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Additional public correspondence

Planning and Development Department
City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

February 26th, 2017
File 8797

Attn: Andrea Smith, Manager of Policy and Research

**RE: Burlington Official Plan Review
675-835 Dynes Road
City of Burlington**

Weston Consulting is the planning consultant for Amelin Property Group, the registered owner of the properties located at 675-837 Dynes Road in the City of Burlington (herein referred to as the "subject site"). At this time, formal development applications have not been submitted to the City of Burlington for review. However, this letter is provided in response to the new Draft Official Plan (OP) published in February 2018. We are supportive of the strategic directions in the new Draft OP, including intensification, accessibility, environmental stewardship, and community engagement.

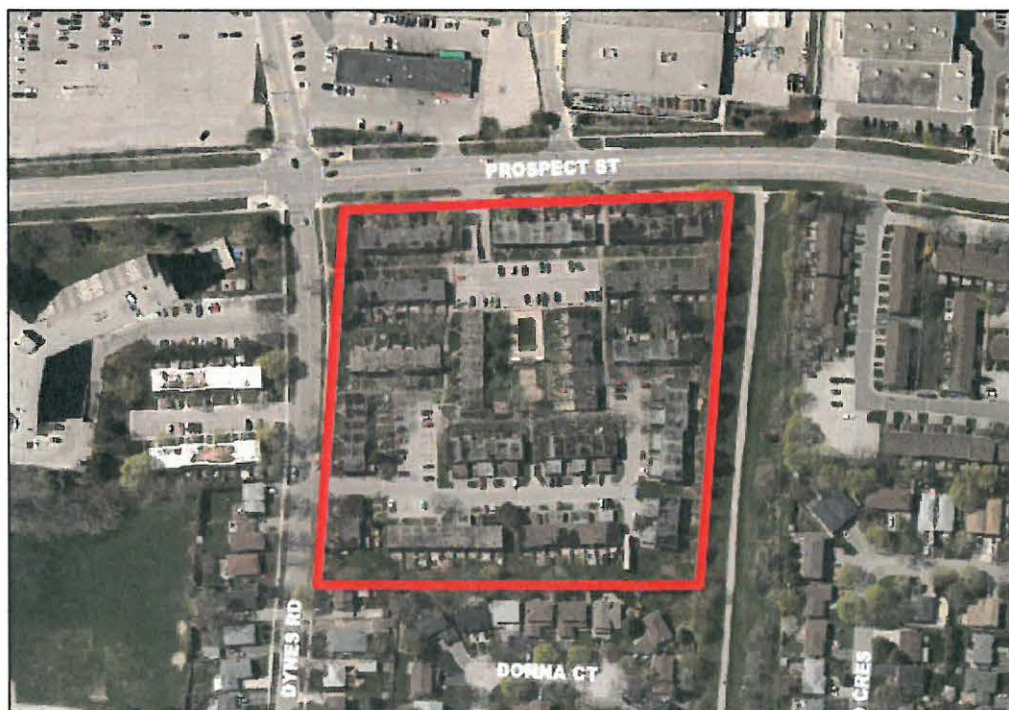


Figure 1: Aerial photograph of the subject site

As present, the contemplated development for the subject site includes the following:

- Mid- to high-rise rental apartments along Prospect Street, a continuation of the built form to the west;
- One mid- to high-rise retirement residence;
- Townhomes on the southern portion of the site, providing a transition to the low rise neighbourhood to the south.

We met with City Policy Planning Staff on February 1, 2018 to discuss the proposed OP policies and how they apply to the subject lands. We have reached out to Development Planning Staff to arrange for a preliminary meeting to discuss the development proposal for the subject site, and will follow up with a request a formal Pre-Application Consultation meeting at the appropriate time. This letter provides our opinion on the proposed policy framework based on our review of the February 2018 Official Plan document.

Description of the Subject Site

The subject site is located on the southeast corner of Prospect Street and Dynes Road, east of Guelph Line, in the City of Burlington. It is legally described as:

PT LTS 7 & 8, PL 293 , AS IN 757181; S/T 812966 AS AMENDED BY 821922 ; BURLINGTON

The site currently contains seventeen (17) rowhouse blocks which consist of approximately 120 rental units. The subject site has an approximate area of 3.1 hectares (7.69 acres). It has approximately 177.15 metres of frontage on Prospect Street and 173.76 metres of frontage on Dynes Road.

Current Planning Policy

In-force City of Burlington Official Plan (2008)

The subject site is located in the Urban Planning Area as per Schedule B of the City of Burlington Official Plan, 2008. It is designated *Residential – Medium Density*. This designation permits ground-related and non-ground related housing units at a density of 26 to 50 units per net hectare (Policy 2.2.2[d]). Permitted housing types include detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments (Policy 2.2.2[g][ii]). Mid- and high-rise Apartments are not permitted.

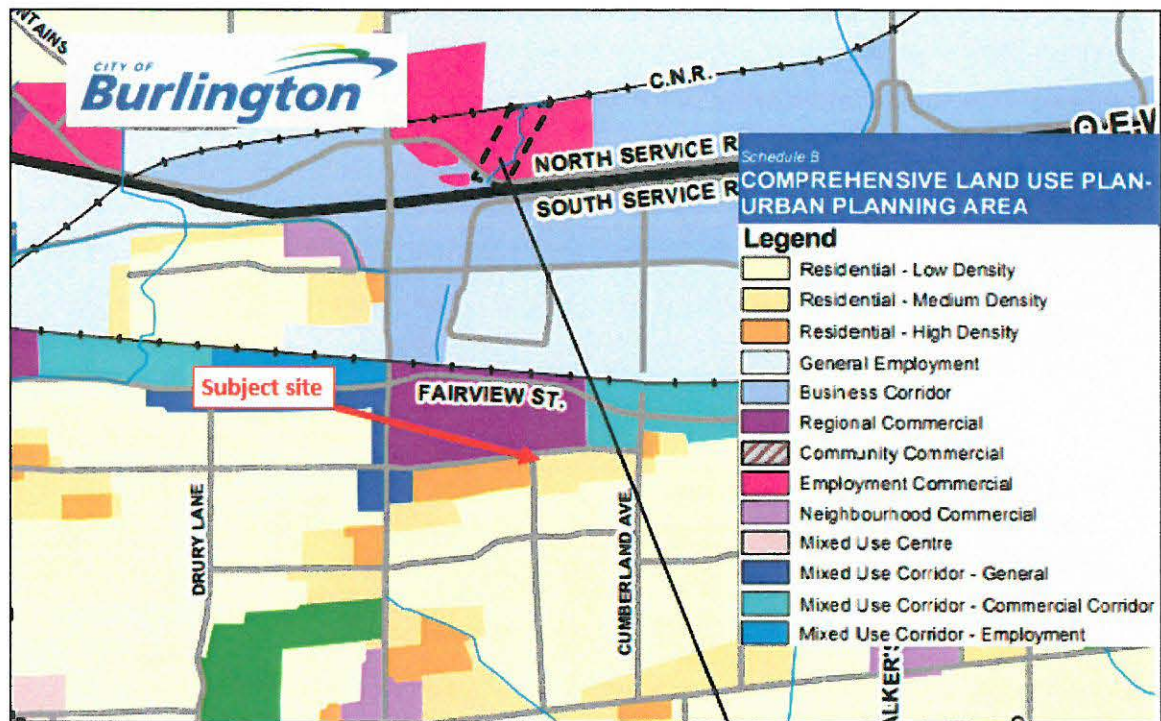


Figure 1: City of Burlington Official Plan (2008) Schedule B

Residential intensification is encouraged within the Urban Planning Area in accordance with Provincial growth management objectives. The Official Plan recognizes that intensification should be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods (Policy 2.2.1[a]). A variety of housing forms is encouraged, as well as housing forms that support public transit use.

Infill, redevelopment, and conversions within existing neighbourhoods are encouraged, provided that the additional housing is compatible with the scale, urban design and community features of the neighbourhood (Policy 2.5.1[a]). Furthermore, the 2008 Official Plan encourages the redevelopment of under-utilized residential lands at the periphery of existing residential neighbourhoods for non-ground-oriented housing purposes (Policy 2.5.1[b]). The criteria for evaluating proposals for housing intensification are provided under Policy 2.5.2[a], and include consideration of municipal infrastructure capacity, compatibility, and potential impacts.

New Draft City of Burlington Official Plan - "Grow Bold" (February, 2018)

The subject site is designated *Established Neighbourhood* according to Schedule B-1: Growth Framework of the new draft Official Plan. Any development occurring in these areas "shall be compatible and should enhance the physical character of the surrounding area" (Policy 2.3.4[b]). New policies for *Established Neighbourhoods* discourage intensification to preserve stable residential areas (Policy 2.4.2[3][a]). Notwithstanding, the following opportunities for intensification may be permitted:

- (i) development in accordance with the maximum density and/or intensity permitted under the applicable land use designation;

- (ii) consents;
 - (iii) plans of subdivision;
 - (iv) lands designated Residential-High Density, in accordance with Subsection 8.3.5(1)c); and/or,
 - (v) secondary dwelling units.
- (Policy 2.4.2(3)[b])

The Urban Design policies for Existing Community Areas (Policy 7.3.2) also apply. Generally, these policies aim to ensure that new development is compatible with the surrounding area. Policy 7.3.2(a) from the new Draft OP reads as follows:

In Community Areas, which comprise the majority of the Urban Area, and are defined as the city's Established Neighbourhood Areas and Growth Areas as shown on Schedule B-1: Growth Framework, of this Plan, development shall address considerations such as, but not limited to, the following:

- (i) *ensuring site and building design are compatible with to the surrounding area; and enhance its physical character;*
- (ii) *providing appropriate built form transition in scale between buildings, the public realm and abutting development, through a variety of design methods including angular planes, stepping height limits, location and building orientation, and the use of setbacks and stepbacks of building mass;*
- (iii) *providing appropriate screening, landscape buffering and other design measure to minimize any identified impacts;*
- (iv) *providing pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through a variety of design methods including the use of a podium in mid-rise and tall buildings;*
- (v) *providing safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, between buildings, parking areas and other facilities, to public streets, and to and from transit facilities;*
- (vi) *providing façade articulation that achieves a scale of development which is attractive to pedestrians and avoiding the use of blank facades facing a public street or public open space;*
- (vii) *designing and orienting development in predominant locations such as corner lots, view terminus lots, and lots facing public open spaces to contribute to the public realm and pedestrian environment, provide definition at these locations and contribute to a distinctive community identity;*
- (viii) *implementing measures that adequately limit any resulting shadowing, and uncomfortable wind conditions to minimize adverse impacts of wind channeling, shadowing and the interruption of sunlight on the streetscape, neighbouring properties, parks and open spaces and natural areas;*
- (ix) *taking into account the visual effect of varying topography and existing and proposed vegetation;*
- (x) *promoting pedestrian scale, public safety and the perception of safety and access for all users, through the incorporation of Crime Prevention through Environmental Design (CPTED) principles;*

- (xi) implementing design measures in accordance with *The Accessibility for Ontarians with Disabilities Act* and other applicable Provincial legislation;
- (xii) considering the needs of persons of all ages and abilities, including new and renovated buildings, parking lots and open spaces through the application of the principles of Universal Design;
- (xiii) minimizing mitigating the adverse effects of noise, vibration, odour or dust on adjacent uses through the use of design features;
- (xiv) considering cultural heritage resources and natural features;
- (xv) creating, maintaining and enhancing public views and vistas of significant natural and built features; and
- (xvi) considering the adaptive reuse of buildings through innovative design.

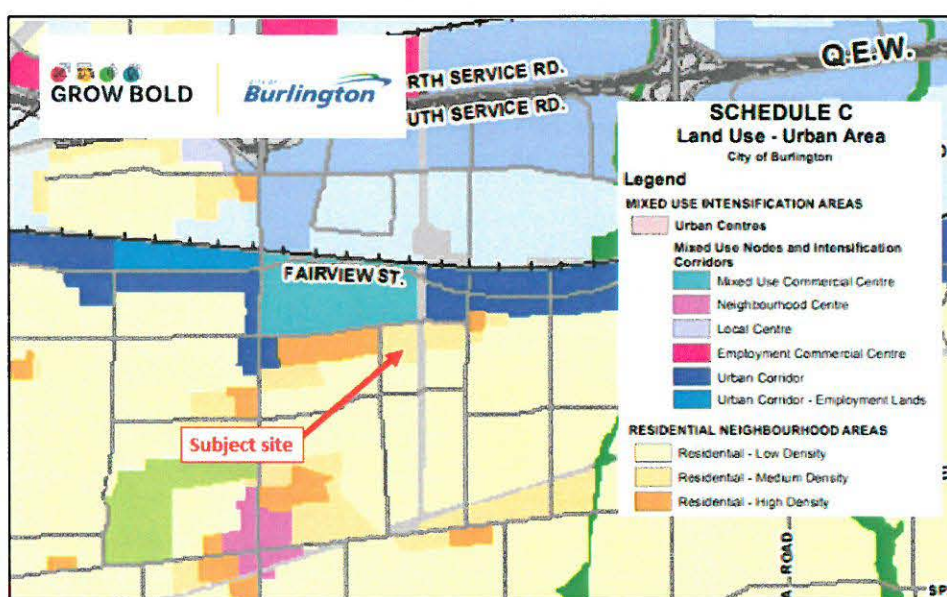


Figure 2: City of Burlington Official Plan (2008) Schedule C

The new Draft OP has maintained the *Residential – Medium Density* land use designation. Policy 8.3.4(1) contains the applicable provisions. Permitted building types include ground-oriented building types (single-detached and semi-detached dwellings, townhouses, street townhouses, back-to-back townhouses) to a maximum height of three (3) storeys. Non-ground related building types including stacked townhouses and low-rise residential buildings are also permitted, to a maximum height of four (4) storeys. These types of buildings are only permitted at the periphery of existing neighbourhoods. A density range of 26-75 units per net hectare is permitted in the *Residential – Medium Density* designation.

Rental Housing Replacement

A new rental housing replacement policy under Policy 3.1.2(2)[a](iii) states:

"Where demolition occurs, and where a development application is submitted, at a minimum the proposal shall include the same number of replacement rental housing units with the same number of bedrooms per unit, for those units that are demolished"

This policy strengthens the policies in the in-force OP, which states “*where demolition occurs, replacement rental housing units are provided for those units that are demolished*”.

The full suite of policies for rental housing replacement are provided below:

3.1.2(2)(a) *The demolition or conversion to freehold or condominium ownership of a residential rental property containing six (6) or more units, in part, or in whole, should not be permitted unless the following conditions are satisfied:*

- (i) *the rental vacancy rate by structure type for the City of Burlington as defined and reported yearly through the C.M.H.C. Rental Market Report has been at or above three (3) percent for the preceding two-year reporting period;*
- (ii) *the building for which conversion is proposed meets the requirements of the property standards by-law, the Ontario Building Code, and any other applicable law, or will be upgraded in accordance with these standards and requirements;*
- (iii) *where demolition occurs, and where a development application is submitted, at a minimum the proposal shall include the same number of replacement rental housing units with the same number of bedrooms per unit, for those units that are demolished;*
- (iv) *that negative economic and other impacts upon tenants are minimized to an acceptable level; and*
- (v) *the requirements of any applicable Provincial legislation or regulation, as amended, are met.*

Recommended Revisions / Policy Considerations

We are pleased to provide the following comments and recommendations for the City's consideration:

1. General Policies – Established Neighbourhood Areas (2.4.2[3])

We support the City's direction that *Established Neighbourhoods* shall not be the focus area for accommodating growth and intensification; however, it is recognized under Subclause (b) that certain sites within *Established Neighbourhoods* are appropriate for intensification that is sensitive to its surroundings. We support the inclusion of a new Subclause (b)(iv) which states that intensification is appropriate on lands designated *Residential High Density*.

2. Urban Design and Built Form – Existing Community Areas (7.3.2[a])

We support the draft New OP policies for new development in *Existing Community Areas*.

3. Land Use Designation (Schedule C)

The subject site is designated *Residential – Medium Density* per Schedule C. The subject site abuts a *Residential – High Density* designation to the west, and a *Mixed Use Commercial Centre* designation to the north. It is our opinion that this context supports greater density on the subject

site, and that extending the *Residential – High Density* designation from the west side of Dynes Road would provide for a logical continuation of built form and scale, with appropriate transitions to the *Residential – Low Density* areas to the south.

The subject site is located approximately 500 metres southeast of the intersection of Guelph Line and Fairview Street. Guelph Line is designated as an *Urban Avenue* (Schedule O-1) and a *Candidate Frequent Transit Corridor* (Schedule B-2). Fairview Street is designated as a *Multi-Purpose Arterial* (Schedule O-1), a *Frequent Transit Corridor* and a *Primary Mobility Hub Connector*.

The Burlington GO Station Mobility Hub is approximately 2.3 kilometres to the west, or a 30-minute walk. Alternatively, it is an 8-minute bus ride. Burlington Transit bus routes 21, 25 and 51 travel along Prospect Street before turning north to Fairview Street, and provide convenient access to the GO Station. Buses along this corridor arrive every 30 minutes.

The subject site also abuts a *Mixed Use Node* and *Intensification Corridor* designation (Schedule B) and *Secondary Growth Area* (Schedule B-1). Lands identified as *Mixed Use Nodes* represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas (Policy 2.3.1[m]). *Mixed Use Nodes* and *Intensification Corridors* will be a focus of reurbanization (Policy 2.3.1[o]). *Secondary Growth Areas* are planned for mid-rise building forms and compact, mixed use development that is pedestrian oriented in nature (Policy 2.4.2[2]).

In our opinion, the future context for the subject site (as contemplated by the new Draft OP) is walkable, dense, and is well served by transit. We believe that a *Residential – High Density* designation for the subject property is more appropriate and more compatible with the future development trajectory of the area.

As an alternative, we propose that the site could be dual designated, with the northern 3/4 redesignated as *Residential – High Density*, in line with the designation on the west side of Dynes Road. The remainder of the site would remain as *Residential – Medium Density*.

In order to ensure that development on the subject site is compatible with the low-rise neighbourhoods to the south, appropriate transitions should be provided. We believe that the policy language in Section 7.3.2(a) will effectively protect abutting uses from any negative impacts of development, and will provide for an appealing and compatible built form.

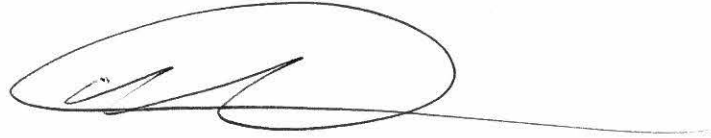
Conclusion

We look forward to working with City staff through the Official Plan Review process. In general, we support the directions and policies of the February 2018 draft. Our clients wish to ensure the appropriate future development of the subject site in a manner that is compatible with the planned context for the area and that is in line with the strategic directions around intensification and alternative modes of transportation.

We respectfully request to be notified of any subsequent revisions to the new Draft Official Plan. Should you have any question, please contact the undersigned at extension 241 and 266, or Kelly Graham at extension 256.

Yours truly,
Weston Consulting
Per:

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