



CARRIAGEGATE

February 26, 2020

City of Burlington
City Planning and Building Department
426 Brant Street
P.O. Box 5013
Burlington, ON L7R 3Z6

COPY

Attention: Ms. Rosalind Minaji, Coordinator

Dear Ms. Minaji:

**Subject: 3rd Resubmission
Proposed Official Plan and Zoning Amendment Application
2107 Old Lakeshore Road & 2119 Lakeshore Road
"Old Lakeshore"**

This is further to the applications submissions made in December 20th, 2019 and January 23rd, 2020. Both of these submissions were rejected by the City and the boxes of submission materials were returned to us.

We find it very disturbing that the City of Burlington is refusing to accept planning applications based on a review of applications prior to them being accepted and reviewed through the comprehensive review process established by the *Planning Act*. The following, in conjunction with the five boxes of submission material included with this submission, address **ALL** comments received from the City. The City of Burlington does not have the jurisdiction to refuse acceptance of the submission of this application.

To be clear, the following provides a summary of the responses we have provided to the five items included in both the January 9th, 2020 and February 5th, 2020 incomplete application letters that you sent us:

Item 1:

Regarding the "required 2m widening of Lakeshore Road" - We have applied for an official plan amendment. Included in our submission of January 28th, 2020 was correspondence from Dana Anderson in response to the road widening matter. You will note that Ms. Anderson states:

“Section 3.2.2 of the Official Plan states:

Road widenings

*c) Existing roads shall be widened equally on both sides of the road, **where feasible**. It may be necessary for more*

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than half of the widening to occur on one side of the road due to topography, existing or proposed development, utilities and other constraints. Road widenings may not be required for the full widths identified in Table 2 - Road Allowance Widths.

Extent of widening

d) Upon receipt of a development application, the City will confirm whether a road widening is required as per the Official Plan and whether property for the widening has already been dedicated to the City.”

The City's refusal to accept the application on the basis of a perceived road widening taking contravenes the City's own Official Plan. The City of Burlington cannot ignore the policies of its own Official Plan. On this basis the applications must be accepted.

Item 2:

Civil Engineering - The matters included in the January 9th letter were **ALL** addressed in the January 23rd, 2020 submission to the City. The February 5th, 2020 letter from the City provided more issues that are not only typically addressed through the application review process but relate to the road widening noted above. The City chose not to provide the rationale or an explanation of its concerns. As these matters will be comprehensively reviewed by the City through the application review process and on this basis, the applications must be accepted.

Item 3:

Traffic Impact Statement - Please note that the original TIS included traffic counts that were completed in three different time periods - April, August and November. For reasons that are not explained in either of the City's letters, the TIS was deemed to be unsatisfactory notwithstanding the fact that the TIS included two other time periods outside of the summer months. However, included with this submission is an updated TIS from Paradigm that includes counts completed in February 2020. Therefore, this comment has been addressed and the applications must be accepted.

Item 4:

Geotechnical and Hydrology Matters - The City commented that the geotechnical and hydrology studies included with our two submission are unacceptable. Please note that the City's concerns have been addressed in a detailed report prepared by Grounded Engineering that was included with our January 23rd, 2020 submission. It appears that the City has not reviewed this report. It is included again as part of this submission. Any additional review or commenting from the City in respect of this matter, is a matter to be addressed through the comprehensive application review process. Therefore, as these comments have been addressed, the applications must be accepted.

Item 5:

Construction Management Plan - The City requested revisions to the Construction Management Plan that was submitted as part of the original application. Included with the January 23rd, 2020 submission, BA Group responded to each and **ALL** comments raised by the City. We note that the City's comments included in the February 5th, 2020 letter are the same as those included in the January 9th, 2020 letter from the City. It may be that City staff did not notice the updates to the Construction Management Plan and the written response from BA Group in respect of these matters. It also appears that the Construction Management Plan submitted is being held to a much different standard than other applications in the immediate proximity of this site which is unacceptable. **All** of the City's comments have been addressed and the applications must be accepted.

Based on the above, please confirm that our applications are now deemed to be complete and are being circulated.

Yours truly,
Lakeshore (Burlington) Inc.

A handwritten signature in cursive script that reads "Mark G. Bales".

Mark G. Bales, MCIP, RPP, MLAI

Encl.