

January 16, 2020

via E-mail

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

Attn: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

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

File 18356.00004

RE: Taking a Closer Look at the Downtown: Preliminary Preferred Concept

We are solicitors for Welwyn Interests Inc. (the "Client"), owners of properties located at 415, 419, 425, and 431 Burlington Avenue and 1407, 1415, and 1421 Lakeshore Road ("the "Lands").

A proposed concept for the redevelopment of the Lands was submitted to the City in April 2018 for an 11-storey seniors home with 211 units and a pre-consultation meeting was held on May 2nd, 2018.

The Lands were selected by my client for the development of a seniors home due to their close proximity to Burlington's Waterfront, Brant Street, and public transit infrastructure, location within the Urban Growth Centre and the fact that there was no height limit attributed to the portion of the Lands fronting along Lakeshore.

We have been engaged with respect to the City of Burlington's new Official Plan and, together with our client's land use planning consultants, have corresponded with the City on June 28th, 2017, September 29th, 2017, November 29th, 2017, February 22nd, 2018, April 24, 2018 and April 25, 2018. All of the previous correspondences are attached hereto for your consideration and are relied upon as part of this submission.

In each of those correspondences, we have raised concerns with the content of the now adopted Official Plan policies which down designated the Lands and imposed a maximum height limit of 6 storeys along Lakeshore Road, where there is no maximum height limit

currently under the in-force Official Plan. It is submitted that the 6 storey height limit that was approved notwithstanding our previous submissions, renders the site undevelopable for the purpose it was purchased.

It has therefore come as a complete shock, and entirely without the courtesy of any discussion with City staff or the consultant SGL Planning, to learn that the portion of the Lands fronting onto Lakeshore are now proposed to be down designated from Downtown Medium and/or High Density Precincts as shown on Schedule E of the in force Official Plan with no height limit, to Low Rise Neighbourhood Precinct-St Luke's/Emerald with a maximum height of 2.5 storeys.

It is submitted that such a down designation has not been justified in the work undertaken by SGL Planning. Further, it is submitted that such a proposed down designation of lands within Burlington's Urban Growth Centre is entirely contrary to the Provincial Policy Statement and the Growth Plan, and decisions from the Local Planning Appeal Tribunal that have previously dealt with this very issue within Burlington's Urban Growth Centre.

We request that you make Mr. Paul Lowes available to discuss this with our client prior to any Planning Instruments being brought forward to Council for consideration.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

Encls.

cc Client

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



Ruth Victor & Associates

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June 28, 2017

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

Dear Ms. Smith

Re: New Draft City of Burlington Official Plan

431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road, City of Burlington

We are contacting you on behalf of Welwyn Interests who are the owners of the properties located at 431, 425, 419, 415 Burlington Ave and 1421, 1415 and 1407 Lakeshore Road, City of Burlington.

The subject lands are located within the Urban Centre designation on Schedule B Urban Structure but are designated as an Established Neighbourhood Area on Schedule B-1 Growth Framework. Schedule C – Land Use Urban Area proposes the designation of Urban Centre. The lands are shown within both with St. Luke neighbourhood Precinct and the Downtown Residential – Medium and/or High Density Precinct. Welwyn Interests are starting the process of preparing concepts for the redevelopment and intensification of these lands in a manner that is appropriate to the context of the site.

The proposed policies as set out within the Official Plan would preclude the redevelopment of the lands located on Burlington Ave as only existing uses and single detached dwellings are permitted within the St. Lukes Neighbourhood. The draft Official Plan in Section 2.4.2.3 also contains policies, which would preclude any future Official Plan Amendment application on these lands.

These policies are contrary to the intended direction for urban centres to provide for a broad range and mix of uses in areas of higher density than surrounding neighbourhoods.

As the draft Official Plan precludes the opportunity for a privately initiated application in the future to permit any form of intensification or additional development on a significant portion of these lands it is imperative that the City addresses these issues and concerns prior to the adoption of the final Official Plan.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,



Ruth Victor, MCIP RPP MRTPI



Ruth Victor & Associates

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September 29, 2017

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

Dear Ms. Smith

RE: Downtown Mobility Hub Review

431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road, Burlington

We are contacting you on behalf of Welwyn Interests Inc., who are the owners of the properties located at 431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road in the City of Burlington — herein referred to as 'the subject lands'.

The City of Burlington is currently undertaking the Downtown Mobility Study, which is to identify areas of the Downtown Core that are appropriate for growth. At public consultation meetings held previously this year, various proposals were presented which laid out the geographic boundaries of what would be considered in the Mobility Hub Study. The subject lands are within the Study area.

The subject lands are located between a low density residential neighbourhood and taller, high-rise residential towers. The neighbourhood to the west is predominantly comprised of single-family and townhouse dwellings, while the property immediately to the east an 11-storey apartment building. The buildings further to the east are predominantly comprised of a mix between residential towers and commercial space.

We have undertaken a review of the proposed directions for these lands and note that the lands along Lakeshore Road are being considered for more intense built form while the remainder of the the subject lands to the north are proposed to be low density residential uses. It is our request that the entirety of the subject lands be included within the area for additional development and be included within the Mid Rise Residential Precinct. The subject lands are best viewed as a transition between the existing and planned higher built form and density to the east and the existing low density neighbourhood to the west. As the lands to the east continue to intensify as part of the development of the mobility hub, the role of these lands as a transitional parcel containing a built form and density to provide a stepping down in height and density will only increase. Burlington Avenue is a more appropriate boundary between the low density designated areas and more intensive uses than a rear lot lot immediately adjacent to a 11 storey building.

As part of this process, the City of Burlington has identified the protection of cultural heritage resources on these lands as a consideration in the decision regarding the appropriate land use. For this reason,

our client has retained a heritage consultant, Mr. Cuming, to provide a preliminary opinion regarding the cultural heritage resources on this property. A copy of this opinion is attached to this letter. In summary, his conclusion is that the cultural heritage resources on these lands do not preclude further consideration of development as part of the Mid Rise Residential Precinct especially in consideration of the proximity to the downtown core and that these lands do not appear to share the same attributes as the rest of the neighbourhood to the west.

Based on the above, we are requesting on behalf of our client, that the area in which the subject lands are located be reconsidered with regard to the Downtown Mobility Hub Study to be identified as Mid rise Residential Precinct. This would be able to allow for a more suitable transition from the St. Luke neighbourhood to the west, to the higher-density residential area to the east which is planned for further intensification.

We look forward to an opportunity to discuss these concerns with the City.

Yours Truly,

A handwritten signature in dark ink, appearing to read 'Ruth Victor', written in a cursive style.

Ruth Victor MCIP, RPP MRTPI



Ruth Victor & Associates

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November 29, 2017

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

Dear Mayor and Members of Council:

Re: New Draft City of Burlington Official Plan

**431, 425, 419, 415 Burlington Avenue and 1421, 1415, 1407 Lakeshore Road,
City of Burlington**

This letter is submitted on behalf of Welwyn Interests who are the owners of the properties located at 431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

The concern relates to the designation of the subject lands under the proposed Burlington Official Plan, which is being presented to Planning & Development Council at a Public Information Meeting on November 30, 2017 prior to being brought before Council for adoption in January 2018.

As per the proposed Official Plan, the subject lands are located within the “Urban Centre” (see Figure 1), as well as being within the Downtown Urban Centre Area (see Figure 2). The Downtown Urban Centre is an area of the Mobility Hub Study, which are areas within the City that were identified as being able to accommodate the majority of the city’s future growth until 2041. These Mobility Hub Studies were completed throughout 2017, and their findings and land use designations are included in the land use mapping (Schedules D-H) of the proposed Official Plan.

As per Schedule C (Land Use), the subject lands are located partially within the Urban Growth Centre boundary, and this is translated into two separate land use designations as laid out in Schedule D (see above). The lands located at 1421, 1415, and 1407 Lakeshore Road as well as 415 Burlington Avenue, are designated “Downtown Mid-Rise Precinct – Special Planning Area”, while the properties at 431, 425, and 419 Burlington Avenue are designated “St. Luke’s/Emerald Neighbourhood Precinct” designated “St. Luke/Emerald Neighbourhood”. Both these designations offer differing policies as the type of development that is permitted in each respective area.

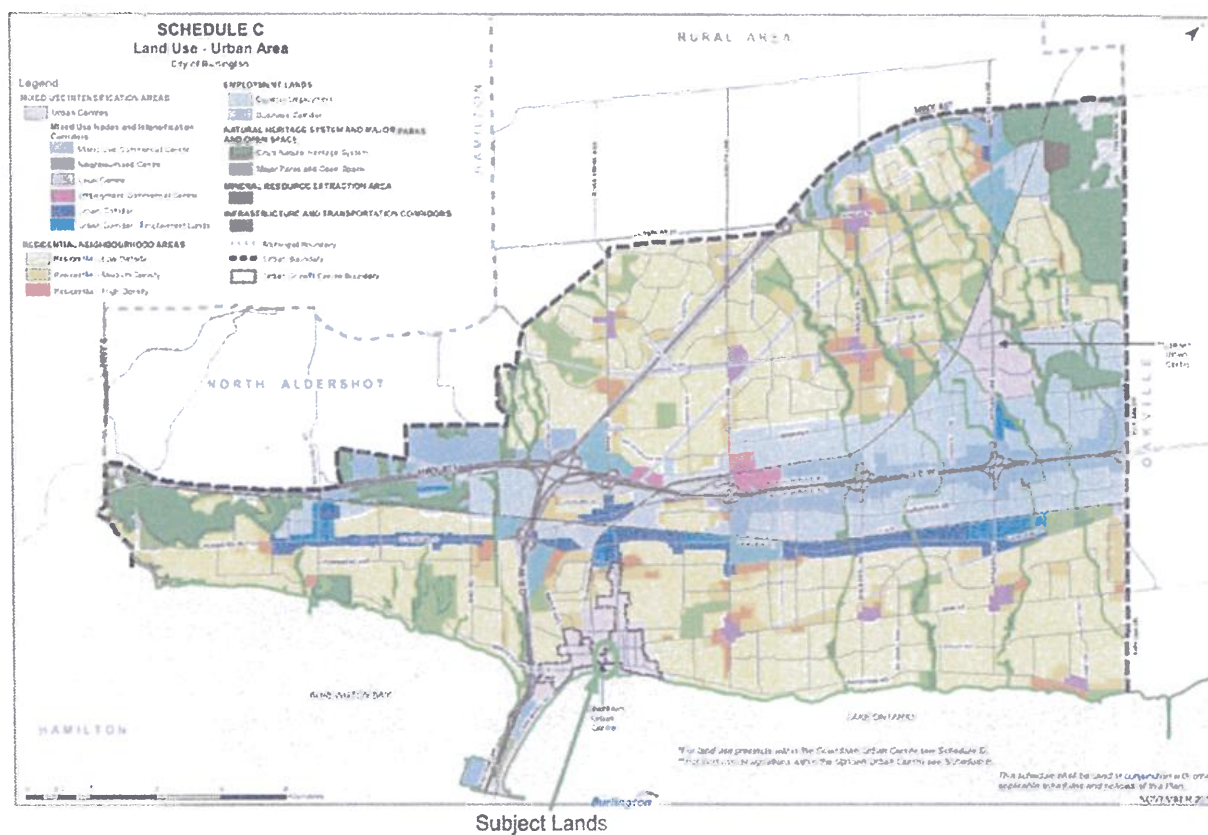


Figure 1 — Schedule C (Land Use – Urban Area) of the proposed Official Plan with the subject lands circled. The subject lands are within the “Urban Centre”.

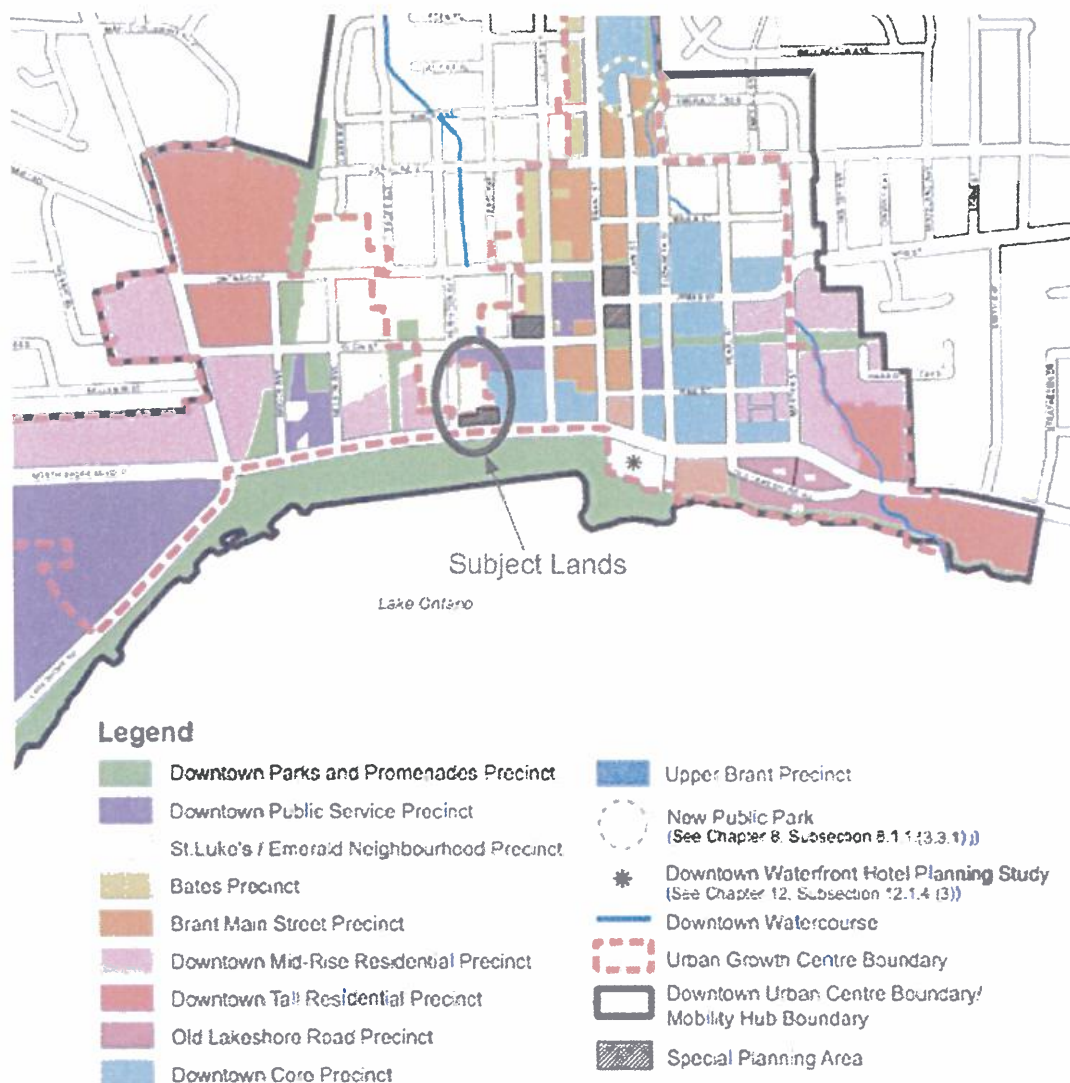


Figure 2 — Schedule D (Downtown Urban Centre) of the proposed Official Plan with the subject lands circled. The subject lands are designated both “St. Luke’s/Emerald Neighbourhood Precinct” and “Downtown Mid-Rise Precinct – Special Planning Area” within the Downtown Centre.

The “Downtown Mid-Rise Precinct – Special Planning Area” is to recognize the area’s function as a gateway to the established, low-density St. Luke’s neighbourhood from Lakeshore Road along Burlington Avenue (Section 8.1.1(3.8.2), while the “St. Luke/Emerald Neighbourhood Precinct” designation is to maintain the existing established residential and historic character of the neighbourhood (Section 8.1.1(3.5)).

The subject lands are located within the Downtown Urban Centre, and represent an important gateway between the Downtown Core Precinct and the established St. Luke’s neighbourhood to the north and west. Burlington Road would function as a more effective boundary between the two areas versus a rear lot line adjacent to an existing apartment building. It is our request that the designation of the entirety of the subject lands should be within this Special Planning Area to allow for an appropriate transition in built form and density from the existing uses to the adjacent low density neighbourhood.

We would request that the City of Burlington consider revisions to these policies to permit this type of intensification.

We look forward to the opportunity to discuss these concerns further with the City.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Ruth Victor', with a stylized flourish at the end.

Ruth Victor, MCIP RPP MRTPI

February 22, 2018

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

Denise Baker
Partner
T: 905-829-8600
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File 18356.00004

Attn: Leah Smith, Planning Department

Dear Ms. Smith:

RE: Burlington Official Plan

We are solicitors for Welwyn Interests Inc. (the "Client"), owners of properties located at 415, 419, 425, 431 Burlington Avenue and 1407, 1415, and 1421 Lakeshore Road, in the City of Burlington, (the "Site"). The Site is located at the north east corner of Burlington Avenue and Lakeshore Road.

Further to our correspondence dated November 29, 2017 and January 23, 2018, we continue to communicate to the City our concerns with respect to those policies within the proposed Official Plan (February 2018 version) that impact the redevelopment of the aforementioned Site.

As you may be aware, my client, through their planning consultant, has been working with City staff with respect to opportunities for the redevelopment of the Site and will continue to do so. However, we remain very concerned with the fact that we have not been privy to any of the background information or documents that purportedly support the policies which impact these lands. This includes, but is not limited to policy 8.1.1(3.8.2) which states:

"The policies of the Downtown Mid-Rise Residential Precinct Special Planning Area continue to be developed as part of the Downtown Area-Specific Plan. Additional policies and/or objectives may be added to this section, subject to the outcome of the area-specific plan process and incorporated as a part of this Plan and/or through a future amendment to this Plan".

It is submitted that until the work on the Downtown Mid-Rise Residential Precinct Special Planning Area is completed and all studies have been released to the public for their review and comment, it is premature to come forward with any policies that impact these lands.

Doing so, in advance of the completion of this work and allowing all stakeholders with the opportunity to review and comment on the background work supporting the studies, undermines the planning process and the public's opportunity to participate therein.

This is particularly important as it relates to the context surrounding the subject lands and the fact that a portion of these lands are located within the Provincially designated Urban Growth Centre. In the absence of these particular studies, it is not possible for planning staff or the public to determine how the proposed policies affecting these lands are consistent with the Provincial Policy Statement, or how they conform to the Growth Plan.

We look forward to having the opportunity for further discussion with planning staff with respect to this Site.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc Client
Ruth Victor

11450822.1



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April 24th, 2018

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

Attention: Angela Morgan

Dear Mayor and Members of Council:

Re: Revised Draft City of Burlington Official Plan

**431, 425, 419, 415 Burlington Avenue and 1421, 1415, 1407 Lakeshore Road,
City of Burlington
Welwyn Interests Inc.**

Ruth Victor & Associates are the planning consultant for Welwyn Interests Inc., the owners of the properties located at 431, 425, 419, 415 Burlington Avenue and 1421, 1415, and 1407 Lakeshore Road in the City of Burlington (herein referred to as the “subject properties” or “subject lands”).

This letter is with regards 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 24th, 2018.

Overview

This letter is following a number of submissions by both ourselves and Denise Baker to Council on the following dates: June 28th, 2017; September 29th, 2017; November 27th, 2017; and February 22nd, 2018. A copy of these submissions are attached to this letter (see Appendixes ‘A’-‘D’), as well as a preliminary Heritage Report that was also completed and submitted on September 29th, 2017 (see Appendix ‘E’).

****For clarity, the properties located at 415, 419, 425, and 431 Burlington Avenue are referred to as “the lands along Burlington Avenue” while the properties at 1421, 1415, and 1407 Lakeshore Road are referred to “the lands along Lakeshore Road”.**

April 2017

The Proposed Official Plan from April 2017 designated both the subject lands as within the “Urban Centre”, the Downtown Mobility Hub, and the lands along Lakeshore Road were located within the Urban Growth Centre Boundary and the designated Primary Growth Area”, while the lands along Burlington Avenue were designated as “Established Neighbourhood Area”.

Specifically, the lands along Lakeshore Road were designated as “Downtown Residential – Medium and/or High Density Precinct”, and the portion of the lands along Burlington Avenue as “St. Luke’s

Neighbourhood Precinct". The Downtown Residential – Medium and/or High Density Precinct" were a set of temporary placeholder policies that were to maintain and increase public linkage between to the Lake Ontario waterfront (section 8.1.1.2.5.1), but noted that any associated site-specific policies were to be provided through the finalization of the proposed Official Plan (section 8.1.1.2.4).

November 2017

The proposed Official Plan from November 2017 designated the entirety of the subject lands as within the Urban Centre and Downtown Mobility Hub. It designated the lands along Lakeshore Road as within the designated Urban Growth Centre Boundary and as a Primary Growth Area, while the lands along Burlington Avenue were designated as "Established Neighbourhood Area".

Specifically, the lands along Lakeshore Road were designated as "Downtown Mid-Rise Residential Precinct — Special Planning Area", and the lands along Burlington Avenue were designated as "St. Luke's/Emerald Neighbourhood Precinct". The Downtown Mid-Rise Residential Precinct — Special Planning Area" introduced a maximum height of 6-storeys, while the St. Luke's Precinct introduced a maximum height of 2.5-storeys.

February 2018

The proposed Official Plan from February 2018 designated the subject lands as "Downtown Mid-Rise Residential Precinct — Special Planning Area" and the lands along Burlington Avenue as "St. Luke's/Emerald Neighbourhood Precinct". The policies for these two Precincts remained the same as those established in November 2017.

Since February 2018, the only change to the policies for both Precincts were to include the 6-storey maximum height to the lands located at the northwest corner of Burlington Avenue and Lakeshore Road.

Proposed Development

A proposed concept for the redevelopment of the subject lands was submitted to the City in April 2018 on behalf of Welwyn Interests Inc. for an 11-storey seniors home with 211 units. A pre-consultation meeting for said redevelopment concept is scheduled for May 2nd, 2018.

The subject lands were selected due to their close proximity to Burlington's Waterfront, Brant Street, and public transit infrastructure. At the time of purchasing the subject lands and initial redevelopment discussions the existing Official Plan did not contemplate a maximum height restriction on the subject lands that Staff were recommending. However, the review process introduced a maximum height of 6-storeys for the portion of lands located along Lakeshore Road without justification, which severely restricts the potential for redevelopment of the subject lands in their entirety.

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 6-storey height 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 — especially for lands within designated *Urban Growth Centres*.

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. Section 1.1.3.4 speaks to redevelopment of land within Urban Growth Centres, stating: “New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public services. The aforementioned proposed concept represents mixed-use intensification on lands directly abutting high-density lands on which 11-storey apartment buildings are located. In addition, the proposed Official Plan represents a down-designation from the current Official Plan policies with regard to height.

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 senior housing

As mentioned above, the subject lands are located within the designated Urban Growth Centre, however the proposed Burlington Official Plan identifies the boundary of this Centre as the rear portion of the lands along Lakeshore Road: the lands along Burlington Avenue are not located with the Urban Growth Centre Boundary. The Urban Growth Centre represents a strategic growth area in which, according to Section 2.1.1 of the 2017 GGP, will be the areas in which growth will be focused and directed to. Sections 2.2.2 and 2.2.3 of the GGP states that Urban Growth Centres will be focal areas for: investment in regional public service facilities; to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and to accommodate significant population and employment growth. It further highlights the minimum density target of 200 residents and jobs combined per hectare for the Downtown Burlington Urban Growth Centre in which the subject lands are within. 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. It is important to note that the Growth Centre Boundary of the proposed Official Plan does not match with the Urban Growth Centre as laid out in the Places to Grow Plan (See Appendix 'F'). This map shows the area of the urban growth boundary as being north of Ontario Street, rather than at the rear of the properties within the subject lands with frontage onto Lakeshore Road.

In addition, as has been demonstrated in previous submissions for the subject lands, the proposed Official Plan draws the boundary of the Downtown Mid-Rise Residential Precinct along the rear of the properties along Lakeshore Road. This creates an inappropriate transition between the properties along Lakeshore Road and those along Burlington Avenue, and since this intersection represents an important gateway to the St. Luke's Neighbourhood Precinct, it is important to note that the subject properties are located adjacent to lands on which 11-storey apartment buildings have been located for a number of decades. A heritage assessment of the three listed and one designated dwellings on a portion of the subject lands has been undertaken, which concludes that the designated building does not have significant heritage importance. It is noted that the listed property at 431 Burlington Avenue is to be kept standing under the submitted concept plan for the subject lands. As stated, the lands located directly to the east of the lands along Burlington Avenue are comprised of 11-storey apartment buildings and thus the ability to provide an appropriate transition to the stable residential neighbourhood on the western side of Burlington Avenue is not achieved with the existing 2.5-storey maximum height on those lands east of Burlington Avenue.

Conclusions

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 their entirety. The division of the subject lands in the proposed Official Plan with regards to does not represent the intent of the Urban Growth Centre, which is to facilitate the majority of population and employment growth throughout the Province. In addition to this, said division prohibits an appropriate transition between the higher-density residential areas to the east and the lands along Lakeshore Road and the stable residential neighbourhood on the western side of Burlington Avenue. Further study would permit the proposed division to be analyzed and addressed.

In addition, as per Section 12.2.2(3) of the proposed Official Plan, which states that the City of Burlington will not accept Official Plan Amendment applications for a period of two (2) years following the date of adoption will further preclude any development of the subject lands and thus the significance of the appropriate designation of the subject lands prior to said adoption is critical.

It is our opinion that the Urban Growth Centre Boundary should be revised to include the subject lands and the maximum height of 6-storeys be removed in order to permit a thorough and appropriate transition between said neighbourhoods.

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,

Ruth Victor

April 25, 2018

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

Attn: Angela Morgan, City Clerk

Dear Mayor Goldring and Members of Council:

RE: Proposed New Burlington Official Plan

We are solicitors for Welwyn Interests Inc. (the "Client"), owners of properties located at 415, 419, 425, 431 Burlington Avenue, 1407, 1415, and 1421 Lakeshore Road, 615 and 619 Maple Avenue, and 2087-2103 Prospect Street, in the City of Burlington, (the "Site").

At the Planning Committee meeting yesterday afternoon, Councillor Sharman requested the information as to the existing designation of my clients lands at 415, 419, 425, 431 Burlington Avenue and 1407, 1415, and 1421 Lakeshore Road (the "Site"). I advised that I would get back to him with that answer.

The Site has a split designation with a portion of the lands which front Lakeshore Road being designated Downtown Residential - Medium and/or High Density Precincts and a portion of the site being designated St. Luke's Neighbourhood Precinct on Schedule E of the existing Official Plan.

Should you have any questions arising from this information, please do not hesitate to contact me.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

11679759.1

Denise Baker
Partner
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dbaker@weirfoulds.com

File 18356.00004