

Briefing Note: Council Workshop on the Commercial Strategy Study

July 2014

1. Workshop Purpose

- Present the context of commercial lands planning
- Discuss findings from the consultant's work
- Facilitate a collective discussion with Council
- Obtain feedback from Council to inform the Official Plan Review
- Provide an opportunity for discussion on potential policy directions for commercial lands

2. Commercial Lands: Planning Context

- The *Planning Act* identifies the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians as a matter of provincial interest. The *Planning Act*, the Provincial Policy Statement and the Growth Plan all give direction on achieving mixed use development, efficient compact urban form, and a sense of place.
- The *Planning Act* provides authority to regulate commercial development by way of the Official Plan and Zoning-By-law. Together these documents prescribe the location of commercial uses, specify permitted uses and limit the size and concentrations of commercial uses.
- The Official Plan establishes a “commercial hierarchy” system of categorizing commercial centres in terms of their size, and function. Factors such as extent of trade area, population thresholds, and land use compatibility and functionality, and urban design are key considerations of the categorization of commercial uses within the hierarchy. Within the system, each category has a “planned function” which details the role of the commercial designations and suggests an appropriate aggregate quantity of commercial space.
- The role of municipalities in regulating commercial land uses has evolved over the last few decades, and continues to evolve. Considerations have included:
 - Concentrating commercial uses in an area to ensure that the area can thrive.
 - Ensuring that there is a distribution of commercial centres throughout a municipality to serve residential and employment areas.
 - Ensuring convenient access to the commercial areas.
 - Making efficient use of infrastructure.
 - Avoiding blight of an existing developed area.
 - Requiring justification for additional/changed retail space.

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- The planning of commercial land uses has brought about debate about the role of municipalities in planning and regulating these uses. The debate involves balancing public and private interest. The challenge is to ensure that the commercial needs of a community are met, while remaining divested of controlling market dynamics within a continually evolving retail industry.
- The Official Plan Review Commercial Strategy Study determined that Burlington's commercial market is indicative of a balanced and healthy sector. The commercial vacancy rate in Burlington, currently at 5%, is indicative of this condition and suggests that the City is generally not over stored.
- The Commercial Strategy Study also indicated there will be a need for some 1.55 million square feet of new commercial space in the City by 2031. At the same time, there is currently some 1.05 million square feet of commercial space either committed or proposed in the City of Burlington, resulting in a residual shortfall of approximately 500,000 square feet of commercial space.
- The impact of the recent withdrawal of the Ikea application is that the 300,000 square feet of commercial space previously proposed is no longer categorized as "committed" space. As a result, the projected residual shortfall will increase to approximately 800,000 square feet.
- The commercial function is an important component of the City's economy and supports the function of residential and employment land uses. Existing commercial areas have the potential to become more mixed-use "people places". The City's [Strategic Plan](#) identifies the potential of commercial areas, including the downtown, to contribute to the development of vibrant neighbourhoods where opportunities to live, work, learn and play are accessible by walking, cycling and transit. The Strategic Plan also emphasizes community engagement in achieving more mixed use places.
- The City's current Official Plan concentrates commercial uses within Major Retail Areas, but also permits their controlled dispersion throughout Mixed Use Activity Areas.

3. Potential Policy Directions

Below staff have developed potential policy directions based on the findings and recommendations of Phases 1, 2 and 3 of the Commercial Strategy Study prepared as part of the Official Plan Review (OPR), and feedback received from stakeholder engagement conducted to date. Staff will consider Council's comments in refining and recommending proposed policy directions for approval by Council.

A. Transitioning Major Retail Areas to Mixed Use Areas

Issue: The Commercial Strategy Study presented trends in commercial planning and development. Historically, many municipalities designated commercial lands in the form a hierarchy ranging from

regionally to neighbourhood significant. Today, in a mature community like Burlington, the opportunity exists to merge two settlement pattern components, Major Retail Areas, with Mixed Use Activity Areas. This approach recognizes that commercial lands are part of the mixed use activity area system and do not need to be segregated. A more flexible land use planning framework with a greater emphasis on urban form will assist in transitioning the commercial areas into mixed use areas. It will also continue to provide the required land supply to accommodate commercial uses, while affording flexibility to evolve as the City moves towards built-out.

Status:

- The Official Plan currently includes a commercial hierarchy. There is an opportunity to evolve to a new urban structure which integrates Major Retail Areas into Mixed Use Activity Areas and to further refine these mixed use areas into a system of urban and neighbourhood centres and corridors.
- Burlington has adequate commercial land. There is no need to designate additional commercial land to support growth to 2031, except to support intensification and underserved local areas.
- Elements of the City's existing Major Retail Area policies currently permit residential uses.
- The City's existing Mixed Use Activity Area principles, objectives and policies can serve as a foundation onto which the commercial lands can be incorporated.
- The OP includes Mixed Use Activity Area policies and designation. Through this Official Plan Review one of the major studies undertaken was a Mobility Hubs Opportunities and Constraints Study. Mobility Hub areas are intended to build upon the City's existing intensification areas which currently form part of the Mixed Use Activity Areas. There is an opportunity to combine the Major Retail Areas with our Mixed Use Activity Areas, along with mobility hub areas to create a new, future Mixed Use Activity Area Urban Structure Element.
- Modifications would be required to the Settlement Patterns and the City's Comprehensive Land Use Plan (Schedules A and B). Definitions and language in the Official Plan will also be considered.
- The Commercial Strategy Study brought forward text modifications and schedule changes to see this vision through. Staff will consider the approach presented and will develop recommendations. These recommendations will be cognizant of the considerations presented as part of all of the other OPR studies, namely the Mobility Hubs Opportunity and Constraints Study.

To gain a better understanding of the City's existing hierarchy and the consultant's proposal, below is a chart that considers existing form and related opportunities. This will form the basis of the development of a new mixed use land use structure.

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EXISTING FORM / EXISTING DESIGNATED AREA	EXISTING DESIGNATION	CONSULTANT'S PROPOSAL	PRELIMINARY STAFF COMMENTS (commercial function, scale, range and type of uses, and built form)
DOWNTOWN	DOWNTOWN MIXED USE CENTRE (Multiple designations)	DOWNTOWN URBAN CENTRE (Multiple designations)	<ul style="list-style-type: none"> • City-wide and neighbourhood commercial functions; • Small-scale and mid-to-large retail formats; • Broadest mix of commercial, cultural, office, institutional, residential and open space uses; • Mix of high, mid and low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, and active street frontages; and • Prescriptive Urban Design Guidelines.
UPTOWN	UPTOWN MIXED USE CENTRE (Multiple designations)	UPTOWN URBAN CENTRE (Multiple designations)	<ul style="list-style-type: none"> • Community and neighbourhood commercial functions; • Small to large retail formats; • Broadest mix of commercial, cultural, office, institutional, residential and open space uses; and • Mix of high, mid and low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, and active street frontages.
INTENSIFICATION CORRIDORS <i>Fairview Street</i> <i>Plains Road</i> <i>Brant Street</i> COMMUNITY AND NEIGHBOURHOOD COMMERCIAL (<i>Plains Rd.</i>)	MIXED USE CORRIDOR- GENERAL, MIXED USE CORRIDOR- COMMERCIAL COMMUNITY COMMERCIAL NEIGHBOURHOOD COMMERCIAL	URBAN CORRIDOR	<ul style="list-style-type: none"> • Community commercial function. May, in some areas, also serve city-wide commercial function; • Small and mid-to large retail formats; • Mix of office and residential uses, with an emphasis on retail, service commercial, and community service uses at-grade focused on nodes; and • Mid-rise buildings with minimal at-grade setbacks, active street frontages, and appropriate transition to adjacent neighbourhoods, the street or other uses.

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EXISTING FORM / EXISTING DESIGNATED AREA	EXISTING DESIGNATION	CONSULTANT'S PROPOSAL	PRELIMINARY STAFF COMMENTS (commercial function, scale, range and type of uses, and built form)
MAPLEVIEW MALL BURLINGTON MALL IKEA/FORTINO SITE	REGIONAL COMMERCIAL	URBAN CORRIDOR	<ul style="list-style-type: none"> • Regional and neighbourhood commercial functions; • Small to large retail formats; • Broadest mix of commercial, cultural, office, institutional, residential and open space uses; and • Mix of high, mid and low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, and active street frontages.
POWER CENTRES	REGIONAL COMMERCIAL EMPLOYMENT COMMERCIAL	NEIGHBOURHOOD CENTRE	<ul style="list-style-type: none"> • Regional and neighbourhood commercial functions; • Small to large retail formats; • Broadest mix of commercial, cultural, office, institutional, residential and open space uses (can be limited); • Where adjacent to employment areas, uses should be supportive of employment uses and users; and • Mix of high, mid and low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, and active street frontages.
COMMUNITY COMMERCIAL	COMMUNITY COMMERCIAL	NEIGHBOURHOOD CENTRE	<ul style="list-style-type: none"> • Community and neighbourhood commercial functions; • Small and mid-to large retail formats; • Mix of limited office, residential (including above grade), with retail, service commercial and community services at-grade; and • Mid and low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, active street frontages.

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EXISTING FORM / EXISTING DESIGNATED AREA	EXISTING DESIGNATION	CONSULTANT'S PROPOSAL	PRELIMINARY STAFF COMMENTS (commercial function, scale, range and type of uses, and built form)
NEIGHBOURHOOD COMMERCIAL	NEIGHBOURHOOD COMMERCIAL	NEIGHBOURHOOD CENTRE	<ul style="list-style-type: none"> • Neighbourhood commercial function; • Small retail formats; • Mix of limited office, residential (including above grade), with retail, service commercial and community services at-grade; and • Low-rise buildings with minimal at-grade setbacks, appropriate above-grade setbacks, and active street frontages.

Disclaimer:

- The Commercial Strategy Study excluded the Mixed Use Corridor –Employment designation (MXE) from the proposed mixed use hierarchy. It is premature to consider including these lands in the Mixed Use Activity Areas in advance of the completion of Municipal Comprehensive Review.
- All approaches presented in the table above will require further analysis in order to consider related issues including, but not limited to, design, building code and planning issues in the development of policies.

B. Revise Guiding Principles in the Official Plan for Placemaking

Issue: The OP contains a series of guiding principles for the vision of the urban and rural environment for the City of Burlington (Part 1, Section 3.0 Guiding Principles). At the beginning of the OPR, an analysis of the Guiding Principles indicated that they remain generally valid. However, it was recognized that each of the major studies undertaken in the Official Plan Review had the potential to influence modifications to the Guiding Principles. Through the Commercial Strategy Study and the Mobility Hubs Opportunities and Constraints Study “placemaking” has been identified as a crucial element to realizing vibrant mixed use places including Mobility Hubs. Placemaking is a multi-faceted approach to the planning, design and management of public spaces and communities. It involves including people who currently or may potentially in the future, live, work, learn and play in a place, in the discussion of designing public spaces that reflect shared value and support healthy communities. There is opportunity to add this principle to the series of the existing guiding principles.

Status:

- Section 3.0 Guiding Principles in the Official Plan currently includes eight guiding principles. Some of the concepts central to placemaking are interspersed but there are opportunities to enhance the guiding principles.
- Principle a), *Attractive and Livable*, speaks to the desired outcome of placemaking but does not address this concept directly. Principle d), *Community Identity* begins to consider the importance of place and unique areas in the city but currently only recognizes the downtown.

C. Introduce small-scale commercial retail in Residential Areas

Issue: Paramount to the success of mixed use areas is taking every opportunity to integrate the land uses critical to supporting both existing residential and areas of residential intensification. Considering means of introducing small-scale, pedestrian-oriented, commercial uses in these areas can positively impact the walkability of neighbourhoods and people's access to services and goods required for everyday life.

Status:

- OP policies do not currently permit commercial uses in residential areas (Part III. 2.0 – Residential Areas).
- At all levels the potential directions emerging from the Commercial Strategy Study seek to integrate commercial and mixed use areas. The approach presented for incorporating commercial into residential can be divided into two approaches:
 - There is an opportunity to introduce small-scale convenience commercial uses in residential areas, subject to a Zoning-by-Law amendment which must consider appropriate criteria based on compatibility, design, location, and site plan considerations.
 - To support intensification the Official Plan could go further to proactively identify opportunities to incorporate policies in some selected existing medium and high density residential areas that permit commercial uses that support residential development. This approach reflects the consultant's recommendation related to Neighbourhood Corridors.
- It is important to recognize that not all commercial uses are appropriate in all locations. Land use compatibility and mitigation measures will be important to ensure that more intense uses such as restaurants, with associated activities such as ventilation, waste collection, and deliveries, etc., are appropriately integrated with other uses in a sensitive manner.

D. Consider a shift from area-specific caps to an alternative approach

Issue: The Commercial Strategy Study recommended discontinuing the use of area-based caps for the concentration of retail and service commercial uses and replacing it with the introduction of caps on the maximum size of individual retail outlets and combined GFA limits for all mixed use designations. This approach represents an option for supporting the transition of current commercial areas to mixed use activity areas. Further consideration of the appropriate cap or caps should be undertaken, given the Burlington context.

Status:

- The Official Plan currently includes limits on the size and concentration of retail uses under various designations.
- Currently, food-retail is not subject to size restrictions. This approach should be retained.
- There is an opportunity to develop flexible commercial building form policies, and enhanced site plan considerations to minimize the impact of large-format retail units in Mixed Use Activity Areas.
- The Urban Design Guidelines will provide direction as to how large-format retailers can adopt more compact forms that contribute to complete and walkable communities.

E. Develop a policy framework to manage the impact of automotive-oriented commercial uses in the Mixed Use Activity Areas

Issue: The traditional form and function that characterizes auto-oriented commercial uses such as car dealerships, gas stations and car washes, detract from the walkability of places, and the aesthetics, character and function of the surrounding area. In addition, accessory drive-through associated with a commercial use may also have a similar impact, particularly in future Mixed Use Activity Areas.

Status:

Motor Vehicle dealerships, Gas Stations and Car Washes

- Current Official Plan policies identify small and large-scale motor vehicle dealerships as a permitted use in some of the Mixed Use Activity Area and Major Retail Area designations. Policies do not address gas stations and car washes. These are captured under the definitions of Service Commercial and Automotive Commercial.
- Policies should be included in the Official Plan to achieve compact form and to increase compatibility of new small-scale motor vehicle dealerships and expansions to existing large-scale

motor vehicle dealerships in pedestrian oriented areas such as the future Mixed Use Activity Areas.

- There is an opportunity to develop policies to ensure that new gas stations and supporting services such as car washes, and the expansion or modification of such facilities in all future Mixed Use Activity Areas be designed to convey a high quality architectural and landscape character, consistent with the overall pedestrian emphasis. Such uses should be compatible and complementary to surrounding uses.
- Definitions and language in the Official Plan in support of this direction should be considered.

Accessory Drive-throughs

- The current Official Plan does not contain any policies regarding the development or location of accessory drive-throughs. The Zoning By-law contains existing regulations including limits on the development of fast food drive-throughs in the Downtown.
- There is an opportunity to limit the development of new accessory drive-throughs in key urban areas, including the Downtown, Uptown, Fairview Street and Plains Road corridors, and the Mobility Hubs.
- There is also an opportunity to continue to permit new accessory drive-throughs in all other Mixed Use Activity Areas subject to new urban design criteria to mitigate negative impact on adjacent land uses and promote pedestrian accessibility.
- Definitions and language in the Official Plan in support of this direction should be considered.

F. Enhance the Downtown policies with respect to concentration and distribution of retail, service commercial and office uses

Issue: The Commercial Strategy Study examined two issues as part of the study: opportunities to increase flexibility in the downtown with respect to retail, service commercial and office uses, while also considering opportunities to ensure that retail uses were concentrated along certain streets to facilitate street animation and vibrancy. Feedback was received from the community that existing policy and zoning requirements had the effect of “spreading retail too thin” by requiring retail uses at-grade throughout the downtown and that existing requirements were unnecessarily restrictive specifically related to office uses. There is an opportunity to amend OP policy and Zoning to foster the natural evolution of the commercial function of the Downtown by maintaining retail-at-grade requirements along certain streets and by expanding the range of retail, service commercial and/or office uses as optional uses along other streets.

Status:

- The Official Plan identifies the Urban Growth Centre (UGC) as an important place to accommodate population and employment.
- The Official Plan currently provides a detailed policy framework for the Downtown that should generally be retained. There is an opportunity to enhance the policy framework by introducing a retail priority street classification that describes the location of commercial retail, service commercial and office uses at-grade throughout the Downtown. The vitality of the commercial function of the Downtown will be supported by concentrating commercial retail and service commercial uses along designated streets.
- The development of Urban Design Guidelines and policies which ensure commercial grade design on the first floor, and minimum floor-to-ceiling height will support the long-term flexibility of the built form to support future retail market demand.
- Council adopted a revised Core Commitment in 2013. Several directions in Core Commitment will be considered in developing modifications to the existing policy framework for the downtown. The aim of any policy modifications will be to assist in successfully delivering Council's vision to keep Downtown healthy, vibrant and sustainable.
- There is an opportunity to support the redevelopment of a strengthened public realm in the "Promenade", a Core Commitment's initiative, by encouraging retail at-grade along its length.

G. Provide guidance to better accommodate Institutional Uses and Places of Worship in Mixed Use Activity Areas

Issue: It has been noted that Places of Worship are challenged in finding vacant or existing space to establish this use. Although the Official Plan already permits Institutional Uses as-of-right in mixed use and commercial designations, there is the opportunity to provide additional guidance as to how to accommodate Institutional Uses and Places of Worship within the mixed use areas. There is opportunity to facilitate the integration of Places of Worship in future Mixed Use Activity Areas by including this use in the list of permitted land uses along with criteria to address location, unit size, scale, parking, compatibility, and other issues.

Status:

- Current policy is permissive and flexible as described in the Places of Worship Policy Review Report ([PB-74-11](#)). Institutional uses are permitted in all urban designations, including Mixed Use Activity Areas (except Greenlands and Watercourses).

- Further work will be required as part of the Community Infrastructure Work Plan, to remove barriers to the integration of Institutional Uses in all future Mixed Use Activity Areas as an important component of complete communities.

H. Strengthen the Vision for Uptown

Issue: Existing policies for the Uptown area were developed as part of the Uptown Mixed Use Centre Study in 1994, and were intended to facilitate the initial phases of greenfield-oriented development. As the area is now significantly built out, existing policies should be amended to facilitate future intensification and redevelopment. Modifications have the potential to enhance this mixed use node as a complete urban centre serving the residents of north-east Burlington.

Status:

- The Official Plan currently provides a detailed policy framework for Uptown.
- There is opportunity to retain the role of Uptown in the hierarchy of Mixed Use Activity Areas as an Urban Centre, and an important destination for the community of north-east Burlington.
- There is also the opportunity to refine in policy the area's vision and objectives to recognize the importance of future redevelopment.
- The area's intensification goals will shift away from "intersection focused" and towards a node and corridor area approach in the form of a set of consolidated land use designations.
- The updated policy framework will retain Uptown as a centre which may accommodate a range and intensity of permitted commercial uses.
- Enhanced Uptown policies in the Official Plan will promote the development of compact, urban format, mixed use buildings.
- Policy can signal the increase importance of urban design requirements as lands redevelop.
- Further information specific to Uptown will be presented by staff at a later date.

I. Consider preparation of Community Improvement Plans that specifically apply to Mixed Use Activity Areas

Issue: The Official Plan currently includes Community Improvement Plan policies for areas that require community improvement and/or where change is anticipated. With the City's anticipated shift to intensification and redevelopment over the planning period these areas have been identified as being

subject to significant change in the long term. New approaches to supporting the desired development, including a full range of employment, commercial, community, institutional and residential uses, will be required.

Status:

- The Official Plan already includes policies enabling the development of Community Improvement Plans. Policy states that Community Improvement Plans “shall be prepared and adopted to stimulate private investment and to ensure the effectiveness of public expenditure”.
- The current Official Plan does not direct that specific Community Improvement Plans be undertaken. Although there are policies enabling a Community Improvement Plan, a Study and Study-Area by-law are also required to initiate the process. There is the opportunity to improve language for Community Improvements Plans to more effectively address Mixed Use Activity Areas.
- The policies speak to a number of criteria for designation of Community Improvement Areas.
- Community Improvement Plans present the opportunity to incentivize the development of these areas (mix, form, and relationship) as well as the development of detailed requirements through which all future development applications would be evaluated.
- By developing Community Improvement Plans, the City can direct funds and initiate a variety of tools to spur growth and investment. Some of the tools for consideration can include tax incremental-based financing, municipal grants and loans, Planning Act Section 37 benefits.

J. Adopt Urban Design Guidelines to guide redevelopment in future Mixed Use Activity Areas

Issue: As the City continues to grow, the areas of greatest transition will be in intensification and mixed use areas. Urban design will become increasingly important in managing the relationship between the private and public realm and between redevelopment areas adjacent to stable areas.

Status:

- It is the general intent of the Official Plan that Mixed Use Activity Areas shall be subject to a high quality of urban design, and that Council may require the preparation of design guidelines as part of the consideration of major site or area specific development.
- The Urban Design Guidelines for Mixed Use Activity Areas (March 2014), developed as part of the Commercial Strategy Study, provide area specific guidance for each of the Mixed Use Activity Area designations proposed by the consultants.
- The Urban Design Guidelines will inform the Zoning By-law Review process. At the same time, there will be an opportunity through the Zoning By-law Review to re-visit the Urban Design

Guidelines to adapt the principles and overall design guidelines to the future Mixed Use Activity Area designations.

- Current policies include a series of factors in reviewing development applications. There is an opportunity to improve the site plan process by introducing enhanced site plan considerations in the interest of good design.
- It is expected that the revised Urban Design Guidelines for future Mixed Use Activity Areas will inform any area planning process. Subsequent development applications will be assessed based on these guidelines.
- The Zoning By-law and the Urban Design Guidelines will ensure that the principles of sustainability, compatibility, place-making, and pedestrian-development are achieved.

4. Next Steps

Staff will be using the discussion with Council and the findings of the Commercial Strategy Study to:

- Bring forward final policy directions for commercial lands as part of the Official Plan Review for Council consideration (2014).
- Report on all proposed amendments to the Official Plan and specifically amendments to the urban structure, inclusive of commercial lands, upon the conclusion of the municipal comprehensive review (2015).

In preparation for Council Workshop on Mixed Use Activity Areas on July 7:

- Please review this briefing note and consider the Potential Policy Directions presented in Section 3. This document will be a useful primer for the discussion. Staff is available to address technical questions in advance or following the Workshop.
- If you have questions or areas of interest that you would like to highlight in advance of the session please call or email Hugo Rincon (ext 7418) at hugo.rincon@burlington.ca

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Links to Additional Information:

For general reference please find links below to staff reports:

Committee Date	Council Date	Report Details
March 4, 2013	March 25, 2013	<p>PB-13-13: Report providing the Phase 1 deliverables of the Official Plan Review Commercial Strategy Study.</p> <p>Appendix A: Phase 1: Commercial Market Supply and Demand Analysis.</p> <p>Appendix B: Phase 1: Commercial Policy & Design Review Background Report.</p> <p>Appendix C: Interim Commercial Strategy Discussion Paper Downtown Burlington.</p>
March 24, 2014	April 7, 2014	<p>PB-09-14: Report providing information regarding the Official Plan Review Commercial Strategy Study: Transmittal of Phase 2 and Phase 3 reports.</p> <p>Appendix A: Phase 2: Commercial Policy Recommendations Report & Commercial Design Guidelines.</p> <p>Appendix B: Land Use Re-Designation Summary.</p> <p>Appendix C: Urban Design Guidelines for Mixed Use Activity Areas.</p>