

January 14, 2020

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

VIA E-MAIL

File 18948.00001

City of Burlington
426 Brant Street
PO Box 5013
Burlington, ON L7R 3Z6

Attention: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: City of Burlington Interim Control By-law Study

We are solicitors for Spruce Partners Inc. and Amico Properties Inc. regarding their property located at 1161-1167 North Shore Boulevard, in the City of Burlington (the "Property"). We have reviewed the City of Burlington's ICBL Land Use Study and proposed Official Plan and Zoning By-law Amendments and have the following comments for your consideration.

Proposed Official Plan Amendment

- The proposed OPA identifies a revised Downtown Urban Growth Centre (the "UGC") Boundary. It is unclear how the determination was made as to the limits of the "new" Urban Growth Centre boundary and the rationale for such an amendment.
- Proposed Policy 3.11.2 e) states that transit supportive development shall achieve a high quality of urban design and be consistent with the policies contained in Part II, Subsection 6.0 of the Official Plan as well as Council approved Urban Design Guidelines. In our submission, the policy reference to the guidelines is not appropriate as guidelines can be changed at any time without consultation. This policy attempts to enshrine the guidelines into policy, which is inappropriate. Guidelines are designed to provide guidance and which development proposals shall have regard for. If this policy is to remain, it should require development applications to have regard for the guidelines given the manner in which they are approved.
- Proposed Policy 7.2.2 j) states that new green spaces such as trees and landscape areas, parks and open spaces shall be provided as part of development applications, which may include parkland, POPs, landscaping, etc. to the satisfaction of the City. In our opinion, this

policy that goes beyond the City's authority to require parkland and community benefits, under the provisions of the Planning Act.

We thank you for your consideration of these comments and 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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