

January 29, 2020

Our File No.: 181352

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

Attention: City Clerk

Dear Sirs/Mesdames:

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

We are solicitors for Core FSC Lakeshore GP Inc., who are the owners of the properties known municipally as 2093, 2097 and 2101 Old Lakeshore Road and 2096 and 2100 Lakeshore Road (the “**Properties**”), which are located within the Old Lakeshore Road Precinct. As you know, in August 2019, our client submitted applications for official plan amendment and zoning by-law amendment to permit the redevelopment of the properties as a 27-storey mixed use building.

We are writing to re-iterate our client’s concern that the City’s interim control by-law process has resulted in no review or re-examination of the Old Lakeshore Road Precinct. Given that the City included the Properties as part of its interim control by-law, this area should have been reviewed as part of the ongoing planning exercise to ensure conformity and consistency with upper level planning documents. Our understanding is that the proposed official plan amendment (OPA 119) arising from the City’s study does not change the policy framework applicable to the Properties.

As such, it is unclear why the Properties were included within the scope of the interim control by-law in the first place. We trust that any extension of the interim control by-law will not apply to the Properties. In accordance with the above-noted applications, our client believes that the properties are appropriate for intensification that is consistent with the Provincial Policy Statement and in conformity with the Growth Plan. In particular, the Properties are identified within the boundary of the Downtown Urban Growth Centre, which has a minimum target density of 200 residents and jobs per hectare. Accordingly, the Properties are underutilized and appropriate for intensification today without need for any future study.

Despite the failure to review the Old Lakeshore Road Precinct in any meaningful way, it appears that OPA 119 would result in new policies applicable to the Properties as part of their location within the Downtown Burlington MTSA. This raises concerns that the City intends to use OPA

119 to evaluate current applications, including our client's appeal of City Council's decision to approve the Development. As you know, this would be clearly contrary to the policy-led system required by the *Planning Act*, which requires any applications to be evaluated pursuant to policies and guidelines in place at the time of submission of the application. Our client suggests that the transition policies be clarified to ensure that OPA 119 would not apply to our client's existing applications.

In any event, our client has specific concerns with OPA 119. The primary issue is OPA 119's characterization of the Downtown Burlington MTSA. In particular, proposed Policy 7.2.4 suggests that the downtown Burlington MTSA does not function as a major bus depot and "...this is likely to continue into the future, unless improvements and/or enhancements are undertaken". This proposed policy approach would discourage investment in the Downtown Burlington MTSA, despite recommendations to the contrary in the background report, when all levels of planning policy direct optimization of existing infrastructure. In our client's view, the City should be exploring opportunities to improve and enhance this important infrastructure rather than suggesting little to no interest in long-term planning requirements for the downtown Burlington MTSA.

Other concerns relate to certain prescriptive built form policies and the City's proposed new policies related to green spaces in light of the new legislative regime for parkland dedication. However, our client would be less concerned with these policies if the City clearly acknowledged that OPA 119 does not apply to existing planning applications.

Please also accept this letter as a request for notice on behalf of our client for any decisions made in respect of the proposed official plan amendment being considered at this special meeting of City Council.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

cc: Client