

January 20, 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**

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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 previously submitted comments on the City of Burlington's ICBL Land Use Study and proposed amendments to the enforce Official Plan and Zoning By-law. In addition, we have previously provided comments on the City's "Taking a Closer Look at the Downtown" Report prepared by SGL Planning.

Having participated in the Planning and Development Committee meeting, and hearing the comments of staff and members of Council, we wish to supplement our previous submissions with our concerns on the proposed Official Plan amendment flowing from the Interim Control By-law Study. These comments are to be read in conjunction with the previously submitted comments. Our concerns include, but are not limited to, the following proposed policies:

- Policy 7.2.1(b)- Based on our review, it appears that the intent of this policy is to de-emphasize the Downtown Bus Depot and reduce the density targets related to it, since the Transit Supportive Guidelines identify a "suggested minimum density" of between 22 uph/50 people & jobs per hectare to 45 uph/100 pjh, which is well below the targets within the Urban Growth Centre.
- Policy 7.2.2(c)- Based on our review, this proposed policy is creating a density target based on a dated 2012 provincial guideline. Again, the intent appears to be the de-emphasis of the

importance of the Downtown Bus Depot for the purpose of reducing densities within the Urban Growth Centre.

- Policy 7.2.2p)- it is our opinion that this policy states that development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. It continues and clarifies that the “concept of optimization shall be applied to development patterns over the entirety of the MTSA’s, not on a site specific property basis”, and doesn’t conform to the 2019 Growth Plan.
- Policy 7.2.2 q) provides development criteria for evaluating development applications within the MTSA Special Planning Area (Downtown & Burlington GO MTSA’s). Based on our review of this subset of policies, we have significant concerns with the following:
  - Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown Bus Depot and applies a lower density target based on a dated provincial guideline.
  - Item iv) which applies a test of consistency for the Urban Design Guidelines, and.
  - Item vii) which is entirely ambiguous and impossible to measure.
- Policy 7.2.2r) In our opinion, there is an existing policy framework in the existing OP for affordable housing and it is not clear what is meant by “affordable housing elements” in this proposed Policy. Furthermore, the proposed policy should, at minimum, define what a major comprehensive development is to which this Policy would be applied.
- Policy 7.2.4 provides policies for the Downtown MTSA and Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails and how that fits with the Interim Control By-law Study process.

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 that reads "DBaker". The signature is written in a cursive, flowing style.

Denise Baker

DB/mw

cc Client

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

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