

PB-04-18  
505-08  
Correspondence

April 24, 2018

City of Burlington  
426 Brant Street  
Burlington, ON L7R 3Z6

Attn: Angela Morgan, City Clerk  
Mayor and Members of Council

**Denise Baker**  
Partner  
T: 416-947-5090  
dbaker@weirfoulds.com

File 18356.00004

Dear Mayor and Members of Council:

**RE: Proposed New Burlington Official Plan – 615 & 619 Maple Avenue**

---

We are solicitors for Welwyn Interests Inc. (the “Client”), owners of properties located at 615 & 619 Maple Avenue in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

This letter is with respect to concerns related to the designation of the subject lands under the proposed new City of Burlington Official Plan, which is being presented for adoption by Staff to City Council at a meeting of the Planning and Development Committee on April 24<sup>th</sup>, 2018. The subject lands are designated as Residential Medium Density. In the existing Official Plan, the Residential Medium Density permits a density of 26 to 50 units per net hectare, while the new proposed Official Plan permits a density of 26-75 units per net hectare.

**Overview**

This letter is following a number of submissions by both ourselves and Ruth Victor & Associates, the Client’s planning consultants, to Council on the following dates: June 28<sup>th</sup>, 2017; September 29<sup>th</sup>, 2017; November 27<sup>th</sup>, 2017; and February 22<sup>nd</sup>, 2018.

**April 2017**

The Proposed Official Plan from April 2017 designated the subject lands as “Residential Medium Density”. This designation permits multiple forms of townhouse dwellings, semi-detached, and detached dwellings.

Since April 2017, the only change to the policies for both designations were an amendment to the densities permitted in the Residential Medium Density from the aforementioned 26-50 units per net hectare to 26-75 units per net hectare.

### ***Proposed Development***

While there has been no application made as yet, our concern lies in the fact that the Official Plan lists stacked townhouses in Section 8.3.4a) as a permitted use, however in Section 8.3.4 b) the Plan policies restrict the maximum density permitted under this designation to 75 units per net hectare. In almost all instances, stacked townhouses are designed and built at densities over 75 units per net hectare.

There is an inherent conflict within the policies of the plan regarding the permissions for stacked townhouses within the proposed plan. On one hand, it is a permitted use and on the other hand, the restriction on maximum density provisions remove the opportunity to develop this permitted use.

Redevelopment of the subject lands would not require an Official Plan Amendment for the type of dwelling, however as aforementioned, there is a disconnect between the permitted dwellings and the permitted density.

### ***Provincial Policy***

It is our opinion that the proposed Burlington Official Plan as it relates to the subject lands is not consistent with the 2014 Provincial Policy Statement ("2017 PPS") and does not conform with the 2017 Growth Plan for the Greater Golden Horseshoe ("2017 GGP").

The density restriction is not in conformity with the objectives of the 2017 PPS and 2017 GGP; both of which promote intensification, compact built-form, appropriate ranges of housing, and optimal the use of land and investment in infrastructure and public services facilities.

Section 1.1.3.2 of the 2017 PPS encourages intensification in the form of densities and a mix of land uses that efficiently use land and resources, and support active transportation. Specifically, Section 1.1.3.3 states that intensification opportunities should be promoted where can be accommodated based on the availability of existing or planned infrastructure. The aforementioned proposed concept represents intensification on these lands.

With regards to housing, Sections 1.4.1 and 1.4.3 maintain the importance of providing an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market areas, and instructs planning authorities to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment. Specifically regarding housing types, Section 1.4.3 states that in order to meet all forms of housing required to meet the social, health, and well-being requirements of current and future residents (including special *needs* requirements), that all forms of residential intensification are to be promoted, and to establish appropriate development standards for residential intensification and redevelopments that minimize the cost of housing and facilitate compact form. Finally, the GGP also promotes the importance of achieving complete communities through intensification, a range and mix of housing options and densities, and diversifying the overall housing stock across the municipality. The potential for redeveloping the subject lands with stacked townhouses represents appropriate intensification on a transit-oriented road network to provide rental housing for the City. The permitted density under the Residential Medium Density designation is in direct contradiction with the aforementioned PPS and GGP policies regarding housing variety, types, and the importance of providing housing for a wide range of lifestyles.

### ***Conclusion***

Based on the aforementioned reasons, it is our opinion that the designation of the subject lands under the new Burlington Official Plan that is being recommended for adoption is not consistent with the PPS nor does it conform to the 2017 Growth Plan and thus should not be adopted without further work having been completed in order to identify appropriate policies related to the subject lands and the discrepancy between the type of dwellings permitted and the subsequent density permitted.

In addition, Section 12.1.1.93) precludes any consideration for requests for Official Plan Amendments for 2 years from the date of approval of any part of the Plan unless Council has declared by resolution that such a request is permitted. No such resolution is being brought forward as part of this adoption of the Official Plan and there is no clarity as to what will happen with complete applications in process on the date of adoption but not considered by Council prior to approval of the plan.

It is our opinion that further work should be undertaken to either revise the permitted density of the Residential Medium Density designation or re-designate the subject lands to Residential High Density in order to facilitate appropriate density that both the PPS and GGP convey.

Thank you for receiving these comments — please do not hesitate in contacting us if you have any questions or wish to discuss this further.

Yours truly,

**WeirFoulds LLP**

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Denise Baker

DB/mw

cc Client  
Ruth Victor

11674001.1