

PL-01-20
File#: 502-02-71

VIA E-MAIL

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File 18721.00002

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: City of Burlington Proposed New Official Plan – 720 Oval Court

We are solicitors for Branthaven Development Corp., owners the property municipally known as at 720 Oval Court, Burlington (the “**Property**”).

Background

We have been working with staff at the City of Burlington and the Region of Halton to bring forward a development on the Property to support the Appleby GO MTSA. A pre-consultation meeting was held with staff on October 23, 2019. For your convenience, an overview of the project can be viewed at ovalcourt.ca

As you will recall, the Property was supported by the City of Burlington for an employment conversion as part of the approval of the new Official Plan. As recently as December 20, 2019, the Province removed the Growth Plan Provincially Significant Employment Zone designation from the Property.

As part of our initial consultation process with respect to the development of the lands, Branthaven met with the Region of Halton staff, Mr. Bob Gray and Mr. Curt Benson, on November 22, 2019. At that meeting, the Region of Halton confirmed that there were no policy issues that would prevent this application from proceeding at that time. It was acknowledged that there were a number of Regional interests and policies that would need to be addressed

through the application process itself, but there was nothing that would prevent the application from proceeding. Rather, it was acknowledged that there was sufficient time within the processing of the development applications to achieve resolution of any Regional matters.

Branthaven further met with City of Burlington planning staff including Ms. Heather MacDonald on December 9, 2019. At that meeting, confirmation was received that the applications for the Oval Court lands could proceed. The City recommended that Branthaven proceed through a technical review pre-consultation process prior to submission of the formal application to assist in refining the application, and Branthaven is in the process of preparing the submission materials for this next step.

Interim Control By-law Report PB-01-20 and Proposed Official Plan Amendment 119

We have reviewed the Staff Report PL-01-20 Interim Control Bylaw Land Use Study and Proposed Official Plan Amendments and Zoning By-law Amendments, specifically Draft OPA No. 119. Overall, we are supportive of the policy revisions set out within that amendment as they apply to the Interim Control By-law Study area.

However, there is concern that OPA 119 has gone beyond what is permitted under the Planning Act in so far as it introduces policies which will impact lands outside the Interim Control By-law Study Area as shown on page 2 of the OPA and set out in the schedules to the OPA.

Specifically, the concern is that within OPA 119, a new Section, 7.0 Major Transit Station Areas (MTSA), is proposed to be added to the City of Burlington Official Plan. This section speaks to MTSA's located outside of the Interim Control By-law Study Area.

Policy 7.1.1 includes the requirement for the preparation of Secondary Plans for the MTSA. This would apply to all MTSA's in the City of Burlington and not only the two MTSA's within the Interim Control By-law Study Area. It is submitted that this is problematic for the following reason:

Section 7.2 sets out policies for development applications to precede the Secondary Plans. However, these policies only apply to the MTSA's within the Interim Control By-law Study Area as set out on Schedule M to OPA 119. The result being the interpretation that there are no

development applications that would be permitted to precede the Secondary Plans for the MTSE's not shown on Schedule M. That policy would adversely affect lands outside the Interim Control By-law Study Area, including the Property, as the policies of OPA 119 could be interpreted to preclude an application on the Property.

Proposed Resolution

My client's concerns could be addressed by the revision of policy 7.1.1 a) and 7.1.2 a) to be consistent with 7.1.2 b), such that they read:

7.1.1 a) To conduct secondary plans and/or major planning studies that establish long term development policies for *Major Transit Station Areas* in the Special Planning Area, as shown on Schedule M of this Plan.

7.1.2 a) The City *shall* undertake *secondary plans* or major planning studies to ensure that all *Major Transit Station Areas* within the Special Planning Area, as shown on Schedule M of this Plan are planned to implement mixed use *transit supportive development* including employments uses, while ensuring compatibility with surrounding areas is achieved.

We look forward to hearing from you in connection with this matter and seeing a resolution to our concerns to ensure that the policies arising from the Interim Control By-law, such as the ones noted above, only affect lands within the Interim Control By-law Study Area.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc Client

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

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