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**Sent:** Monday, December 2, 2024 12:53 PM  
**To:** LIST - Users - Internet Email Address - Clerks <[LIST-ClerksInternetEmail@burlington.ca](mailto:LIST-ClerksInternetEmail@burlington.ca)>; Rudy, Jo-Anne <[Jo-Anne.Rudy@burlington.ca](mailto:Jo-Anne.Rudy@burlington.ca)>  
**Subject:** Statutory Meeting. 141 - 153 Plains Rd West, December 3 2024.

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**Hello, Please accept my delegation to this Statutory meeting.**

**I was not going to do anything on this proposal , but after reading the planning justification again of applicant and staff, and reviewing the status of the various OP stages, and seeing what is in force and effect, and what is at appeal, and what is not approved, I'm afraid that I cannot just let slide that the PPS 2024 legal status is being disregarded in several regards. The PPS says that the in force municipal Official Plan is the best vehicle for implementing the City development. The procedure I see here is not consistent with the PPS, and all of the "Shall" policy directions contained in a consistent approach to implementation.**

**All of the planning narrative that I can see is mixing up all OPs and Zoning stuff: including the in force OP 1997 as a framework of legal intent, but only as an instrument of crafting OP Amendments from other draft revised OP related texts that are not in force, to the legal OP 1997 to achieve the new intent of the not in force OP 2020 ; the Protected MTSA OP 2020 with MTSA OP Amendment 2 - all of which are also not in force. What is used is the language and the policy directions narrative for everything wanted in OP 2020, MTSA 2020 Amendment 2.**

**Also being used are the ASP narratives, and the Community Planning Procedure analysis, and language and policy intentions, again not in force.**

**A blend of all this language, directions, and planning justifications, is drawn from this Planning literature mixture and crafted to get what they want because they don't want to use the intentions and policies of the OP1997, which is in force and legal. They justify this with more extensive narrative language, but basically, the Proposal is justified using the Amendments drawn from the not in force planning justification policies. The OP1997 needs to be amended completely whenever a policy or variance or other inadequacy arises that 1997 cannot be directly used.**

**There is no explanation for this behaviour, using several not legal planning documents, and writing a mix, but the motive and emphasis is to justify more density, intensification, less compatibility, and similar reasons, however, they are, as I said, using almost exclusively not in force OP planning and Zoning, that must be given OP and Zoning Amendments pretty much throughout because they are not legal and Amendments are usually needed.**

**I do not see any legal justification for these circumstances in writing, as part of this planning justification. Particularly, the taking the Mid-Residential zoning for the maximum height of 11 stories from the not yet in force MTSA zoning, when the in force maximum is 6. Everyone knows that height is a sensitive matter, so when somewhere in between would help people along, is just one thing that this planning style concerns me because I don't know where it is going to lead to, given the situation we are in.**

**I'm also concerned because I see these tactics being used elsewhere, because of the not in force OP bits and pieces that are not fully approved, or are under appeals. So if the in force documents won't give you what you want, then they write a justification using all the parts in the planning works to get what you want. I sensed something like this coming for 100 Plains E.**

**I want to raise my concern about this, to just say something about this behaviour, and what it means, at least to me.**

**At least to me, it sort of does away with the need for "good planning" that is based on facts of an in force OP and sets of policies and**

**directions based on facts and not just a fluidity of picking opinions about what is needed, or supports what is wanted in the application, from any selected set of policy proposals. I think when you think broadly about what we have as a set of circumstances, something is wrong.**

**We have an adopted OP 2020 that was crippled by 48 appeals in 2022 I think. Then, the revisions to Provincial law to OLT, that put the City in a bind no matter what they decide, and the developers were always in a position where they can appeal.**

**And something has happened to the City internal decision processes, or the Province will not decide on approvals of new OP2020, or the approved MTSA or OP2020 MTSA Amendment 2 by City or province.**

**Overall, I'm a sort of veteran in this, but I fear for the newcomer citizen that is trying to figure out what the hell is going on, and how do they do anything about their concerns, which are legitimate.**

**As I said, my real and reasonable concerns are the process, and legitimacy, legality, transparency, realistic capabilities for citizen engagement, and something much more in explanation and justification in planning that 100 page Planning Justification documents that are not really based on an in force and effect OP, and does not devolve to an opinion that cherry picks something they know a lot about, and so it fits a need to build what is wanted. Given that it is supposed to be rental, 10% affordable, fits with Drewlo, and other characteristics of the proposal, it has merits I guess.**

**But I cannot accept any way for developers or staff planners, or the City to get where they want.**

**Regards,**

**Tom Muir.**