

September 27, 2022

Hon. Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street - 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Clark;

**Re: Halton Region Official Plan Amendment 49
Environmental Registry Posting Number 019-5684
Ministry Reference 21-OP-215006
Conversion Request - 1150 & 1200 King Road, Burlington
Modification of Plan, or Referral to Tribunal**

We act for Penta Properties with respect to their lands at 1150 and 1200 King Road, in the City of Burlington, in Halton Region. We are making this submission to request that the Minister make modifications to Halton Region Official Plan Amendment 49 to reflect the conversion of the subject lands from employment area, to permit a full-range of mixed uses.

We are enclosing with this submission, a planning report prepared by MHBC Planning, which supports the conversion of the subject lands to allow the proposed mixed use development concept.

Lands at 1150 & 1200 King Road in Burlington Should be Converted From Employment to Mixed-Use By Modification to the Regional Official Plan, or the Matter Should be Referred to the Tribunal

The subject lands, despite being designated as “Employment Lands” for employment uses for over a quarter century, and having been used for employment purposes up until approximately the 1950’s, have never since been developed for employment purposes. The market has spoken, and the lands are not seen as attractive for development under the current employment designation.

The lands in question have been identified as a site for a sports venue, and an athlete's village, in the 2030 Commonwealth Games Bid. Without conversion of the lands from employment, the door will be closed on that possibility. As such, conversion of 1200 King Road is an important first step to allow the lands to be a key element of a Commonwealth Games Bid, and to keep open the option of such a bid being pursued.

The proposed conversion satisfies the Growth Plan criteria for its approval.

Under the Minister's traditional approval powers, the Minister should modify the mapping of the land in the Halton Region Official Plan at 1150 and 1200 King Road (1200 King Road) so that it is no longer designated as employment.

In the alternative, the Minister should refer the question of the appropriate designation of the 1200 King Road lands to the Tribunal for a hearing -while approving the balance of the official plan. Such a partial referral would allow development to proceed elsewhere in the Region, while allowing the unusual and anomalous decision respecting the subject lands to be properly studied by the Tribunal.

Minister has the Jurisdiction to Modify, or to Refer the Subject Lands to the Tribunal for a Hearing

Under section 17 of the planning act, the Minister of Municipal Affairs is the approval authority for the Halton Region Official Plan resulting from its Municipal Comprehensive Review process. Under section 17 (34) (a) of the act, the Minister, in acting as the approval authority, may "approve, modify and approve as modified or refuse to approve a plan". This would allow the Minister to modify the designation on the lands in question to remove the employment designation, without affecting the other aspects of the Regional Official Plan.

In the alternative, under the Minister’s new referral powers established by Bill 109, the Minister could refer the proposed employment designation for the lands at 1200 King Road to the Ontario Land Tribunal for a hearing, together with the balance of the Official Plan, or on its own. Under section 17(55), the Minister may, “before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation”. Taking the provisions of the planning act together, the Minister can refer the designation of 1200 King Road (conversion) to the Tribunal, and then approve, with modifications, the balance of the official plan. Thus, a referral on the conversion can take place, without delaying the balance of the Official Plan from being modified and approved and coming into force.

Growth Plan Permits Conversions Only Through a Municipal Comprehensive Review

Under policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe, employment conversions “may be permitted only through a municipal comprehensive review”. (There are certain limited exceptions to this, but all depend upon the Region taking the initiative due to the Planning Act provisions on conversion, which appears unlikely to occur here).

Thus, if the conversion is not approved now, it will likely be a decade or more before it will be considered again.

Conversion of 1200 Road Would Create Intensification Opportunities Close to Aldershot GO Station, and Efficient Use of Public Infrastructure Investment

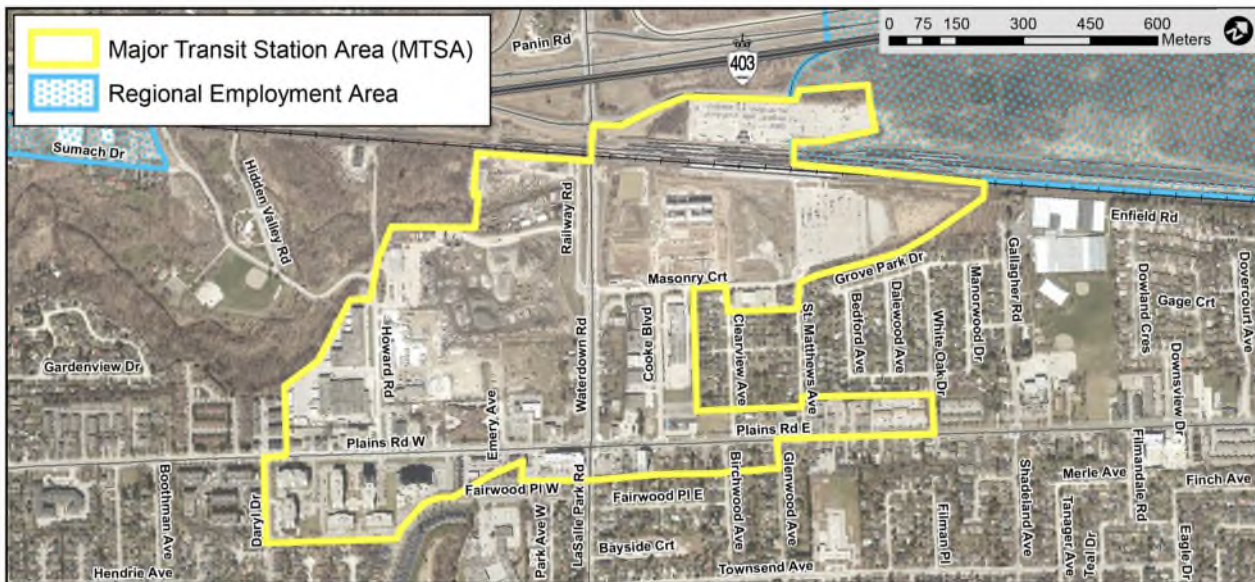
As the 1200 King Road site immediately abuts the Aldershot GO Station, it is an ideal location for conversion and residential intensification. The resulting residential would be in close proximity to the available GO transit station, allowing a community that is reliant upon public transit to evolve here. In the context of other area uses, the result will be a positive mix of jobs, homes, commercial opportunities and community uses that would produce a complete community in this neighbourhood.

While Halton Region has designated a Major Transit Station Area around the Aldershot GO Station, it is unusual in its configuration. The designated Major Transit Station Area is located entirely to the west and south of the actual GO station. In the plan below, produced by the Region to delineate the major Transit Station, the lands shown as Regional Employment Area are part of the 1200 King Road site. The 1200 King lands start immediately abutting the GO Station, and are much closer to the platform than a great deal of the balance of the Major Transit Station Area.



The above photo approximately illustrates the 1200 King Road lands. The Aldershot GO Station is located at the west end of the site, and the Highway 403 on the north side. King Road is on the east, and the GO Train line borders the south side of the site.

The image below illustrates the Aldershot GO Station Major Transit Station Area, as delineated in Halton Region’s ROPA 48. The parking lot and GO Station are at the top right of the delineated area, with the 1200 King lands in the blue, immediately abutting.



It is clear that the 1200 King Road lands represent an ideal opportunity to build a community that is transit-oriented, and related to the Aldershot GO Station. As such, the conversion of the site would permit an efficient use of the provincial GO System infrastructure, into which there has been considerable public investment.

Halton’s Planning Direction of Focussing on Intensification Will Require Significant Land Supply for Intensification - 1200 King Road Can Help

Halton Region has been, in its planning, banking heavily on the potential for intensification to achieve its population growth forecasts under the Growth Plan for the Greater Golden Horseshoe. However, based upon the rates of approvals and the pace of apartment housing starts in recent years, it will be very challenging for the Region and Burlington to fulfill the kind of intensification numbers they have used in their Land Needs Assessment calculations - even before Council opted for a “no settlement expansion” approach.

To have any reasonable prospect of achieving the intensification potential required, the amount of land available for intensification in the delineated built boundary needs to be increased significantly.

The 1200 King Road lands represent an opportunity to make available a significant amount of such land for intensification, in close proximity to a GO station. As such, the conversion of the site will provide some potential to address what is almost certainly going to be a shortfall on the intensification front - and to do so without eliminating a single existing business and without costing a single job on the site.

1200 King Road Has Not Developed Under the Employment Designation - A Contemporary Mixed-Use Development Would be more likely to Attract Employers and Jobs to this Site

Despite being identified for employment land for over a quarter century, such uses have not materialized on the site. A more promising prospect, that will actually attract jobs in the contemporary economy to a site like this is for a finer grain, mixed use development. This would attract employers in the growing knowledge based industries, whose employees are mobile, and seek work environments with urban amenities, in a mixed-use context. This requires conversion of the site.

Allowing such a mixed-use development to proceed will actually increase the total employment on site, beyond that which would result under the existing designation.

The Site Satisfies the Growth Plan Policy Requirements for Approval of A Conversion

In policy 2.2.5.9, the Growth Plan for the Greater Golden Horseshoe sets out the tests for approval of a conversion:

- A) need
- B) lands not required for purpose designated
- C) sufficient lands maintained in municipality for forecast employment growth
- D) proposed uses will not affect the overall viability of employment area
- E) Infrastructure and public services are available

The 1200 King Road site satisfies the required criteria for approval of conversion.

NEED - There is a clearly demonstrated need for additional housing. Ontario is undergoing a serious housing supply crisis - which is reflected in escalating housing prices. According to data from the Toronto Region Real Estate Board, housing price increases have been higher over the past decade (Feb. 2012 to Feb. 2022) in Halton (301.4%) than is the average in the Toronto area. Prices for homes in Burlington have risen even more severely (327.1%) demonstrating the depth of the supply crisis in Burlington. In addition, as noted above, Halton Region and Burlington face particular challenges in delivering an adequate supply of approved sites for residential intensification. This site, adjacent to one of only three GO stations in Burlington, is ideally located to contribute to satisfying that need for housing.

LAND NOT REQUIRED FOR EMPLOYMENT - The subject lands were identified in the Burlington Official Plan adopted in 1994 as “Employment Land”. This Official Plan was approved in March of 1997. For over a quarter century, this site has sat vacant, waiting for employment users to step forward, to no avail. The market has spoken. For over a quarter century, not a single job has been created on this site under the employment designation. As a result, conversion will not displace a single business or job. The market has clearly spoken that the lands are not required for the employment purpose designated.

SUFFICIENT OTHER LANDS MAINTAINED FOR EMPLOYMENT - While the subject lands have not been appealing to prospective employers, there are abundant lands that can satisfy that purpose in the Region. The Halton Planning Staff recommendations in the municipal comprehensive review identified additional lands that could be designated for employment to the horizon. In fact, Halton Staff went well beyond the planning horizon in their February 2021 Growth Concepts Discussion Paper, and identified a very significant amount of land as “Future Strategic Employment Areas”, that could accommodate employment land beyond the horizon of the plan. Thus, there is more than enough land available to meet employment needs to the Growth Plan 2051 horizon and beyond. In their decision to not add any new employment lands through the current municipal comprehensive review, Halton Council indicated their view that there are sufficient employment lands designated to maintain an adequate supply.

NO IMPACT ON VIABILITY OF OTHER EMPLOYMENT AREA - Since the subject site has been vacant for the entire time it has been designated employment, its conversion in no way will destabilize any other employment uses in the vicinity. In addition, there are no nearby industries that would face land use compatibility issues if the subject lands were converted

SUFFICIENT INFRASTRUCTURE AND PUBLIC SERVICES - The 1200 King Road lands are well-served by infrastructure. The Aldershot GO Station represents a critical element of transit infrastructure serving the area. It has available water and sewer servicing. Aldershot School, Glenview School, Aldershot Arena, and a number of parks serve the area. There is an abundant availability of retail and service uses including supermarket, pharmacy and restaurant uses on nearby Plains Road, and generally in the area. Overall, the site is well-served by infrastructure, and by public services required by residents.

In conclusion, it is clear that the proposed conversion satisfies the tests under policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe to allow conversion from employment land to other uses including residential.

The Conversion of the Lands is a Necessary First Step to Allow a 2030 Commonwealth Games Bid to Proceed

The subject lands have been identified as the proposed location of a sports venue and an athlete's village as part of a bid package to hold the Commonwealth Games in Hamilton and the broader region in 2030. If a conversion is approved for the 1200 King Road lands, it will open the possibility of such a bid proceeding. However, without a conversion, it will be impossible to establish an athlete's village at this location. Approval of the conversion is essential to keep the door open to the possibility of a Games bid.

The province has the opportunity to keep the door open for the Games, by approving this conversion. It is not necessary for the province to make a decision to support the bid at this stage - only to keep the path open. However, failure to approve the conversion as part of the Minister's decision on the Halton Region Official Plan could well shut the door on any bid at this stage.

The Minister Should Recognize the Failure of the Existing Employment Designation to Deliver Employment, the Need for Housing, and the Ability to Facilitate a Commonwealth Games Bid and Approve the Conversion of 1150 & 1200 King Road

The existing designation of 1200 King Road as Employment has left the lands vacant for over a quarter century. There is no reason to expect that to change.

Conversion will deliver much needed housing in an area where supply is especially constrained, and demand is high. The location of the site next to the Aldershot GO Station is ideal to support residential intensification. Such residential development can proceed with no negative impact on existing stable neighbourhoods.

Approval of conversion is a key first step necessary to facilitate a possible bid for the 2030 Commonwealth games, as this will be the location of the Athlete's village and a sports venue.

The Minister should modify the Region of Halton Official Plan to ensure the lands at 1150 & 1200 King Road are NOT designated as employment, approving the conversion of the site as good planning. In the alternative, the Minister should refer the question of the appropriate designation of the land at 1150 & 1200 King Road to the Ontario Land Tribunal.

Sincerely,

AIRD & BERLIS LLP



Hon. Peter Van Loan
Partner

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