



Barristers &amp; Solicitors

Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.caDirect Line: 416.597.4299  
dbronskill@goodmans.ca

November 26, 2020

Our File No.: 181049

**Via Email:** [regionalclerk@halton.ca](mailto:regionalclerk@halton.ca)Region of Halton  
1151 Bronte Road  
Oakville, ON L6M 3L1

Dear Sirs/Mesdames:

**Re: New Burlington Official Plan – Proposed Modifications to Adopted OP  
Draft Regional Notice of Decision (November 16, 2020)**

We are solicitors for Vrancor Group, who are the owners of the property known municipally in the City of Burlington as 2069 Old Lakeshore Road and 2076 Old Lakeshore Road (the “**Properties**”). Our client has provided numerous written submissions as part of the processing leading towards the proposed new City of Burlington Official Plan (the “**New City OP**”).

We are writing to provide our client’s comments in respect of the proposed modifications to the New City OP and the draft Notice of Decision (the “**Draft NOD**”) from the Region of Halton regarding the New City OP. One of our client’s previous written submissions is attached for your convenience. Please note that the Draft NOD did not address our client’s issues, meaning that our client continues to have significant concerns with the policy framework proposed in the New City OP.

In terms of the Draft NOD, our client is concerned that it has not considered the proposed alteration to the Urban Growth Centre boundary on Schedule B, Urban Structure and, more specifically, the City’s removal of large portions of Spencer Smith Park. Our client’s planning consultant has provided an opinion that this would be an area of non-conformity because the proposed boundary does not confirm with the boundary identified in the Region’s Official Plan. To our client, it appears that the City is deliberately attempting to limit the redevelopment potential and growth targets for the Downtown Urban Growth Centre by artificially reducing its overall area.

Overall, our client is concerned that the proposed policy frame in the New City OP is overly restrictive and would limit development potential in the Downtown and the City’s ability to achieve the minimum growth targets established in the Regional Official Plan and Growth Plan for the Greater Golden Horseshoe. The City has neither rationalized the proposed height and built form proposed for the Downtown nor demonstrated how the New City OP provides a policy framework that will ensure the minimum density and growth targets can be achieved.

As a technical matter, our client is also concerned that the City has yet to produce a consolidated New City OP that would be presented for approval to enable a comprehensive review of that document.

Please also treat this correspondence as a request for any decision related to this matter.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

cc. City of Burlington (clerks@burlington.ca)



Barristers & Solicitors

Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.4299  
dbronskill@goodmans.ca

September 28, 2020

Our File No.: 173075

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

**Attention: Alison Enns (newop@burlington.ca)**

Dear Sirs/Mesdames:

**Re: New Official Plan – 2069 Old Lakeshore Road and 2076 Old Lakeshore Road**

We are solicitors for Vrancor Group, who are the owners of the property known municipally as 2069 Old Lakeshore Road and 2076 Old Lakeshore Road (the “**Properties**”). We are writing to provide our client’s comments in respect of the City of Burlington’s proposed modifications to the adopted official plan.

As background, the Properties would be identified as part of a Primary Growth Area within the Urban Growth Centre Boundary on Schedule B-1 (Growth Framework). The Properties would also be identified as part of a Frequent Transit Corridor on Schedule B-2. The Properties are also located with the Old Lakeshore Road Precinct on Schedule D (Land Use – Downtown Urban Centre). Clearly, the Properties are a candidate for intensification.

However, our client has concerns with the proposed implementation of this intensification potential through the proposed height and built form policies. In particular:

- Policy 8.1.1 (3.6.1) c) suggests that development not exceed 10-storeys (31.5 metres) in height. This height restriction is arbitrary and not the result of a comprehensive urban design exercise for the Properties and the surrounding context.
- Policy 8.1.1 (3.6.1) g) and Policy 8.1.1 (3.6.1) i) relate to the transfer of development rights for cultural heritage resources and require certain actions for a proponent of development along the waterfront trail. These policies are overly restrictive and will negatively impact the intensification potential of the Properties.
- Policy 8.1.1 (3.6.1) j) would require an area-specific plan for lands within the Old Lakeshore Road Precinct. Policy 8.1.1 (3.6.1) k) would require a specific study for the Old Lakeshore Road Precinct prior to a development application preceding such an area-specific plan. These policies are vague because they do not provide certainty related to



any terms of reference but, in any event, contain unnecessary pre-conditions to development of the Property.

- Section 8.1.1 (3.17) would provide a new set of policies related to urban design in the Downtown. These policies unnecessarily deviate from the City's Mid-Rise and Tall Building Guidelines and result in arbitrary performance standards that are not ground in good urban design principles. Further, certain policies are overly prescriptive (such as Policy 8.1.1 (3.19.3) and Policy 8.1.1(3.19.4)) for inclusion in an official plan.

Our client also has extensive concerns with the proposed Downtown Burlington Placemaking and Urban Design Guidelines. In particular, these guidelines inappropriately refer to density targets, lack certainty for measuring angular planes, are overly prescriptive in setback numbers and tower separation, and unduly ambiguous when addressing views and vistas. Our client's planning consultant would be pleased to meet with City staff to discuss revisions to these guidelines.

Please accept this letter as our request to be notified of any decision made in respect of this matter.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "D. Bronskill", written over a light blue circular stamp.

David Bronskill

DJB/

cc. Client

David Falletta, Bousfields