

January 29, 2020

Our File No.: 173075

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

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Special Meeting of Council (January 30, 2020)
Items 5.1, 6.1, 8.1 (Interim Control By-law Land Use Study)
Proposed Official Plan Amendment No. 119**

We are solicitors for Vrancorp Group regarding various properties within the downtown of the City of Burlington, including the property known municipally as 2020 Lakeshore Road. By letter dated January 13, 2020, we provided comments to the City regarding the City's Interim Control By-law Land Use Study and the resulting proposed official plan amendment ("OPA 119").

Out of an abundance of caution, we are providing that correspondence again to the City to ensure that it is included as part of the materials for the Special Meeting of Council. We also wish to ensure that we receive notice of any decision made by City Council regarding this item.

Yours truly,

Goodmans LLP



David Bronskill
DJB/
cc: Client



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January 13, 2020

Our File No.: 173075

Via Email

City of Burlington Council
426 Brant Street
Burlington, ON
L7R 3Z6

Attention: Jo-Anne Rudy, Committee Clerk

Dear Sirs/Mesdames:

**Re: City Report Number PL-01-20
Interim Control By-law Land Use Study**

We are solicitors for Vrancorp Group regarding the property known municipally in the City of Burlington as 2020 Lakeshore Road (the “**Property**”). We are writing to provide our client’s concerns in respect of the City’s Interim Control By-law Land Use Study and the resulting proposed official plan amendment (“**OPA 119**”) and zoning by-law amendment.

Background

As background, our client actively participated in a planning study intended to guide redevelopment of the Property. Public consultation and engagement began in May 2017, with the emergence of two preferred options for the Property through a series of workshops. Both our client and members of the public made significant contributions to the processing of this study.

On June 5, 2018, City staff provided an updated to City Council and recommended key policy directions for the Property. These policy directions included design principles related to land use and built form, public realm and mobility/access. City staff also recommended that the study process be re-engaged in early-2019 following additional review and work by City staff.

As noted in our correspondence to the City on March 5, 2019, it was manifestly prejudicial for the City to abandon this study process, given all of the time, effort and resources invested by our client and the public. There was simply no legitimate planning basis to replace the study process for the Property with a new study process. Unfortunately, our client’s request was not accepted and the Property was not exempted from the City’s interim control by-law.

Proposed Official Plan Amendment – OPA 119

We have reviewed OPA 119 with our client and its land use planning consultants. As noted above, our client has a number of concerns with OPA 119. In particular:

- OPA 119 would add Section 7.0 (Part III) to the Official Plan to describe the different types of major transit station areas (“MTSAs”) in the City. We note this section would place a greater emphasis on the Burlington GO and Appleby GO MTSAs, while de-emphasizing the importance of the Downtown Burlington MTSA. Our client has serious concerns with creating a hierarchy of MTSAs, particularly when this approach does not recognize the future potential of the Downtown Burlington MTSA.
- OPA 119 would introduce policies to guide development applications in advance of secondary plans for these areas. Many of the proposed policies in Section 7.2.1 and 7.2.2 would further de-emphasize the importance of the Downtown Burlington MTSA. For example, Policy 7.2.1.(b) would direct an appropriate scale and intensity of transit-supportive development to each MTSA, with reference to the Province’s Transit Supportive Guidelines and Mobility Hub Guidelines. This suggests that the resulting densities would be below targets in the Growth Plan. Other policies result in a similar approach to density for the downtown, while also negatively impacting the downtown as the cultural and entertainment centre of the City.
- OPA 119 would include other policies in Section 7.2.1 and 7.2.2 that would place undue emphasis on office redevelopment in the Downtown Burlington MTSA and introduce new requirements related to public service facilities, trees, green spaces and pedestrian, cycling and private street connections that are beyond the City’s legislative authority.
- OPA 119 would require a major planning study to be undertaken 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. As noted above, the Property has already been the subject of extensive study and, as such, should be exempted from any requirement for further study.

We would also respectfully request that we be included on the notice list for this matter, including for notice of any decision made by City Council in respect of the interim control by-law, OPA 119 and the proposed zoning by-law amendment.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'David Bronskill', written over the printed name.

David Bronskill

DJB/

cc: Client/Consultants

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