



**Planning and Building Department**

**TO: Development and Infrastructure Committee**

**SUBJECT: Old Lakeshore Road Precinct Waterfront Study: Assessment of Official Plan Policies Related to Public Land Acquisition and Access**

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Report Number: PB-59-13

File Number: 505-08-12

Report Date: June 17, 2013

Ward Affected: 1  2  3  4  5  6  All

Date to Committee: July 8, 2013

Date to Council: July 15, 2013

**Recommendation:** Receive and file planning and building department report PB-43-13 referred at the Development and Infrastructure committee meeting held May 27, 2013; and

Endorse the Terms of Reference as contained in Appendix 1, dated June 17, 2013; and

Authorize the Director of Planning and Building to engage consultants through a Request for Proposal process to carry out the Study in accordance with the above noted Terms of Reference.

File: 505-08-12

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**Purpose:**

- Address goal or action in strategic plan
- Establish new or revised policy or service standard
- Respond to legislation
- Respond to staff direction
- Address other area of responsibility

The purpose of the subject report is to obtain endorsement of the Terms of Reference for the *Old Lakeshore Road Precinct Waterfront Study: Assessment of Official Plan Policies Related to Public Land Acquisition and Access* (Study) and to obtain authorization to engage consultants through a Request For Proposal process.

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**Reference to Strategic Plan:**

Vibrant Neighbourhoods  
 Excellence in Government

Prosperity  
 N/A

Vibrant Neighbourhoods

Ensure that neighbourhoods and commercial areas, including the downtown, are safe and accessible places to live and gather for activities by developing a plan to enhance the use of public spaces in neighbourhoods (1 (a)).

Prosperity

Ensure a welcoming, active and accessible waterfront by increasing public access to the waterfront, protecting views over the lake and bay from neighbourhoods, taking appropriate measures to protect the shoreline with partners (2 (g)).

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**1.0 Background:**

**May 7, 2012 Staff Direction**

In May 2012, Council directed staff to conduct a study of the Old Lakeshore Road Precinct as part of the Official Plan Review. In September 2012, Council approved the comprehensive work plan for the Official Plan Review (OPR) and since that time, staff has commenced with a series of consultant studies. The Old Lakeshore Road (OLR) Precinct Study (Study) is next to be commenced as part of the OPR work plan, subject to council endorsement of the proposed Terms of Reference.

The staff direction related to Old Lakeshore Road Precinct Study was formulated in relation to issues identified by the Burlington Waterfront Access and Protection Advisory Committee. The staff direction provided below has been identified as a component of the 2012 Official Plan Review:

*The Director of Planning and Building be directed to review the planning policies for the Old Lakeshore Road Precinct in the context of the Official Plan Review with specific focus on the following matters:*

- *A review of public waterfront access issues including consideration of access options and related City acquisition strategy;*
- *A review of planning policy and design approach to the public*

*domain generally within the Precinct;*

- *A review and investigation of guidelines for the purpose of establishing consistency among public and private design elements based on the Council approved design guidelines for the Precinct.*

*It being understood that such review will proceed on the basis of a detailed work plan to be endorsed by Council. [ May 7, 2012) (SD-22-12)]*

### **June 10, 2013 Staff Direction**

At the May 27 Development and Infrastructure Committee Meeting, staff recommended endorsement of Terms of Reference dated May 1, 2013 for the Old Lakeshore Road Study to address the May 2012 Council Direction noted above (Staff report PB-43-13). However, at that meeting the Terms of Reference were referred back to staff. For reference, the June 10, 2013 Council staff direction is below:

REFERRAL OF PROPOSED TERMS OF REFERENCE FOR OFFICIAL  
PLAN REVIEW OLD LAKESHORE ROAD PRECINCT STUDY

Refer planning and building department report PB-43-13 back to the Director of Planning and Building. (PB-43-13)

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## **2.0 Discussion:**

In response to the June 10, 2013 Staff Direction noted above and the discussion that took place at the Development and Infrastructure Committee Meeting, staff has modified the May 1, 2013 Terms of Reference in order to narrow the study scope to:

- focus on an assessment of waterfront asset acquisition opportunity and constraints;
- exclude a review related to the City's development review process and urban design guidelines; and,
- amend the study process to require a summary report for consideration at a Committee/Council meeting as part of Phase I prior to commencing with optional Phase II of the Study.

Key discussion points related to the referral included that:

- significant work had occurred as part of the City's previous OPR that resulted in revised OP policies and design guidelines for Old Lakeshore Road;
- additional work as part of the City's current OPR should consist of a scoped review of opportunities and challenges related to acquisition and access of waterfront lands based on existing OP policy, and that the main objective of the study is to ensure that the City's policies optimize opportunities for waterfront acquisition;
- the study is not to include a review of OP policies with respect to height and density;
- the services of a consultant would enable further consideration, analysis and advise related to the City's existing waterfront acquisition policies and would essentially represent a peer review of the City's policies;
- that the study be structured to provide Council the opportunity to consider the findings of the consultant report and any implications to existing policy to ensure that there is merit with continuing with Phase II of the study which would involve potentially revised policies and additional public/stakeholder consultation.

Based on the discussion points above, staff has modified the Terms of Reference; the recommended revised Terms of Reference, dated June 17 are contained in Appendix 1.

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### **3.0 Financial Matters:**

Funds for the Old Lakeshore Road Study are estimated at \$20,000 and have been previously approved as part of staff report PB-53-12 (OPR Comprehensive Work plan) and are being drawn from the Council Approved OPR Capital Budget (OP0009).

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### **4.0 Communication Matters:**

Public and stakeholder communication will be conducted in accordance with the Terms of Reference dated June 17, 2013, as contained in Appendix 1.

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### **5.0 Conclusion**

Specialized assistance from a consulting group is required to undertake the OLR Study, as part of the Official Plan Review in order to assist with staff resourcing demands and to provide independent objective review and potential recommendations. The attached Terms of Reference outline the proposed scope of the study, and are proposed to be used to call for proposals from qualified consultants.

Respectfully submitted,

**Original signed by A. Smith**

Andrea Smith, MCIP, RPP  
 Manager of Policy and Research  
 (905) 335-7600 Ext. 7385

**Appendices:**

1. Old Lakeshore Road Precinct Waterfront Study: Assessment of Official Plan Policies Related to Public Land Acquisition and Access, June 17, 2013
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**Notifications:**  
 (after Council decision)

Name	Mailing or E-mail Address

**Approvals:**

\*required

<b>Original signed by Bruce Krushelnicki</b>	<b>N/A</b>	<b>Original signed by Scott Stewart</b>	<b>N/A</b>
*Department Head	City Treasurer	General Manager	City Manager

	To be completed by the Clerks Department
Committee Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn
Council Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn

## TERMS OF REFERENCE

### OLD LAKESHORE ROAD PRECINCT STUDY: ASSESSMENT OF PUBLIC LAND ACQUISITION AND ACCESS OFFICIAL PLAN POLICIES

#### CITY OF BURLINGTON

June 17, 2013

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#### **PART 1.0: STUDY FRAMEWORK**

##### **1.1 Purpose of the Terms of Reference**

The purpose of the Terms of Reference for the *Old Lakeshore Road Precinct Study: Assessment of Public Land Acquisition and Access Official Plan Policies* (Study) is to identify the scope of work required as part of the Official Plan Review. The Study is in response to a staff direction by City Council pertaining to lands referred to as Old Lakeshore Road Precinct in the City of Burlington. The Terms of Reference are also intended to assist in the preparation of study proposals by candidate consulting firms.

##### **1.2 Old Lakeshore Road Precinct Study**

The Terms of Reference apply to lands designated *Old Lakeshore Road Mixed Use Precinct* in the City of Burlington Official Plan, and as identified on attached Sketch No. 1.

##### **1.3 Background and Context**

There are two staff reports pertaining to the Old Lakeshore Road Study that are available to provide background and context to the Study and is available on the City's website under City Hall/Agenda's and Minutes/ May 27 Development and Infrastructure Meeting (Refer to Staff report PB-43-13) and July 8 Development and Infrastructure Meeting (Refer to Staff report PB-59-13).

##### **1.4 Study Integration and Alignment**

The OLR Precinct Study will be prepared as part of the Official Plan Review and is linked to the staff review of waterfront access best practices. Also, the Study will address relevant Ontario Municipal Board decisions pertaining to lands located in the OLR Precinct.

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## **PART 2.0: STUDY PURPOSE AND SCOPE**

### **2.1 Study Purpose**

The purpose of the Study is to assess the opportunities and constraints in achieving the vision for the OLR Mixed Use Precinct as articulated in the Official Plan by investigating potential for:

- i) Acquiring public waterfront assets including trails, windows-to-the-lake and views; and
- ii) Pedestrian linkages between the downtown and waterfront.

The fundamental inquiry to the study is to bring clarity to the following questions:

*Given the existing approved Official Plan policies and 2009 Council-adopted Urban Design Guidelines for Old Lakeshore Road Precinct:*

- *what are the opportunities and constraints in implementing the policies and guidelines with respect to fulfilling objectives related to enhancing waterfront assets (trails, windows-to-the-lake, views);*
- *are there other methods to obtain public waterfront assets in the Old Lakeshore Road Precinct; and*
- *are changes required to the Official Plan to facilitate opportunities and remove constraints in achieving public waterfront access.*

### **2.2 Study Scope and Phasing**

#### **Phase I: Opportunities and Constraints Analysis**

##### Public Waterfront Access and Acquisition

1. Investigate public land acquisition methods to optimize public waterfront access by considering:
  - strategic land acquisition; and
  - securement of public lands through the development application process including assessment of options in either full public ownership or public/private partnership.
2. Conduct a best practice review of public land acquisition methods and prepare comparative analysis to the City's existing policies and practices.
3. Evaluate the pros and cons of the land acquisition methods identified above.

4. Determine the viability of establishing waterfront assets (e.g. trails, window to the lake) by assessing policy and regulatory requirements and physical site characteristics and identify any alternatives.
5. Identify any relevant changes to the policy and regulatory context related to Conservation Halton jurisdictional interests since the previous Official Plan policies were approved and the *Old Lakeshore Road Precinct Phase II: Urban Design Guidelines* were adopted.
6. Engage with stakeholders and technical agencies to explore opportunity and constraints with respect to waterfront access and acquisition opportunities.

## **Phase II: Formulation of Recommendations**

7. Provide recommendations to: improve the implementation of the OP policies; to identify the range of tools available to acquire waterfront lands; and, to identify criteria for selection of public lands to facilitate waterfront access.
8. Provide recommendations to amend, if warranted, Official Plan policies and/or the *City of Burlington Old Lakeshore Road Precinct Phase II: Urban Design Guidelines, 2009* with respect to public waterfront access and acquisition.
9. Engage with public, stakeholders and agencies to explore potential recommendations related to Tasks 7 and 8 above.

### **2.3 Study Deliverables**

A summary report is expected in Phase I and a recommendations report is expected in Phase II of the Study. However, commencement of Phase II of the Study is subject to Council approval, and as such, the costing of the overall study shall be in two components. The Study deliverables include:

1. Phase I: Summary report of the City's Official Plan policies pertaining to public land acquisition and access of waterfront lands for Old Lakeshore Road.
2. Phase II: Recommendations report on securing public waterfront assets.

## **PART 3.0 – STUDY ORGANIZATION**

### **3.1 Project Management**

The Study is to be undertaken by a consultant with the assistance of City staff. The Manager of Policy and Research is responsible for overall project administration, and the Senior Planner will act as Project Manager responsible for managing communication and data exchange with the consultant.

### **3.2 Steering Committee**

The Steering Committee will consist of City staff including:

- Manager, Policy and Research;
- Senior Planner, Policy;
- Executive Director, Corporate Strategic Initiatives;
- Manager, Development & Environmental Engineering;
- Manager, Realty Services;
- Co-ordinator of Site Engineering;
- Manager, Parks and Open Space.

The Steering Committee will liaise with key staff resources in the departments of Planning and Building, Legal, Transportation, Roads and Parks Maintenance, and staff at the Region of Halton and Conservation Halton, as warranted.

Also, the Steering Committee will provide guidance and assistance to the consultant. It is expected that the Steering Committee will meet with the consultant to: initiate the project; review research findings; prepare for public and stakeholder workshops; and review draft recommendations.

### **3.3 Committee/Council Consideration**

A staff report will be prepared for the consideration of Committee/Council upon completion of the each Phase of the Study. The staff report in Phase I will transmit the summary report prepared by the consultant and seek direction on proceeding to Phase II of the Study. Subject to commencement of Phase II of the Study, the second staff report will transmit the recommendations report for Committee/Council consideration. It is expected that the Consultant will attend the Committee Meetings.

### **3.4 Public/Stakeholder Consultation**

Public and stakeholder consultation is as described in Section 2.2. It is expected that the consultant will lead and conduct the engagement events. City staff will prepare communication materials related to the engagement events (e.g. newspaper and email notices), and make logistical arrangements (e.g. room bookings).

### **3.5 Ontario Municipal Board**

It is expected that the consultant would be in a position to defend the reports, including the methodology and findings before the Ontario Municipal Board, or other tribunal if needed. Arrangements for such work would be under separate contract, as warranted.

### **3.6 Proposal Costing**

The estimated study cost is \$20,000. These funds have been included in the Council approved Capital Budget for the OPR. The Consultant shall provide a costing breakdown by Phase as identified in Sections 2.2 and 2.3 and by public and stakeholder meeting. The contract may be awarded in whole (Phases I and II) or in part (Phase I only). The consultant should include hourly rates for additional work that may arise related to the study. Any work arising from a change of project scope will be reviewed and confirmed by the City for authorization.

### **3.7 Costing of Deliverables**

The proposal cost shall include seven (7) copies of each of the deliverables. In the set, one copy shall be the master copy, unbound and suitable for reproduction purposes (note: any colour images should be reproducible in black and white copy). The set should also include a digital version of the master copy which may be provided by email or uploaded to FTP site. Any supporting analytical or tabulated data in digital form shall be provided in MS Excel.

### **3.8 Study Timing**

It is intended that the study would commence upon award of the consulting contract estimated in Q3 2013. Completion of the study is expected by Q2 2014.

### **3.9 Invoicing**

Upon invoicing the City for services/deliverables rendered, the Consultant shall correlate the invoice item to the deliverable outlined or meeting, as identified in Section 2.3 of the subject Terms of Reference.

### **3.10 Available Background Information**

- Staff Report PB-53-12: 2012 Official Plan Review: Comprehensive Workplan
- City of Burlington Official Plan, as amended
- Zoning By-law 2020, as amended
- City of Burlington Strategic Plan
- City of Burlington Downtown Urban Design Guidelines, October 2006
- City of Burlington Old Lakeshore Road Precinct Phase II: Urban Design Guidelines, July 2009
- Official Plan Review Transportation Master Plan Study (Pending Completion)
- City of Burlington ESRI ArcGIS mapping and orthoimagery, inclusive of Conservation Halton Regulation Limits
- Park Dedication Reserve Fund
- Conservation Halton Regulation
- Core Commitment (adopted)
- Core Commitment (draft strategic directions and OP policy considerations)
- Waterfront Best Practice Review (pending completion)
- Relevant Board Decisions (TDL, Carriage Gate)

### Sketch No. 1 Old Lakeshore Road Precinct Official Plan and Urban Design Study



**AREA AFFECTED**

