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July 6, 2022

Via email: clerks@burlington.ca

Mayor Meed Ward, Chair Galbraith and Members of Council
Environment, Infrastructure and Community Services Committee
City of Burlington
426 Brant St.
Burlington, ON
L7R 3Z6

Dear Mayor Meed Ward, Chair Galbraith and Members of Council:

Re: EICS Committee July 7th, 2022
Item 4.1 Park Dedication By-law Amendment
Mattamy James Street Limited Partnership
Our File No. 13598

We are counsel to Mattamy James Street Limited Partnership (“Mattamy”). Mattamy owns lands located at 2082, 2086 and 2090 James Street in Downtown Burlington. As Committee is aware, Mattamy has worked cooperatively with the City to facilitate the development of the subject lands for a thirteen (13) storey, 150 unit apartment building situated at the southwest corner of James and Martha Streets. Mattamy has received approval of Official Plan and Zoning By-law amendments and Conditional Site Plan Approval for the related Site Plan Application. Based on these approvals, Mattamy has gone to market and 96% of units have now been sold. The pricing of the units is based on the existing parkland dedication fee currently in effect.

Mattamy has significant concerns regarding the proposed parkland dedication by-law and the associated parkland fee increase. Our client shares the concerns and questions raised through the BILD submission. In particular, we understand the City is in the midst of completing a parkland needs study that will not be available until September 2022. Mattamy is also concerned with the limited engagement with the development community.

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However, Mattamy's primary interest is in a fair transitional provision for projects such as Mattamy's Martha James Development. It is fundamentally unfair to so dramatically change the parkland fee structure after all other approvals have been obtained and units have been sold in reliance on the in force fee structure. This is particularly troubling given that we settled all of our issues with the City and accepted a substantial reduction in height of the building.

We respectfully request that Committee defer consideration of the proposed parkland fee increase until such time as the aforementioned study is released in September 2022. This deferral will also enable City staff to review and consider appropriate transitional provisions for specific projects that are well advanced in the approvals process and have been marketed.

Yours truly,



Shelley Kaufman

Yours truly,



Scott Snider

cc: Marion Rabeau, Mgr Parks Design and Construction, City of Burlington
Client

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TURKSTRA MAZZA ASSOCIATES, LAWYERS