been identified as a key next step.

The *Planning Act* gives landowners the right to submit a formal request to the City to amend the Official Plan policies and/or Zoning By-law regulations that are applicable to their lands. This is done through the submission of an Official Plan Amendment (OPA) application or a Zoning By-law Amendment (ZBLA) application. The City is obligated to give due consideration to these applications and to respond within a legislated timeframe, depending on the type of application. The City's decisions with respect to OPA and ZBLA applications can be appealed to the Local Planning Appeal Tribunal (LPAT) by the applicant or by other stakeholders who have participated in the review of the application. Should the City fail to respond to an application within a legislated timeline, the applicant can appeal the City's non-decision to the LPAT.

OPA and ZBLA applications should be expected and should not be considered a failure of the Official Plan or Zoning By-law. No two sites in Burlington are the same and it is the landowner's right to present a proposal based on the unique characteristics of their property that may warrant a site-specific amendment to the applicable policies and/or regulations. It would not be possible to anticipate every circumstance on every parcel within the Downtown. The City must consider these applications and its decision to approve or refuse an application must conform to all applicable regional and provincial policies and plans and must be consistent with the Provincial Policy Statement.

The adopted Official Plan and the recommended policy modifications for the Downtown have been written to anticipate the eventuality of OPA and ZBLA applications, and to provide guidance for the review of such applications. Chapter 12 of the adopted Official Plan is dedicated to the implementation and interpretation of the Plan's objectives, including direction for the consideration of OPAs and ZBLAs. The adopted Official Plan includes a broad set of development criteria as well as new Official Plan Amendment

criteria to guide the consideration of a site-specific amendment. The adopted Official Plan establishes clear land use, built form, and growth management priorities as well as setting out process requirements and considerations for development applications.

The recommended policy modifications for Downtown, contained in 8.1.1(3) of the Plan, provide additional Downtown-specific and even Precinct-specific guidance to ensure that development is consistent with, and contributes to achieving, the vision and objectives for Downtown and each of the precincts. The review of an OPA or ZBLA application is an opportunity for detailed analysis of a specific development proposal on a specific site to enable the best possible planning outcome for the property. The recommended policies for Downtown have introduced a new tool, the Comprehensive Block Plan (discussed above), which will provide additional support for the review of development proposals in the Mid-Brant Precinct specifically.

In addition to OPA and ZBLA applications, the adopted Official Plan also provides guidance for the review of other types of development application, including Minor Variance, Consent, Plan of Subdivision, and Plan of Condominium, among others.

## **6.5 Urban Design Guidelines**

Generally, the Urban Design policies in the recommended modifications to the adopted Official Plan lay the groundwork for the draft new Downtown Burlington Placemaking and Urban Design Guidelines. The recommended policy modifications rely on the Urban Design policies in Chapter 7 of the adopted Official Plan. In addition, urban design policies specific to the Downtown are embedded in the Official Plan to address the unique urban design needs of each precinct.

The policies of the Official Plan and ultimately the regulations within the Zoning By-law determine permitted uses, built form and maximum heights. The Draft Downtown Burlington Placemaking and Urban Design Guidelines provide guidance to assist designers and planners when designing new buildings and assist Planners in the review of development applications. These guidelines describe in more detail the various approaches to shape development to address a wide range of issues in support achieving desirable built form.

These guidelines give direction specific to many of the comments and suggestions received through the public engagement phases of this project. They are intended to help further shape the design and form of new developments to ensure that new development fits within the community vision for Downtown, respects the existing Downtown character and maintains the design principles of significant importance to the community. By including Urban Design policies in the OP and describing in more detail the various ways to achieve those objectives in guidelines the two work together to ensure that urban design considerations are clear and implementable with sufficient flexibility to allow for creativity.

## **6.6 Core Commitment – The Strategic Plan for the Downtown**

The successful implementation of many of the ideas and themes introduced through the recommended modifications to the adopted Official Plan will require programming, animation and collaboration amongst a large group of stakeholders including the BDBA, other businesses, residents and landowners.

Core Commitment, Burlington's Downtown Vision and Action Plan was originally approved by Council in 2005 and was revised in 2013. It established key strategic initiatives to be undertaken to ensure the health and vibrancy of the Downtown. While the original Core Commitment initiatives are largely completed, the next iteration of a Downtown Action Plan is critical in coordinating and achieving the broader vision for Downtown which is being established in multiple initiatives including the recommended modifications to the adopted Official Plan, BEDC's Post-Secondary Attraction Study, BEDC's Downtown Economic Vision, the BEDC/BDBA 2019 Downtown Office and Retail Study, the Integrated Mobility Plan, Downtown Parking Needs and Utilization Assessment, Downtown Streetscape Guidelines and the new draft Downtown Burlington Placemaking and Urban Design Guidelines. The Downtown Strategic Action Plan sets out a collective vision, principles and planned actions for the Downtown that go beyond the policies contained in the Official Plan and help to bring together and achieve the recommendations of the various other initiatives underway that impact the Downtown.

Examples of policy directions that will need to be considered in the new Downtown Strategic Action Plan include the concept of a flex street on Brant Street between Lakeshore Road and Caroline Street, a strategy to retain and expand public service facilities, a business attraction strategy to help achieve the ideal mix of businesses and services for the Downtown, a public parking strategy, an office attraction strategy, as well as Downtown animation initiatives, including sidewalk activities, programming, and temporary kiosks in Downtown parks associated with special events and festivals, and other strategic initiatives to continue to continue to foster the unique sense of place Downtown Burlington.

Traditionally, the Downtown Strategic Action Plan has been a joint initiative by the City, the Burlington Downtown Business Association and Burlington Economic Development Group.

### **Strategy/process**

#### Release of material for consideration

Due to the challenges presented by the COVID 19 global pandemic and given the community interest in the outcome of the scoped re-examination of the adopted Official

Plan although this report is being released in Q2, 2020, the Public Meeting for the modified policies will occur in Q3, 2020.

The information will be available for review and staff will collect feedback on the documents posted. The following table describes the release of materials.

Items	Release
Final Report from SGL including recommended policies	June
Staff Report	June
Technical Studies (except Financial Impact Analysis)	June
Financial Impact Analysis	July
Draft Downtown Burlington Placemaking and Urban Design Guidelines	July
Taking a Closer Look at the Downtown: Project Update and Responses to Submissions. (September 2020)	September

A public meeting will be held at the Community Planning, Regulation and Mobility Committee to consider the staff report, the Final Report by SGL Planning & Design and the recommended modifications to the adopted Official Plan Policies on September 30, 2020. This will include a presentation from staff and the project consultants and will provide an opportunity for delegations. The recommendations from the Committee Meeting are expected to go to a Special Council Meeting on October 7, 2020.

Written submissions on the materials are welcomed and staff are available to answer questions and discuss issues via email or phone. In order to have a response via phone individuals are asked to call any of the phone extensions of the report authors below and leave a detailed message which will be returned promptly. Staff understand and appreciate that not all those interested or affected by the project have access to the internet. Over the course of the summer staff will investigate means of providing materials for review in advance of the public meeting.

A feedback deadline for comments from interested or affected parties, including members of Council will be set for Friday August 28th, 2020. All feedback received by staff in advance of this deadline will be considered in Appendix 21 to this staff report and will be released in September and brought forward for consideration at the Community Planning,

Regulation and Mobility Committee meeting. Appendix 21 will provide project updates and will include feedback, responses, and if necessary any recommended modifications.

Next Steps

Three milestones remain, as identified in the Public Engagement Plan:

Milestone	Description	Timeframe
8B	Report back to the public about Council's decision.	After October 7, 2020
9	Forward the proposed modifications to the adopted Official Plan that were endorsed by City Council to Halton Region.	After October 7, 2020
10	Report back to the public about Halton Region's decision and next steps for the adopted Official Plan.	After Draft Decision on the adopted Official Plan is provided to City Council for endorsement.

Process for considering the draft Downtown Burlington Placemaking and Urban Design Guidelines

A new milestone was identified in the development of draft Downtown Burlington Placemaking and Urban Design Guidelines. The guidelines will be released (July 2020) as a support document to the policies to help visualize how the policies and enhanced design guidance assist in responding to the public feedback which identified design as a critical element of the successful evolution of the Downtown.

The draft guidelines will be delivered in Appendix 15 to this report and are the product of detailed policy guidance, engagement feedback and urban design principles relevant to a Downtown context. Further engagement on the draft Downtown Burlington Placemaking and Urban Design Guidelines will occur after the endorsement of the recommended modifications to the adopted Official Plan.

Outstanding Recommendations and Staff Directions from May 2019

At the time of directing staff to move forward with scoped re-examination of the adopted Official Plan one recommendation and two staff directions were provided.

The outstanding recommendation was to:

*Direct the Director of City Building to propose refinements to the Neighbourhood Centres Policy to simplify and clarify the intent of the policies, generally described in section 4.2.3.*

A further staff direction was provided related to rural issues:

*Direct the Director of City Building to consider revisions to adopted Official Plan policies that are within the City's legislative authority, based on recommendations from the Agricultural and Rural Affairs Advisory Committee and report back to Council as to the appropriateness of preparing Official Plan modifications for Regional consideration through the scoped re-examination of the adopted Official Plan Study.*

These two items will be addressed in a staff report to be considered in the Fall of 2020.

The third staff direction related to changes to the Urban Growth Centre and Major Transit Station Area designations. Which directed the following:

*Direct the Director of City Building, after the conclusion of the studies conducted as part of (1) the scoped re-examination of the policies of the adopted Official Plan and (2) Interim Control By-law 10-2019 as amended (21-2019), to report on any changes to the Urban Growth Centre and Major Transit Station Area designations applicable to Burlington's Downtown and the Burlington GO Station that could be recommended as a result of any proposed Official Plan and Zoning By-law amendments arising out of the studies*

As noted above, a staff report is expected to be considered in July to address this staff direction.

#### Transition Practices for Development Applications

Upon Council endorsement of the recommended modifications to the Downtown policies of the new Official Plan, the following will apply to the processing of development applications:

- Complete development applications submitted after Burlington Council endorsement, but prior to Regional Council approval, will continue to be processed under the in force and effect Official Plan (1994, as amended), but during the review of the application, staff will be referring to the modifications to the Downtown policies of the adopted OP, and encouraging the applicant to consider the modified policies related to the Downtown.
- Complete development applications submitted after Regional approval must conform to the new OP, with the exception of any policies that are under appeal.

#### Other Projects

At the scoping workshop in March 2019, Council discussed several related high priority initiatives that are identified in the Official Plan and the Strategic Plan such as the Area Specific Plans for Burlington GO, Aldershot GO and Appleby GO and the Housing Strategy. These initiatives have been postponed given Council's focus on the re-examination of the Official Plan and the Interim Control Bylaw Land Use Study as well as the work addressing areas of non-conformity of the adopted Official Plan with the

Regional Official Plan. Appendix B to the [PB-47-19 Work Plan for the scoped re-examination of the adopted Official Plan](#) provided a listing of other projects and target timelines for completion.

Given that a year has passed Appendix 20 to this staff report provides an updated listing of a wide range of projects that are related to the Downtown.

Options Considered

N/A

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### **Financial Matters:**

Funding of \$600,000 from the Policy initiatives reserve fund was approved as part of the 2019 budget for Official Plan related initiatives to cover a number of related studies including the scoped re-examination of the adopted Official Plan.

The Scoped Re-examination of the adopted Official Plan, exclusive of engagement costs, and inclusive of the additional costs for the preparation of the draft Downtown Burlington Placemaking and Urban Design Guidelines has an estimated total cost of \$335,000 excluding HST. Given the extension of the project beyond the original timeframe it is expected that there may be additional costs with respect to the additional period of engagement and to address changes in the scope of the Financial Impact Analysis due to legislative changes.

### **Other Resource Impacts**

Due to the extension of the project the staff team will continue to support the delivery of the project.

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### **Climate Implications**

Burlington City Council declared a climate emergency in April 2019 in response to the concerns about the impact that a changing climate is having on the City and communities around the globe. On April 20, 2020, Council approved a Climate Action Plan which provides a framework to reduce the use of fossil fuels in the community, the main contributor to greenhouse gas emissions, which are causes of climate change. The Climate Action Plan acknowledges that many factors that contribute to climate change are not controlled by the City. Accordingly, the Climate Action Plan focuses on the following key areas: low-carbon new buildings, deep energy retrofits for existing buildings, renewable energy, electric mobility and equipment, integrated mobility, waste reduction, and industry innovation.



The Official Plan has a role to play in ensuring that planning activities contribute to achieving the City's climate change mitigation and adaptation objectives.

In accordance with the Growth Plan for the Greater Golden Horseshoe (2019), planning in Burlington must have as a guiding principle the need to “integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions” (Growth Plan 2019, s.1.2.1).

This report recommends modifications to Official Plan policies that will shape the physical environment of Downtown Burlington to the year 2031 and beyond by guiding development and informing City decision-making. The recommended policies support Burlington becoming a more sustainable community by guiding various elements of the built environment such as land use, density/intensity of development, transportation and infrastructure considerations, and protection of the natural heritage system and open spaces. For example:

- Higher densities will make more efficient use of land and resources including infrastructure and community services;
- Higher densities and transportation network improvements will support transit usage and active transportation (including walking and cycling) as alternative modes of travel to reduce reliance on private motor vehicles and reduce greenhouse gas emissions;
- A mix of land uses will provide increased opportunities for people to live, work, shop, study, and play in Downtown Burlington, reducing residents' need to travel long distances on a daily basis;
- Opportunities for increased and enhanced green spaces will protect the Downtown's creeks, streams, urban forest, and waterfront; mitigate the urban heat island effect; and improve climate resiliency;
- Intensification within the Downtown protects rural and Greenbelt lands from urban sprawl by directing growth to an existing built-up area of the City.

The policies will be supported by both the draft Downtown Burlington Placemaking and Urban Design Guidelines and the Sustainable Building Design Guidelines.

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## **Engagement Matters**

### The Public Engagement Plan

In order to provide transparency to the public and to establish a process that members of Council, city staff and the public could all support, if properly implemented, a Public Engagement Plan was created in the Summer of 2019. The Public Engagement Plan

was based on input from Council received at a Committee of the Whole workshop on June 11, 2019, and was also informed by engagement with key stakeholders.

The following objectives provide a clear understanding of what the public engagement process was planned to achieve through the community discussion about the Downtown policies in the adopted Official Plan:

- Provide relevant information about the project, decision-making process and how the public can provide input and feedback;
- Provide multiple channels for people to provide meaningful input, both online and in person, at appropriate decision points;
- Create an ongoing record of what is said during engagements and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community to highlight how feedback was or was not incorporated into the final recommendation to Council;
- Gather meaningful input from members of the community whose voices are historically underrepresented in conversations about city issues;
- Establish [getinvolvedburlington.ca](http://getinvolvedburlington.ca) as the main online platform for up-to-date information about the project and upcoming engagement opportunities;
- Use clear, plain language to inform the public about which aspects of the process are out of our control and cannot be influenced

Additionally, the Public Engagement Plan was created with a set of guidelines to assist in measuring how public participation contributed to the project and how successful it was.

In order to assess the overall success of the project upon completion, staff are committed to distributing and reporting back with a satisfaction survey once the Council-endorsed policies are sent to the Region for adoption.

Throughout the project, staff have been committed to public engagement and have consistently established clear and easy to understand language around the parameters of the project. For example, staff continue to re-iterate the givens of the project and clarify matters of scope to ensure there is clarity around why certain issues or areas are not being included in project. Staff have also made efforts to accommodate any member of the public who wants to discuss the project or meet to discuss their specific concerns.

### Public Engagement Feedback

As noted in the Final Report by SGL (Appendix 1), the proposed policy amendments draw on the significant amount of public engagement, specific to the engagement themes, that has occurred through the duration of this project. As has been noted at various steps of the process, some of the themes that underpin this work, are addressed through various stages of the project. The Final Report by SGL explains the rationale for the policy amendments and discusses how public input, technical studies and planning best practices have informed the policies proposed.

There are a number of themes that were raised through the public engagement process that while not used to directly inform the policy amendments, will be used in the development of the draft Downtown Burlington Placemaking and Urban Design Guidelines which will be available over the summer for public review and future consultation.

As was previously noted, thirteen key themes emerged through the public engagement process undertaken in August and September. The engagement inputs that were analyzed supported the development of the two concepts, the preliminary preferred concept and ultimately the modifications to the Downtown policies presented in this report. Appendix A to the SGL Final Report (Appendix 1 to PL-16-20) outlines the engagement themes and how they were addressed through the proposed modified Official Plan policies.

### Engagement Data

Throughout the timeline of the project, a significant amount of engagement and communications efforts were undertaken and occurred in a variety of forms with a broad spectrum of participants in accordance with the road map for public engagement outlined in the Council approved Public Engagement Plan. Please refer to Appendix 18 for a detailed listing of engagement, written submissions, delegations, and additional outreach.

Additionally, communications and social media data for the project are included in Appendix 19 to this report.

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## **Conclusion:**

After several periods of public engagement, background technical study and planning analysis a set of recommended policy modifications are presented to the public and Council for consideration. These policies, if endorsed will form a strong policy framework in the adopted Official Plan to support continued growth and development in the Downtown to 2031 which respects the existing character and sense of place while developing new places to live, work and play.

Respectfully submitted,

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## **Appendices:**

1. SGL Planning & Design Final Report, June 2020
2. SGL Planning & Design Recommended Policy Modifications to the adopted Official Plan, June 2020
3. Recommended modified Schedules to the adopted Official Plan
4. Recommended modifications to polices in other parts of the adopted Official Plan
5. Stage 1 Archaeological Assessment: Revised Report (Prepared by ASI, February 2019)
6. Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes Downtown Mobility Hub Study Area (Prepared by ASI, May 2019, revised September 2019)
7. Downtown Burlington Mobility Hub Market Analysis (prepared by N. Barry Lyons and Associates, August 2017)
8. Downtown Burlington Mobility Hub – Illustrative Economic Analysis (prepared by N. Barry Lyons and Associates, July 2019)
9. Scoped Environmental Impact Study Downtown Mobility Hub (Prepared by Dillon Consulting, October 2019)
10. [A-1: Flood Hazard and Scoped Stormwater Management Assessment with Appendices \(Prepared by Wood Environment and Infrastructure Solutions Wood, June 2020\)](#)  
[A-2:Flood Hazard and Scoped Stormwater Management Assessment Study Drawings \(Prepared by Wood Environment and Infrastructure Solutions Wood,](#)

June 2020)

- B-1:Hager-Rambo Flood Control Facilities Study Report: Downtown and Burlington GO Mobility Hub (Prepared by Wood Environment and Infrastructure Solutions, May 2020))
- B-2:Hager-Rambo Flood Control Facilities Study Report Appendices (Prepared by Wood Environment and Infrastructure Solutions, May 2020))
- B-3:Hager-Rambo Flood Control Facilities Study Report Drawings (Prepared by Wood Environment and Infrastructure Solutions, May 2020))
- 11. Downtown Burlington Traffic Overview (Prepared by CIMA+, October 2019)
- 12. Downtown Burlington Micro-Level Traffic Operations: Review of the Preferred Land Use Scenario (Prepared by CIMA+, May 2020)
- 13. Updated Area Servicing Plan (ASP) for Stormwater, Water and Wastewater: Downtown Burlington (Prepared by Wood Environment and Infrastructure Solutions, May 2020)
- 14. Financial Impact Analysis (To be prepared by Watson & Associates Economists Ltd and posted in July 2020)
- 15. Draft Downtown Burlington Placemaking and Urban Design Guidelines (To be prepared by SGL Planning & Design and posted in July 2020)
- 16. Responses to Submissions Received in 2017-2018
- 17. Responses to Submissions Received December 6, 2019 to March 19, 2020
- 18. Engagement Summary
- 19. Communications and Social Media Data
- 20. Updates on Other Initiatives and General Timeframes (May 2020)  
*\*\*This item may be further updated in September 2020\*\**
- 21. September 2020 Project Updates: Taking a Closer Look at the Downtown Official Plan and Comments Received from June-August 28<sup>th</sup>, 2020.

**Notifications:**

- Curt Benson, Region of Halton
- Agency Notification List
- OP Mailing List (email)
- Project Mailing List (email)

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.