



January 19, 2015 D&I Committee Delegation

Re: Report providing information regarding the Official Plan and Zoning By-law amendment for 374 Martha Street. (PB-05-15)

Good evening Chair Lancaster, Committee Members & Burlington Citizens:

BurlingtonGreen appreciates the opportunity to offer input relevant to the Official Plan and Zoning By-law amendment for 374 Martha Street.

We are not in a position to comment on the **specifics** of the proposal other than to recommend that the application be denied. It is not in keeping with Burlington's current plans and as the City is in the midst of an Official Plan Review, it needs to be engaging the community further to establish neighborhood by neighborhood visions given the city wide development pressures it is currently facing.

We would argue it is more important than ever before to ensure an **effective planning process linked to an overarching, clear vision for the city** is in place and it is this that we would like to focus our comments on this evening.

Currently development is often perceived to be advanced in an adhoc, reactive, inconsistent manner, forcing the needs and vision of local neighbourhoods to adjust, keep pace or react with frustration to new project proposals.

The current process appears to:

- focus on deviation from planned standards rather than compliance
- be reactionary – places the City and the community on the defensive to explain why a proposal is unacceptable
- can be a burden to staff, council and citizens – many applications a year must be reviewed and meetings held to determine what is wrong with the proposal
- and approval defaults to the larger, city-wide context instead of a local context

A process that provides more **predictable outcomes** would provide a:

- **proactive** rather than reactive response to growth and change
- a planning process that focuses on meaningful **collaboration**
- one that provides more **certainty**: all parties know what to expect in regards to future growth/intensification
- and finally, a process with greater **effectiveness** – only applications that conform to established standards and performance criteria will receive approval

Elements of this preferred process stem from a Province of Ontario Regulation that came into effect in 2007 with the introduction of a Development Permit System or “DPS”.

DPS is a policy-led system in that the vision, goals, objectives, related policies and regulatory framework is established **upfront with public involvement**.

The System combines the zoning, site plan and minor variance processes into one application and approval process.

And, unlike a city-wide zoning by-law, the DPS is applied area-by-area at a neighbourhood scale and accordingly **supports and reflects local character and distinctiveness** and **assures** neighbourhood development is in keeping with the vision and objectives for the area. Official Plan Policies tailor DPS to Burlington.

There are five steps to implementing the Development Permit System:

1. Establish a Community Vision (*this step may be comparable conceptually to Burlington’s current Character Area Studies*)
2. Update Official Plan policies as necessary
3. Enact a Development Permit by-law that would include:
 - Minimum and maximum standards
 - Development criteria to test compatibility
 - Types of conditions that may be imposed
 - Formula for the provision of community benefits
4. Review development applications for conformity with by-law standards and criteria
5. If by-law requirements are met a Permit is issued and conditions are imposed

The result is proposed to be a more comprehensive planning process in which **outcomes are predictable and align with the expectations** of the community.

The Development Permit System or DPS **appears** to offer advantages over the current system **but of course a more comprehensive evaluation would be required to ensure it would in fact be the best tool** needed to support planning decisions to achieve the growth and vision the citizens of Burlington want to see.

Information about the DPS was reported by staff (Mr. Krushelnicki) to Council in July 2007 as part of the Old Lakeshore Road Precinct Study but we are not aware if there has been additional follow-up on this planning tool option since then. However given the timeliness of the City’s Official Plan Review, the fact that recurring challenges continue with the current process and that intensification pressures will likely cause more of the same unfavourable trends.....we suggest it time for Burlington to hit the **“reset” button** to ensure it has the required planning strategy and process in place going forward.

Other municipalities have or are considering implementing the DPS including Toronto, Mississauga, Brampton and Gananoque. Understandably it would not be logistically possible to implement the DPS throughout the city at the same time, so like Toronto, Burlington could determine which neighborhoods are a priority and implement a phased process if it were to adopt this model.

It is encouraging that as part of Burlington's Official Plan review, the City has or is conducting Character Area Studies (i.e. Roseland, Indian Point), Summits etc and we suggest that these could serve as valuable opportunities to introduce the Development Permit System planning tool to the citizens of Burlington.

Of course, neighbourhood visioning and planning should be conducted within the context of and integrated to a broader, clear vision for Burlington. Understanding how the city's future transportation system will work and what greenspace is or will be secured are just a few of the key areas that need to be determined and be part of the discussions. The current Official Plan Review provides this critical opportunity to engage the public in shaping the future of Burlington but in the interests of time we will reserve our suggestions regarding the OPR process for another time.

We would also add that the City's approved **Community Energy Plan should be integrated with the current development application approval process as part of the evaluation criteria** in addition to being incorporated into the communications with the public as it relates to growth and development.

As identified in the plan,

"A central consideration of the CEP is that Burlington will approach residential greenfield build-out of its urban boundary within the next five years. This is a significant point of inflection for our community, and potentially for how we use energy."

Upcoming Character Area Study events, city wide PIC's and visioning summits **all provide valuable opportunities to engage the public** in understanding **how climate change and energy use apply within a neighbourhood and city wide context in relationship to growth and development.**

In conclusion, BurlingtonGreen recommends that this Committee direct Staff to evaluate the DPS for considered application in Burlington as well as direct staff to integrate the Community Energy Plan objectives into development application criteria and current and upcoming public engagement opportunities.

We believe a planning process that is **proactive, collaborative** and **effective** providing outcomes of **certainty** will be embraced by the citizens of Burlington. Combined with a triple bottom line approach where equal consideration is dedicated to social, environmental and economic factors, the desired outcome of "growing in place" while respecting community needs and the unique features that make Burlington a great place to live can be achieved.

Thank you.

Ken Woodruff & Amy Schnurr
BurlingtonGreen Environmental Association

References:

Development Permit System - <http://www.mah.gov.on.ca/Page4755.aspx>

Toronto DPS -

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=3b2cd9e27ac93410VgnVCM10000071d60f89RCRD>

Burlington's CEP - <http://cms.burlington.ca/Page7938.aspx#.VLlrQY2Ejrc>

City of Burlington - Character Area Study for Indian Point and Roseland: Consultation Brief

1) The Official Plan does not have specific policies to manage development in Character Areas

The Roseland and Indian Point neighbourhoods are distinct, established residential areas in the City that are experiencing some transitions due to development occurring within the neighbourhood such as demolition and reconstruction, additions, and lot severances. The Official Plan does not contain specific policies that recognize, describe or protect the unique characteristics of a particular neighbourhood.

Under the current Official Plan, most of the residential areas in the City, including Roseland and Indian Point, fall within the *Low-Density Residential* designation and these residential areas are all subject to the same general vision and broad policies. Residential neighbourhoods that fall within this land use designation are characterized by their density (less than 25 units per hectare) and built form (single-detached and semi-detached residential dwellings).

City of Brampton - <http://www.brampton.ca/en/Business/planning-development/projects-studies/Pages/main-street-north.aspx>