

January 13, 2020

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VIA E-MAIL

File 17728.00002

City of Burlington
426 Brant Street
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Attention: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

**Re: Interim Control By-Law, proposed Official Plan Amendment 119 and
Zoning By-law 2020.XX
PL-01-20 and City File No. 502-02-71**

We are solicitors for York Trafalgar Homes Corp. regarding their development proposal for 2085 Pine Street, Burlington ("**Property**"). Applications have been submitted with respect to the Property and have been assigned City File Nos. 505-03/19 & 520-06/19. As such, we have a significant interest in proposed Official Plan Amendment 119 ("**OPA 119**") and Zoning By-law 2020.XX

We have reviewed the "*Interim Control By-Law Land Use Study*" dated December 2019 prepared by Dillon Consulting on behalf of the City of Burlington ("**Dillon Report**"). It is noted in the Dillon Report that Burlington is required to conform to upper tier and provincial planning policy and therefore, Burlington's Official Plan must identify major transit station areas which have been identified in the Region's Official Plan. In this regard, the Dillon Report accurately identifies the Burlington GO Station and the Downtown Bus Terminal as Major Transit Station Areas (MTSAs) within the Interim Control By-law Study Area ("**Study Area**").

However, we do not agree with the analysis within the Dillon Report of the Downtown Bus Terminal that concludes that it is not currently functioning as a major bus depot based on the common characteristics of typical major bus depots or passenger terminals.

The proposal to differentiate the Downtown Bus Terminal from the Burlington GO station based on their respective current roles and functions is short sighted for the future growth, significance and sustainability for Downtown Burlington and does not reflect the future linkage opportunities that are available and encouraged through policy directives of the Province and the Region of Halton ("**Region**"). Essentially, these future linkages will ultimately enhance the connectivity between these two stations to ensure they are both successful in their role and function and are

keeping within the future growth of Burlington. It is our position that the proposed policies in OPA 119 ignore the finding in section 5.2.5 of the Dillion Report -Assessment of Downtown Burlington as an MTSA- that *“a number of long range plans identify potential for transit improvements along Brant Street to enhance connectivity between the Downtown and Burlington GO MTSA: The Province’s RTP 2041 includes a “Priority Bus / Priority Streetcar” corridor on Brant Street between Downtown Burlington and the Burlington GO Station; Halton Region’s DMTR reinforces this opportunity, identifying the link between the GO Station and the Downtown as Priority Transit Corridor.”*

As such, in accordance with this section in the Dillion Report, the Province’s RTP 2041 which includes a “priority Bus / Priority Streetcar” corridor on Brant Street, the Region’s DMTR Study and the Growth Plan which recognizes the Downtown, including the Bus Station as being within the Urban Growth Centre, it is submitted that proposed OPA 119 be revised to include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA (bus station) and the Burlington GO Station MTSA. This will have the positive effect of contributing to a broad public interest to achieve long term sustainability for Burlington’s Downtown for future generations. In this regard, it is submitted that the following specific revisions be made to the following policies in proposed OPA 119:

- **Part II, Sec 3.7.2 (a)** is a policy related to integration of rail passenger services. It is recommended that a statement be added to this policy to encourage the potential for transit improvements along Brant Street to enhance connectivity between the Downtown MTSA (bus station) and the Burlington GO Station MTSA, pursuant to the Province’s RTS 2041 which includes a “priority Bus / Priority Streetcar” corridor on Brant Street and pursuant to the Region’s DMTR Study which also reinforces this opportunity to facilitate that link between the DT bus station and the Burlington GO Station.
- **Part II, NEW Section 3.11** (related to Transit-Supportive Development) should also include similar policy language as above, related to enhancing the linkage between the DT bus station and the Burlington GO station via a link along Brant Street.
- **Part III (Land Use Policies) NEW Section 7.0 (Major Transit Station Areas)** should be revised to include strong policy directives that focus on the opportunity to facilitate the link between the DT Bus station and the Burlington GO Station (via Brant Street), which would be consistent with Provincial Policy and the Regional DMTR (“Defining Major Transit Requirements”) Study, **as opposed to** defining a new typology for the two MTSA.
- **Part III, Section 7.2** is a section being introduced to specifically apply to active development applications within the Downtown in advance of any secondary plans for these areas. **Section 7.2.2(a)** makes specific reference to the different typologies of the MTSA’s and should be revised to remove the

introduction of new typologies and to instead provide strong policy directives that strengthen the role and function of the bus station pursuant to the Province's RTP and the Region's DMTR and the role of the Downtown as Burlington's Urban Growth Centre.

- **Part III, Section 7.2.4** contains more commentary regarding the 'limited function' of the Downtown. This section should be revised according to the above noted comments.

Affordable Housing:

Proposed OPA 119, **Part III, Section 7.2.2 (r)** contains a policy directive requiring that all OPA applications related to residential uses provide affordable rental housing, or residential units provided in partnership with a municipal housing provider or charitable organization, or the co-location of community space or public service facilities.

It should be noted that the current Official Plan already contains objectives and policy directives related to ensuring the provision of affordable housing, pursuant to Provincial and Regional policy. Specifically, the following sections are contained within the current Official Plan:

“(Part II)

2.7.2 Sustainable Design and Compatibility

a) To ensure through the site planning process that building layout and urban form is consistent with Sustainable Development principles so that new development is efficient, safe, accessible, affordable and energy efficient.

10.2 Community Improvement

e) To facilitate the construction of a range of housing types and the construction of affordable housing.”

“(Part III)

2.1 Residential Areas

c) To the extent to which land is available in the Urban Planning Area, a broad, diverse range of housing types shall be provided including housing which is affordable and accessible for all residents.

2.4.1 Housing Affordability Objectives

b) To encourage the development of affordable housing throughout the City.

2.4.2 Housing Affordability Policies

- a) New residential development shall be required to satisfy the requirements of the Provincial Policy Statement relating to the provision of affordable housing.*
- b) As part of the development approval process, City Council may require the designation of lands for affordable housing. These lands shall either be retained and developed by a developer as affordable housing or made available to a cooperative or non-profit housing group.*
- c) Community Benefits provisions may be implemented to encourage the creation of affordable housing. Such community benefits provisions shall be subject to Part VI, Section 2.3 and will include, but will not be limited to, an awareness of and regard for the cumulative impact of any increased height and/or density on the City's and Region's ability to provide services and a requirement that any increased height and/or density be compatible with the surrounding area.*
- d) City Council shall give processing priority to development applications which will provide the type, size and tenure of housing required to meet the social and economic needs of the City's residents."*

With the above mentioned policies already contained within the Official Plan, it is submitted that additional policies related to the provision of affordable housing within OPA 119, which only purport to apply to Official Plan Amendment applications within the Downtown area of the City, are redundant and unnecessary. Further, it is of note that there is no analysis with respect to affordable housing within the Dillon Report. It is therefore submitted that this section be removed from OPA 119.

We look forward to hearing from staff in connection with the above. Please do not hesitate to contact the undersigned in connection with this matter.

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

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

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