

CPRM, October 31, 2023

PL-59-23

Correspondence from Macaulay Shiomi Howson Ltd.
on behalf of The Remington Group

October 30, 2023

Community Planning, Regulation and Mobility Committee
City of Burlington
426 Brant Street
Burlington, Ontario
L7R 3Z6

Attention: Ms. Jo-Anne Rudy, Committee Clerk
Sent only by email: clerks@burlington.ca and mtsa@burlington.ca

Dear Madam:

Re: Official Plan Amendment and Community Planning Permit Bylaw/System – Burlington’s Major Transit Station Areas – Statutory Public Meeting Submission with respect to Appleby GO Major Transit Station Area

Macaulay Shiomi Howson Ltd (MSH) is retained as planning consultants by Presidio Construction Limited c/o The Remington Group (Remington) with respect to their employment lands at 5200 Harvester Road (Remington Lands) (See Map 1). The Remington Lands are +/- 24,000 square metres in size and currently undeveloped. They are zoned “General Employment 1 Exception 59 (GE1-59) Zone” in the City’s Zoning By-law which permits the full range of uses in the GE1 Zone including many heavy industrial uses such as recycling facility, truck depot, oil depot, waste transfer station and private propane facility, as well as sporting goods sales and service.

Remington has actively participated in the process of the development of the Official Plan Amendment (OPA) (Amendment No. 2 to the Official Plan) for the Major Transit Station Areas (MTSAs) and the related Community Planning Permit Bylaw/System (CPPB) as they pertain to the Appleby GO MTSA. This has included discussions with the MTSA team, submission of written responses to draft documents and attendance at public meetings including the recent virtual open house on October 12, 2023.

MSH has reviewed the draft OPA and CPPB, as noted, with respect to the Appleby GO MTSA. The Remington Lands are proposed to be designated as part of the Urban Employment Precinct in the OPA (Schedule H). A “New Park” symbol is located just west of the Remington lands (See Map 2).

A “Proposed Street” is also identified crossing east/west in the middle of the Remington Lands on Schedule H. That designation is further delineated on Schedule H-1 which identifies the street as “Proposed MTSA Connector”. The Connector is shown as linking to a “Grade

Separated Crossing” at the Queen Elizabeth Way to the north and a proposed Arterial to the west.

We have the following comments and concerns regarding the proposed OPA and CPPB:

Official Plan Amendment

1. Urban Employment Designation

Background and Review

The Official Plan Amendment identifies a community structure which transitions from employment/industrial uses north of the CNR line to mixed use, including residential uses, and residential development to the south of that significant barrier. The OPA states that approach recognizes that the existing development to the north of the CNR already is a major general employment area with a variety of uses including a significant amount of heavy industry.

This area includes a number of Major Facilities which, as defined in the Provincial Policy Statement (PPS), are uses which may require separation from sensitive uses. These lands are one of the few such areas in the City, and while largely developed, still there are some potential sites for new heavy industrial uses including the Remington Lands. Further, the existing industries have the potential for expansion and that potential should be protected so it can be realized.

A community structure which protects for employment uses, particularly heavy industrial uses, north of the CNR line is important because these industries provide critical services. The protection of this industrial area also provides a number of other benefits including:

- job options for residents;
- supportive uses for other businesses generating indirect and off-site jobs;
- shorter trips for commuters and goods movement;
- tax revenue; and,
- location for public services.

The division at the CNR between employment to the north and mixed use to the south also recognizes that the lands to the south of the CNR have more potential for redevelopment and the introduction of a mix of uses, including residential.

At the same time, the proposed policy framework in the OPA recognizes the need to mitigate impacts from the existing development to the north on any proposed sensitive land uses, although it does not clearly identify the need to mitigate impacts from potential new development. In particular, Section 8.1.2(6) Land Use Compatibility requires that:

“development containing sensitive land uses shall demonstrate how land use compatibility has been evaluated and addressed through a Land Use Compatibility Study. Development shall only be permitted where impacts to industrial, manufacturing or other major facilities have been minimized and mitigated to the satisfaction of the City.”

Despite this general approach, the OPA introduces the concept of an Urban Employment designation for a significant portion of the lands north of the CNR. This includes a major

portion of the lands between Harvester Road and the CNR where the Remington Lands are located.

These lands are located in a Provincially Significant Employment Zone (PSEZ) and are identified as “Regional Employment Area” in the Appleby GO Major Transit Station Area (MTSA) as identified in the Region of Halton Official Plan, Amendment 48, adopted by Regional Council on July 7, 2021. Sections 79.3 (12), 81.2 (4) and 83.2(7) of Amendment 48 are particularly relevant. These sections require the City, in the preparation of Area-Specific Plans for MTSA, to “recognize the importance of the protection of existing employment uses and the potential for appropriate employment growth and intensification within the Employment Area and within adjacent non-employment areas”. Further, sensitive land uses are only permitted in the MTSA if land use compatibility can be addressed in accordance with Section 79.3(12) of this Plan. Section 79.3(12) in turn provides direction that the long-term operational and economic viability of existing or planned Major Facilities be ensured and land use compatibility be achieved in accordance with specific direction outlined in the policy.

This area is also currently recognized on Schedule B, Urban Structure of the City’s 2020 Official Plan as “Lands Designated for Employment Uses” and “Region of Halton Employment Area”. In addition, the Remington Lands and adjacent area, are designated as “General Employment” on Schedule C, Land Use – Urban Area of the 2020 Official Plan, and also in the 1997 Official Plan. As noted, the Remington Lands are zoned “General Employment Exception 59 (GE1-59) Zone” while adjacent lands are zoned “GE1” in the City’s Zoning By-law.

The policies for the proposed Urban Employment designation are limited. What direction they provide though does not clearly recognize the significance of this area for industrial uses or the need to protect it for the opportunities it provides for Major Facilities including heavy industrial uses, which are already located there and new uses which are looking to locate in the Greater Toronto Area. Further, it could result in imposition of restrictions on the permitted employment uses in this area, and on the Remington Lands in particular, from the current broad range of industrial and office uses which would be permitted in the General Employment designation in the City’s Official Plan and in the GE1 and GE1-59 Zones.

When juxtaposed with the Vision for the General Employment Precinct, the potential for restrictions on development is evident. As noted in the Official Plan Amendment the Vision for the Urban Employment designation only:

“Will continue to be an employment area which will grow to accommodate more intensive office and additional employment uses in a mid-rise built form that provides for access and high visibility along major transportation routes.”

The vision for the General Employment Precinct reads as follows:

- *“Continues to provide locations for existing, new and/or relocating manufacturing, assembly, distribution and service industrial uses.*
- *Will provide a broad range of light industrial to office uses with a mix of office and low-rise employment built form which ensuring compatibility with adjacent sensitive land uses.”*

Further, as noted, Section 8.1.2(6), Land Use Compatibility, does seek to provide protection for existing Major Facilities, but the focus of the policies is on existing industries, there is no

recognition of the need to protect for potential new Major Facilities which are permitted by the current zoning, in particular on the Remington Lands.

Restricting employment and, in particular, industrial development north of the CNR cannot be supported given:

- it is unclear what is meant by “more intensive office and additional employment uses in mid-rise building form” as noted in the Appleby GO MTSA Precinct Vision. This may have adverse impacts on the compatibility of existing permitted uses in this area particularly industrial uses;
- the requirement to protect the long-term viability of existing or planned industrial, manufacturing or other uses in particular Major Facilities, including vacant land parcels with such potential, especially in employment areas of Provincial and regional significance such as this, that are vulnerable to encroachment by sensitive uses;
- the location on the north side of the CNR which creates a significant barrier to the focus of mixed-use development around the GO Station and any linkages to that development which might support the establishment of new intensive office and prestige employment uses; and,
- the priority focus in this area should be to continue to support the existing employment permissions, this is especially important given the significant uncertainty with respect to the potential for the development of new office uses and prestige employment as a result of the pandemic.

Recommendation

The “Urban Employment” Precinct should be removed from the Remington Lands and replaced with a “General Employment Precinct” designation so that the owner has surety that the full potential of the site can be realized based on the existing zoning. Further, the policies within Section 8.1.2(6) should clearly recognize the need to protect not only existing industrial, manufacturing or other Major Facilities but also the full range of potential new industrial facilities including vacant land parcels with such potential.

2. Proposed Park Designation West of Remington Lands

Background and Review

A park is a sensitive use in accordance with Provincial guidelines. As such any designation, even a general symbol, should be carefully considered and evaluated before it is established. There is no indication that such an evaluation has been carried out by the City. Further, given the existing surrounding uses it is unlikely that such a use can be appropriately located in this area both in terms of the nature of the use itself, but also with respect to the constraints it would impose on surrounding development – existing and proposed.

Recommendation

It is premature to designate, even with a symbol, a park location in the Appleby GO MTSA lands north of the CNR. The symbol west of the Remington Lands should be removed.

3. Proposed East/West Street/ Proposed MTSA Connector

Background and Review

A proposed east-west street is identified in the OPA as extending through the middle of the Remington Lands. The location of this proposed street creates a significant constraint on the

development of the Remington Lands for industrial uses, or in fact any significant employment use, as it divides the site into two separate parcels rather than allowing for its use for one facility. Further, based on a review by CGH Transportation Inc. (CGH) the street is unnecessary.

CGH carried out a first principles review of the City of Burlington Major Transit Station Areas Transportation Assessment, September 2023, prepared by Dillon Consulting (Transportation Assessment). They specifically concluded that the proposed east-west collector segment between the Appleby GO Access and the Harvester Road/Century Drive intersection is not needed to support multi-modal mobility in the Appleby GO MTSA. In summary, the review carried out by CGH (See Attachment A) concluded:

- From the GO station traffic generation perspective, the proposed east-west street segment east of the Appleby GO Access will provide limited congestion relief, as the majority of the traffic within the Appleby GO MTSA is expected to arrive to and leave the MTSA through Appleby Line and bottleneck along Harvester Road, east of the GO Station Access.
- The limited relief that the proposed street may provide will result from traffic to and from the employment land uses by-passing the most congested segments of Appleby Line and Harvester Road via a proposed South Service Road rail overpass. However, it is important to note that the construction of the South Service Road rail overpass is contingent on factors beyond the City's control.
- The spacing along the South Service Road extension between Harvester Road and the proposed east-west collector road was reviewed using the 2017 TAC Geometric Design Guide and Halton Region Access Spacing Guidelines (2015). The proposed spacing was found to be deficient and could cause queue spillovers into the highly constrained segment of Harvester Road between Appleby Line and the Appleby GO station Access.
- Additionally, deficient intersection spacing may result in turning movement queue overlaps, traffic blocking accesses, and as a result, encourage unsafe maneuvers along the South Service Road extension.
- Providing additional pedestrian and cyclist corridors along the proposed east-west collector road may yield limited results as the majority of active transportation users will likely choose to travel via Harvester Road due to the location of site frontages as well as enhanced active transportation infrastructure along this road.
- Reallocating the street construction and maintenance costs to Transportation Demand Management measures such as improving transit coverage and services will target the single occupant auto trip mode share, which, coupled with physical constraints surrounding the Appleby GO Station, is a key factor in poor mobility performance within the MTSA.

Recommendation

That the Proposed East/West Street/ Proposed MTSA Connector which crosses the Remington Lands be removed and that consideration be given to removing the entire proposed east-west collector segment between the Appleby GO Access and the Harvester Road/Century Drive intersection.

4. Requirement for Detailed Approach to dealing with potential Air and Noise Impacts

Background and Review

The OPA provides significant recognition and direction with respect to Land Use Compatibility particularly in Section 8.1.2(6) Land Use Compatibility. However, some modifications to the proposed policies are proposed to clarify the process including the need to retain outside peer

reviewers at the cost of the applicant. There are also implications for the CPPB which are discussed in the following sections.

In addition, the policies should clearly recognize the need to protect not just existing industrial, manufacturing or other Major Facilities but potential new or expanded facilities as well, including vacant land parcels with such potential.

Recommendation

That Section 8.1.2(6) Land Use Compatibility of the OPA be modified to:

- i) Delete subsection c) v. as it is duplicated by subsection d);
- ii) Add “and noise” after the phrase “of air” in subsection c) iii);
- iii) Add in subsection c) vi) the following at the end of the phrase “However, this requirement shall not be applicable to lands in the “Urban Employment Precinct” in the Appleby GO MTSA”;
- iv) Modify subsection d) to add after the phrase “existing industry landowners”, the phrase “and the owners of lands with the potential for new industrial development including vacant lands”;
- v) Add at the end of subsection d) the following:
“The Terms of Reference for Land Use Compatibility Study shall be prepared by qualified professionals retained by the City and a peer review of such a study will be carried out by a qualified professional retained by the City all at the cost of the applicant.”; and,
- vi) Modify subsection e) by adding after the term “existing” the phrase “and potential future industrial, manufacturing or other” and removing the phrase “Class 3” before “major facility”.

Community Planning Permit Bylaw

5. Appropriateness of the CPPB for the Appleby GO MTSA

The OPA in Section 8.1.2(6) recognizes the vital importance of ensuring that sensitive uses such as residential development and parks are only permitted where the operational and economic viability of industrial, manufacturing and other Major Facilities can be protected. However, the basic premise of the CPPB, which effectively allows sensitive uses and new Major Facilities as of right, subject only to review by City staff, provides no ability for affected landowners to ensure (i.e. through review of the application and the right to appeal the City’s decision) that the proper controls will be established to ensure a safe environment. This includes owners of vacant land parcels with such potential.

The use of the CPPB for many areas of the City may be appropriate as outlined in the OPA – to provide flexibility in approving development applications to meet the City’s growth objectives while streamlining the development approvals process. However, in the Appleby GO MTSA, where sensitive uses, including residential and parks, are being planned adjacent to existing and potential Major Facilities, the CPPB, as currently crafted, is not appropriate.

The CPPB would potentially allow sensitive uses to be permitted without providing a legal mechanism for the industries or owners of lands with the potential for industrial development, to ensure that they are not impacted. The City may require engagement with existing industries, but there is no requirement for the City to reflect that input in the final approved development.

As such the CPPB, does not adequately provide for the protection of sensitive uses from environmental impacts, nor does it protect the existing Major Facilities from having to retroactively retrofit their facilities or potential Major Facilities from having to mitigate at source beyond what they normally would have to provide. In fact, Section 5.24.3 identifies the need for compatibility studies to be required for new industrial uses. This uncertainty will significantly reduce the viability of the industrial area north of the CNR. An area where numerous industrial operations are located, and which has potential for new development through expansion of existing operations and new uses including on the Remington Lands.

Recommendation

That regulation of land use in the Appleby GO MTSA continue to be through the City's zoning by-law given the nature of the land uses in the MTSA.

6. CPPB Modifications

As noted, it is recommended that given the nature of existing and planned development in the Appleby GO MTSA that land use continue to be regulated through the City's zoning by-law. However, if the City continues with the CPPB approach, significant review and modification is required to ensure that it better address the circumstances in the Appleby GO MTSA.

Detailed comments are provided in Attachment B, however in summary, the following should be considered:

- A separate CPPB should be developed for the Appleby GO MTSA to reflect its unique circumstances;
- That all sensitive uses, including any development containing residential uses, require an amendment to the CPPB which would include a Land Use Compatibility Study and consultation with affected landowners who will have access to all reports and information related to the application;
- That any existing sensitive use which requires an amendment would be subject to a Class 3 variation which would include a Land Use Compatibility Study and consultation with affected landowners who will have access to all reports and information related to the application;
- Any proposed new industrial or manufacturing use be required only to satisfy applicable regulations; and,
- Remington Lands be included in the General Employment Precinct; and that a clear statement be included in the CPPB that the uses currently permitted on their lands through the "General Employment 1 Exception 59 (GE1-59) Zone" will continue to be permitted and the regulations of that zone would continue to apply.

Should you have any questions regarding this submission please contact the undersigned. We will also follow up with staff to schedule a meeting to discuss this submission in more detail. In addition, please consider this letter as a request for notification of the adoption of any Official Plan Amendment and passing of any Community Planning Permit By-law or Zoning By-law for the Major Transit Station Areas, and in particular the Appleby GO MTSA. Notification should be sent to 7501 Keele Street, Suite 100, Vaughan, Ontario, L4K 1Y2 by mail and by email to jsheldon@remingtongroupinc.com and ebarron@remingtongroupinc.com.

Yours truly,

Macaulay Shiomi Howson Ltd.



Per: Elizabeth Howson, MCIP, RPP

c.c. Jason Sheldon/Emma Barron Presidio Construction Limited c/oThe Remington Group
David Bronskill, Goodmans
Burlington City staff at mtsa@burlington.ca



MAP 1 - LOCATION PLAN

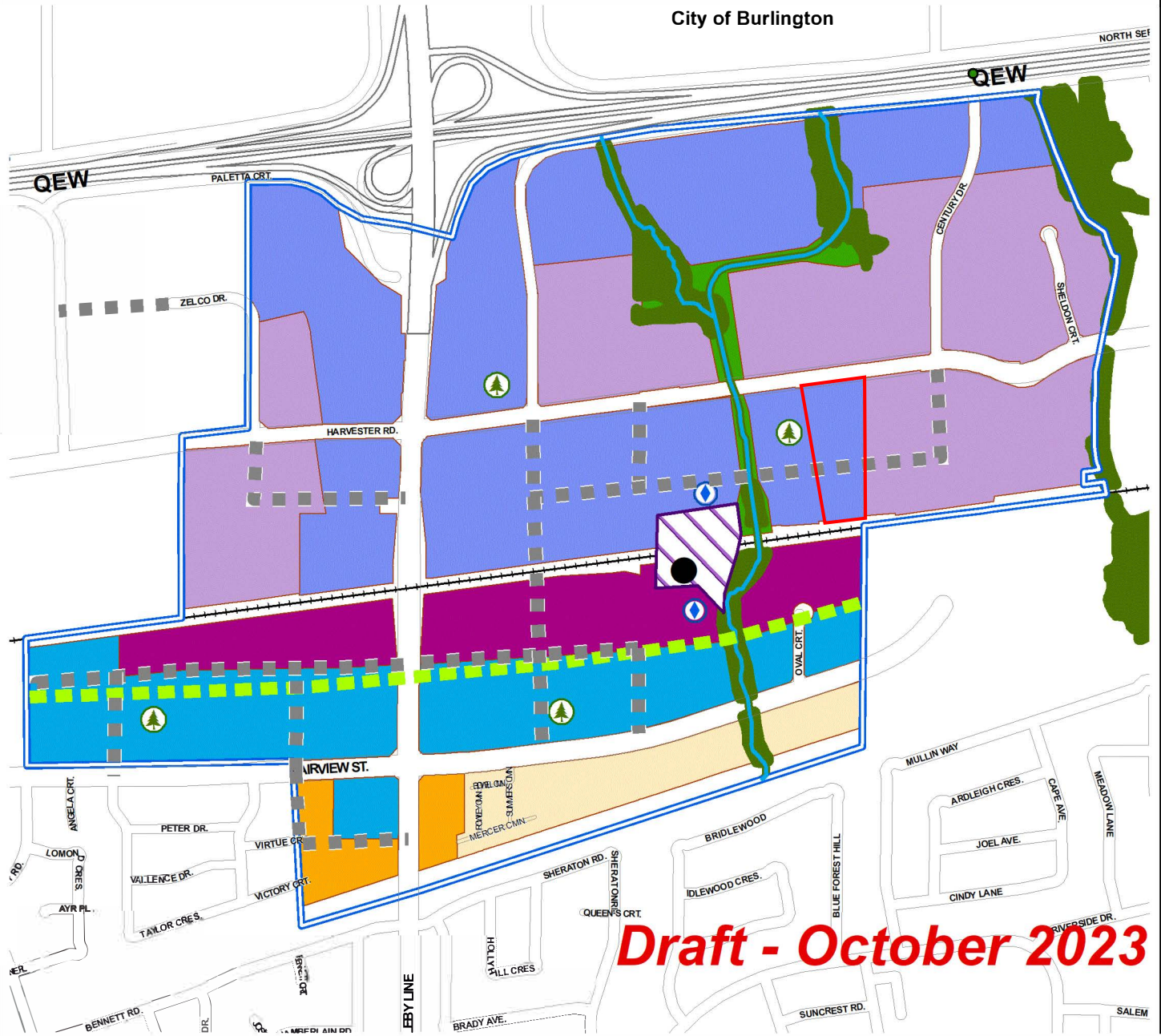
 5200 HARVESTER RD - REMINGTON LANDS



MAP 2 - Land Use - Appleby GO Major Transit Station Area



5200 HARVESTER RD - REMINGTON LANDS



Draft - October 2023

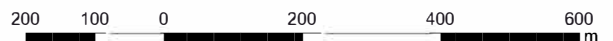
Legend

Precincts

- Appleby GO Central
- Fairview Frequent Transit Corridor
- Mid-Rise Residential
- Low to Mid-Rise Residential
- Urban Employment
- General Employment
- Natural Heritage System

- Existing Natural Open Space
- Appleby GO Major Transit Station Area
- Transit Station Area
- Major Transit Station
- Proposed Street - see Schedule H-1 for details
- Potential Linear Park & Greenway
- + New Park
- + Transit Station Plaza
- Rail Line
- Watercourse

This draft schedule is subject to change and/or refinement as a result of on-going technical study, Regional and external agency review as well as community and stakeholder feedback. This schedule shall be used in conjunction with other applicable schedules and policies of this Plan



Attachment A



Technical Memorandum

To: Emma Barron – Remington Group Date: 2023-10-26

Cc: Viktoriya Zaytseva – CGH Transportation

From: Mark Crockford, P.Eng. – CGH Transportation Project Number: 2023-145

Re: Appleby GO Major Transit Station Area – Proposed Road Network Review

As part of the City of Burlington Major Transit Station Areas (MTSA) Transportation Assessment document published in September of 2023, several new streets were proposed to support the projected growth within the Appleby GO MTSA. An east-west collector street between Harvester Road and the rail line connecting the future South Service Road extension to the Harvester Road / Century Drive intersection is one of the proposed streets. To understand the context for why this road was identified within the future Appleby GO MTSA transportation network, the following documents were reviewed:

- City of Burlington MTSA Transportation Assessment (2023)
- City of Burlington MTSA Community Planning Permit By-law (2023)
- City of Burlington Integrated Mobility Plan (2023)
- City of Burlington MTSA Area Specific Planning Project Interim Report (2021)
- City of Burlington Future State of Transportation White Paper (2021)
- City of Burlington Official Plan Schedules and Tables (2020)

Based on the review of the available information, we believe insufficient technical documentation was provided to detail the decision-making methodology behind the proposed collector and to support the transportation benefits that this collector may yield. For example, the City of Burlington MTSA Transportation Assessment and the City of Burlington MTSA Area Specific Planning Project Interim Report lack transportation analysis details, including:

- Trip distribution and assignment
- Existing, future background, and future total volume figures
- Synchro input parameters and analysis results

As the analysis methodology and the resulting quantitative justification for the east-west collector road was not provided within the published document, understanding the underlying assumptions behind the need for the proposed east-west collector road proves challenging. However, based on first engineering principles and CGH's experience in transportation planning, we believe that a proposed east-west collector street segment between the Appleby GO Access and Harvester Road / Century Drive intersection is not needed to support the multi-modal mobility within the Appleby GO MTSA.

From the GO station traffic generation perspective, the proposed east-west road segment east of the Appleby GO Access will provide limited congestion relief, as the majority of traffic within Appleby GO MTSA is expected to arrive to and leave the MTSA through Appleby Line and bottleneck along Harvester Road, west of the GO Access. This is due to geographic constraints of the Appleby GO MTSA, and in particular, its proximity to the rail line to the south, the QEW to the north, and a limited north-south span of Burloak Drive to the east. Appleby Line and Burloak Drive are the major routes expected to be used by the City of Burlington and the Town of Oakville residents living to the north and accessing the Appleby GO station. However, since Burloak Drive's northern approach terminates earlier than Appleby Line and is predominantly surrounded by non-residential uses, Appleby Line is expected to be the main route for residents traveling from and to the north. From the southern approach, the majority of the trips would also be made through Appleby Line as the lands surrounding Appleby Line to the south include more residential land uses, when compared to Burloak Drive. Therefore, it is expected that the majority of City residents will reach the Appleby GO station via Appleby Line and Harvester Road, west of the Appleby GO Access. As a result, providing a new east-west collector street west of the Appleby GO station will not reduce the auto trips from the busiest area of Appleby GO MTSA.

From the employment lands trip generation perspective, providing the east-west collector street may relieve some traffic from Harvester Road between Appleby Line and Appleby GO Access. However, this is contingent on a proposed rail crossing along the South Service Road extension, construction of which may be hindered by its proximity to the Appleby Line rail overpass, existing land uses within the overpass alignment, Metrolinx / CN / CP rail approvals, and construction and maintenance costs. Additionally, rail overpasses require significant right-of-way dedication, which is counterproductive to dense urban development within an MTSA. The traffic for the employment developments is also expected to be considerably lower than the GO station traffic during peak AM and PM hours due to the limited span and number of frontages of Harvester Road and Century Drive, as well as the fact that the industrial land use trip generation peaks outside of an average side-street peak hour.

Additionally, according to the TAC Geometric Design Guide (2017), a typical minimum spacing between signalized intersections along an arterial road is 200 meters. Halton Region Access Management Guidelines (2015) were also reviewed and state that a minimum spacing between full movement accesses in compact, transit-oriented, pedestrian-friendly, and mixed-use neighbourhood centers should not be less than 250 meters. The spacing between the signalized intersection of Harvester Road and South Service Road and the future intersection of South Service Road extension and the proposed collector road is approximately 135 meters. The desired spacing for an assumed average running speed of 50 km/h and a signal cycle length of 90 seconds is 625 meters according to TAC. The proposed spacing does not meet the minimum nor the desired spacing per TAC Geometric Design Guide and Halton Region Access Management Guidelines. Spacing the arterial road intersections below the recommended values may cause queue spillover back onto the busiest area of Harvester Road between Appleby Line and Appleby GO Access. For example, during the AM peak hour, the eastbound right-turning vehicles at Harvester Road and South Service Road may block the eastbound through vehicles along Harvester Road because of the limited space between signalized intersections along the South Service Road extension. Additionally, deficient intersection spacing may result in turn movement queue overlaps, traffic blocking accesses, and as a result, encourage unsafe maneuvers along the South Service Road extension.

When reviewing the proposed east-west collector road from the cyclist and pedestrian connection perspective, it is important to note that active transportation connections may be created without dedicating a collector road right of way. Additionally, limited improvement to pedestrian and cyclist travel distances can be achieved through by-passing Harvester Road, as majority of the land uses front either Harvester Road, South Service Road, or

Century Drive, north of Harvester Road. Harvester Road is also proposed to have an urban, multi-purpose arterial cross-section, including bike lanes, 3.45 pedestrian clearways, and 1.5 meters planting and furnishing zone, and HOV / Bus Rapid Transit lanes. Considering this, pedestrians and cyclists will be inclined to use Harvester Road as the primary travel route to employment uses in the MTSA, further enhancing Harvester Road as a busier streets are more inviting to pedestrians and cyclists.

Lastly, it is important to consider the opportunity cost of building a new street. Reallocating the street construction and maintenance costs to Transportation Demand Management measures such as improving transit coverage and services will target the single occupant auto trip mode share, which, coupled with physical constraints surrounding the Appleby GO station, is a key factor in poor mobility performance within the MTSA.

Conclusions

Based on the first principles transportation review of Appleby GO MTSA, it was determined that a proposed east-west collector street segment between the Appleby GO Access and Harvester Road / Century Drive intersection is not needed to support the multi-modal mobility within the Appleby GO MTSA. This was based on the following review take-aways:

- From the GO station traffic generation perspective, the proposed east-west road segment east of the Appleby GO Access will provide limited congestion relief, as the majority of traffic within Appleby GO MTSA is expected to arrive to and leave the MTSA through Appleby Line and bottleneck along Harvester Road, east of the GO Access.
- The limited relief that the proposed street may provide will result from traffic to and from the employment land uses by-passing the most congested segments of Appleby Line and Harvester Road via a proposed South Service Road rail overpass. However, it is important to note that the construction of South Service Road rail overpass is contingent on factors beyond the City's control.
- The spacing along the South Service Road extension between Harvester Road and the proposed east-west collector road was reviewed using the 2017 TAC Geometric Design Guide and Halton Region Access Spacing Guidelines (2015). The proposed spacing was found to be deficient and could cause queue spillovers into the highly constrained segment of Harvester Road between Appleby Line and the Appleby GO Access.
- Additionally, deficient intersection spacing may result in turning movement queue overlaps, traffic blocking accesses, and as a result, encourage unsafe maneuvers along the South Service Road extension.
- Providing additional pedestrian and cyclist corridors along the proposed east-west collector may yield limited results as the majority of active transportation users will likely choose to travel via Harvester Road due to the location of site frontages as well as enhanced active transportation infrastructure along this road.
- Reallocating the street construction and maintenance costs to Transportation Demand Management measures such as improving transit coverage and services will target the single occupant auto trip mode share, which, coupled with physical constraints surrounding the Appleby GO station, is a key factor in poor mobility performance within the MTSA.

If you have any questions or comments, please do not hesitate to contact the undersigned.



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Attachment B

**ATTACHMENT B Major Transit System Area Community Planning Permit System By-law
Draft for Public Consultation – October 2023 Remington Comment Matrix**

Comments submitted on behalf of Presidio Construction Limited c/o The Remington Group (Remington) 5200 Harvest Road Appleby GO MTSA

Comments include some general comments but are focused on the sections that pertain to the Appleby GO MTSA and specifically the Remington Lands.

These comments are provided with respect to the Draft for Public Consultation.

Item	Section	Remington Comment	Recommended Modifications
<p>Document Format: Schedules are in Portrait Format and text is in Landscape Format. This is a technical legal document which will be used on a daily basis by City staff, landowners and their professionals, as well as members of the public. For ease of use the document should all be in Portrait Format which is a more functional approach.</p>			
<p>2 Definitions and Interpretation</p>			
1	2.1 Interpretation	<p>Section 2.1.4 states that “The provisions and standards of this By-law set out in Sections 5,6,7 and 8 may be applied to the lot or to an entire development, at the discretion of the Approval Authority.” This creates a significant degree of uncertainty for an applicant. If this flexibility needs to be maintained given the nature of the CPPB, some criteria should be established to provide guidance as to when provisions and standards would apply only to a lot and when it would apply to a “development”.</p>	<p>Modify Section 2.1.4 to establish criteria to provide guidance as to when provisions and standards would apply only to a lot and when it would apply to a “development”.</p>
2	2.2 Community Planning Precincts and Overlays	<p>Section 2.2.1 - Precincts shown and Proposed Streets, are in the case of Appleby, not yet part of an approved ASP. In particular, the Urban Employment Precinct applicable to 5200 Harvester Road is questioned, and the Proposed Street which is shown as being located on the property, is not supported as it has not been justified as outlined in general submission with respect to the Official Plan Amendment. The By-law should not be finalized until Official Plan Amendment is approved.</p> <p>Section 2.2.3 - It is not clear from Schedule D-1 what constitutes an “Overlay”.</p>	<ul style="list-style-type: none"> • Section 2.2.1 - Applicability of Urban Employment designation to 5200 Harvester Road is questioned. In addition, the proposed east-west street between the GO Station Access and the intersection of Harvester and Century Dr., in particular with respect to 5200 Harvester, should not be identified on Schedule D-1 (Appleby GO MTSA) as it is not justified. • Section 2.2.3 - Modify Legend of D-1 to clarify what designations are Overlays.

**ATTACHMENT B Major Transit System Area Community Planning Permit System By-law
Draft for Public Consultation – October 2023 Remington Comment Matrix**

Item	Section	Remington Comment	Recommended Modifications
3	2.3 Forms of Words	Section 2.3.1 -The reference to “or relevant City guidelines or standards” is ambiguous. The applicable documents should be specified.	Section 2.3.1 - The relevant City guidelines or standards should be specifically identified to remove ambiguity.
4	2.4 Reference Aids	No comments	No comments
5	2.5 Defined Terms	<p>There are concerns with the following general approaches and defined terms:</p> <p>Activated Street – This contains the first reference to Figures 1a, 2a and 3a. The Table of Contents should be revised to identify the location of the Figures.</p> <p>Definitions should not reference other legislation or other documents, at least for terms which are frequently referenced. For instance, building and floor area are both defined by reference to the Ontario Building Code. This approach is used throughout the document for a range of different definitions. It creates a situation which is ambiguous - where reference must be made to other documents to understand the definition and such documents may not always be readily available to members of the public. More significantly, if there is a change to the definition in the other document it can have implications for the City’s Bylaw. Definitions, particularly for frequently referenced definitions, should be complete and should not reference other documents. The current City Zoning By-law follows this approach making it much more accessible and easier to interpret. For example:</p> <ul style="list-style-type: none"> • Floor Area, Gross (GFA) - Generally definitions of Gross Floor Area exclude certain areas (i.e., the current City Zoning By-law excludes vehicle parking, storage, air handling equipment, enclosed mall and hallways, elevators and associated equipment, washrooms, foyers, and lobbies). The current definition is unclear as it is the “sum of each floor area of a building”. Floor area is defined by reference to the Building 	<ul style="list-style-type: none"> • Identify in the Table of Contents and the document where Figures 1a, 2a and 3a are located for ease of reference. • Definitions should not be dependent on other legislation or other documents but should be complete without such references, at least for terms which are frequently referenced in particular Floor Area, Gross, Floor Area, Grade, Building Height, Storey, and Storey, First. • The definition of “Light Industrial” should not include the phrase “compatible with any abutting sensitive land uses” as it is unclear what the implications are. • The definition of “Major Facilities” should be clarified and brought in line with the OPA by adding a reference to industrial as well as manufacturing. • The definition of “Negative Impact” should be modified to include the assessment of negative impacts with respect to air quality and noise. • The definition of “Sensitive Land Uses” references “common amenity areas” and should be revised to reference “amenity areas” instead to be consistent with the PPS. • The definition of the term “Should” is unclear with respect to its interpretation. The City should be identified as the adjudicator based on submissions from the applicant which can include a planning rationale.

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		<p>Code. A full definition of Floor Area and Gross Floor Area should be included rather than references to other documents.</p> <ul style="list-style-type: none"> • This also applies to key terms like: <ul style="list-style-type: none"> • Grade; • Building Height; • Storey; and, • Storey, First. <p>Light Industrial – This definition makes the assumption that such uses are “compatible with any abutting sensitive land uses” which may not be the case. It’s unclear what the implications of including that condition in the definition. Will it result in certain uses being excluded from specific precincts?</p> <p>Major Facilities- This definition is taken directly from the Provincial Policy Statement (both the current one and the proposed PPS). However, it references “manufacturing” but not industrial land uses. Both terms are defined in the By-law (and use the definitions from the current City Bylaw which does not have a definition of Major Facilities). To clarify the intent the definition of “Major Facilities” should include industrial as well as manufacturing in conformity with OPA which indicates that “development shall only be permitted where the impacts to industrial, manufacturing or other major facilities have been minimize and mitigated”.</p> <p>Negative Impact – The definition identifies potential risks to human health and safety. Further, it indicates that negative impacts should be assessed through environmental studies. However, the only examples given relate to impacts on water, fish habitat and natural features and areas. The assessment of negative impacts to air quality and noise should be included</p>	

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		<p>as it is assumed that the intent is broader than just impacts on the natural environment.</p> <p>Sensitive Land Uses – This definition is directly from the PPS, with one exception. The PPS states that such land uses “means buildings, amenity areas, or outdoor spaces”. The definition in the By-law references instead “common amenity areas” which is not appropriate because it limits the ability to evaluate the impacts on private amenity areas.</p> <p>Should – The test proposed for interpretation of this term is unclear and itself open to interpretation. The test is “a professional planning rationale is required in order not to fully comply with a provision or standard.” Questions arise as to what are the criteria for determining that a planning rationale is “professional”? Planning is not black and white so who makes the determination if conflicting planning rationales submitted? It would be clearer to make the City adjudicator based on submissions from the applicant which can include a planning rationale.</p>	
3 Administration			
6	3.1 Application of this By-law	No comments	No comments
7	3.2 Exemptions	No comments	No comments
8	3.3 Community Planning Permit Classes and Delegated Authority	Section 3.3.3 - This section identifies specifically who the Approval Authority is, and it identifies the Director of Community Planning for the City and/or delegate. However, Table 3.1 just references City Staff. The reference in 3.3.3 should be clarified.	<p>Section 3.3.3</p> <ul style="list-style-type: none"> • Revise subsection a) to accurately reference the Approval authority “a) the Director of Community Planning for the City and/or delegate (City Staff).....”

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		<p>Section 3.3.3 - It is not clear what Provisional Approvals are vs Community Planning Permits. A section should be added, or at least an explanatory note, as to what each approval involves.</p> <p>Table 3.1 - It is assumed that “Approval Authority” column relates to approval of a Community Planning Permit – this should be made clear.</p>	<ul style="list-style-type: none"> • Add a new section or explanatory note explaining what a Provisional Approval is vs a Community Planning Permit or at the least reference Section 3.14, Provisional Approval. • Clarify what Approval Authority column relates to in Table 3.1
9	3.5 Criteria for Variations from Standards	Section 3.5.1 a) and b)) See comment 3 above.	Modify Section 3.5.1 a and b to delete a and replace with b, and re-letter the subsequent subsections accordingly
10	3.6 Discretionary Uses	It would be beneficial to have some explanation of what a discretionary use is in this section.	Section 3.6 - Add explanation of the term discretionary use.
11	3.7 Agreements	No comments	No comments
12	3.8 Application Process	The application process is set out relatively clearly, however, without detailed information about how the City intends to structure the administrative support system to implement the by-law, in particular the application process, it is not possible to evaluate the process. In addition, it appears that even a Class 1 Application may still require submission of studies etc. If the process for a Class 1 Applications is to be less onerous this should be made clearer. Finally, a timeline should be provided even if just a target to provide a benchmark against which applicants can evaluate the length of the process.	It is important to understand how the City will structure the administrative support system to ensure that the system works efficiently and effectively. In addition, it appears a Class 1 Application may still require submission of studies etc., if the process is to be less onerous this should be made clearer. Finally, a timeline should be provided, even if just a target, to provide a benchmark against which applicants can evaluate the length of the process.
13	3.9 Pre-Consultation	See comment 15	See comment 15
14	3.10 Complete Applications	See comment 15.	See comment 15.
15	3.11 Required Information, Materials, Studies and Reports	See comment 15	See comment 15
16	3.12 Decision	See comment 15	See comment 15

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17	3.13 Conditions Attached to Approval	See comment 15	See comment 15
18	3.14 Provisional Approval	Depending on the complexity of the application and the conditions, one year may not be sufficient. For instance, it was found that it was often difficult to meet the relatively simple conditions for a consent in one year and as a result that time period has been extended. It would be preferable to identify a two-year period for provisional approval.	Modify Sections 3.14.3 and 3.14.4 to extend the initial provisional approval period to two years from one year.
19	3.15 Notice of Decision	See comment 15	See comment 15
20	3.16 Appeal Process	See comment 15	See comment 15
21	3.17 Modifications to Provisional Approvals of Community Planning Permits	See comment 15	See comment 15
4 Other Administrative Matters			
22	4.1 Transitional Provisions	No comments	No comments
23	4.2 By-law Amendment Process	Section 4.2.5 should be revised to clarify that under the Planning Act and O. Reg 173/16 Section 17 (3) Council can declare by resolution that such an application is permitted.	Modify Section 4.2.5 to clarify that O.Reg 173/16 Section 17 (3) allows Council to declare by resolution that such an application is permitted.
24	4.3 Repeal of Other By-laws	No comments	No comments
25	4.4 Commencement of By-law	No comments	No comments
5 General Provisions			
26	5.1 Permitted Uses	No comments	No comments

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Item	Section	Remington Comment	Recommended Modifications
27	5.3 Uses Allowed in all Precincts	No comments	No comments
28	5.4 Uses Prohibited in all Precincts	No comments	No comments
29	5.5 Specific Uses – Additional Residential Units – 5.8 Specific Uses – Home Occupations	No comments	No comments
30	5.9 Specific Uses – Outdoor Patios	No comments	No comments
31	5.10 Specific Uses – Temporary Uses, Buildings and Structures	No comments	No comments
32	5.11 Servicing and Utilities - 5.12 Mechanical Equipment	No comments	No comments
33	5.13 Transportation	Subsection 5.13.1 d) references Figure 3a it identifies a “Proposed Street” on the Remington lands. This designation is also identified on Schedule D-1. This designation is not justified as discussed with respect to the OPA and should be removed from Figure 3a and Schedule D-1.	Remove the Proposed Street designation on Figure 3a and Schedule D-1 on the Remington lands.
34	5.14 General Parking Provisions	The meaning of Section 5.4.5 is unclear, there is a wording or phrase missing in the phrase “Above-grade parking allocated with four or more surface parking spaces”. It is also not clear if the provision applies to industrial buildings. Note some limited parking areas for visitors may be appropriate for industrial uses in the front and exterior side yard. This provision should be clarified to allow for such parking and should not be limited to four spaces.	Modify Section 5.4.5 to clarify the intent and in particular to clarify that some parking, potentially greater than four spaces, in the front and exterior side yard of industrial uses is permitted.
35	5.15 Parking Areas	No comments	No comments
36	5.16 Driveways and Parking Aisles	No comments	No comments
37	5.17 Parking Spaces	No comments	No comments

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Item	Section	Remington Comment	Recommended Modifications
38	5.18 Parking Space Dimensions	No comments	No comments
39	5.19 Parking Flexibility	A provision which permits a reduction in the number of parking spaces for each dedicated car-share parking space appears applicable only to residential development should be provided for both residential and non-residential development.	Revise Section 5.19 to permit a reduction in required parking spaces for each dedicated car-share parking space for all permitted uses.
40	5.20 Accessible Parking Spaces	No comments	No comments
41	5.21 Electric Vehicle Parking Space	No comments	No comments
42	5.22 Loading Spaces	No comments	No comments
43	5.23 Bicycle Parking		
44	5.24 Land Use Compatibility	<p>The OPA in Section 8.1.2(6) recognizes the vital importance of ensuring that sensitive uses such as residential development and parks are only permitted where the operational and economic viability of industrial, manufacturing and other major facilities can be protected. However, the basic premise of the CPPB, which effectively allows sensitive uses and new industrial and manufacturing major facilities, as well as of right, subject only to review by City staff, provides no ability for affected landowners to ensure (i.e., through review of the application and the right to appeal the City’s decision) that the proper controls will be established to ensure a safe environment.</p> <p>The use of the CPPB for many areas of the City may be appropriate as outlined in the OPA – to provide flexibility in approving development applications to meet the City’s growth objectives while streamlining the development approvals process. However, in the Appleby GO MTSA, where sensitive uses, including residential and parks, are being planned adjacent to existing and potential Major Facilities, the CPPB, as currently crafted, is not appropriate.</p>	<p>That regulation of land use in the Appleby GO MTSA continue to be through the City’s zoning by-law given the nature of the land uses in the MTSA.</p> <p>That if the CPPB approach is to be maintained that:</p> <ul style="list-style-type: none"> • A separate CPPB should be developed for the Appleby GO MTSA to reflect its unique circumstances. • All sensitive uses, including any development containing residential uses, require an amendment to the CPPB which would include a Land Use Compatibility Study and consultation with affected landowners who will have access to all reports, including any peer reviews, and information related to the application; and, • Any existing sensitive use which requires an amendment would be subject to a Class 3 variation. • Any proposed new heavy industrial or manufacturing use be required only to satisfy applicable regulations.

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		<p>The CPPB would potentially allow sensitive uses to be permitted without providing a legal mechanism for the industries or owners of lands with the potential for industrial development, to ensure that they are not impacted. The City may require engagement with existing industries in the OPA, but there is no such requirement in the CPPB and the OPA does not require the City to reflect that input in the final approved development.</p> <p>As such the CPPB, does not adequately provide for the protection of sensitive uses from environmental impacts, nor does it protect the existing Major Facilities from having to retroactively retrofit their facilities or potential Major Facilities from having to mitigate at source beyond what they normally would have to provide. In fact, Section 5.24.3 identifies the need for compatibility studies to be required for new industrial uses. This uncertainty will significantly reduce the viability of the industrial area north of the CNR. An area where numerous industrial operations are located, and which has potential for new development through expansion of existing operations and new uses including on the Remington Lands.</p> <p>At the least, the CPPB, specifically Section 5.24, should require that all sensitive uses, including any development containing residential uses, require an amendment to the CPPB which would include a Land Use Compatibility Study and consultation with affected industrial landowners.</p>	<ul style="list-style-type: none"> That the Remington Lands be included in the General Employment Precinct; and that a clear statement be included in the CPPB that the uses currently permitted on their lands through the “General Employment 1 Exception 59 (GE1-59) Zone” will continue to be permitted and the regulations of that zone would continue to apply.
45	5.25 Development in Proximity to Rail	Guidelines should reference “or any successor guidelines or regulations.”	Add the phrase “or any successor guidelines or regulations” after the phrase “Rail Guidelines”.
50	5.26 Activated Streets, Public Realm and Active Transportation Plan	Subsection 5.26.3 references Figure 3a which identifies a “Proposed Street” on the Remington lands. This designation is also identified on Schedule D-1. This designation is not justified as discussed with respect to the OPA and should be removed from Figure 3a and Schedule D-1.	<p>Remove the Proposed Street designation on Figure 3a and Schedule D-1 on the Remington lands.</p> <p>Section 5.26.3 the word “Figure” should be “Figures”.</p>
51	5.27 Building Podium Design	No comments	No comments

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Item	Section	Remington Comment	Recommended Modifications
52	5.28 Burlington Housing Targets	No comments	No comments
53	5.29 Provision of Services, Facilities and Matters	Without commenting on the content of this section, 5.2.9 should only apply to residential and mixed use development which it appears to do. However, this should be clearly identified to ensure that interpretation issues do not arise.	Section 5.29 should be modified to clarify that it is not applicable to development in the General or Urban Employment Precincts.

Item	Section	Remington Comment	Recommended Modifications
Section 8- Appleby GO MTSA Permit Area			
<i>Document Format: Schedules are in Portrait Format and text is in Landscape Format. This is a technical legal document which will be used on a daily basis by City staff, landowners and their professionals, as well as members of the public. For ease of use the document should all be in Portrait Format which is a more functional approach.</i>			
54	8.1 Preamble	The Preamble inaccurately describes the existing environment and is misleading with respect to the future of this area. It should acknowledge that the existing development north of the CNR is a major general employment area with a variety of employment uses including heavy industry. These lands are located in a Provincially Significant Employment Zone and are identified as a “Regional Employment Area”. In particular, the Preamble should acknowledge not just the existing employment uses but also the potential for expansion of those uses and new industrial development. It should recognize that new sensitive uses must be designed and located to be compatible with this existing industrial area.	Section 8.1 -Revise the Preamble to recognize that the lands north of the CNR are a major general employment area with a variety of employment uses including heavy industry and are a Provincially Significant Employment Zone.

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Item	Section	Remington Comment	Recommended Modifications
55	8.2 Precincts	The Urban Employment designation is applicable to the Remington lands. It is not clear in policy or in the regulations, but it appears that ultimately this designation could result in a number of restrictions on the permitted employment uses on the Remington lands. However, it is not evident given the permitted uses in the proposed By-law what the ultimate differences between the two designations are. In particular, “Industrial” uses are permitted in both designations and the regulations are the same or similar, being if anything less restrictive for Urban Employment. However, a number of uses currently permitted on the Remington Lands would be removed under the proposed changes which is not appropriate, including automotive commercial, conference/convention centre and accessory retail (listed as a discretionary use, not as of right).	Remington requests a clear statement in the CPPB that the uses currently permitted on their lands through the “General Employment 1 Exception 59 (GE1-59) Zone” will continue to be permitted.
56	8.3 Natural Heritage System Precinct	No comments	No comments
57	8.4 Conservation Halton Regulatory Limit	No comments	No comments
58	8.5 Permitted and Discretionary Uses	See discussion in Comment 57	See discussion in Comment 57
59	8.6 Development Standards	The Remington Lands should continue to be subject to the development standards in the “General Employment 1 Exception 59 (GE1-59) Zone”. In addition, it is not clear what 10% vertical means with respect to the Landscaped Area requirement.	Remington requests a clear statement in the CPPB that the development standards in “General Employment 1 Exception 59 (GE1-59) Zone” will continue to be applicable to their lands. Please clarify vertical landscape requirement.
60	8.7 Building Transitions	No comments	No comments
61	8.8 Linear Parks & Greenways	No comments	No comments

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Item	Section	Remington Comment	Recommended Modifications
Mapping			
Appleby GO MTSA Permit Area			
Document Format: Schedules are in Portrait Format and text is in Landscape Format. This is a technical legal document which will be used on a daily basis by City staff, landowners and their professionals, as well as members of the public. For ease of use the document should all be in Portrait Format which is a more functional approach.			
62	Schedule D-1- Precincts in the Appleby GO MTSA Permit Area	See comments above	Remington Lands should be redesignated “General Employment Precinct”, and Proposed Street designation should be removed.
63	Schedule D-2- Maximum Heights in the Appleby GO MTSA Permit Area	See comments above	Remington Lands should be redesignated “General Employment Precinct”. In addition, east boundary of designation appears to be on an angle. If retained it should align with Schedule D-1.
64	Schedule D-3- Class 2 Staff Variation threshold based on Provision of Services, Facilities and Matters in Appleby GO MTSA Permit Areas	See comments above	Remington Lands should be redesignated “General Employment Precinct”. In addition, east boundary of designation appears to be on an angle. If retained it should align with Schedule D-1.
65	Figure 3a – Public Realm and Active Transportation Plan in the Appleby GO MTSA Permit Area	See comments above	Proposed Street should be removed from the Remington Lands and the New Park symbol to the west of the Remington Lands should also be removed.