



PB-04-17  
File # 510-01/15  
Delegation correspondence

January 4, 2017

Lisa Stern  
City of Burlington  
Planning & Building Department  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

Dear Ms. Stern:

**Re: City of Burlington Information Report re. 1200 King Road (PB-04-17)**

We have reviewed your information report (PB-04-17) that will be presented at the January 10<sup>th</sup> Planning and Development Committee Meeting, and wish to provide several points of clarification.

As you acknowledge in your report, our application was deemed complete on October 20, 2015. It is now January 2017, and we continue to wait patiently for something to happen to move this project forward as the City of Burlington has expressed interest in doing.

Your report references the Terms of Reference that were prepared jointly by the City of Burlington, Conservation Halton, and Halton Region back in 2011 for the Environmental Impact Assessment, but makes no mention of our objection to these Terms of Reference. We never agreed to these Terms of Reference given the significant scope that went far and beyond what would typically be required for this type of development. We are not prepared for example, to study an area between Highway 5 and Lake Ontario. That is the reason our reports do not address the entirety of the Terms of Reference. The Environmental Impact Assessment our consultant prepared covered what is required under Ministry Guidelines, consistent with standard industry practice. We have no intention of studying the broader area at a municipal subwatershed study level, which is what was being asked of us.

Your report contains some inconsistency with respect to the City of Burlington's position regarding this development, and the construction of the future South Service Road. On page 12 you state "It is vital to the strategic growth objectives of the municipality to see that this area is brought to market in an expeditious manner", yet at the bottom of page 15 you state "City of Burlington Environmental Planning staff concur with the above noted comments provided by Conservation Halton." In Conservation Halton's comments, which the City of Burlington is claiming to be in agreement with, they state on page 13 that "the need for the road is not justified." We seem to be getting mixed signals. Does the City of Burlington want South Service Road or not?

On page 16 under point 2 "Fill Material" you mention that there is "obvious evidence of fill on the site. Broken up bricks mixed with organic/clay/till/sand were found to be scattered across the surface". You go on to state that "As the City of Burlington does not have a record of an approved Site Alteration Permit for the site, further discussion and investigation regarding possible fill material being brought to the site sometime between 2011 and present day is required." However on page 2 of your report, under "Site Description", you acknowledge that this debris is there as a former brick manufacturing plant existed on the lands." To be absolutely clear, and as expressed during the site visit, no Site Alteration Permit was issued because there simply was no site alteration work completed. No fill material was imported between 2011 and present day. The brick debris that is visible onsite today is remnant from the former brick manufacturing plant that at one time existed on these lands, and demolished years before we even purchased the property. We want to make this point very clear, as it seems to keep popping up as a comment.

While on the topic, we did submit an application for a Site Alteration Permit back in July of 2014 in order to allow us to import clean fill material as it becomes available, as some filling will be needed in accordance with the engineering drawings submitted, however that application still to this date has not been processed. It has been 2.5 years since we submitted that application, with no clear answers as to why it cannot be issued. Initially we were told it would not be processed until our draft plan application was deemed complete. As you know, and as stated above, that application was deemed complete on October 20, 2015. Why is this application still not being processed?

With respect to the Mobility Hub, we appear to have a chicken and egg situation. As stated in your report, we have intentionally deferred study of the western portion of this property subject to the pending Mobility Hub area specific plans/studies, but what you fail to mention is that we have done so as per our 2009 Settlement Agreement. Our goal is to ensure that what ultimately gets built in this area fully meets the intent of a Mobility Hub. You claim that by doing so however, we have put the subdivision file including the development of the South Service Road in limbo. Is the City reneging on our Settlement Agreement?

We have had many meetings and discussions with City of Burlington regarding the Aldershot Mobility Hub, and feel it is best to agree on what uses we and the City want at that location before we proceed further and incur costs studying that area blindly. These discussions have been ongoing for years, a consultant was already hired, concept plans for the Mobility Hub had already been prepared and presented to the public. We naturally assumed that a decision would therefore be imminent given the significant time and money already invested by the City, at which point we could proceed with our studies. We are puzzled to now learn that the City is retaining another consulting firm with the intention of commencing the Mobility Hub Study in January 2017. How much longer is this going to take, given the City's interest to bring this area to market in an "expeditious manner"? From what we have heard, this could take at least another 2 years, thereby delaying the project further.

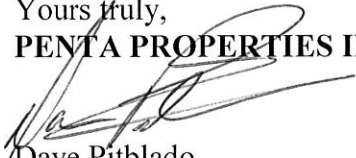
As we've expressed, we want to work with the City on this project to our mutual benefit, but seem to be getting mixed messages. While we could have appealed this application to the Ontario Municipal Board long ago we have not done so, demonstrating our level of commitment. That said, we need the City of Burlington's assistance. We need the study of the Aldershot Mobility Hub to be given priority in order to minimize further delays, and set forth a vision that

we can collectively work towards. We need the City to decide whether this development and the Mobility Hub is important enough to work with us in dealing with the agency comments, otherwise a lengthy OMB appeal will become inevitable given the unreasonable demands that have been placed upon us. The City of Burlington must be prepared to challenge these agencies along side us, and fight for what it wants.

We look forward to continuing to work with you in moving this development forward.

Yours truly,

**PENTA PROPERTIES INC.**



Dave Pitblado

Director, Real Estate Development

Cc: Mary Lou Tanner  
Frank McKeown