SUBJECT: Recommended modifications to Adopted Official Plan Policies for Neighbourhood Centres and for Mixed Use Nodes and Intensification Corridors

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-18-20

Wards Affected: all

File Numbers: 505-08-16

Date to Committee: September 30, 2020

Date to Council: October 7, 2020

Recommendation:

Endorse the recommended policy modifications to the adopted Official Plan attached as Appendix 1 to community planning report PL-18-20; and

Receive the rural and agricultural information contained in Appendix 4 to community planning report PL-18-20; 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 on the adopted Official Plan (April 2018).

PURPOSE:

The purpose of this report is to recommend modifications to refine the policies for Neighbourhood Centres, and more broadly for Mixed Use Nodes and Intensification Corridors, in the City's adopted Official Plan. These recommendations are provided in response to Council's direction for staff to undertake a Scoped Re-examination of the Adopted Official Plan.

Additionally, Appendix 4 of this report communicates information about Rural and Agricultural policies in response to Council's direction (PB-47-19) for staff to consider revisions to these policies in the adopted Official Plan.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

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Executive Summary:

In accordance with the approach described in Work Plan for the Scoped Re-examination of the Adopted Official Plan (PB-47-19), staff are recommending modifications to the policies for Neighbourhood Centres, and more broadly for Mixed Use Nodes and Intensification Corridors. The recommended modifications do not substantively change the adopted policies, but refine them by simplifying language, clarifying intent and implementation, and better illustrating the connections to the broader policy framework of the Official Plan including the Growth Framework.

This report provides background information, planning analysis, details of the work undertaken, and a description of the recommended policy modifications. The recommended policy modifications are provided in detail through Appendix 1.

This report also includes Appendix 4, which provides information in response to Council's direction for staff to review rural and agricultural policies of the adopted Official Plan.

Background and Discussion:

Background Information

The City of Burlington began a review of its Official Plan (OP) in 2011. In 2016, the City closed its Official Plan Review and commenced a process to develop a new Official Plan (report PB-84-16). All policy research, analysis, studies, staff reports, and community feedback that had been undertaken and received as part of the Official Plan Review were referred to and considered within the New Official Plan process.

The studies undertaken and considered in the Official Plan Review process and later the New Official Plan process included a Commercial Strategy Study. This study led to staff presenting a Commercial Lands Policy Directions report (PB-09-15) to Council, which included a recommendation to develop a new hierarchical framework for mixed use and commercial lands in the City. Included within the proposed framework was the identification of eight areas in the City to be designated as Neighbourhood Centres. Upon consideration of this report, Council directed staff as follows:

> "Direct the Director of Planning and Building to provide a more detailed review of the eight locations being proposed as Neighbourhood Centres in Policy Direction A of the proposed Official Plan Review: Commercial Lands Policy Directions contained in Planning and Building Department report PB-09-15 to include

> minimum and maximum criteria for each site and to report back to the Development and Infrastructure Committee in the fall with the accompanying policy report" (SD-7-15).

The resulting review of Neighbourhood Centres policy directions supported the development of the policies in the draft Official Plan released in April, 2017 and ultimately the policies in the new Official Plan presented for adoption in April, 2018.

The City of Burlington adopted the new Official Plan ("the adopted Official Plan" or "the adopted OP") on April 26, 2018. Halton Region is the approval authority for Burlington's OP and received the record of the adopted OP on May 11, 2018. On December 4, 2018, Halton Region issued a notice to the City under s.17(40) of the Planning Act that certain elements of the adopted OP did not conform to the Regional Official Plan (ROP) and that therefore, the Planning Act timeline for the Region's review of the adopted OP would be paused until the areas of non-conformity were resolved to the satisfaction of the Region.

With the Region's timeline for reviewing the adopted OP being paused to allow areas of non-conformity to be addressed, City Council identified an opportunity to re-examine the policies of the adopted OP. On February 7, 2019, Council directed staff as follows:

> "Direct the Director of City Building to immediately commence a process to re-examine the policies of the Official Plan adopted April 26, 2018 in their entirety related to matters of height and intensity and conformity with provincial density targets" (PD-01-19).

A Council workshop was held on March 18, 2019 to determine the appropriate scope for the re-examination. The workshop revealed that the policies for Downtown and for Neighbourhood Centres were the two key areas to be included in the project scope. This led to the development of a work plan approved by Council in May 2019 through report PB-47-19. This report set out a work plan for the scoped re-examination of the adopted Official Plan consisting of three components:

1. Re-examine the Downtown policies;
    - "Direct the Director of City Building to proceed with the work identified in the Terms of Reference attached as appendix C to Department of City Building report PB-47-19, and the work generally identified in section 4.1" (PB-47-19).
    - The direction to re-examine Downtown policies is responded to through a separate report, PL-16-20.
2. Refine the Neighbourhood Centres policies;
    - "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" (PB-47-19)

- The subject report PL-18-20 responds to this direction for Neighbourhood Centres policies.

3. Consider revisions to the Rural and Agricultural policies;
    - "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" (PB-47-19)
    - No modifications to the Rural and Agricultural policies of the adopted Official Plan are recommended through the Scoped Re-examination process. Further information is provided through Appendix 4 of PL-18-20.

At the time of consideration of PB-47-19 Council also gave direction for additional work concerning the Urban Growth Centre and Major Transit Station Area designations, to be undertaken upon completion of the studies conducted as part of the Interim Control By-law and the scoped re-examination of the adopted Official Plan. This direction was responded to through report PL-33-20 in August 2020.

The current report, PL-18-20, responds to the direction to refine the Neighbourhood Centres policies.

City of Burlington Strategic Plan

The City's 25-year Strategic Plan promotes the redevelopment of Neighbourhood Centres and other Mixed Use Nodes through Strategic Direction 1: A City That Grows:

> 1.2 Intensification
>
> (c) Aging commercial plazas are being redeveloped and transformed into mixed-use neighbourhood areas where a mix of residential, commercial, cultural, or institutional uses are provided. Buildings are connected to the street with doors and windows, have high-quality design and provide pedestrian and cycling connections.

"From Vision to Focus", Burlington's Plan for 2018-2022, identifies the completion of the scoped re-examination of the adopted Official Plan as Strategic Initiative 1.3 within Focus Area 1 "Increasing Economic Prosperity and Community Responsive Growth Management".

Planning Policy Framework

As discussed in report PB-04-18, planning in Ontario occurs within the context of a provincially-led framework of legislation, policies, and Plans. Burlington is a lower-tier municipality and its Official Plan is subject to various requirements to conform with, be

consistent with, not conflict with, and/or have regard for plans and policies at the regional (upper-tier municipal) and provincial level.

Report PB-04-18 and its appendices provide a detailed explanation of how the adopted Official Plan addressed the relevant planning documents at the time of its adoption on April 26, 2018. Since that time, various changes have occurred: the province has amended the Planning Act and released a new Growth Plan in 2019 and a new Provincial Policy Statement in 2020.

The policy modifications recommended in this report are for the purpose of clarification and do not substantively alter the policies of the Official Plan as adopted through report PB-04-18. The following discussion addresses how the recommended policy modifications align with relevant legislation, policies, and plans, with attention to documents that have changed since 2018.

Planning Act

The Planning Act sets out the rights and obligations of the province and municipalities to regulate the use of land in Ontario. This Act and related legislation have been amended since 2018, notably through Bills 108 and 197. These amendments have had the effects of changing legislated timelines for the review of development applications, how municipalities collect community benefits and parkland through development, and the process for appeals at the Local Planning Appeal Tribunal (LPAT), among others.

The Planning Act, as amended, requires municipalities to have regard to matters of provincial interest. The policy modifications recommended in this report provide clarification to facilitate the achievement of the objectives and policies in the adopted Official Plan, which align with provincial interests. In particular, the policies for Neighbourhood Centres and other Mixed Use Nodes and Intensification Corridors promote provincial interests including but not limited to the efficient use of resources, the adequate provision of various housing and employment opportunities, the appropriate location of growth and development, and the design of development to encourage a sense of place and be sustainable, pedestrian-oriented, and transit-supportive.

Provincial Policy Statement (2020)

The Planning Act requires the decisions of municipalities to be consistent with the Provincial Policy Statement. The province released a new Provincial Policy Statement, PPS 2020, which came into effect on May 1, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development, and recognizes municipal official plans as the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated, and long-term planning.

The recommended policy modifications provide clarification to facilitate the achievement of the objectives and policies in the adopted Official Plan, which are consistent with the PPS. The adopted Official Plan policies for Mixed Use Nodes and Intensification

Corridors, including Neighbourhood Centres, promote the redevelopment and intensification of existing built-up areas in a settlement area, to more efficiently and sustainably use land, resources, infrastructure, and public service facilities; to provide a range of new opportunities for housing, employment, and commerce; to support active transportation and public transit; and to prepare for the impacts of a changing climate.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The City of Burlington is located within the provincial plan area of A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("The Growth Plan"). Burlington's Official Plan is required to conform with the Growth Plan. The province introduced a new Growth Plan in 2019, and later amended it through Amendment 1, which came into effect on August 28, 2020.

The Growth Plan is concerned with accommodating forecasted growth in complete communities, designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. It directs municipalities to make better use of existing infrastructure and public service facilities and to prioritize intensification, with a focus on strategic growth areas, including greyfields and other opportunities for infill development in existing built-up areas (2.1).

Section 2.2.2.3 requires municipalities to identify strategic growth areas and recognize them as a key focus for development, and to identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas. The adopted Official Plan accomplishes this through the Urban Structure (Schedule B), which identifies Mixed Use Nodes and Intensification Corridors, and through its Growth Framework (Schedule B-1), which identifies Primary and Secondary Growth Areas, Employment Growth Areas, and Established Neighbourhood Areas. The relevant policies of the adopted Official Plan, particularly those in Chapter 2 "Sustainable Growth", Chapter 7 "Design Excellence", Chapter 8 "Land Use Policies – Urban Area", and Chapter 12 "Implementation and Interpretation", identify the appropriate type and scale of development for these areas, how growth areas will transition to surrounding established neighbourhoods, and how development proposals within these areas will be evaluated.

The policy modifications recommended in this report are for the purpose of clarifying the application of policies, including strengthening the connection of policies to other relevant sections of the Plan such as the Urban Structure and Growth Framework. The policies of the adopted Official Plan, and the recommended modifications to those policies, conform to the Growth Plan.

Halton Regional Official Plan

The Regional Official Plan (ROP), as amended, guides land use planning in Halton to manage growth and direct physical change and its effects on the social, economic, and natural environment of the Region. The ROP provides direction as to how physical development should take place in Halton to meet the current and future needs of its people. Burlington is a component of the Regional Structure and Burlington's Official Plan (OP) must conform to the ROP.

The ROP contains objectives and policies for Intensification Areas, which apply to Mixed Use Nodes and Intensification Corridors identified in Burlington's OP. Section 81 of the ROP directs development to Intensification Areas and requires Burlington to develop Area-Specific Plans or detailed OP policies for Intensification Areas. These must include provisions for the following:

- the promotion, support, and integration of active transportation and public transit;
- the proper integration of Intensification Areas with surrounding neighbourhoods through pedestrian walkways, cycling paths, and transit routes;
- the protection of the physical character of surrounding neighbourhoods through urban design;
- identification of Intensification Areas as the highest priority of urban development within the Region, and policies to support intensification and transit-supportive densities.

The adopted Official Plan includes detailed policies for Mixed Use Nodes and Intensification Corridors, including the policies for Neighbourhood Centres. These detailed policies satisfy the Intensification Area objectives and policies of the ROP by promoting and prioritizing intensification within Mixed Use Nodes and Intensification Corridors, and providing a framework to guide the review of development proposals to support active transportation and transit, ensure efficient use of land and resources, and ensure appropriate transitions to and integration with surrounding established neighbourhoods.

The policy modifications recommended through this report do not substantively alter the policies of the adopted OP; rather, they provide clarification and strengthen the connections between various sections of the adopted OP. The policies of the adopted OP applying to Neighbourhood Centres and to Mixed Use Nodes and Intensification Corridors, including the modifications recommended through this report, conform with the ROP.

The Adopted Official Plan Policies for Neighbourhood Centres and for Mixed Use Nodes and Intensification Corridors

Council directed staff to propose refinements to the Neighbourhood Centres policies in the adopted Official Plan to simplify and clarify the intent of the policies. As a result of

this work, staff are recommending modifications not only to the policies for Neighbourhood Centres, but also to the parent policies for Mixed Use Nodes and Intensification Corridors. This reflects the fact that policies for individual land-use designations such as Neighbourhood Centres are nested within a hierarchical policy framework that considers different parts of the City as components within a broader, interconnected Urban Structure.

The Urban Structure, described in Section 2.3 of the adopted OP, establishes the Community Vision for Burlington's Urban Area. Schedule B of the adopted OP shows the component parts of the Urban Structure, including Mixed Use Intensification Areas, which are further organized into a number of categories. This report focuses on one of those categories: Mixed Use Nodes and Intensification Corridors.

The Growth Framework, described in section 2.4 of the adopted OP, works together with the Urban Structure to communicate the relative priority, degree, type, and location of growth in the Urban Area. As shown on Schedule B-1 of the adopted OP, the Growth Framework consists of four areas: Primary Growth Areas, Secondary Growth Areas, Employment Growth Areas, and Established Neighbourhood Areas. Most lands that are identified as Mixed Use Nodes and Intensification Corridors, including all eight Neighbourhood Centres, are identified as Secondary Growth Areas.

For a detailed discussion of the role of Mixed Use Nodes and Intensification Corridors within the Growth Framework, the Urban Structure, and the overall adopted Official Plan, refer to Appendix 3 of this report.

<u>Mixed Use Nodes and Intensification Corridors</u>

The lands identified as Mixed-Use Nodes and Intensification Corridors, on Schedule B of the adopted OP provide locations where mixed commercial, residential and employment uses will be developed and integrated in a compact built form and at greater development intensities, encouraging the efficient use of physical resources and municipal infrastructure.

The lands identified as Mixed-Use Nodes are typically existing developed commercial areas of the city and will be the focus of re-urbanization through a range of scales and intensities of development. The lands identified as Intensification Corridors are varied and are located along Multi-Purpose Arterials and in some cases along Major Arterials.

Mixed-Use Nodes and Intensification Corridors will be pedestrian-oriented and highly accessible by public transit and will foster community interaction by providing opportunities for public service facilities, institutional uses, and open spaces.

The City will ensure that Mixed-Use Nodes and Intensifications Corridors develop at appropriate levels of intensity given their role within the Urban Structure and in accordance with the policies of the Growth Framework. The development of Mixed-Use Nodes and Intensification Corridors will be compatible with adjacent uses, which are

predominantly residential. The design and development of these lands will create and maintain a special community identity and locations for a variety of city-wide, community, and neighbourhood functions.

As shown on Schedule C of the adopted OP, the Mixed Use Nodes and Intensification Corridors are further differentiated into numerous land-use designations, each with its own characteristics, function, and role in supporting the overall Community Vision. These land-use designations are as follows:

- Mixed Use Nodes
    - Mixed-Use Commercial Centres
    - Neighbourhood Centres
    - Local Centres
    - Employment Commercial Centres
- Intensification Corridors
    - Urban Corridor
    - Urban Corridor – Employment Lands

The different land use designations are based on spatial distribution, the planned commercial function, the range of uses permitted, and the scale and intensity of the development allowed. The policies within each designation and other applicable policies of this Plan provide direction for redevelopment. The policies provide a basis to guide the transformation of Mixed-Use Nodes and Intensification Corridors into focal points for the community where a mix of uses supports the achievement of complete communities. The policies acknowledge variability and flexibility to allow for redevelopment to complement the surrounding areas through appropriate transition and to support local businesses and residents.

<u>Neighbourhood Centres</u>
In accordance with the Council-approved work plan, Neighbourhood Centres have been a focus of the scoped re-examination of the adopted Official Plan.

Neighbourhood Centres are existing clusters of commercial development and typically include one or more plaza malls. There are eight areas of the City designated as Neighbourhood Centres, with four located north of the QEW Highway and four located south of the QEW. The eight Neighbourhood Centres are centred around the following intersections:

1. Brant Street and Upper Middle Road (wards 1 and 3);
2. Guelph Line and Upper Middle Road (wards 4 and 6);
3. Walker's Line and Upper Middle Road (wards 4 and 6);
4. Walker's Line and Dundas Street (ward 6);
5. Guelph Line and New Street (wards 2 and 4);

6. Walker's Line and New Street (ward 4);
7. Appleby Line and New Street (wards 4 and 5); and
8. Lakeshore Road and Kenwood Ave (ward 5).

The policies of the Adopted Official Plan are intended to guide the redevelopment of these centres into walkable, mixed-use nodes that act as a focal point for surrounding neighbourhoods, serving their day-to-day and weekly goods and service needs and providing locations for public service facilities and institutional uses.

Each of the Neighbourhood Centres is surrounded by an established neighbourhood, but the context of each is different: for example, the Neighbourhood Centre at Guelph Line and Upper Middle Road is located at the intersection of two Regional Major Arterial roads, and surrounded by utility corridors, MM Robinson High School, the Halton District School Board office, and two-storey residential dwellings. By contrast, the Neighbourhood Centre at Lakeshore Road and Kenwood Ave is located at the intersection of an Urban Avenue and a Neighbourhood Connector street, and is surrounded by numerous tall apartment buildings, low-rise townhouses and detached houses, a low-rise retirement home, a local park and community arena, and a regional waterfront park.

Property ownership represents another factor of variability among Neighbourhood Centres. The two Neighbourhood Centres mentioned above occupy two quadrants of their respective intersections and consist of a small number of large parcels: only two large properties at Guelph Line and Upper Middle Road, and three properties at Lakeshore Road and Kenwood Ave. By contrast, the Neighbourhood Centre at the intersection of Guelph Line and New Street occupies four quadrants of the intersection and consists of dozens of small parcels with different owners. The fragmented ownership and small parcel sizes of some Neighbourhood Centres are complicating factors that create significant challenges in ensuring that future redevelopment occurs with a comprehensive vision, efficient design, and orderly phasing.

The policies for Neighbourhood Centres must therefore provide clear guidance for development in each node to fit its unique context and resolve its specific challenges, while allowing the flexibility for each node to achieve its unique potential by allowing an appropriate range and intensity of uses in an appropriate built form. For this reason, the policy approach for Neighbourhood Centres is not to adopt a one-size-fits-all set of development permissions. Rather, the policy approach is to set baseline development permissions for mid-rise buildings to a maximum height of six storeys, and to establish a set of parameters and criteria that will be used to evaluate proposals for buildings taller than six storeys through the review of site-specific development applications. The type of development application required will depend on the height of development proposed: a mid-rise building up to 11 storeys may be considered through an application for Zoning By-law amendment subject to certain criteria. A proposal for a tall

building of 12 storeys or more would require applications for both Zoning By-law amendment and Official Plan amendment, and would be subject to more extensive criteria. The types of development applications required for different building heights are summarized in Table 1 below.

Table 1: Development Application Process Requirements of the Adopted Official Plan for Development Proposals within Neighbourhood Centres*

**excluding two Neighbourhood Centres: Guelph Line at Upper Middle Road, and Appleby Line at New Street. These two Neighbourhood Centres have pre-existing site-specific permissions.*

If property owner proposes to build…	**Official Plan Amendment** *(always includes public engagement and Council decision)*	**Zoning By-law Amendment** *(always includes public engagement and Council decision)*	**Site Plan Approval** *(typically a technical design exercise with no public engagement, and approval authority delegated to staff. Council may un-delegate approval authority and direct staff to engage public)*
Within the height limits permitted in the Zoning By-law^ *(typically this will be up to 6 storeys)*	Not required	Not required	Required
Mid-rise building up to 11 storeys	Not required	Required	Required
Tall building (12+ storeys)	Required	Required	Required

^A note on transition: Zoning By-law 2020, as amended, permits a maximum of 3 storeys in most Neighbourhood Centres. Upon approval of the new (adopted) Official Plan, the City will undertake a Comprehensive Review of the Zoning By-law to develop new zoning regulations that implement the new Official Plan (including a maximum of 6 storeys in most Neighbourhood Centres). The public will be engaged in the Comprehensive Review of the Zoning By-law and a Council decision will be required to approve the new regulations.

Implementation

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, while the adopted Official Plan indicates that mid-rise buildings up to a maximum height of six storeys are permitted within Neighbourhood Centres, the Zoning By-law may set a lower maximum height on some sites due to site-specific constraints that could make it impossible to achieve a sufficient built-form transition to surrounding neighbourhoods.

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 permits a maximum height of three storeys in most Neighbourhood Centres. 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 and development permissions outlined in the new Official Plan.

<u>The Role for Process: Applications to Amend the Official Plan and/or Zoning By-law</u>
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 adopted Official Plan and the recommended policy modifications have been written to anticipate the eventuality of OPA and ZBLA applications, and to provide guidance for the review of such applications. The adopted and recommended policies for Mixed Use Nodes and Intensification Corridors, and in particular for Neighbourhood Centres, set clear expectations for the public, Council, developers, and staff regarding how development applications are to be considered. These include:

- Growth Framework policies in Section 2.4 of the adopted OP, which speak to appropriate development in Secondary Growth Areas, and the role of Secondary Growth Areas relative to Primary Growth Areas;
- Urban Design policies in Section 7.3.2 that apply specifically to development in Primary and Secondary Growth Areas and address appropriate transitions to surrounding Established Neighbourhood Areas;
- Land Use and Built Form policies in Section 8.1.3 of the adopted OP, which set clear parameters for development in each land use designation, and identify

specific criteria for development proposals exceeding 6 storeys in Neighbourhood Centres:
    - For mid-rise buildings up to 11 storeys: through a Zoning By-law Amendment application, the proposal must demonstrate a significant reduction of parking at grade, and an urban design brief that demonstrates how the proposal's design achieves high-quality urban design and helps mitigate adverse impacts of the increased height;
    - For tall buildings of 12 storeys or more: through an Official Plan Amendment application and a Zoning By-law Amendment application it must be demonstrated that the proposal meets the criteria for an 11-storey building described above and also satisfies the policies of Section 12.1.1(3)(j) described below.
- Implementation policies in Chapter 12 of the adopted Official Plan, including Section 12.1.1(3)(j) which guides the review of applications for Official Plan Amendment. These include requirements for applications for residential development within the Secondary Growth Areas to provide City-building objectives such as:
    - affordable, rental housing;
    - a proportion of units to have 3 bedrooms or more;
    - the co-location of community space, or public service facilities;
    - affordable, assisted, or special needs housing; and/or
    - sustainable building design contributing to the goals of the City's Strategic Plan and/or Community Energy Plan.

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 while still achieving the objectives of the Official Plan.

<u>Urban Design Guidelines</u>

The City may develop design guidelines for specific building forms, land uses, streetscapes, or specific areas in the City. Council-approved design guidelines, such as the Tall Building Guidelines and the Mid-Rise Design Guidelines, are utilized in the review and evaluation of development applications, or of City-initiated projects like the development of a new Zoning By-law.

The recommended policy modifications include the addition of wording to policy 8.1.3(4.2)(e) to clarify the role of the Zoning By-law and design guidelines in determining permitted building heights. While the Zoning By-law is the mechanism to set a maximum and/or minimum building height, the guidelines may inform the development of these zoning regulations. For example, the Official Plan states that development in Neighbourhood Centres shall not exceed six storeys as of right; however, when the City develops a new Zoning By-law to implement the new Official

Plan, it may set a lower maximum height on some properties if it is clear that those properties have site-specific constraints that would make it impossible to develop a six-storey building that satisfies the Mid-Rise Design Guidelines.

Similarly, in the review of a ZBLA or OPA application that proposes a building taller than what the Zoning By-law and/or Official Plan allow, the City may refer to Council-approved design guidelines as one of many factors to inform the consideration of that proposal. It is important to note that some properties may be able to accommodate a building that complies with the applicable Council-approved design guidelines, but this does not necessarily mean that a ZBLA or OPA will be approved. Design guidelines inform the review of development applications but are not the only consideration and do not supercede the policies of the Official Plan or regulations of the Zoning By-law.

Recommended Modifications to the Adopted Official Plan

In accordance with the work plan approved by Council in report PB-47-19, staff have re-examined the policies of the adopted Official Plan that affect Neighbourhood Centres and are proposing refinements to:

- Clarify and describe the intent of the policies;
- Simplify language; and
- Clarify the relationship of the land use policies with the Growth Framework.

As discussed above, the policies for Neighbourhood Centres are nested within a hierarchical system of land use designations that implement the Community Vision as expressed through the Urban Structure in conjunction with the Growth Framework. The Neighbourhood Centres policies are a subset of the policies for Mixed Use Nodes and Intensification Corridors. Accordingly, staff have identified that some of the opportunities for clarification exist not at the level of the Neighbourhood Centres policies but at the higher level of the Mixed Use Nodes and Intensification Corridors policies.

The recommended modifications in Section 8.1.3(4) apply only to Neighbourhood Centres. The recommended modifications in Section 8.1.3 and 8.1.3(2) apply to all lands identified as Mixed Use Nodes and Intensification Corridors, as shown on Schedule C (Land Use – Urban Area) of the adopted Official Plan. This includes not only lands designated Neighbourhood Centre but also lands designated Mixed Use Commercial Centre, Local Centre, Employment Commercial Centre, Urban Corridor, and Urban Corridor – Employment Lands.

It is important to note that the recommended policy modifications do not substantively alter the policies of the adopted Official Plan; they clarify the intent of policies and how they will be implemented. In some cases, clarification includes the introduction of new lines of policy that make an explicit statement about how other sections of the adopted Official Plan apply in the context of Mixed Use Nodes and Intensification Corridors. If

endorsed by Council and approved by Halton Region, these modifications will help to ensure that all interested parties, including Council, the public, developers/property owners, and staff have a clear understanding of the City's policy intent and how the objectives of the Official Plan will be implemented.

This report recommends that the policies of the adopted Official Plan be modified by:

- expanding the preamble of section 8.1.3, Mixed Use Nodes and Intensification Corridors, to describe each of the land use designations within this section of the adopted Official Plan, and to clarify their role within the Urban Structure and Growth Framework;
- correcting typographical errors;
- simplifying wording;
- adding new wording to clarify the intent of certain policies;
- adding new wording to clarify how certain objectives will be achieved and how certain policies will be implemented; and
- adding new wording to better illustrate the connection of policies for Mixed Use Nodes and Intensification Corridors to policies in other sections of the adopted Official Plan.

The modifications are presented in detail in Appendix 1 of this report, in the form of tracked changes to the relevant sections of the adopted Official Plan. A description of each recommended modification is contained in Appendix 2.

Strategy/process

The re-examination of the Neighbourhood Centres policies directed by Council has occurred as a component of the larger process to develop a new Official Plan in accordance with the Planning Act. The process leading up to the adoption of the new Official Plan on April 26, 2018, and the direction in 2019 to undertake a re-examination of certain sections of the adopted OP, have been described above under "Background Information".

The re-examination of Neighbourhood Centres policies of the adopted Official Plan has occurred in accordance the work plan report (PB-47-19) approved by Council in May 2019. The scope of this work is limited to a technical review of previously-adopted policies and has resulted in recommendations to modify some of the adopted policies, as described above, for the purpose of clarifying intent, simplifying language, and clarifying the relationship of the land use policies with other applicable policies.

The re-examination process has consisted of:

- a technical review led by City staff, including a review of the adopted policies and background information that led to their adoption;

- analysis of the existing context of lands identified as Mixed Use Nodes and Intensification Corridors, and in particular those lands designated Neighbourhood Centres;
- analysis of the applicable provincial and regional legislation, plans, and policies; and
- a review of best practices for redevelopment of underutilized commercial plazas in other municipalities. The best practices review confirmed that Burlington's approach to guiding the redevelopment of underutilized commercial plazas is consistent with that of comparable municipalities, and provided examples of how policies for these lands can be clearly communicated.

Statutory requirements for the development of the Neighbourhood Centres in the new Official Plan, including public notice and consultation requirements, were satisfied prior to the adoption of the Official Plan in 2018. As part of the Re-examination, an additional Open House and Public Meeting were held in September 2020 to allow the public to review, ask questions about, and comment on the proposed modifications. These engagement opportunities and associated notifications are discussed under "Engagement Matters" below.

Options Considered

As discussed under "Growth Framework" above, the Primary Growth Areas are the priority areas for the City to develop Area-Specific Plans, reflecting the level of change, intensification, and infrastructure investment that is planned for these areas. This report concerns Mixed Use Nodes and Intensification Corridors, which for the most part are identified as Secondary Growth Areas. These areas are not identified as priorities for City-initiated Area-Specific Planning studies, and while they are expected to experience change over the planning horizon of the adopted OP and beyond, they are not areas slated for major change on the scale planned for in Primary Growth Areas.

The adopted policy framework for Mixed Use Nodes and Intensification Corridors therefore establishes parameters for appropriate development of these areas to be determined through the review of site-specific development applications. However, the policies in Section 12.1.3 of the adopted Official Plan state that Council may, by resolution, require the preparation of City-initiated Area-Specific Plans for select Mixed Use Nodes and Intensification Corridors within Secondary Growth Areas, as well as for any large areas of vacant or under-utilized lands or any location in the City that requires comprehensive planning to enable suitable development.

The Council-approved scope of work of the re-examination of the adopted Official Plan was limited to clarification of policies that were adopted in 2018. The policy modifications recommended in this report do not have an impact on Council's ability to resolve to develop area-specific plans outside the Primary Growth Areas in future.

Financial Matters:

Not applicable

Climate Implications

The recommended policy modifications are refinements only and do not substantively change the Official Plan policies that were adopted by City Council on April 26, 2018. There are no climate implications resulting from the recommended modifications.

Engagement Matters:

As described in report PB-04-18, the public was engaged in the development of the policies for Mixed Use Nodes and Intensification Corridors, including Neighbourhood Centres, leading up to their adoption by City Council on April 26, 2018.

In accordance with the Council-approved work plan (PB-47-19), staff have re-examined these policies for the purpose of refining them to make them clearer and simpler. This has been a technical exercise and has occurred at the staff level.

Halton Region is the approval authority for Burlington's Official Plan. Regional staff have been consulted in the process of developing modifications, to ensure that the recommended modifications did not generate concerns about conformity with the Regional Official Plan or provincial policies or plans.

The public has been given an opportunity to review this report and the recommended policy modifications, ask questions, and submit comments for consideration by the City and Halton Region in advance of the Region making a decision on the City's adopted Official Plan. This has occurred through an Open House on Sept. 16, 2020 and a Public Meeting on Sept. 30, 2020. Due to the ongoing COVID-19 pandemic, both of these meetings occurred in a virtual format. Notice of these meetings was published in the Burlington Post on Sept. 10, 2020 and promoted on the City's website and social media.

Conclusion:

In accordance with the Council-approved work plan for the Scoped Re-examination of the Adopted Official Plan, staff are recommending modifications to the policies for Neighbourhood Centres and other Mixed Use Nodes and Intensification Corridors. The recommended modifications do not substantively change the adopted policies, but

refine them by simplifying language, clarifying intent and implementation, and better illustrating the connections to the broader policy framework of the Official Plan including the Growth Framework.

This report also includes an appendix which provides information in response to Council's direction for staff to review rural and agricultural policies of the adopted Official Plan.

Respectfully submitted,

Thomas Douglas, RPP MCIP	Kelly Cook
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Appendices:

1. Recommended modifications to the Policies of the Adopted Official Plan
2. Description of recommended modifications to the Policies of the Adopted Official Plan
3. Role of Neighbourhood Centres and Other Mixed Use Nodes and Intensification Corridors within the Urban Structure and Growth Framework
4. Information on review of Rural and Agricultural Policies of the Adopted Official Plan

Notifications:

Curt Benson, Region of Halton

Agency Notification List

Official Plan Mailing List (e-mail)

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.