



**Special Meeting of Council
Agenda**

Date: January 30, 2020
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

Pages

1. **Call to Order:**
2. **Regrets:**
3. **Declarations of Interest:**
4. **Delegations:**
5. **Items to be considered at the Special Meeting of Council:**
 - 5.1 Interim Control By-law Land Use Study (PL-01-20)
6. **Motion to Receive and File Information Items:**
 - 6.1 Memo from Rosa Bustamante, Manager of Development Planning regarding the Interim Control By-law Land Use Study (PL-01-20)

To be distributed under separate cover
 - 6.2 Correspondence from Metrolinx regarding Interim Control By-law Land Use Study (PL-01-20) 1 - 4
 - 6.3 Correspondence from Denise Baker representing WeirFoulds LLP regarding Interim Control By-law Land Use Study (PL-01-20) 5 - 14
 - 6.4 Correspondence from Jane McKenna, MPP Burlington regarding Interim Control By-law Land Use Study (PL-01-20) 15 - 15
7. **Motion to Consider Confidential Items:**
8. **Motion to Approve By-laws:**
 - 8.1 06-2020: A by-law to adopt Official Plan Amendment No. 119 to implement the findings of the Interim Control By-law Land Use Study.

8.2 2020.418 – A by-law to amend By-law 2020, as amended, for lands in proximity to the Burlington GO Station, for the purposes of implementing the findings of the City's Interim Control By-law Land Use Study

9. **Motion to Confirm Proceedings of the Council Meeting:**

10. **Motion to Adjourn:**



January 20, 2020

** via email & regular mail**

City of Burlington
c/o Jo-Anne Rudy, Committee Clerk
Community Planning, Regulation
& Mobility Committee
426 Brant Street, P.O. Box 5013
Burlington, ON
L7R 3Z6

Attention: Committee Chair and Members

**Re: City of Burlington Interim Control By-Law Land Use Study &
Proposed Official Plan & Zoning By-law Amendments (Staff Report PL-01-20)**

Dear Chair Stolte & Committee Members:

Please find set out below Metrolinx's comments on the materials presented on January 14, 2020 for the Interim Control By-Law (ICBL) Land Use Study and the related proposed Official Plan (OP) and Zoning By-law (ZB) Amendments being considered by Council on January 30, 2020.

Metrolinx's interest is related to the proposed OPA and ZBA on the lands at and surrounding Burlington GO Station within 800m of the station and within 30m of the rail corridor. Burlington GO Station is served with regional rail service, which will be increased to headways of 15-minutes or better under the GO Expansion program by 2027. To capitalize on provincial investment in regional transit and to realize the intended benefits, Metrolinx is undertaking transit oriented development at and adjacent its stations to increase ridership, improve the customer experience and to offer more choices in modes of travel. Transit oriented development is, at its essence, mixed-used high density development well integrated with transit and all other modes. These objectives are consistent with the policies of the Growth Plan (2019), and 2041 Regional Transportation Plan.

With regard to the proposed Burlington Official Plan and Zoning By-Law Amendments arising from the ICBL Land Use Study, Metrolinx requests the City:

- retain existing land use permissions and not approve the Official Plan and Zoning By-law Amendments for the study area at this time;
- undertake additional analysis to demonstrate that the proposed land use and height permissions, at a minimum, support the Growth Plan density target of 150 people and jobs per hectare for the Burlington GO Major Transit Station Area (MTSA);
- consider greater densities within the MTSA, in order to incentivize transit oriented development and support the massive investment in regional transit currently underway as part of the GO Expansion program; and

- further engage affected stakeholders and landowners, including Metrolinx, in determining the proposed land use framework for the ICBL study area, prior to presenting a revised proposal for City Council's consideration.

More detailed comments on the ICBL Land Use Study and proposed OPA and ZBA are below.

Scope

Metrolinx's comments on the ICBL Land Use Study and proposed OPA and ZBA are focused on our lands located at 2101 Fairview Street and 2120-2144 Queensway Drive, and those lands adjacent to and/or within 30 m of the active rail corridor where Metrolinx has an interest to ensure safety, operational, and policy compliance. Comments have also been provided on proposed policies that may impact how future and current GO customers access and use Burlington GO Station.

Comments

Land Use

- Metrolinx supports the conclusion in the ICBL Study that the highest and densest buildings be located closest to the GO station. The study however, effectively down-zones lands in the MTSA at a time when the Province is promoting transit oriented development that can leverage the benefits of the significant capital and operating investment in regional transit. This is of great concern to Metrolinx.
- Analysis should be provided by the City to demonstrate that the proposed height and land use permissions, at a minimum, allow for achieving the Growth Plan minimum density target of 150 people and jobs per hectare within 500 to 800 metres the Burlington GO station, which is a designated MTSA. Metrolinx understands that the exact boundary of the MTSA will be determined through Halton Region's Municipal Comprehensive Review (MCR) and that an interim boundary may be required for the City's analysis. The boundary used previously in the Burlington GO Mobility Hub Study should be considered until the limits of the MTSA are confirmed by the Region.
- Metrolinx encourages the City to consider permitting densities above the minimum established in the Growth Plan, taking into consideration:
 - the surrounding community context, including the existing land uses and block structure which provide any opportunity to transition between tall buildings on underutilized sites at the core of the MTSA, to lower density residential neighbourhoods;
 - the frequent rail service being provided to Burlington GO Station; and
 - the Provincial interest in incentivizing transit oriented development to support the massive investment in regional transit currently underway as part of the GO Expansion program.
- In addition, and with regard to the specific permissions proposed in the OPAs, we note the following:
 - Recommendations in Section 14.2 of the Dillon Land Use Study and in Part III, Section 7.2.3 of the proposed OPAs in Special Planning Area "A" significantly constrain feasible development on Metrolinx lands. When combining proposed public space allocations, maximum building floor plates, mid-block public right-of-way, and

associated setbacks with existing rail corridor safety standards and setbacks, it becomes difficult to implement transit supportive development. A more fulsome investigation and analysis of the net result of these recommendations, coupled with rail safety standards needs to be undertaken.

- We note that the draft outputs of the on-hold Mobility Hub Study did not restrict development to 24 storeys and that the Mobility Hub Study conclusion was reached through extensive consultation with Metrolinx staff, other landowners, agencies, and the public. Until further consultation and analysis is completed, the existing height permissions should be retained.

Connectivity and Circulation

- Metrolinx supports conclusions in Section 6.2.1 of the Dillon Land Use Study relating to improved mobility and connectivity to Burlington GO Station and between the station and Downtown. Through the 2016 GO Rail Station Access Plan Metrolinx has identified several complementary recommendations that would integrate well with the ones proposed in the Study. It is encouraging to see that sustainable and active travel modes are being prioritized to move people within Burlington and to the station.
- Metrolinx also supports recommendations in Section 6.2.2 of the Dillon Land Use Study that support improvements to the local transit network and its operations; particularly the implementation of bus priority along Brant Street as this is also identified in the *2041 Regional Transportation Plan*.
- Map 4 (Schedule M-1 MTSA Special Planning Area) from the proposed OPAs and Diagram 5A from the proposed ZBAs note a new mid-block, public right-of-way running east-west between Fairview Street and the rail corridor. Metrolinx does not support this road bisecting the existing bus loop at the Burlington GO Station. If this proposed road were to be implemented, significant impacts to bus operations could be expected and bays, which are already at a premium, would be reduced. This concern was previously shared with City staff from the Integrated Mobility Team so it is concerning to see the road included in the proposed amendments.

Process

- In Appendix A, the overview and timeline details activities between 2006 and 2022. The anticipated future schedule of the Burlington GO Mobility Hub Study is requested to be included as it is understood the forthcoming Secondary Plan for the Burlington GO Station area would replace the ICBL recommendations.
- Metrolinx requests to be included in the Technical Advisory Committee and Landowners' Group when the Burlington GO Mobility Hub Study (as well as Aldershot and Appleby GO) resumes.
- Metrolinx also requests further consultation on the delineation of the Burlington GO MTSA boundary and identification of height permissions and density targets through City of Burlington secondary planning and Region of Halton Municipal Comprehensive Review process.

Thank you for this opportunity to comment on the Interim Control By-Law Land Use Study and the related proposed Official Plan and Zoning By-Law Amendments. We look forward to working closely with the City to revisit the findings of the ICBL Land Use Study and the related proposed land use permissions for the study area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mathieu Goetzke', written over a vertical line.

Mathieu Goetzke
Chief Planning Officer (A)
Metrolinx

January 21, 2020

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

via E-mail

File 18356.00004

City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Attn: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: Interim Control By-law Study and OPA 119 and related Zoning by-law amendment

We are solicitors for Welwyn Interests Inc. (the “Client”), owners of properties located at 415, 419, 425, 431 Burlington Avenue, 1407, 1415, and 1421 Lakeshore Road (“the “Site”). We have previously provided submissions on the Taking a Closer Look at the Downtown Report, prepared by SGL Planning, however, we wish to also provide our general concerns with respect to the proposed OPA 119 and related Zoning By-law, which flow from the Interim Control By-law Study.

We have an overall concern with the manner in which the City is seeking to reduce densities in the Urban Growth Centre by de-emphasizing the Downtown Bus Terminal. It is our submission that in accordance with the Province’s RTP 2041, the Region’s DMTR Study and the Growth Plan which recognizes the Downtown, including the Bus Station as being within the Urban Growth Centre, it is submitted that proposed OPA 119 must be revised to include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA and the Burlington GO Station MTSA. This will have the positive effect of contributing to a broad public interest to achieve long term sustainability for Burlington’s Downtown for future generations. It will also enhance and recognize downtown Burlington as the City’s Urban Growth Centre. More specific concerns with OPA 119 and the proposed zoning by-law include, but are not limited to:

- The proposed OPA identifies a revised Downtown Urban Growth Centre (the “UGC”) Boundary. It is unclear how the determination was made as to the limits of the “new” Urban Growth Centre boundary and the rationale for such an amendment.

- Proposed Policy 3.11.2 e)- we submit that the policy reference to the guidelines is not appropriate as guidelines can be changed at any time without consultation. This policy attempts to enshrine the guidelines into policy, which is inappropriate. Guidelines are designed to provide guidance and which development proposals shall have regard for. If this policy is to remain, it should require that development applications have regard for the guidelines given the manner in which they are approved.
- Policy 7.2.1(b)- we submit that this policy is contrary to the Growth Plan in that it seeks to reduce density targets within the Urban Growth Centre.
- Policy 7.2.2(c)- Based on our review, this proposed policy is creating a density target based on a dated 2012 provincial guideline. Again, the intent appears to be the de-emphasis of the importance of the Downtown Bus Depot for the purpose of reducing densities within the Urban Growth Centre.
- Proposed Policy 7.2.2 j)- we submit that this policy goes beyond the City's authority to require parkland and community benefits, under the provisions of the Planning Act.
- Policy 7.2.2p)- we submit that this policy states that development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. It continues and clarifies that the "concept of optimization shall be applied to development patterns over the entirety of the MTSAs, not on a site specific property basis", which doesn't conform to the 2019 Growth Plan.
- Policy 7.2.2 q)- provides development criteria for evaluating development applications within the MTSA Special Planning Area (Downtown & Burlington GO MTSAs). Based on our review of this subset of policies, we have significant concerns with the following:
 - Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown Bus Depot and applies a lower density target based on a dated provincial guideline;
 - Item iv) which applies a test of consistency for the Urban Design Guidelines, and;
 - Item vii) which is entirely ambiguous and impossible to measure.
- Policy 7.2.2r)- In our opinion, there is an existing policy framework in the existing OP for affordable housing and it is not clear what is meant by "affordable housing elements" in this

proposed Policy. Furthermore, the proposed policy should, at minimum, define what a major comprehensive development is to which this Policy would be applied.

- Policy 7.2.4- provides policies for the Downtown MTSA and Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails and how that fits with the Interim Control By-law Study process.

As always, we will make ourselves available to discuss the foregoing with staff. Please do not hesitate to contact the undersigned should you have any questions or concerns.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc Client

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

January 20, 2020

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

VIA E-MAIL

File 18948.00001

City of Burlington
426 Brant Street
PO Box 5013
Burlington, ON L7R 3Z6

Attention: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: City of Burlington Interim Control By-law Study

We are solicitors for Spruce Partners Inc. and Amico Properties Inc. regarding their property located at 1161-1167 North Shore Boulevard, in the City of Burlington (the "Property"). We have previously submitted comments on the City of Burlington's ICBL Land Use Study and proposed amendments to the enforce Official Plan and Zoning By-law. In addition, we have previously provided comments on the City's "Taking a Closer Look at the Downtown" Report prepared by SGL Planning.

Having participated in the Planning and Development Committee meeting, and hearing the comments of staff and members of Council, we wish to supplement our previous submissions with our concerns on the proposed Official Plan amendment flowing from the Interim Control By-law Study. These comments are to be read in conjunction with the previously submitted comments. Our concerns include, but are not limited to, the following proposed policies:

- Policy 7.2.1(b)- Based on our review, it appears that the intent of this policy is to de-emphasize the Downtown Bus Depot and reduce the density targets related to it, since the Transit Supportive Guidelines identify a "suggested minimum density" of between 22 uph/50 people & jobs per hectare to 45 uph/100 pjh, which is well below the targets within the Urban Growth Centre.
- Policy 7.2.2(c)- Based on our review, this proposed policy is creating a density target based on a dated 2012 provincial guideline. Again, the intent appears to be the de-emphasis of the

importance of the Downtown Bus Depot for the purpose of reducing densities within the Urban Growth Centre.

- Policy 7.2.2p)- it is our opinion that this policy states that development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. It continues and clarifies that the “concept of optimization shall be applied to development patterns over the entirety of the MTSA’s, not on a site specific property basis”, and doesn’t conform to the 2019 Growth Plan.
- Policy 7.2.2 q) provides development criteria for evaluating development applications within the MTSA Special Planning Area (Downtown & Burlington GO MTSA’s). Based on our review of this subset of policies, we have significant concerns with the following:
 - Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown Bus Depot and applies a lower density target based on a dated provincial guideline.
 - Item iv) which applies a test of consistency for the Urban Design Guidelines, and.
 - Item vii) which is entirely ambiguous and impossible to measure.
- Policy 7.2.2r) In our opinion, there is an existing policy framework in the existing OP for affordable housing and it is not clear what is meant by “affordable housing elements” in this proposed Policy. Furthermore, the proposed policy should, at minimum, define what a major comprehensive development is to which this Policy would be applied.
- Policy 7.2.4 provides policies for the Downtown MTSA and Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails and how that fits with the Interim Control By-law Study process.

We thank you for your consideration of these comments and we look forward to hearing from staff in connection with the above. Please do not hesitate to contact the undersigned in connection with this matter.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink that reads "DBaker". The signature is written in a cursive, flowing style.

Denise Baker

DB/mw

cc Client

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

14202348.1

January 21, 2020

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

via E-mail

File 20508.00001

City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Attn: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: Submissions on the Proposed OPA 119 and Related Zoning By-law and Taking a Closer Look at the Downtown: Preliminary Preferred Concept

We are solicitors for Arya Properties Ltd. (the “Client”), owners of property located at 1381 Lakeshore Road, in the City of Burlington (the “Site”). Under the current in force Official Plan, the Site is designated Downtown Residential - Medium and/or High Density Precincts.

We have reviewed both the City of Burlington’s ICBL Land Use Study and proposed Official Plan and Zoning By-law Amendments as well as the Taking a Closer Look at the Downtown Report (“SCL Report”), and have a number of concerns with respect to how the proposed OPA and ZBA flowing from the ICBS will impact the Site, as well as how the Preferred Concept in the SGL Report is proposed to impact the Site. Below are a number of identified concerns as they relate to the Site, however, this is not intended to be an exhaustive list of concerns.

Proposed OPA 119 and Zoning By-law

We have an overall concern with the manner in which the City is seeking to reduce densities in the Urban Growth Centre by de-emphasizing the Downtown Bus Terminal. It is our submission that in accordance with the Province’s RTP 2041, the Region’s DMTR Study and the Growth Plan which recognizes the Downtown, including the Bus Station as being within the Urban Growth Centre, it is submitted that proposed OPA 119 must be revised to include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA and the Burlington GO Station MTSA. This will have the positive effect of contributing to a broad public interest to achieve long term sustainability for Burlington’s Downtown for future generations. It will also enhance the role of downtown

Burlington as the City's Urban Growth Centre. More specific concerns with OPA 119 and the proposed zoning by-law include, but are not limited to:

- The proposed OPA identifies a revised Downtown Urban Growth Centre Boundary. It is unclear how the determination was made as to the limits of the "new" Urban Growth Centre boundary and the rationale for such an amendment.
- Proposed Policy 3.11.2 e)- we submit that the policy reference to the guidelines is not appropriate as guidelines can be changed at any time without consultation. This policy attempts to enshrine the guidelines into policy, which is inappropriate. Guidelines are designed to provide guidance and which development proposals shall have regard for. If this policy is to remain, it should require that development applications have regard for the guidelines given the manner in which they are approved.
- Policy 7.2.1(b)- we submit that this policy is contrary to the Growth Plan in that it seeks to reduce density targets within the Urban Growth Centre.
- Policy 7.2.2(c)- Based on our review, this proposed policy is creating a density target based on a dated 2012 provincial guideline. Again, the intent appears to be the de-emphasis of the importance of the Downtown Bus Depot for the purpose of reducing densities within the Urban Growth Centre.
- Proposed Policy 7.2.2 j)- we submit that this policy goes beyond the City's authority to require parkland and community benefits, under the provisions of the Planning Act.
- Policy 7.2.2p)- we submit that this policy states that development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. It continues and clarifies that the "concept of optimization shall be applied to development patterns over the entirety of the MTSAs, not on a site specific property basis", and doesn't conform to the 2019 Growth Plan.
- Policy 7.2.2 q)- provides development criteria for evaluating development applications within the MTSA Special Planning Area (Downtown & Burlington GO MTSAs). Based on our review of this subset of policies, we have significant concerns with the following:

- Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown Bus Depot and applies a lower density target based on a dated provincial guideline;
 - Item iv) which applies a test of consistency for the Urban Design Guidelines;
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- Policy 7.2.2r)- In our opinion, there is an existing policy framework in the existing OP for affordable housing and it is not clear in what is meant by “affordable housing elements” in this proposed Policy. Furthermore, the proposed Policy should, at minimum, define what a major comprehensive development is to which this Policy would be applied.
 - Policy 7.2.4- provides policies for the Downtown MTSA and Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails and how that fits with the Interim Control By-law Study process.

The SGL Report

Under the SGL Report, it appears, although it is uncertain given the scale of the mapping, the lack of clarity in the text and the lack of consultation with the Client, that the Site is proposed to be down designated to Low Rise Neighbourhood Precincts-St Luke's/Emerald. Such a down designation may materially impact the ability to redevelop the Site for the purpose it was purchased.

It is submitted that such a down designation, if that is indeed what is proposed for the Site, has not been justified in the work undertaken by SGL Planning. Further, it is submitted that such a proposed down designation of lands within Burlington's Urban Growth Centre is entirely contrary to the Provincial Policy Statement and the Growth Plan, and decisions from the Local Planning Appeal Tribunal that have previously dealt with this very issue within Burlington's Urban Growth Centre.

Moreover, if it is only the properties to the east of the Site, between the Site and Burlington Avenue that are proposed for the down designation, we are similarly concerned that such a down designation for those properties will impact our ability to develop the Site as a result of issues of adjacency and policies pertaining to transitioning to low rise neighbourhoods.

As always, we would welcome the opportunity to dialogue with staff in connection with the aforementioned matters. As such, please do not hesitate to contact the undersigned should you have any concerns.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", written in a cursive style.

Denise Baker

DB/mw

cc Client

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

14184349.1

January 24, 2020

Hon. Caroline Mulroney
Minister of Transportation
777 Bay Street, 5th Floor
Toronto, ON M7A 1Z8

Dear Minister Mulroney,

On January 20, 2020, a letter from Metrolinx's Chief Planning Officer, Mathieu Goetzke was sent to the City of Burlington in reference to Burlington's Interim Control By-Law Land Use Study & Proposed Official Plan and Zoning By-law Amendments, (Staff Report PL-01-20).

I am very disappointed by the demands made by Metrolinx Chief Planning Officer, Mathieu Goetzke, and find it entirely inappropriate that neither the Ministry nor myself, as the MPP for Burlington, were copied on this correspondence.

The City of Burlington has been working on a new Official Plan for some time, and is under a deadline with the Interim Control Bylaw ending on March 5, 2020 – just 41 days from now. The contents of the letter from Mr. Goetzke are not helpful to the process and serve only to stifle the ongoing public consultation, and hard work done by residents, staff and elected officials.

As you know, later this year the City of Burlington intends to propose to the province the relocation of the Downtown Mobility Hub designation. In light of this reckless and irresponsible letter from Metrolinx, I am asking you as the Minister of Transportation, to act now to move the MTSA designation to one of the GO transit stations recognized by the MTO.

I look forward to your timely response.

Sincerely,



Jane McKenna
MPP Burlington

JM: ka

cc. Mathieu Goetzke, Chief Planning Officer, Metrolinx
cc. Hon. Steve Clark, Minister of Municipal Affairs and Housing
cc. Marianne Meed Ward, Mayor, City of Burlington
cc. Jo-Anne Rudy, Committee Clerk, Community Planning, Regulation & Mobility Clerk