

Caldwell, Phil

From: DougB [REDACTED]
Sent: Friday, February 21, 2014 6:09 PM
To: Caldwell, Phil
Subject: Comments on Drive-Thru Policy

Drive-thrus should be banned for the following reasons:

The idling engines of vehicles sitting in long queues is a waste of energy and a source of air pollution.

Drive-thrus promote a car culture and are counter to Burlington's Strategic Plan objectives for a walkable liveable city.

Drive thrus contribute to obesity and bad health as motorists stay seated in their car rather than walking into the bank or restaurant.

Food drive-thrus encourage distracted driving with people eating, drinking and driving at the same time.

Drive-thrus ruin the appearance of the area.

Therefore:

No new drive-thrus should be allowed in Burlington and existing drive-thrus should be phased out.

The City should be enforcing its own anti-idling by-law to reduce pollution and energy waste and discourage drive-thru use.

Question 1: What happened to the City's moratorium on drive-thrus which was proposed by the Sustainable Development Committee and approved by Council ~1990?

Question 2: Has an ticket or idling ever been issued at any of Burlington's drive-thru locations?

Doug Brown

[REDACTED]
Burlington, ON
[REDACTED]
[REDACTED]

EMBEE PROPERTIES LIMITED

88 Sheppard Avenue West, Suite 200
Toronto, ON M2N 1M5

Tel: (416)-250-5858
Fax: (416) 250-5860

March 19, 2014

VIA E-MAIL

Planning Department – 2nd Floor
City of Burlington- 426 Brant Street
Burlington, ON, L7R 3Z6

Attention: Phillip Caldwell, MCIP RPP
Planner II - Policy | Planning & Building

Re: Official Plan Review Commercial Strategy Study: Transmittal of Phase 2 and Phase 3 reports- Drive- Through Policy Guidelines/Recommendations

Dear Mr. Caldwell:

Without Prejudice

Embee Properties Limited is the registered owner of certain lands in the City of Burlington; namely 3041-3061 Walkers Line.

We have carefully reviewed the various new drive-through policies proposed as part of Draft Official Plan Review.

It is our submission that these proposed policies do not reflect appropriately the purpose of drive-through facilities nor recognize their essential value as established land uses on our property.

For these reasons, we object to all general and specific policies relating to drive-through facilities.

We would welcome the opportunity to review our concerns with staff during their ongoing Official Plan Review process.

We request that we receive written notice of any and all further actions by the City with regard to the file.

Yours very truly,
EMBEE PROPERTIES LIMITED.


Jonathan Rubin MCIP, RPP
Phone: 416.250 5858 ext.34
E-mail: jonathan@embeeproperties.ca

cc: Michael Baker- Embee Properties Limited

EMBEE APPLEBY LINE LIMITED

88 Sheppard Avenue West, Suite 200
Toronto, ON M2N 1M5

Tel: (416)-250-5858
Fax: (416) 250-5860

March 19, 2014

VIA E-MAIL

Planning Department – 2nd Floor
City of Burlington- 426 Brant Street
Burlington, ON, L7R 3Z6

Attention: Phillip Caldwell, MCIP RPP
Planner II - Policy | Planning & Building

Re: Official Plan Review Commercial Strategy Study: Transmittal of Phase 2 and Phase 3 reports- Drive- Through Policy Guidelines/Recommendations

Dear Mr. Caldwell:

Without Prejudice

Embee Appleby Line Limited is the registered owner of certain lands in the City of Burlington; namely 3091 Appleby Line.

We have carefully reviewed the various new drive-through policies proposed as part of Draft Official Plan Review.

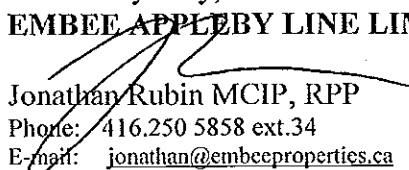
It is our submission that these proposed policies do not reflect appropriately the purpose of drive-through facilities nor recognize their essential value as established land uses on our property.

For these reasons, we object to all general and specific policies relating to drive-through facilities.

We would welcome the opportunity to review our concerns with staff during their ongoing Official Plan Review process.

We request that we receive written notice of any and all further actions by the City with regard to the file.

Yours very truly,
EMBEE APPLEBY LINE LIMITED.


Jonathan Rubin MCIP, RPP
Phone: 416.250 5858 ext.34
E-mail: jonathan@embeeproperties.ca

cc: Michael Baker- Embee Appleby Line Limited

EMBEE-JOVIC DEVELOPMENT GROUP

88 Sheppard Avenue West, Suite 200
Toronto, ON M2N 1M5

Tel: (416)-250-5858
Fax: (416) 250-5860

March 19, 2014

VIA E-MAIL

Planning Department – 2nd Floor
City of Burlington- 426 Brant Street
Burlington, ON, L7R 3Z6

Attention: Phillip Caldwell, MCIP RPP
Planner II - Policy | Planning & Building

Re: Official Plan Review Commercial Strategy Study: Transmittal of Phase 2 and Phase 3 reports- Drive- Through Policy Guidelines/Recommendations

Dear Mr. Caldwell:

Without Prejudice

Embee-Jovic Development Group is the registered owner of certain lands in the City of Burlington; namely 3505 Dundas Street.

We have carefully reviewed the various new drive-through policies proposed as part of Draft Official Plan Review.

It is our submission that these proposed policies do not reflect appropriately the purpose of drive-through facilities nor recognize their essential value as established land uses on our property.

For these reasons, we object to all general and specific policies relating to drive-through facilities.

We would welcome the opportunity to review our concerns with staff during their ongoing Official Plan Review process.

We request that we receive written notice of any and all further actions by the City with regard to the file.

Yours very truly,
EMBEE-JOVIC DEVELOPMENT GROUP


Jonathan Rubin MCIP, RPP
Phone: 416.250 5858 ext.34
E-mail: jonathan@embeeproperties.ca

cc: Michael Bakcr- Embee-Jovic Development Group



Canadian Fuels
ASSOCIATION
canadienne des carburants

The new CPPI.

Ontario Division
901-20 Adelaide E
Toronto, Ontario
Canada M5C 2T6
t. 416.492.5677
canadianfuels.ca

March 19, 2014

Mr. Phillip Caldwell
Planner II, Policy & Research
City of Burlington
426 Brant Street, PO Box 5013,
Burlington, Ontario L7R 3Z6

phil.caldwell@burlington.ca

Subject: City of Burlington Official Plan Review

Dear Mr. Caldwell,

I am writing this letter on behalf of the Canadian Fuels Association ("Canadian Fuels") as a follow up to my email sent to you earlier today. As mentioned before, Canadian Fuels represents member companies in refining, distribution and marketing of petroleum products. In Ontario, the member companies are Husky Energy Inc., Imperial Oil Ltd. (Esso), Shell Canada Products and Suncor Energy Products Partnership (Petro-Canada). The majority of motor vehicle service stations within the City of Burlington are owned by Canadian Fuels member companies.

While our member companies are competitors in the market place, the members work together under the Canadian Fuels umbrella on various topics such as environmental, zoning, traffic access, parking requirements, tanker truck circulation and health and safety issues, which may be common to the industry. Canadian Fuels works with its members in supporting that its member service stations have facility design standards in place which ensure that their retail fuel services are safe and viable while meeting the customer and community needs.

I am pleased to provide a few feedback comments related to your Drive-Through Stakeholder Meeting presentation material dated February 18, 2014 and to the UrbanMetrics Inc. Official Plan Review Appendix A-C to Report PB-09-14 dated March 6, 2014.

Comments on February 18, 2014 Drive-Through Stakeholder Meeting:

Slide # 6 describing the location of existing Drive-Through locations within Burlington indicates that the map doesn't include existing drive-through locations associated with gas stations. We recognise the uniqueness of drive-through facilities associated with gas station but we fail to understand the reasons for the exclusion of such drive-through facilities on this map as such drive-through facilities already exist at some gas station sites and are functioning well. Here are a few examples of such existing locations:

- 5539 Harvester/Burloak
- 2971 Walker's Line/Dundas
- 1170 Guelph Line/Mountainside

Slide # 13 indicates within Mixed Use Activity Areas/Corridors the option to: *"Maintain existing drive-throughs for the life of existing developments (including during future additions, renovations etc.)"* The inclusion should incorporate also the possibility of site redevelopment in the case of drive-through facilities at service stations, as service stations facilities have a relatively short life cycle and may occasionally be in needs of replacement/redevelopment.

Comments on Appendix A to Report PB-09-14:

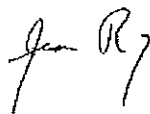
Section 4.6 on AUTO-RELATED USES IN MIXED USE AREAS appears to be much too restrictive concerning gas station, carwash and drive-through facilities and we wish to have an opportunity to discuss this section in more details with City planning staff.

Comments on Appendix C to Report PB-09-14:

Page 42: Mixed Use Activity Areas contemplate the possibility of gas stations within the Stand Alone Medium-Scale Format. However the restriction on drive-through contained on page 49: *"Drive-through should not be located on corner sites"*, would be incompatible in the case of gas stations, which are typically located at corner sites.

The above points are only a few examples of our concerns regarding the present OP Review and we would be pleased to have the opportunity to discuss these items further with you at your convenience.

Sincerely,



Jean Roy

Tel: 416-222-5991

Email: jean.roy23@sympatico.ca

- CC. E. Bristow, Canadian Fuels Association
- S. Ethier, Suncor Energy Products
- P. Park, Suncor Energy Products
- D. Weaver, Suncor Energy Products
- C. Brutto, Husky Energy
- E. Citton, Imperial Oil
- D. Dussault, Imperial Oil
- P. Giroux, Imperial Oil
- H. Bennet, Shell Canada Products

Caldwell, Phil

From: Montgomery, Dan [Dan.Montgomery@cibc.com]
Sent: Thursday, March 20, 2014 6:59 PM
To: Caldwell, Phil
Cc: Loberto, Peter; Jonathan Rubin (jonathan@embeeproperties.ca)
Subject: CIBC Feedback - City of Burlington Drive-Through Stakeholder Meeting

Hello Phil,

Thank you for the opportunity to participate in the City of Burlington's review of the Official Plan and Zoning-by-Law as they relate to drive throughs. As a national financial institution, CIBC supports the provision of drive through automated banking machines (ABMs) as part of a branch service offer for the benefit of our clients. Prior to addressing the recommendations discussed at the meeting, here are some key considerations to why we incorporate Drive Thru ABMs as part of our standard branch service when possible:

Service/Access Benefits

- Drive Thru ABMs process slightly higher transaction volumes on a unit basis compared to standard branch ABMs – a service clients value.
- Clients who have accessibility challenges have more choice when a Drive Thru ABM is available as there is no need to exit the vehicle and enter the premises; especially during times of inclement weather.
- Transaction volumes for Drive Thru ABMs increase after hours, which is likely due to the sense of security in being in your own car vs. getting out and going into the vestibule.
- Depending on location and time of year, at times our vestibules may attract transients after hours. In some cases, branch locations lock vestibules after-hours for client safety & security reasons and thus, Drive Thru ABMs continue to provide access to funds for those clients and the businesses where the cash is ultimately spent.
- Research shows that young mothers with small children prefer Drive Thru ABMs because they don't need to bundle/assist children to go into the branch.

Security Benefits

- Based on the number of "incidents" in and around ABMs, we have seen fewer occurrences related to Drive Thru ABMs versus occurrences within ABM vestibules after-hours and when clients leave the vestibule after hours. This may be due to the fact that approaching or threatening a client while inside a vehicle may be difficult, which results in less incidents at a Drive Thru.

CIBC recognizes that drive thru facilities need to be compatible with the design and development of your community and need to be assessed from a land-use, functional perspective. A well-designed Drive Thru on a parcel of land with adequate area can be convenient for motorists with minimal impact upon the streetscape and pedestrians.

Burlington planning presentation feedback

- "Restaurant DT and Bank DT might not operate in the same way and have different design requirements".
 - o CIBC Drive Thru ABMs operate 24-7 for the convenience of our customers and therefore have different hours of operation and usage patterns than fast food drive throughs.

- The withdrawal and depositing of money and the desired security inherent in those transactions is increased when design guidelines ensure line of sight visibility to the street. Planning guidelines that promote bank drive throughs being hidden from view (i.e. behind the branch, aggressive landscaping or unique features) are not supported due to associated security risks to clients.
 - Bank Drive Thru ABMs are generally less noisy, do not produce food waste/garbage and have less automobile queuing/idling than other drive thru and thus, automobile stacking guidelines should be minimized for banks versus other users.
- We recognize that the city is “committed to promoting an urban vision and a framework to support intensification” in certain mixed use areas where new drive throughs will not be permitted for all restaurants/financial institutions. We support the premise that these communities are less reliant on cars for transportation and therefore drive thru ABMs would not be a critical component of our branch offer in these market areas.

I hope this information assists the city in considering the policy recommendation that balances the future needs of the people and business community of Burlington. If you have any questions or if you require further explanation into any of the information provided hereinto, please contact me to discuss.

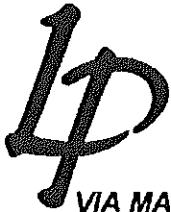
Regards,
Dan

Dan Montgomery

Network Manager | Network Strategy & Planning | Channel Strategy & Integration | Retail Markets | CIBC
Tel: 416-304-4746 | Fax: 416-861-5209 | Dan.Montgomery@cibc.com

This message, including any attachments, is intended only for the use of the individual(s) to whom it is addressed and may contain information that is confidential. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient, or have received this message in error, please notify us immediately by reply email and permanently delete this message including any attachments. Thank you.

Ce message (incluant ses fichiers joints) est transmis pour l'usage exclusif de la ou des personnes à qui il est destiné et peut contenir des renseignements confidentiels ou assujettis au secret professionnel. Il est strictement interdit d'en faire toute autre distribution, copie ou divulgation. Si vous n'êtes pas le destinataire visé ou que vous avez reçu ce message par erreur, veuillez nous en aviser immédiatement par réponse à ce courriel et le détruire (incluant ses fichiers joints) de façon définitive. Merci.



Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL (phil.caldwell@burlington.ca)

Our File: P-375-09 EEE

March 28, 2014

Mr. Phillip Caldwell, MCIP RPP
Planner II, Policy & Research
City of Burlington
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Dear Mr. Caldwell:

**Re: Drive-through Stakeholder Meeting
City of Burlington Official Plan Review**

We represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the presentation slides from the *Drive-through Stakeholder Meeting* on February 18, 2014 as well as the background material currently available to the public. Please accept this as our written submission on the subject matter.

The following comments are based on the information contained in the slides presented during the meeting:

Slide Number:	Comment:
5	As you are aware the Burlington Zoning By-law already prohibits restaurants with a drive-through facility (DTF) in the downtown. As this prohibition already prevents food service DTF from locating in the Downtown we do not understand the specific need for a prohibition at the level of the Official Plan. This is also reflected in the significant case law related to prohibitions at the level of the Official Plan that will be referenced further below.
7	The Commercial Strategy Study recommends additional design considerations for DTF where permitted on Fairview St including the following: <ul style="list-style-type: none">• Not located on corner lots;• No more than one drive-through per building; and• 150 m separation distance between DTF. These regulations are unusual and we ask that you please advise what

	studies were completed to justify these suggested regulations. We would consider these to be overly restrictive and not justified.
14	The map shows where new DTF Official Plan prohibitions are proposed which would also include the downtown. DTF would be permitted without limitations everywhere else. We accept the existing ZBL prohibition in the downtown area but object to additional prohibitions in the new Official Plan. DTF can be successfully integrated into a higher-density mixed use buildings through strategic site plan design. Prohibition policies to control the specific location of DTF should only be considered in the ZBL, not at the level of the Official Plan.
15	These examples effectively show how a standalone restaurant and bank can be incorporated into higher-density mixed use buildings. However, these examples do not include a DTF and only the primary use is retained. We agree with this approach but would suggest that these example developments could include a DTF to the rear or flankage side of the property. There are many examples of restaurants in mixed-use buildings which successfully include a DTF in dense populated and mixed use areas. Examples of these can be provided to you upon your request.
17	Design policies at the level of the Official Plan should be 'generic' for all land uses with reference to specific use guidelines as noted in 'option #3' (separate Urban Design Guidelines for DTF).

As noted above, we do not support any prohibitions of DTF in the new Official Plan. New development of DTF within the mixed-use (intensification corridors) would be required to conform to the regulations of the ZBL and would require Site Plan approval. Further, the proponent of a DTF would have to meet all other Official Plan policies such as urban design, building massing and built form that will no doubt be added to the new Official Plan. As such, a proposed new DTF anywhere in the city would have to meet all policy requirements just like any other use would. This would ensure a high-quality of design, pedestrian orientation, and mitigation of impacts on adjacent uses without the need or justification for a specific DTF prohibition. Simply, if a proposed DTF can't meet all policies of the new Official Plan as would any other use would have too, the use cannot proceed. This was the premise of a recent decision of the OMB relative to a settlement reached with the Town of Grimsby on its new Official Plan.

We have also reviewed Phase 1 of the Commercial Strategy Study (*Commercial Policy and Design Review Background Paper*) and note that it includes some inaccurate statements. Five other Official Plans from similar municipalities (Mississauga, Oakville, Guelph, Ajax, and Kitchener) were reviewed to provide context particularly for DTF restrictions in mixed use designations (section 4.2.3). The City of Guelph does not prohibit DTF in their OP and was excluded from this section. It is important to note that the other four municipalities initially proposed DTF prohibitions but have since removed any specific prohibitions through consultation or through a settlement at the OMB.

Further and as referred to in the comments above relative to "slide 5" in the table above, specific urban design guidelines and to a much lesser extent zoning based regulations for DTF are common throughout Ontario. It is important to note that the implementation of official plan based policies that specifically prohibit DTF in areas that would otherwise permit service retail commercial uses and associated parking areas is not a common or appropriate form of policy based regulation applied to these facilities in Ontario. In fact, the Ontario Municipal Board has noted in a case regarding the new official plan for the City of Ottawa that *"the proper approach for controlling these is the one adopted by the City of Toronto, which prohibits these facilities through its zoning by-law and not in its Official Plan. Official Plans do not need to be prescriptive like zoning by-laws."* This is an approach repeated in virtually every case, both at the Ontario Municipal Board and in the Courts, on proposed official plan

prohibitions for this specific use. It is important to note that any considered prohibition of DTF in the zoning by-law is limited to very specific areas which need to be appropriately considered and justified.

Further, we also wish to note that of the existing 25 locations owner/operated by our clients 6 locations appear to be within a proposed new the designation that would prohibit a drive-through in the new Official Plan. If the suggested prohibitions were to stand we would object to these locations becoming Legal Non-conforming within any future zoning by-law amendment pertaining to these existing locations.

The above comments are based on the information currently available to us. We request an opportunity to review a copy of the final Commercial Strategy Study and related city staff report so that we can comment on this again prior to recommendations going to City Council which you have advised would be in May or June of this year

Thank you for your time and considerations of our comments herein. Please do not hesitate to contact us to discuss our comments or for additional information.

Yours truly,
Labreche Patterson & Associates Inc.



Victor Labreche, MCIP, RPP
Senior Principal

VL/jv
 Copy:

Andrea Smith, Manager of Policy and Research, City of Burlington
 (via e-mail: andrea.smith@burlington.ca)

Hugo Rincon, Planner – Policy, City of Burlington
 (via e-mail: hugo.rincon@burlington.ca)

Leslie Smejkal, ORHMA
 (via e-mail: lsmejkal@orhma.com)

Paul Barron, The TDL Group Corp.
 (via e-mail: barron_paul@tlmhortons.com)

Sean O'Meara, The TDL Group Corp.
 (via e-mail: OMeara_Sean@tlmhortons.com)

Carol Patterson, The TDL Group Corp
 (via e-mail: patterson_carol@tlmhortons.com)

Sherry MacLauchlan, McDonald's Restaurants of Canada Limited
 (via e-mail: Sherry.maclauchlan@ca.mcd.com)

Jessica Oliver, McDonald's Restaurants of Canada Limited
 (via e-mail: jessica.oliver@ca.mcd.com)

Susan Towle, Wendy's Restaurants of Canada
 (via e-mail: susan.towle@wendys.com)

Darren Sim, A&W Food Services of Canada Inc.
 (via e-mail: dsim@aw.ca)