



CPRM April 5 2022

PL-35-22

Correspondence from Halton Region

March 31, 2022

Ms. Brynn Nheiley  
Planning and Building Department – Planning Division  
City of Burlington  
426 Brant Street PO Box 5013  
Burlington, ON L7R 3Z6

Dear Brynn,

**RE: Official Plan Amendment & Zoning By-law Amendment  
1029-1033 Waterdown Road  
City of Burlington  
505-09/21 & 520-09/21**

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Regional staff are in receipt of a Local Official Plan Amendment (LOPA) and Zoning By-law Amendment (ZBA) application to permit the redevelopment of 1029-1033 Waterdown Road to permit the redevelopment as follows:

- To permit the redevelopment of two (2) existing parcels of land that currently contain residential dwellings to permit the development of a 29-storey residential apartment building containing 295 residential units and parking both below and above ground.

The Official Plan Amendment proposes to amend the City of Burlington Official Plan (2009) by applying designate the subject lands 'Mixed Use Corridor – General Site Specific Exemption' designation with site specific policies related to units, height and density to implement the proposal.

The Zoning By-law Amendment proposes to amend By-law 2020 to rezone the subject lands to a MXG-XX zone to permit site specific provisions to implement the proposed development.

The subject applications have been reviewed within the context of Provincial planning documents and the Regional Official Plan (ROP), as amended. While the development supports many key objectives relating to optimizing growth in an approved Strategic Growth Area, it is the Region's view that the City-led comprehensive area-specific plan must be further advanced to determine how the scale and nature of the development being proposed aligns with the City's vision for growth in the Aldershot GO Major Transit Station Area (MTSA).

There are a number of key issues related to principle of use, land use compatibility, municipal servicing, among others that are best addressed on a broader basis, to ensure that the Aldershot GO MTSA is planned in a cohesive manner. It is our recommendation that the work on the Aldershot GO MTSA be sufficiently advanced, wherein there is clarity of direction in terms of these key issues, before further resubmissions are made in relation to the studies submitted with the subject applications. We have nonetheless provided detailed comments in relation to key Regional interests.

### **Matters of Provincial & Regional Interest:**

Regional Staff have considered the submitted Development Applications and the proposed development in the context of current applicable Provincial policy regime, namely the Provincial Policy Statement, 2020 (PPS), the A Place to Grow Plan (Growth Plan), 2020, and the Regional Official Plan, as amended by ROPA 48 (ROP).

The PPS and the Growth Plan provide a planning framework to manage growth, protect the natural environment and support economic development. Land use decisions with respect to the subject lands must be consistent with the PPS and conform to the Growth Plan.

The PPS provides policy direction for 'Building Strong Communities', wherein settlement areas are to be the focus of growth and development and their vitality and regeneration shall be promoted. In doing so, planning authorities identify and promote appropriate locations and opportunities for intensification and redevelopment.

The Province, through the Growth Plan, provides specific planning direction on how to manage growth to support the achievement of complete communities and the planning for infrastructure to support growth. This policy direction is supported by PPS policy. While the policy direction of the Growth Plan supports the identification and intensification of uses around Major Transit Station Areas, this direction supports and directs a comprehensive planning approach.

In addition to this direction, the PPS and Growth Plan provides policy direction that supports a number of matters identified herein, that are to be addressed as part of a comprehensive planning process for this growth area.

In the context of the ROP, the subject lands are designated as part of the Urban Area on Map 1 of the ROP. The subject lands are also located within the Aldershot GO 'Major Transit Station Area' (*Strategic Growth Area*) on Map 1H and 6d of the ROP. The subject lands are currently surrounded by various existing employment uses. Waterdown Road is shown as a 'Minor Arterial Road' on Map 3 (Functional Plan of Major Transportation Facilities). The railway corridor located approximately 450 metres + from the subject lands is identified as "Commuter Rail Corridor" on Map 3.

### **Planning Analysis Relating to Growth Management:**

The settlement area consists of the Urban Area and its Regional Urban Structure as shown on Map 1H. This structure provides for a growth framework with a population and employment distribution for the Region to the planning horizon of 2051. Staff note that through the Regional Official Plan Review process, Regional Staff are considering the further allocation of population and employment growth for the City of Burlington.

The Regional Urban Structure, consistent with the Growth Plan, identifies a growth structure and areas of the Region where development and intensification of uses is promoted. The subject lands are located within a 'Major Transit Station Area on a Commuter Rail Corridor', which forms part of a Regionally defined 'Strategic Growth Areas'. The ROP identifies a minimum density target for this growth area, as well as a General Target Proportion of Residents & Jobs for the Aldershot GO MTSA as follows:

Strategic Growth Area: Major Transit Station Areas on a Commuter Rail Corridor	Minimum Density Target * (Residents and Jobs Combined Per Hectare)	General Target Proportion of Residents & Jobs **	
		Residents	Jobs
Aldershot GO ***	150 ***	~80%	~20%

\*\* To be planned for an achieved across the entire Strategic Growth Area over the long-term and in accordance with Section 55.3 of this Plan

\*\*\* Protected Major Transit Station Area

The ROP requires Local Municipalities to prepare *Area-Specific Plans* or policies for major growth areas, including the development or redevelopment of communities. The intent of the ROP is to ensure that growth is planned for in a coordinated and integrated manner that considers the goals and objectives of the ROP and is supported by existing or planned infrastructure. Given ROP policy, the direction established by the City’s New Official Plan, and given the form of development being considered for the subject lands, Regional Staff support the City’s comprehensive approach to planning for this growth area having this work substantially complete to guide the development on the subject lands.

For example, Sections 77(5) and 81.2(4) of the ROP identifies standards that must be addressed in planning for Strategic Growth Area. Advancing the proposal would have the effect of establishing permissions in advance of/outside of the comprehensive planning for the MTSA. The following will need to be addressed in this regard:

- How does the development proposal implement the targets in Table 2A and 2B, in addition to completing an analysis as to how the development proposal will not negatively impact the ability of the City to achieve these targets for the immediate surrounding areas;
- How does the proposed development implements the Regional Phasing targets of Table 2A, while not negatively impacting the City’s to achieve these targets for the immediate surrounding areas;
- How does the proposal promote a land use pattern and mix of uses that contain the requisite community infrastructure to enable a compact, transit-supportive, walkable, community that is supported by local facilities for social, cultural, recreational, educational and religious purposes.
- How does the proposal address the Housing policies of the ROP including the adequate provision of a range and mix of unit types and sizes, range and mix of affordability, in addition to identifying if portions of the development are intended for rental purposes or special needs housing.
- How does the proposal address planning policy and the technical matters identified herein.

**Other Matters of Regional Interest**

**Land Use Compatibility**

The PPS, Growth Plan and ROP provides direction to ensure that new sensitive land uses are compatible with, and are not negatively impacted by adjacent industrial, transportation and utility uses. As part of the consideration of the proposed OPA and ZBA, Staff note that the consideration of land use compatibility planning policy and guidelines is required, as the proposal would introduce a new sensitive land use in close proximity to major facilities.

In considering the proposed development, Staff note that insufficient analysis and justification for the proposed development was provided from a land use compatibility perspective. For instance, all major facilities adjacent to and in close proximity to the subject lands were not analysed as part of the assessment, in addition to air quality, odour and dust impact analysis was not provided for these facilities and uses.

Based upon this, Regional Staff are not in a position to confirm that the policy direction of 79.3, 81.2(4), 143(9), and 143(12) of the ROP have been addressed. Further, the ROP supports the comprehensive planning approach for this growth area in that the protection for existing and planned major facilities should occur through this process to ensure that the planned vision for this growth area is achieved and not negatively impact by site specific development proposals.

### **Site Contamination**

Section 147(17) of the Regional Official Plan (ROP) requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. Staff note that the submitted Phase One ESA (Pinchin Environmental) has concluded that the lands are suitable for the intended use. At the time of writing this letter, internal technical comments on this submitted ESA were not available. Staff will endeavour to provide the City with updated technical comments in this regard in the near future.

### **Municipal Services**

Policy 58(1.1) of the ROP permits development provided that “adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region.” Furthermore, Policy 89(3) of the ROP requires that all new development within the Urban Area be on the basis of connection to Halton’s municipal water and wastewater system.

In considering growth and develop within defined growth areas, the ROP supports and provides for a comprehensive planning approach to the growth area, and the municipal servicing required to support the proposed use. In this regard, the Region support and encourages the completion of an Area Servicing Plan (ASP) for this growth area prior to development within the area commencing. Staff note that any implementing Functional Servicing Reports would need to consider and conform with the overall ASP for this growth area.

As part of the development application, Regional Staff received a Functional Servicing Report (S. Llewellyn & Associates, dated November 2021). The report makes reference to Region of Halton watermains and wastewater mains located within the road allowance adjacent to the property, and local stormwater mains located in the area. It also makes reference to how the owner’s Professional Engineer foresees the new buildings being serviced.

Detailed technical comments are provided in **Appendix ‘A’** to this letter, which should be addressed as part of a comprehensive resubmission.

While the comments in Appendix ‘A’ identify that there appears to be capacity within the system to permit the development or intensification of uses on these lands, the availability of capacity should not be seen as support for the redevelopment proposal.

## **Waste Management**

In accordance with Section 148 of the ROP, it is an objective of the Region to implement an integrated and sustainable waste management plan. To ensure that the efficient and safe collection of solid waste from this site can be accommodated for this development, Regional Staff will require the resubmission of a detailed Waste Management Plan to meet Regional Guideline direction for regional collection of solid waste. For instance, the loading space width, height and length would currently proposed do not meet regional minimum guideline requirements. In the absence of an updated Waste Management Plan, Regional Staff are unable to confirm that regional solid waste collection for this development can be accommodated. Staff strongly recommend that the site be designed to accommodate regional solid waste collection.

## **Conclusion:**

Based upon the above, Regional staff are not in a position to support the LOPA and ZBA applications until such time that the issues in this letter have been addressed. We continue to support the work the City is undertaking as part of the Major Transit Station Areas – Area Specific Plan process as this process would address the matters of land use distribution, land use compatibility, and municipal servicing and infrastructure requirements.

Should you have any questions concerning the above noted comments, please contact me at 905-825-6000, ext. 7604.

Sincerely,



Adam Huycke, MCIP, RPP, CPT  
Senior Planner

Appendix 'A' – Regional Servicing Comments

## **APPENDIX 'A'**

### **SUPPLEMENTAL MUNICIPAL SERVICING COMMENTS**

#### *Existing infrastructure:*

There is a 300mm diameter watermain located within Waterdown Road adjacent to the property. There is a 600mm diameter trunk watermain located within Waterdown Road adjacent to the property. There is a 200mm diameter wastewater main located within Waterdown Road adjacent to the property.

There are some issues that have been identified below that need to be addressed, and it is recommended that they be discussed in detail with the civil engineering consultant.

- Section 1.2, Background Information, Ref. 3: Halton Region Water and Wastewater Linear Design Manual should refer to Halton Region LDM (October 2019, Version 5.0).
- Please be advised that three valve full-size water chamber configurations may be required for watermain system isolation at the time of Services Permit review for the proposed water service connections to the municipal system. This is as per Halton Region's Water and Wastewater Linear Design Manual Standards (October 2019, Version 5.0 . Note, the most up to date version of the LDM will apply at the time of permit).
- Please feel free to discuss your proposal for multiple water service connections (as per your reference to the Ontario Building Code) with the Region's Service Permit Section. Please include the Region's Development Project Manager in those discussions.
- It would appear that the proposed water service connection laterals may require substantial water service lowerings underneath of the storm sewer and trunk watermain within Waterdown Road. Please be advised that another cross-section drawing detail may be required on the preliminary draft site servicing drawings.
- Water services and sanitary services to be disconnected right at the respective main by the property owner. The notes on the drawing happen to say as per City of Burlington Standards.
- The Regional wastewater mains within Waterdown Road will only accept wastewater flows that are generated from this development. The Region will not allow the buildings foundation drains to discharge into Regional wastewater mains. This includes all long-term groundwater and short-term (construction) groundwater that is a result of this development. Please coordinate with the City of Burlington for further information on foundation drains and associated groundwater discharging into the City of Burlington's stormwater mains in Waterdown Road.
- The owner should be aware of the Region's Cross-Connection Control Program, as it relates to the Region's Drinking Water System By-law 71-19. Information is available on the Region's website at <http://www.halton.ca/For-Business/Water-and-Wastewater-for-Business/Cross-Connection-Control-Program-and-Backflow-Prev> The Region's Public Works department monitor development applications for their impact to the water distribution system, sanitary sewer collection systems and Skyway WWTP. The Skyway Wastewater Treatment Plant undertook an expansion that increased the capacity of the plant from 118 MLD to 140 MLD. In general, there is adequate water and wastewater capacity available to support the development of the subject lands at this time. The Owner should be advised that at the Site Plan stage there will be specific conditions related to water capacity, wastewater (sanitary) capacity, and the availability of that capacity within the term of site plan approval. Granting of site plan approval does not imply a guarantee

by the Region to service this development within the term of the site plan approval. It should be noted that the specific technical details related to servicing the proposed buildings will be worked out during the Site Plan stage when the owner applies for a Regional Services Permit. In this case, it is recommended that the owner keep in mind to make an application early enough in order to work through the details. The issuance of a Regional Services Permit, Special Financial Agreement and Regional Servicing Agreement (if required) are Halton's confirmation that servicing will be available to service this site. Satisfying the requirements of the Commissioner of Legislative & Planning Services and Corporate Counsel, Commissioner of Public Works, the Region's Development Project Manager and the Region's Services Permits Section will be required prior to the owner obtaining a Regional Services Permit, City of Burlington site plan approval and City building permits.