



**SUBJECT: Completeness Review for Official Plan and Zoning By-law Amendment Applications for 2020 Lakeshore Road**

**TO: Mayor and Members of Council**

**FROM: Community Planning Department**

Report Number: PL-13-22

Wards Affected: 2

File Numbers: n/a

Date to Committee: n/a

Date to Council: January 18, 2022

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### **Recommendation:**

Deem, in accordance with sections 22.1, 22(5) and 34(10.2) of the Planning Act, that applications submitted by Burlington 2020 Lakeshore Inc. to amend the Official Plan and Zoning By-law for lands at 2020 Lakeshore Road as made and complete on December 17, 2021, as the required information and materials were provided on that date; and

Direct the Director of Community Planning to notify Burlington 2020 Lakeshore Inc. that the required information and material have been provided for the applications to amend the Official Plan and Zoning By-law for lands at 2020 Lakeshore Road, in accordance with sections 22(6.1) and 34(10.4) of the Planning Act.

### **PURPOSE:**

This report provides information about applications that have been submitted to the City under the Planning Act and recommends that these applications be deemed made and complete in accordance with sections 22.1, 22(5) and 34(10.2) of the Act, and that the applicant be notified accordingly.

### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
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## **Background and Discussion:**

The City of Burlington requires that preconsultation with City and agency staff occur prior to the submission of applications for Official Plan Amendment and/or Zoning By-law Amendment. This requirement is in accordance with sections 22(3.1) and 34(10.0.1) of the Planning Act as well as Part VI, section 1.3(e) of the Official Plan (1997, as amended) (“the Official Plan”) and section 12.1.2(1.2) of the Official Plan (2020) (“the new Official Plan”) and By-law 40-2007.

On April 28, 2021, City and agency staff attended a preconsultation meeting with representatives of Burlington 2020 Lakeshore Inc., owners of property known as 2020 Lakeshore Road. The purpose of the meeting was to determine the requirements for complete applications to amend the City’s Official Plan and Zoning By-law to facilitate the owner’s proposal to redevelop the site with a mixed-use development that does not conform to in-effect Official Plan policies or Zoning By-law regulations.

The preconsultation meeting resulted in the creation of a preconsultation package that was provided to the representatives of Burlington 2020 Lakeshore Inc. (“the applicant”) by City staff by email on May 5, 2021. The preconsultation package outlines the following, in accordance with sections 22(4), 22(5), 34(10.1), and 34(10.2) of the Planning Act; Part VI, sections 1.3(f) and (g) of the Official Plan, sections 12.1.2(1.2)(c) and (d) of the new Official Plan, and By-law 40-2007:

- Types of applications required (Official Plan Amendment and Zoning By-law Amendment);
- Application fees required;
- Requirement to hold a Pre-Application Public Consultation Meeting prior to submitting an application;
- Required Information for Complete Application.

In accordance with the requirements set out in the preconsultation package, the applicant consulted the Burlington Urban Design Panel regarding their proposed development on August 19, 2021 and held a virtual Pre-Application Consultation Meeting via Zoom on September 8, 2021. The latter meeting was attended by the Mayor, Councillor Kearns, City staff, and members of the public. The City created a Development Pre-Application webpage, [www.burlington.ca/2020lakeshore](http://www.burlington.ca/2020lakeshore), to provide information to the public about the development proposal and the Pre-Application Consultation Meeting.

On October 22, 2021, City staff received a submission package from the applicant requesting amendments to the City’s Official Plan and Zoning By-law to permit the proposed development at 2020 Lakeshore Road. On October 26, the City received the application fees set out in the preconsultation package. City staff confirmed receipt of these materials and fees as of October 26 and initiated a completeness review to

determine whether the required information and material, as identified in the preconsultation package, had been provided.

On November 23, 2021, Council approved the recommendations of staff report PL-59-21 and deemed that the received applications were incomplete as the required information and material had not been provided. Namely, the following required information and materials had not been provided:

1. Phase Two Environmental Site Assessment;
2. Park Concept Plan;
3. Angular Plane Study.

Staff notified the applicant that their application had been deemed incomplete. Subsequently the applicant submitted a request to the Ontario Land Tribunal (OLT) for a motion date to determine the application complete. To date, the OLT has not scheduled a date for such a motion to be heard. However, on December 17, 2021, the applicant provided the following additional materials to the City in relation to their applications:

1. Phase Two Environmental Site Assessment;
2. Park Concept Plan;
3. Angular Plane Study.

### **Strategy/process**

City staff have reviewed the additional materials provided and have determined that with the receipt of additional materials described above on December 17, 2021, the required information and material have now been provided for the applications to amend the Official Plan and Zoning By-law for 2020 Lakeshore Road. In accordance with sections 22.1, 22(5) and 34(10.2) of the Planning Act, the applications are considered both made and complete on December 17, 2021. On this basis, staff recommend that Council deem the subject applications to be complete in accordance with requirements of the Planning Act and direct staff to provide notice of this determination to the applicant.

As noted above, a pre-consultation meeting was held on April 28, 2021 resulting in a pre-consultation form identifying the information that City staff would require to process the applications. On November 23, 2021 City staff advised the applicant that in accordance with the pre-consultation form, the pre-consultation information had expired prior to the applications being deemed complete by the City, and that an update to the pre-consultation form was necessary. The applicant did not complete an updated pre-consultation prior to submitting the additional information that was required by the City as part of a complete application. Should Council deem the applications made and complete on December 17, 2021, City staff will review the application materials, including the additional information provided, and advise the applicant of any updated staff comments or the need for any updated studies or materials.

Should Council deem the applications made and complete as recommended, City staff intend to process the applications generally in accordance with the following schedule:

- January 18, 2022- report to Council recommending deeming of applications as made and complete as of December 17, 2021
- January 18, 2022- advise the applicant of Council's decision to deem the applications made and complete, and of the City's updated pre-consultation comments
- February, 2022 (date to be determined)- hold a statutory public meeting at Committee to consider the development applications.
- April, 2022 (date to be determined)- recommendation report to Committee followed by a special Council meeting.

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### **Financial Matters:**

If Ontario Land Tribunal proceedings occur in relation to this matter as described above, the City may incur costs in association with such proceedings.

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### **Climate Implications**

Not applicable.

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### **Engagement Matters:**

Not applicable.

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### **Conclusion:**

The City has received submissions from Burlington 2020 Lakeshore Inc. requesting amendments to the Official Plan and Zoning By-law. The City deemed these applications to be incomplete on November 23, 2021; however, the applicant provided an additional submission on December 17, 2021, which contained the required information and materials that had been absent from the earlier submission. This report recommends that Council deem that these applications were made and complete on December 17, 2021 in accordance with sections 22.1, 22(5) and 34(10.2) of the Act, and that the applicant be notified accordingly.

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Respectfully submitted,

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Senior Planner

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**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.