

April 18, 2018

Our File No.: 173167

Via Email

City Council, City of Burlington
426 Brant Street, P.O. Box 5013
Burlington, ON L7R 3Z6

Attention: Ms. Angela Morgan, City Clerk

Dear Sirs/Mesdames:

**Re: Draft City of Burlington Official Plan – Reserve Properties Ltd.
401-413 Brant Street, 444-450 John Street and 2002-2012 James Street**

We are solicitors for Reserve Properties Ltd. in respect of the properties known municipally as 401-413 Brant Street, 444-450 John Street and 2002-2012 James Street (the “Subject Property”). We are writing to provide our client’s formal comments to City Council in accordance with the requirements of Section 17 of the *Planning Act*.

On December 21, 2017, our client’s planning consultant provided written comments to the City Clerk regarding the draft City of Burlington Official Plan. Our understanding is that those written comments remain unaddressed in the most recent version of the proposed Official Plan (April 2018), which we understand is intended to be considered by Planning & Development Committee at its meeting on April 24, 2018. A copy of these written comments is attached for your convenience.

It remains our client’s position that the draft City of Burlington Official Plan should be amended to incorporate the above-noted written comments. Please ensure that our client’s concerns are included as part of any record before City Council.

We would also appreciate receiving notice of any decision made by City Council regarding this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'D Bronskill', is written over the printed name.

David Bronskill
cc: Client

6794784

December 21, 2017

Ms. Angela Morgan
City Clerk
City of Burlington
426 Brant Street
P.O Box 5013
Burlington, ON
L7R 3Z6

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan – November 2017
Reserve Properties Ltd.
401-413 Brant Street, 444-450 John Street, and 2012 James Street
City of Burlington
Our File No.: 2017/31**

We are Planning Consultants for Reserve Properties Ltd. ("Reserve") with respect to the above-noted lands. The subject lands were recently acquired by Reserve and form a contiguous 0.2031 hectare block with frontage on Brant, James and John Streets. The south boundary of the property abuts the City owned parking lot containing the Elgin Street Promenade. We provide the following comments on behalf of Reserve regarding the latest version of the Draft Official Plan dated November 2017.

Staff Report PB-68-17 recommended key land use policy directions put forth by City Planning staff for the Downtown Mobility Hub Draft Precinct Plan. The recommendations of Staff Report PB-68-17 were presented to Committee of the Whole on September 28, 2017 and endorsed by City Council on October 10, 2017. The Draft Precinct Plan identified the Reserve lands within a Special Policy Area of the "Brant Main Street Precinct". The key policy directions of the Special Policy Area "...include the enhancement of a civic node and permission for a modified built form and increased building heights of approximately 17 storeys in order to achieve a significant building setback, sight lines to key civic features and the creation of new public space at the corner of James and Brant Streets to serve as a public extension of Civic Square" (underline added).

Following Council's adoption of the Draft Precinct Plan, Staff Report PB-62-17 respecting a 23 storey mixed use development by 421 Brant Street Inc. ("Carriage Gate") at the northeast corner of Brant and James Streets was considered. Staff Report PB-62-17 was presented to Planning and Development Committee on November 1, 2017 and contained a number of staff recommendations in support of the proposed mix use development. On

November 13, 2017, Council endorsed the staff recommendations to approve the 23 storey mixed use development.

The Draft Official Plan dated November 2017 proposes to include the Reserve lands within a new "Brant Main Street Precinct Special Policy Area" designation. The policy permissions for this designation appear consistent with the Draft Precinct Plan with the exception of a new restriction in building height to a maximum of 17 storeys. The 17 storey maximum height restriction is also inconsistent with the City's position on the Carriage Gate applications, which are governed by the same Brant Main Street Precinct Special Policy Area designation. The Special Policy Area identifies the Brant Street/James Street intersection as a key hub for increased building heights and civic presence. However, the proposed height restriction of a maximum of 17 storeys is the same as the Downtown Core Precinct designation. Given the hierarchy of designations in the Draft Precinct Plan, it makes little sense, especially in light of the Carriage Gate decision, that the height permissions within the Brant Main Street Precinct Special Policy Area and Downtown Core Precinct are the same.

Based on the above-noted comments, we are requesting modifications to the Official Plan for the Reserve lands that are consistent with both the Draft Precinct Plan and the staff recommendations and Council position on the Carriage Gate applications. In particular, the Official Plan should be modified to permit a building with a similar height and density on the Reserve lands as that approved for the Carriage Gate applications. In our opinion, these modifications are in keeping with the overall intent of the Official Plan and necessary to ensure consistency with the Provincial Policy Statement (2014) and conformity to the Growth Plan (2017). We would be happy to further review and discuss our concerns with City Planning staff.

We request further notification of any future meetings and/or Council decisions with respect to the ongoing Official Plan Review. We would also request that we be forwarded any notice of decision made with respect to the new Official Plan.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.

A handwritten signature in black ink, appearing to read "Glenn Wellings", written in a cursive style.

Glenn Wellings, MCIP, RPP

- c. City of Burlington Planning Department
Shane Fenton, Reserve Properties Ltd.
David Bronskill, Goodmans LLP