

Mayor Meed Ward and Members of City Council
City of Burlington
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Date: 6/13/2024

Our Ref: 123684

Subject: Gervais Development (Emery) Corporation - 1020 Emery Ave: Comments On Revised Proposed MTSA OPA And CPPS By-Law

Dear Mayor Meed Ward and Members of Council,

We are the planning consultants retained by Gervais Development (Emery) Corporation ("GDEC"), the Owner of the lands known municipally as 1020 Emery Avenue, in Burlington, ON, herein referred to as the "subject lands". We previously provided written correspondence regarding the ongoing planning project to establish Major Transit Station Areas ("MTSA") in the City's Official Plan, which includes a proposed Community Planning Permit System By-law ("CPPS" or "By-law"), dated Dec 4, 2023. Since that time, City staff have engaged in additional stakeholder consultation, and provided revised OPA and CPPS documents for review, now posted online for the upcoming Committee of the Whole meeting:

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=5b404592-656c-49f4-99ea-2468b355a200&Agenda=Merged&lang=English&Item=25&Tab=attachments> . We appreciate these efforts from staff and wish to specifically commend staff for their willingness to engage in constructive dialogue with stakeholders, including the development industry, to thoughtfully consider alternative approaches and to make revisions to the proposed planning framework accordingly. The process of engagement has been very positive and meaningful.

We have reviewed the OPA and CPPS document in full and are providing some additional correspondence for consideration with respect to the CPPS. In accordance with recently passed Bill 185, this letter is being submitted on behalf of the Property Owner to preserve any appeal rights. Also note that any comments raised in our previous letter which were not addressed remain generally open and valid (i.e. concerns with the Tertiary Planning process within the OPA).

SUBJECT LANDS

The subject lands are known municipally as 1020 Emery Ave, and are located north of Plains Rd, east of Waterdown Rd (**Figure 1**). The lands are currently vacant. There are no buildings or structures, and the lands have been used in the past for the staging of school bus vehicles which completed drop-offs and pick-ups in the area.

The total site area is approximately 1.5 ha, with frontage on the Emery Ave ROW of approximately 124.5 m. At this time, the Emery Ave ROW is owned by the City of Burlington, but the physical road stops at the south-easterly corner of the subject lands. Surrounding land uses include Hampton Terrace Care Centre to the south, Tim Horton's and commercial uses to the south-east, vacant lands to the east, King Paving to the north, and St Marys CBM to the west. There are no natural heritage features or hazard areas on the subject lands.



Figure 1 - Subject Lands (Source: Geowarehouse)

In terms of the existing planning framework, the subject lands are:

- Within the Aldershot GO MTSA, and within the Urban Area in the Region of Halton Official Plan (ROP), as established through ROPA 48 (which included the Employment Land Conversion as identified on the Employment Land Conversion Map).
- Within a MTSA Special Planning Area, the Delineated Built Boundary, and a Primary Growth Area in the City of Burlington Official Plan 2020. Further, the lands are designated as General Employment, which reflects the historic use rather than the planned direction established by ROPA 48.
- Within the Urban Planning Area Boundary in City of Burlington Official Plan 1997. Further, the lands are designated as General Employment, which reflects the historic use rather than the planned direction established by ROPA 48.
- Zoned H-GE2-57, being a site-specific General Employment zone with a Holding provision. This also reflects the historic use rather than the planned direction established by ROPA 48.

CPPS

Section 5.28.2 lists provisions for Activated Streets, etc. It requires retail, service commercial or office uses to be provided continuously at grade for buildings fronting Major Mixed-Use Streets, as identified in figures in the CPPS. It is our opinion that residential lobbies and supporting spaces should be permitted along frontages to ensure appropriate access options can be considered at design stages, and this appears to have been addressed **5.28.2 a i)** and **5.8.2 d)**. We support the inclusion of these provisions but note more flexibility could still be provided in the provisions to allow flexible design responses to suit the location of a parcel and the proposed development specifics.

Section 7 provides all the provisions for the **Aldershot GO MTSA Permit Area**. We still agree with and support the inclusion of this MTSA-specific section, and we note it includes reference to and permissions based on precincts, which we also still support. The use of tables for permitted and discretionary uses (**Table 7.1**) and development standards (**Table 7.2**) is helpful, easy to interpret and apply, and straightforward.

The main concern we re-iterate from our previous letter is with **Table 7.1** and the use permissions which mainly permit dwelling units only above the first two storeys in a mixed-use building for frontages facing a Major Mixed Use Street. In our opinion, this requirement could result in large amounts of unused and/or vacated commercial space, particularly in the second-floor level. We don't believe stipulating this amount of commercial space is realistic from a market perspective, especially for early implementation development projects where the density of surrounding development would not provide enough population to support, nor will there necessarily be full visibility from and connectivity to the planned transportation network. Initial developments will then likely have to cope with the burden of vacant space, which will have a negative knock-on effect on the look and feel of the MTSA neighbourhood. We previously referred to the 2022 Market Analysis by Watson, which provided the summary and analysis that "**generally, the market potential is highest as ground-floor commercial within mixed-use developments**" (*emphasis added*).

We re-iterate that it does not appear that this study, which was specifically commissioned to support the preparation of the MTSA ASPs, has been utilized in the drafting of the CPPS By-law provisions with respect to the required amount of non-residential floor space. Our preferred approach would be to permit a range of uses at grade and for the CPPS to specifically permit some level of residential dwelling space facing these streets, at least above the first floor. The list of uses which are now proposed that may unlock this outcome are provided in the CPPS Appendix, but in our opinion this approach should be eliminated and the specific requirement for non-res space be limited to at-grade only. Flexibly designed space on the second floor may be a greater benefit to these areas over time, which would allow changes in use to reflect market conditions.

Thank you for the opportunity to provide comments on the proposed OPA and CPPS By-law. We trust the comments provided in this letter and our previous submission will be considered prior to adoption. Should you wish to discuss further, please contact the undersigned directly.

Mayor and Members of Council
City of Burlington
MTSA OPA and CPPS

Sincerely,
Arcadis Professional Services (Canada) Inc.

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke followed by a small loop and a short vertical stroke.

Mike Crough RPP MCIP
Principal - Placemaking

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CC. GDEC