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Our File No.: 173167

City of Burlington Council
426 Brant Street, PO Box 5013
Burlington, ON
L7R 3Z6

Attention: City Clerk (cityclerks@burlington.ca)

Dear Sirs/Mesdames:

**Re: City Report Number PL-02-20
Taking a Closer Look at the Downtown: Preliminary Preferred Concept**

We are solicitors for Reserve Properties Ltd. ("**Reserve**") in respect of the properties known municipally as 401-413 Brant Street, 444-450 John Street and 2002-2012 James Street in the City of Burlington (the "**Properties**"). We are writing to provide our client's comments regarding the preliminary preferred concept for the City's downtown area (the "**Draft Concept**"), which we have reviewed with our client and its planning consultant.

Background

At its meeting on July 16, 2018, Burlington City Council adopted Official Plan Amendment No. 113 and enacted By-law 2020.399 to permit the redevelopment of the Properties for an 18-storey mixed-use building (the "**Development**"). This approval was based on a positive staff report recommending approval of the 18-storey mixed-use building as an appropriate form of intensification for the Properties that would be consistent with the Provincial Policy Statement (2014), conform with the Growth Plan for the Greater Golden Horseshoe (2017) and conform with the Region of Halton Official Plan.

Our client has appealed this decision to the Local Planning Appeal Tribunal on the grounds that the Development does not represent sufficient optimization of the Properties in accordance with our client's original applications to the City.

Comments

The Draft Concept arises from the work undertaken by Sorrensen Gravely Lowes and would designate the Properties as "Brant Main Street Precinct/James Street Node". It appears that this designation recognizes City Council's approval of the Development, as well as the taller building under construction directly across the Street from the Properties.

Our client's overall concern is that the City intends to use the Draft Concept, and any resulting amendments to the City's Official Plan, to evaluate current applications, including our client's appeal of City Council's decision to approve the Development. As you know, this would be clearly contrary to the policy-led system required by the *Planning Act*, which requires any applications to be evaluated pursuant to policies and guidelines in place at the time of submission of the application.

Our client's planning consultant has closely monitored the process resulting in the Draft Concept, including attending the presentation and listening to the delegations on January 16, 2020, to the Community Planning, Regulation and Mobility Committee. As a more specific matter, our client has specific concerns with the Draft Concept. In particular:

- As noted above, the Draft Concept recognizes the Development, but there is no recommendation regarding the inclusion of transition policies in any resulting amendments to the City's Official Plan. The discussions at Committee on January 16, 2020, only added to the confusion as to how the City intends to apply any resulting official plan amendment to existing applications. Our client strongly recommends the inclusion of transition policies.
- The Draft Concept proposes the use of a twenty (20) metre setback above a three (3) storey podium along Brant Street. This is inconsistent with the built form previously supported and approved by the City for this area and does not appear to be based on any meaningful planning or urban design analysis. Further, any such requirement is excessive and would not represent good planning in this area, especially when it would appear to be a disincentive to otherwise desirable intensification proposals.
- The Draft Concept proposes reduced heights along Brant Street without any substantive planning or urban design justification. Our client strongly believes that this recommendation warrants reconsideration.
- Similarly, there is insufficient planning and/or urban design rationale to support the proposed massing reductions and 45-degree angular plane along John Street, given its current and future function as a service corridor for Brant Street. This recommendation warrants further review and discussion.

Our client would welcome the opportunity to meet with City staff to discuss these concerns.

Please also accept this letter as our request for notice of any decision by City Council regarding this item.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'D. Bronskill', with a long horizontal flourish extending to the right.

David Bronskill

DJB/

cc: Client

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