



SUBJECT: Official Plan Amendment to increase housing options – preferred approach

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-66-24

Wards Affected: All

Date to Committee: September 9, 2024

Date to Council: September 17, 2024

Recommendation:

Direct the Director of Community Planning to implement the preferred approach identified in community planning department report PL-66-24 and in Appendix A attached to this report in order to advance the work identified in Council Motion ADM-17-23 to:

“Engage with the community to implement four units as-of-right and other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”

PURPOSE:

Vision to Focus Alignment:

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Executive Summary:

At the October 17, 2023 Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved Motion Memorandum [ADM-17-23](#).

The objective of the Official Plan Amendment to Increase Housing Options Project is to identify policy tools that support gentle ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.

Staff have developed a preferred approach to this work for Council's consideration. As detailed below, Phase 1 will seek to fulfill the requirements of the Housing Accelerator Fund Action Plan and will lay the foundation for a revised framework for the Residential Neighbourhood Area policies and others, in order to increase the range of housing options available in our neighbourhoods, as directed through the Actions of the Housing Strategy.

The preferred approach, identified in Appendix C to this report, will be applied through multiple phases, each phase will build upon the previous phase to implement the Council Motion. The preferred approach proposes to:

1. Permit four units as-of-right through the Additional Residential Unit policies contained within the BOP, 2020.
2. Review the policies of the Residential Neighbourhood Area designations, including the Neighbourhood Character Area policies of the BOP, 2020.
3. Study and identify areas along the peripheries of our neighbourhoods to evaluate opportunities for increased housing options.

This approach will ensure that the City is able to meet the requirements of Action 3 of the Housing Accelerator Fund Action Plan, while working to identify amendments to the BOP 2020 that would support increased opportunities and reduce barriers to increasing housing options in order to satisfy Council's Motion identified above and to further the objectives of the City's Housing Strategy, Housing Pledge, Housing Accelerator Fund Action Plan and Strategic Plan.

Background and Discussion:

At the October 17, 2023 Meeting of Council, City Council declared its intention to allow four residential units per lot as-of-right and unanimously approved [a motion](#) that directed staff to:

“Engage with the community to implement four units as-of-right and other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.”

The Motion Memorandum acknowledges the importance of reducing barriers to support the development of appropriate housing forms to increase the range of housing options available by addressing the missing middle from both the perspective of having housing options that are affordable / attainable and for diversifying the spectrum of housing types and tenures. The latter was a key theme of public feedback related to the development of the [Housing Strategy](#).

The motion directly supported the City’s successful application to the Housing Accelerator Fund and falls under Initiative 3 of the [Housing Accelerator Fund \(HAF\) Action Plan](#) to: “Support and encourage the creation of additional residential units and consider opportunities to increase as-of-right permissions”.

This project will focus on using planning implementation tools such as the [Official Plan](#), and [Zoning By-law](#) to put into place a policy framework and regulations to help support a variety of housing options within the City’s Urban Area, with a particular focus on the City’s neighbourhoods.

The Official Plan Amendment to Increase Housing Options Project has been underway since April 2024 through the [Burlington Official Plan \(BOP\) 2020, Targeted Realignment Exercise](#) in close alignment with Phase 1 of the [New Zoning By-Law Project](#) which is also underway.

Project Objectives and Scope – Increasing Housing Options in our Neighbourhoods

The objective of this project is to identify policy tools that support gentle ground-oriented intensification that considers the context and character of Burlington’s Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.

This project will work to identify amendments to the BOP 2020 that would support increased opportunities and reduce barriers to increasing housing options in order to satisfy Council’s Motion identified above and to further the objectives of the City’s Housing Strategy, Housing Pledge, Housing Accelerator Fund Action Plan and Strategic Plan.

The City’s Growth Framework presents a built form strategy for new development and identifies the locations where the City will be planning for significant population and employment growth and higher intensity mixed uses in the coming decades. These are areas where significant growth and change are identified as the Primary Growth Areas, Secondary Growth Areas, and Employment Growth Areas. Examples include, the city’s

Urban Growth Centre and Major Transit Station Areas surrounding Burlington's three GO Stations (Aldershot Go, Burlington Go, and Appleby GO), as well as Burlington's Downtown and Uptown Urban Centres and its intensification Corridors and Mixed-Use Nodes.

While also included in the Growth Framework, the Established Neighbourhood Areas are areas where intensification is generally discouraged, with a number of exceptions. This approach acknowledges the wide range of designations currently found in these areas from primarily low rise, single detached built form to mid-rise to tall buildings. There are diverse opportunities for change and intensification in accordance with permissions and densities established in the underlying land use designation.

This project will focus on identifying amendments to the BOP 2020 that would support increased opportunities and reduce barriers to increasing housing options in order to satisfy Council's Motion identified above and to further the objectives of the City's Housing Strategy, Housing Accelerator Fund Action Plan and Strategic Plan. This project will focus on identifying opportunities to increase primarily ground- oriented¹ housing options principally within the Established Neighbourhood Area as identified on Schedule B-1: "Growth Framework" of the City's 2020 Official Plan as well as the policies of the Downtown Urban Centre's Low-Rise Neighbourhood Precinct and the Uptown Residential Medium Density Designation². This work will examine opportunities for semi-detached and townhouse units, additional residential units (ARUs) and "missing middle" that would increase opportunities for more housing options in Burlington's communities through review of the BOP 2020's Residential Neighbourhood Area policies and Additional Residential Units policies among others.

As noted above the City's Established Neighbourhood Area are identified in the City's Growth Framework, these areas are described as locations within the City that will not expect significant growth and intensification. It is still expected that some degree of development and infill will occur over the course of time. This project will not explore opportunities for changes to Burlington's Growth Framework.

¹ A Ground-Oriented Dwelling is defined in the BOP 2020, as: "A dwelling unit which is designed to be accessible by direct access from the ground or by means of stairways. Buildings containing ground oriented housing units usually do not exceed three storeys in height."

² Identified on Schedule D: Land Use – Downtown Urban Centre and Schedule E: Land Use – Uptown Urban Centre respectively.

The project's scope will focus on identifying policy tools that will permit four units as-of-right in the City's residential areas and to find opportunities to increase housing options primarily in Burlington's neighbourhoods while building upon lessons learned from Burlington's Neighborhood Character Area Study and the Re-Examination of the Downtown Official Plan Study (in particular the Low-Rise Neighbourhood Precincts) to identify policy tools that support gentle ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities to increase the diversity of housing.

Official Plan Amendment to Increase Housing Options Study – Background Report

The Official Plan Amendment to Increase Housing Options Study – Background Report is attached as Appendix A to this report. This Report is to serve as foundational knowledge in the preparation of a City-Initiated Official Plan Amendment(s) to Increase Housing Options in Burlington. The report provides background information including an overview of the current policy framework, existing conditions in Burlington, initial research findings and the preliminary findings of the engagement completed to date. The information contained in this report was used to support the preparation of the “preferred approach” identified below for Council's consideration.

Additionally, the background report also sets out:

- the objectives of the Official Plan Amendment (OPA) to Increase Housing Options project,
- identifies deliverables, and,
- identifies next steps.

The report will be used to support the OPA to Increase Housing Options project along with the Project Milestones (attached as Appendix B to this report) and [Engagement plan](#).

Preferred Approach

Staff have developed a preferred approach for Council's consideration. As detailed below, Phase 1 will seek to fulfill the requirements of the Housing Accelerator Fund Action Plan and will lay the foundation for a revised framework for the Residential Neighbourhood Area policies in order to increase the range of housing options available in our neighbourhoods, as directed through the Actions of the Housing Strategy.

The preferred approach, represented in Appendix C to this report, will be applied through multiple phases, each phase will build upon the previous phase to implement the Council Motion. The preferred approach proposes to:

1. Permit four units as-of-right through the Additional Residential Unit policies contained within the BOP, 2020.
2. Review the policies of the Residential Neighbourhood Area designations, including the Neighbourhood Character Area policies of the BOP, 2020.
3. Study and identify areas along the peripheries of our neighbourhoods to evaluate opportunities for increased housing options.

Phase 1: Four units as-of-right through Additional Residential Unit policies

Timing: Q1 2025

The preferred approach proposes to permit four units as-of-right initially through the Additional Residential Unit policies of the BOP 2020. This amendment would permit four units as-of-right, permitting one more additional residential unit than is currently permitted in the ARU policies for a total of three additional residential units, in addition to the principal unit. This would ensure that the City is able to meet the requirements of Action 3 of the Housing Accelerator Fund Action Plan. This is a critical factor in demonstrating progress on an issue that was identified as critical to the awarding of the funding.

As part of this approach Staff would review the policies relating to Additional Residential Units under Section 8.7.2 of the Burlington Official Plan, 2020, including policies such as the number of units permitted within an accessory building and more. These policies will be reviewed, and staff will engage with the public on any proposed amendments and provide direction for any areas of change to be considered as a part of phase 1 of the New Zoning By-Law project.

Phase 2: Review the Residential Neighbourhood Area and set a revised policy framework

Timing: Q1 2025

Council's motion also directs staff to implement actions identified in the Housing Strategy including implementing opportunities to increase housing options available. Staff are proposing to review the Residential Neighbourhood Area policy framework, including the Neighbourhood Character Areas, in order to ensure that policies:

- Focus on flexibility to allow for more housing options in neighbourhoods.
- Focus on built form and scale, not density, as the defining feature for each designation, in order to provide a clear understanding of what is expected in each designation.
- Focus on compatibility and reinforcing the existing built form within our neighbourhood while providing opportunities for flexibility to reduce barriers to increased housing options.

Phase 3: Evaluate Areas of Transition: Identify the peripheries of neighbourhoods

Timing: TBD

Building upon phases 1 and 2 of the Preferred Approach, this phase will explore the potential for increasing housing options and intensity of residential uses through expanding built form permissions along the peripheries of neighbourhoods. Staff will review the policies of the Residential Neighbourhood Area to identify where there may be opportunities to define, permit and regulate Missing Middle housing forms specifically through evaluating potential areas of transition in neighbourhoods where they are supported by infrastructure, transit and can accommodate further growth and change in the form of missing middle and mid-rise housing forms.

Staff will undertake work that will:

- Evaluate where there are opportunities for areas of transition along the peripheries of neighbourhoods that could support increased housing options based on mobility and functionality among other considerations; and
- Ensure that there is a suitable underlying framework in place that can manage the prospective change in a way that is appropriate and respectful of the character of our neighbourhoods and propose amendments if applicable.

Project Connections

New Zoning By-Law Project (NZBP) Phase 1:

[The NZBP, Phase 1 – Residential Zones](#) is focused on comprehensively updating the City's Residential Zone regulations and will focus on supporting more housing options in Burlington's neighbourhoods and implementing the policies of the BOP, 2020. The Official Plan Amendment(s) to Increase Housing Options and the NZBL Phase 1 – Residential Zones are being worked on at the same time. The new Zoning By-law will contain the regulations that implement the policy framework set out in phases 1 and 2 of the preferred approach for the OPA to Increase Housing Options Project and will permit 4 units as-of-right, and additional opportunities through the NZBP Phase 1 to increase housing options in Burlington's neighbourhoods. Phase 3 of the preferred approach will be implemented through a future amendment to the Zoning By-Law.

Burlington Official Plan, 2020 Targeted Realignment Exercise:

The [BOP, 2020 Targeted Realignment Exercise](#) is a City-initiated exercise that includes a series of specific Official Plan Amendments that will take a local approach to aligning the BOP, 2020 with recent provincial and regional planning framework changes, while continuing to advance the vision of the Official Plan and implement the Housing Strategy and other housing initiatives such as the Housing Pledge. The Official Plan Amendment to Increase Housing Options project falls under the umbrella of the BOP,

2020 Targeted Realignment Exercise project, and will result in a series of Official Plan Amendments that will permit four units as-of-right and other opportunities to increase housing options in Burlington through the Housing Strategy Actions and the HAF Action Plan initiatives.

Burlington Housing Strategy:

[Burlington's Housing Strategy](#) creates a road map and acts as a guiding document for housing needs in the City of Burlington. It will help the City work towards meeting the housing needs of the community and move us closer to reaching our Vision for housing in Burlington. The Housing Strategy identifies 12 recommended Actions that the City and other strategic decision-makers can take to increase housing options across the City. Of the 12 recommended actions, Action 6 and 7 encompass sub-actions and initiatives that would permit more as-of-right housing options. Sub-actions 5, 16 and 17 also outline how the City can review its existing policies to ensure regulations are inclusive for all. The Official Plan Amendment to Increase Housing Options will implement changes to the Burlington Official Plan, 2020 that are in relation to actions of the Housing Strategy.

Burlington Housing Accelerator Fund Action Plan

The Government of Canada and the City of Burlington announced a \$21 million agreement to encourage more affordable homes in Burlington on January 15, 2024. There are 7 initiatives in [Burlington's Housing Accelerator Fund Action Plan](#). Initiative 3: *Support and Encourage the creation of additional residential units (ARUs) and consider opportunities to increase as-of-right permissions (4 units as-of-right)* is supported by the Official Plan Amendment to Increase Housing Options project by amending the Burlington Official Plan, 2020 to implement 4 units as-of-right.

Next Steps

The focus over the next few months will include ongoing study and public engagement on the preferred approach, continuing into drafting the first Official Plan Amendment for the project. In order to stay aligned with the Housing Accelerator Fund Action Plan, staff are proposing to bring forward the implementing Official Plan Amendment for four units as-of-right to a statutory public meeting in December and to bring forward a recommendation report in January 2025. Staff will continue to engage and prepare the draft Official Plan Amendments that align with subsequent phases of the Preferred Approach throughout the Fall continuing into 2025.

Strategy/process/risk

On January 15, 2024, Infrastructure Canada and CMHC announced the City of Burlington's application was approved resulting in the City receiving \$21,156,248.60 in

funding to incent 618 units. The 618 units is part of the City's Housing Supply Growth Target of 2,724 permitted housing units, as outlined in the application. The City is responsible for achieving this target by the completion of the program in 2027.

Council's motion directly supported the City's successful application to the Housing Accelerator Fund and falls under Initiative 3 of the [Housing Accelerator Fund \(HAF\) Action Plan](#) to: *"Support and encourage the creation of additional residential units and consider opportunities to increase as-of-right permissions"*.

Satisfying Council's motion and delivery of all of the initiatives of the HAF Action Plan in the timing identified is required in order to retain the City's HAF funding. The implementation period is 2024 for Initiative 3, which includes implementing four units as-of-right. This project aims to meet this deadline in order to ensure the City's is able to retain the full funding awarded by CMHC.

Options Considered

The preferred approach proposes to implement Council's motion through a phased approach. Phase one of this work will seek to permit four units as-of-right through the Additional Residential Unit policies of the BOP 2020. This amendment would permit four units as-of-right, permitting one more additional residential unit than is currently permitted in the ARU policies for a total of three additional residential units, in addition to the principal unit. This would ensure that the City is able to meet the requirements of Action 3 of the Housing Accelerator Fund Action Plan.

Through staff's best practice scan and jurisdictional scan, it is clear that municipalities have taken a number of approaches to move toward increasing housing options in their communities. Many municipalities have taken a phased approach when moving toward increasing housing options in order to ensure that change takes place at a pace that provides for ample time to engage the community, interested and affected parties, industry partners and decision makers. A phased approach also allows for the opportunity to monitor the impacts of policy changes, build upon successes and course correct when necessary.

Financial Matters:

Staff have prepared a detailed Engagement Plan to deliver on the objectives of the Official Plan Amendment to Increase Housing Options Engagement Study to an upset limit of \$10,000 to deliver the engagement plan.

Total Financial Impact

Source of Funding

Housing Accelerator Fund has been identified as the funding for the delivery of the engagement plan.

Other Resource Impacts

N/A

Climate Implications:

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. This work will look for innovative solutions to address local housing issues while making better use of existing infrastructure and services through the provision of additional residential units and missing middle typologies with more diverse options for alternative modes of transportation, to support the provision of a wider range of housing options and minimize impacts on the environment.

Engagement Matters:

The Official Plan Amendment to Increase Housing Options project met the requirements set out in the [Engagement Approach](#) requiring an engagement plan.

The [Engagement Plan](#), has been prepared to provide a roadmap of the engagement activities that will take place throughout the project and was informed by consultation with the Deputy Mayor of Engagement and Partnerships. This Engagement Plan highlights the points in the process where engagement will take place, who will be engaged and the level of engagement to be undertaken.

For the most part, the key engagement milestones are closely aligned with the proposed project timeline for the first phase (residential zones) of the NZBP project, save and except for the early engagement that has already taken place and the timing of the Official Plan Amendment Statutory Public Meeting and Final draft of the OPA recommendation Report, which will precede the implementing Zoning By-law.

To support early engagement efforts, Staff launched the Official Plan Amendment to Increase Housing Options project and posted the [Engagement Plan to the BOP, 2020 Targeted Realignment Exercise Get Involved project page](#).

Engagement To date

- May 27, 2024: Mayor's Speaker Series

- May 27, 2024: to June 14, 2024, Increasing Housing Options Survey 1
- July-August 2024: Internal engagement with Steering Committee
- August 2024: Engagement with the Mayor and Members of Council

Future Engagement Opportunities (more to come)

- [Food For Feedback](#): September 14, 2024
- Virtual Open House: Thursday October 17, 2024, 7-9 pm
- Open House: Tuesday October 22, 2024, 7-9 pm: in-person at Central Arena Auditorium
- Open House: Thursday October 24, 2024, 7-9 pm: in-person at Appleby Ice Centre Community Room 1
- Virtual Open House: Monday October 28, 2024, 7-9 pm: virtual

Conclusion:

At the October 17, 2023 Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved [motion Memorandum ADM-17-23](#). The preferred approach proposes to implement Council's motion through a phased approach. Phase one of this work will seek to permit four units as-of-right through the Additional Residential Unit policies of the BOP 2020. This approach will ensure that the City is able to meet the requirements of Action 3 of the Housing Accelerator Fund Action Plan, while continuing to move forward the work to identify policy tools that support gentle ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.

Respectfully submitted,

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Appendices:

- A. Official Plan Amendment to Increase Housing Options Study - Background Report
- B. OPA to Increase Housing Options – Project Milestones
- C. OPA to Increase Housing Options – Preferred Approach

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.