



EMSHIH DEVELOPMENTS INC.

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Monday October 30, 2023
Via E-mail

City of Burlington
426 Brant Street
Burlington, ON L7R 2G2

Attention: Clerk's Department

Dear City Clerk,

Subject: Objection to Community Planning Permit By-law

We understand the intent of the CPP by-law is to reduce the time for development applications within the MTSAs, however, the Bylaw as drafted will create more uncertainty, variance issues, and additional financial burdens for any proposed development project. We have summarized our concerns as to how this by-law will have a negative impact on housing affordability:

1. **Market feasibility** – The market dictates what can and cannot be built. With costs varying over time, the feasibility of a development project requires flexibility in the design process, such as lowering parking, reducing setbacks requirements, etc. With the CPP by-law in its current form, there is little design flexibility when conforming 100% to Class 1 standards. Any deviations from Class 1 will bump the application to Class 2 and face various new requirements. The financial burden of Class 2 requirements will reduce the market feasibility of any development application and either render projects less affordable or fully stop the project altogether. In its current form, almost all applications will be bumped up to Class 2 due to the lack of flexibility in Tables 6.1, 6.2, 7.1, 7.2, 8.1, and 8.2. It is also important to note that the heights allowed for Class 1 have been reduced to 50% of the proposed heights which were permitted in the previously published maps by the City.

Our suggestion: To encourage more housing units to be built, Classes 1 and 2 should be combined, and community benefits should be limited to what is required by the Province.

2. **Parking requirements** – Parking adds a significant cost to housing developments. Each underground parking space costs between \$70,000 and \$100,000, and this cost gets added on to each unit. A better way to deal with parking in MTSAs is to eliminate parking minimums and

allow developers to decide on parking rates based on market forces. Developers are under enormous pressure to get the parking ratio right. Too many parking spaces means the units are less affordable, and too few spaces can lead to a lack of market interest from buyers who require parking.

The CPP by-law should also be modified to include more parking flexibility. Falling just below the required parking spaces should not automatically trigger Class 2. Shared visitors parking between residential and non-residential uses should be permitted, to allow for efficient use of visitors' spaces.

The removal of minimum parking requirements is supported by many industry experts, such as Brent Toderian (former chief planner for the City of Vancouver). He stated this is one of the key components of providing affordable housing. Many cities have removed of minimum parking requirements, or are in the process of considering it:

- a. [North Oakville Zoning By-law 2009-189 Table 5.1A \(4\)](#) does not set a minimum number of resident parking spaces for apartment buildings – it only sets a maximum, and a requirement for visitor parking only. This by-law has been in existence for many years and has no negative impact.
- b. Ottawa has no parking requirements in the city center.
- c. Edmonton removed all minimum parking requirements in 2020, with no negative impact.
- d. Hamilton is in the process of removing parking requirements in the urban lower city and along transit routes – a move supported by Environment Hamilton.

With all these cities either having removed, or considering removing the minimum parking requirements, Burlington would be aligned with the industry practice of having no minimum parking requirements in MSTAs.

The number of required bicycle parking spaces is also an issue, with a required 0.5 spaces per dwelling unit in apartment buildings. These spaces take away from the overall affordability of the units. Bicycle use tends to be a recreational activity, and should not come at the cost of affordability.

Our suggestion: Eliminate minimum resident parking requirements to improve housing affordability and reduce the required bicycle parking spaces. Allow for the sharing of required visitors parking for residential and non-residential spaces.

3. **Proposed roadways** – Figures 1a, 2a, and 3a provide concepts of roadways only, as per our conversation with MTSA team. The proposed streets differ from the actual location in certain areas. Language should be included so it is very clear that these figures are conceptual in nature and that some deviations from the figures are permitted.

Our suggestion: In the CCP by-law, add statements to Figures 1a, 2a, and 3a to clarify that the maps are only conceptual and do not necessary depict the exact future street. City will permit minor variations. Alternatively, the mapping needs to be modified and finalized prior to the passing of the Bylaw.

4. **Additional parkland contribution** – Table 5.4 lists Class 1 contribution requirements. These are in addition to Burlington’s existing parkland dedication by-law. An additional parkland fee on top of the existing parkland fees, and a new complete community fee are required, which further reduce the affordability of the future housing units.

Our suggestion: Only apply the fees that are mandated by the Province.

5. **Unclear provision of additional community benefits** – Section 5.29.6 lists 15 additional services, facilities and matters that the City may require for a development to be approved. There is no description of how a decision is made to determine which additional services will be required, or how many of the services will be required. Most of these services would reduce affordability or possibly make the development no longer feasible from a market perspective.

Our suggestion: Clarify which additional community benefits will be required to make the cost of projects more predictable.

6. **Density discouraged** – By bumping up development applications to Classes 2 or 3 due to height, and thereby triggering additional requirements imposed by the City, density around the MTSA’s will be discouraged, contrary to the Provincial or the City’s mandate.

Our suggestion: Support the Province’s housing targets by encouraging greater density (building heights) within the Mobility Hubs, with less additional financial constraints from the City.

Sincerely,
Emshih Developments Inc.

Per: 

James Liddycoat, Planner

CC: City Council; MTSA Staff Alison Enns, Jenna Puletto, Samantha Romlewski, Karyn Poad, and Rebecca Lau