

**June 26, 2022**

Attn: City of Burlington Planning Department  
426 Brant Street  
Burlington, ON L7R 3ZR

## **RE: Release of Major Transit Station Areas Land Use Compatibility Study**

### **Introduction**

Appleby Urban Vision Corp (the “Owner”) owns the properties at 747 Appleby Line & 5091 Fairview Street in the City of Burlington (“Subject Site”), at the northeast corner of Appleby Line and Fairview Street. The Subject Site is approximately 10.3 hectares (25.5 acres) in size, making it one of the largest individual properties and future redevelopment sites within the Appleby GO Major Transit Station Area (“MTSA”). It is also located directly adjacent to the Appleby GO Station, making it a primary focus for future intensification.

The Planning Partnership (“TPP”) was retained by the Owner to participate in the planning process for the Appleby GO MTSA on their behalf, and to provide planning advice as it relates to the planning and future redevelopment of the Subject Site in accordance with the MTSA planning framework as it develops. We are writing this letter in response to recently released work regarding land use compatibility, which had previously caused the planning process for the Appleby GO MTSA to be paused.

### **Summary of Activities to Date**

Following the summer 2021 Council workshop reinitiating the Burlington MTSA Area Specific Plan (“ASP”), TPP attended fall engagement sessions, met with Councilor Sharman and City Staff and began preliminary master planning work for the future of the Subject Site. Alongside the January 2022 Staff presentation of the Recommended Preferred Precinct Plans to Council, TPP delegated and presented a preliminary planning and design vision for the future of the Subject Site.

The planning and design vision for the Site is intended to follow the guidelines set out in the precinct plans with respect to heights, residential and commercial use mix, active transportation connections, parks and open space and considerations towards retaining or supporting future, retained employment functions. As part of the delegation, TPP emphasized a desire to continue to work collaboratively with City Council and Staff in planning for the future of the Subject Site, as well as calling for a flexible planning policy approach.

We remain deeply committed in continuing to work with City Staff in a collaborative manner on a future and more detailed and comprehensive planning and urban design vision, which ensures that Council’s preferred vision for the Appleby GO MTSA is realized. We are also interested in developing and incorporating solutions to compatibility concerns and other issues that maximize flexibility for existing and future users in the MTSA, in order that detailed, site-specific considerations can be incorporated into any analysis related to compatibility.

### **Land Use Compatibility**

In July 2022, we submitted a letter to the City, recommending that land use compatibility considerations not pause or delay work on the Appleby GO ASP. Though we are cognizant of the challenges associated with the introduction of new sensitive land uses in proximity to existing industrial uses, it was and continues to be our view that it is difficult and impractical to attempt to comprehensively address all of these concerns at such an early stage in the planning process. Instead, as outlined in our letter dated March 30, 2022



(attached to this letter), we recommended and continue to recommend that the ASP establish a policy framework that is designed to guide the future evaluation of land use compatibility considerations and implementation of potential mitigation measures on a site-specific basis, through and as part of future development applications. This will allow any future evaluation and mitigation implementation to be guided by specific design details, such as building design, site layout, and land use distribution.

Though the Appleby GO ASP was ultimately paused by nearly a year to allow for additional land use compatibility analysis by the City and their consultant, we are pleased to now see that progress has been made, with the resulting recommendation from the new Major Transit Station Area Land Use Compatibility Study (May 2023) being:

*An ASP policy to require that land use compatibility is addressed at the development application stage through a site-specific land use compatibility assessment, in accordance with a Terms of Reference developed by the City and the applicable MECP guidelines and PPS (2020) policies.*

**On behalf of the Owner, we completely support and encourage City Council to endorse this recommended approach. This will allow work to resume, for the City's preferred vision for the Appleby GO MTSA to be established and for a high-level planning policy framework to be implemented, from which more detailed development applications can be advanced and land use compatibility considerations can be evaluated and addressed in a much more detailed and implementable way.**

#### **Next Steps**

We and the Owner are eager to continue our work and as such look forward to the release of draft ASP policies this Fall. We also look forward to continuing our collaborative involvement throughout this ASP process.

*Respectfully,*

A handwritten signature in black ink that reads 'Bruce Hall'.

Bruce Hall, BES, MCIP, RPP, Partner

A handwritten signature in blue ink that reads 'Brandon Simon'.

Brandon Simon, BES, MCIP, RPP, Associate

*Cc: Bernd Abromeit-Kremser, Appleby Urban Vision Corp*

March 30, 2022

Attn: City of Burlington Planning Department  
Community Planning Department  
426 Brant Street  
Burlington, ON L7R 3ZR

**RE: Appleby GO MTSA Area-Specific Planning Project – Land Use Compatibility Between Appleby GO Central Precinct & Urban Employment Precinct**

**INTRODUCTION**

Appleby Urban Vision Corp (the “Owner”) owns the properties at 747 Appleby Line & 5091 Fairview Street in the City of Burlington (“Subject Site”) at the northeast corner of Appleby Line and Fairview Street. The Subject Site is approximately 10.3 hectares (25.5 acres) in size and is located directly adjacent to the Appleby GO Station. The Subject Site is situated in the Appleby GO and Fairview Frequent Transit Corridor precincts in the Appleby GO MTSA, as delineated by the Recommended Preferred Precinct Plan. The Subject Site is a one-storey warehousing/shopping facility currently occupied by a fully leased logistics hub with multiple tenants.

The Planning Partnership (“TPP”) was retained by the Owner to participate in the planning process for the Appleby GO MTSA on their behalf, and to provide planning advice as it relates to the planning and future development of the Subject Site in accordance with the MTSA planning framework as it develops. As such, we have been actively following the MTSA planning process to date and concurrently planning for the future of the Subject Site, including recently presenting a Preliminary Master Plan Concept for the Subject Site to City Staff. At this meeting, City Staff also asked TPP for feedback on possible approaches to consider or to address land use compatibility between the future mixed-use lands to the south of the rail corridor including the Subject Site, and existing/future employment lands to the north.

The Owner and TPP recognize the challenges of urban structure, growth management and transit-oriented densification in an area with existing employment and future sensitive uses (such as residential or institutional) and are interested in solutions that are equitable to and maximize flexibility for existing and future users within a changing or evolving broader context. Common compatibility concerns in these situations include the impact of noise, dust, odour, traffic, vibrations and potentially noxious emissions from industrial facilities on nearby sensitive uses.

It is important to note that these challenges are fairly common and frequently addressed within changing urban contexts. Historically, employment areas in the GTA were concentrated around rail infrastructure. However, many employment users in these areas no longer rely on rail transportation. Instead, the Province has identified the rail network as the backbone of the regional transportation system and required municipalities to plan for significant residential or mixed use intensification in and around MTSAs. As such, land use compatibility is a common concern throughout the GTA, and one that is frequently addressed through creative project design and collaborative mitigation strategies.

Some broad or high level processes and strategies to consider to potentially addressing concerns in the context of Burlington’s MTSAs have been outlined below.



## AREA-SPECIFIC PLANNING & DEVELOPMENT PROCESS

Firstly, we recognize that the intention of the Area-Specific Planning process is to develop a vision for the different MTSAs, which will be the focus of much of the future residential and mixed-use development in the City with the intent that they will emerge as vibrant, transit-oriented communities that will support and be supported by a multi-modal transportation network. To implement this vision, the Planning process will likely involve Official Plan and Zoning By-Law Amendments, as well as Urban Design Guidelines.

Notwithstanding the breadth of the City's Area-Specific Planning process, eventually, site-specific concerns and associated solutions for land use compatibility will depend upon or respond to specific development proposals and associated mitigation strategies. Ultimately, these will need to be resolved or implemented through later stages of the development process, typically through Site Plan review.

Given the need to have specific development proposals in order to devise specific mitigation strategies, we believe that an appropriate approach for the City as part of the Area-Specific Planning process is to establish a broader policy framework, principles, and high-level approaches that will guide future site-specific development applications by explaining what land use compatibility is in the context of the MTSAs and outlining a process to achieve it. This framework will work in tandem with other guidelines at the Provincial level (e.g. D-6 Guidelines, guidelines regarding noise limits, etc.), which all development projects must address regardless of the local planning framework.

### TPP RECOMMENDS THAT THIS FRAMEWORK POSSIBLY INCLUDE THE FOLLOWING CONSIDERATIONS:

- The Recommended Preferred Precinct Plans set clear direction for future land uses and to illustrate the City's ideal vision for how these areas will be redeveloped over time. The Plans address several different factors including density, built form and the introduction of active connections, park space and potential public services. The overall goal of the land use compatibility framework should be to achieve this ideal vision in a way that ensures land compatibility is achieved. The framework should not be overly prescriptive or rigid, and the City should not change its vision for the MTSAs in an attempt to pre-determine detailed compatibility issues and mitigation requirements that cannot be determined at this time.
- Though Provincial guidelines will apply to any development proposal regardless, the framework should identify key Provincial guidelines that apply and which the City will consult in the development application process, including the D-6 Guidelines.
  - At the time, the framework should also recognize potential compatibility concerns and requirements associated with the rail corridor. This may include consideration of the 30 metre setback that is typically required by Metrolinx for residential development (this is also typically the recommended setback for other uses). Combined with the width of the corridor itself, this will provide a significant physical separation between existing employment users to the north and new development to the south.
- The framework may also re-iterate the typical industry principle that existing uses will be allowed to continue their existing, lawful operations, and that the onus will be on development applications to satisfy the City that this will be achieved on a project or site-specific basis.
  - Notwithstanding this, the framework should also direct existing employment users to work collaboratively with developers and the City to develop mitigation strategies for specific development projects that enable the City's vision to be achieved while allowing existing employment operations to continue.
- The framework should identify different types of mitigation measures that may be useful in implementing for specific development applications, including appropriate site layout and building design (e.g. location of sensitive interior spaces, use of enhanced glazing assemblies to reduce noise impacts, etc.), physical separation, and potential on-site and/or at-source mitigation



measures (e.g. noise walls, exterior and interior building design/layout, improvements to mechanical systems at employment facilities, etc.).

- The City should commit to acting as or providing a facilitator to achieve a high-level of consultation and collaboration between existing employment users and development applicants in the interests of achieving the vision for each MTSA.
- In the case of disagreement regarding mitigation strategies or overall land use compatibility considerations, the City should look to retain a peer reviewer. The City may also want to retain a mediator or facilitator to assist with engagement among the interested parties to review technical studies and determine whether land use compatibility can be achieved.

### Next Steps

We recognize the amount of activity taking place in the City of Burlington this spring in relation to transit-oriented growth and development including the upcoming release of Official Plan Amendments, Inclusionary Zoning Policy, and the related technical studies for both of these processes. We look forward to reviewing the OPA for the Appleby GO Station MTSA, when the plans are available and engaging in upcoming feedback sessions as well as any future sessions between local tenants and owners on compatibility strategies for the future.

Warm regards,

A handwritten signature in blue ink that reads "Bruce Hall". The signature is fluid and cursive.

Bruce Hall, BES, MCIP, RPP, Partner

A handwritten signature in blue ink that reads "Brandon Simon". The signature is fluid and cursive.

Brandon Simon, BES, MCIP, RPP, Associate

*Cc: Bernd Abromeit-Kremser, Appleby Urban Vision Corp*