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Delegation correspondence

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February 26, 2018

Via Email [newop@burlington.ca](mailto:newop@burlington.ca)

City of Burlington  
Community Development Committee  
c/o Planning Department  
**Attn: Leah Smith**  
426 Brant Street, PO Box 5013  
Burlington, Ontario L7R 3Z6

Dear Ms. Smith;

**Re: Burlington's Proposed New Official Plan (February, 2018)  
Statutory Public Meeting, Victoria-Brant Limited et al.  
Our File No. 13601**

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We are counsel to Victoria-Brant Limited, 1664450 Ontario Inc., 2022 Victoria Avenue Inc. and 2018 Victoria Avenue Inc. ("Victoria-Brant"). Our client owns lands located at the corner of Brant Street and Victoria Avenue in the City of Burlington ("Site" or "Brant Plaza") with municipal address 559-615 Brant Street and 2016, 2018 and 2022 Victoria Avenue. The Site has an area of approximately 6 (six) acres (2.42 ha) and is proposed to be included in the *Mixed-Use Intensification Area* within the *Downtown Urban Growth Centre* (Schedule B). It is to be designated *Urban Centre* (Schedule C) and *Downtown Core Precinct* (Schedule D).

Victoria-Brant has owned the Site since 1985. The Brant Plaza contains retail, service commercial and office uses. A portion of the Site is occupied by a No Frills food store.

Our client has concerns with the proposed Official Plan policies and is requesting that staff be directed to meet to discuss refining the policies that apply to the Site. Its primary concerns with the proposed Official Plan include, but are not limited to, the following:

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

**8.1.1(3.11.2)(b)(i)(ii) Downtown Core Precinct, Site- Specific Policies:** The proposed policies state that as part of any future development all existing retail, service commercial and office floor area shall be maintained along with the food store function. This policy is unduly prescriptive and not appropriate for an Official Plan. We recognize that maintaining the food store at this location is important for the City and our client is willing to consider its continued use. However, requiring our client to commit to maintaining a specific square footage for each of the existing retail, service commercial and office uses is unreasonable and could restrict future development of the Site, which may include residential uses. This would be inconsistent with the PPS and would not conform with the Growth Plan nor the Site's status within the Official Plan. If the new Official Plan will have site specific policies for the Site, our client would like the opportunity to meet with staff to discuss its future development plans.

**8.1.1(3.11.1)(c)(i)(ii)(a)(b) Policies:** This proposed policy restricts the height of any future development to 12 stories, with the option of going to a height of 17 storeys if the conditions in (ii) are met. A height of 12-17 storeys does not provide significant incentive for intensification of the Site, contrary to the PPS, the Growth Plan and the Site's status within the Official Plan. The Site allows for residential development and it would be more appropriate for a higher form of development (in the range of 22 storeys) to be permitted. Any development on the Site could also be supported by the existing food store.

**8.1.1(3.3.1)(j) Policies:** Schedule D of the proposed Official Plan shows a *New Public Park* located in and around the subject Site. It is unclear if this "public park" reference is to apply to privately owned lands. It is not appropriate to identify lands for public use unless there is a commitment from the City to acquire the lands within a reasonable period of time. Locating a public park in this location would also be inconsistent with the overall direction in provincial policy to use fully serviced lands in Urban Growth Centres efficiently. It would also be inconsistent with the identified need for additional public parking in this part of the City.

**8.1.1(3.2)(d)(ii) General Policies:** This policy requires that the service commercial or office uses continue at grade in buildings which have frontage on a public street and pedestrian pathways. It is unclear how this requirement is to be applied to the Site. There is a substantial parking area in front of the food store that is supportive of this particular use. Opportunities for redevelopment should not be confined to developing along Brant Street only.

**8.1.1(3.2)(j) General Policies:** This policy requires that in developments containing both retail and service commercial uses at grade, as well as residential uses (which are planned for the Site), office uses or uses accessory to residential should be required as an intermediary use between areas of the building or floors containing retail and service commercial uses. This intermediary use between floors is proposed to minimize adverse impacts such as noise and vibration that may be caused by some types of retail and service commercial uses. Our client is unsure how this requirement can be incorporated into its future development plans for the Site.

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Our client is currently examining opportunities for the redevelopment of the Site. Given the City's intention to impose detailed site-specific policies on the Site it is certainly necessary and appropriate for staff to meet with our client to ensure that the policies would not frustrate its plans. We are requesting staff be directed to meet with our client to discuss these concerns and to refine the policies in the proposed Plan that apply to the Site, where appropriate.

We respectfully request to be added to the circulation list to receive notice of all future meetings with respect to the new Official Plan as well as copies of any decisions with respect to the Official Plan. Please be sure to also so notify our client directly at:

Victoria-Brant Limited  
c/o Howard Kutner  
50 Acadia Avenue, Suite 307  
Markham, Ontario  
L3R 0B3

Email: [Howard@kutnerlaw.ca](mailto:Howard@kutnerlaw.ca)

If you have any questions, please do not hesitate to contact us.

Yours truly,



Scott Snider

cc: Howard Kutner, Victoria-Brant Limited

at:ss  
13601/1

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