

City Hall
Planning Department & Office of the City Clerk
City of Burlington
L7R 3Z6

January 14, 2020

Dear; Director of Planning, City Manager, Planning Staff, Council and Mayor, Planning Consultant SGL

RE: Official Plan Project – January 2020

Firstly, we want to say that the City has never made direct contact with us about the new Official Plan policies and how they affect two properties we own at the southeast corner of Brant and Prospect (789 and 795 Brant). We are small business owners and longtime residents of this City, not developers. We generally support the proposed new Official Plan policies, however two significant flaws need to be brought to your attention, and formally addressed in the public record within this Official Plan process:

Flaw Number 1: One of the Official Plan's newly proposed policies states "buildings are to be a maximum of 3-storeys for the first 20 metre (66 feet)". This height restriction proposed for the Upper Brant Precinct conflicts with the U3 designation that is intended to support another new Official Plan policy stating the "tallest buildings will be located north of Ghent Avenue". The combined overall tallest buildings vision together with this specific height restriction policy does not reflect the physical site characteristics of our properties. The 3-storey height restriction if applied over the first 20m will in effect not permit buildings higher than 3-storeys north of Ghent Ave. This height restriction may be more suited to other areas such as the No Frills plaza that has greater lot depth, but not at the southeast corner of Brant and Prospect. We suggest the Planning Consultant measure the depth of our two lots against the 3-storey 20m height restriction policy being proposed. The sketches on p.3 of Appendix B: Preliminary Preferred Description & Visions of the January 2020 report prepared by the planning consultant SGL, are both misleading and inaccurately illustrate the physical site realities of our properties. The 3-storey 20m height restriction policy makes no sense.

Flaw Number 2: The 3-storey 20m height restriction policy which prohibits the tallest buildings (as described above) contradicts the primary intent of the new Official Plan; that is, to locate the tallest buildings closer to the Fairview GO Station. There should also be no height restriction since the downtown has 23-storey buildings, especially since the U3 designation allows for the tallest buildings. The tallest buildings should also be situated closer to Brant in accordance with the City's Tall Building Guidelines.

We therefore demand our two properties be exempt from the 3-storey 20m height restriction because this part of the overall U3 designation policy makes no sense and would not be defensible under appeal. We are trusting that the planning consultant and the City will recognize that a correction and/or minor amendment to the proposed policy is required as it relates to our properties.

We also kindly ask in addition to our comments being considered, that we be kept informed in a timely manner by the City, and that we be sent all notices and/or decisions, etc., which could include appeal rights under the Planning Act.

Yours truly,

Khai Tuyen Ly and Donna Lee (Address for Service: 795 Brant Street, Burlington L7R 2J3)

Note: We have attached a sketch on the next page illustrating the 3-storey 20m height restriction; the red line is the 20m setback from the property line at Brant Street.

Sketch illustrating the 3-storey 20m height restriction; a proposed new policy that conflicts with the U3 designation to allow the “tallest buildings” north of Ghent Avenue under the new Official Plan. If this restriction is approved, it will not allow for the tallest buildings as is being proposed under the new Official Plan, and the two properties (789 and 795 Brant Street) will be restricted to a maximum of 3-storeys. The **red line** bisecting the two properties shows the approximate location of the 3-storey 20m (66 feet) height restriction setback.

