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To: Mayor Meed Ward and Members of Council

**From: Alison Enns, Manager of Policy and Community &
Karyn Poad, Supervisor, Community Initiatives**

**Cc: Craig Kummer, Director of Transportation Planning
Jamie Tellier, Director of Community Planning**

Date: June 18, 2024

**Re: Modified Official Plan Amendment No. 2 to the City of Burlington
Official Plan, 2020 to replace Appendix A to staff report PL-03-24.**

The purpose of this memo is to present a revised OPA 2 (attached to this memo as Appendix A) to replace the Appendix A to staff report PL-03-24 and to discuss the minor changes and identify any further modifications needed to OPA 2 following the delegations heard at the Statutory Public Meeting on June 11, 2024.

This memo is also presenting the proposed workplan to advance the necessary refinements to the MTSA Community Planning Permit By-law including continued collaboration with the industry and any necessary modifications as a result of Ministerial approval.

Background and Discussion

On June 11, 2024, a second statutory public meeting was held to consider staff report PL-03-24: MTSA Official Plan Amendment 2 and Community Planning Permit By-law and Statutory Public Meeting and receive feedback from the public, stakeholders and Council at the Committee of a Whole meeting.

At the June 11, 2024 statutory public meeting, staff report PL-03-24 contained the following staff recommendations:

Adopt Official Plan Amendment No. 2 to the City of Burlington Official Plan, 2020, substantially in the form provided in Appendix A of community planning department report PL-03-24; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 2 to be presented for approval at the same time as the associated Major Transit Station Area Community Planning Permit By-law; and

Deem that Section 17(21) of the Planning Act has been met; and

Approve the Major Transit Station Area Community Planning Permit By-law substantially in the form provided in Appendix B of community planning department report PL-03-24; and

Deem that the Community Planning Permit By-law conforms to the Burlington Official Plan, 2020 once Official Plan Amendment No. 2 is in force; and

State that the Community Planning Permit By-law will not come into effect until Official Plan Amendment No. 2 is approved.

Committee amended the motion regarding the staff recommendations as follows:

Adopt Official Plan Amendment No. 2 to the City of Burlington Official Plan, 2020, substantially in the form provided in Appendix A of community planning department report PL-03-24; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 2; and

Deem that Section 17(21) of the Planning Act has been met; and

Approve, in principle, the Major Transit Station Area Community Planning Permit By-law provided in Appendix B of community planning department report PL-03-24; and

Direct staff to make the necessary refinements to the Major Transit Station Area Community Planning Permit By-law, including any changes to reflect any modifications as a result of Ministerial approval.

Through PL-03-24, staff noted that there were additional refinements needed to OPA No. 2 prior to Council formally adopting OPA No. 2 on June 18, 2024.

Statutory Public Meeting Submissions

Staff have reviewed the submissions that were received from May 29 and at the Statutory meeting and have provided responses in Appendix B – Staff Responses to submissions received.

After considering the verbal and written submissions provided at the statutory public meeting, staff are proposing modifications to the proposed OPA 2 and contained in a revised OPA 2 in Appendix A and identified below.

Staff-initiated proposed policy modifications to OPA No. 2

The submissions received from May 29th and at the statutory public meeting have been reviewed and considered by staff as they relate to Official Plan Amendment No. 2. Staff

note that submissions containing comments related to the CPP By-law will be addressed through the CPP By-law workplan outlined below. Where appropriate, staff have addressed comments through modifications to OPA 2.

Staff have proposed the following Official Plan policy modifications:

- a) A modification has been made to Section 8.1.2(2.2) e), 8.1.2 (3.2) e) and 8.1.2 (4.2) f) to add a new subsection to recognize the enlargement or extension of a legal non-conforming use in accordance with Section 45(2) of the Planning Act.
- b) Modifications to 8.1.2(2.1)f, 8.1.2(3.1) f) and 8.1.2 (4.1) f) to provide clarity that the proposed minimum floor area ratio will be planned through the permitted heights of the CPP By-law.
- c) Minor modification to Section 8.1.2 (5.2) b) and 8.1.2(5.4) b) to align terminology of off-street trails with the legends on the Schedules.
- d) Modifications to Section 8.1.2 (6) b) to provide clarity that the land use compatibility screening assessment will confirm whether the site is within a potential influence area of a major facility and the need for a Land Use Compatibility study and updated language to recognize the impacts to existing and planned industrial facilities in alignment with language in the Provincial Policy Statement.
- e) Modifications to Section 8.1.2 (6) c) iii) to insert “and noise” to ensure noise is also considered in a Land Use Compatibility Terms of Reference.
- f) Modifications to Section 8.1.2 (6) by inserting a new subsection d) to require that the City consult with operators and landowners of existing major facilities when preparing a Terms of Reference for a Land Use Compatibility study.
- g) Modifications to Section 8.1.2 (d) to insert the words “where applicable” after the word “lots” to reflect that some sites may not have elements such as new public streets shared with other landowners and may not be required to pursue a shared distribution of responsibility.
- h) Modifications to Section 8.1.2 (10.3) to retitle the subsection as “Support Strategies and Tools” and include a new subsection b) that considers a future Community Improvement Plan (CIP) to focus on housing and employment outcomes.
- i) Modifications to 8.1.2 (10.4) c) that clarify that complete application requirements may be scoped on a case by case basis with consideration to scale and elements that have the potential to impact the permit application and identified conditions.
- j) Modifications to 8.1.2 (10.4) c) [table] to insert “and, if required, a” and delete “or” after a Land Use Compatibility Screening Assessment to clarify that the results of the Screening assessment may require a further land use compatibility study.

- k) Modification to Section 12.1.14 to insert a new subsection b) and renumber accordingly, and further modify k), and m) to comply with O.Reg 173/16 Section 3 by establishing goals and objectives of the CPP By-law in the OPA policies and specify the delegated authority of a CPP application in policy.
- l) Modifications to Section 12.1.14 by inserting a new subsection v) and new subsection g) to 8.1.2 (4.2) to exclude the lands at 720, 735, 740 Oval Court and 5135, 5155 Fairview Street from the Community Planning Permit policies and any Official Plan policies to be implemented through the Community Planning Permit System to recognize approved minutes of settlement at the OLT.

Appendix A to this memo presents a revised OPA 2 to replace the Appendix A version attached to Staff report PL-03-24 for adoption by Council.

Appendix B provides staff responses to the submissions received from May 29 up to and including the June 11th Statutory Public Meeting. Where required, staff have made minor typographic edits and corrections to policy cross references as a result of renumbering to OPA 2 and are shown in the redline version of OPA 2 in Appendix C- OPA 2 Redlined for reference.

Community Planning Permit System

At this time staff are not proposing any changes to the May 2024 CPP By-law recommended to be “approved, in principle” as set out in Appendix B to Report No. PL-03-24. In modifying the original recommendation from the staff report, Committee of the Whole identified an opportunity to direct staff to continue working to respond to submissions received as part of the Statutory Public Meeting and build on extensive engagement done to date. Staff were directed to prepare a work plan to describe how the interested and affected parties would use the approval timeframe for Official Plan Amendment 2 to attempt to resolve a scoped list of outstanding issues. See next steps below for connection to the broader process.

Community Planning Permit By-law Work Plan

As noted above Committee has amended the recommendation to speak to approval in principle of the MTSA CPP by-law and has directed staff to continue to work with interested and affected parties over a defined time period to address a core set of remaining issues limited to the following:

Land Use Compatibility

Continue to work with representatives from the existing major facilities and future potential industrial uses and landowners/development proponents to the south of the rail line in the Appleby GO MTSA to explore changes to the CPP By-law to enshrine roles and responsibilities in ensuring land use compatibility issues are addressed.

Class 1 and Class 2 Permit Structure

Continued dialogue to share the intended objective of the framework of permit classes as set out in the CPP By-law and seek opportunities for enhancements. This will also include further discussion related to opportunities to consider alternative approaches related to height permissions that continue to reflect engagement completed to date and to support the outcomes related to building standards, design and transition and continue to deliver, as required by the By-law, Facilities Services and Matters.

Facilities, Services and Matters

Staff will consider further submissions related to determining the Facilities, Services and Matters calculation and may consider further refinements. This discussion may also be considered in the implementation considerations outlined below.

EV parking Requirements

Staff will work with industry representatives to seek out any best practices aimed at ensuring that there are no limitations to ensuring that development progressing today are future-ready for EV expansions.

Implementation Considerations

In addition to the elements highlighted in the Staff report staff will continue to develop and collaborate on a variety of implementation considerations including but not limited to:

- Monitoring
- Reporting
- Partnering
- Education
- Communication
- Fees and Process maps

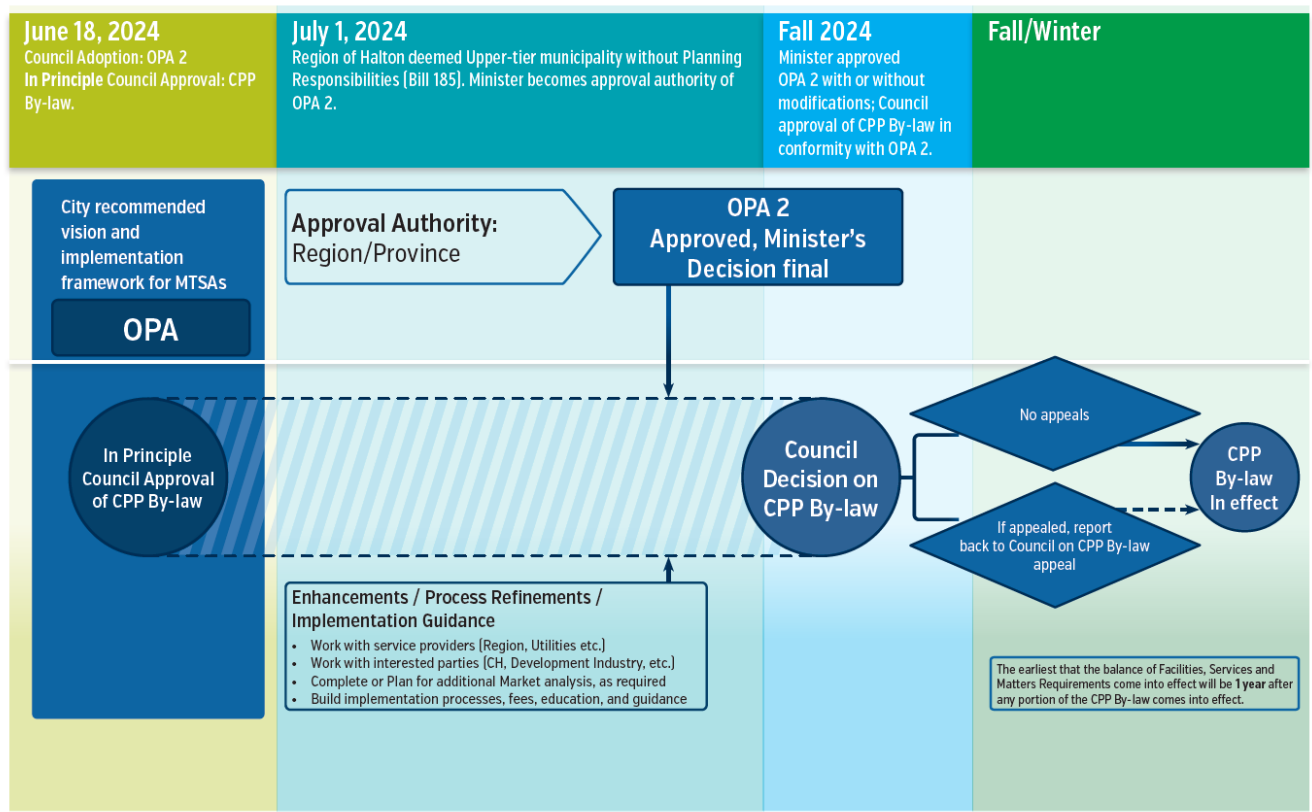
Site-specific issues

The work will include staff consideration of site-specific issues highlighted in submissions received at the Statutory Public Meeting.

A broad distribution list will be compiled to include interested and affected parties. The call will include a request for input on the set of scoped issues set out in this memo (or as amended by Council) and to invite participation in discussions to be scheduled for the summer.

Next Steps

To be clear, Appendix A to this memo replaces the Appendix A to Staff Report PL-03-24. Based on the proposed modifications described in this memo (and as contained in Appendix A to this memo) in conjunction with the feedback received on staff report PL-03-24 at the statutory public meeting, staff is of the opinion that no further public notice is required in respect of OPA 2. Should Council adopt OPA 2, as modified, staff will expeditiously prepare the record and submit it to our current planning approval authority and to the Province. Staff will meet soon with Ministry Staff to discuss opportunities to support their review and expedite the approval of OPA 2. The following process flow conceptually shows the next steps in implementing the Official Plan Amendment and the Community Planning Permit By-law.



If you have any questions, please contact staff.

Sincerely,

Alison Enns, MCIP, RPP, Manager of Policy and Community
Karyn Poad, MCIP, RPP, Supervisor, Community Initiatives
Community Planning Department

Appendices:

Appendix A: Revised OPA 2 for Adoption

Appendix B: Staff Responses to submissions

Appendix C: OPA 2 Redlined version for reference