

August 10, 2021

The Hon. Minister Clarke
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario
M7A 2J3

Via email: sclarke@ontario.ca

Dear Minister Clarke:

**RE: ERO 019-4071 / MINISTRY REFERENCE NUMBER 24-OP-217386
REGION OF HALTON OFFICIAL PLAN AMENDMENT NO. 48
SUBMISSION ON DOWNTOWN BURLINGTON URBAN GROWTH CENTRE
REMOVAL AND RELOCATION
OUR FILE: 1886 A**

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) are retained by Emshih Developments Inc. (“Emshih”) in relation to several of their properties that are located in downtown Burlington. These properties are currently located in the City of Burlington’s Downtown Urban Growth Centre (“UGC”) as defined in the Growth Plan 2020.

Over the past two years, Emshih has been engaged in the Region of Halton’s Official Plan Review Process and has made a number of submissions to the Regional Municipality of Halton (“Region”) and most recently related to the recommended removal of the current UGC from Downtown Burlington to the Burlington GO Major Transit Station Area (“MTSA”), as requested by the City of Burlington. This change, in our opinion, is not consistent or in conformity with Provincial policy and is not reflective of planning in the public interest for all of the reasons we have conveyed in our submissions on behalf of Emshih. We maintain that the current UGC should remain in Downtown Burlington and if any boundary “adjustment” is to occur, it should be to add the Burlington GO MTSA area to the existing UGC.

On July 7, 2021, the Region adopted Regional Official Plan Amendment No. 48 (“ROPA 48”) which includes the removal of the current UGC from the Downtown. We understand a Notice of Decision for ROPA 48 has been issued and ROPA 48 has now been posted on the Environmental Registry of Ontario for comments to be considered by the Minister prior to a final decision being made on ROPA 48.

While the Minister provided his support for the removal of the Downtown at a recent press conference prior to consideration through the public process, we believe a decision that has significant impacts on growth and development and housing supply, should be made through a public planning process and be one based on planning evidence and consideration of input from all stakeholders. Respectfully that has

not occurred with respect to the removal of the Downtown Burlington as the UGC as proposed in ROPA 48.

The City of Burlington, along with the Region, provides for a land use policy framework in conformity with Provincial policy upon which significant long term investment decisions can be made with certainty. To now significantly change that framework for businesses and investors on the basis that the Downtown has "done its job" is to suggest that the Provincial policy framework can be changed based on local concerns and not based on matters of Provincial interest and policy as established in an approved land use planning framework. The City and Region have made extensive financial investments to attract people to live and work in Downtown Burlington which is a complete community. To now reduce the opportunities to live and work in Downtown Burlington is, in our opinion, contrary to Provincial objectives and the need to address the housing crisis in Ontario.

We have attached the written submissions made to the Region on June 14, 2021, requesting that the Downtown UGC remain in its current location. The submission highlights the significant policy concerns with the proposed changes, none of which have been sufficiently addressed or responded to by the Region.

We respectfully request that the Minister consider the broader issues of Provincial policy and public interest raised in our submissions when making a final decision to remove the Burlington UGC as part of ROPA 48. We urge the Minister to consider the significant implications such a decision will have not only on the long-term growth and economic stability of Downtown Burlington but on the supply of housing and removal of the opportunity for housing options for all in many other municipalities. We believe a decision to allow a local municipality to shift growth based on local concerns will create a precedent for many others to consider. One which we believe will undermine the very basis upon which the Growth Plan was founded.

Sincerely,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', written in a cursive style.

Dana Anderson, FCIP, RPP

Encl.

cc: Dr. Michael Shih, Emshih Developments

June 14, 2021

Chair and Members of Council
c/o Regional Clerk Graham Milne
Regional Municipality of Halton
1151 Bronte Road
Oakville, ON
L6M 3L1

Via email: regionalclerk@halton.ca
Via email: ropr@halton.ca

Dear Chair Carr and Members of Regional Council:

RE: REGION OFFICIAL PLAN AMENDMENT NO. 48: STATUTORY PUBLIC MEETING
WRITTEN SUBMISSION: Emshih Developments Inc. – 380 Brant St. and 433-439 Brant St.
OUR FILE: 1583

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) are retained by Emshih Developments Inc. (“Emshih”) in relation to various properties located throughout the City of Burlington. Over the last several years there have been multiple studies and reviews that have impacted Emshih’s Downtown properties. Emshih have made several submissions to both the City of Burlington and the Region of Halton in response to these studies and most recently to the Interim Control By-law Study, the Re-examination of the Downtown through the City of Burlington’s Official Plan Review process and the resulting new Official Plan and policies for the Downtown approved but now under appeal.

Within the City’s new Official Plan approved by the Region and now under appeal, Downtown Burlington is the City’s Urban Growth Centre as established through the Growth Plan. The new Official Plan is to provide for growth for the next 10 years, to 2031. The proposed Regional Official Plan Amendment No 48 (“ROPA 48”) is seeking to “adjust” the boundary of the current Downtown by removing 94% of the land area from the Urban Growth Centre, presumably starting in 2031 although this is not clear. The existing MTSA for Burlington GO which is also a primary growth area is to become the new Downtown Urban Growth Centre for Burlington in addition to its existing role as a Major Transit Station Area.

Following the release of the Supplemental Discussion Paper, in December, 2020, Emshih made a formal submission to the Region of Halton, requesting that the Region maintain the Downtown UGC boundaries along with its extension to the Burlington GO MTSA. A copy of the detailed submission and planning analysis is attached as Appendix A. Since that time, neither the City nor the Region have engaged in any discussions with Emshih regarding their comments or the impacts of an altered urban structure on the Downtown properties which have also been substantially impacted by COVID-19 and the development freeze that remains in place by the City. There has also been no assessment or analysis of how these comments have or have not been addressed through ROPA 48.

This information has not been presented to Council since December 2020 and there was no report prepared by Staff (by their own acknowledgement) to review and assess the comments on the Supplemental Discussion Paper before ROPA 48 was drafted other than the high level consultation summary document. No further analysis of the submissions or comments has been made public to our knowledge. This is extremely disappointing as we believe ROPA 48 as it applies to the Downtown is a fundamental change in planning policy that appears to be moving forward without proper planning analysis and consideration.

The submission made in December 2020 is clear on the significant issues raised through ROPA 48 in relation to the boundary "adjustment" which in fact is a substantial removal of 94% of the existing Urban Growth Centre. In the letter a number of matters are raised, to which there has still been no response provided:

- i) What planning rationale, analysis or justification at the Regional or Provincial level has occurred since November 30, 2020 to justify the changes proposed? Prior to that, planning staff provided no planning rationale, analysis or justification that questioned the role of the downtown as a UGC or its capacity as a UGC and in fact fully support the current Downtown boundary as the UGC in full conformity with the Growth Plan;
- ii) How is the removal of 94% of an UGC considered a boundary "adjustment" by the Province;
- iii) What engagement with landowners and business owners has taken place in relation to the removal of their businesses and investments from the Downtown and future opportunities for employment development? The change in designation from an Urban Growth Centre and Primary Growth Centre to Other Strategic Growth Node is not even recognized in the Region's urban structure chart. On what basis under the Growth Plan is the removal of the Downtown Area founded? There appears to be an assumption that if the Downtown Bus Terminal is removed there is no basis for the Downtown to remain as an Urban Growth Centre which is fundamentally incorrect.

The removal and relocation of the Downtown UGC will have a detrimental effect on the continued growth and prosperity of Downtown Burlington and on the ability of the Region to accommodate growth to 2051. Given the level of investment and detailed planning for the Downtown to date, the shift of intensification outside of the current Downtown UGC will negatively impact:

- The supply of new, attainable and affordable housing Downtown;
- The viability of businesses and employment in the Downtown;
- The ability to secure continued investment in future housing, employment and transit Downtown.

We recommend that ROPA 48 be amended as set out in our detailed submission to retain the Downtown boundary with the Burlington GO MTSA. We also recommend that existing Downtown land owners and business owners be afforded a meeting with the Province, Regional and City planning staff and Council to discuss the implications and issue of the recommended changes in policy well before any decision is made that in our opinion will have un reversible long term impacts on the Downtown.

Yours Truly,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, cursive script.

Dana Anderson, FCIP, RPP

Attach. Emsih Developments Inc Submission to Halton Region, December 2020

cc: Curt Benson, Region of Halton
Heather MacDonald, City of Burlington
Dr. Michael Shih, Emsih Developments Inc.

December 18, 2020

Ms. Curt Benson, MCIP, RPP
Director of Planning
Region of Halton
1075 North Service Road
Oakville, Ontario
L6M 2G2

Dear Mr. Benson:

**RE: COMMENTS ON REGIONAL SUPPLEMENTAL DISCUSSION PAPER: DOWNTOWN
BURLINGTON URBAN GROWTH CENTRE AND MTSA (OCTOBER 2020)
372-380 BRANT STREET AND 433-439 BRANT STREET
OUR FILE: 1583F**

MHBC is retained by Emshih Developments Inc. ("Emshih") with respect to its properties located at 372-380 Brant Street and 433-439 Brant Street in Downtown Burlington. Emshih is a major landowner and investor in the City of Burlington for over 40 years.

We have been engaged on behalf of Emshih throughout the City of Burlington's process leading up to the adopted Official Plan in April of 2018, the Interim Control By-law ("ICBL") Study initiated by City Council in March of 2019 and the Re-examination of the City's Adopted Official Plan which resulted in the approval of a modified Official Plan by City Council in October of 2020. The final modified City Official Plan was approved by the Region on November 30, 2020. It is our understanding that the modified City Official Plan has now been appealed to the LPAT.

Emshih have also participated in the Region's Municipal Comprehensive Review ("MCR") process and provided comments on the Regional Discussion Papers in relation to a number of issues and properties. We were able to attend one of the public information sessions held in November on the Supplemental Discussion Paper (the "Paper"). We appreciate the opportunity to provide comments on the Paper focused on Downtown Burlington and the Burlington GO Major Transit Station Area ("MTSA").

Comments on the Supplemental Discussion Paper and the Process

In our review of the Paper, we have identified a number of significant concerns which are outlined in two parts. Firstly, we have provided comments on the Paper itself and the different policy areas discussed. Secondly, we have provided responses to the questions posed in the Paper which are supported by comments made through the first part of our letter.

Generally, however, we question the process being pursued by planning staff at both the Region and the City given that the new City Official Plan, just approved by the Region and the Province through the one-window process, that approved a policy framework to secure the Downtown as the Urban Growth Centre (“UGC”) and a Major Transit Station Area (“MTSA”) and supports the lands around the Burlington GO Station as the Burlington GO MTSA, is now being reconsidered.

It is unclear what land use planning rationale, analysis or justification at the Regional or Provincial level has changed since November 30, 2020. There has been no planning rationale, analysis or justification by planning staff in the years leading up to the November 30, 2020 approval that questioned the role of the Downtown as a UGC or its capacity as a UGC.

The direction to consider this significant change comes from a Council direction that City staff responded to in August of 2020. The suggestion that a letter from the Ministry that simply states the Region can consider the removal of the MTSA in the Downtown does not equate to a “direction” as stated on page 23 of the Paper or an approval. The statement in the Paper that it gives direction is not correct. In fact, the City staff report (PL-33-20) confirms that on page 3 when it states *“It should be noted that the letter does not offer any advice regarding the location of the UGC or the process to refine its boundaries”*. The suggestion that the Downtown has now “served its purpose” as a reason for removing over 94% of the land from the UGC (see Figure 1 attached) is concerning as it directly conflicts with the planning recommendations by both the City and the Region in their approvals of the November 30, 2020, new City Official Plan. Nowhere in any of the work completed to support the November 30, 2020 new City Official Plan, is there any suggestion that the Downtown will not or cannot continue as an Urban Growth Centre with or without the MTSA designation.

While we understand that the role of the Downtown bus terminal and the Downtown as an MTSA were raised through the Interim Control By-law, the direction related to that study did not consider adjustments to the UGC or for 94% of its area to be removed. Furthermore, several stakeholders did not agree with the study results or recommendations from the ICBL Study and noted the lack of planning analysis and justification for Official Plan Amendment 119 (“OPA 119”) and Zoning By-law 2020-418. The ICBL Study had no public engagement or opportunity to present information regarding the importance of the Downtown bus terminal. The only opportunity provided was through the one and only public meeting at the end of the process following which Council adopted OPA 119 and approved Zoning By-law 2020-418. The issues in relation to the ICBL Study work and resulting OPA 119 and Zoning By-law 2020-418 were appealed to the LPAT. The Paper is silent on this process and the ongoing appeals.

There is considerable emphasis in the Paper placed on the need for an Urban Growth Centre to have an MTSA. There is reference to other UGCs as identified in the Growth Plan as having a range of density targets and the suggestion that the current Downtown does not provide for an MTSA and therefore should not be an MTSA and therefore should not continue to serve as an UGC. This issue was raised through the public information centre session we attended and several concerns were raised with this approach to the planning process. There is nothing in Provincial policy to suggest that UGCs must be MTSA.

It is questionable how the removal of 94% of an existing UGC could ever be considered a boundary “adjustment” by the Province. This continued reference throughout the Paper of the one option being an “adjustment” and lack of mapping to illustrate the significance of the change is misleading.

Regional Official Plan Review

The Region notes in page 8 of the Paper that it did not delineate the Downtown Burlington MTSA in its Urban Structure Discussion Paper in July 2020 on the basis of the work completed as part of the ICBL Study. However, the Region modified the new Official Plan and approved the Downtown UGC and MTSA as well as the Burlington GO MTSA in the November 30, 2020 Official Plan, all in accordance with the Growth Plan. To substantially change that direction is to suggest that there is a justified need to now shift all growth, otherwise planned to 2031 under the current urban structure, to a new urban structure from 2031 to 2051. It is unclear what planning evidence has been prepared to justify this shift or rationalize the accommodation of redeployed growth from the existing Downtown to the Burlington GO MTSA in addition to the growth already supported through the Burlington GO MTSA.

The Paper suggests on page 11 that there is information and analysis provided in the Burlington staff report PL-33-20, endorsed by Council, that supports the removal of the Downtown in an “adjusted boundary”. In our review, however, there is no information or analysis to support this shift. That report, which was not the subject of any public or stakeholder engagement stated:

“Building on the work from the adopted Official Plan (2018), the Scoped Re-examination of the Official Plan (focused on the downtown), the Interim Control By-law Land Use Study, and the April 2020 letter from the Province, staff recommend the removal of the Downtown Burlington Major Transit Station Area designation and adjustment to the boundaries of the Downtown Burlington Urban Growth Center that focus on the Burlington GO Station area.”

We submit there was nothing in any of the work referenced (also now all under appeal) that recommended the adjustment or in fact removal of 94% of the Downtown from the Urban Growth Centre.

The City’s urban structure, up to and including the November 30, 2020, approval through the one-window approach, has continued to reflect the UGC in the Downtown and Burlington GO Station as an MTSA. That certainty in the planning policy framework and the clear direction for growth has been reinforced through amendments to the Growth Plan in 2017 and 2019, and through the Region’s ROPA 38 approval in 2016. To suggest there is now a need to fundamentally shift that urban structure away from the Downtown, without there never having been an issue raised by the Province or the Region, or even local planning staff, appears to be a highly reactive response by the City. In fact, the Region’s own review of the Burlington Adopted Official Plan in 2018, did not identify the Downtown and its role as the UGC as an issue to be reconsidered as part of its letter of non-conformity. In fact, the Paper does not even identify this as part of the process. If there was significant evidence to support this shift, surely it would have been identified by the Region in its review and modified with its November 30, 2020 decision by the use of a deferral of the policies pending the Regional MCR work.

Page 17 of the Paper sets out the policy modifications by the City and approved by the Region to reinforce the Downtown as a UGC with transit-supportive densities. The Paper notes the City’s new Plan also supports the development of transit-supportive densities in proximity to the Burlington GO Station. Again it is unclear why this urban structure cannot continue and why improved connections between the Downtown bus terminal and the Burlington GO Station cannot be enhanced and a focus of continued investment. Clearly Downtown Burlington provides for a walkable, complete community today with facilities and services to serve current and future jobs and residents.

ICBL Study

Page 22 of the Paper provides a summary of the conclusions of the ICBL study noting that the Downtown bus terminal does not function as a major bus depot and won't in the future due to lack of investment. It concludes therefore that the Downtown cannot serve as an MTSA. It suggests that the ICBL Study findings and resulting OPA 119 and Zoning By-law 2020-418 (which only applies to the Burlington GO) now establishes criteria for development applications and introduces additional uses and height requirements for the Burlington GO Station. There is no mention that both OPA 119 and Zoning By-law 2020-418 were appealed to the LPAT and remain under appeal with the freeze of all lands in the ICBL Study area continued.

Boundary Adjustment Options

The Paper references the 2008 guidelines used by the Province to establish the size and location of UGCs in the Growth Plan. As noted earlier, the Downtown UGC has continued to be supported by the City, Region and the Province through over 16 years of policy revisions and implementation. The issue of the City's urban structure has never been raised or questioned by the Province or the Region through two Growth Plan revisions including the comprehensive Coordinated Land Use Planning Review which had extensive public and municipal engagement or through the Region's conformity exercise that resulted in the current Regional Official Plan and Regional Urban Structure. Both the Burlington GO and the Downtown were clearly defined as part of the City's and the Region's urban structure. The current 2019 Growth Plan reinforces that structure.

The paper suggests the UGC has "been" a benefit to the City and has "served" its original intended purpose as if to suggest it cannot continue to advance its role as a UGC given its extensive amenities, parks, culture and infrastructure as well as its access to transit and active transportation.

The Paper provides for two options for consideration, which were not provided in the staff report PB-33-20. We are not aware of how these options were determined by the City or the Region as there was no public engagement related to what the adjusted boundary would be other than it was to align with the Burlington GO Station.

Options for Consideration

Option 1 is referenced as the "status quo". It is suggested that this option was analyzed in staff report PB-33-20 however it is not clear where that analysis is provided in the report. This option essentially retains the UGC as approved by the Province and the Region on November 30, 2020. However, this option is not recommended by the Region for a number of reasons as set out on page 26 of the Paper. It is not evident how any of these reasons are justified as planning reasons when in fact they were used to support the UGC boundary in the recently approved modified new City Official Plan. To suggest that the lack of Metrolinx projects in the 25-year capital plan is now a reason not to maintain the Downtown as the UGC is unwarranted. The reasons also state that since there has been growth in the Downtown and that the Downtown is likely to achieve the minimum intensification target in advance of the 2031 timeframe, there is no need to continue to support intensification beyond 2031 to the same density. Again this is not rational reasoning. It suggests that once municipalities hit their minimum targets, the urban structure must shift. There is nothing in the Growth Plan or the Provincial Policy Statement that supports this assertion.

Option 2 is referenced as "adjusting" the UGC to now remove 94% of the existing Downtown and add to the existing Burlington GO MTSA area as defined by the City. This option is confusing as it is suggesting that the Burlington GO MTSA with a small added area can now serve the function of the Downtown UGC

better as it has improved access to transportation options. The Burlington GO MTSA is already identified as being within a Priority Transit Corridor and should continue to serve as strategic growth area and focus for investment. It is completely unclear why it now needs to serve both as an MTSA and replace the Downtown as the new UGC.

Assessment of Options under Growth Plan Principles

The analysis of the options in accordance with the Guiding Principles of the Growth Plan, as set out on pages 31 to 45 of the Paper are extremely perplexing as all of the principles are also met with the Burlington GO MTSA and the Downtown UGC remaining in place as approved on November 30, 2020 to accommodate growth to 2051. To suggest the Downtown UGC has already achieved a complete community and therefore we must shift to a new one is again illogical.

The Burlington GO Station as an MTSA will continue to create an opportunity to achieve a complete community with access to higher order transit on a Priority Transit Corridor. The Burlington GO Station area will continue to emerge as a location with capacity for higher densities. There is no evidence to suggest the UGC cannot also continue to accommodate higher densities, in fact, it is better able to utilize existing infrastructure to accommodate such densities.

The suggestion that the only way to meet the Growth Plan principles is to have the Burlington GO Station area serve as an MTSA and a UGC, as if the two must be in place in one location to meet the Growth Plan policies, is incongruous. It is also suggested that the Downtown has been less of a focus for employment development and office development has not occurred. To suggest further employment and office growth can be attracted at the Burlington GO Station area and not the Downtown is also unfounded in evidence. Further there is a suggestion that the Burlington GO Station area has more opportunities to provide for a range and mix of housing than the Downtown. Again this is not true or based on any evidence. The Paper goes on to note that the Burlington GO MTSA will provide seamless integration between land use planning and investment in infrastructure and public service facilities and has the potential to provide for a future community hub with future public services. Nothing in this statement is rationalized to remove the UGC from the Downtown. It only reinforces what is true today about the long term potential of the Burlington GO MTSA.

The Paper states that the Burlington GO MTSA will create a “more” compact, complete community that will encourage active and sustainable forms of transportation. There is no evidence to suggest the current Downtown UGC is not a highly walkable complete community that already provides for active transportation and connections to the Burlington GO Station. The Paper goes on to state that the Burlington GO MTSA, as the UGC, presents the opportunity and capacity to make better use of land and infrastructure by concentrating future development in areas that will be the focus for investments in local and regional transit as well as other types of infrastructure and public service facilities. Again there is no evidence base to this statement and no reason as to why that would or should not continue in the Downtown. The continued statement that because the existing UGC is not located on a Priority Transit Corridor nor supported by higher order transit is a reason to not continue as a UGC is inappropriate.

Interestingly, the Paper states that future growth in the UGC will be challenged due to compatibility issues and that the Burlington GO MTSA has a broader range of uses with more opportunities for new uses that will be well served by transit. It goes on to state that the Area Specific Plan to be developed will support the growth of the area as a complete community. What is unclear is the extent to which the existing industrial uses and rail corridor create constraints for sensitive land uses to the north of the rail line and why the existing Downtown with an extensive range of existing uses and facilities is not more compatible

for future growth. There is also an assertion that employment conversions in the Burlington GO MTSA will accommodate mixed uses when in fact these matters are yet to be fully assessed and determined. A lot of emphasis is placed on the existing Burlington UGC being close to its intensification target and that this is a justification to shift growth to the Burlington GO Station area. There is no reference to the current plan to 2031 providing for the achievement of the “minimum” intensification target and that there is a clear emphasis in the recent amendment to the Growth Plan to go beyond such minimums.

The Paper makes explicit reference to the current and pre-application matters in the Burlington GO MTSA. The Paper does not acknowledge that the area remains frozen by the ICBL which is under appeal or that there are also a significant number of current and pre-applications proceeding in the Downtown UGC. It is not clear what relevance only listing the Burlington applications is seeking to achieve.

In conclusion, the Paper is extremely focused on Option 2 as a preferred option without any evidence based analysis. It also remains concerning that this work has been undertaken within a planning process that is now proceeding without potential appeal, if the Province should agree that the assertions and information presented are consistent and in conformity with Provincial objectives and policy. In essence, the process is working backwards. A planning assessment has been presented to justify a recommendation rather than planning evidence being properly developed and assessed to make a recommendation and inform a decision. The process is focused on achieving the direction from Council.

Responses to Questions:

Discussion Question 1:

A key consideration brought up in the Discussion Paper was that the John Street Bus Terminal does not (and is not anticipated to) function as a Major Transit Station, as currently defined in the Growth Plan. What factors do you think should be considered if the Major Transit Station Area designation is removed from Downtown Burlington?

Response: As noted, it is not clear why a decision would be made not to seek improvements to the John Street Bus Terminal and other improvements to the transit network servicing the Downtown. To consider the Downtown having “served” its intended purpose and to close its residents and employees off from opportunities for future investment and growth is not consistent with Provincial objectives. Existing Downtown businesses need support and investment, not more impacts from uncertainty. The last 16 years of planning have established and reinforced that certainty. There is no planning rationale for removing that certainty.

Discussion Question 2:

The Province’s guiding principles for identifying and setting out the boundaries of Urban Growth Centres—areas planned to accommodate growth and intensification that include a transit hub at the regional scale—are highlighted on page 24 of the Supplemental Discussion Paper. What other factors do you think are important to be considered when adjusting the boundary of the Burlington’s current Urban Growth Centre?

Response: The Province’s guiding principles include a transit hub to be part of a UGC but do not require it. The Downtown UGC was approved with the current bus terminal and has been supported and approved with the John Street terminal for the past 16 years including the recent Provincial and Regional approval on November 30, 2020. Firstly, factors to consider when truly adjusting the current UGC boundary would be those limited to rationale for minor adjustments as contemplated by the Growth

Plan – not the removal of a UGC through an “adjustment”. Secondly, there is no true rationale for the Option 2 as presented other than a desire to reset the policy framework to defend future decisions related to growth in the Downtown.

Discussion Question 3:

Through land-use planning, Urban Growth Centres are planned to accommodate growth and intensification and support higher-order transit. How can the Region and City support the development of the emerging Urban Growth Centre in the City of Burlington through land-use planning?

Response: Land use planning is undertaken in the public interest in accordance with the policy led system in Ontario. The existing UGC and the emerging Burlington GO MTSA both serve a role and function as part of the City’s urban structure which was recently approved on the basis of land-use planning. To suggest that this urban structure must now shift after 2031 is unreasonable and unfounded in land use planning evidence.

Discussion Question 4:

Do you have any additional comments about the proposed adjusted Urban Growth Centre Boundary in the City of Burlington?

Response: There should be no further consideration of the removal of the UGC in Burlington until the Province is consulted to identify what Provincial interests are served in removing 94% of the Downtown from the UGC given their recent approval through the one-window approach of the UGC Downtown.

Conclusions

Since its identification in the 2006 Growth Plan, Downtown Burlington has seen significant investment in its infrastructure, parks, schools, hospitals and community facilities. The Downtown remains well located and structured to accommodate new growth with existing and planned infrastructure. The removal and relocation of the Downtown UGC would have a detrimental effect on continued growth and prosperity in the Downtown given the level of investment and detailed planning to date including the recent November 30, 2020 approval. A shift in the urban structure as proposed would negatively impact:

- the available supply of housing in Downtown Burlington;
- the sustainability and viability of businesses and employment in Downtown Burlington;
- the supply of market and affordable ownership units as well as market and affordable purpose built rental units;
- the ability to achieve sustainability objectives;
- the ability to achieve increased transit use and transit oriented development;
- the minimization of costs for housing in Downtown Burlington; and,
- the ability to secure continued investment in future housing, employment and transit.

To close off the Downtown to many socio-economic groups due to the inability to develop more accessible and affordable units is not consistent with Provincial policy. To propose the rationale that the Downtown should not be the UGC or a focus of growth because it has “served its intended function” will further limit housing choices, reduce investment in transit service and place further restrictions on housing supply and employment generation which is not in the public interest especially in the most walkable and accessible part of the City that is the historic Downtown.

For the reasons stated throughout this letter, we fundamentally object to the proposed changes to the Downtown UGC through the Regional MCR work. Such a change is not consistent with nor does it conform to Provincial objectives and policies and does not represent planning in the public interest. Again we appreciate the consideration of our comments on behalf of Emshih and look forward to a response to the issues and concerns raised through our comments.

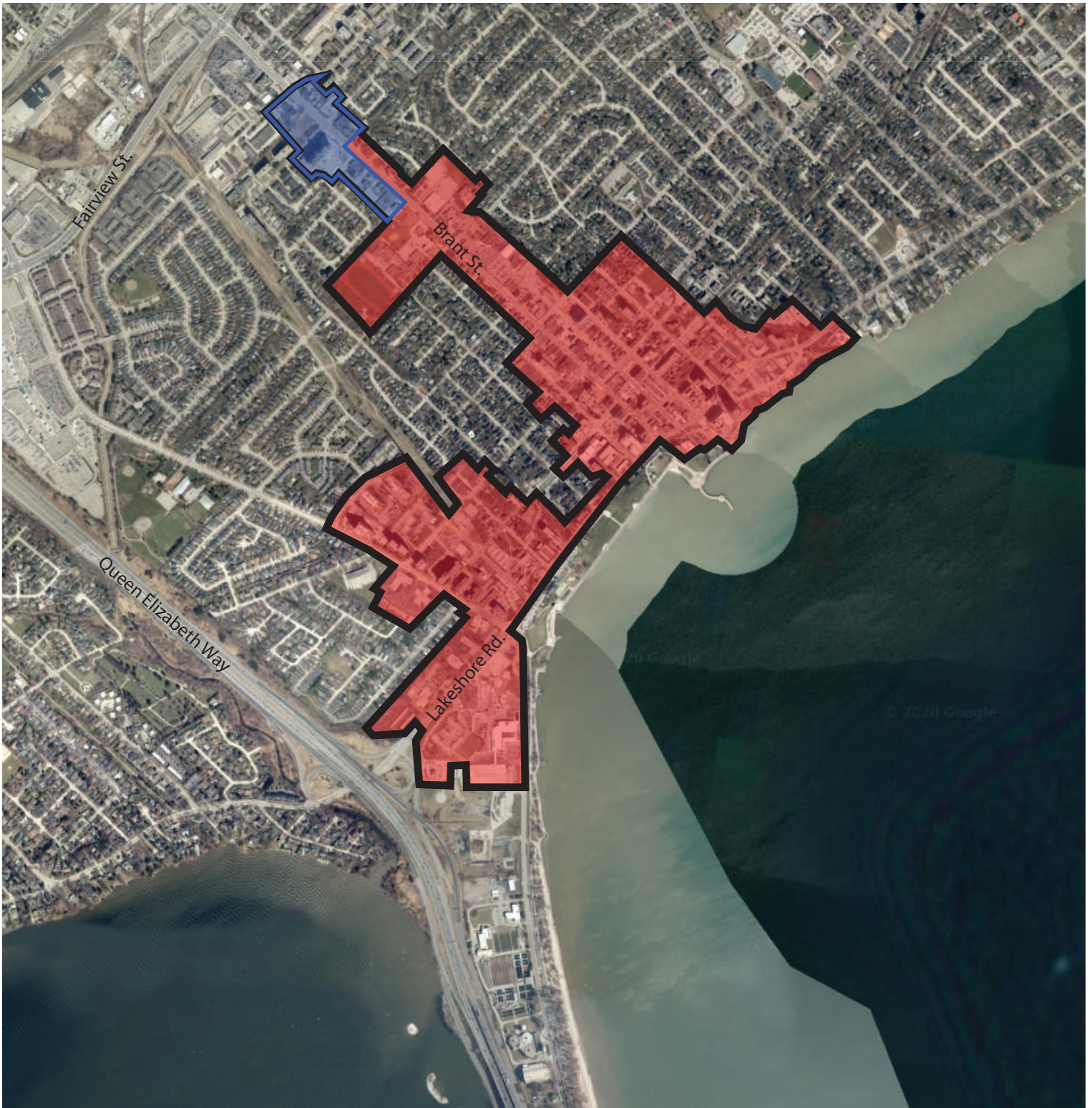
Sincerely,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, cursive script.

Dana Anderson, FCIP, RPP
Partner




Cc: Dr. Michael Shih, Emshih Developments Inc.



Data Source: First Base Solutions Aerial Flown 2019; Region of Halton Notice of Decision dated November 30, 2020; Downtown Burlington UGC and MTSA Supplemental Discussion Paper, October 2020

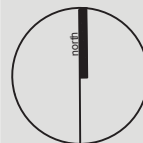
Figure 1
Existing Approved UGC Boundary & Proposed Boundary “Adjustment”

LEGEND

-  Existing Approved UGC Boundary in New Official Plan (November 30, 2020)
-  Area Proposed for Removal from Approved UGC Boundary
-  Area Proposed to Remain as Part of New UGC Boundary

DATE: December 18, 2020

SCALE: Not to Scale



**380 Brant Street,
 Burlington, Ontario**



**PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE**
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