



Planning and Development Committee - Public Meeting
Additional Items

Date: April 10, 2018
Time: 6:30 p.m.
Location: Council Chambers Level 2, City Hall

Pages

5. Regular Items:

5.2 *Section 37 Community Benefits for 421-431 Brant Street (PB-33-18)* 1 - 23



SUBJECT: Section 37 Community Benefits for 421-431 Brant Street

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-33-18

Wards Affected: 2

File Numbers: 505-01/17 & 505-02/17

Date to Committee: April 10, 2018

Date to Council: April 23, 2018

Recommendation:

Approve community benefits in relation to the development of up to 169 dwelling units at 421-431 Brant Street consisting of direct and indirect benefits as outlined in this report; and

Direct the Director of City Building to prepare and execute an agreement pursuant to Section 37 of the *Planning Act* securing the benefits agreed to, to the satisfaction of the City Solicitor, and that such agreement be registered on title to the lands in a manner satisfactory to the City Solicitor to secure said community benefits; and

Direct the Clerk and the Mayor to execute the amending by-law once the owner enters into the Section 37 Agreement.

Purpose:

The purpose of this report is to outline to Committee the direct and indirect community benefits that staff propose to be secured related to the development of up to 169 apartment dwelling units by 421 Brant Street Inc. at 421-431 Brant Street.

The development proposal and the recommendations contained within this report align with the following objectives in Burlington's Strategic Plan 2015-2040:

A City that Grows

- Promoting Economic Growth
- Intensification
- Focused Population Growth

An Engaging City

- Good Governance
- Community Building through Arts and Culture via Community Activities

Background and Discussion:

Background – Development Application

At their meeting of November 13, 2017, Council approved the following recommendations:

Approve the application submitted by 421 Brant Street Inc., to amend the Official Plan and Zoning By-law, as modified by staff in Report PB-62-17, to permit a mixed use development with a height up to 23 storeys; and

Approve Amendment No. 106 to the City of Burlington Official Plan, as contained in Appendix B of Report PB-62-17, to modify the “Downtown Core Precinct” policies affecting 421-431 Brant Street, to permit a mixed-use development consisting of a 23 storey building with a maximum of 169 residential apartment units, a minimum of 365 square metres of office space and 900 square metres of commercial retail space at 421-431 Brant Street; and

Deem that Section 17(21) of the *Planning Act* has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 106 as contained in Appendix B of Report PB-62-17 (File 505-01/17); and

Approve in principle the application by 421 Brant Street Inc., to amend the Zoning By-law, as modified by staff in Report PB-62/17, to permit a mixed use building with a height of up to 23 storeys at 421-431 Brant Street, subject to Section 37 negotiations; and

Direct staff to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and to return to Council with a report outlining the recommended community benefits; and

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 421-431 Brant Street from “DC” and “DC-434” to “DC-473” substantially in accordance with the draft regulations contained in Appendix C of Report PB-62-17 and direct that the amending zoning by-law will not be enacted until completion by the applicant of the following:

- i) Execution of a Residential Development Agreement including the conditions listed in Appendix D of Report PB-62-17; and

- ii) Execution of a Section 37 Agreement, in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City's Official Plan, as they relate to the request for increased density on the subject properties.

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 106 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 106 is adopted (File 520-10/17); and

Approve the proposal by 421 Brant Street Inc., to remove three (3) city-owned trees from the Brant Street and John Street rights-of-way in front of the properties at 421-431 Brant Street identified on Sketch No. 2 in Appendix A of Report PB-62/17, subject to the following:

- i) The Owner shall compensate the City of Burlington for the tree removals by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$3,750); and
- ii) All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

Further to Council's directions as reproduced above, staff have undertaken the Section 37 Community Benefit protocol and have held discussions with the Ward Councillor, the internal Section 37 Committee, and the applicant to secure community benefits in accordance with Section 37 of the *Planning Act* and the City's Official Plan, as discussed in the section below.

Background – Section 37

Section 37 of the *Planning Act* is a tool which allows municipalities to accept tangible community benefits when granting increased density and/or height through an amendment to a City's Official Plan and/or Zoning By-law. An application must be considered "good planning" irrespective of the potential for the community benefit. City Building staff must be in a position to recommend the approval of an application with or without a community benefit being received. Efforts are made for a proximate or functional connection between the proposed development and the facilities, services, or other benefits being required under the Section 37 Agreement.

The acceptance of the community benefits discussed in this report conforms to the existing City of Burlington Official Plan, Part VI Implementation, Section 2.3.2.

Specifically, the City “may encourage the use of community benefits provisions with regard to the following matters:”

- (i) “Provision of a wide range of housing types including special needs, assisted, or other low-income housing.”
 - To assist in the pursuit of long-term affordable housing, the Developer agree to a discount of \$300,000 to be used against the purchase price of up to 10 dwelling units within the subject development, or in the event that a purchase(s) is/are not to occur within the subject development, the Developer agrees to provide the City with a cash contribution of \$300,000 prior to condominium registration, to the satisfaction of the Director of City Building; and
- (iv) “improved access to public transit or implementation of a Travel Demand Management Plan.”
 - The Developer agrees to provide one (1) publicly accessible car share parking space (indirect community benefit assessed at \$50,000) and contribute to the City’s emerging car-share network by accommodating a car-share vehicle for a minimum of two years starting from the first occupancy (indirect community benefit assessed at \$50,000), or equivalent, to the satisfaction of the Director of Transportation; and
- (v) “provision of public areas, crosswalks, and walkways, and connections to external walkways/trail systems.”
 - The Developer agrees to provide a direct community benefit of a \$50,000 contribution towards the future expansion of Civic Square, to the satisfaction of the Executive Director of Capital Works; and
 - The Developer agrees to provide public access by way of an easement to be registered on title for lands located at the northeast corner of Brant Street and James Streets, the minimum dimensions of which are in the form of a triangle measured at 16m by 16m (128m²)(an indirect community benefit assessed at \$75,000), to the satisfaction of the Executive Director of Capital Works; and
- (vi) “provision of public parking.”
 - The Developer agrees to provide eight (8) visitor parking spaces (indirect community benefit assessed at \$400,000), to the satisfaction of the Director of Transportation; and
- (ix) “protection or enhancement of significant views”
 - The Developer agrees, and it is enshrined within the amending zoning by-law, that increased building setbacks, including widened sidewalks on Brant Street, James Street, and John Street, and view corridors on Brant Street and

- James Street to City Hall and the Cenotaph (indirect community benefit accessed at \$250,000), to the satisfaction of the Director of City Building; and
- (x) “provision of affordable housing, beyond the basic Provincial requirements;”
 - See (i) above.
 - (xi) “provision of public art”
 - The Developer agrees to provide a direct community benefit of \$150,000 towards the public art reserve fund to be used within the publicly accessibly privately owned easement area referred to in subsection (v) and/or in the future Civic Square expansion area, to the satisfaction of the Director of City Building; and
 - (xii) “provision of green technology and sustainable architecture”
 - The Developer agrees to implement green technology and sustainable architecture elements into the subject property in accordance with either LEED certification standards and/or compliance with the City’s Sustainable Building and Development guidelines (indirect community benefit accessed at \$300,000), to the satisfaction of the Director of City Building; and
 - (xiii) “provision of streetscape improvements in accordance with Council approved design guidelines”
 - The Developer agrees to implement City of Burlington Streetscape Guidelines Standards within the Brant Street, James Street, and John Street public realm areas, including the expanded building setback areas at-grade and the publicly accessible open space easement area outlined in (v) above (an indirect community benefit accessed at \$150,000), to the satisfaction of the Director of City Building.

Before enacting the amending zoning by-law, the applicant will be required to execute an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director of City Building and the City Solicitor, and that such agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure said benefits. The provisions for community benefits are also included in the zoning by-law.

Planning Instruments

Further to Council’s direction from November 13, 2017, reproduced below, the Official Plan Amendment, Zoning By-law Amendment, and Residential Development Agreement are enclosed for Council’s consideration:

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 421-431 Brant Street from “DC” and “DC-434” to

“DC-473” *substantially in accordance with* the draft regulations contained in Appendix C of Report PB-62-17 and direct that the amending zoning by-law will not be enacted until completion by the applicant of the following:

- i) Execution of a Residential Development Agreement including the conditions listed in Appendix D of Report PB-62-17; and
- ii) Execution of a Section 37 Agreement, in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City’s Official Plan, as they relate to the request for increased density on the subject properties.

Official Plan Amendment No. 106, the amending Zoning By-law, and the Residential Development Agreement are attached to this report for Council’s approval. The amending Zoning By-law contains the following minor deviations from Report PB-62-17:

- In response to feedback received from the public, the minimum commercial ground floor area contained in the attached amending Zoning By-law has increased to 935m² from 900m²;
- In response to feedback received from the public, the developer has agreed to add a third elevator shaft to the residential building. As a result, and to comply with Building Code and Fire Code requirements, the mechanical penthouse has been expanded to include three elevator shafts, two fire access stair wells, enclosed hvac and mechanical systems, and a lobby providing access to the rooftop amenity area. Accordingly, the setback for the Brant Street side has been changed to 15.2m from 19m, the setback for the James Street side has changed to 14m from 15.2m, the setback for the John Street side has been changed to 13.5m from 9.1m, and the setback for the north property line has changed to 13m from 14.5m. City Building staff have confirmed that the expanded mechanical penthouse will not be visually perceivable from the sidewalk on the opposite sides of Brant Street, John Street, or James Street.
- A 10cm construction tolerance has been provided for all setbacks including and above floor 5.

Financial Matters:

Not applicable.

Total Financial Impact

The City will receive a total of up to \$500,000 in financial contributions to be placed into the Public Benefits reserve fund for their defined purposes, as outlined above.

Source of Funding

Not applicable.

Connections:

Members of the Section 37 Community Benefit Committee have met to discuss this matter and concur with the appropriateness of the types of community benefits sought and recommended in this report.

Public Engagement Matters:

The development applications were subject to the standard notification requirements to residents within 120 metres of the subject properties following the submission of a complete application in February 2017. A neighbourhood meeting was held on March 28, 2017, and the statutory public meeting was held on May 2, 2017. Furthermore, interested parties were notified of the November 1, 2017 Planning and Development Committee meeting.

Conclusion:

As per department of city building report PB-62-17, Council has approved the development applications to permit a mixed-use building with a maximum height of 23 storeys at the subject lands known municipally as 421-431 Brant Street provided that staff bring forward a finalized Official Plan Amendment, Zoning By-law Amendment, Residential Development Agreement, and a Section 37 community benefit proposal. Staff are of the opinion that the proposed community benefits are appropriate based on the increased density recommended for the site and are to be used on public realm improvements located on, adjacent, or in proximity to the subject lands.

Staff recommend that the proposed community benefits as outlined in this report be approved by Council and that staff be directed and the applicant be required to execute an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director of City Building and the City Solicitor, and that such agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure these community benefits.

Respectfully submitted,

Tami Kitay

Manager of Development Planning

905.335.7600 ext. 7638

Appendices:

- A. Official Plan Amendment No. 106
- B. Zoning By-law Amendment
- C. Residential Development Agreement

Notifications:

Mark Bales, 421 Brant Street Inc. - mark@carriagegatehomes.com

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

AMENDMENT NO.106 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 106 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to amend the existing Downtown Core designation of 421 – 431 Brant Street to facilitate the development of a 23 storey, mixed use building with 4 levels of underground parking and a maximum floor area ratio of 9.45:1.

2. SITE AND LOCATION

The subject lands are comprised of the southern portion of the City block bound by Brant Street to the west; James Street to the south; and John Street to the east. The five properties, known municipally as 421, 425, 427, 429 and 431 Brant Street, have a combined area of 0.2 hectares (0.5 acres) and currently accommodate several commercial / retail buildings and operations as well as surface parking areas to the rear accessed from John Street.

Surrounding land uses consist of retail / commercial uses to the north of the subject properties; retail / commercial uses and residential land uses to the east; retail / commercial uses, office uses (southeast), and residential uses (southwest) to the south; and City Hall to the west.

3. BASIS FOR THE AMENDMENT

- a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS). The PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, recreation, parks and open spaces and transportation choices that increase the use of active transportation and transit before other modes of travel;
- b) Build towards the achievement of a complete community that is compact, transit-supportive and makes effective use of investments in infrastructure and public service facilities. Contribute towards a community that is well-designed, offers transportation choices, accommodates people at all stages of life and provides the right mix of housing, and good range of jobs and easy access to stores and services to meet daily needs.

- c) Directing intensification to areas in proximity to transit and mixed use centres by providing policies that identify the appropriate type and scale of development to assist the City in achieving its intensification targets and meet the intent of the Provincial Growth Plan and the Region of Halton Official Plan;
- d) The property is identified within the boundary for the Downtown Urban Growth Centre. Within the Urban Growth Centre boundary as delineated on Schedule B, Comprehensive Land Use Plan – Urban Planning Area, and Schedule E, Downtown Mixed Use Centre, the target is established of a minimum gross density of 200 residents and jobs per hectare, in accordance with the Provincial Growth Plan for the Greater Golden Horseshoe, 2017. The proposed higher intensity development with 169 units will contribute to reaching the minimum density target required for the Urban Growth Centre.
- e) Permitting a high density tall building form supports the City's residential objectives to broaden the range of housing forms to meet the City's need and address compatibility with surrounding properties;
- f) The subject development would establish the context of design excellence in the Downtown to maintain and enhance the Downtown's image as an enjoyable, safe and pedestrian-oriented place designed to complement pedestrian activity and surrounding context;
- g) The subject development would recognize and enhance the civic and public gathering functions existing at the Brant Street and James Street intersection. The development would also establish significant view corridors from James Street to City Hall, Civic Square and the War Memorial (Cenotaph);
- h) The applicant submitted technical studies and reports that provide adequate and appropriate information to support the development; and,
- i) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities so meets Official Plan policies to provide housing opportunities in locations that can reduce travel times and decrease dependence on the car.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None Proposed

Text Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as follows:

By deleting policy m) in Part III, Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.8 Downtown Core Precinct, and replacing it with the following policy:

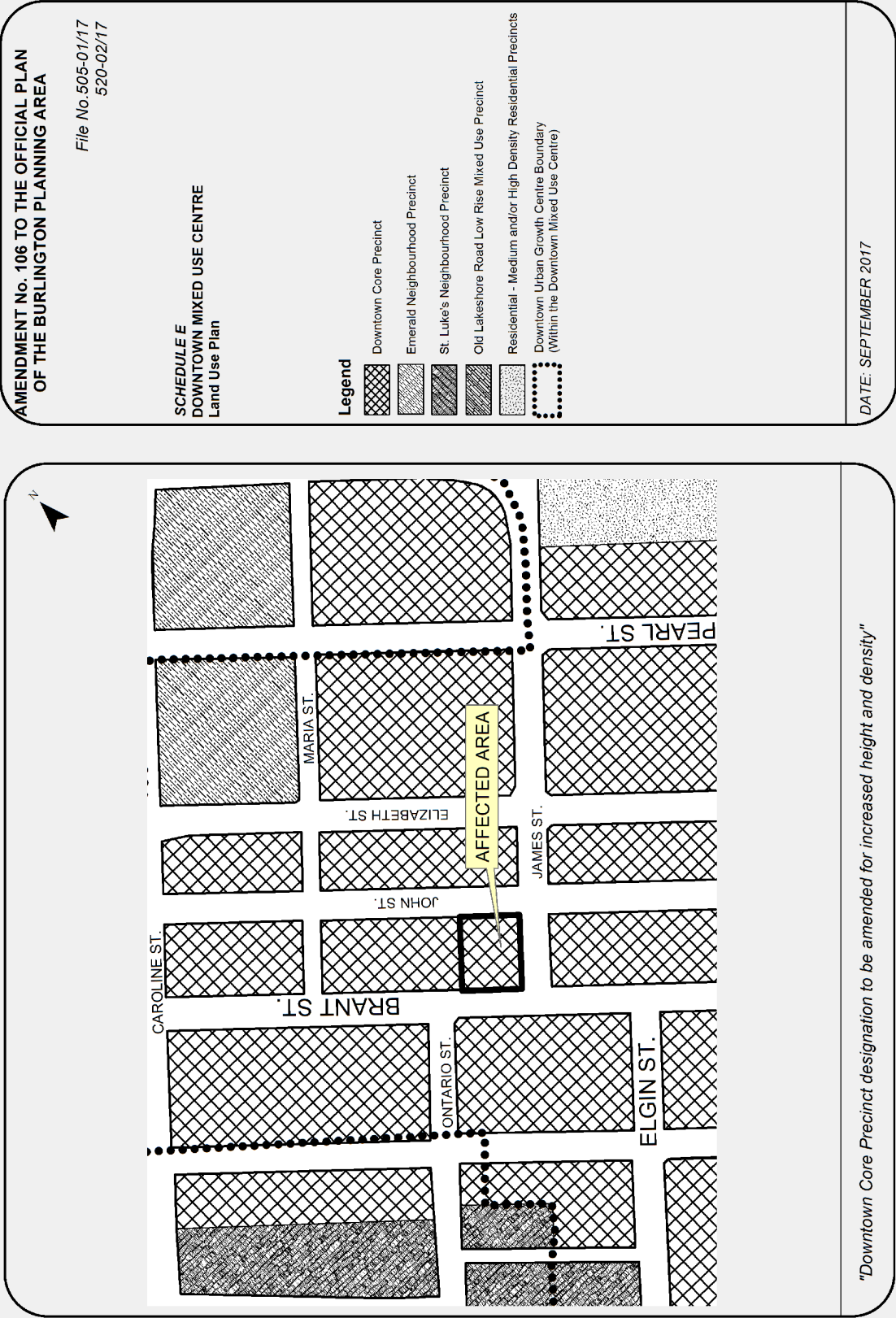
North-east corner of Brant Street and James Street	m) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 421, 425, 427, 429 and 431 Brant Street, the maximum height of buildings shall be 23 storeys and 81 metres. The maximum floor area ratio shall be 9.45:1.
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2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the Burlington Planning Area.



BY-LAW NUMBER 2020.XXX, SCHEDULE 'A' AND EXPLANATORY NOTE**THE CORPORATION OF THE CITY OF BURLINGTON****BY-LAW NUMBER 2020.XXX**

Being a By-law to amend By-law 2020, as amended; for 421 – 431 Brant Street, for the purpose of facilitating the development of a 23 storey mixed use building.

File Nos.: 505-01/17 & 520-02/17 (PB-62/17)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved PB-62/17 on November 13, 2017, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential development consisting of a residential apartment building;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 9A of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from DC and DC-434 to DC-473.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by replacing Exception 434 with the following:

Exception 473	Zone DC-473	Map 9A	Amendment 2020.XXX	Enacted
1. <u>Regulations for Apartment Building</u>				
	a) Apartment buildings shall be subject to footnote (g) of Table 6.2.1 and shall contain a minimum of 365 square metres of office space on the second storey			
	b) Ground floor retail and/or service commercial area		935m ²	
	c) Lot Area		0.2 ha	
	d) Density		169 units maximum	
	e) Floor Area Ratio		9.45:1 maximum	
	f) Yard Abutting Brant Street			
	Floors 1 to 4		2.9m	
	Floors 5 to 18		9.2m	
	Floors 19 to 22		10.2m	

Floor 23	15.2m
g) Yard Abutting James Street	
Floors 1 to 4	2.6m
Floors 5 to 18	5.5m
Floors 19 to 22	6.5m
Floor 23	14m
h) Yard Abutting John Street	
Floors 1 to 4	1.8m
Floors 5 to 20	5.2m
Floors 21 and 22	6.2m
Floor 23	13.5m
i) Side Yard (North)	
Floors 1 to 2	0m
Floors 2 to 5	0m
Floors 6 to 22	12.4m
Floor 23	13m
j) Balconies	
Floors 2 to 4	Balconies cannot encroach into a required yard
Floors 5 to 22	Balconies can encroach a maximum of 2m into a required yard
k) Parking Structure	
Abutting a street	0.5m
Abutting all other lot lines	0.7m
Entrance and exit ramps to below grade parking structure setback	6m
l) Building Height	23 storey maximum taken from fixed grade up to 81m
Floor 1	5m
Floor 2	3.9m
i) Maximum Floor Area	
Storeys at or above the 6 th storey	760m ²
j) Glazing Percentage on the First Storey Elevation Facing a Street	
John Street	25%
m) Parking	
Occupant parking	1.2 parking spaces per residential unit
Visitor parking spaces	8
n) Visibility Triangle	
Brant Street x James Street	16m x 16m
James Street x John Street	6m x 6m

2. Community Benefits pursuant to Section 37 of *The Planning Act*:

- a) To assist in the pursuit of long-term affordable housing, the Developer agree to a discount of \$300,000 to be used against the purchase price of up to 10 dwelling units within the subject development, or in the event that a purchase(s) is/are not to occur within the subject development, the Developer agrees to provide the City with a cash contribution of \$300,000 prior to condominium registration, to the satisfaction of the Director of City Building; and
- b) The Developer agrees to provide one (1) publicly accessible car share parking space (indirect community benefit assessed at \$50,000) and contribute to the City's emerging car-share network by accommodating a car-share vehicle for a minimum of two years starting from the first occupancy (indirect community benefit assessed at \$50,000), or equivalent, to the satisfaction of the Director of Transportation; and
- c) The Developer agrees to provide a direct community benefit of a \$50,000 contribution towards the future expansion of Civic Square, to the satisfaction of the Executive Director of Capital Works; and
- d) The Developer agrees to provide public access by way of an easement to be registered on title for lands located at the northeast corner of Brant Street and James Streets, the minimum dimensions of which are in the form of a triangle measured at 16m by 16m (128m²)(an indirect community benefit assessed at \$75,000), to the satisfaction of the Executive Director of Capital Works; and
- e) The Developer agrees to provide eight (8) visitor parking spaces (indirect community benefit assessed at \$400,000), to the satisfaction of the Director of Transportation; and
- f) The Developer agrees, and it is enshrined within the amending zoning by-law, that increased building setbacks, including widened sidewalks on Brant Street, James Street, and John Street, and view corridors on Brant Street and James Street to City Hall and the Cenotaph (indirect community benefit assessed at \$250,000), to the satisfaction of the Director of City Building; and
- g) The Developer agrees to provide a direct community benefit of \$150,000 towards the public art reserve fund to be used within the publicly accessibly privately owned easement area referred to above and/or in the future Civic Square expansion area, to the satisfaction of the Director of City Building; and
- h) The Developer agrees to implement green technology and sustainable architecture elements into the subject property in accordance with either LEED certification standards and/or compliance with the City's Sustainable Building and Development guidelines (indirect community benefit assessed at \$300,000), to the satisfaction of the Director of City Building; and

- i) The Developer agrees to implement City of Burlington Streetscape Guidelines Standards within the Brant Street, James Street, and John Street public realm areas, including the expanded building setback areas at-grade and the publicly accessible open space easement area outlined above (an indirect community benefit accessed at \$150,000), to the satisfaction of the Director of City Building.

Except as amended herein, all other provisions of this By-law, as amended, shall apply

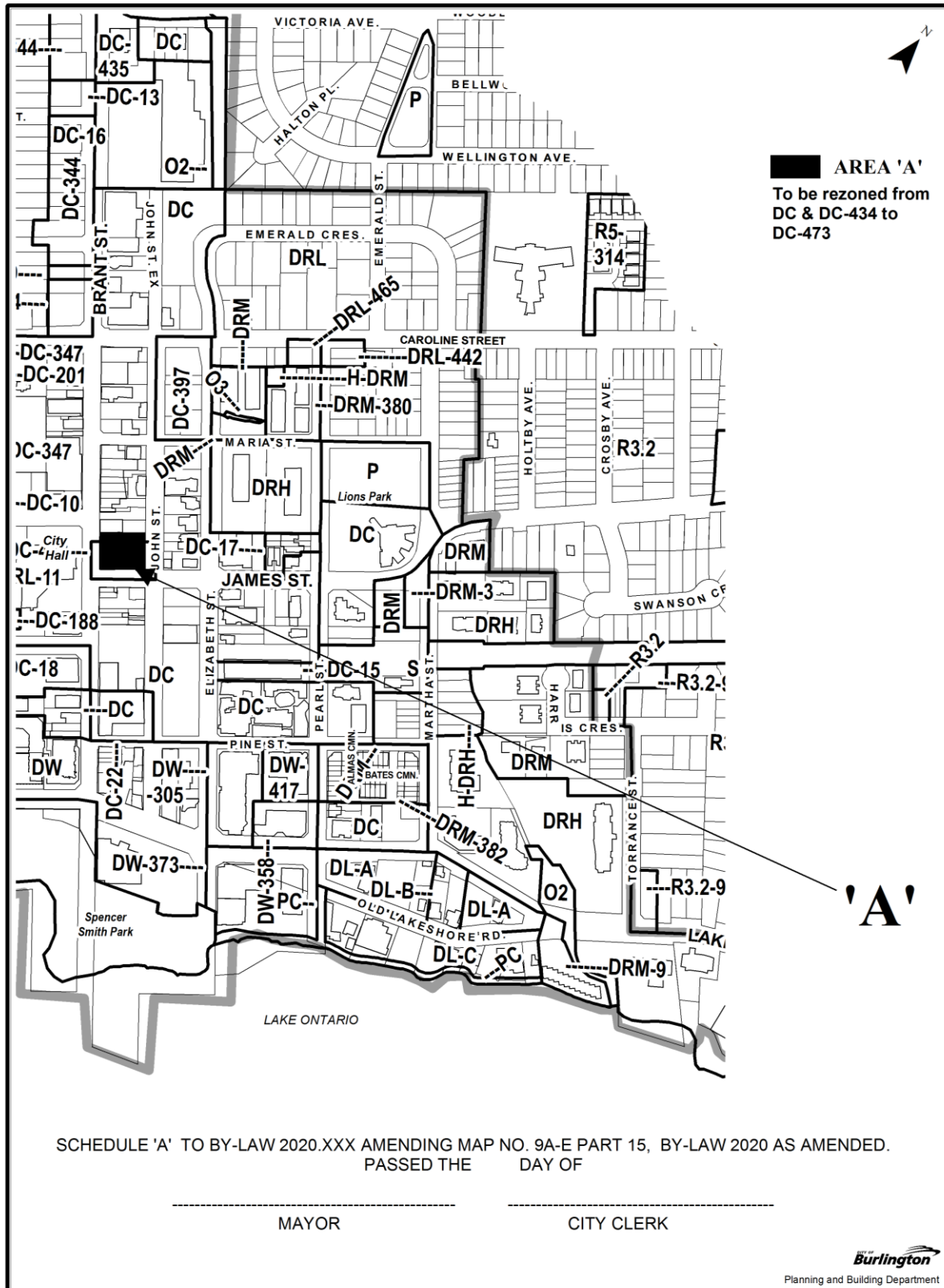
- 5 a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed;
- 5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this.....day of2018.

_____ MAYOR

_____ CITY CLERK

Schedule 'A' to By-law 2020.XXX



EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX

By-law 2020.XXX rezones lands 421 – 431 Brant Street, to permit a mixed use development consisting of a 23 storey building, with ground floor retail / commercial uses, 2nd floor office uses and residential apartment units above.

For further information regarding By-law 2020.XXX, please contact Kyle Plas of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7453.

DRAFT

CONDITIONS OF ZONING APPROVAL

Prior to the enactment of the amending zoning by-law, the owner shall sign the City's standard Residential Development Agreement and any other necessary agreement(s) in effect on the date of signing. The agreement(s) shall be signed within one year of the date of Council approval, failing which, Council's approval shall lapse. The Residential Development Agreement shall include the following:

- 1) The Owner shall complete the following to the satisfaction of the City of Burlington Director of Planning and Building:
 - a. With the site plan application, provide streetscape details including street furniture along Brant Street, James Street and John Street to the satisfaction of the Director of Planning and Building;
 - b. Agree to consolidate the properties into one parcel prior to condominium registration to the satisfaction of the Director of Planning and Building;
 - c. Agree to establish a privately owned unobstructed by structural columns publicly accessible open space measuring 16m x 16m (128 square metres) at the corner of Brant Street and James Street to the satisfaction of the Director of Planning and Building and register a public access agreement across this open space;
 - d. Agree to include building setbacks as indicated in the site specific zoning by-law amendment, material variations and other design treatments to all floors above the 18th floor to the satisfaction of the Director of Planning and Building;
- 2) The Owner shall complete the following, or equivalent, to the satisfaction of the Burlington Director of Transportation Services:
 - a. Submit for approval a Transportation Management Plan, with measures to reduce vehicular demand and encourage the use of public transit, cycling and walking, that addresses the following:
 - i. The owner shall provide one (1) car share parking space with pavement marking delineation specific to the car-share use;
 - ii. The owner shall enter into a minimum two-year agreement with a community car-share provider and finance the placement of one car-share vehicle;
- 3) The Owner shall complete the following to the satisfaction of the Executive Director of Capital Works:

- a. The site will need to be remediated and a Record of Site Condition be filed prior to above-grade super structure permit issuance. A site remediation report will be required prior to Final Site Plan Approval which shall address off-site contamination as well as on-site contamination.
 - b. The Owner agrees to place the following notifications in all offers of purchase and sale for all units and in the condominium agreement, to be registered on title:
 - i. 'Purchaser / tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.'
 - ii. 'This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.'
 - c. Submit for review and approval a copy of a Geotechnical Investigation for the proposed Residential Development stamped and certified by a Professional Engineer prior to final site plan approval;
 - d. Submit for review and approval site grading and servicing plans, stamped and certified by a Professional Engineer or Ontario Land Surveyor prior to final site plan approval;
 - e. Agree that road restoration is to be completed, the extent of which will be determined at the site plan stage;
 - f. Agree to provide storm water quantity and quality control;
 - g. Submit for review and approval an updated Environmental Noise Assessment prior to final site plan approval;
 - h. The Owner agrees to provide cash-in-lieu of parkland dedication for this development.
- 4) The Owner shall complete the following to the satisfaction of the City Arborist:

- a. The Owner shall compensate the City of Burlington for the removal of three (3) city-owned trees from the Brant Street and John Street rights-of-way in front of the properties at 421 -431 Brant Street by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$3,750.00);
 - b. The Owner agrees that all associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved by the City;
 - c. The Owner agree to submit a landscape plan for the three street frontages, which includes appropriate City trees and infrastructure to accommodate them, to the satisfaction of the Executive Director of Capital Works.
- 5) The Owner shall complete the following to the satisfaction of the Burlington Director of Finance:
- a. Prior to the enactment of the By-law, pay all outstanding property taxes;
 - b. Property taxes must be paid. This includes all outstanding balances plus the current year taxes that have been billed but not yet due. Local improvements must be commuted.
- 6) The Owner shall complete the following to the satisfaction of the Halton District School Board:
- a. The Owner agrees to place the following notification in all offers of purchase and sale for all lots / units and in the City's subdivision / condominium agreement, to be registered on title:
 - i. Prospective purchasers are advised that pupils may be accommodated in temporary facilities and / or be directed to schools outside of the area.
 - ii. Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
 - b. The Owner agrees that in cases where the offers of purchase and sale have already been executed, the owner sends a letter to all purchasers which includes the above statements.

- c. The Owner agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.
 - d. The Owner agrees to supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and erect them prior to the issuance of building permits.
 - e. The Owner agrees that a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the Halton District School Board.
- 7) The Owner shall complete the following to the satisfaction of the Halton Catholic District School Board:
- a. The Owner agrees to place the following notification in all offers of purchase and sale for all lots / units and in the City's subdivision / condominium agreement, to be registered on title:
 - i. Prospective purchase are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and / or bused to existing facilities outside the area.
 - ii. Prospective purchases are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you area notified that school buses will not enter cul-de-sacs.
 - iii. In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements.
 - b. The Owner agrees to supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that if a permanent school is not available alternative accommodation and / or busing will be provided. The Owner will make these signs to the specifications of the HCDSB and erect them prior to the issuance of building permits.

- c. The Developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the HCDSB. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.

Notes:

- 1) The Owner, its successors and assigns, is hereby notified that City development charges may be payable in accordance with By-law No. 49-2009, as may be amended, upon issuance of a building permit at the rate in effect on the date issued.
- 2) Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Subdivision / Condominium Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.