



Scott Snider
Professional Corporation
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663
ssnider@tmalaw.ca

VIA EMAIL:

April 23, 2018

Ms. Jo-Anne Rudy
Planning & Development Committee Clerk
City of Burlington
426 Brant Street
PO Box. 5013
Burlington, Ontario
L7R 3Z6

Dear Ms. Morgan:

**Re: Draft City of Burlington Official Plan
Mattamy (Monarch) Limited
2082, 2086 and 2090 James Street
City of Burlington
Our File No. 13598**

We are counsel to Mattamy (Monarch) Limited (“Mattamy”) with respect to the subject lands located at 2082, 2086 and 2090 James Street in Downtown Burlington. Mattamy made submissions in respect of the Draft Official Plan through its planning consultant, Glenn Wellings, in December, 2017. We are attaching a copy of his letter for your convenience.

Without repeating the background provided by Mr. Wellings, the essential issue is that the Draft Official Plan (now April, 2018) continues to designate the Mattamy lands for a maximum of 11 storeys when the Downtown Mobility Hub Precinct Plan identified the site for a maximum of 17 storeys. Relying on the Precinct Plan, Mattamy submitted a development application for the site in December, 2017 proposing a building of 17 storeys. The applications were deemed complete and the matter went to a Neighbourhood Meeting on March 27, 2018. There were certain technical issues identified with respect to the existing flood plain and creek conditions. These issues have now been addressed through Mattamy’s submissions.

We note from the Staff Report (PB-04-18) dealing with the latest draft of the Official Plan that staff deal with “transition practices” for ongoing development applications. Staff indicate that complete applications like those submitted by Mattamy will continue to be

City of Burlington
Attn: Ms. J. Rudy, Committee Clerk
April 23, 2018

Page 2

processed under the in-force (1994) Official Plan but that the new OP will also be considered. Applications that are approved by Council will be submitted to the Region for approval as a modification to the new Official Plan. Needless to say, Mattamy is hopeful that Council will approve its applications which should be proceeding for a decision in the near future.

It is not prudent to adopt an official plan with land use permissions that may well change as a result of applications that are well advanced through approval process. Our preference would be to have the Mattamy site deferred in any plan adopted by Council given the status of Mattamy's applications.

We are also writing to confirm that Council should have regard for all of the reports and correspondence submitted on behalf of Mattamy in support of its applications for the subject lands as part of Council's consideration of the new Official Plan. We suspect that Council has not seen or considered this material which further supports the need for a deferral.

We would ask that we be notified of any future meetings and Council decisions on the new Official Plan.

Yours truly,



Scott Snider

cc: Aaron Wisson
Glenn Wellings
Wanda Tolone
Alison Enns

Ssnd
Encl.
13598/1

December 1, 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
Mattamy (Monarch) Limited
2082, 2086 and 2090 James Street
City of Burlington
Our File No.: 2017/04**

We are Planning Consultants for Mattamy (Monarch) Limited ("Mattamy") with respect to the subject lands located at 2082, 2086 and 2090 James Street in Downtown Burlington. The subject lands represent a key gateway site and entry to the Downtown. On behalf of Mattamy, we provide the following comments and concerns regarding the latest version of the Draft Official Plan dated November 2017.

Mattamy has closely monitored the Downtown Mobility Hub planning process culminating with Staff Report PB-68-17 which 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 fully endorsed by City Council on October 10, 2017. The Draft Precinct Plan identified the Mattamy lands within the "Downtown Core Precinct" which permits a maximum height of 17 storeys. The Draft Precinct Plan has been instrumental in Mattamy's continued interest in the subject lands, and has provided comfort in the future acquisition of these lands and moving forward with development applications.

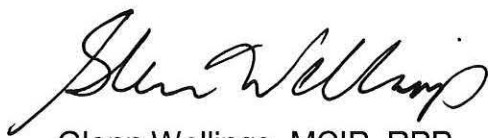
The recently released Draft Official Plan dated November 2017 proposes a new "Downtown Mid-Rise Residential Precinct" designation for the subject lands with a policy permission for a maximum of 11 storeys. The Draft Official Plan is inconsistent with the policy direction of the Draft Precinct Plan for the subject lands. Mattamy was not notified or adequately consulted on the changes between the Draft Precinct Plan and Draft Official Plan (November 2017) despite several meetings and ongoing discussions with City staff. In speaking with City Mobility Hub staff at the November 20, 2017 Open House, I understand that the

basis for the designation change was due to technical concerns regarding the redevelopment potential of the subject lands based on the existing floodplain and creek conditions. These technical concerns were previously discussed with City Planning and Engineering staff at length and have since been addressed through recently completed engineering reports. Given the size of the subject lands (i.e. 0.23 hectares), the floor plate for an 11 storey vs. 17 storey building would not be significantly different. The assumptions made by City staff coupled with insufficient consultation on the latest Draft Official Plan is concerning. It is expected that development applications will be filed shortly for the subject lands consistent with the Draft Precinct Plan with detailed reports addressing all technical aspects of the proposed development.

Based on the above-noted comments, Mattamy requests that the final version of the Official Plan to be presented to Council in January 2018 show the subject lands within the "Downtown Core Precinct" designation with a height permission to a maximum of 17 storeys consistent with the policy directions of the Draft Precinct Plan. Alternatively, Council could defer consideration of the designation on the subject lands until the technical aspects of the redevelopment are further reviewed. In either case, the technical justification is necessary to support any redevelopment of the subject lands.

Please ensure we are notified of any future meetings and/or Council decisions on 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
Mattamy (Monarch) Limited
Turkstra Mazza