



SUBJECT: Proposed Major Transit Station Area (MTSA) Official Plan Amendment and Draft Community Planning Permit (CPP) By-law Public Release and Statutory Public Meeting

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-59-23

Wards Affected: 1, 2, 4, 5

Date to Committee: October 31, 2023

Date to Council: November 14, 2023

Recommendation:

Direct the Director of Community Planning to consider Council, agency, development partner and community feedback received as part of this statutory public meeting, prior to bringing forward a subsequent staff report recommending adoption of Official Plan Amendment No. 2 and Community Planning Permit By-law in December 2023; and

Receive and file the technical documents completed as of October 31, 2023 (Appendices C-D) as follows:

-Transportation Assessment (September, 2023), as prepared by Dillon Consulting, and contained in Appendix C of community planning department report PL-59-23;

-Functional Servicing Study (July, 2023), as prepared by WSP, and contained in Appendix D of community planning department report PL-59-23.

PURPOSE:

The purpose of this report is to:

1. Release the proposed draft Official Plan Amendment No 2 (Appendix A) and draft Community Planning Permit By-law (Appendix B) for community and Council consideration;
2. Highlight the elements of the proposed Draft Plan Amendment and Draft Community Planning Permit By-law, including consideration of staff direction SD-20-22;
3. Transmit a number of technical studies and elements;

4. Transmit a summary of recent engagement and notice; and
5. Outline next steps to the recommendation for adoption of the proposed Official Plan Amendment and CPPS By-law.
6. Provide an update on the lands formerly located within the MTSA Special Planning Area prior to the delineation of the MTSA Boundaries through ROPA 48.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
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Background and Discussion:

On July 5, 2022, staff presented report [PL-10-22, Major Transit Station Areas- Area Specific Plans Planning Study Update](#). The report outlined the MTSA ASP process and presented the findings of the MTSA ASP Planning Study Final report. As a result of Committee discussion around staff report PL-10-22, the following staff direction was provided:

Direct the Director of Community Planning to re-examine the Burlington GO Central Precinct with respect to requirements related to achieving maximum height permissions on a given site, alongside the provision of community amenities, affordable housing and community facilities commensurate with those maximum height permissions and the supporting policies and policy directions (SD-20-22).

In addition to the staff direction, Council identified the issue of transitions from areas inside the MTSA to existing low-rise residential areas outside of the MTSA which staff committed to exploring further.

Following the July 2022 Council direction, staff explored the availability of innovative tools available to municipalities that would focus on securing the essential elements needed to achieve complete community objectives while permitting maximum height permissions with the delivery of facilities, services and matters proportional or commensurate with height permissions.

On June 27, 2023, staff presented report [PL-40-23, MTSA Update and CPPS Exploration](#). PL-40-23 provided an update on the project, transmitted newly completed technical studies and introduced the Community Planning Permit System as a tool to achieve the City's vision for the MTSAs as well as to permit the maximum heights provided both the demonstration of contribution to achieving complete communities and

the demonstration of appropriate transitions to low rise areas outside of the MTSAs. Also, through community planning department report PL-40-23, Council directed staff to prepare a draft Community Planning Permit By-law for consultation in the Fall of 2023 at the same time as the release of draft Official Plan policies. As outlined below, the draft CPP By-law has established a framework for the provision of services, facilities and matters commensurate with the permissions for height and density as well as established a series of development standards to ensure that development delivers a variety of community amenities and transitions appropriately to existing low rise areas outside of the MTSAs. Staff acknowledges that the above-noted provisions will be subject to feedback through this process, however the framework has been drafted to address Council's July 2022 direction.

Staff have worked over the course of the summer to prepare a proposed Official Plan Amendment (OPA) and draft Community Planning Permit (CPP) By-law for all three of Burlington's MTSAs. Collectively, these documents satisfy the Region's requirements for area-specific planning through establishing the vision, objectives, policies, and implementation framework to encourage the redevelopment of the Protected Major Transit Station Areas into complete communities that are mixed-use, intense, transit supportive, safe, and respectful of surrounding areas including natural heritage and existing neighbourhoods.

The proposed OPA and draft CPP By-law are being released for the purposes of engagement with Council, the community and the City's development and agency partners. Staff have made deliberate efforts to approach both documents differently in recognition of the need to ensure that the city can facilitate the creation of more housing and more diverse housing options in these key areas of the city.

The proposed OPA and draft CPP by-law are intended to be read together. It is important to note that neither document is in its final state and feedback received on these documents through this statutory engagement period will be used to refine them prior to a recommendation report to Council for approval and/or adoption.

Proposed Official Plan Amendment (OPA) No. 2

In 2020, the Burlington Official Plan was approved by Halton Region that established the community's vision for growth through an Urban Structure and Growth Framework to accommodate growth through a hierarchy of land uses and identified the City's three MTSA as the priority locations to accommodate that growth. While the majority of the Burlington Official Plan, 2020 was appealed to the Ontario Land Tribunal (OLT), the OLT issued a decision on January 4, 2023, confirming that portions of the plan are in effect and therefore may be amended in accordance with the Planning Act.

Through community planning department report [PL-45-23: Burlington Official Plan, 2020 Targeted Realignment Exercise-Initial Work Plan](#), staff provided an approach to

advance the appealed portions of the Burlington Official Plan, as well as address the ongoing change to Ontario's land use planning framework. The Terms of Reference for the MTSA ASP Planning Study included a separate deliverable related to assessing lands that had been identified as "MTSA Special Planning Area" in the Official Plan 2020 at the time of Council adoption but were removed through the delineation of the MTSA Boundaries in ROPA 48. The assessment was intended to determine if the underlying Official Plan designations remained appropriate or if changes should be made through re-designations of these non-MTSA areas. These impacted lands are east of what is now the Aldershot GO MTSA. Working with Dillon Consulting, staff has done an initial review of the underlying designations, however, given the on-going appeals to the Official Plan 2020, as well as the Targeted Re-alignment process, currently under way, staff is referring this component of the project to be reviewed through the Targeted Re-Alignment Process where it can be properly re-assessed in the context of broader city growth objectives.

Draft Official Plan Amendment No. 2, as found in Appendix A, is one of the first elements of the targeted re-alignment exercise to advance a policy framework for the implementation of the MTSA ASP project.

In light of the Council direction through report PL-40-23 to pursue a Community Planning Permit system, staff have been working over the summer to prepare an updated Draft OPA that includes the policies required to enable a CPPS. The proposed OPA has been written to account for any necessary study or other implementation requirements stemming from planning analysis or the technical studies.

The proposed OPA establishes a policy framework to encourage re-development of the MTSAs into mixed-use, intense, transit supportive, safe, communities that are respectful of surrounding areas including natural heritage and existing neighbourhoods.

The proposed OPA, replaces the MTSA policies (largely found within Chapter 8, subsection 8.1.2) in the Burlington Official Plan, 2020 which were developed at a time when the Region of Halton's Municipal Comprehensive Review was still underway. The existing policies acknowledged that the Regional policy framework, including the delineation of the MTSAs had not yet been developed and set out in subsections 2.2.3 d) iv) and in 2.3.1 h) that the final delineation of Major Transit Station Area (MTSA) boundaries and minimum density targets will be established by the Region of Halton through the municipal comprehensive review in keeping with the policies of the Provincial Growth Plan. Beyond the replacement of the policies largely contained in subsection 8.1.2, the proposed OPA relies broadly on the Official Plan, 2020 with minimal proposed modifications except where necessary to operationalize, establish and implement the MTSAs or to establish the CPPS.

The OPA as proposed, provides only the core policies required to establish the MTSA as Protected MTSAs and the necessary policies to enable the functional development of these areas, particularly as it relates to infrastructure and a public realm and sets the

foundational policy framework for a public realm that can be regulated through the Community Planning Permit System. The OPA establishes the broad parameters for development in the MTSA's including the boundaries of the MTSA, minimum density targets and proportional target mix of people and jobs as well as authorized uses of land in each MTSA and minimum floor area ratios.

OPA No. 2 was also written to support growth and intensification in the MTSA areas through its broad and flexible nature and is intended to serve as the foundation for the more detailed Community Planning Permit System By-law which will guide development in these key intensification areas. As such, things like maximum heights and maximum densities are not established in the proposed OPA but rather regulated through the Community Planning Permit By-law.

Draft Community Planning Permit By-law

Community planning department report PL-40-23 provided an exploration of the use of the CPPS tool to help to achieve the city's objectives in MTSA's. In particular, the tool was identified as being of benefit as it would use the more than seven years of public engagement on the MTSA's/Mobility Hubs to form the vision and establish a new regulatory structure. Engagement now on the CPPS with Council, the City's development partners, and the community is of great importance to ensure that the framework is reflective of the collective vision, before it is set in the CPP By-law.

Since Council's approval of the direction to prepare a draft CPP By-law for engagement, staff have worked with Dillon Consulting to prepare the draft contained in Appendix B. The Draft CPP By-law provides the regulatory framework which will replace Zoning By-law 2020 within the geographic area of the MTSA's. The creation of the CPPS has the effect of requiring technical modifications to a number of other by-laws and city processes, including the Delegated Authority By-law, Site Plan Control By-law, Community Benefits Charge By-law, among others. The Draft CPP By-law operates using a broadened definition of development to include a number of processes into a single application review process to streamline development approvals and provide greater transparency and certainty. The Draft CPP By-law regulates the permitted and discretionary uses of land as well as the standards of development applicable to those uses. The Draft CPP By-law has deliberately been written to establish development standards which focus on the elements that, in staff's opinion warrant regulating, especially in an intensification context.

The draft CPP By-law is structured as follows:

- The **Introduction** Section (Section 1) sets out the community vision and goals for the MTSA.
- The **Definitions** Section (Section 2) provides definitions for terms that are used throughout the bylaw for ease of interpretation and implementation.

- The **Administration** Section (Section 3) outlines the operation and administration of the by-law including listing of exemptions, establishing permit classes and the framework for approvals and performance standards.
- The **Other Administrative Matters** Section (Section 4) contains transitional provisions to addresses development application in various process stages at the time of passing the by-law, regulations by-law amendments and the criteria in which an amendment would be considered in light of the *Planning Act* limit that an amendment to the by-law cannot be made before 5 years, except by Council resolution.
- The **General Provisions** Section (Section 5) sets out the provisions and regulations that apply to all classes of development as well as provides for specific use permissions related to additional residential units, outdoor patios and day care centers, among others. This section also includes provisions related to transportation, parking, parking design including aisles and spaces, land use compatibility, public realm and the provision of services, facilities and matters among other things.
- The **MTSA Permit Area Provisions** Sections (Sections 6-8) sets out the permitted and discretionary uses and standards for each precinct in the MTSA and the variation thresholds that apply.
- The **Site-Specific Provisions** Section (Section 9) includes the **site-specific provisions** that are specific provisions and regulations being carried into the By-law from Zoning By-law 2020.
- The **Schedules and Appendices** Sections (Sections 10 & 11) include the mapping, conditions of approval, Conservation Halton regulatory mapping, affordability threshold values and previous holding provisions. It is important to note that the schedules are part of the By-law, whereas the appendices are supporting and do not form part of the by-law.

The draft CPP by-law establishes three classes of development permits, each with different approval requirements. The purpose of these classes is to reduce the need for Council time dealing with development applications that meet the intent of Council approved polices and maximizes staff delegation, within set parameters and subject to approved criteria for the assessment of variations. All of this is intended to facilitate the expedited timelines and approvals.

Class 1 permit applications meet all development standards. As they meet the rules established by the planning documents adopted by Council, processing these permits does not require deliberation of the merit of the application and permits can be approved by staff. The development standards and provisions contained in Sections 5-

8 and through Schedules B-2, C-2 and D-2 represent the Class 1 height maximums and development standards and provisions. Section 5.29 establishes the base expectations related to the provision of Services, Facilities and Matters for Class 1 applications.

Class 2 permit applications are those that require a variation to the development standards, that may be delegated to staff for review against established and Council approved criteria and approval. Staff's approval threshold is dependent on the standard being varied (as set out in Sections 5 –8 in accordance with the By-law). With respect to heights, Schedules B-3, C-3, and D-3 represent the maximums related to height that staff can approve. As in a Class 1 application the provision of services, facilities and matters in accordance with Section 5.29 is required, which includes providing additional contributions proportionate to the additional height and density provided by the application.

Class 3 permit applications are those that seek approvals beyond the Class 2 thresholds contemplated by Schedules B-3, C-3 and D-3 and would require Committee or Council Approval. At present there is no threshold established in the CPP By-law on the variations for height that can be contemplated by Council and the development standards identified in Section 5 are subject to the provisions of the By-law and development standards in Sections 6-8 can be varied up to 100%. All Class 3 applications are intended to include the provision of Services, Facilities and Matters proportionate to the height and density of the application.

Anything outside of a Class 3 variation (i.e., the introduction of a use not contemplated or permitted in the by-law) would require an amendment to the CPP By-law, which would be a public process.

To support a streamlined development review processes and encourage the redevelopment of the MTSAs, the Draft CPP By-law includes a focused set of development standards. This amounts to less regulation than is found at present in the Zoning By-law 2020. The purpose of the reduction is to reduce the time spent reviewing the site for compliance and focus more on the critical components of the plan to ensure the development performs and can function appropriately in an intensification context. This review is supported by the submission of technical studies, as appropriate, to ensure things like servicing, land use compatibility and transportation concerns are adequately addressed at the site level.

The draft CPP By-law utilizes an expanded definition of development to incorporate a number of review processes into a single, flexible and streamlined process with a 45-day turnaround. The draft CPP By-law is intended to, when approved, replace Zoning By-law 2020 in only the MTSAs and provide the necessary regulatory framework that will enable development in line with the vision as established by the City through OPA No. 2 and the Goals, Objectives and Guiding Principles of the By-law.

The draft By-law has been deliberately written to include a more focused set of development standards than a typical zoning by-law and identifies where a use may be

permitted in the fullness of time, but where further study would be required to ensure that use could be permitted.

It is important to note that the Draft CPP By-law has been informed by on-going dialogue with Council, agency and public feedback as well as input from our development industry partners as outlined in the Engagement Matters section of this report, including through the circulation of components of a preliminary draft CPP by-law on a confidential and without prejudice basis. Staff has continued to engage in discussions with the planning and development industry and anticipate numerous changes to the draft CPP By-law as a result of Council, agency and public feedback received through the Statutory process this fall.

Technical Studies

Since June 2023, staff have completed several further technical studies supporting the Area Specific Plans as follows:

Study Name	Status	Impact to ASPs/Draft OP Policies	Appendix Location
Functional Servicing Study	Completed by WSP (Formerly Wood) July 2023 (draft)	The Functional Servicing Study (FSS) was completed through the Mobility Hubs Study and updated following the 2019 pause of the study. The FSS informed the creation of policies and will further inform CPP/Zoning By-law regulations.	Appendix D to PL-59-23
Transportation Assessment	Completed by Dillon September 2023 (draft)	The Transportation Assessment informed the development of policies as well as mapping and schedules for the MTSAs	Appendix C to PL-59-23
Fiscal Impact Study	Underway Dillon Estimated Completion Fall 2023	The Fiscal Impact Study is intended to be an informative study, completed following the completion of the Official Plan policies and informed by the other technical studies	N/A

Given the evolution of the planning framework in Ontario, including the changing role of Halton Region and the sequencing of the MTSAs technical work with ongoing and future

studies and processes, a number of items of further study have been identified out of the technical work:

- The Land Use Compatibility report recommended a study/approach to the use of Class 4 noise designation to approve alternate noise targets.
- Transportation Study recommended the need to complete a Traffic Impact Study to accommodate development applications to examine the impact of the development on the existing and planned multi-modal transportation network as well as a monitoring exercise of the parking standards implemented through the Community Planning Permit System to ensure that the parking standards are effectively satisfying market demands and meeting the objectives of the Area Specific Plan.
- Functional Servicing Report recommended that additional modeling is necessary from a broader system perspective to determine broad Regional Water and Wastewater servicing capacity to align with the Region's Infrastructure Master Planning process.
- Further assessment of the impacts of the City's Housing Pledge, Minister's decision of ROPA 49 and the Region's Joint Best Planning Estimates exercise.

The Transportation Assessment and Functional Servicing Study remain under review by the Region and are subject to approval and modification. Staff will continue to work with the Region to finalize the review of these technical studies and note that changes to the proposed OPA or draft CPP By-law including conditions of approval, an agreement requirement or further study by the City or by the applicant at the development application stage may be required as a result of the conclusion of that review.

Strategy/process/risk

This report, PL-59-23, initiates the statutory element of the MTSA ASP Planning Project, formerly the Mobility Hubs Study, which began in 2017. The project has undergone a number of starts and stops and has encountered a number of complications as have been documented through previous staff reports.

Staff will continue to respond to and better understand the impacts of these complications, including the appeals to the Official Plan, 2020, the Minister's approval of ROPA 48 and ROPA 49, the release of the Region's Joint Best Planning Estimates (JBPEs) combined with multiple changes Ontario legislation including to the *Planning Act* and planning system in Ontario. Staff will provide a complete risk assessment as well as an assessment of the Planning context and policy changes at the time of Committee and Council consideration of a recommendation report, later this year or as directed by Council.

Inclusionary Zoning in Burlington's MTSAs

In July of 2022, staff provided an update on the preparation of the Inclusionary Zoning Municipal Assessment report through staff report [PL-56-22 City of Burlington Housing Strategy Inclusionary Zoning Municipal Assessment Report update](#). This report provided an update on the preparation of the Inclusionary Zoning Municipal Assessment Report which was identified as a key deliverable of the Housing Strategy project. The intent of this key deliverable was to prepare a Municipal Assessment Report that meets the requirements of the Provincial Regulation for Inclusionary Zoning (Ontario Regulation 232/18) under the Planning Act. This was further reinforced by Action 12 of the Housing Strategy: "Undertake a formal assessment of the potential to introduce inclusionary zoning". The work on the Municipal Assessment Report began in the summer of 2021 and had continued throughout the development of the Housing Strategy.

Staff undertook significant technical background work and outreach to the development community. At the time of the previous report staff acknowledged that given the wide range of recent and pending changes to provincial policy that will impact the approach for IZ, the consultant team and the Housing Strategy Steering Committee determined that the Municipal Assessment Report work should be paused.

This pause allowed for the project team to assess the implications of Bill 109, More Homes for Everyone Act, 2022, monitor the Inclusionary Zoning work underway in other municipalities, and to progress on the City's Major Transit Station Area Area-Specific Planning Project. Since then, Bill 23, More Home Built Faster Act, has introduced additional changes that would impact the delivery of Inclusionary Zoning. Additional uncertainty has also been introduced by proposed changes to Ontario Regulation 232/18 – Inclusionary Zoning, which have yet to be delivered.

Given the direction to develop a CPPS and given that the tool includes mechanisms to consider services, facilities and matters staff clarify that at this time Inclusionary Zoning is not being proposed. Staff recommend that we move forward with the CPPS to achieve, among a number of other things, housing affordability and attainability. Staff do recommend revisiting this position in the future. It is also noted that a number of the Housing Affordability Task Force recommendations may have the effect of seeing further evolution of the IZ tool and staff remain committed to revisiting opportunities in the future.

Next Steps

Staff will continue to work through feedback received throughout the statutory process beginning on October 11th. All feedback received will be documented along with any

changes made to the proposed OPA and Draft CPP By-law. A record of both will be prepared for the recommendation report to Council.

Staff will also continue to work on a plan to implement the CPPS into the development application review processes at the city, including the determination of application fees. Implementation of the CPPS will be supported by the creation of an Implementation or Guidance document, currently underway, which intends to provide clarity to all users of the CPP By-law to support change management and the implementation of the tool. Further work will also be required to establish an implementation plan and to assign appropriate resources to support the implementation of this new tool and approach.

As noted in the Engagement Matters Section below, the preliminary engagement with the development industry identified a number of areas where further clarity would be needed in order for the CPPS to work as intended. Staff will continue to seek opportunities for clarity in refining the OPA and CPP By-law and will continue to develop the CPPS Implementation or Guidance Document. This document is intended to be a dynamic document that is updated regularly to provide clarity as issues arise and to identify the unique needs of each MTSA as it relates to complete community components and the provisions of services facilities and matters (i.e., the need for a fire station in Aldershot GO MTSA).

Staff is also actively engaging in discussions with potential developers to act as a potential “test cases” to assess development applications in the context of the draft CPP By-law to iron out any issues and refine where appropriate. Staff is exploring possible incentives such as reduced or eliminated application fees for early adopters or test applications.

Lastly, staff will continue to work closely with other city departments and agency partners such as Halton Region and Conservation Halton to ensure alignment with a number of related projects with implications for the MTSA/CPPS projects including, but not limited to:

- Temporary Outdoor Patio Report
- Comprehensive Zoning By-law Review Project
- Halton Region (JPBE, Integrated Master Servicing Plan, review of OPA No 2 and supporting technical studies)
- Conservation Halton – (Updated Regulatory Area mapping, Spills Policy)

Options Considered

In taking the approach of a more streamlined policy and regulatory framework, staff acknowledges that there is risk. Staff will be working with all city departments and agencies to ensure that the OPA and CPPS are prepared to support both the objective of building a streamlined regulatory framework while also ensuring that there are

appropriate safeguards and approaches in place to support the creation of safe and complete communities.

Financial Matters:

This project has proceeded in accordance with the increased budget for the project as approved through community planning department report PL-40-23 to date. Staff notes that there is a high likelihood of the project going over budget related to engagement considering the discontinuation of the print edition of the Burlington Post. Staff are exploring alternative options to ensure that notice and engagement requirements are met under the Planning Act and note that alternatives are substantially more costly than planned for with the Burlington Post in mind. Staff will provide a summary of the project budget through a subsequent staff report, upon completion of the draft CPP By-law.

Climate Implications:

Burlington's MTSA's play a key role in the sustainable growth of our city and to address climate change. The draft Official Plan policies and draft CPP By-laws will both reflect the importance of sustainable development and its role in fighting climate change.

Engagement Matters:

Engagement has continued to be a central element of the MTSA Project. The following provides a summary of engagement around the project, all of which can be determined to have informed Proposed OPA No. 2 and the draft CPP By-law.

MTSA Project – General Feedback

Feedback Summary (December 2021 to July 2023)

Appendix E contains a summary of all of the comments received to date related to the MTSA ASP Planning Study, as well as a staff response and comment on how the comment or feedback has informed the various stages of the project, including the proposed OPA, draft CPP By-law, schedules, etc.

Talk to a Planner

As indicated in community planning department report PL-40-23, staff have held recurring "talk to a planner" sessions where members of the public, planning and

development industry and landowners were able to talk directly to the project team for updates on the project, site-specific inquiries or just generally ask questions and discuss the project. Since staff's last update in June 2023, staff have held more than 10 Talk to a Planner session, primarily with members of the planning and development community.

Get Involved Burlington

Staff continues to use Get Involved Burlington as the main source of engagement and notification about the project. The MTSA Project Get Involved page is regularly updated as new information becomes available and has approximately 115 subscribers.

Food for Feedback 2023

Staff once again participated in the City's annual Food for Feedback event, held on Saturday, September 16th at Central Park. This year over 2000 people attended the event and staff were able to connect with many visitors to share information about the project, explain the use of the Community Planning Permit System tool and ask people to share their preferences for how and how frequently they wish to be notified of any new applications within our MTSA's.

This input has informed our approach to voluntarily providing notice of applications as they are received. If approved, Staff will continue to work through the details of implementation, and informed by Council's discussion and direction, to prepare an operating procedure to ensure that information is shared with the community in a timely and relevant way.

CPPS Engagement

Following the direction to prepare a draft CPP By-law for engagement in the Fall, staff undertook to prepare the draft by-law beginning with key components that were thought to benefit from advanced engagement with two key user groups of the CPP By-law, City Staff and the planning and development industry. In June, staff attended a Housing Development Liaison Committee (HDLC) meeting to share an update about the MTSA Project, orient the committee to the CPP tool and committed to preliminary engagement with the development industry over the summer, through the development of the draft CPP By-law.

On August 16th in partnership with the Burlington Chamber of Commerce and Burlington Economic Development, Staff held a roundtable discussion with members of Burlington Chamber of Commerce's development community. At this well attended event, Dillon Consulting walked the participants through preliminary approaches to aspects of the By-law including the criteria for variation, the approach to services, facilities and matters,

application classes and more. The feedback received at this event directly informed the creation of a Preliminary Draft of elements of a CPP By-law which was shared with interested members of the industry on a confidential and without prejudice basis. As a result of the circulation of the preliminary draft, staff received a number of submissions that were instrumental in informing the draft CPP By-law as contained in Appendix B. As a result of the feedback shared, staff and Dillon worked to clarify language and meaning, to establish a working draft of an implementation/guidance document, implement a number of simplifications and provide clarity in definitions.

The feedback received through the Preliminary Draft CPP circulation, can be summarized as follows:

1. More clarity:

- Given that the tool is new and has yet to be used in an intensification context like Burlington's MTSAs, not surprisingly there was and remains a need for additional education around the purpose, intent and use of the tool as well as within the By-law itself around the various uses, provisions and standards contained within it.
- Given that the draft that was circulated was incomplete, a number of comments related to the missing elements would provide clarity on how the tool could be used to achieve greater height and deliver services, facilities and matters.
- Relationship between the CPP By-law and the OPA and the identification of transportation infrastructure.
- Concerns around how the CPPS conforms to Provincial Plans and policies.

2. Flexibility:

- Comments requested greater flexibility for staff variations and thresholds related to the permitted uses, provisions and development standards.
- Concerns over parking standards and requirements requesting no minimums to allow for market to determine need.
- Housing regulations and the prescriptive nature of identifying the form and tenure and size of housing rather than allowing the market to dictate that.

3. Transparency

- There were many concerns raised by the development industry circulation that highlighted the need for a guidance or interpretive document. Staff have begun development of this document as noted in Next Steps below and will continue to develop it further through the Statutory Public Meeting process as well as the recommendation report process later this fall and beyond. It is expected that as the tool is used and as issues arise, both the CPP By-law and the Implementation/Guidance document may need to be updated regularly and as appropriate.

Statutory Public Meeting & Open House

On Thursday, October 12, 2023, staff held a virtual open house in support of the Statutory Public Meeting for both the proposed OPA and draft CPP By-law for all 3 MTSA's. Supported by Dillon Consulting, staff presented an overview of both the proposed OPA and the draft CPP By-law and explained how collectively they are designed to help to achieve the Objective of encouraging the redevelopment of the Protected Major Transit Station Areas into complete communities that are mixed-use, intense, transit supportive, safe, and respectful of surrounding areas including natural heritage and existing neighbourhoods. In particular, staff focused on three key highlight areas: Mixed Use & Employment, Community Services & Facilities and Attainable & Affordable Housing and identified how each was addressed by the proposed OPA and draft CPP By-law.

There were approximately 40 non-staff/project team members in attendance including members of the community, members of the planning/development industry and staff on behalf of our agency partners. Staff similarly asked participants how they wanted to be engaged and note that the primary response was consistent with the responses received from Food for Feedback, noting that most want to know about CPPS permit applications as they come in (or Quarterly) and would like to be notified by a dedicated mailed and/or emailed newsletter.

Following the formal presentation time, there was over an hour dedicated to question and answers. Staff received questions related to:

- commercial amenities such as grocery stores and the ability of the city to attract them as well as what future amenities might look like;
- transitions to the surrounding neighbourhoods;
- the protection of retained employment uses, in particular in the Appleby GO MTSA;
- parking and traffic;
- challenge of behaviour change and the premise of MTSA planning;
- public notifications related to CPPS permit applications;
- the lack of third party appeals to CPPs permits; and
- the various classes of CPPS applications and specifically how those relate to height permissions.

A record of questions and answers as well as a captioned version of the presentation can be found at [Get Involved Burlington](#).

A Note about Notice

Notice of the Statutory Public Meeting was mailed to all landowners within the MTSA boundaries as well as within 120m of those boundaries in advance of the 20-day notice requirement under the Planning Act. During the preparations for the Statutory Public Meeting, the elimination of the Burlington Post's printed newspaper was announced, impacting the city's ability to provide notice of the upcoming Statutory Public Meeting in a newspaper of general circulation. Staff are continuing to work through the reality of having no print edition of the Burlington Post and how to navigate the notice requirements outlined under the *Planning Act*. Staff are committed to enhanced engagement on this project presently and going forward given the importance and timeliness of this initiative. Staff are continuing to explore opportunities to share notice about the project, including through the Hamilton Spectator and Burlington Post's online portal, Inside Halton.

In addition to the notice provided above, staff, led by our communications department, conducted a social media campaign to raise awareness about the Open House, Drop-In Sessions and the Community Planning, Regulation and Mobility Committee meeting where community planning department report PL-59-23 is discussed.

Conclusion:

Staff will continue to modify both the proposed OPA and the draft CPP By-law based on the feedback received through the entire month of engagement, including Council's feedback through this statutory public meeting process and will report back with an updated OPA and CPP By-law for Council's adoption and approval as soon as possible or as directed by Council.

Respectfully submitted,

Jenna Puletto, Manager, Planning Implementation

Karyn Poad, Senior Planner

Samantha Romlewski, Senior Planner

Rebecca Lau, Planner

Alison Enns, Manager, Policy & Community

Appendices:

- A. Proposed OPA No. 2 (can be accessed at events.burlington.ca)
- B. Draft CPP By-law (can be accessed at events.burlington.ca)
- C. Transportation Study as prepared by Dillon Consulting (September 2023) (can be accessed at events.burlington.ca)
- D. Functional Servicing Study as prepared by WSP (can be accessed at events.burlington.ca)
- E. Feedback Summary (December 2021-July 2023)

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.