



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

CPRM, October 31, 2023

PL-59-23

Correspondence from MHBC

Community Planning Department
P.O. Box 5013, 426 Brant Street
Burlington, ON L7R 3Z6

via Jo-Anne.Rudy@burlington.ca

October 30, 2023

RE: COMMENTS ON DRAFT COMMUNITY PLANNING PERMIT BY-LAW AND OFFICIAL PLAN AMENDMENT NO. 2

OUR FILE 22173A

On behalf of our client, Halton Standard Condominium Corporation No. 416, owner of the lands municipally addressed as 1026 Cooke Boulevard (hereinafter "the Subject Lands"), we provide the following comments on the proposed draft Community Planning Permit By-law ("CPP By-law") and Official Plan Amendment No. 2 ("OPA") regarding the Aldershot GO Major Transit Station Area.

DRAFT COMMUNITY PLANNING PERMIT BY-LAW

The following outlines our comments regarding the proposed draft Community Planning Permit By-law, dated October 2023.

1. Policy 5.14.7 concerns general parking provisions, and states:

*Servicing, loading, and parking access **should** be from a rear public lane, shared private lane and/or shared driveways, and not from the **Activated Street** frontage.*

Comment: A rear public lane system can not feasibly or practically be implemented at the rear of properties fronting Cooke Boulevard due to:

1. The inability to consolidate the lands needed for a continuous through rear public lane given the existing built form and individual property ownership of lots within the block between Masonry Court and Plains road. In addition, grading of a rear laneway would need to be coordinated across multiple private properties with varying redevelopment schedules;

2. Recent development approvals within this block that have not provided for a rear public lane system, and
3. A rear public lane system requirement as proposed for Cooke Commons would not meet the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads spacing requirements for arterial roadways. As Waterdown Road and Plains Road East are both arterial roadways, the typical minimum spacing for intersections is 200 metres and a right-in right-out at least 100 metre spacing.

Therefore, a rear public lane system would not meet typical minimum spacing according to these guidelines and could result in potential traffic conflict and limited turn movements of future traffic entering and exiting a mid-block laneway at these locations given anticipated queueing, etc.

In short, it would not be feasible or practical to implement a rear public lane system in Cooke Commons for the purpose of servicing, loading and parking access in this location for the reasons set out above.

Recommendation: Request this Section be revised as follows (for at least for Cooke Commons):

Servicing, loading, and parking access will be encouraged from a shared private lane and/or shared driveways where shared access is feasible.

2. Policy 5.17 concerns parking spaces. Table 5.2 outlines the proposed parking rates for the MTSA.

Comment: Given the provisions proposed to promote active modes of transportation and given the close proximity to the GO station, parking space requirements proposed for Cooke Commons are excessive and counter intensification opportunities. Many other approved development projects have lower parking ratios in MTSA's across the Province and, in some cases, no minimum parking rates. Based on the recommendations of our team's traffic engineer, a lower parking ratio option is recommended where reasonable transit use incentives are provided, and particularly in locations that are in close proximity to the GO Station, including Cooke Commons.

For example, the City of Kitchener provides for parking reduction allowances for sites within 800m of future rapid transit line, including:

1. 10% car space reduction if the building owner/occupant will provide fully subsidized transit passes for all occupants for a period of two years.

2. 10% reduction if the building owner/occupant agrees to charge for parking as a separate cost to occupants.

Recommendation: Request this Section be revised to consider lowering or eliminating minimum parking ratios in certain areas of the MTSA that are in close proximity to the GO Station and Bus Rapid Transit corridors, including Cooke Commons.

3. Policy 5.27 concerns Building Podium Design, and states the following:

- d) *Use of architectural elements and expressions such as arches, awnings, canopies, colonnades, doors, windows, lively colours and the highest quality material at street level should be used to highlight individual units, differentiate between residential and non-residential entrances in mixed use buildings, and engage the street;*

Comment: Policy 5.27.1 as drafted are design principles and are subjective. It is our understanding that the CPP By-law is intended to implement the principles and policies of the Burlington OP and Area Specific Plans for the MTSAs through measurable and objective criteria. This Section of the CPP By-law is not easily quantifiable and will result in inconsistent application and planning approvals.

Furthermore, this Section attempts to re-introduce design elements that were specifically removed from the Planning Act through Bill 23.

Recommendation: Request this Section be deleted and/or that the City provide for measurable regulations in the CPP By-law that implement these principles and **exclude design elements that were removed from Section 41** of the Planning Act through Bill 23.

- e) *The maximum frontage at grade for individual retail and service commercial units should not exceed 10 metres along an Activated Street to create a character of small shops and to achieve a vibrant, active and animated built environment;*

Comment: The proposed policy places unnecessary restrictions on future ground floor at grade retail and service commercial units where they are to be promoted.

Recommendation: Request this Section be deleted.

- f) *On sites with multiple towers, mid-block pedestrian connections should be provided through the podium to enhance permeability, break up the podium, and create additional corner conditions;*

Comment: While this may work on individual sites, in many cases, the proposed policy would not be practical for ownership, security and architectural reasons and should not be a requirement even with the subjective word "should".

Recommendation: Request this Section be deleted.

4. **Policy 7.6** concerns Development Standards, and provides the following standards in Table 7.2: Development Standards in the Aldershot GO MTSA Permit Area:

- *Front Yard setback (minimum)*
 - *1.5m (retail at grade)*
 - *3.0 m (residential)*

Comment: See comments further below re Draft Official Plan Amendment No. 2. Consideration should be given to a 0.0 metre setback, which is similarly permitted along urban streets in other municipalities, to allow for common elements and a more animated streetscape.

Recommendation: Request this Section be revised for Cooke Commons from 1.5 m to 0.0 m for retail at the ground floor.

- *Front Yard setback (maximum)*
 - *3.0 m*

Comment: Front Yard is defined as: A yard extending across the front of a lot between the side lot lines, and between the front lot line and the nearest wall of any building above grade, produced to the side lot lines.

Therefore, this maximum front yard setback requirement would seem to apply to upper storeys which may conflict with the need for 'stepping back' of upper storeys to meet angular plane objectives.

Recommendation: Request this Section be deleted or revised for Cooke Commons so front yard setback (maximum) only apply to the ground floor of a building and not upper storeys.

- ***Interior Side Yard setback (minimum)***
 - 3.0 m
 - 7.5 m (b) - when abutting a single detached dwelling, semi-detached or rowhouse

Comment: A side yard setback is not necessary on both sides of a building and impacts ability for intensification which is appropriate in MTSA.

Recommendation: Request this Section be revised for Cooke Commons from 3.0 m to 3.0 m (on one side) and 0 m (on other side).

- ***Rear Yard setback (minimum)***
 - 7.5 m

Comment: The proposed rear yard setback of 7.5 m is not reflective of an urban environment within a MTSA.

Recommendation: Request this Section be revised for Cooke Commons so that the rear yard setback is changed from 7.5 m to 4.0 m.

- ***Building Height (Maximum)***

Comment: Please refer to comments below re Schedules C-1 and C-2.

5. *Schedule C-2: Class 1 Maximum Heights in the Aldershot GO MTSA Permit Area has a maximum height of 12 Storeys.*

Schedule C-3: Class 2 Maximum Heights in the Aldershot GO MTSA Permit Area has a maximum height of 19 Storeys.

Comment: The proposed maximum height limit of 12 storeys for Class 1 is not appropriate for the Cooke Commons location within an MTSA and was not a recommendation of the Aldershot MTSA Study.

The Class 1 should have a maximum height of 29 storeys, which we will be demonstrating in our imminent application (as others have in the Cooke Commons location) can be appropriately accommodated in conjunction with lower podiums incorporated into the design depending on adjacent land use, providing for land use compatibility and meeting intensification and mixed use objectives in a MTSA.

Recommendation: Request this Section be revised so that: The Class 1 maximum height be revised to 29 storeys for Cooke Commons.

6. Table 5.4 concerns Class 1 Services, Facilities and Matters. It details that the Parkland Dedication contribution requirement is as follows:

Contribution of Planning Act Section 42 Parkland Dedication as per City of Burlington Parkland Dedication By-law 55-2023 in addition to the following as required to meet the needs of the Park Provisioning Master Plan:

- *3.3% of land value for low density****
- *\$22,090 per unit for medium density*** and*
- *\$15,610 per unit for 51 units/net hectare and more****

Comment: The proposed parkland dedication rate is unreasonably high in the context of improving unit affordability, and is not in keeping with rates in other local municipalities and will need to take into consideration changes made under Bill 23.

Recommendation: Request this Section be revised with a more comparable and reasonable rate.

DRAFT OFFICIAL PLAN AMENDMENT NO. 2

The following outlines our comments regarding the proposed draft Official Plan Amendment No. 2, dated October 2023.

Table 3: Classification of Major Transit Station Area Facilities

1. Major Transit Station Area Collector Streets

1.1 MTSA Mixed Use/Commercial Connector

- *Right of Way requirements of 30m*
- *Minimum 1.5m protected cycle track*
- *Minimum 1.8m pedestrian clearway and 1.5 metre planting and furnishing zone*
- *A community 'Main Street' or 'High Street' that balances mobility and access;*
- *Moves moderate to high volumes of cycling, transit and vehicle movements;*
- *Balances priority of all modes;*
- *Subject to intensification or redevelopment; and*
- *Likely to have mixed, but predominantly commercial land use.*

Note: Connector is described as moving “moderate to high volumes of cycling, transit and vehicle movements”. Whereas, Distributor (26 m) is described as “high level of pedestrian and cycling activity and low to moderate level of vehicular traffic”.

Comment: Cooke Boulevard (between Plains Road and Masonry Court) is identified as a MTSA Mixed Use/Commercial Connector on Schedule G-1: Aldershot GO Major Transit Station Area Transportation Network. Therefore, the Connector classification would result in an increased planned road width of Cooke Boulevard (between Plains Road and Masonry Court) from 20 m to 30 m.

Our traffic experts have reviewed this proposed change and based on their input, we fundamentally disagree with the proposed road width of 30 metres for the following reasons.

The current width of Cooke Boulevard is approximately 20 metres.

The 2020 Official Plan (OP) does not illustrate Cooke Blvd as a connector or collector road. The inclusion of active transportation facilities and complete streets on Cooke Blvd is supported; however, a 30m ROW is not necessary and in appropriate in an area that is promoting intensification and an animated streetscape.

Only until recently in the Transportation Brief and this Draft OPA 2, released on October 12, 2023, was the 30 metre planned collector/connector road width and function proposed for Cooke Boulevard. As this change to the planned road width was not identified in the City’s documents or by City staff earlier in the process, road widenings to increase the width of Cooke Boulevard have not been conditionally required for recent development approvals along Cooke Boulevard. Specifically, OLT settlement application at 53-71 Plains Road East, 1025 Cooke Boulevard and application at 1062-1074 Cooke Blvd pending OLT settlement do not accommodate a road widening or additional infrastructure along Cooke Boulevard. This will result in a disconnected and non-uniform streetscape if portions are designated for the additional 10 m of ROW for other properties as they come forward for redevelopment now.

That being said, the following Illustration demonstrates how a 20 metre ROW can accommodate active transportation infrastructure, including space for curbs and 0.30 m buffers from the property lines. The Cycle Track sketch illustrates the minimum requirements set out in the By-Law amendment and OTM, with extra space on the outside of the 1.5m buffers. It is noted that the sketch assumes that a two-way left-turn lane (TWLTL) will not be added to Cooke Blvd and the existing “No Parking” restrictions remain.

To provide for more streetscape elements, a 0.0 metre setback for the ground floor of a proposed building will also allow opportunities for contribution of additional space for street elements, patios, etc. in addition to what is identified in the Illustration below.

Recommendation: Maintain Cooke Boulevard as a 20 m ROW, which can accommodate such active transportation infrastructure (as illustrated below).



We appreciate your consideration of these comments through the development of the proposed Community Planning Permit By-law and Official Plan Amendment.

Yours truly,

MHBC

David A. McKay, MSc, MLAI, MCIP, RPP
Vice President and Partner

Debra Walker, BES, MBA, MCIP, RPP
Partner

Maire Stea, BES
Intermediate Planner

cc. Kathleen Dryden, President of Halton Standard Condominium Corporation No. 416