

PB-04-18  
505-08  
Correspondence

April 24, 2018

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

Attn: Angela Morgan, Clerk  
Mayor and Members of Council

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File 18356.00004

Dear Mayor and Members of Council:

**RE: Proposed New Burlington Official Plan**

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We are solicitors for Welwyn Interests Inc. (the “Client”), owners of properties located at 2087-2103 Prospect Street 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. The subject lands are under two designations: Residential Medium Density (the rear portion of the property on which the existing fourplex units are located); and Residential High Density (the front portion of the lands on which the existing 8-storey apartment building is located. In the existing Official Plan, the Residential Medium Density permits a density of 26 to 50 units per net hectare, while the Residential High Density permits a density of 51 to 185 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 both “Residential High Density” and “Residential Medium Density”. Specifically, the lands at the front of the property on which the existing apartment building is located was designated “Residential High Density”, while the rear portion of the lands on which the existing fourplex units are located was designated “Residential Medium Density”. The High Density Residential designations permits

apartment buildings while the Residential Medium Density permits multiple forms of townhouse dwellings, semi-detached, and detached dwellings.

Since April 2017, the only change to the policies for both designations was 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***

An application was submitted to the City of Burlington in December 2017 for Official Plan and Zoning By-Law Amendments to permit 50 stacked townhouse units as was approved for the two properties located immediately to the west on Prospect Street. The proposed redevelopment of the subject lands under this application is rental housing. The City determined it would be best to re-designate the rear portion of the lands on which the proposed medium-density residential units are to be located to match the front portion of the lands (currently high density residential), in order to create consistency throughout the entire parcel. A detailed planning justification report has been provided to the City as part of the complete application package setting out the basis for this re-designation to high density residential for these lands.

The aforementioned redevelopment concept would result in both an Official Plan and Zoning By-Law Amendment.

### ***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 lands directly abutting high-density lands on the same property where an existing 8-storey apartment building is located.

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. The proposed concept represents appropriate intensification on land in close proximity to the Burlington GO station, Downtown Burlington Mobility Hub, as well as being well-connected for pedestrian, public transit, and active transportation. 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.

We acknowledge that the staff report does contain this recommendation:

Direct the Director of City Building to forward any Official Plan amendments to the existing in force and effect Official Plan that occur between Council adoption and Regional approval to Halton Region so that the amendment can be added as a modification to *Grow Bold: Burlington's Official Plan (April 2018)*;

However, it is not clear at this time when the official plan amendment application for these lands will proceed forward for Council consideration and whether that will occur prior to the Regional approval of this new Official Plan.

### **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.

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 the subject lands should be designated "Residential High Density" to match the front portion of the property in order to permit the proposed development.

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

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