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7 January 2022

SENT BY EMAIL ONLY

Jo-Anne Rudy
Committee Clerk
Community Planning, Regulation and Mobility Committee
City of Burlington
Jo-anne.rudy@burlington.ca

Dear Ms. Rudy,

**Meeting of Committee on January 11, 2022
Item PL-02-22, Major Transit Station Area (MTSA) Precinct Plans, Appleby GO**

I am a Registered Professional Planner acting on behalf of Sofina Foods Inc. (Sofina), who owns and operates a large pork processing facility located at 821 Appleby Line, immediately north of the rail corridor, within the Appleby MTSA boundary. Sofina has been an active participant in the MTSA planning process, at the Regional and City levels, and is also responding to site-specific development applications within the area.

The Precinct Plan for the Appleby GO Station, that staff are recommending be "endorsed in-principle", does not address any of the comments made to the City on Sofina's behalf through the MTSA consultation session on October 26, 2021 and in the attached letter dated November 5, 2021. These are important matters, foremost of which is compatibility between existing employment uses and future high-density residential and other sensitive land uses, which are yet to be considered in the comprehensive planning process for the MTSA.

Sofina is concerned staff are recommending that detailed planning for the MTSA proceed, based on a Precinct Plan that was prepared in the absence of a completed land use compatibility study and which fails to address interfaces with existing employment uses. Therefore, I request that the Committee defer its endorsement of the Appleby GO Precinct Plan until such time that the appropriate land use compatibility study is completed and its recommendations are shared with MSTTA landowners including Sofina. My client and I would welcome a meeting with staff to discuss our concerns in more detail and to learn of the City's rationale.

Sincerely,

Sean Hertel, MCIP, RPP
Principal

Attachment (1): Letter to City Planning Staff dated November 5, 2021

cc. Fabio Pozzobon, Executive VP, Legal, Sofina Foods
Patrick Duffy, Partner, Stikeman Elliott

5 November 2021

SENT BY EMAIL ONLY

Alison Enns, MCIP, RPP
Manager of Policy
Planning and Development Department
City of Burlington
mtsa@burlington.ca

Dear Ms. Enns,

Appleby GO Major Transit Station Area (MTSA), Area-Specific Planning Project

I am a Registered Professional Planner acting on behalf of Sofina Foods Inc. (Sofina), who owns and operates a large pork processing facility located at 821 Appleby Line, immediately north of the rail corridor, within the Appleby MTSA boundary. Sofina has been an active participant in the MTSA planning process, at the Regional and City levels, and is also responding to site-specific development applications within the area.

Sofina recognizes the need to plan for and build compact mixed-used communities around transit stations, which is undoubtedly the City's objective for this MTSA. However, Sofina continues to have concerns regarding the impacts of introducing additional sensitive uses so close to this established and strategically located industrial employment area. Furthermore, the City is proposing through its proposed Preferred Precinct Plan to introduce "Urban Employment" uses within much of the current employment area, including the Sofina property, which would introduce yet another layer of potential land use incompatibility within the MTSA.

I expressed the above concerns, in addition to other issue-specific considerations (e.g., process and implementation), at the City's Public Information Centre (PIC) held on October 26, 2021. Consistent with and expanding on those concerns, please consider the following points as part of the finalization of the Precinct Plan and related policies:

1. It is my understanding, from last week's PIC that consultant studies, including land use compatibility assessments, are still in-progress. It is also my understanding that staff will bring forward a final Precinct Plan for adoption by Council on or around December 7, 2021. The City would then begin to draft Precinct Plan land use and implementation policies which would be adopted by Council in the first or second quarter of 2022.

Given the number and breadth of issues raised by Sofina and other industrial operators and owners, and those by residents from adjacent neighbourhoods, does the current process and timing allow the City and its consultants to fully assess and meaningfully address those issues? Will approximately one month be enough time for staff to review the study findings, determine what Precinct Plan changes are needed to address those findings, and then to prepare and present a final Precinct Plan for adoption?

... Continued

2. The Precinct Plan presented at the PIC does not adequately address land use compatibility, especially that between heavy industry including Sofina and proposed high-density residential uses on adjacent lands. The Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) provide direction to municipalities on land use compatibility, the specifics of which must be satisfied through the Precinct Plan and related policy framework.

Section 1.2.6.1 of the PPS sets out the public policy objective to achieve land use compatibility and section 1.2.6.2 establishes criteria that must be met to achieve compatibility. Planning authorities "shall protect the long term viability" of existing industrial uses that are vulnerable to encroachment.

Section 2.2.5.7(c) of the Growth Plan requires municipalities to plan for all employment areas within settlement areas by "providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility."

Accordingly, there must be comprehensive municipal planning to achieve land use compatibility including appropriate transition and interface between employment areas and non-employment areas. The precinct planning process is the most appropriate scale for addressing land use compatibility, rather than putting the onus on individual applicants through the development approvals process.

However, the The Precinct Plan presented at the PIC does not adequately address land use compatibility, especially between heavy industry (Sofina, for example) and proposed high-density residential uses.

3. Sofina and other industries located north of the tracks are situated not only within the MTSA boundary but also a Provincially Significant Employment Zone (PSEZ) designated under the Growth Plan. While transit-oriented development intensification is indeed a Provincial interest and priority, so too is the protection and enhancement of strategic employment lands.

It is my professional opinion that, while these could appear to be competing priorities at and near rapid transit stations, Provincial policy does not present transit-oriented development and industrial employment uses as being mutually-exclusive. The PPS and Ministry guidelines provide some guidance on their co-existence, the onus being primarily on sensitive receptors such as high-density residential to identify and mitigate any potential negative impacts such as odour and noise.

Accordingly, it is my opinion that the City through the Preferred Precinct Plan has not adequately addressed the co-existence of sensitive and industrial uses, nor has the City identified how the introduction of high-density residential development, and the proposed "Urban Employment" designation (along with a proposed future street that bisects current properties including Sofina's) will impact the planned function of strategic employment lands in the near- and long-term.

In summary, the Preferred Precinct Plan for the Appleby GO MTSA does not adequately address land use compatibility between proposed high-density residential south of the rail corridor and existing heavy industry to the north. The City has engaged consultants to assess and make recommendations on land use compatibility, and other planning considerations including traffic and market impacts, but this work is still ongoing.

It is unclear how the City could adopt the Precinct Plan in early December, with confidence that land use compatibility and other bona fide planning matters have been addressed in a manner that is consistent with Provincial policy and regulation and leave no doubt that the viability of strategic employment lands will not only be unharmed but be maintained and enhanced.

I respectfully request that further consideration of the Precinct Plan be deferred until such time as the supporting land use compatibility studies are completed, the findings discussed, and any required changes to the Precinct Plan incorporated with input from land owners within and adjacent to the MTSA.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean", followed by a period.

Sean Hertel, MCIP, RPP

Principal

cc. Fabio Pozzobon, Executive VP, Legal, Sofina Foods Inc.
Kerry Towle, VP, Industry and Government Relations, Sofina Foods Inc.
Patrick Duffy, Stikeman Elliott LLP