

Jennifer Meader

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VIA EMAIL

January 13, 2020

Attn: Committee Chair and Members
c/o Jo-Anne Rudy, Committee Clerk City of
Burlington
Community Planning, Regulation and Mobility Committee 426
Brant Street, P.O. Box 5013
Burlington, ON L7R 3Z6

Dear Chair Stolte & Members:

**Re: INTERIM CONTROL BY-LAW & PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
Better Life Retirement Residence Inc. – 441 Maple Avenue, Burlington**

We are counsel to Better Life Retirement Residence Inc., (“Better Life”), owner of the property known municipally as 441 Maple Avenue (“Subject Lands”), within the downtown area of City of Burlington (“City”). A complete application for an official plan amendment and zoning by-law amendment were submitted to the City on behalf of Better Life (“Application”). The Application would allow for the redevelopment of the Subject Lands with an 11-storey residential apartment building. At the same time, the Application would also allow for the long-term care facility currently existing on the Subject Lands to be relocated to another property owned by Better Life and known municipally as 4103 Palladium Way, which is also within the City. At its new location, the long-term care facility would be improved and intensified to add much-needed beds and jobs. The redevelopment of the Subject Lands is required in order to finance the improvements to and relocation of the long-term care facility.

The Subject Lands were also captured by Interim Control By-law 10-2019 (“ICB”), which was passed by the City on March 5, 2019, well after the Application was submitted. Despite requests from Better Life, the Subject Lands were not exempt from the ICB. Coming out of the ICB study is a proposed official plan amendment and zoning by-law amendment that will be considered by Council on January 14, 2020 (“Proposed Amendments”). Specific comments on the Proposed Amendments are set out on the attached correspondence from Dana Anderson of MHBC, Better Life’s planning consultant. Notwithstanding Ms. Anderson’s substantive comments, the Proposed Amendments do not apply to the Application. The Clergy principle applies in respect of the official plan amendment, and the zoning by-law amendment applies to a geographic area that does not include the Subject Lands.

It is very unfortunate that the Application has been held up by the ICB process and was not exempt at the outset. This process is delaying the provision of essential long-term care services. On behalf of Better Life, we are requesting that the Application be delayed no further. We would therefore ask that Council now exempt the Subject Lands from the ICB so that staff will continue to process the Application. Better Life looks forward to working with the City to bring about both of the exciting projects facilitated by the Application.

Should you have any questions or concerns with the foregoing, please let me know.

Yours truly,

A handwritten signature in black ink that reads "Jennifer Meader". The signature is written in a cursive, flowing style.

Jennifer Meader
JM/jm

January 10, 2020

Attn: Committee Chair and Members
c/o Jo-Anne Rudy, Committee Clerk
City of Burlington
Community Planning, Regulation and Mobility Committee
426 Brant Street, P.O. Box 5013
Burlington, ON
L7R 3Z6

Dear Chair Stolte & Members:

**RE: Interim Control By-law Land Use Study Report and
Proposed Official Plan and Zoning By-law Amendments (Staff Report PL-01-20)
Better Life Retirement Residence Inc. – 441 Maple Avenue, Burlington
Our File No. 16295A**

MHBC are the planning consultants for **Better Life Retirement Residence Inc.** who are the owners of the property located at **441 Maple Avenue** in the City of Burlington. The lands are the subject of a current development application for an Official Plan Amendment (505-02/19) and Zoning By-law Amendment (520-03/19) to permit an 11 storey residential apartment. The current long term care facility on the lands is being re-established in a new, modern and accessible facility proposed at 4103 Palladium Way, Burlington (Zoning By-law Amendment Application 520-09/19) where the residents will be relocated and additional new beds will be provided. The current redevelopment application was the subject of considerable review and consideration prior to the submission and was revised and substantially reduced in height and density to reflect the direction of staff to align with the recommendations of the Grow Bold Official Plan.

The application was deemed complete by the City on January 11, 2019. The Interim Control By-law was passed by the City on March 5, 2019, freezing all development in the Interim Control By-law Study area which included the subject lands. A statutory public meeting was held on May 14, 2019 for the proposed redevelopment but due to the Interim Control By-law, staff was directed to pause any further review or processing of the application following the public meeting until the Interim Control By-law Study and resulting changes to the zoning by-law were completed. While the owners sought to be exempted from the Interim Control By-law due to the sensitive nature of the timing with their proposed redevelopment, City staff advised they could not provide any recommended relief as they needed to assess the current zoning for the lands and for the area.

The subject lands are currently designated *Downtown Residential- Medium and/ or High Density Precinct* in the current City of Burlington Official Plan and are zoned *Downtown High Density Residential* in the City of Burlington Zoning By-law 2020. The proposed amendment to the current Official Plan is required to

address the current density maximum (removed and replaced in the new Official Plan by a height limit that is met by the subject application). The amendment to the Zoning By-law is required to implement the Official Plan and to address height, parking and minor technical provisions.

We understand that the City's Planning Committee will be considering approval of a proposed Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBLA") to implement the findings of the Interim Control By-law Land Use Study on January 14, 2020. We have reviewed the Land Use Study and the draft amendments and schedules prepared by staff and have the following initial comments on behalf of Better Life Retirement Residence Inc.

1. Our initial review of the Land Use Study completed as part of the Interim Control By-law Study indicates that the subject lands and the current zoning on the subject lands were not reviewed or analyzed other than a statement in the report of what the current Official Plan and Zoning are for the area.
2. There has been no assessment or analysis of the current land use context in relation to the subject lands other than a reflection of current mapping and heights which illustrate that some of the tallest buildings, up to 20 storeys, are located on Maple Avenue.
3. There was no public engagement or stakeholder consultation as part of the study or consideration of current applications. Neither our firm nor our clients were provided with any information prior to becoming aware of the statutory public meeting notice for the OPA and ZBLA on the City's website.
4. The proposed OPA adds a new overlay designation to the area in which the subject lands are located – Major Transit Station Area Special Planning Area. There are new development criteria through policies 7.2.2 q) and r) of the proposed OPA that would apply to new development applications in the area. Many of these are new mandatory policy requirements that have not been founded in any evidence in the Land Use Study. From our initial review, while they would not be applicable to the current application, the requirements have already been addressed in relation to the current proposed application through the submitted supporting studies and proposed design.
5. There is also a new proposed policy as part of the OPA which states that for applications for Official Plan Amendments with housing, affordable and rental housing is required as part of a proposed development or public service facilities and community space, together with sustainable building design measures. While again not applicable to the current application, the current application is subsidizing the provision of a new long term care facility meeting critical housing needs for seniors in the City and the building design incorporates sustainable design measures.
6. There is not a sufficient technical assessment or evidence upon which to justify the draft OPA or ZBLA.

After a year of delayed processing of the subject application, there is no recommended change to the zoning that applies to the subject lands and as such no change to the land use planning framework within which the application is to be assessed. The owner is extremely disappointed and frustrated that the current application was not exempt from the Interim Control By-law Study as the lands were not examined and there has been no change, as noted, to the regulatory context in which a decision is to be made.

We strongly recommend that Council immediately exempt the subject lands from the Interim Control By-law as they are not affected by the recommendations and should not be any further delayed in the planning process as a result of any appeal to the proposed OPA and ZBLA. Further delays to this

application will also impact the Palladium Way development and further delay the ability to bring new long term care beds and jobs to the City. As an alternative to a site-specific exemption, we would recommend that Council repeal all areas captured by the Interim Control By-law that are outside of the area subject to the proposed ZBLA.

Please provide the owners with notice of any decisions associated with the proposed OPA and ZBLA and please add us and the owners to the mailing list associated with all matters associated with the Interim Control By-law and any appeals.

Sincerely,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over a faint, illegible background.

Dana Anderson, FCIP, RPP
Partner

Cc: Samer El-Fashny, Better Life Retirement Residence Inc.
Sam Badawi, Better Life Retirement Residence Inc.