



**Planning and Development Committee - Public Meeting  
Agenda**

**Date:** May 14, 2018  
**Time:** 6:30 p.m.  
**Location:** Council Chambers Level 2, City Hall

**Pages**

**1. Declarations of Interest:**

**2. Statutory Public Meetings:**

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act.

- 2.1 Recommendation report regarding official plan and zoning by-law amendments for 452 and 454 Locust Street, 1437 and 1445 Elgin Street (PB-45-18)

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**3. Delegation(s):**

In order to speak at a Planning and Development Committee - Public meeting, individuals must register no later than noon on the day before the meeting. To register, complete the online application at [www.burlington.ca/delegation](http://www.burlington.ca/delegation), email [cityclerks@burlington.ca](mailto:cityclerks@burlington.ca) or phone 905-335-7600, ext. 7481.

**4. Consent Items:**

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

**5. Regular Items:**

- 5.1 Recommendation report regarding official plan and zoning by-law amendments for 490-492 Brock Avenue, 1298 Ontario Street (PB-16-18)

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**6. Confidential Items:**

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

7.    **Procedural Motions:**
8.    **Information Items:**
9.    **Staff Remarks:**
10.   **Committee Remarks:**
11.   **Adjournment:**



**SUBJECT:** Statutory Public Meeting and Report Recommending Approval  
of an Official Plan and Zoning By-law Amendment at 452 and  
454 Locust Street, 1437 and 1445 Elgin Street

**TO:** Planning and Development Committee

**FROM:** Department of City Building - Planning Building and Culture

Report Number: PB-45-18

Wards Affected: 2

File Numbers: 505-05/17 and 520-13/17

Date to Committee: May 14, 2018

Date to Council: May 22, 2018

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### **Recommendation:**

Approve a modified version of the application submitted by Saxony Developments Inc. to amend the Official Plan and Zoning By-law to permit a seven storey mixed-use development consisting of ground floor commercial, 60 residential units and mechanical penthouse and rooftop amenity on the seventh storey on the basis that it conforms to the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan; and,

Approve Amendment No. 112 to the City of Burlington Official Plan, as contained in Appendix B of Report PB-45-18, to designate the subject lands "Downtown Mixed Use Centre with site specific policy", to permit a six storey mixed-use development consisting of ground floor commercial and 60 residential units; 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. 112 as contained in Appendix B of Report PB-45-18; and,

Approve Zoning By-law 2020.XXX, attached as Appendix C of report PB-45-18, rezoning the lands at 452 and 454 Locust Street, 1437 and 1445 Elgin Street from "DC-348" to "DC-481".

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 112 is adopted; and,

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 112 is adopted.

<b>RECOMMENDATION:</b>		<i>Modified Approval</i>	<b>Ward No.:</b>	<b>2</b>
<b>Application Details</b>	<b>APPLICANT:</b>  <b>OWNER:</b>  <b>FILE NUMBERS:</b>  <b>TYPE OF APPLICATION:</b>  <b>PROPOSED USE:</b>	<i>Greg Poole, Greg Poole &amp; Associates Inc.</i>  <i>Saxony Developments Inc.</i>  <i>505-05/17 and 520-13/17</i>  <i>Official Plan &amp; Zoning By-law Amendment</i>  <i>7-storey mixed use building with one floor of commercial and residential, five floors of residential, and additional space on top of the sixth floor for mechanical penthouse and rooftop amenity.</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>  <b>MUNICIPAL ADDRESS:</b>  <b>PROPERTY AREA:</b>  <b>EXISTING USE:</b>	<i>North side of Elgin Street, between Locust Street and Blathwayte Lane</i> <i>452-454 Locust Street, 1437 and 1445 Elgin Street</i>  <i>0.25 ha</i>  <i>Vacant</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>  <b>OFFICIAL PLAN Proposed:</b>  <b>ZONING Existing:</b>  <b>ZONING Proposed:</b>	<i>Downtown Mixed-Use Centre</i>  <i>Downtown Mixed-Use Centre with site specific policy</i>  <i>Downtown Core – Site Specific Exception (DC-348)</i>  <i>Downtown Core – Site Specific Exception (DC-481)</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>  <b>PUBLIC COMMENTS:</b>	<i>January 11, 2018</i>  <i>Staff have received 16 emails.</i> <i>Note: Some constituents sent multiple pieces of correspondence.</i>		

## **Purpose:**

Applications have been submitted requesting amendments to the City's Official Plan and Zoning By-law 2020 for the subject property in order to permit a six storey 60-unit mixed-use development. Appendix A contains sketches showing the proposed development.

The applicants are proposing to amend the Official Plan ("Downtown Mixed Use Centre") and Zoning By-law ("Downtown Core – Site Specific Exception (DC-348)") to permit the proposed seven storey mixed use building with a density of 240 units per hectare.

The development proposal aligns with the following objective in Burlington's Strategic Plan 2015-2040:

### **A City that Grows**

- Intensification
  - 1.2 d) Transitioning neighbourhoods are being designed to promote easy access to amenities, services, recreation and employment areas with more opportunities for walking, cycling and using public transit; and,
  - 1.2 h) Burlington has a downtown that supports intensification and contains green space and amenities, has vibrant pedestrian-focused streets, is culturally active and is home to a mix of residents and businesses.
- Focused Population Growth
  - 1.3 a) Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

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## **Background and Discussion:**

### **Site Description:**

The subject property is located on the north side of Elgin Street between Locust Street and Blathwayte Lane. The property has an area of 0.25 hectares (0.62 acres). The site is currently vacant; however excavation of the lands is currently underway. Surrounding land uses include the following:

North: Office uses in converted single detached dwellings fronting onto Locust Street, residential townhouses fronting onto Blathwayte Lane

East: City Hall and two-storey commercial units

South: Burlington Performing Arts Centre  
West: St. Luke's Close Seniors Apartments

### **Description of Application and History:**

A Site Plan application was submitted to the City in 2015. The application proposed a five-storey, 37 unit mixed-use building with the fifth floor being used for mechanical penthouse and amenity area. In order to facilitate the proposed development, a number of minor variances were required. The applicant obtained approval of the minor variances from the Committee of Adjustment and subsequently obtained draft Site Plan approval for the five-storey proposal. A copy of the Committee of Adjustment meeting minutes with a list of previously approved variances is attached as Appendix "D".

On November 7, 2017, the Department of City Building acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment to facilitate an additional two storeys to the previously proposed five storey building. The rooftop includes a mechanical penthouse and amenity area. Both the indoor areas and the outdoor patio on top of the sixth floor will be located near the corner of Locust Street and Elgin Street in order to mitigate privacy impacts on adjacent residential developments. The location of the subject lands and a detail sketch are illustrated in Appendix A.

The current Official Plan designation on the subject lands is "Downtown Mixed Use Centre" in accordance with Schedule "B" of the Official Plan. The lands are more specifically designated as "Downtown Core Precinct" and are subject to the specific policies listed in Part III, Section 5.5.8.1 of the City's Official Plan. The current zoning is "Downtown Core with site specific exception (DC-348)". The applicant is proposing to construct one storey of commercial and residential units, five storeys of residential units only and an additional storey consisting of a mechanical penthouse and amenity area. It should be noted that the additional area proposed on top of the sixth storey is the same as the previously approved rooftop mechanical penthouse and amenity area; however it would be two floors higher than the original approval. Site specific amendments to the Official Plan and Zoning By-law are required to facilitate the proposal.

The proposed building will have frontage on Locust Street, Elgin Street and Blathwayte Lane. Commercial units are proposed along the Locust Street frontage only; along with six ground floor residential units fronting onto Elgin Street and Blathwayte Lane. Residential units are proposed on floors 2 to 6, for a total of 60 units. The application also proposes three levels of underground parking, which would be accessed from Locust Street. It should be noted that the three levels of underground parking and the rooftop amenity area were approved through the previous Site Plan application process and construction is currently underway. No surface parking is proposed. The proposed

density for the development is 240 units per hectare, and the proposed Floor Area Ratio (FAR) is 4.6:1.

Information report PB-26-18, including all public comments received up until the date of the writing of the report, was presented to the Planning and Development Committee on April 4, 2018, when a Statutory Public Meeting was held.

Throughout the process, the applicant met with both staff and the public on numerous occasions. In March of 2018, the applicant submitted revised applications. The revised applications addressed some concerns that were raised by the public related to the design of the building and added terracing and landscape screening, which will be discussed in further detail within this report.

This report provides details of the application and an analysis of the proposal against applicable policies and regulations. Agency comments from the technical circulation are included. It is recommended that the site be designated “Downtown Mixed-Use Centre with Site Specific Policy” in the City’s Official Plan, and that the property be rezoned from “Downtown Core with Site Specific Exception (DC-348)” to “Downtown Core with Site Specific Exception (DC-481)”, with modified zoning regulations. Staff are recommending increased setbacks above the 5<sup>th</sup> and 6<sup>th</sup> floors abutting Blathwayte Lane and are recommending that balconies within the terraced portions of the fifth and sixth storeys incorporate landscape screening. This is to provide some visual space between the three storey St. Luke’s Close, the two storey townhouses to the north, and the proposed mixed-use building.

The following documents were submitted as part of the application:

- [Planning Justification Report](#) (prepared by Greg Poole & Associates Inc., dated December 2017)
  - This document outlines details of the proposal, including the site context and applicable policy framework.
- [Site Plan](#) (prepared by Roderick Lahey Architect Inc., revision dated March 6, 2018)
  - The Site Plan drawing depicts the proposed site design, site statistics and development standards.
- [Phase II Environmental Site Assessment](#) (prepared by Hallex Environmental Limited, dated September 28, 2017)
  - This document outlines the existing site conditions and notes that no further environmental site assessment work is considered to be necessary.
- [Noise Impact Brief](#) (prepared by DBA Acoustical Consultants Inc., dated September 11, 2017)

- This brief is an addendum to the Noise Study that was reviewed at the prior Site Plan application process and indicates that two additional residential floors (to the previously approved four floors) would be an improvement for existing residences as the HVAC units would be located two storeys higher and therefore further away from existing development. Noise mitigation measures will still be required and implemented through the Site Plan process.
- [Urban Design Brief](#) (prepared by GSP Group and Roderick Lahey Architect Inc., dated September 2017)
  - This document describes the proposal and provides justification as to how the proposed design is compatible with existing development.
- [5<sup>th</sup> and 6<sup>th</sup> Floor Plans](#) (dated September 2017)
  - Floor Plans were submitted for the additional two proposed storeys and outline the extent and layout of the proposed units.
- [Shadow Study](#) (prepared by GSP Group, dated February 2018)
  - The Shadow Study depicts the proposed shadow impact on surrounding development. The study compares the shadow impact of the previously approved four storeys with the impact of the two additional storeys. The study concludes that very little additional shadowing is proposed.
- [Perspective Drawings](#) (prepared by Roderick Lahey Architect Inc., dated February 2018)
  - The perspective drawings show proposed design changes made by the applicant, which are outlined further in this report.

## **Discussion:**

### **Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to the following policy framework: the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Halton Regional Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020, as amended.

### **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement provides broad policy direction on land use planning and development matters of provincial interest. The PPS provides policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses. The Provincial Policy Statement promotes intensification, but also requires that a municipality determine the appropriate locations for intensification and the appropriate standards to apply to intensification.

Subsection 1.1.1 e) of the Provincial Policy Statement states that healthy, livable and safe communities are sustained by *“promoting cost-effective developments and standards to minimize land consumption and servicing costs”*; and subsection 1.1.3.2 a) 2) states that land use patterns within settlement areas shall be *“appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion”*.

Adequate servicing exists for the proposed development, and the proposal is a more compact built form. Further, the proposed development seeks to intensify a property that has the existing potential for redevelopment and intensification. As such, existing infrastructure and land can be used efficiently and responsibly.

Policy 1.1.3.3 states that planning authorities must *“identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”*.

This policy states that a municipality is to identify appropriate locations for intensification while considering the characteristics of the location and the availability of infrastructure and public services. The subject lands are located within the Downtown Core, and adequate infrastructure is available to support the proposed development. Staff are of the opinion that the subject lands are an appropriate location for the proposed development.

Subsection 1.1.3.4 of the Provincial Policy Statement requires planning authorities to promote appropriate development standards *“which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”*.

The City of Burlington Official Plan contains a set of evaluation criteria for intensification that must be carefully considered. These criteria help to ensure that development does mitigate risks to public health and safety. The proposed development is analyzed in accordance with the City’s intensification policies further in this report, and staff are of the opinion that the criteria are met if the proposal is modified as recommended.

Subsection 1.4.3 e) states that *“planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”*, and, in subsection 1.4.3 d), *“promoting densities for new housing which efficiently use land, resources, infrastructure and public service*

*facilities, and support the use of active transportation and transit in areas where it exists or is to be developed”.*

The proposed development supports population growth and intensification and contributes to the establishment of a range and mix of housing types. The proposed changes to the Zoning and Official Plan will support compact built form while having regard for public health and safety. The development proposal will also promote walkability by providing ground level commercial uses that will improve the pedestrian experience.

The City of Burlington has established development standards for residential intensification through the Intensification Evaluation Criteria in its Official Plan. This application, as modified, has been assessed against these criteria and meets them if modified as recommended by staff. The development proposal is consistent with the PPS as it facilitates intensification in the built-up area, accommodates an appropriate range of uses to meet long-term needs of the community and proposes to use existing infrastructure.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the existing urban areas through intensification. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient, well-designed form.

Subsection 2.2.1.2 a) of the Growth Plan states that *“the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities”.*

The application proposes to intensify an existing property. The subject property is located in an area which is comprised of a mix of uses, and the proposed development would contribute to a complete community. The proposed mixed use building would use existing infrastructure and would be promoting growth and intensification within the urban area.

Part 2.2.2, Delineated Built-up Areas, Policy 4 states that *“all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will:... identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development”.*

Part 5, Section 5.2.5(6) states that *“In planning to achieve the minimum intensification and density targets in this Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form”*.

The property is in an identified “Downtown Core Precinct” within the City’s Official Plan. This land use designation allows for a mix of uses and encourages intensification. The Official Plan also contains intensification policies, discussed in further detail in this report, which assist in determining which areas are appropriate for intensification. Staff find the subject application is consistent, as modified, with the Growth Plan as it supports a compact and efficient development form as well as a complete community.

While the Burlington Official Plan is supportive of potential growth and intensification, it must also be compatible with the character of the existing neighbourhood. The proposed development meets the evaluation criteria for intensification projects in the City and is therefore consistent with the Places to Grow Act.

### **Halton Region Official Plan (ROP)**

The subject lands are designated “Urban Area” within the Regional Official Plan. Urban areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

Objective 78(1) of the Regional Official Plan is to *“provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation and is environmentally more sustainable”*.

As previously mentioned, the City developed evaluation criteria for intensification proposals based on the above-noted requirements, among others. Staff are of the opinion that the applicant has worked with staff and the public to ensure that the proposed built form can be compatible with the variety of land uses surrounding the subject lands; which include residential uses; commercial uses; Burlington City Hall and the Burlington Performing Arts Centre. The building will relate to the street and will help to foster social interaction and promote live-work relationships. By promoting walkability (which will be further enhanced at the Site Plan stage where the City’s forthcoming Downtown Streetscape Guidelines will be implemented), public safety and security will be enhanced. The proposed development is in proximity to several bus routes and is within walking distance to a range of land uses including retail, restaurants and parks. This will both reduce travel by private automobile and promote active transportation.

Policy 81(6) of the Regional Official Plan requires that local municipalities “*ensure the proper integration of Intensification Areas with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes and the protection of the physical character of these neighbourhoods through urban design*”. The proposed development is located within the city’s downtown core. In this area pedestrian connectivity, transit and the character of neighbourhoods are of particular importance. The proposal has regard for contributing to a vibrant downtown by providing for ground floor commercial uses, but respects the adjacent historic neighbourhood character. Staff are recommending that the application incorporate changes to the design, such as terracing and screening, to mitigate potential negative impacts such as sun-shadowing and privacy, through the modified approval.

In order to enforce the compatibility of the proposed development in the context of the surrounding area, the City’s Official Plan contains Evaluation Criteria for intensification. A full analysis of the proposal in relation to the Evaluation Criteria is included in the City of Burlington Official Plan section of this report.

Policy 86(6) of the Regional Official Plan requires that “*at least 50 per cent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings*”.

The proposed development is for a multi-storey mixed use building, which is also a permitted form of development within the City of Burlington Official Plan. As such, the proposed development meets this criteria.

For the reasons noted above, staff are of the opinion that the proposed development is in keeping with the Halton Region Official Plan; and that the City’s evaluation criteria for intensification proposals help to implement these policies.

### **City of Burlington Official Plan**

The subject lands are located within the “Downtown Core Precinct” of the “Downtown Mixed-Use Centre” designation of the City’s Official Plan. This designation allows for commercial uses; high-density residential uses (including the residential use of upper storeys of commercial buildings); cultural uses; recreation and hospitality uses; entertainment uses and community facilities. The Official Plan allows for a maximum height of four storeys, in accordance with Part III, Section 5.5.8.2 j) of the Official Plan; and a maximum Floor Area Ratio (FAR) of 4.0:1. This policy states that “*development within the north-west quadrant of Elgin Street and Locust Street shall have a minimum height of two storeys and a maximum height of four storeys, to ensure compatibility with the existing residential uses to the north and west*”. As the policy suggests, the intent is to ensure that the development of this quadrant is compatible with the immediately adjacent residential development and its established character. For reasons discussed

further in this section of the report, staff are of the opinion that the proposed development is compatible with the surrounding area, and that the impacts caused by the additional storeys, which will also be discussed, will be addressed through the recommended modified approval. Staff are supportive of the applicant's request for a six storey building with an additional storey of mechanical rooftop and rooftop amenity in accordance with the modifications outlined in this report.

The Official Plan contains criteria that must be assessed when considering proposals for housing intensification. This proposal represents intensification of a property adjacent to an existing residential neighbourhood. Criteria found in subsection 2.5.2 (a) of the Official Plan), include the following:

- i) *Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.*

The site is located in the urban area and servicing is available. The Region of Halton has provided comments on the proposal and notes that the Functional Servicing Report submitted by the applicant is adequate and that appropriate measures will be taken to service the proposed development.

According to the Halton District School Board, students generated from the proposed development can be accommodated at Central Public School and Burlington Central High School with minimum impact to the facility. Similarly, the Halton Catholic District School Board has noted that students can be accommodated at St. John Catholic Elementary School and Assumption Catholic Secondary School. Other area schools may be able to accommodate new residents using portables.

Parks and Open Space staff have noted that adequate parkland is available to accommodate the development as Apeldoorn Parkette and Brock Park are located within a 0.8 kilometre distance from the site for a neighbourhood park and Spencer Smith Waterfront Park and Maple Park are located within the 0.8 kilometre to 2.4 kilometre distance for a city/community park. As such, cash-in-lieu of parkland dedication will be required at the Site Plan stage.

It should be noted that adequate parkland exists in the area for the new dwelling units proposed, and existing schools can accommodate the increase in residents.

- ii) *Off-street parking is adequate.*

The applicant is not requesting a reduction in the required parking. The Zoning By-law requires 1.25 spaces per residential unit, for a total of 75 spaces; however the applicant is proposing 132 underground parking spaces. Neither the Official Plan nor the Zoning By-law require on-site parking for non-residential uses. In addition, there are multiple

paid parking lots in the vicinity. Staff are of the opinion that off-street parking is adequate.

- iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential street.*

The City's Transportation section has reviewed the proposal and notes that there is no issue with the proposed development from a traffic perspective. The proposal was reviewed in detail at the Site Plan stage. When the applicant made the subject Official Plan Amendment and Zoning By-law Amendment applications for an additional two storeys, Transportation staff indicated that a revised Traffic Report would not be required.

- iv) The proposal is in proximity to existing or future transit facilities.*

Bus routes, including bus stops, currently exist along Ontario Street, Brant Street and other streets throughout the downtown. Additionally, a central bus terminal exists on John Street, providing increased connectivity throughout the City and to Hamilton.

- v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided.*

The area surrounding the subject lands is characterized by a variety of types of development; including low, medium and high-density residential uses, commercial uses, City Hall and the Burlington Performing Arts Centre. Various building heights also exist in the area. City Hall, located to the north of the subject lands, is 33 metres high; whereas the townhouse units on Blathwayte Lane, to the west of the subject lands, are approximately 8 metres high. The proposed development would be 22 metres high with an additional 3.5 metres for the mechanical penthouse and rooftop amenity area; a similar height to the Burlington Performing Arts Centre located at 440 Locust Street. The heights noted are based on a Building Height Survey which was prepared by an Ontario Land Surveyor and submitted by the applicant as part of the development application. Due to the variety of built forms and development types, the proposed development would not be out of character with respect to its height or the proposed use.

The proposed development does not require setbacks under the current zoning, with the exception of the portion of the north side yard abutting a residential zone; however the applicant has provided building setbacks. 0.2 metres are proposed abutting Locust Street; 1 metre abutting Elgin Street; 1.9 metres abutting Blathwayte Lane (for storeys one to four) and 3 metres abutting the north side yard (for storeys one to four). These setbacks help to reduce the impacts of the massing and the coverage. Also, because

the subject property is on the periphery of an established residential neighbourhood, the setbacks help to provide a transition to the Downtown Core.

In terms of the scale of the proposed building, the intent of the minimal setbacks is to create a pedestrian-friendly scale; however the setbacks create a balance between pedestrian scale and having regard for adjacent residential development. Design features such as lighting and landscaping are proposed in order to assist with creating this pedestrian scale, however the future Site Plan application will enforce the inclusion of these elements. At the previous Site Plan stage, the applicant committed to complying with the City's Downtown Streetscape Guidelines, which are not yet complete, and it should be noted that the applicant will be held to the same requirements at the future Site Plan stage.

The applicant has proposed a number of design changes in order to ensure compatibility and mitigate negative effects of the massing and coverage of the additional storeys on those buildings in direct proximity to the subject development. These changes include the terracing of upper storeys of the building, frosted glass railings for balconies and landscape screening to prevent overlook into adjacent yards. These changes will assist in transitioning from the existing residential uses and will increase privacy for existing residents. The applicant has worked to address concerns by the public related to the design of the building, and has redesigned parts of the proposed building accordingly. Planning staff are recommending some additional terracing adjacent to Blathwayte Lane and to the north, as discussed later in the report.

Each unit will have amenity area in the form of an individual balcony, and the ground floor units will have at-grade patios as well as a rooftop terrace at the corner of Elgin Street and Locust Street. The location of the amenity area on the roof is at this corner in order to provide a minimal privacy impact on adjacent development.

It is the opinion of staff that the proposed development is compatible with the existing neighbourhood in terms of its scale, massing, height, siting, setbacks, coverage, parking and amenity area and provides an acceptable transition from the subject lands, located within the Downtown Core Precinct of the Official Plan, to the existing neighbourhood.

*vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.*

The City's Landscaping and Forestry staff reviewed the application in detail at the Site Plan stage. While the proposal is to build additional storeys, the comments relate to the ground floor and as such, will not change. Landscaping and Forestry staff noted that they have no issues with the proposal. Landscaping details will be confirmed at the Site Plan stage.

*vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.*

A shadow study was done to compare the shadow impact of the previously approved four storeys with an additional floor for mechanical penthouse and amenity area to the shadow impact of an additional two floors. The main concerns that staff heard from residents were with respect to shadow impacts on Blathwayte Lane, particularly on the St. Luke's Close Seniors' Residence, and the townhouses to the north of the subject lands.

The submitted shadow study shows that the proposed building has no shadow impact on the St. Luke's Close building, with the exception of the early morning in June 21, where the shadow grazes the building. The townhouse units to the north will experience some shadowing, with the greatest impacts being early in the day; however the impact will not be significantly exacerbated with the additional two storeys proposed. Staff are satisfied that the added effects are minimal. Increased terracing is recommended in order to reduce the effects of sun-shadowing even further.

*viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.*

The subject lands are located within the "Downtown Mixed Use Corridor" designation of the Official Plan, which permits a large range of uses. Given the proximity of the site to these uses, accessibility will exist for future residents of the proposed development.

*ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.*

Buffering will be provided in the form of terracing and design features implemented to mitigate the potential negative effects of the proposed building on adjacent landowners. These design changes will assist in reducing the massing of the building as well as the shadowing. The number of balconies abutting residential properties has been reduced in order to increase privacy for residents. The site design and details of buffers will be reviewed and required at the future Site Plan stage.

The applicant has provided setbacks to property lines whereas none are required abutting a street. This provides increased buffering. The applicant is proposing to provide, for the first four storeys, a 0.2 metre setback abutting Locust Street, 1 metre abutting Elgin Street, 1.9 metres abutting Blathwayte Lane and 3 metres abutting the north side yard. Additional terracing will be provided for portions the fifth and sixth storeys.

The applicant is proposing terracing along Blathwayte ranging from 2 metres on the fifth and sixth storeys along the north part of the property abutting Blathwayte Lane, and 2.7

metres on the sixth storey along the southern portion. This is a modification that staff and the applicant have discussed, and staff is satisfied with these terraced setbacks. In addition, 3.6 metres of terracing on the fifth and sixth storeys at the northwest corner of the building and 3.6 metres on the sixth storey at the northeast corner of the building is also proposed by the applicant.

Staff are recommending that modified approval be given to ensure that balcony encroachments within the terraced portions of the building noted above include landscape screening to prevent overlook into adjacent yards. The setbacks for the first four storeys combined with the proposed terracing and the additional terracing requested by staff will help to provide buffering and minimize negative impacts.

- x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.*

The subject lands are on a corner lot and the proposed development represents a consolidation of land. The proposal does not prevent any of the surrounding properties from being developed.

- xi) Natural and cultural heritage features and areas of natural hazard are protected.*

Not applicable – no natural and cultural heritage features on this site.

- xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m).*

Not applicable – These sections relate to measures to address potential increased downstream flooding or erosion resulting from development occurring in South Aldershot. Neither is applicable to this application.

- xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between the existing and proposed residential buildings is provided.*

The proposal is located at the periphery of an existing residential neighbourhood which extends north on Locust Street and Blathwayte Lane. The proposed development has been designed in such a way that respects the low and medium density residential development in the adjacent St. Luke's Precinct, and relates to the higher and more dense developments such as the Burlington Performing Arts Centre and Burlington City

Hall. The proposal seeks an additional two storeys to the four storeys which have already been approved through Site Plan and Committee of Adjustment processes. The additional two storeys would be terraced and have regard for transition to surrounding development. Staff are of the opinion that the development is on the periphery of the existing residential neighbourhood and that transition between existing and proposed development is provided.

### **City of Burlington Proposed New Official Plan**

The proposed new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged as part of the proposal.

The subject lands are designated "Downtown Urban Centre" in accordance with "Schedule C – Land-Use Urban Area". The Downtown Urban Centre is further divided into precincts which recognize areas with common characters or objectives for land uses and built form. The subject properties are located within the "Bates Precinct", in accordance with "Schedule D – Land Use – Downtown Urban Centre", but are located within a "Special Planning Area".

Subsection 8.1.1(3.6.2) b) of the New Official Plan states that *"development within the Bates Special Planning Area shall be permitted up to a maximum height as approved by the City through a site-specific Official Plan Amendment application"*. The proposed additional height has been reviewed in detail, as described in this report, and a site-specific Official Plan Amendment has been applied for. If approved, the proposed development would be in keeping with this requirement.

Staff have reviewed the Provincial Policy Statement, the Places to Grow Act and note that intensification is encouraged subject to appropriate standards. The City's Official Plan contains evaluation criteria for intensification, which staff have carefully considered above as part of the Official Plan analysis, and the proposal is in keeping with the Proposed New Official Plan. Staff conclude that the proposal is appropriate and compatible and is in keeping with the requirements of the senior level plans.

### **Zoning By-law 2020**

The property is zoned "Downtown Core with site-specific exception (DC-348)" in accordance with Zoning By-law 2020. The "Downtown Core (DC)" Zone permits various retail commercial; office; community; hospitality; entertainment and recreation; and residential uses. This zone permits a maximum height of four storeys and a maximum Floor Area Ratio of 4.0:1. The site specific exception permits a freestanding restaurant in addition to the above. In order to facilitate the proposed use, the applicant is required to rezone the subject lands. The proposed development does not comply with these

regulations, among others, and a Zoning By-law Amendment application is required. The following table outlines the requirements of the proposed DC Zone as well as the proposed site specific exception requested by the applicant, followed by a staff comment.

Regulation	Existing DC-348 Zoning Requirement	Proposed	Staff Comment
Yard Abutting Locust Street:	0 m	0.2 m*	Setbacks on this site are not required, except where abutting a DRL Zone where the requirement is 3 metres (which has been provided). The applicant is providing setbacks in order to facilitate a development that is more compatible with surrounding residential areas.
Yard Abutting Elgin Street:	0 m	1 m*	
Yard Abutting Blathwayte Lane	0 m	1.9 m*	
Storeys 1-4:	N/A	1.9 m (3.9 at the north side of the building, 1.9 and 4.6 m on the fifth and sixth storeys, respectively, at the south side of the building with the exception of the rounded architectural feature)	These setbacks provide for a greater buffer between the proposed development and the existing surrounding development. Further, the proposal will be terraced at the fifth and sixth storeys in order to provide transition between land uses and reduce the visual impact and the massing effects of a six storey building.  Terracing is being recommended abutting Blathwayte Lane. Planning staff and the applicant have agreed to terracing on the fifth and sixth storeys. 2 metres will be provided at the north side on the fifth and sixth storeys, and 2.7 metres on the south side of the sixth storey will be provided, with the exception of the rounded architectural feature. This is part of staff's recommendation for modified approval.
Storeys 5-6:	N/A		
North Side Yard:			In addition, staff are requiring terracing along the north side of the property. 3.6 metres of terracing will be required from the north wall of the building for the sixth floor, and will be required on the fifth floor as well abutting a DRL Zone. This terracing will assist in reducing the impact of the fifth and sixth storeys on residents of Blathwayte Lane, both in the
Storeys 1-4:	3 m abutting DRL Zone	3 m abutting DRL Zone	
	0 m other	3 m other	
Storey 5:	N/A	6.6 m abutting DRL Zone	

Regulation	Existing DC-348 Zoning Requirement	Proposed	Staff Comment
Storey 6:	N/A	3 m other  6.6 m abutting DRL Zone  5.4 m other	<p>abutting townhouses and the St. Luke's Close Seniors' Residence. A portion of the north wall will be permitted to be stepped back 2.4 metres, as shown in the sketch contained within the attached by-law.</p> <p>Terracing is not being required along Locust Street or Elgin Street because staff are satisfied that the visual impacts are minimal along these two sides of the property, given their proximity to office and institutional uses rather than residential.</p> <p>It should be noted that additional setback provisions will be implemented for the floor area on the roof of the sixth storey to accommodate a mechanical penthouse and amenity area. These provisions will direct the floor area and outdoor patio to the corner of Elgin Street and Locust Street in order to ensure that this space is located away from residential development abutting Blathwayte Lane and the north side of the property.</p>
Building Height:  Second Storey Height:	4 storeys to 15 m  4.5 m	7 storeys to 25.5 m  3.3 m*	<p>The proposal will not conform to the required linear height of 15 metres. Staff has reviewed the request for six storeys of residential development and additional floor area on a seventh storey for a mechanical penthouse and amenity area in the context of the applicable policy framework and considers it to be appropriate. As a result of additional storeys, additional linear height is required. It is the opinion of staff that 22 metres is an appropriate linear height for the first six storeys, with additional provisions for the height on the top of the sixth storey.</p> <p>With respect to the height of the first and</p>

Regulation	Existing DC-348 Zoning Requirement	Proposed	Staff Comment
			second storeys, it should be noted that the provision is in place based on the assumption that the ground floor would be used for commercial uses. Having a greater height for the first and second storeys of a commercial development makes it more pedestrian friendly and more relatable to the street. Because only a portion of the ground floor will be used for commercial purposes, decreasing the linear height of the second floor will create increased compatibility between the proposed development and surrounding residential development.
Floor Area Ratio (FAR):	4.0:1	4.6:1	Staff are comfortable with the proposed footprint, size and design of the development in relation to the site. The resulting Floor Area Ratio is 4.6:1. Because of its compatibility with surrounding development, the proposed FAR is appropriate in this case.
Density:	185 units per hectare	240 units per hectare	Transportation staff reviewed the proposal and noted that the traffic impacts generated by the proposed development were minimal, and the range of uses in the Downtown Core promotes walkability. Staff is of the opinion that the proposed increase in density can be accommodated and will encourage a lively, vibrant downtown.
Glazing on First Floor Elevation (facing Blathwayte Lane, Locust Street and Elgin Street):	60%	37%*	The intent of a requirement for a minimum amount of glazing is to provide illumination and visual interest for the anticipated ground floor commercial uses. This building proposes residential units fronting onto Blathwayte Lane and therefore reduced glazing is appropriate.
Setback to Entrance and			Setbacks to an entrance ramp for underground parking are required in

<b>Regulation</b>	<b>Existing DC-348 Zoning Requirement</b>	<b>Proposed</b>	<b>Staff Comment</b>
Exit Ramp:	7.5 m	6 m*	<p>order to ensure that a car can stop at the top of the garage without impacting a public right-of-way or blocking a sidewalk.</p> <p>Transportation staff have reviewed the proposed 6 metre setback to the parking garage ramp and note that 6 metres will be adequate space for a vehicle to be parked at the top of the ramp without blocking sidewalks or roads.</p>
Setback to Underground Parking Garage Locust Street: Elgin Street: Blathwayte Lane: North Side:	3 m 3 m 3 m 3 m	0.6 m* 1.6 m* 1.1 m* 0.4 m*	<p>Capital Works staff have reviewed the location of the parking garage and are satisfied that the construction of the proposed parking garage will be possible. In addition, a Construction Plan will be reviewed in detail at the time of Site Plan approval.</p>
Accessible Parking Pathway:	2 m	1.5 m	<p>A reduction in the width of an accessible parking pathway would allow for two barrier-free parking spaces to be provided for the subject development. Staff have reviewed this proposal and note that two accessible parking spaces having a reduced accessible parking pathway is preferable to having one accessible parking space. The Coordinator of the Burlington Accessibility Advisory Committee has reviewed this reduction and finds it to be acceptable.</p>
Landscape Buffer Abutting DRL-11 Zone:	3 m	0.7 m	<p>The intent of a landscape buffer is to ensure that there is a buffer between residential and commercial uses. Walkways are not included in the landscape buffer; and as such, the closest point, at 0.7 metres abutting Blathwayte Lane, is taken from the other</p>

Regulation	Existing DC-348 Zoning Requirement	Proposed	Staff Comment
			side of the walkway. The walkway is proposed to connect from Blathwayte Lane, along the north side of the property to the middle of the building. Staff note that the Blathwayte Lane side will be residential, and as such, the impact of a smaller landscape buffer will be lessened. It should be noted that the remainder of the north side of the property will include a 3 metre landscape buffer.
Loading Space:	one	None*	Because there is no surface parking space on the subject lands, the opportunity for a loading space is limited. A new loading space has been created outside of the Burlington Performing Arts Centre and will be used to also service the subject lands.
Residential Apartment Units on Ground Floor:	Not permitted	Six*	The Zoning By-law does not permit residential uses on the ground floor. During the minor variance process for the four storey building, many concerns were expressed by surrounding residents with respect to having commercial on the ground floor. The applicant is still incorporating commercial uses at grade along Locust Street, which meets the intent of the Official Plan and Zoning By-law. Incorporating six residential units on the ground floor while also maintaining commercial units is appropriate for the development of the subject lands. Having residential units will help minimize negative impacts on directly abutting residential properties; such as lighting and noise.

\*Approved through prior minor variances for four storey proposal (see Appendix "D").

## **Technical Review**

The rezoning application and supporting documents were circulated to internal departments and external agencies for review. Internal departments who commented on this application include Capital Works, Transportation Planning, Landscaping and Forestry and Tax. External agencies who have commented on this file include Halton Region, Metrolinx, Halton District School Board and Halton Catholic District School Board.

The City's Capital Works, Transportation, Landscaping and Forestry and Tax departments reviewed the proposal and noted that their comments had not changed from the initial four storey Site Plan application. As such, there were no concerns at the Zoning By-law Amendment and Official Plan Amendment stages and no major changes were required from City Departments. No concerns have been noted from external agencies. It should be noted that although a Site Plan application has previously been approved by the City of Burlington for a four storey proposal, the proposed development will be subject to further Site Plan review and more detailed comments may be provided at that time.

## **Region of Halton**

The Region of Halton has provided comments on the development proposal. The Region indicates that all new development in the Urban Area be on the basis of connections to Regional Servicing. There are existing services adjacent to the site along Locust Street, Elgin Street and Blathwayte Lane. Regional staff also note that at this time, Regional waste collection will not be provided for the subject lands, and private waste collection is the responsibility of the owner. The Region of Halton has no objection to the proposal.

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## **Financial Matters:**

In accordance with the Development Application Fee Schedule, all fees determined have been received.

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## **Public Engagement Matters:**

The application was subject to the standard circulation requirements and a public notice and request for comments were circulated in December 2017 to all owners and tenants within 120 metres of the subject property. A notice sign was also posted on the subject property.

All of the technical studies, supporting materials, and any revisions to the documents for this development application were posted on the City's website at [www.burlington.ca/452Locust](http://www.burlington.ca/452Locust).

On January 11, 2018, a neighbourhood meeting was held at City Hall and was attended by approximately 15 members of the public. Key concerns raised by the public at the meeting included issues of compatibility with the existing neighbourhood; loss of sunlight and privacy; and the fact that the proposed height of the building had increased from a previously proposed four storeys.

On February 1, 2018, an informal meeting was held that was attended by City Staff, the Ward Councillor, the applicant and approximately 25 members of the public. Members of the public were able to discuss their concerns with the applicant. Concerns were similar to the meeting held on January 11, 2018; however there was a focus on the design of the building and the future loss of privacy and sunlight to residents of St. Luke's Close on Blathwayte Lane. The applicant continued to work with staff and the public to address some design concerns.

As a result of public consultation, staff received 16 e-mails. Staff notes that some constituents sent multiple pieces of correspondence. Public comments received to date have been included in Appendix E of this report. The following table depicts concerns raised by the public as well as a response from staff:

Public Comment	Staff Response
Two additional storeys will significantly alter the character of the neighbourhood.	The proposal has been reviewed with respect to its compatibility with the surrounding neighbourhood. Since the application was submitted, the applicant has worked with staff and the public in order to implement design changes that increase the compatibility of the proposal with the surrounding neighbourhood. Factors such as massing, setbacks and terracing have all been considered as part of the application. Additional modifications to terracing are being recommended by staff to further improve compatibility.
Blathwayte Lane is too narrow and retail development is not appropriate	The applicant is proposing commercial uses on the first storey; however they will front onto Locust Street only, and not Blathwayte Lane. It should be noted that the Official Plan and Zoning By-law require commercial uses on the ground floor of the building and prohibit residential units on the ground floor. The applicant is proposing some residential units on the ground floor in order to provide a residential interface along

Public Comment	Staff Response
	Blathwayte Lane.
Concerns about excavation that is already occurring on the site	The underground parking was approved as part of the previous Site Plan application. The owner is currently permitted to construct three levels of underground parking and a four storey mixed-use building as of right.
Concern that the intent of additional development is to recover unexpected costs	The recommendation for the proposed development is based on matters of good planning and land use. The applicant's finances are not planning related and as such are not factored into the recommendation.
The proposal will decrease privacy	While the proposal will have an impact on privacy of adjacent properties, the applicant has worked with staff and residents to mitigate these impacts. Design considerations are being implemented such as terracing, frosted glass on balconies and landscape screening on the upper levels of the building. Staff is recommending a modified approval to ensure further terracing and stepbacks on the fifth and sixth storeys abutting Blathwayte Lane for increased privacy.
Disappointment and lack of trust that the original proposal was acceptable and the developer is now proposing something larger	The applicant has a legal right to make an application for a taller building. Regardless of the previous proposal, the applicant would be subject to the applicable process, policies and public consultation.
Strong preference for the original four storey proposal	Design considerations are being made in order to reduce the massing of the proposed building and mitigate the impact of the additional two storeys.
Concern about whether the Shadow Study Report is accurate and requests for a Shadow Study Report showing a larger range of dates and times	The shadow study uses a program that accurately portrays the shadow impacts of proposed developments. Further, the applicant has submitted a shadow study showing a larger range of dates and times.
Concern about loss of sunlight; especially for those along Blathwayte Lane	The shadow study shows that the additional two storeys will not have a significant impact on the sunlight. Staff, however, has recommended a modified approval to implement increased terracing on the fifth and sixth storeys in order to enhance sky views and the sense of space between the two buildings.

## **Conclusion:**

The applicant has made changes to the proposed mixed-use development which have improved its compatibility with the existing neighbourhood. Staff have proposed a further modified setback along the Blathwayte Lane frontage.

Staff's analysis of the application for an Official Plan amendment and Zoning By-law amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. It is the opinion of staff that the proposal meets the requirements of the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan in that it proposes compact and efficient development, uses existing infrastructure and has regard for public health and safety. Further, the proposed building meets the City's evaluation criteria for intensification, which were created as a tool to meet the intensification requirements of the upper-tier policy documents.

It is recommended that Council approve OPA 112 and Zoning By-law 2020.XXX in Appendices B and C to facilitate the development of this property for a six-storey mixed use building.

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Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 ext. 7788

## **Appendices:**

Appendix A: Sketches

Appendix B: Official Plan Amendment

Appendix C: Zoning By-law Amendment

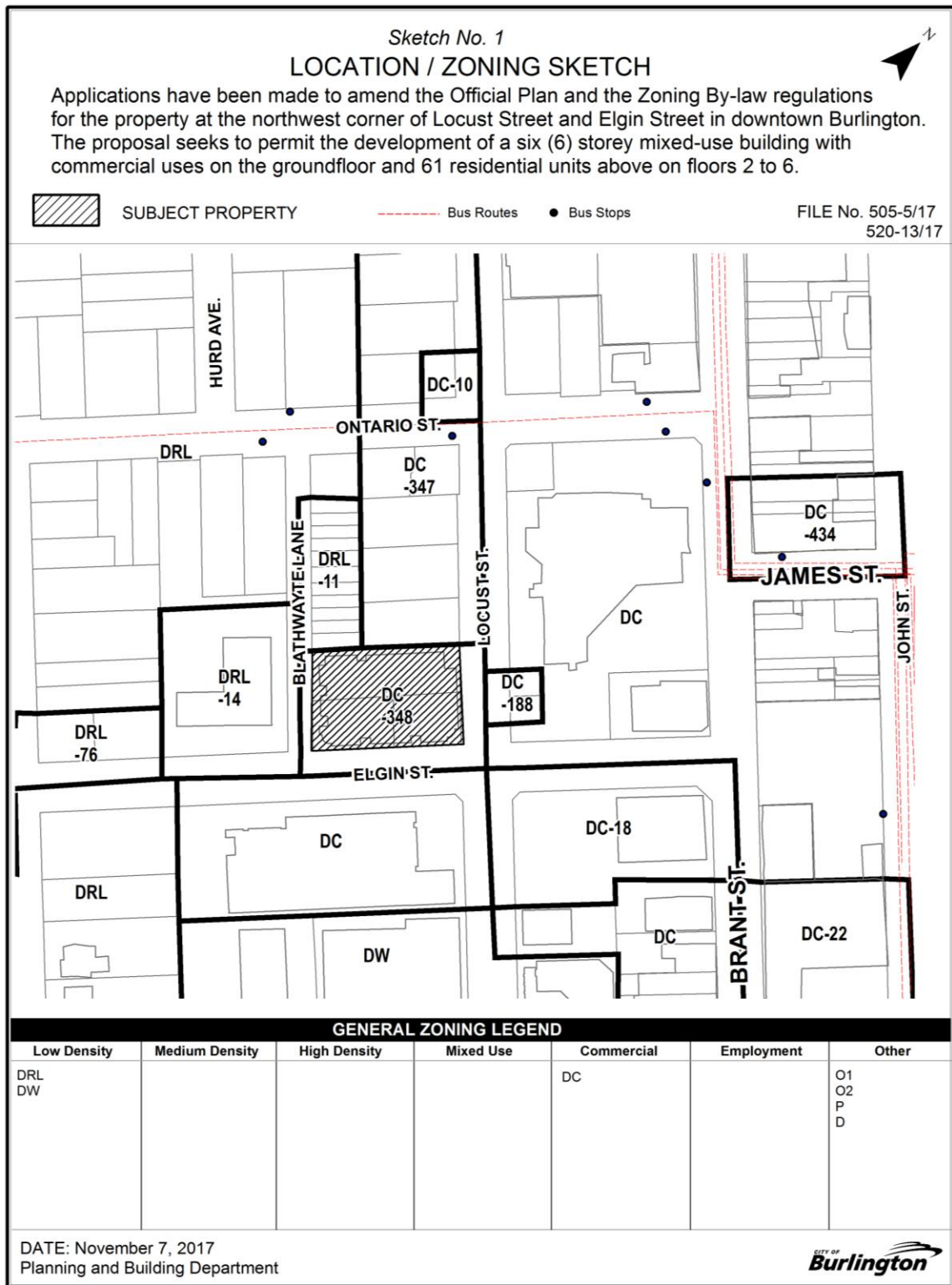
Appendix D: Committee of Adjustment Decision A006/16

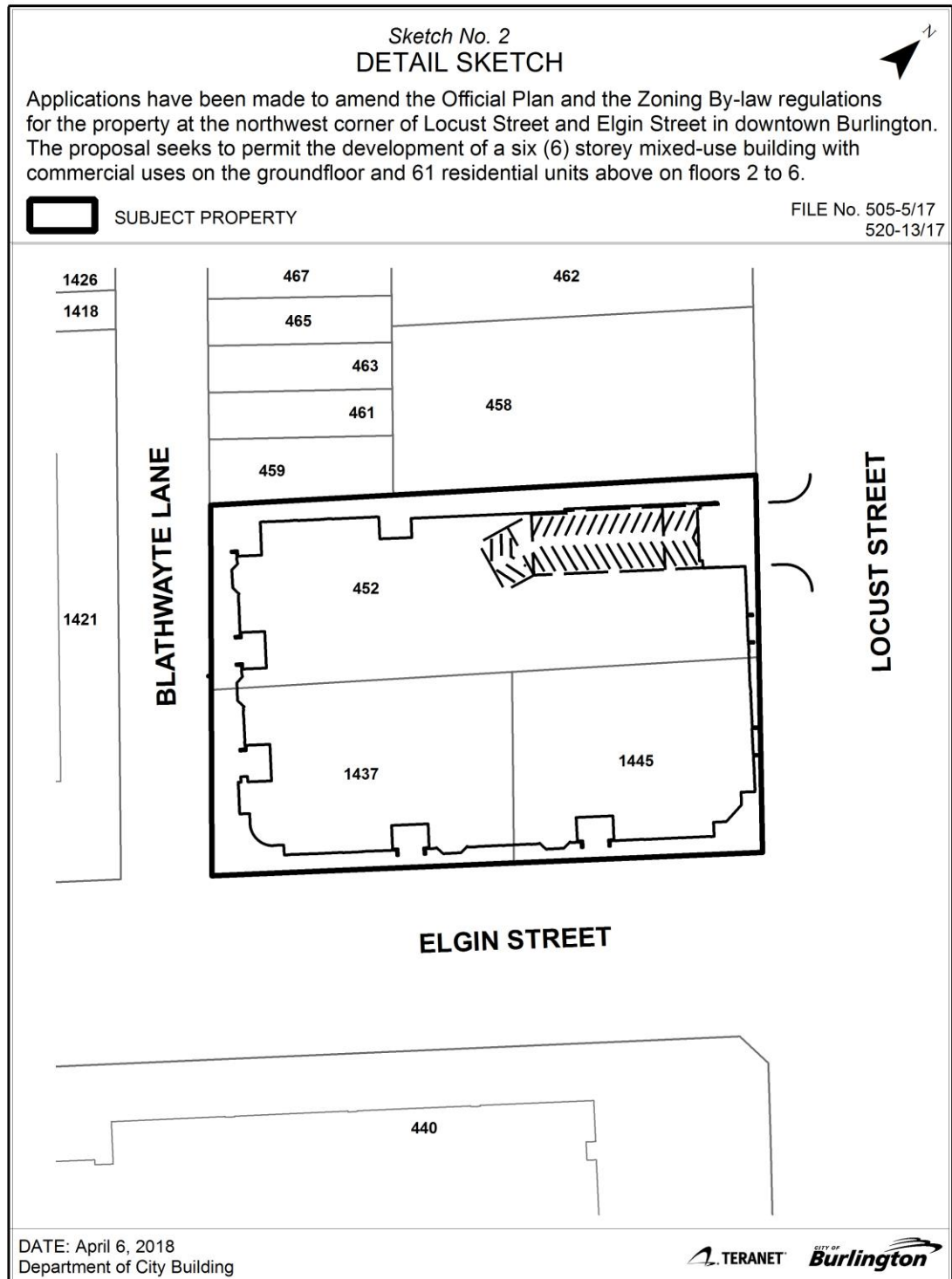
Appendix E: Public Comments

## **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.

## APPENDIX A





## **APPENDIX B – OFFICIAL PLAN AMENDMENT**

### **AMENDMENT NO. 112 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. 112 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 redesignate the lands at 452 and 454 Locust Street, 1437 and 1445 Elgin Street from “Downtown Mixed Use Centre” to “Downtown Mixed Use Centre with Site Specific Policy”. The redesignation of this property will permit a mixed-use development.

##### **2. SITE AND LOCATION**

The subject property is located on the southwest corner of Locust Street and Elgin Street. The 0.25 ha subject site is currently vacant, and being excavated. The subject property is surrounded by office uses in converted detached dwellings to the north, City Hall and two-storey commercial units to the east, the Burlington Performing Arts Centre to the south and St. Luke’s Close Seniors Apartments 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, and support the use of public transit.
- b) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities so satisfies Official Plan policies to provide housing opportunities in locations that can reduce travel times and decrease dependence on the car.
- c) The proposed high density development satisfies Official Plan policies to encourage integration of a wide range of housing types.

- d) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.
- e) Mixed Use development is appropriate and compatible at this location, and can co-exist with existing development without adverse impact. Built form details and site design will be subject to further review with the City of Burlington through a site plan approval application.

## **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 c) in Part III, Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.8 Downtown Core Precinct, and replacing it with the following policy:

Floor area ratios	c) The maximum floor area ratio for any individual site shall be 4.6:1.
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By deleting policy d) in Part III, Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.8 Downtown Core Precinct, and replacing it with the following policy:

At-grade commercial	d) Retail or service commercial uses are required along Locust Street.
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By deleting policy j) in Part III, Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.8 Downtown Core Precinct, and replacing it with the following policy:

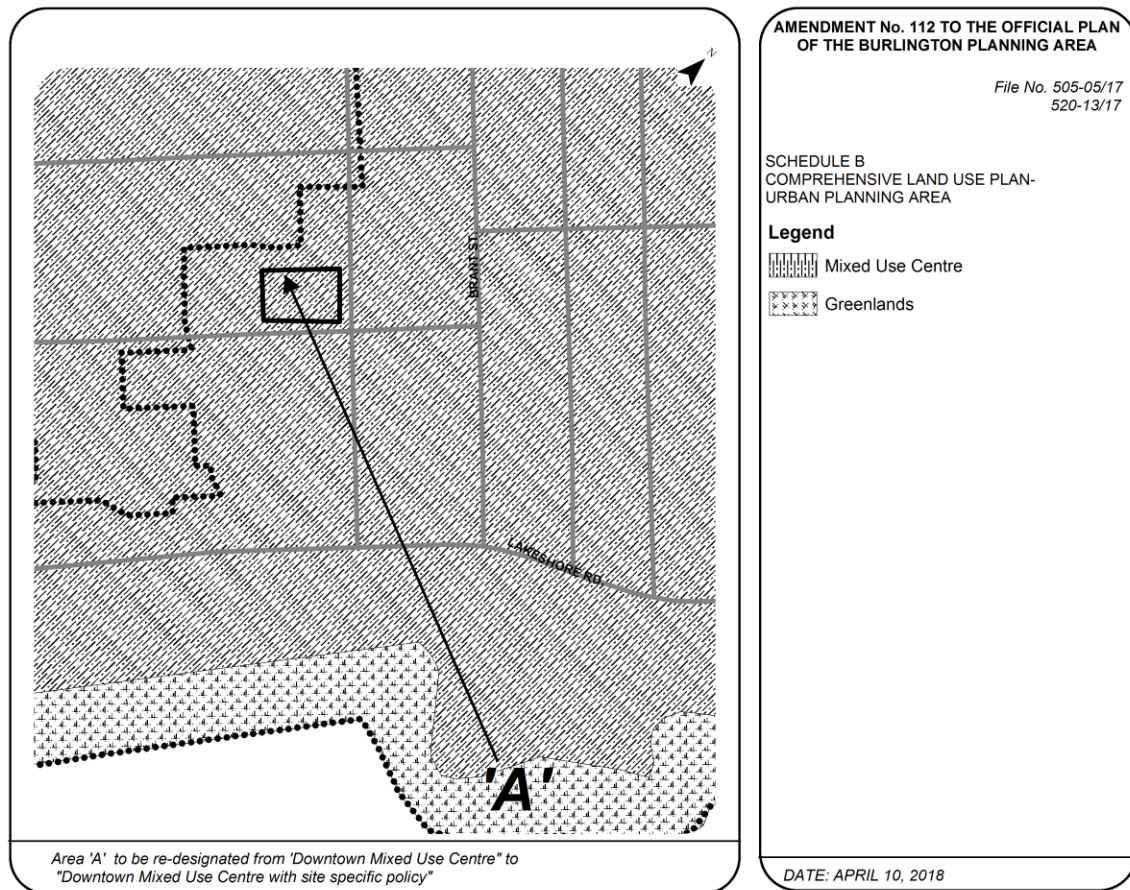
North-west Quadrant of Elgin Street and Locust Street	j) Development within the north-west quadrant of Elgin Street and Locust Street shall have a minimum height of two storeys and a maximum height of seven storeys with the use of terracing above the fourth storey abutting Blathwayte Lane and the north property line.
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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.



## **APPENDIX C**

### **BY-LAW NUMBER 2020.XX, SCHEDULE 'A' AND EXPLANATORY NOTE**

#### **THE CORPORATION OF THE CITY OF BURLINGTON**

##### **BY-LAW NUMBER 2020.XX**

A By-law to amend By-law 2020, as amended; 452 and 454 Locust Street, 1437  
and 1445 Elgin Street  
File No.: 520-13/17

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  
Recommendation PB-45-18 on May 22, 2018, to amend the City's existing Zoning  
By-law 2020, as amended, to permit a six storey mixed-use building;

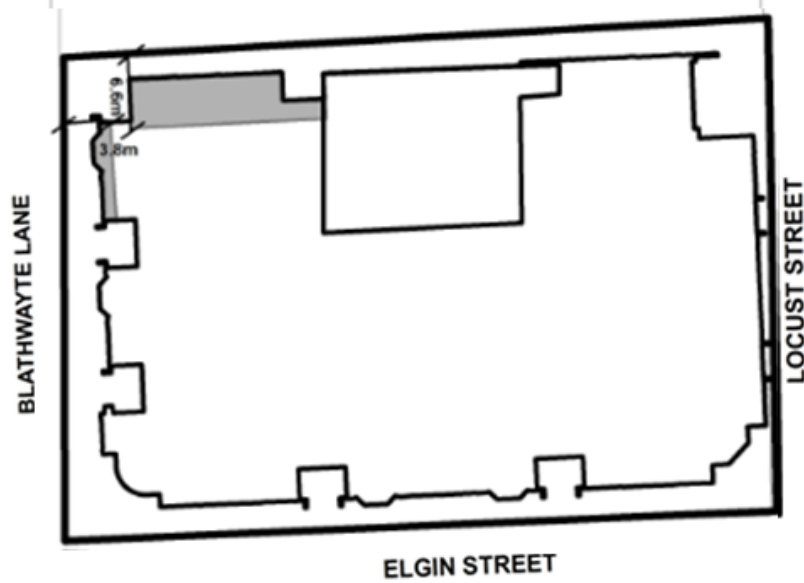
#### **THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:**

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-348 to DC-481.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 481 as follows:

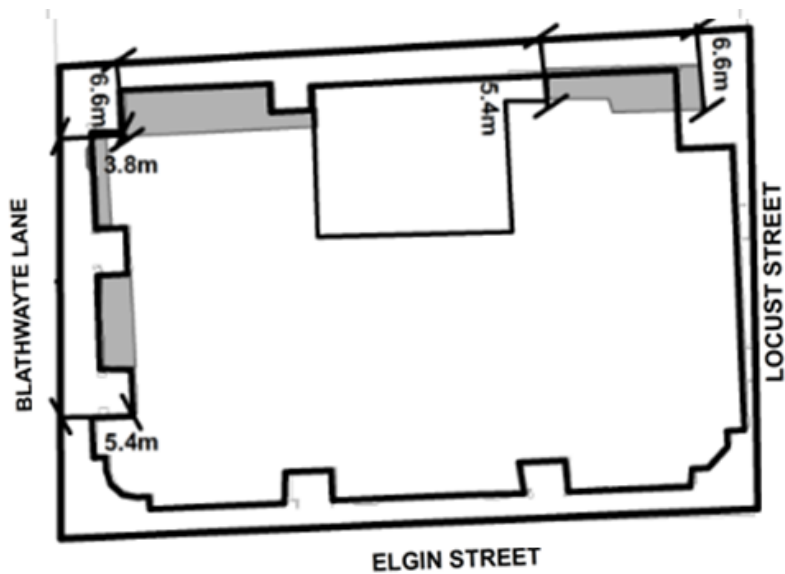
Exception 481	Zone DC	Map 9A	Amendment 2020.XXX	Enacted May 22, 2018
1) <u>Regulations for an Apartment Building</u>				
(a) Notwithstanding Part 6, Section 2A, Table 6.2.1, footnote (g) shall not apply to an apartment building				
(b) Floor Area:				
(i) Retail or Service Commercial Floor area: 410 m <sup>2</sup>				
(ii) 7 <sup>th</sup> Storey Area: In addition to an outdoor amenity area, a maximum of 85 m <sup>2</sup> of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.				
(c) Yard abutting Locust Street: 0.2 m				
(d) Yard abutting Elgin Street: 1 m				
(e) Yard abutting Blathwayte Lane:				
(i) Storeys 1 to 4: 1.9 m				
(ii) Storeys 5 and 6: As required on Diagrams 481A and 481B				
(f) North Side Yard:				
(i) Storeys 1 to 4: 3 m				
(ii) Storeys 5 and 6: As required on Diagrams 481A and 481B				
(g) Stepback for 7 <sup>th</sup> Storey from the limit of the 6 <sup>th</sup> Storey				
(i) Abutting Locust Street: 8 m				
(ii) Abutting Elgin Street: 10 m				
(iii) Abutting Blathwayte Lane: 25 m				
(iv) Abutting the North Side: 6 m				
(h) Maximum Building Height: 7 storeys to 25.5 m				
(i) First Storey: 4.5 m				
(ii) Second Storey: 3.3 m				
(i) Maximum Floor Area Ratio 4.6:1				
(j) Maximum Number of Residential Units: 60				
(k) Glazing of the first floor elevation facing a street: 37%				
(l) Landscape Buffer abutting a DRL zone: 0.7 m				
(m) Underground Parking Garage Setbacks:				
(i) Abutting Locust Street: 0.6 m				
(ii) Abutting Elgin Street: 1.6 m				
(iii) Abutting Blathwayte Lane: 1.1 m				
(iv) North side: 0.4 m				
(v) Entrance and exit ramp set back to Locust Street: 6 m				

- (n) Notwithstanding Part 1, Section 2.26(9)(b) the minimum accessible parking pathway width shall be 1.5 m.
- (p) Notwithstanding Part 1, Section 2.25.3 a loading space is not required.

**DIAGRAM 481A – 5<sup>th</sup> Storey**



**DIAGRAM 481B – 6<sup>th</sup> Storey**



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 of ..... 201 .

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK

## EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XX

By-law 2020.XX rezones lands on 452 and 454 Locust Street, 1437 and 1445 Elgin Street, to permit a six storey mixed-use development.

For further information regarding By-law 2020.XX, please contact Melissa Morgan of the Burlington City Building Department at (905) 335-7600, extension 7788.

Property	452 Locust St., Plan 74 Lot 56, City of Burlington, Regional Municipality of Halton.
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## DECISION 540-02-A-006/16:

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO., 1990, as amended, CP. 13;

And after having fully considered staff comments in the Agenda, all evidence presented and heard at the hearing

The Committee **GRANTS** the application under **File 540-02-A-006/16** at 452 Locust St. Burlington:

1. To permit the ground floor of the building within 15 m of Elgin Street to be used for residential apartment units whereas Part 6, Section 2A – Table 6.2.1(g) states that the ground floor of any building within 15 m of a street shall be used only for retail or service commercial uses.
2. To permit the ground floor of the building within 15 m of Locust Street to be used for residential apartment units whereas Part 6, Section 2A – Table 6.2.1(g) states that the ground floor of any building within 15 m of a street shall be used only for retail or service commercial uses.
3. To permit the ground floor of the building within 15 m of Blathwayte Lane to be used for residential apartment units whereas Part 6, Section 2A – Table 6.2.1(g) states that the ground floor of any building within 15 m of a street shall be used only for retail or service commercial uses.
4. To permit a 0.7 m landscape buffer abutting the DRL-11 residential zone whereas Part 6, Section 4.6 requires a 3 m landscape buffer abutting a residential or DRL zone
5. To permit a maximum 5 storeys and 18.6 m whereas Part 6, Section 4.2 permits a maximum 4 storeys and 15 m.
6. To permit a minimum 3.3 m second storey whereas Part 6, Section 4.2 requires a second storey of 4.5 m.
7. To permit a minimum 39 % first floor glazing on the building elevation facing Blathwayte Lane whereas Part 6, Section 4.5(b) requires the first floor glazing of any building elevation facing a street shall have a minimum of 60% glazing.
8. To permit a minimum 37 % first floor glazing on the building elevation facing Elgin Street whereas Part 6, Section 4.5(b) requires the first floor glazing of any building elevation facing a street shall have a minimum of 60% glazing.

9. To permit a minimum 39 % first floor glazing on the building elevation facing Locust Street whereas Part 6, Section 4.5(b) requires the first floor glazing of any building elevation facing a street shall have a minimum of 60% glazing.
10. To permit a minimum 6 m entrance and exit ramp setback from a street line whereas Part 1, Section 2.26(5)(ii) requires an entrance and exit ramp shall be setback 7.5 m from a street line.
11. To permit a 0.6 m underground parking garage setback from Locust Street whereas Part 1, Section 2.26(5)(iii) requires that a below grade parking structure shall be setback 3 m from all property lines and street lines.
12. To permit a 1.6 m underground parking garage setback from Elgin Street whereas Part 1, Section 2.26(5)(iii) requires that a below grade parking structure shall be setback 3 m from all property lines and street lines.
13. To permit a 1.1 m underground parking garage setback from Blathwayte Lane whereas Part 1, Section 2.26(5)(iii) requires that a below grade parking structure shall be setback 3 m from all property lines and street lines.
14. To permit a 0.47 m underground parking garage setback from the north lot line whereas Part 1, Section 2.26(5)(iii) requires that a below grade parking structure shall not extend into a required landscape buffer and shall be setback 3 m from all property lines and street lines.
15. To permit a 5 storey apartment building with no loading space whereas Part 1, Section 2.25.3 requires one loading space in conjunction with every principle building.
16. To permit a 1.5 m “accessible parking pathway” whereas Part 1, Section 2.26(9)(b) requires a delineated “accessible parking pathway” with a minimum width of 2 m.

These variances are for the life of the development only; any construction associated with this application shall be substantially in accordance with the final approved site plan under File: 535-15/15 as determined by the Director of Planning and Building and the following:

- I. Variance #5 – Building Height is supported only to permit a rooftop amenity area as detailed in the plans submitted in support of the Site Plan Application File 535-15/15.
- II. Variance #10 - The entry/exit area maintain a minimum length of 6 m

The reasons for the Committee’s decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained
- 3) The requested variances **are** desirable for the appropriate development or use of the property
- 4) The requested variances **are** minor

## Conditions:

The decision of the minor variance application will not come into full force and effect until all conditions have been satisfied within the time period specified which period begins from the last date of appeal, all conditions as listed below must be fulfilled. Any time period given is a maximum period only and cannot be extended.

The following conditions must be satisfied within 2 years:

- (i) Obtain appropriate form of site plan approval;
- (ii) Obtain a zoning certificate (required for building permit) and a building permit.

The decision of the committee is subject to a 20 day appeal period that starts today. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting

"M. Ramsay\_"

M. RAMSAY, CHAIR

"T. Kay"

T. KAY, MEMBER

"A. Rawlings"

A. RAWLINGS, MEMBER

"J. Vice"

J. VICE, MEMBER

Date of hearing: **April 11, 2016**

Last day to appeal: **May 1, 2016**

I certify this to be a true copy of the committee's decision.

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SEAN KENNEY, SECRETARY  
TREASURER

## APPENDIX E – PUBLIC COMMENTS

**From:** Sandra Beyak [<mailto:> ]  
**Sent:** Wednesday, November 15, 2017 4:39 PM  
**To:** Hefferton, Mark  
**Subject:** Saxony

I wish to comment on the above's request for additional height to its building. The City of Burlington has an Official Plan and Zoning Bylaw and it would seem to me that the City should stick to its own rules and regulations. There are too many variances allowed and there are getting to be too many high buildings in downtown Burlington. Perhaps one should take a stroll along the Lakeshore in Oakville and see what a pleasure it is. Along the Lakeshore our City is getting to look more and more like the City of Toronto.

**From:** Mozelle [[mailto:](#) ]  
**Sent:** Monday, November 27, 2017 11:13 AM  
**To:** Hefferton, Mark  
**Subject:** File: 505-05/17 and 520-03/17 = Saxony

Hi Mark,

Thanks you for your Notice of Planning Application undated....

I am at a loss. I have been attending more meetings (along with hundreds of other residents) and offering the feedback that the City is requesting of the residents, but that does not seem to make any difference. It appears that the City has already made its decision and is just going through the motions = and wasting my time.

Correct me if I'm wrong. Did we not all vote on the subject property already? So, it was approved and zoned, etc. Why are we now re-addressing this issue? Why does it appear to me that we all go around in circles? Especially, those that work full-time and cannot possibly attend all the meetings. The City is now proposing to double the amount of residential units at the subject property. Why?

I have personally brought it to the City's attention time and time again that there is no **CONTRACTOR** parking anywhere in the area. There is no point having commercial units when you cannot park to service them or shop.

I live across the street at Harbourview. It has now reached the point that contractors are actually not accepting work at our location as the parking tickets/fines outweigh their interest in the job.

What about the poor residents who live in the townhouses and St. Luke's Close in terms of sunlight?

I would like a response to this email.

Thank you,

Mozelle Cole

**From:** Ian Brayshaw [mailto:]  
**Sent:** Thursday, November 30, 2017 9:38 AM  
**To:** Hefferton, Mark  
**Cc:** Morgan, Melissa  
**Subject:** 452-454 Locust Street Official Plan and Rezoning Application

File Numbers: 505-05/17, 520-03/17 Official Plan Amendment and Rezoning Application for 452-454 Locust Street

Hello Mark,

Up on review of the Notice of Planning Application and the information provided on the City of Burlington Website I do not see any justifiable reason to increase the height of the intended building from four stories to six and therefore request that the application be denied.

The main reasons are as follows:

- I. The City of Burlington's guiding principle in approving such amendments (Part 111 Land Use Policies; 2.5.2 General Policies a)(v) states" New infill development shall be compatible with the surrounding development interns of height, scale, massing, sitting setback, coverage and amount of open space"
- II. I do not see suitable efforts in the amendment as posted to follow principles outlined in the Land Use Policies. Can you or others provide this information if it has been submitted.
- III. The information provided does not show any proposed measures to reduce the issues related to traffic in the area namely; adequate onsite parking for the commercial elements, traffic calming measures in an already congested downtown core especially during rush hour times, and safety issues related to the increased traffic from the property within the immediate residential and cultural areas.
- IV. The Noise Study Update Letter does not provide any quantifiable information on the dBA levels produced by the building and installed equipment. There is no background information provided on the anticipated noise impact at the four story level, therefore no conclusion can be determined by an increase in the number of levels. This letter is baseless opinion provided by somebody without suitable designation to provide an opinion. I suggest that it be removed from the submission package.
- V. 452-454 is approximately 1 block north of Lakeshore road in close proximity to the lake. Adding levels to the building will add to the "wind tunnel Effect" that is created when high level buildings are constructed I do not see any data provided to show that this building will not add to or create this type of occurrence.

Mark,

Please acknowledge receipt of these comments and provide a timeline for the next steps for public input.

Best Regards,

Ian

**From:** Vera Vandenbosch [<mailto:> ]  
**Sent:** Friday, December 08, 2017 1:40 PM  
**To:** Hefferton, Mark  
**Subject:** Rezoning Application Comments - File 505-05/17 and 520-03/17

Hello Mr. Hefferton,

I received a Notice of Planning Application and am writing in response to a rezoning application for the Saxony condo development at 452-454 Locust St.

My husband and I own a townhouse at 467 Blathwayte Lane. We have attended previous meetings held by the City as well as councillor Meed-Ward. It is our recollection that previous meetings confirmed that Saxony's application for a 5-storey building was rejected, and that 4 storeys was the maximum approved height. We have received marketing information from Saxony, advertising 2 additional storeys. We are opposed to this height increase for obvious reasons: Blocking of sunlight, traffic congestion, privacy, overall look of the neighbourhood West of City Hall, but most importantly, congestion in an area of small square footage (.62 acres).

We cannot understand why this request is being considered by the City as we understand a decision was arrived at over a year ago to keep the maximum height at 4 storeys.

We would like to be involved in any future discussions/meetings to voice our concern and oppose approval of Saxony's application. Please advise as to next steps. Thank you,

Vera Vandenbosch and Rick Vascotto

[πωανδενβοσχη≡χογεχο.χα](mailto:)

ελλ: ☐905-308-5436 – ξερα

ελλ: ☐905-332-0468 – Ριχκ

**From:** Michael Timney [mailto:]  
**Sent:** Saturday, December 23, 2017 11:01 AM  
**To:** Morgan, Melissa; Meed Ward, Marianne  
**Subject:** Saxony Proposed 6 story

23 Dec. 2017

I am writing to express my opposition to and disgust with Landform's proposal of an additional 2 stories to the Saxony condominium.

In a heritage district (Bates/St. Luke's precincts), an area comprised of 1 and 2 story residences and in proximity to our beautiful, low-rise Performing Arts Centre and opposite City Hall, 6 stories would completely overwhelm this neighborhood's character. The elegant 4 story Saxony blended in well.

As a neighbor living close to this site, and originally in concert with the 4 story Saxony concept, I now am of the opinion that with 6 stories my privacy will be totally compromised and any sunlight completely blocked out. This is not a healthy situation. My expected enjoyment of my property becomes void.

I understand that with proposed rezoning the first floor of residences would become commercial space - this fronting Blathwayte Lane - a Lane! - the narrowest street in the City of Burlington! with "No Heavy Trucks" posted and "No Parking" either side! How ludicrous!

Landform will build and leave. It's not my fault that they experienced an environmental issue, but I, my neighbors and the neighborhood are being asked to "pay the long-term price" - a building and rezoning that forever changes the tenor of our historical district.

As much as I appreciate the invitation to comment and attend a meeting, has this proposal (by Landform) already received a tacit "go-ahead" from the Planning Department? [the hole for their (3) level parking garage continues to get deeper daily].

In summation:

- changed character of heritage district
- high rise overwhelming area
- loss of privacy
- loss of sunlight
- loss of enjoyment of property
- rezoning

I anticipate progress, but with sympathetic moderation.

Ruth Timney

461 Blathwayte Lane

**From:** John Lindley [mailto:]

**Sent:** Thursday, December 28, 2017 8:38 AM

**To:** Morgan, Melissa

**Cc:** Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring

**Subject:** Saxony Planning Application for Locust/Elgin/Blathwayte

We are out-of-town on the January date of the proposed City Hall meeting re: the Saxony development. Our absence diminishes in no way our objection to the revised project.

This submission will we respectfully request, be aired at the meeting. Our comments follow:

1. We oppose any change to the already approved 4 storey structure being built by and known as Saxony.
2. Considerable citizen, developer, city planners and our elected representatives efforts went into the already approved development. It should not be altered.
3. The official town plan restricts height structures in the area of Locust, Elgin and Blathwayte to (4) stories. City planners and city council should not recommend or approve the revised submission. No zoning change is appropriate.
4. This heritage residential neighborhood will be significantly altered if this submission proceeds. A zoning change and approval will only invite further development in excess of current zoning restrictions.
5. The area is not conducive to retail development, Blathwayte is a narrow lane and was never intended to be a retail/commercial enclave. Keep it out.
6. We are upset with the whole process of the handling of this requested deviation. The deeper hole for additional parking was being dug before local residents received notification from the city. The marketing Posters were erected at the same time, showing (6) six stories. We believe this project has already received tacit approval from city planners, despite their insistence to the contrary.
7. There is no doubt that this request from the developer is simply to recover excess and unexpected building costs. This is no reason for planners and council to change zoning to accommodate the request. It is an unacceptable deviation for local residents to accept as it changes forever the style and beauty of the district.
8. Planners, elected councilors and city council; we expect you to do the right thing for those who elected you.

John Lindley &  
Peter Defreitas

**From:** Peter Christie [mailto:]  
**Sent:** Monday, January 01, 2018 1:43 PM  
**To:** Morgan, Melissa  
**Subject:**

Melissa

We certainly object to the proposed revision with respect to Files 505-05/17 and 520-13/17.

This is yet another move by the developer to wield power over our planning council. These are precedents that alter the initial plan. Surly a considerable amount of planning had preceded the initial approval. there must have been reason why the planning department had agreed on the formative plan.

It appears that we do not have a master plan for the downtown core of Burlington. Everything appears to be adhoc. In other words the master plan is developed and then subject to change. We the residents end up with a mixed plan designed by exception.

COME ON FOLKS GROW A SPIN AND PLAN WITH A VISION. It appears that the downtown core will end up looking like a walled city that certainly will not entice creditable development.

Our opinion is to say no to exceptions and to the intensification of the downtown . we have sufficient intensification. Stand tall Burlington and listen to the people who seem to have a greater vision than what has recently been displaced by our city leaders.

I would be remiss not to mention the Grow Bold slogan of our city. That “ Bold” references a license awarded to the Coop Restaurant which morphs into a night club on the weekends and brings with it a chaotic scene to disrupt the downtown culture. What a joke.

Thanks for the opportunity to comment

Peter C. Christie

-----Original Message-----

From: Kathleen Whatmough [mailto:]

Sent: Sunday, January 07, 2018 3:38 PM

To: Morgan, Melissa

Subject: zoning change proposal/locust and Elgin Sts

Dear Melissa

It has not always been the case that we have had a planner, let alone two - a reassuring fact now things are becoming more complicated.

I have been here since 1980 on Ontario St. There have been many good changes Today thanks to many people, and a better economy, it has become a desirable neighbourhood.

Its layout, building heights and streets with their few taller blocks give the city an interesting sky scape, but there is a time to call a halt.

The feeling of the neighbourhood is subject to change , filling in, but we don't want

a concrete forest of tall buildings. We don't want to be Hamilton or Toronto.

In this area of lower Brant Street I object to the shade cast by buildings more than 2 stories

I am sure, most of the residents agree. I walk down to Elgin enjoying the sun, but the past few years have seen many older buildings taken down or falling down. Out thinking seems to fly to something big and new, and we tend to think of replacement in those terms.

I know there are some four and more storied buildings, apartment buildings encouraged as assets for tax and housing and allowed before we knew enough to do better.

Replace by all means but don't take away our sunlight.

We have more than enough tall buildings in down town, old town Burlington. The shade from any more makes the city dark and takes away from the joy of being here. I have considered Burlington my blue sky city.

A sincere concerned older citizen

Kathleen Whatmough

1410 Ontario St.,  
Burlington

-----Original Message-----

From: David Goodings [mailto:]

Sent: Tuesday, January 09, 2018 2:53 PM

To: Morgan, Melissa

Subject: Re: Revised Planning Application for 452-454 Locust St. . .

To: Melissa Morgan, Planner II

From: David Goodings, 415 Locust St. unit 802, Burlington, ON L7S 2J2

Re: Revised Planning Application for 452-454 Locust St., 1437 and 1445 Elgin St.

Files: 505-05/17 and 520-13/17

While the proposed six-story mixed-use building would not be out-of-proportion with its surroundings, I believe the original four-story mixed-use building would be preferable as it would not be higher than the Burlington Performing Arts Centre directly across Elgin St., and would be more in keeping with St. Luke's Close on the other side of Blathwayte Lane.

**From:** Ritchard Taylor [mailto:]  
**Sent:** Wednesday, January 10, 2018 9:48 AM  
**To:** Morgan, Melissa; Minaji, Rosalind  
**Cc:** Mailbox, Office of Mayor Rick Goldring; Meed Ward, Marianne  
**Subject:** Saxony Development

I want to express my concerns regarding the proposed changes to the Saxony Development on Elgin Street.

It appears that there are different sets of rules for the development of projects in the St. Luke's/Bates Precincts. I would point out that when **St. Luke's Close** was proposed, the limit was three stories, and when St. Luke's Anglican church rebuilt their offices and **Parish Hall**, they too were held to the guidelines set out in both the St. Luke's and Bates Precincts.

In my opinion the changes requested for Saxony are not insignificant, and are not in keeping with the Official Plan for the City of Burlington.

Why is it that St. Luke's Close and the re-design of St. Luke's Parish Hall were held to different standards than is the Saxony Development? St. Luke's Close was designed to "fit into" the streetscape and in compliance with the Official Plan, as was the re-design of St. Luke's Parish Hall, and yet it appears that the City of Burlington is willing to allow the developers of the Saxony to proceed with building a structure twice as high as St. Luke's Close. This to me is not good planning.

In addition, as a resident on Blathwayte Lane (for more than 33 years), the enjoyment of my property especially my back yard will be greatly diminished by the building of this six storey condominium. I feel the only people who will benefit from the addition of two stories would be the developer and the City of Burlington (by increased tax revenue).

I would also point out that when the initial building was proposed (being a 6 storey condominium) our concerns of having a six storey building constructed were acknowledged by both the City of Burlington and the developer, and a compromise of a four storey condominium was the outcome of all our discussions with the city and the developer. This compromise was acknowledged and supported by both the city and the developer, and was described as "an excellent example of cooperation between the community and the developer". Now it appears that all this cooperation has been swept aside for the benefit of the developer with no thought given to the residents of the area. How is this fair? This was not what the initial plan was.

Why would the City insist that a building which benefits the community at large (**St. Luke's Close** and the **Parish Hall** renovation **for St. Luke's Church**) be built according to the Official Plan, and yet the Saxony is allowed to apply for and be given consent for major variances which only benefits the developer and The City of Burlington?

I feel what the community, city and the developer initially agreed to was a solution which addressed all of our original concerns, enhancing our city streetscape and neighbourhood, and I would respectfully request that the city NOT allow the change from four to six stories.

Ritchard Taylor  
463 Blathwayte Lane  
Burlington, Ontario

**From:** Susan Goyer [mailto:]

**Sent:** Friday, January 12, 2018 3:23 PM

**To:** Morgan, Melissa

**Cc:** Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring

**Subject:** Revised Planning Application for 452-454 Locust Street, 1437 and 1445 Elgin Street Files: 505-05/17 and 520-13/17

Dear Ms. Morgan,

We were unable to attend the neighbourhood meeting on Thursday, January 11, 2018 but we are advising you in writing that we are opposed to the request made by the land owner to change the zoning to allow another two storeys and increased density; as approvals were given to the applicant previously by the City of Burlington under good faith.

We can state all the various arguments such as increased noise, traffic, pedestrian safety, concerns as to the senior residents of St Luke's Close, etc. to no avail.

Undoubtedly Council will move ahead with granting the approval, however we would look to Council to negotiate with the land owner to compensate the residents, such as funding the extension of Elgin Promenade westwards towards Maple Avenue, or other such downtown public projects for public use.

We are holding the City of Burlington responsible for its continuous disregard for established zoning and granting variance approvals which go against the approved plan.

While we understand Council usually acts in favour of all such requests, we remind those choosing to stand in the upcoming elections, that we as citizens, have long memories.

Respectfully submitted,

Susan Goyer and James Webster

1401 Elgin Street,

Burlington, ON

**From:** Gerry [mailto:]  
**Sent:** Monday, January 15, 2018 1:10 PM  
**To:** Morgan, Melissa; Minaji, Rosalind  
**Cc:** Meed Ward, Marianne; Mailbox, Office of Mayor Rick Goldring  
**Subject:** Saxony

Hi Melissa and Rosalind,

We wanted to followup with you post Neighbourhood Meeting, to further underline our concerns around the Saxony revision application presently before you. The reason we are taking the time to reiterate our reasons for rejecting the height increase is, simply put, because it is that important to all of us, and now is the time for ALL of us to choose to prevent the degradation of this important neighbourhood in Burlington.

Thank you again for considering the neighbourhood, and our input in all it's forms. We appreciated the forum at last week's meeting, and look forward to working with you going forward on this issue.

Intensification in development has it's place, and in this case, the initial approval for this beautiful 4 storey boutique condo was the right decision for this location. As mentioned by many, and rightly so, it was a model of productive contribution by all parties manifesting in a win/win/win for all.

Abandoning that plan on the basis of economics, the main reason given by the LDG at last week's meeting, would be a mistake. As discussed at the meeting, and clarified by Rosalind, the parameters of development intensification (mandated by both province and city) have not changed from the time the original proposal was presented and accepted to the present time, so there is no legitimate argument to justify changing the zoning and intensification of this site now, as the developer and their consultant would have us believe. The presentation given by their consultant at the meeting was misleading in this regard, and when they were forced to admit that, in fact, nothing has changed in terms of provincial and municipal requirements, their justification lost all credibility. This newest incarnation of the developer came across as quite the opposite of the original, less cynical LDG that the neighbourhood had come to know and respect (and work with).

As pointed out at the meeting, and supported by every single attendee from the community, as well as absentee submissions by letter, increasing the size of this building is unwelcome, and would permanently destroy the character of this important area of the city.

As homeowners directly north of the building, we will lose enjoyment of our property, significant sunlight, privacy and character of our neighbourhood. We'd literally be overwhelmed with a giant wall, hemming us in beyond justification, based on previous requirements of lower height buildings in this area up to this point. An attendee from the neighbouring seniors residence revealed that he may be forced to move, as he'll lose his little sliver of open sky. Surely you agree, that is unfair to the many residents surrounding this site, some of whom are

quite vulnerable (this is their last home), that bad planning like this will benefit only the developer while seriously damaging the lives of all the residents of the neighbourhood. We reiterate... How is that fair and just? No-one in the neighbourhood, not one person, wants the 6 storeys. And this opinion is not selfishly motivated; it is backed by previous planning decisions in this community.

It's very clear to all that the original design was more well thought out, and in keeping with it's surroundings. The developer received their much needed support, because at that point they'd earned it by being thoughtful of city zoning, residents and the neighbourhood in general. Not the case now. Furthermore, the 6th storey setback the developer referred to is so insignificant. When the developer made it clear at the outset of the meeting that this was strictly a "business decision", and about making more money, it became clear that their motivations were cynical, and not by any means for the benefit of the city or anyone living in the area. Approval on these grounds would be a tragic mistake, not to mention just plain wrong. And as we said at the meeting, one of the factors that made Burlington one of the better mid-sized cities in the country would be lost. What planner/planning department would want that as a legacy?

For the reasons listed above and often, we are hopeful that you will make the planning decision that considers the loyal residents of this much loved area, it's taxpayers and the people who care the most. We've been hugely supportive of LDG's original vision... a well-designed and attractive, nicely scaled boutique condo residence for many to enjoy, including new residents, and their good neighbours.

It was and can still be a very successful development for all, including LDG. Please keep this original vision on track.

Respectfully,  
Melissa and Gerry Lodder

**From:** Gerry [mailto:]  
**Sent:** Monday, January 15, 2018 2:19 PM  
**To:** Morgan, Melissa; Minaji, Rosalind  
**Cc:** Meed Ward, Marianne  
**Subject:** Saxony (additional list missed, to be attached on letter sent earlier)

Melissa and Rosalind, this summary list was meant to be included in the last email to you, and it somehow got missed in the version I sent you. My apologies for not including it. Here it is:

To reiterate the focus in list form, of our opposition to the 6 stories as proposed, the residents of Blathwayte Lane, Burlington Street and immediate surroundings agree that a 6 story building is not viable for the following main reasons:

1. Towering wall is an overwhelming eyesore, with only an insignificant step back at story 6. We would suggest the step back on the north wall to begin at story 3 minimum.
2. Infringes on existing residents' privacy and sunlight, and enjoyment of property.
3. Elders facing the building will lose sunlight entirely.
4. As density requirements for the province have not changed since the original application, there is no planning justification for the requested increase in height and density. 4 story building was agreed upon and appreciated by planners, community and LDG.
5. Only apparent reason for increase to 6 stories is to make LDG more money, NOT improved planning.
6. Residents of the community are forced to suffer the consequences of developer's unforeseen challenges (as LDG wants us to believe).
7. No one wants 6 stories, and you have received letters and other input from the community leaving no doubt about this. The existing zoning is agreeable to all concerned. The previous planning decisions are still as sound today as they were then.
8. Just because other buildings in the area (like City Hall) are taller, does NOT make it right to build this one higher.
9. The increased height is simply unsuitable for the setting and it's immediate surroundings.
10. The character of this corner would be seriously compromised with the proposed new monolithic structure. The charming streetscape of the original proposal would be lost to a glaringly out of scale structure dwarfing everything around it.

As mentioned in our earlier letter today, we are supportive of this development, just not it's most recent reincarnation.

We look forward to helping with the solution.

Thanks again,  
Melissa & Gerry

**From:** Vera Vandenbosch [mailto:]  
**Sent:** Monday, January 15, 2018 8:50 PM  
**To:** Morgan, Melissa; Hefferton, Mark; Meed Ward, Marianne  
**Subject:** Saxony Development Application - 452-454 Locust

Hello Melissa,

My husband and I own one of the townhouses on Blathwayte Lane, adjacent to the new Saxony condo development. We would like to voice our concern to the builder's application for an additional 2 storeys. We attended City meetings several years ago, when the developer proposed several versions (4 and 5 storeys), and whereby the 4-storey construction was approved. This approval was granted based on community input as well as other considerations relating to property size, set back from street, increased traffic, as well as impact to neighbouring properties. We were pleased with the outcome, realizing that intensification will occur, and that the developer's plans appeared to placate the community's concerns, most especially relating to size and height.

Now, the developer is actively promoting 2 additional storeys. My husband, Rick Vascotto, attended last week's meeting. Our concerns echo the messages sent via email to Mark Hefferton and councillor Marianne Meed-Ward in late 2017:

The City approved 4 storeys based on numerous considerations, and should not be re-considering a developer's request to increase the size once again. We can accept the need for intensification of downtown residential areas, but don't wish to see an even taller building so close to our small townhouse complex, especially butting up so close to those at the southernmost end.

Our fear is that we will be having another meeting in the near future, when the developer requests 8 storeys. This will pave the way and set a precedent for future high rise building applications on Locust (directly behind Blathwayte), to the point where the Blathwayte townhouses will be completely hemmed in by tall buildings.

4 storeys is tall enough on such a small parcel of land and will already create the effect of a prison wall for Blathwayte residents, anytime they walk to their back deck or out their front door to look South towards Lake Ontario. Please do not let developers sway the City's earlier decision. One prison wall is enough! We don't need it to be any taller!

Please do not hesitate to call if you have any questions or need clarification regarding our concerns. Thank you,

Vera Vandenbosch  
[vpvandenbosch@cityoftoronto.ca](mailto:vpvandenbosch@cityoftoronto.ca)  
ελλ: ☐905-308-5436

Рιχκ ςασχοττο – 905-332-0468. ☐

**From:** Michael Timney [mailto:]  
**Sent:** Wednesday, January 17, 2018 12:55 PM  
**To:** Meed Ward, Marianne; Morgan, Melissa;  
**Subject:** Saxony proposal

Marianne, Melissa:

I would appreciate clarification on the terminology "Downtown Precinct" - have never heard it used before. What are the parameters? What streets are included? "Downtown Precinct" cannot be compared to nor confused with Bates/St. Luke's Heritage Precincts, nor should one (Downtown Precinct) overlap the other.

I also find Landform's comparison of "tall" buildings to be spurious. All mentioned, except the far West portion of BPAC, are fully commercial spaces and a goodly distance away from Saxony site.

Too, Wigsville, originally at the corner of Elgin St./ Blathwayte Ln. was given Heritage designation which applied as much to location as building and that Blathwayte House (cor. Blathwayte Ln./ Ontario St.) and Paroisse St. Phillipe (cor. Ontario St./ Locust St.) also have the same Heritage designations. This, to me, signifies this whole block as heritage/ historical. Six stories does not qualify nor fit in. It also potentially sets a precedent for future development in this Heritage district.

Respectfully,  
Ruth Timney  
461 Blathwayte Lane.

-----Original Message-----

From: [mailto:]

Sent: Wednesday, March 14, 2018 10:54 AM

Subject: The Saxony 452-454 Locust Street, 1437 Elgin Street, 1445 Elgin Street Letter

This is regarding the April 4 meeting notice for The Saxony Condo Development. We do not wish to speak at this meeting, however we do plan on attending. We were out of town for the January meeting and as a result were unable to attend.

COMMENT

Our comments on the proposed 6 story building are that we are very much in favour of such a development. A structure of this height does not overwhelm the surrounding neighbourhood such as some of the proposed buildings for Brant Street and the downtown area will.

We would certainly have preferred four stories but six stories in our opinion does not present a problem.

Thanks for your interest and we would appreciate receiving information on the recommendations to Council flowing from this meeting.

Thanks

John and Evangeline Clarke



**SUBJECT: Official Plan and Zoning By-law amendment at 490-492  
Brock Avenue, 1298 Ontario Street**

**TO: Planning and Development Committee - Public**

**FROM: Department of City Building - Planning Building and  
Culture**

Report Number: PB-16-18

Wards Affected: 2

File Numbers: 505-02/17 & 520-08/17

Date to Committee: May 14, 2018

Date to Council: May 22, 2018

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**Recommendation:**

Approve the revised application submitted by The Molinaro Group (490, 492 Brock Avenue and 1298 Ontario Street) to amend the City of Burlington Official Plan to modify the policies of “Downtown Mixed Use Centre – Downtown Residential Medium and/or High Density Precincts” on a site specific basis to permit a 22 storey building that includes 1 storey of rooftop amenity space and ground floor commercial/retail uses on the basis that it is consistent with the Provincial Policy Statement, conforms to all applicable Provincial Plans, The Region of Halton Official Plan and the city of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in department of city building report PB-16-18; 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. 108, as contained in Appendix A of department of city building report PB-16-18; and

Approve the revised application submitted by The Molinaro Group to amend the City of Burlington Zoning By-law to site specifically rezone the lands at 490-492 Brock Avenue, 1298 Ontario Street to permit the construction of a mixed use building with a height of up to 22 storeys including 1 storey of rooftop amenity space and ground floor commercial/retail uses on the basis that it is consistent with the Provincial Policy

Statement, conforms to all applicable Provincial Plans, The Region of Halton Official Plan and the city of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in department of city building report PB-16-18, subject to the conditions contained in Appendix B and 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 490-492 Brock Avenue, 1298 Ontario Street from “H-DRH” to “DC-476” substantially in accordance with the draft regulations contained in Appendix C of department of city building report PB-16-18 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 B of Report PB-16-18; 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; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 108 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 108 is adopted; and

Approve the proposal by The Molinaro Group to remove one (1) city-owned tree from the Ontario Street right-of-way in front of the properties at 490-492 Brock Avenue, 1298 Ontario and identified on Sketch No.2 in Appendix D of department of city building report PB-16/18, subject to the following:

- i) The Owner shall compensate the City of Burlington for the tree removal by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$7,150); and

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.

## **Purpose:**

The purpose of the report is to recommend approval of the proposed Official Plan and Zoning By-law applications to permit a mixed use building at 490-492 Brock Avenue,

1298 Ontario with a maximum height of up to 22 storeys including 1 storey of rooftop amenity space, ground floor commercial/retail and 4 levels of underground and surface parking.

The development proposal, as revised, aligns with the following objectives in Burlington's Strategic Plan 2015-2040:

A City that Grows:

- Promoting Economic Growth
  - Small businesses contribute to the creation of complete neighbourhoods where residents are close to goods and services
- Intensification
  - Growth is being achieved in mixed use areas and along main roads with transit service, including mobility hubs, downtown and uptown.
  - New/transitioning neighbourhoods are being designed to promote easy access to amenities, services and employment areas with more opportunities for walking, cycling and using public transit.
  - Intensification is planned so that growth is financially sustainable and so new infrastructure needed to support growth is paid using all financial tools available to have development pay for growth infrastructure.
  - Burlington has a downtown that supports intensification and contains green space and amenities, has vibrant pedestrian-focused streets, is culturally active and is home to a mix of businesses and residents.
  - Architecture and buildings are designed and constructed to have minimal impact on the environment reflecting urban design excellence that create buildings and public spaces where people can live, work or gather.
- Focused Population Growth
  - Burlington is an inclusive city that has a higher proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

A City that Moves:

- Increased Transportation Flows and Connectivity
  - Mobility hubs are being developed and supported by intensification and built forms that allow walkable neighbourhoods to develop.
  - Walkability has guided the development of new/transitioning neighbourhoods and the downtown so that people rely less on automobiles.

A Healthy and Greener City

- Healthy Lifestyles

Every resident of Burlington lives within a 15 to 20 minute walk from parks or green spaces

### REPORT FACT SHEET

<b>RECOMMENDATIONS:</b>		<i>Approval</i>	<b>Ward No.:</b>	<b>2</b>
<b>Application Details</b>	<b>APPLICANT:</b> <b>OWNER:</b> <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>PROPOSED USE:</b>	<i>The Molinaro Group</i> <i>The Molinaro Group</i> <i>505-02/17 &amp; 520-08/17</i> <i>Official Plan and Zoning Bylaw Amendments</i> <i>22-storey mixed use building with commercial/retail and residential uses.</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b> <b>MUNICIPAL ADDRESSES:</b> <b>PROPERTY AREA:</b> <b>EXISTING USE:</b>	<i>Southwest corner of Brock Avenue and Ontario Street</i> <i>490 – 492 Brock Ave &amp; 1298 Ontario Street</i> <i>0.22 hectares (0.55 acres)</i> <i>Residential / vacant</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b> <b>OFFICIAL PLAN Proposed:</b> <b>ZONING Existing:</b> <b>ZONING Proposed:</b>	<i>Downtown Mixed Use Centre – Downtown Residential Medium and/or High Density Precinct</i> <i>Site specific amendment to permit increased density</i> <i>‘H-DRH’ – Holding – Downtown High Density Residential)</i> <i>Modified ‘DRH’ with site specific exception</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b> <b>STATUTORY PUBLIC MEETING</b> <b>PUBLIC COMMENTS:</b>	<i>September 27, 2017</i>  <i>November 6, 2017</i>  <i>Staff has received 20 emails, 3 neighbourhood meeting comment sheets, and 4 letters.</i> <i>Note: Some constituents sent multiple letters</i>		

## Background and Discussion:

### Site Description:

The subject applications are comprised of three properties that have been assembled by the applicants. The subject lands are known municipally as 490 – 492 Brock Avenue and 1298 Ontario Street and are located at the southwest corner of the intersection of Brock Avenue and Ontario Street. Currently, there is an existing single detached residential dwelling located at 1298 Ontario Street, while the other properties are vacant of any buildings or structures. The site is clear of vegetation with the exception of the street tree that the applicants have requested Council approval for removal. The subject lands comprise a total area of approximately 0.22 hectares (0.55 acres) and have a combined frontage of 48.76 metres along Brock Avenue and 45.72 metres along Ontario Street, as shown on the sketch.



### **Surrounding Land Uses:**

<b>North</b>	High density residential uses that are comprised of 18-21 storey apartment buildings
<b>East</b>	A municipal surface parking lot and a hydro corridor. Further east is a high density 5 storey apartment building and low density 2 storey single detached dwellings
<b>South</b>	High density residential uses comprised of a 14 storey apartment building. Further south are additional high density residential uses
<b>West</b>	A surface parking lot and access road. Further west is a number of single detached buildings and a high density 13 storey apartment building

### **Application Details and Processing History**

On August 11, 2017, the Planning and Building Department acknowledged that complete applications had been received for Official Plan and Zoning By-law amendments for 490 – 492 Brock Avenue and 1298 Ontario Street.

The original applications proposed the development of a 22-storey mixed use building with 186 square metres of ground floor retail / commercial space fronting onto Ontario Street and 170 residential units. There were 3-1/2 levels of underground parking being proposed with vehicular access being provided from Ontario Street. A total of 185 parking spaces were being proposed for the residential and commercial/retail components of the building. The proposal also contemplated indoor and outdoor amenity space on the 22<sup>nd</sup> floor. The original proposed density was 773 units per hectare.

The original applications requested approval to:

- Increase the height of the building to 22 storeys (80 m from 22 m) permission in the Zoning By-law;
- Increase the density on the property to 773 units per hectare from 185 units per hectare in the Zoning By-law and the Official Plan;
- Reduce the amount of parking to 185 spaces from the 221 spaces required in the Zoning By-law; and
- Reduce the minimum required setbacks to the property line;
- Reduce the minimum amenity area to 14.4 m<sup>2</sup> per unit from 20 m<sup>2</sup> per unit;
- Reduce the minimum landscape area to 1.4 m from 3 m; and
- Increase the maximum permitted encroachments for the proposed entrance overhangs.

Staff circulated the applications to the public and agencies/departments for comment in August 2017 and held a neighbourhood meeting on September 27, 2017 at the Art Gallery of Burlington. The neighbourhood meeting was attended by approximately 50 residents.

The statutory public meeting took place at the Planning and Building Committee meeting held on November 6, 2017. Staff information report PB-77-17 was presented at this meeting and included the public comments received by the planning department regarding the proposed development. City Council received and filed report PB-77-17 on November 13, 2017. All public comments, including comments received since the statutory public meeting, are attached as Appendix F to this report.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant revised the application to lower the number of residential units; lower the overall height, reduce the maximum density; increase the numbers of parking spaces and incorporate an additional access through the property to the south, 472 Brock (February 2018). Recent revisions (April 2018) incorporate changes to the podium design and materials and reflecting a change to the location of the ground floor retail/commercial space to reflect Burlington Urban Design Committee comments.

The revised plans (February 2018) consist of the following changes:

Element	Original Proposal	Revised Proposal
Height (m)	80	78.2
Maximum units	170	162
Maximum density (units per hectare)	773	751
On-site parking spaces	185	203*
Amenity space per unit (sm)	14.4	16
Available street access	1	3**
Minimum landscape Area (m)	1.4	1.3

\*Provision of all residential and visitor parking spaces required in the Zoning By-law eliminating the need for an amendment to the parking requirements;

\*\*Additional access secured to Brock Avenue and Elgin Street through the property to the south being 472 Brock Avenue

## Background Reports

The applicant submitted the following technical reports and plans in support of the applications. These plans and reports were circulated to technical staff and agencies for review and comment and posted on the City's website ([www.burlington.ca/492Brock](http://www.burlington.ca/492Brock)) to facilitate public review.

- [Planning Justification Report](#), prepared by Fothergill Planning & Development Inc., dated July 2017;
- [Site Plan & Architectural Plans](#), prepared by Graziani & Corazza Architects Inc, dated July 2017;
- [Landscape Plans](#), prepared by Seferian Design Group, dated June 2017;
- [Tree Inventory Report](#), prepared by Arborwood Tree Service Inc., dated May 2017;
- [Urban Design Brief](#), prepared by Graziani & Corazza Architects Inc., dated July 2017;
- [Noise Study](#), prepared by HGC Engineering Ltd., dated June 2017;
- [Shadow Study](#), prepared by Graziani & Corazza Architects Inc, dated July 2017;
- [Pedestrian Wind Study](#), prepared by RWDI Inc., dated June 2017;
- [Transportation Impact Study](#), prepared by Parsons, dated July 2017;
- [Parking Justification Report](#), prepared by Parsons, dated July 2017;
- [Functional Servicing Report](#), prepared by S. Llewellyn & Associates Ltd., dated June 2017;
- [Preliminary Grading & Servicing Plan](#), prepared by S. Llewellyn & Associates Ltd., dated June 2017;
- [Phase 1 Environmental Site Assessment](#), prepared by Landtek Ltd., dated May 30, 2017;
- [Environmental Site Screening Questionnaire](#);
- [Geotechnical Investigation Report](#), prepared by Landtek Ltd., dated June 2017;
- [Renderings](#), prepared by Graziani & Corazza Architects Inc.

## **Discussion:**

### **Conformity Analysis and Policy Framework Review**

The OPA and rezoning applications are subject to the following policy framework: The Planning Act, Provincial Policy Statement, 2014; Growth Plan for the Greater Golden Horseshoe, 2017; The Big Move, Transforming Transportation in the Greater Toronto and Hamilton Area; Halton Region Official Plan; Burlington Official Plan; Tall Building Design Guidelines; and Zoning By-law 2020.

Staff have reviewed and analyzed the planning merits of these applications within this policy framework as described below.

### **Planning Act: Matters of Provincial Interest**

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application, key matters are highlighted below with further analysis discussed throughout the report.

<b>Matter of Provincial Interest</b>	<b>Staff Analysis</b>
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	Sufficient infrastructure exists to support the proposed development application.
The orderly development of safe and healthy communities	The proposed development application is within an intensification area and represents orderly development and accessibility for all persons has been considered.
The adequate provision of a full range of housing, including affordable housing.	The proposed development proposes a variety of unit sizes of varying price levels to appeal to a variety of household types.
The adequate provision of employment opportunities	The proposed development includes a small amount of retail and commercial space providing potential employment opportunities.
The protection of the financial and economic well-being of the Province and its municipalities	The proposed development is located within an area well serviced by infrastructure and public service facilities and will not require significant public sector investment to support the development.
The appropriate location of growth and development	The proposed development is located within an intensification area, and within the Urban Growth Centre boundary which represents an appropriate location for growth and development.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The proposed development was reviewed by the Burlington Urban Design Committee and found to be of high quality design. The building podium and proposed landscaping have been designed to enhance the pedestrian experience and public realm. The site has access to a number of transit routes that connect to key destinations.

Matter of Provincial Interest	Staff Analysis
<p>The promotion of built form that,</p> <p>Is well-designed</p> <p>Encourages a sense of place</p> <p>Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.</p>	<p>The proposal promotes active transportation, community connectivity and an enhanced pedestrian realm given its location, street level commercial/retail use, bicycle parking, streetscaping and proximity to recreational trails and parks.</p>

### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development to provide for healthy, liveable and safe communities. The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS), however all Council decisions affecting planning matters “shall be consistent with” the PPS.

The PPS directs growth to settlement areas and promotes densities and a mix of land uses which optimize use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2). The PPS requires that sufficient land be made available through intensification and redevelopment and, if necessary, designated growth areas (PPS, 1.1.2).

In addition, the PPS directs planning authorities to identify appropriate locations and opportunities for intensification and to promote appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (PPS, 1.1.3.3, 1.1.3.4). The appropriate locations and opportunities for intensification are identified in the City of Burlington’s Official Plan and redevelopment shall occur in accordance with the City’s intensification strategy. Development standards to facilitate intensification are provided through evaluation criteria contained in the City’s Official Plan and more specifically through the City’s Zoning By-law 2020.

The housing policies of the PPS direct planning authorities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents of the regional market area (PPS, 1.4.3). This is to be accommodated by promoting densities for new housing and establishing development standards for new

residential intensification and redevelopment which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety. The City's existing intensification strategy has appropriately considered, planned for and implemented an effective strategy that directs a significant amount of intensification to the City's mixed use centres and intensification corridors which is consistent with the PPS.

The PPS directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The PPS notes that where a provincial target is established through a provincial plan that the provincial target shall represent the minimum target (PPS, 1.1.3.5) which in this case is the Places to Grow. The PPS sets out that new development within designated growth areas shall have a compact form, contain a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6).

The PPS promotes the creation of healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (PPS, 1.5.1). The proposal promotes active transportation, community connectivity and an enhanced pedestrian realm given its location, street level commercial/retail use, bicycle parking, streetscaping and proximity to recreational trails and parks.

The PPS recognizes the importance of local context given the diversity of Ontario and that not all policies are applicable to every site and thus some flexibility in policy implementation is offered provided provincial interests are upheld. It also recognizes that some planning objectives need to be considered in the context of the municipality as a whole (PPS, Part III). Further, the PPS identifies Official plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City's Official Plan provides this policy framework and includes evaluation criteria for intensification proposals.

The subject property is located within the settlement area as well as within a designated growth area. The proposed development is located on an existing transit route, in close proximity to additional transit routes on Maple Avenue and within 800 metres (approximate 10 minute walk) to the John Street Transit Station. The proposed development can use existing infrastructure and public service facilities and will provide a range and mix of housing types including 1 bedroom to 2 plus bedroom apartment units. The variety of unit sizes will provide a range of unit prices with the smaller units providing more affordable options within the housing market. The subject property is also attractive for intensification given the proximity to the waterfront, cultural and recreational resources, such as Burlington Performing Art Centre, Art Gallery of Burlington, Spencer Smith Park and recreational trails, in addition to the downtown core, existing neighbourhood commercial and Maplevue Mall.

Staff reviewed the technical studies submitted in support of the proposed development and there were no significant issues identified that would have implications for the proposed intensification. The proposed intensification would contribute towards achieving the City's minimum intensification targets established in Places to Grow through the efficient use of land, infrastructure and resources.

Staff are of the opinion that the revised application is consistent with the policy directives of the PPS. The proposal represents an appropriate level of intensification within a designated growth area, an efficient use of land and provides for a range and mix of housing types that promote the use of active transportation and transit before other modes of travel.

### **Growth Plan for the Greater Golden Horseshoe (2017)**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous complete communities by better managing growth. The guiding principles of the plan include prioritizing intensification and higher densities to ensure efficient use of land, infrastructure and support a range and mix of housing options that support transit viability. The policies support the achievement of complete communities that are compact, transit-supportive, make effective use of investments in infrastructure and public service facilities and accommodate people at all stages of life. This includes providing a mix of housing, a good range of jobs and easy access to stores and services to meet daily needs of residents (GP, 2.1).

The Growth Plan contains population and employment forecasts to plan for and manage growth to the horizon of the Growth Plan (2041). The policies direct the vast majority of growth to settlement areas and more specifically within delineated built-up areas and strategic growth areas where there is an existing or planned transit and public service facility (GP, 2.2.1.2, c)).

The City's Official Plan policies direct new growth to the built-up area and focus intensification within the mixed use centres and intensification corridors. The Growth Plan requires municipalities to develop and implement, through their official plans and other supporting documents, a strategy and policies to phase in and achieve allocated intensification and the intensification targets. Policies are to encourage intensification throughout the built-up area; identify the appropriate type and scale of development; transition of built form to adjacent areas; identify strategic growth areas to support achievement of the intensification targets; support the achievement of complete communities; and implement intensification (GP, 2.2.2.4). The City began developing and implementing an intensification strategy to implement the 2006 Growth Plan

objectives through directing a significant amount of population and employment growth to mixed use intensification corridors and centres.

The Growth Plan also identifies Urban Growth Centres (UGC) that will be planned to accommodate significant population and employment growth. Downtown Burlington has been identified as a UGC and is required to achieve a minimum density target of 200 residents and jobs combined per hectare by 2031 or earlier (GP, 2.2.3).

The Growth Plan supports the achievement of minimum identified intensification and density targets by identifying and considering a range and mix of housing options and densities and by planning to diversity overall housing stock across the municipality (GP, 2.2.6). Municipalities are to consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a wide range of household sizes and incomes at transit supportive densities. In addition, municipalities are to maintain at all times land with servicing capacity sufficient to provide at least a three year supply of residential units which can be exclusively consist of lands suitably zoned for intensification and redevelopment. The lands on which the development is located are zoned for intensification and redevelopment and contribute to the municipality's conformity with this policy.

The Growth Plan growth allocation numbers for the City of Burlington to 2031 were approved by Halton Region in Regional Official Plan Amendment 37. The Growth Plan notes that intensification and density targets are minimum standards and municipalities can go beyond these minimum targets, where appropriate. The Growth Plan identifies that municipalities are to develop and implement urban design policies within their Official Plan and other supporting documents to direct the development of high quality public realm and compact built form in planning to achieve the minimum intensification and density targets of the Plan.

Staff are of the opinion that the applications conform with the policies of the 2017 Growth Plan. The subject applications generally conform to the direction and principles of the Growth Plan as the applications would intensify under-utilized land within an Urban Growth Centre where significant population and employment growth is anticipated. The proposed development provides a variety of apartment unit sizes (1 bedroom to 2 bedroom plus) with the smaller units providing more affordable options and the density of the development is transit supportive. The subject lands are located along an existing transit route and in close proximity additional routes on Maple Avenue, as well as being within walking distance of an identified Major Transit Station on John Street. The surrounding area includes a mix of apartment buildings with a range of densities and heights making this an appropriate location for increased intensification. The proposed development would also contribute to the City meeting its minimum density target established in the Growth Plan.

### **The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Areas (2008)**

The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Areas (Big Move) is a provincial policy document prepared under the Metrolinx Act (2008) that contains action items to develop and implement a multi-modal transportation plan for the Greater Toronto and Hamilton Area (GTHA). The goals of The Big Move are to provide more comfortable, convenient and interconnected transportation choices that are accessible and safe for all persons throughout the GTHA.

The Big Move identifies a comprehensive rapid transit development plan with Anchor and Gateway Mobility Hubs throughout the GTHA. The Big Move identifies the major transit station area as well as the area within an 800-metre radius of the transit station as the Mobility Hub. It regards these areas as forecasted to achieve, or have the potential to achieve, a [total] minimum density of approximately 10,000 people and jobs within an 800 metre radius. Downtown Burlington is designated as an Anchor Mobility Hub given it is identified as an Urban Growth Centre and major transit station area.

The Downtown Burlington Mobility Hub has exceeded the minimum density of 10,000 people and jobs associated with a Mobility Hub and is expected to reach the Urban Growth Centre density target of 20,920 people and jobs (200 persons and jobs per hectare) by the year 2031 or earlier.

The subject property is located within the 800 metre radius of the Major Transit Station Area and as such is considered to be within the Downtown Burlington Anchor Mobility Hub.

### **Region of Halton Official Plan**

The Region's Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton Region. The ROP provides population and intensification targets for all of the local municipalities including the City of Burlington. The ROP identifies that the City is expected to meet a minimum intensification target of 8,300 new dwelling units constructed within the Built Up Area between 2015-2031 (ROP, 56, Table 2). The subject lands are designated in the ROP as "Urban Area" and form part of the Urban Growth Centre.

The Urban Area is intended to accommodate future growth that is increased densities and intensification that is compact and transit supportive in order to reduce the dependence on the automobile and facilitate active transportation. The ROP establishes that the range of permitted uses within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws, however, all development shall be subject to all other relevant policies of the ROP (ROP, 76).

Within the Urban Area, the ROP policies support residential intensification and the development of vibrant and healthy communities. The ROP objectives for intensification areas are to provide an urban form that is complementary to existing developed areas, make efficient use of land and services, promote a diverse and compatible mix of land uses that create a vibrant, diverse and pedestrian-oriented urban environment. It also promotes the achievement of densities higher than surrounding areas and promotes mix uses that support active transportation and ensure the viability of existing and planned transit for everyday activities (ROP, 78).

Further, the policies state that Urban Growth Centres are parts of intensification areas which are intended to accommodate a significant share of population and employment growth by directing development with higher densities and mixed uses to intensification areas, support and promote active transportation and transit supportive land uses and serve as focal areas for investment. Urban Growth Centres are intensification areas that are intended to accommodate a significant share of population and employment growth and are required to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier (ROP, 80, 81).

Intensification within the City of Burlington has been designed to be achieved through specific Official Plan designations, such as the Downtown Mixed Use Centre and Precincts including the Downtown Residential Medium and/or High Density Precincts. The ROP states the Urban Area should establish a rate and phasing of growth that ensures the logical and orderly progression of development.

The ROP supports the provision of an adequate mix and variety of housing to satisfy differing physical, social and economic needs. It further targets that at least 50% of new housing units produced annually within the Region be in the form of townhouses or multi-storey buildings.

All new development in the Urban Area is to be on the basis of connections to Regional Servicing (ROP, 89(3)). Regional staff note that there are existing services adjacent to the site along both Brock Avenue and Ontario Street adjacent to the subject lands and there are no capacity-related servicing concerns at this time.

Regional staff note that it appears that the subject Local Official Plan Amendment would be exempt from Regional approval and in accordance with Halton Region By-law 17-99, formal confirmation is to be provided upon receipt of the final recommendation report. Regional staff note that in accordance with Halton Region By-law 17-99, the application is exempt from Halton Region approval.

The proposed applications are in keeping with the general intent and objectives of the Urban Area policies by providing housing to satisfy different needs and helping the City achieve its minimum density target. Regional staff have reviewed the proposed applications and have no objection to the proposed Official Plan amendment and

corresponding Zoning By-law amendment noting that they are in keeping with the general intent and objectives of the Urban Area policies of the ROP. Regional staff also note that the applications provide increased density within the Built Boundary and enable intensification where it can be reasonably accommodated from a Regional perspective. The intensification of the subject lands would contribute towards an appropriate rate and phasing of growth in a logical and orderly fashion.

### **City of Burlington's Intensification Strategy**

The City's Intensification Strategy identifies two Mixed Use Centres (Downtown Burlington and Uptown), a series of intensification corridors, potential GO Station intensification opportunities and established implementation measures to plan for and accommodate growth within the built boundary.

The City has conducted several exercises implemented through Official Plan amendments (OPA 55, OPA 59, OPA 73) and has developed a comprehensive and balanced approach to intensification that protects established neighbourhoods and the accommodates compatible intensification in appropriate locations of the City. The City's Official Plan and intensification framework support the City's ability to achieve the minimum density target established in the Provincial Growth Plan, Regional Official Plan and the City Official Plan.

### **City of Burlington Proposed New Official Plan & Mobility Hubs Area Specific Plan**

The proposed new Official Plan (OP), April 2018, has been developed to reflect the opportunities and challenges that face the City as it continues to evolve. The City's proposed new Official Plan communicates Council's vision and reaffirms the City's commitment to maintain a firm urban boundary. The proposed new Official Plan introduces a new Urban Structure and Growth Framework to further direct growth to the appropriate locations of the City. As this application was submitted and deemed complete prior to Council adoption of the new Official Plan, it was not necessary to refer to the new Official Plan, however, staff have undertaken a high level review of both documents as they will form the basis for policy moving forward.

The Downtown is considered an Urban Centre and is identified as a mobility hub in the proposed new Official Plan consistent with Provincial and Regional documents. The subject lands are located within the Downtown Burlington Mobility Hub. This area is identified as a Primary Growth Area that is intended to accommodate the majority of the City's forecasted growth. Primary Growth Areas are regarded as the most appropriate and predominant location for new tall buildings, in accordance with the underlying land use designations or land use policies of the area specific plan. The new City Official Plan identifies that Area Specific Plans will be incorporated for each of the Mobility Hubs. In February 2018, City staff presented Planning and Development Committee a

revised proposed new Official Plan that continues to communicate Council's vision and establishes strategic priorities for the City's growth management, land use and infrastructure investments.

In keeping with the Growth Plan, the City's Official Plan identifies Major Transit Station Areas and the Urban Growth Centre (Downtown Burlington) as intensification areas with a pedestrian and transit-oriented focus. The Area Specific/Precinct Plans for the Mobility Hubs were identified as a key priority in the Council's Strategic Plan which supports the objectives of The Big Move Plan, the Growth Plan and the Region's Official Plan.

In November 2017, City staff presented a proposed Downtown Mobility Hub Precinct Plan to the Planning and Development Committee. In January 2018, the Precinct Plan was updated to address comments received and given additional analysis that had been completed. With respect to the subject lands, the updated plan developed two separate precincts from the existing Downtown Residential – Medium and/or High Density Precinct into the Downtown Mid-Rise Residential and Downtown Tall Residential Precincts.

The subject lands are located within the Downtown Tall Residential Precinct. The Downtown Tall Residential Precinct is intended to reflect the predominantly residential areas consisting of existing development of 12 storeys or more. Proposed new Tall Residential precinct policies expect future development to enhance the street-level experience through the incorporation of podiums and street-oriented uses including residential, retail, service commercial and recreational uses, in accordance with the policies of the Plan. It is also anticipated that development will occur within tall buildings that shall be a minimum of 12 storeys in height and a maximum of 21 storeys. The updated policies recommend the inclusion of tall building design elements, such as minimum tower separations (30 m), maximum floor plates for towers and discuss that maximum residential building heights be established in keeping with the existing built form within the precinct. The proposed Downtown Tall Residential Precinct policies are to ensure that future redevelopment reflects excellence in built form.

The subject lands are also located adjacent to the Downtown Parks and Promenades Precinct providing access for future residents to green open space and connections to recreational trails and parks.

It is anticipated that additional policies may be added to this Tall Residential precinct as part of the final Downtown Area Specific Plan.

Staff are of the opinion that the site and surrounding area can accommodate the proposed increased height and density, subject to high quality design, and that the proposed development generally meets the intent of the Downtown Tall Building Precinct policies with 21 storeys of residential uses with 1 storey rooftop amenity area.

The proposed development would also help the City in meeting its minimum density targets.

The proposed new Official Plan and the Downtown Area Specific Plan do not have status at the time of authoring this report. Until the new Official Plan is approved by the Region, the policies in the new Official Plan are informative and not determinative. However, staff have reviewed both of these documents as they will form the basis for policy moving forward. Staff are of the opinion that the proposal meets the intent of both Official Plans as the occupied built form and mass are contained within 21 stories although the Zoning By-law definition means that the building is technically 22 storeys in height.

It is noted that this application was deemed complete well in advance of Council's inclusion of the 21 storey height maximum established in the Downtown Tall Building Precinct and the 30 metre separation between towers which is greater than the 25 metre separation required in the Tall Building Guidelines . This development proposal is amending the current Official Plan policies that are in force and effect.

### **City of Burlington Official Plan, 2008**

The City's Official Plan recognizes changes with respect to the future built form within the City. The Plan encourages greater live-work relationships and the focusing of more intense land uses into specified mixed use centres as the City gradually evolves. It also identifies and encourages that to meet the needs of the changing population, a broader mix of residential dwellings in terms of type, size, cost and ownership in a more compact form that is served by various modes of transportation and located in close proximity to jobs, shopping and leisure areas. This direction is designed to maintain the established character of the City's neighbourhoods by directing growth towards underutilized or vacant parcels and to mixed use corridors and the Uptown and Downtown mixed use centres which include the Downtown Urban Growth Centre.

### ***Urban Growth Centre and Targets***

The City's Official Plan identifies the Urban Growth Centre boundary which includes a number of precincts. Development within each of these precincts is subject to the specific applicable land use designation policies. The Downtown Burlington Urban Growth Centre is meant to accommodate a significant share of the City's population and employment growth which is to be accommodated through the infilling of existing surface parking lots, rehabilitation of existing buildings and intensification of under utilized lands and buildings.

The City's Urban Growth Centre (UGC) with respect to the Provincial Growth Plan's is required to meet a minimum required gross density of 200 residents and jobs per hectare by the year 2031. Given the UGC minimum intensification target of 200 persons

and jobs per hectare and UGC area of 104.6 ha, the UGC will require the accommodation of 20,920 persons and jobs by 2031 to meet the minimum target.

Staff are of the opinion that the City of Burlington is well positioned to achieve the minimum density target of 200 residents and jobs per hectares by 2031 and that the proposed development would help the City meet its minimum density growth targets. It is again noted that the Growth Plan stipulates that the assigned intensification and density targets are minimum standards only and municipalities are encouraged to go beyond these minimum targets, where appropriate.

### ***Official Plan Land Use***

The City's Official Plan identifies the subject properties on three schedules:

- *Mixed Use Activity Area* on Schedule A, Settlement Pattern;
- *Mixed Use Centre* within the Downtown Urban Growth Centre Boundary on Schedule B, Comprehensive Land Use Plan – Urban Planning Area; and
- *Downtown Residential Mid-Rise and/or High Density Precinct* on Schedule E, Downtown Mixed Use Centre.

Mixed Use Activity Areas are locations where employment, shopping and residential land uses will be integrated in a compact urban form, with higher densities, be pedestrian-oriented and highly accessible by public transit. These areas address the demand for alternatives to low density, suburban development and encourage the efficient use of land and infrastructure.

The Mixed Use Activity Areas are intended to encourage comprehensively planned areas that integrate uses such as retail stores, offices, hotels, institutional and entertainment uses, residential uses, community facilities, cultural facilities, institutions and open space, while retaining compatibility with nearby land uses. The Mixed Use Activity Areas are to be developed in a compact urban form that is at higher development intensities, is pedestrian oriented and highly accessible by public transit while fostering community interaction (OP, 5.2.1).

The Mixed Use Centre is intended for mixed use developments consisting of medium and high density residential uses and encourages higher intensity, transit supportive and pedestrian oriented developments while retaining compatibility with nearby land uses. The policies promote a more diversified transportation system that serves all modes of transportation (people in vehicles, people on public transit, people on bikes and people walking) (OP, 5.4.1). The Mixed Use Centre provides for a range of intensities and heights dependant on location and site specific factors. Development within the Mixed Use Centre shall ensure compatibility between Mixed Use Centre uses and adjacent uses and building fronts should face onto the street to provide a sense of human comfort, pedestrian scale and interest in close proximity to the street and transit

services; integrate new development with surrounding uses; promote safe, convenient and barrier-free travel; promote public safety; and provide screening of off-street parking. Retail, service commercial and other pedestrian oriented uses is encouraged to be located at street level (OP, 5.4.2).

According to the Downtown Mixed Use Centre policies, the objective is to increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure the Downtown is used after business hours, and create a local market for convenience and service goods (OP, 5.5.2 g)). The policies also speak to the creation of harmonious, safe and attractive environment through the establishment of design excellence while ensuring that the density, form, height and spacing of the development is compatible with the surrounding area.

The proposed development would reinforce the streetscape by ensuring a pedestrian scale along the the street frontages of Ontario Street and Brock Avenue through the design of the podium, transparent glazing at street level and the inclusion of commercial/retail uses along the Ontario Street frontage. The proposed building incorporates a two storey podium appropriately scaled for the pedestrian experience and surrounding area.

The development provides appropriate parking on-site within 4 levels of underground and surface parking provided to be shared between visitors and the commercial/retail use. Access to the site is via Ontario Street with additional accesses to the site provided through 472 Brock Avenue to/from Elgin Street and Brock Avenue. The loading and service areas including garbage are located internal to the building to mitigate potential impacts on the adjacent properties. The proposed development is directly connected to the municipal right of way (streets and sidewalks) providing both vehicular and pedestrian access in addition to access to a public transit route along Ontario Street. A recreational trail is located along the hydro corridor lands off Brock Avenue that provides linkages for people walking and people on bicycles between the subject lands, other neighbourhoods and Spencer Smith Park.

The area surrounding the proposed development is characterized by a variety of different building styles dependant upon the time period they were constructed. Some buildings, such as the buildings located north of Ontario Street known as Burlington Towers, are consistent with a “towers in the park” approach to high rise apartment buildings that was popular in the 1960’s and are characterized by high rise towers that are located further back from the street leaving room for greenspace and parking. Other buildings have been designed in a more urban context located closer to the street, such as buildings fronting on Maple Street and Brock Avenue. Other buildings include live/work opportunities with ground oriented mixed uses, such as offices within the adjacent building to the south.

The proposed building is designed with an urban context in keeping with the principles of the City's Downtown Tall Building Guidelines. The proposed development meets the objective to increase the residential population within the downtown core and will provide a variety of different unit types and price levels that will appeal to a range of household types.

Staff are of the opinion that the proposed development would meet the principles and objectives of the Downtown Mixed Use Centre, which would therefore maintain the general intent and purpose of this designation. The proposed development represents the redevelopment of underutilized properties and would provide additional residential apartment units to contribute towards achieving the density targets for the Urban Growth Centre. The additional population within the downtown makes the downtown more attractive to both retailers and employers given the opportunities for employees to reside in close proximity to their employment.

***Downtown Residential – Medium and/or High Density Precincts***

The Downtown Mixed Use Centre Land Use Plan designates the subject lands, "Downtown Residential-Medium and/or High Density Precincts" which recognizes the variety of the existing residential medium and/or high density development that currently exists and provides for future medium or high density residential development or redevelopment which is compatible with existing development. The precinct allows for residential and office uses with ground or non-ground oriented housing units at a density ranging from 26-185 units per net hectare. The Official Plan broadly uses this density range throughout the City and does not determine appropriate densities for specific vacant or under-utilized properties allowing determination based on proposed development and other Official Plan policies.

There are a number of other considerations that must be reviewed when determining the appropriate density for a specific property, such as servicing, traffic and shadow analysis reports which are discussed later in this report. Apartment unit types also have a profound impact on the overall site specific density as can be seen in the chart below.

Unit Type	Unit Size (m <sup>2</sup> )*	Total Number of Units**	Density Units per Hectare***
One Bedroom	57	263	1196
One Bedroom Plus	61	245	1114
Two Bedroom	76	197	895
Two Bedroom Plus	103	146	664
Three Bedroom****	111	135	614
* Average unit sizes in proposed development ** Gross residential floor area of 15,000 sm. *** Site area of .22 ha **** 3 bedroom unit size based on 1,200 sf,			

The chart reflects the difference in density between an all one bedroom unit development versus an all three bedroom unit development to provide an indication of the impact that unit size has on the overall density. The proposed development provides a mix of unit sizes that offer varying levels of affordability and family sizes.

Applications to amend the Official Plan to more closely meet the general intent and intensification policies of the Official Plan and Places to Grow may be considered appropriate dependant on the site specific application. The applicant is proposing to increase the maximum permitted density to allow for 162 residential apartment units, 186 m<sup>2</sup> commercial/retail space and rooftop amenity area within a 22 storey apartment building.

The proposal includes 21 storeys of residential units and 1 storey of rooftop amenity area and mechanical penthouse which can be regarded as comparable and compatible with existing developments in the surrounding area. This precinct consists of a broad range of high density built form ranging from 5-21 storeys in height and 170-362 units per hectare in density.

This subject lands are separated from the St. Luke's neighbourhood by a Hydro One corridor that is approximately 50 m in width that includes a municipal parking lot and large trees along the property line that provides a considerable buffer helping mitigate the impact of the proposed development. Located east of the Hydro One corridor, there is a pocket of the St. Luke's Neighbourhood comprised of 3 single detached dwellings and one single detached dwelling operating a roofing business located along Nelson Avenue.

Staff are of the opinion that the proposed development meets the intent of the planning objectives for the Residential-Medium and/or High Density Precincts. Staff is supportive of the proposal to increase the density on this site from a maximum 185 units per hectare to 737 units per hectare.

## **Additional Official Plan policies**

### ***Housing Intensification***

The Mixed Use Centre policies of the OP set out that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of the Housing Intensification section of the OP (OP, Part III, 5.4.2 k)). The Housing Intensification section of the OP (Part III, 2.5) provides criteria that is to be considered when evaluating development proposals within established neighbourhoods. The objective of these policies is to encourage residential intensification as a means of increasing the amount of available housing stock within existing neighbourhoods provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.

### ***Intensification Evaluation Criteria***

The City's Official Plan contains thirteen evaluation criteria for intensification proposals. The proposed intensification has been assessed within Housing Intensification criteria as follows:

- i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;***

The development application was circulated to Halton Region, the City's Capital Works Department and the local school boards for comment. The Region confirmed that there are no capacity-related servicing constraints associated with the proposed development which can be serviced through existing services adjacent to the site along both Brock Avenue and Ontario Street.

The two local school boards have advised that they have no objections to the application and that there will be sufficient capacity to accommodate the students generated from the proposed development. Halton District School Board advised that potential students are within the catchment areas for Central Public School and Burlington Central High School. Halton Catholic School Board noted that potential students can be accommodated at St. John Catholic Elementary School and Assumption Catholic Secondary School.

Parks and Open Space staff have advised that there is adequate parkland available to accommodate the proposed development with a number of parks located in close

proximity. Staff identified that Neighbourhood Parks being Brock and Apeldoorn Park are located within 0.8 km from the site and City/Community Parks being Maple Park, Spencer Smith Park and Beachway Waterfront Park are located approximately 0.8-2.4 km from the site. As such, cash-in-lieu of parkland dedication is recommended for this development. All requested zoning conditions have been included in Appendix D to this report.

There is adequate municipal services, school accommodation and parkland available to accommodate the proposed development.

***ii) Off-street parking is adequate;***

The OP encourages opportunities for Travel Demand Management measures to reduce single occupancy automobile use especially during peak travel periods, such as car pooling programs, transit passes, etc. The OP also provides for consideration of opportunities for the shared parking formulae and/or on-street parking on lands within the Mixed Use Centre to reflect the increased intensity of development and accessibility by transit and other modes of travel subject to evaluation by the City.

The subject property is located within the Downtown High Density Residential zone which stipulates the required residential parking standards for the proposal being 1 parking space per unit which shall be enclosed and 0.25 visitor parking spaces per residential unit.

As such, the proposed development would require a total of 162 tenant parking spaces and 41 visitor parking spaces for a total of 203 parking spaces. The proposed development, as revised, provides the required 203 parking spaces on-site within 4 levels of underground parking and a limited number of surface parking spaces located along the westerly property line.

The proposed development would also require non-residential parking spaces associated with the commercial/retail component of the development which is planned to be shared with the proposed surface visitor parking. The Parking Justification Report concludes that the on-site parking spaces are adequate for the proposed development based on Transportation Demand Management, ITE parking demand rates, availability of alternative transportation mode infrastructure, time of day usage and the proximity of available parking both on-street and within 2 municipal parking lots. The Parking Justification Report also notes that proximity of the site to live/work/play opportunities in the downtown area and waterfront reduces overall parking demand.

The City's Transportation Services staff supports the parking totals recommended in the Parking Justification Report and the sharing of the surface visitor and commercial/retail parking spaces. Transportation staff has requested that one car share parking space be provided which has been included in the zoning conditions in Appendix D.

***iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;***

The Traffic Impact Study reviews intersection operations within the study area to determine the need for any improvements required to accommodate the existing and future traffic demands with the inclusion of the proposed development. The study reviews and analyzes existing AM and PM peak hour traffic, develops future traffic volumes and forecasts trips generated by the proposed development. The Study concludes that, under future traffic conditions, the study area street network can accommodate the proposed development and is forecast to operate well with no critical movements. The study also concludes that the proposed site access to Ontario Street opposite Burlington Towers is forecast to operate well under future traffic conditions.

Transportation Services staff have reviewed this application and the submitted Traffic Impact Study and are satisfied with the analysis, conclusions and recommendations of the study that the surrounding street network has adequate capacity to accommodate additional traffic demands associated with this development.

***iv) The proposal is in proximity to existing or future transit facilities;***

The subject lands are located approximately 775 m west of the new promenade between Brant Street and the John Street Downtown Bus Terminal which is the equivalent of an approximate ten minute walk. The subject lands are also located on an existing transit route, Route 300, which runs along Ontario Street providing a connection between the Downtown Bus Terminal, Maplevue Mall and Joseph Brant Hospital. The Downtown Bus Terminal provides service to multiple Burlington Transit bus routes providing access to other areas of the City including the Burlington GO station.

Other existing transit routes are available on Maple Street which is located a short distance from the proposed development. The site is well serviced by existing transit routes.

Pedestrian access is provided via sidewalks located on both sides of Ontario Street and Brock Avenue.

***v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;***

The Official Plan does not set a maximum height for the Medium and/or High Density designation relying instead on compatibility with surrounding neighbourhood. The Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or

functional adverse impact of, existing or proposed development in the area or pose an unacceptable risk to environmental and / or human health. Compatibility should be evaluated in accordance with measurable / objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.”

This definition, although deferred, helps guide staff in reviewing applications with respect to compatibility.

The subject property has been designated and zoned for high density development for a number of years. A holding was utilized to ensure that land assembly would occur to allow for this type of development. The proposed land use is similar to existing high density land uses within the surrounding area and can be considered compatible land use. The precinct area is characterized by a mix of residential units including townhouse units and single detached dwelling, however, the majority of the area is characterized by mid-rise and high rise residential apartment buildings. The goal is to create a development that is in harmony and responsive to the existing area. The proposed development has been designed with a modern, contemporary design in an attempt to complement and not detract from the heritage character located to the east of the subject lands.

Scale refers to the apparent size or massing of a building in its setting in comparison with the size of adjacent buildings and as perceived from the street. People tend to evaluate building scale relative to other people and its relationship with the sidewalk and street.

While this building would be taller than other buildings in the immediate vicinity, the scale of the development is consistent with the principles of the Tall Building Guidelines. The building podium is sited close to the property lines along Ontario Street and Brock Avenue in order to provide an active streetscape keeping a pedestrian scale to the built form. The podium is two storeys in height consistent with the podium of the adjacent building to the south. The design of the podium reinforces the existing streetwall and podium height on Brock Avenue and establishes a streetwall for future development along Ontario Street. The 2 storey podium anchors the building to the location which then steps back 3-4 metres to reduce the impact of the proposed tower on the street level. The tower has a slender 750 square metre floorplate that contributes to minimizing the impact of shadow and providing access to sunlight and views of the sky which help to reduce the overall perception of the building scale. The difference in height between the proposed development and the existing precinct would not create a significant visual variation to the existing skyline.

The proposed development reduces massing of the building by incorporating a podium design that interacts with the public realm. The tower is setback from the podium to provide a transition that helps to lessen the appearance of massing and height from the street. The building's design is different from the majority of high rise buildings in the precinct that have larger floorplates without a transition between podium and tower. Buildings with larger floorplates are more likely to create significant effects such as increased impacts associated with wind and shadow.

Development Location/Address	Height	Lot Area	Number of Units	Density
Strata 551 Maple	21 storeys 68.2 m	0.58 ha	187	322 uph
Palace 1270 Maple Crossing	20 storeys 61.4 m	0.95	235	247 uph
Regency 1276 Maple Crossing	20 storeys 62.7 m	1.29 ha	290	225 uph
Burlington Towers 1265, 1285, 1305 Ontario	18 storeys 48.9 m	2.14 ha	530	248 uph
Maple 1272 Ontario	13 storeys 35 m	0.22	48	229 uph
1275 Elgin	15 storeys 40.6 m	0.78 ha	198	254 uph
Spencer Landing 442 Maple	14 storeys 39 m	0.70 ha	125*	179 uph
Brock 1 472 Brock	14 storeys 44.34 m	0.33 ha	118	358 uph
* includes 10 two storey townhouse units				

The proposed height being a 22 storey residential building including 1 storey of rooftop amenity area and mechanical penthouse is slightly higher than other tall buildings located in the immediate precinct. The top of the 21st storey is proposed at 70.2 m. The remainder of the building top stepping up to included the top of indoor amenity at 74.7 m, the top of mechanical at 76.2 m and the corner feature being 78.2 m.

There are a number of existing tall buildings (equal to or greater than 12 storeys) located within the precinct area as shown in the chart above. The difference in heights between buildings will appear to be less apparent given the separation between the various taller buildings. The various stepped levels of the proposed building top will result in the proposed building contributing to the distinctive building tops within the skyline of the precinct, much like the Strata building.

The proposed development has been reviewed by the Burlington Urban Design Committee (BUD) and found to be of a high quality design subject to incorporation of their suggestions. BUD recommended changes to the ground floor plan, cladding materials and landscaping to soften and bring warmth to the pedestrian experience. BUD suggested that the indoor amenity space is not the best use of the Brock Avenue frontage given its connection to the waterfront, Art Gallery and bike path along the hydro corridor and suggested the commercial retail use would be more appropriate. BUD also commented that given the visible location of the proposed building, it is important to emphasize the street corner of the building while simplifying the tower flankage to create an elegant looking design while providing architectural interest and enhancing the streetscape and pedestrian realm. The developer has incorporated BUD's suggestions.

The siting of the podium frames the streetscape, grounds the building and emphasizes the intersection enhancing the public realm. The tower of the building is appropriately setback from the podium so impacts on the public realm are minimized. The proposed building's rooftop has been designed to be distinctive and become easily identifiable within the City's downtown skyline.

The proposed development is providing the required amount of parking for the residential uses in accordance with the City Zoning By-law with the non-residential commercial/retail uses sharing the surface parking with residential visitor parking. Transportation staff agreed with the conclusions of the Parking Justification Study that found that the site had more than adequate parking on-site to support the development.

The development as proposed includes both indoor and outdoor amenity areas located within the building. The common indoor amenity areas would consist of a lobby area, an amenity room located on the ground floor and a larger area located on the rooftop (22<sup>nd</sup> floor). In addition, each residential unit would include private amenity space being either a balcony or terrace patio. The outdoor amenity area would consist of communal outdoor space located on the rooftop (22<sup>nd</sup> floor) connecting with the adjacent indoor amenity area. The total amenity space proposed is 2608 m<sup>2</sup> which is the equivalent of 16 m<sup>2</sup> per unit which is less than the 20 m<sup>2</sup> of amenity area per unit required in the Zoning By-law. However, it is noted that although there is a reduction to the amount of amenity space per unit, the site is located in close proximity to City parks and recreational trails and other open spaces.

The proposed development's maintains a 25 m tower separation between the proposed development and the building located to the south at 472 Brock Avenue in keeping with the Tall Building Guidelines. The tower is also located 15 m from the property line to the west so an adequate separation distance can be provided from future development and to ensure that the proposed development will not negatively affect future development of those properties, once assembled.

Using the City's definition of compatibility, staff are of the opinion that compatibility of this site with surrounding land uses can be achieved given the context, transitions and design. The proposed built form is capable of co-existing in harmony with the area and the proposed development will be able to appropriately mitigate any physical and / or functional adverse impacts on existing development in the area, as discussed further in this report.

***vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;***

There are boundary trees located along the westerly property line that require consent of the adjacent property owner prior to removal. There is also one City tree located along Ontario Street that would be impacted by the proposed development, and as such, is proposed to be removed. Pursuant to Tree By-law 68-2013, Council approval is required to remove trees located on City property. Staff have reviewed the plans submitted with the rezoning application, conducted a site visit and provided comments to the applicant with respect to the landscape plan that would be required at the subsequent site plan stage. City staff are supportive of the applicant's request to remove the City tree subject to compensation being provided by replanting trees within the City's boulevard and/or providing cash-in-lieu where the opportunity for replanting is not available. The total value of compensation shall be \$7,150, as indicated in the Recommendations Section of this report.

***vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;***

The applicants submitted a Shadow Impact assessment for the proposed development to ensure compliance with the City's Tall Building Guidelines criteria for assessment of sun shadowing. The study reviews the criteria and concludes that shadowing resulting from the proposed development over and above the subject site's existing height permissions is incremental dependant on time of year and can be considered reasonable.

The City's Tall Building Guidelines criteria identify:

- The height and massing of the podium (not including the tower) shall ensure a minimum of five hours of sunlight on the opposite side of the street at the equinoxes of March 21 and September 21.

Review of the shadow study for March 21 identifies the shadow associated with the podium being cast on the opposite side (north side) of Ontario Street until approximately 10:18am in the morning and moved in a southerly direction to the south side of Ontario Street. The shadow extends over the sidewalk on the south side of Ontario until 2:18pm with no shadow impact for the remainder of the day. Shadow from the podium begins to be cast on the west side of Brock Street sidewalk after 2:18 pm and move across to the opposite side (east side) of Brock Avenue around 4:18 pm.

Review of the shadow study for September 21 identifies similar shadow effects as experienced on March 21.

The study concludes that the proposed development's podium provides in excess of five hours of sunlight as required in the Guidelines.

- Design and placement of the tower should generally be oriented in an east-west direction to minimize the impacts of shadow.

The proposed building is oriented in a north-west, south-east direction in keeping with the street orientation of Ontario Street and Brock Avenue which helps to minimize impacts of shadow.

- Design and placement of the tower shall have minimal impacts on adjacent residential neighbourhoods, parks, open spaces or the natural areas. Adverse shadow impacts shall not hinder the viability or enjoyment of these areas.

The shadow impacts on adjacent properties are limited because of the slender tower design that creates a narrow and long shadow that moves relatively quickly.

On March 21, shadows appear to affect the outdoor amenity area of the residential properties backing onto the Ontario Hydro right-of-way located on Nelson Avenue in the spring and fall equinoxes for approximately an hour to an hour and a half in late the afternoon. Shadowing is reflected in the rear yard of the northerly most residential property at 4:18 pm and passes southerly over the rear yards of other residential properties. Shadows also appear to affect the middle building on the Burlington Towers property in the morning shifting easterly off the building by 10:18am. It is noted that the shadows from the proposed building only affect the recreational trail located on the Ontario Hydro right-of-way between 12:18 pm and 2:18 pm and would not be anticipated to impact Brock Park until after 6:18 pm.

On June 21, there are no shadows impacts created by the tower affecting the residential neighbourhood, parks or open space between the hours of 9:18 am and 5:18 pm.

Shadow impacts are not anticipated to adversely impact the viability or enjoyment of neighbouring residential, parks or open spaces given that these areas are utilized primarily during the summer months and there are no shadow impacts occurring during this time. Shadowing does occur during the spring and fall equinoxes but the slender tower design allows for the shadow to move quickly so that it only affects areas for approximately one to two hours dependant on the size of the area. The proposed development complies with the City's shadow Guidelines.

***viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;***

The proposed development is within walking distance to employment, shopping, leisure and cultural opportunities located the downtown core. In addition, there is a range of community facilities such as Burlington Performing Arts Centre, Art Gallery of Burlington, Spencer Smith and Brock City parks, schools, Maplevue Mall and Joseph Brant hospital all within an 800 m radius (10 minute walk) of the site. Maplevue Mall is still walkable being located slightly further from the subject site but within an approximate 1.2 km radius.

***ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts;***

The proposed development provides adequate setbacks from the property lines to provide architectural interest, landscaping and interaction between the proposed building frontages and the street. The landscape design will be further refined during the site plan process that will determine the details with respect to green space, decorative hard surfacing and street furniture/art with consideration of comments received from the BUD Committee.

The submitted wind study identified two areas of concern located at the north-west corner of the building and the south-west corner of the building. The applicant worked with the wind consultant to mitigate the impacts through design features, landscaping and wind tunnel testing to ensure safety criterion can be effectively mitigated. As a condition of zoning, the applicant will be required to submit an updated wind study to ensure safety criterion continue to be met through the site plan approval process.

***x) Where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;***

There is the potential for redevelopment of a number of underutilized properties west of the subject property along Ontario Street. The development of this site will not compromise the redevelopment potential of these properties which are separated from the subject lands by an access driveway with surface parking.

The proposed development provides a 15 metre setback along the westerly property line which will provide a more than adequate separation between this building and any future redevelopment. It is staff's opinion that the proposed development will not compromise redevelopment of the above noted properties.

***xi) Natural and cultural heritage features and areas of natural hazard are protected;***

The existing dwelling located on the subject property is not located on the City's Municipal Register of Cultural Heritage Resources. As such, there are no natural or cultural heritage features or natural hazards to be protected on the subject lands. The modern design of the proposed building will not compete or detract from existing designated heritage properties located on Nelson Street.

***xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 g) and m); and***

These policies have been reviewed and considered not applicable to this application as there are no floodplains or watercourses impacting the subject property nor is the proposed development located in the South Aldershot Planning Area.

***xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.***

The subject lands are located toward the easterly edge of the Downtown Urban Growth Centre and the Residential Medium and/or High Density area within 120 metres of Maple Avenue. The revised proposal provides vehicular access from Ontario Street, Brock Avenue and Elgin Street. Ontario and Elgin Streets are both identified as Collector roads.

The subject lands are located within the Medium/High Density precinct that is comprised of apartment buildings with a variety of built forms. Given the current built form and lot fabric, this precinct appears to have limited potential for future redevelopment opportunities. The proposed development is designed to incorporate a tower that steps back from a two storey podium to minimize the overall impact of the building's mass

from the pedestrian realm and a 25m separation setback between buildings as required in the Tall Building Guidelines. It is noted that these applications were at the latter end of the planning process prior to Council's inclusion of a 30 m minimum separation between towers.

The municipal parking lot and hydro corridor provide a transition between the proposed development and the existing lower density residential uses on Nelson Street. The site has direct access to Ontario Street, Brock Avenue and Elgin Street and provides a built form that will integrate with the existing tall buildings in the precinct.

Staff are of the opinion that the proposed building meets the intent of this policy as the revised proposal is compatible with other tall apartment buildings within the precinct area, has access to local collector roads and is within approximately 100 m of Maple Avenue and there is a sufficient transition between the proposed development and the existing surrounding neighbourhood.

### **Zoning By-law 2020**

The subject lands are zoned 'Downtown High Density Residential (H-DRH)', with a holding provision to allow for land assembly. The DRH zone permits a range of high density residential uses including apartment buildings and regulations that include a maximum density of 185 units per hectare and a maximum height of 22 metres.

The zoning by-law amendment would rezone this property with site specific exceptions to permit an apartment building with 21 floors of residential units and 1 storey of rooftop indoor amenity space and rooftop mechanical. For comparison, the table below lists the DRH zone requirements and the proposed zoning the revised 162 unit apartment building.

<b>Zone Regulation</b>	<b>DRH Zone Requirements</b>	<b>Proposed DRH-476</b>	<b>Comment</b>
<b>Minimum Lot Width</b>	30m	45.7m	No changes required
<b>Minimum Lot Area</b>	0.1 ha	0.2 ha	No changes required
<b>Front Yard</b>	6 m	3.7 m	Staff support the reduction to the setback given the two storey podium height and increased setback to the tower. In addition, there is sufficient room for landscaping and enhancements to the streetscape. Visually the setback will appear to be in keeping with the Ontario streetscape given the reduction resulting from a required road widening.

Zone Regulation	DRH Zone Requirements	Proposed DRH-476	Comment
<b>Street Side Yard</b>	6 m	2.7 m	Staff support the reduction to the building setback as it transitions from 3.0 m at the intersection to 3.91 m for southern two-thirds of the building in keeping with the 3.7 m required setback of the building to the south.
<b>Rear Yard</b>	7.5 m	1.3 m	Staff support the reduction to the building setback as it is to an open colonnade structure that provides weather protection for people and bicycle storage. The reduction is adjacent to existing fencing and parking.
<b>Side Yard</b>	6 m	15 m	No changes required.
<b>Density</b>	185 units per ha max	751 units per ha	Staff support the increase in density for this development as it is consistent with the PPS, Growth Plan, Regional Official Plan and the Official Plan that support efficient, compact, transit supportive development and the provision of mix of unit sizes to accommodate a wide range of household sizes and incomes.
<b>Building Height</b>	22m max	78.2 m	Staff support the increase in height for this development as it is consistent with the PPS, Growth Plan, Regional Official Plan and the Official Plan that support the efficient use of land, infrastructure and services. The building is designed to minimize the tower by stepping it back from the podium along the street frontages. The main roof slab is 70.2 m, stepping to the mechanical/indoor amenity at 76.2m and to 78.2 for the corner feature. The 22 storey apartment building is compatible with other high rise apartment buildings in the area.
<b>Amenity Area</b>	20 m <sup>2</sup> per unit	16 m <sup>2</sup>	Staff support the reduction as the proposed development provides both indoor and outdoor amenity area in addition to unit balconies/terraces. Additionally, there are recreational trails and multiple parks located within 300 m of the site.

Zone Regulation	DRH Zone Requirements	Proposed DRH-476	Comment
<b>Parking</b>	Occupant - 1.0 parking spaces per unit 100% enclosed	162	No changes required.
	Visitor- 0.25 parking spaces per unit	41	No changes required.
	Retail/Commercial	7	Staff support shared retail/visitor parking based on the conclusions of the Parking Justification Report (parking supplied, time of use and proximity of municipal parking lots).
<b>Bicycle Parking</b>	none	90	No changes required
<b>Below Grade Parking Structure Setbacks</b>	An enclosed parking structure below grade shall be setback 3m from a street line	0.0m	Staff support the reduction given engineering documentations that there will be no impacts to the adjacent properties with respect to construction of the underground structure.

The site has been zoned for an apartment use for many years subject to land assembly occurring.

### ***Removal of the Holding “H” Designation***

The subject property is an assembly of three separate properties being 490 and 492 Brock Avenue and 1298 Ontario Street. The holding designation was implemented by Council in order to ensure that land assembly occurred prior to the redevelopment of these lands. The land assembly required by the “H” was to allow for the implementation of the site’s Downtown High Density Residential zone.

As these lands are the remaining parcels from a previous development and the proposed development will not preclude future development of 1280, 1286, 1290 and 1292 Ontario Street, the rezoning of these lands for the proposed development will in effect remove the holding designation.

The proposed zoning amendment will permit a higher density and taller built form than is currently permitted in the DHR zone and as such staff must consider a number of factors such as urban design, building height, streetscape, wind analyses and traffic impacts to determine compatibility.

## Urban Design

The City of Burlington is committed to a high standard of design and architecture which is becoming increasingly important as the City continues to evolve. The City has prepared and will continue to prepare Design Guidelines relating to various building types, such as Tall Building Guidelines and Mid-Rise Guidelines. These guidelines are intended to ensure new tall buildings promote design excellence, support vibrant streets and provide a positive addition to the City's skyline. The guidelines also define the City's expectation for the design of future development proposals and provide staff with a tool for evaluating development applications.

The design of the built environment should strengthen and enhance the character of the existing neighbourhoods. Intensification and infill development and redevelopment within existing neighbourhoods are to be designed to be compatible and sympathetic to existing neighbourhood character. High quality of design must also consider interaction with the public realm. Design opportunities to enhance the quality of the public realm shall be encouraged and improvements to existing streetscapes shall be encouraged.

The proposed building utilizes urban design as a method of ensuring compatibility with the surrounding developments. The building has been designed into three main components being the podium, tower and top as identified in the Tall Building Guidelines. The proposed development generally complies with these guidelines.

The design of the two storey podium supports the two storey podium design of the adjacent tall building located at 472 Brock Avenue and its 3.7 m setback from Brock Avenue. The podium has been designed to frame both Ontario Street and Brock Avenue and provides an 8 m width to accommodate people, street trees and landscaping. The setbacks along Ontario Street range from 6-8 m with the other tall building located at the corner of Maple Avenue and Ontario Street having a portico located approximately 2.5 m from the property line. Of note is that the current 6-8 m setbacks are from the existing property line, however, future development of these properties once assembled will be required the provision of a similar 1.6 m road widening taken from the proposed development and thus the setbacks and visual perception would be similar to the 3.89 m setback proposed.

The contemporary design of the podium is less than the minimum linear height required by the guidelines but has been designed with consideration of the building podium located on the property south of the subject lands. The proposed revised podium is taller than the podium located to the south of the subject lands to allow for internal garbage and loading facilities however incorporated design features to distinguish the retail component and provide a transition between the two adjacent buildings. The podium design provides for an interesting streetscape with an appropriate pedestrian scale. The podium height still provides for access to sunlight and sky views and will establish a street wall for the anticipated future development of properties known as

1280, 1286, 1290 and 1292 Ontario Street. The contemporary design of the podium respects the other built forms in the area and is sympathetic to the existing heritage buildings located along Nelson Street. The addition of canopies and change of materials over the main retail and residential entrances help to provide a visual focal point in the podium and provides weather protection.

The tower is stepped back from the podium and has a slender 750 m<sup>2</sup> floorplate in order to minimize the mass of the building. Other buildings in the area were designed during different times, where the approach was to have consistent floorplate areas for every floor and/or designed based on “Tower in the Park” where the buildings were central to the site. These building designs have much larger floorplates of approximately 1200 m<sup>2</sup> -1600 m<sup>2</sup> than the proposed 750 m<sup>2</sup> tower floorplate. The smaller floorplate minimizes the mass of the building although it may be greater in height and allows for shadows to be narrower and be of a shorter duration.

The building and tower are oriented in a north-west to south-east direction so the narrowest part of the tower is opposite Burlington Towers to minimize impacts on views. This orientation also reduces the number of balconies located on the south side of the building.

The building top provides an important opportunity to allow for creative design features to positively affect the City’s skyline. This area is visible from a distance, such as driving over the Burlington Skyway Bridge, necessitating special consideration of the building top and its effect on the skyline. As such, it is important that the rooftop mechanical equipment is integrated into the overall design to ensure an attractive building top. The rooftop mechanical of the proposed development has been incorporated with the design of the indoor and outdoor amenity areas so that it is not a separate distinguishable mass on top of the building. The building top is further stepped back from the tower to decrease the building top so it is not visible from the street. The guidelines encourage the tower top to act as a recognizable landmark with signature features. The proposed development has been designed with a prominent corner feature incorporated as part of the indoor amenity space and the mechanical penthouse so the building is recognizable within the skyline and becomes a city landmark.

The building is located close to both Ontario Street and Brock Avenue to provide an urban context and will enhance the public experience at the street. Extensive landscaping to enhance the streetscape will be further refined as part of the site plan application process.

The Burlington Urban Design Committee reviewed the proposed development and overall found the building to be of high quality design subject to their recommended revisions.

## **Building Height**

The current in-force City Official Plan does not contain a maximum building height, however the DRH zone contains a maximum height of 22m. As such, taller buildings would require a zoning by-law amendment that would give staff the opportunity to review these development proposals with respect to compatibility criteria.

Building height was discussed previously within this report with respect to compatibility. It is noted that the building is not significantly taller than other buildings located within the precinct (ranges from 13-21 storeys) and is approximately 8 m taller than the 21 storey Strata building. Some of the additional height can be attributed to an increased podium height to allow for internal garbage and loading facilities and current construction trends providing increased ceiling heights. Apartment building ceiling heights are dependant on the era of construction and in recent years have increased in response to smaller unit sizes, mechanical/ventilation and market trends. Whereas a typical storey in Strata is between 2.95 m and 3.7 m, the proposed development's typical storey is 3.1 m -3.7 m which contribute to the linear height.

Although the proposed development will be higher than the adjacent towers, the difference in heights will be less apparent given the separation between buildings. It is noted that the surrounding buildings have much larger floorplates that can have more of a visual impact than a taller slender building.

The perception of building height is associated with the building's interaction at a street level, the top of the building, in addition to the building's overall mass.

## **Streetscape/Building Mass**

The apparent size or massing of a building should integrate into its setting. The streetscape is reinforced by siting the building podium close to the property lines along Ontario Street and Brock Avenue. The building podium respects the existing street proportion and protects the pedestrian experience and scale that currently exists. The applicants have maintained a consistent setback along Brock Avenue and are establishing a street wall for Ontario Street given the existing built form will be redeveloped at some time in the future. The proposed development anticipates an enhanced pedestrian experience along both streetscapes and in particular at the intersection of Ontario Street and Brock Boulevard. This area will be further refined through the site plan process.

The 2 storey podium anchors the building to the location which then steps back 3-4 metres to the tower to reduce the impact of the proposed tower at the street level. The tower has a slender 750 square metre floorplate that contributes to reducing the appearance of massing and height from the street and minimizing the impact of

shadow. The slender tower provides access to sunlight and views of the sky that also reduce the overall perception of the building mass and scale.

The building's design is different from the majority of high rise buildings in the precinct that have significantly larger floorplates and most without a transition between podium and tower. It is noted that these buildings were constructed and/or approved prior to the City's Tall Building Guidelines that identify a maximum floorplate for towers in order to minimize impacts associated with tall buildings. Buildings with larger floorplates are more likely to have an increased visual impact and to have a greater effect with respect to impacts associated with wind and shadow.

## **Wind**

The Pedestrian Wind Study prepared by RWDI completed an assessment of the wind conditions on and around the proposed development. According to the report, the purpose of the study is to assess the wind environment around the proposed development in terms of pedestrian comfort and safety. A qualitative assessment was based on wind tunnel test on a scale model of the proposed development and its surroundings. The assessment focused on critical pedestrian areas and amenity spaces including the main retail and residence entrances and the outdoor amenity terrace at Level 22. Wind flows were predicted for both the existing site, as well as with the proposed development for comparative purposes.

Pedestrian wind comfort criteria are established in terms of being acceptable for certain pedestrian activities and range on a scale of five different activities. For example, the most comfortable activity category is "sitting" and the least comfortable is "uncomfortable" with the activities of "standing", "strolling" and "walking" falling in between the two ends of the spectrum. Generally speaking, the activities of "strolling", "walking" and "uncomfortable" indicate that the wind speeds are not ideal for activities like sitting and reading a newspaper, enjoying a meal on a outdoor restaurant patio or waiting at a bus stop or other places people may linger.

The Pedestrian Wind Study identifies that with the proposed development wind speeds are generally expected to increase at various locations on and around the proposed development. Wind conditions were analyzed for differences in seasons being 2 periods of summer (May to October) and winter (November to April).

The study identifies that wind speeds are anticipated to be comfortable for "standing" at both the main and retail entrances to building during the summer. Wind speeds are expected to increase to "strolling" at both the main and retail entrance during the winter months, which is slightly higher than desired. However, based on the revised architectural plan changing the entrance locations and incorporating entrance canopies

and the additional landscaping the wind speed decrease to a “standing” wind speed category.

Wind conditions at other areas around the proposed development and surrounding sidewalks are generally expected to be comfortable for “standing” or “strolling” during the summer months and “strolling” to “walking” during the winter months. The report concludes that these conditions are considered appropriate and suitable for the intended use of these areas.

The wind study also evaluates the proposed development with respect to wind safety criterion which identifies wind gust speeds that can adversely affect a pedestrian’s balance and footing and where wind mitigation is typically required. During the initial wind tunnel tests, there were two locations identified around the proposed development where wind safety criterion is anticipated to exceed the wind safety criterion. Further analysis was undertaken utilizing a variety of hard and soft landscaping mitigation and the study concluded that with the adjusted landscape plan reflecting a combination of mixed landscaping that the wind conditions improve enough to eliminate the wind safety exceedance. An update to the study will be required to be undertaken as part of the site plan approval to ensure if there are refinements to the landscape plan that the landscape mitigation techniques continue to meet wind safety criteria.

## **Traffic**

The applicants were required to complete a Traffic Impact Study to determine whether the additional traffic generated by the proposed development could be satisfactorily accommodated by the surrounding street network.

The Traffic Impact Study has indicated that the proposed development would generate 84 two-way vehicle trips in the weekday AM peak hour and 90 two-way vehicle trips in the weekday PM peak hour. The study notes that there are existing delays but explains that delays are minimal and there is ample reserve capacity to accommodate future traffic growth. The study also concludes that proposed development will have minor impact on the operation of intersections in the area including the access from Ontario Street. The study states that intersection operations can be improved with signal timing adjustments, particularly during peak hours. The overall trips generated by the site are anticipated to be lower than what is forecasted based on current Transportation Demand Management initiatives, however no trip reduction was applied to the site and all trips were assigned to the study area roadways.

The Study concludes that, under existing and future traffic conditions, the additional traffic generated by the proposed development can be accommodated by the surrounding street network and that study area intersections will operate satisfactorily

with no critical movements. The City's Transportation Services staff has reviewed these conclusions and concurs with the assessment.

A Parking Justification Report was also undertaken as the original proposal was deficient 28 visitor parking spaces and 8 retail/commercial spaces. The study notes Transportation Demand Management initiatives encourage and promote alternative transpiration modes. The study reviewed the Smart Commute Halton program and alternative modes of transportation available to the proposed development, such as proximity and ease of access to Burlington Transit, available cycling networks and pedestrian facilities (sidewalks). The study also reviewed total number of on-street (29 spaces) and municipal parking spaces (148 spaces) available in proximity to the site.

The study concluded that based on forecasted parking rates and availability of alternative transportation modes, only 180 parking spaces would be required to accommodate the original proposed development with 170 residential units. The revised proposal reduces the number of residential units to 162 and increases the number of on-ste parking to 203 parking spaces which meets the tenant and visitor parking spaces required by the zoning by-law. Transportation staff noted that the study failed to mention the required parking for the commercial/retail component of the development which can be shared with the visitor parking. Transportation staff noted that based on the Burlington City-Wide Parking Standards Review, the retail component of the development would require a minimum of 3 parking spaces. Transportation Services staff can support the sharing of the visitor and retail parking spaces because of the municipal parking supply that is available in close proximity to the proposed development.

## **Noise Study**

The applicants submitted a noise study which assessed the potential impacts of the environment on the proposed development. The primary noise source impacting the site is transportation noise impacts from nearby roadways, as there are no significant stationary sources (industrial or commercial) in the area. The report concludes that standard building envelope elements will be sufficient to ensure that indoor sound levels can comply with the Ministry of Environment and Climate Change noise criteria. However, warning clauses are recommended for all units to inform the residents of the building of the traffic noise impacts and the presence of nearby commercial/office/retail facilities. The study notes that a review should be conducted to verify and refine recommendations when detailed floor plans are available and an acoustical consultant should review the mechanical drawings and details of construction to ensure that noise impacts are maintained within acceptable levels.

Capital Works staff have reviewed the Noise Study and agree with the recommendations. Staff note that a more detailed report is to be provided at site plan

review stage and is to identify neighbouring roof top mechanical and parking structure ventilation and any necessary mitigation.

### **Sun Shadowing Study**

The applicants submitted a Shadow Impact Assessment for the proposed development to ensure compliance with the City's Tall Building Guidelines. According to the Tall Building Guidelines, the height and massing of the podium (not including the tower) should ensure a minimum of five consecutive hours of sunlight on the opposite side of the street at the equinoxes (March 21 and September 21) except where existing conditions preclude.

The assessment of the shadow study concludes that the opposite side of both Ontario Street and Brock Avenue will receive over five hours of consecutive sunlight after construction of the proposed development. The study concludes that incremental ground level shadowing over and above the subject site's existing height permissions is limited and reasonable.

The Tall Building Guidelines also set out that the massing and height of the podium shall ensure a minimum of five consecutive hours of sunlight over more than 60% of a park or playground area or a public open space at the equinoxes. Planning staff have assessed compliance with this guideline utilizing the shadow study and 3D modeling of the proposed development and have concluded that the public open spaces being the recreational trail located within the Hydro right-of-way and Brock Park exceed the minimum of five consecutive hours of sunlight over more than 60% of the open space areas.

The Tall Building Design Guidelines maximum tower floorplate requirement of 750 m<sup>2</sup> is intended to minimize shadow impacts and ensure sky views are protected. The revised proposal complies with the maximum floorplate of the guidelines. The slender tower design casts a narrower shadow that moves quicker throughout the day minimizing shadow impacts of the proposed development. As such, the proposed development meets the City's expectations with respect to shadows and sky views.

### **Technical Review**

The Official Plan and Zoning By-law amendment and supporting documents were circulated to internal departments and external agencies for review. Written responses to the technical circulation have been received from Halton Region, Halton District School Board, Halton Catholic District School Board, Burlington Hydro, the Transportation Department, the Capital Works Department, Burlington Economic Development Committee and the Sustainable Development Committee. No objections have been identified by these agencies.

The Sustainable Development Committee's (SDC) comments have been included in Appendix E to this report. A number of the design comments made by the SDC have been addressed by the revised proposal, such as the need for the podium to better frame the street and inclusion of car share space. Other, sustainable design elements identified by the Committee will be further addressed at the site plan process stage.

The applicant's Planning Consultant provided a written response to the Committee's comments stating that they feel it is not appropriate for the Committee to provide an opinion with respect to planning matters as it is outside of their mandate. The applicant concurs with the SDC comments with respect to the sustainable design elements and included a checklist of the elements that are to be incorporated in response to those comments stating other items will be considered and addressed at future site plan process.

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### **Financial Matters:**

In accordance with the Development Application Fee Schedule, all fees determined to date have been received.

The applications were processed under the standard development application fees. If Council approves the recommendations to approve OPA 106 and approve the rezoning application in principle, staff will initiate discussions with the applicant to secure community benefits in accordance with Section 37 of the *Planning Act* and report back to Council with a report on Section 37 benefits prior to enactment of the zoning by-law.

At the site plan stage, the City will require securities to ensure the works associated with the proposed development will be completed to the City's satisfaction. The applicant will also be required to provide cash-in-lieu of parkland and pay development charges as required by the Development Charges By-law.

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### **Public Engagement Matters:**

The applications were subject to the standard notification requirements to owners and tenants within 120 metres of the site following submittal of complete applications and prior to the statutory public meeting. Public notice signs were also posted on the subject site. All revised plans and reports submitted by the applicant, as well as planning staff notices and reports were posted on the project webpage ([www.burlington.ca/492Brock](http://www.burlington.ca/492Brock)) as they became available.

The City conducted a neighbourhood meeting on September 27, 2017 that was attended by approximately 50 residents. The Statutory Public Meeting was held on November 6, 2017 providing the public the opportunity to address Council. A further notice was distributed on April 29, 2018 advising individuals of the date Committee will consider this recommendation report.

## Public Comments

Since the subject applications were submitted in July 2017, staff has received correspondence from members of the public regarding the proposed development. To date, staff has received 20 emails, 3 neighbourhood meeting comment sheets, 4 letters including emails forwarded from the Councillor's office. The public comments received to date are included in Appendix F. The general themes of the issues raised and comments received are provided below including staff's response and consideration.

- Traffic & safety including increase in traffic volumes, congestion during highway closures and access onto Ontario Street

*The applicants were required to complete a Transportation Impact Study to determine whether the additional traffic generated by the proposed development could be satisfactorily accommodated by the surrounding street network. The Study concludes that, under existing and future traffic conditions, the additional traffic generated by the proposed development can be accommodated by the surrounding street network and that study area intersections including the site access from Ontario Street will operate well. Transportation Services staff have reviewed the conclusions and concur with the assessment.*

*It is noted that the applicant revised the application to incorporate an additional access through the property known municipally as 472 Brock Avenue which will provide additional accesses to both Brock Avenue and Elgin Street in order to address the public's concern with only one access via Ontario Street.*

- Inadequate parking spaces to accommodate residents and visitors;

*The applicants were required to complete a parking justification report to determine if there was adequate parking being provided on-site. The revised plans provide the required minimum parking ratio of 1 parking space per residential unit to be provided below grade and 0.25 visitor parking spaces per residential unit to be provided below grade and with surface parking located along the westerly property line. The proposed surface visitor parking spaces would be shared with commercial/ retail/office users. Transportation Services staff support the parking totals recommended in the Parking Justification Report and the sharing visitor and commercial/retail parking spaces.*

*Transportation Services have requested one signed car share parking space be provided on the site at grade which has been included in the zoning conditions.*

- Concern with building height

*As noted in this report, the current Official Plan policies for this site do not establish a maximum building height where it provides a sense of compatibility with surrounding land uses. To maintain and strength the pedestrian scale, the podium of the building is two storeys in height in keeping with the surrounding buildings. The slender tower portion is 750 m<sup>2</sup> and is setback from the second floor of the podium maximizing sky views and minimizing shadow impacts. In terms of context, within 200 metres of the subject site, there are 7 existing tall buildings (equal to or greater than 12 storeys) being the 21 storey Strata (551 Maple Avenue), the two 20 storey Maple Crossing (1270 & 1276 Maple Crossing Boulevard), the 13 storey Maples (1272 Ontario Street), the three 18 storey Burlington Towers (1265, 1285, 1305 Ontario Street), the 14 storey Brock I (472 Brock Street) and the 15 storey (1275 Elgin). As such, the proposed 22 storey tower is not anticipated to have a significant impact on either the streetscape or the skyline. It should be noted that the 22<sup>nd</sup> storey includes 517 m<sup>2</sup> indoor and outdoor amenity space, 139 m<sup>2</sup> rooftop mechanical space, elevator shafts and emergency stairwells.*

*As set out earlier in this report, the policy framework encourages high-density uses on this site where compatibility is provided with surrounding land uses and a sense of pedestrian scale is provided. Encouraging higher intensity, transit-supportive and pedestrian-oriented development is considered appropriate on this site given the surrounding built form, direct access to an existing transit route and its proximity to employment, commercial, recreational and cultural uses and resources. As set out earlier, a 22 storey building is able to achieve compatibility with adjacent land uses and as such, staff are of the opinion that the proposed height can be accommodated within this area.*

- Shadow impacts

*The applicant submitted a Shadow Study to ensure compliance with the City's Tall Building Guidelines. The Shadow Study concludes that public open spaces exceed the minimum of five consecutive hours of sunlight over more than 60 % of the open space areas which meet the Guideline requirements. Shadow impacts are not anticipated to adversely impact the viability or enjoyment of neighbouring residential, parks or open spaces given that these areas are utilized primarily during the summer months and there are no shadow impacts occurring during this time.*

*Shadowing does occur during the spring and fall equinoxes but the slender tower design allows for the shadow to move quickly so that it only affects areas for approximately one to two hours dependant on the size of the area. The study reflects*

*that shadow impact from the proposed development during the equinoxes will occur for approximately an hour to an hour and a half in late the afternoon.*

*On the adjacent residential properties on Nelson Street, shadowing begins at the northerly most residential property after 4:18 pm and passes in a southerly motion over adjacent residential properties over a one to one and a half hour time frame. These properties are also impacted by shadows from mature trees located along the westerly property boundary with the adjacent municipal parking lot.*

*Shadows also appear to affect the middle building on the Burlington Towers property in the morning shifting easterly off the building by 10:18am. It is noted that the shadows from the proposed building only affect the recreational trail located on the Ontario Hydro right-of-way between 12:18 pm and 2:18 pm and would not be anticipated to impact Brock Park until after 6:18 pm. As such, the proposed development complies with the City's shadow Guidelines.*

- Adequate infrastructure in place

*Regional staff notes that there are existing services adjacent to the site along both Brock Avenue and Ontario Street adjacent to the subject lands and there are no capacity-related servicing concerns at this time. Site Engineering noted that Ontario Street resurfacing is scheduled and the developer will be asked to coordinate any underground servicing works with this process.*

- Density/Over-Intensification

*The subject applications are proposing development in an Urban Growth Centre, which is intended to accommodate intensification. The Growth Plan defines Urban Growth Centers (UGC) as existing or emerging downtown areas that will be planned to, among other things, accommodate significant population and employment growth. Downtown Burlington has been identified as a UGC and is required to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare.*

*Staff are of the opinion that intensification on the subject site conforms to the objectives of the Growth Plan and will provide efficient use of land, infrastructure and public resources at a transit supportive density while ensuring high quality urban design. The proposed development provides an appropriate level of intensification that will contribute to the City meeting its minimum density target established in the Growth Plan. The proposed development provides additional housing that will appeal to a variety of household types given the range of unit sizes and price levels in close proximity to employment, commercial/retail uses, recreational and cultural facilities such as recreational trails, Spencer Smith Park, Art Gallery of Burlington and the Burlington Performing Arts Center. In addition, the proposed development is at a transit supportive density, has direct access to an existing transit route and is within 800 m (10 minute walk) of the Downtown John Street Transit Station.*

*Staff are of the opinion that a high-rise built form is appropriate on this site as it is contextually appropriate given the surrounding neighbourhood heights and its location within the downtown area.*

- Noise and Light Pollution

*The applicant submitted a preliminary noise study as part of the application submission which has been reviewed by staff and found to be acceptable. It is noted that further detail reports with respect to noise and lighting are reviewed during the site plan process.*

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## **Conclusion:**

The subject applications have been reviewed in accordance with applicable Provincial, Regional, and Municipal planning policies and staff are of the opinion that the revised application is consistent with the PPS and represents an appropriate level of intensification, efficient use of land, a range and mix of housing types that promotes the use of active transportation and transit before other modes of travel. The revised proposal is consistent with City's objectives to develop downtown as a mixed use community; provide housing opportunities that encourage use of public transit and active transportation; achieve design excellence and provide development that is compatible with surrounding properties.

Staff recommend approval of the revised applications to amend the Official Plan and Zoning By-law on the basis that that the proposal meets Provincial and Regional policy documents and supports the policies of Official Plan. The proposal can be considered compatible with surrounding land uses and satisfies the technical and servicing requirements of the affected City Departments and external agencies. This report recommends approval of an Official Plan Amendment No. 108, and approval in principle of the rezoning application.

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Respectfully submitted,

Lola Emberson, MCIP, RPP

Senior Planner – Development Review

905-335-7600 ext. 7427

**Appendices:**

- A. Sketches and Plans;
  - a. Sketches
  - b. Original Proposal
  - c. Revised Proposal (April 2018)
- B. Draft Official Plan Amendment
- C. Draft Zoning Regulations
- D. Proposed Development Conditions
- E. Sustainable Development Committee Comments
  - a. Applicant's response
- F. Public Comments

**Notifications:**

The Molinaro Group  
Vincemol@molinaro.ca

**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.



Sketch No. 1  
**LOCATION / ZONING SKETCH**

Official Plan and Zoning By-law Amendment Applications to a permit 22-storey mixed use building with residential and retail commercial uses



SUBJECT PROPERTY



Bus Routes



Bus Stops

FILE No. 505-02/17  
520-08/17

**GENERAL ZONING LEGEND**

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
R2.1 R2.3 DRL	DRM	DRH				S P

Sketch No. 2  
**DETAIL SKETCH**



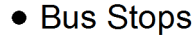
Official Plan and Zoning By-law Amendment Applications to a permit 22-storey mixed use building with residential and retail commercial uses



SUBJECT PROPERTY



Bus Routes

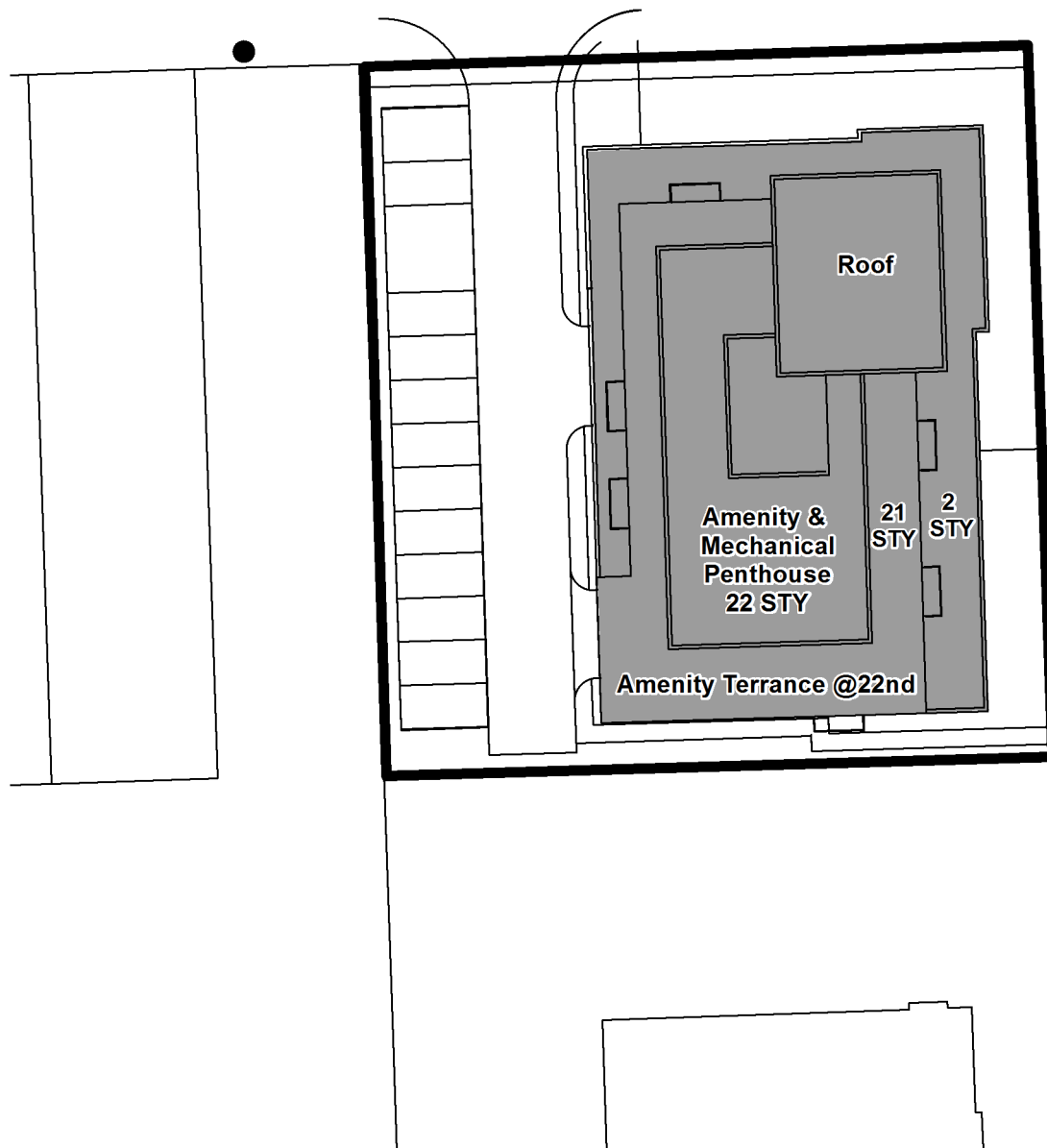


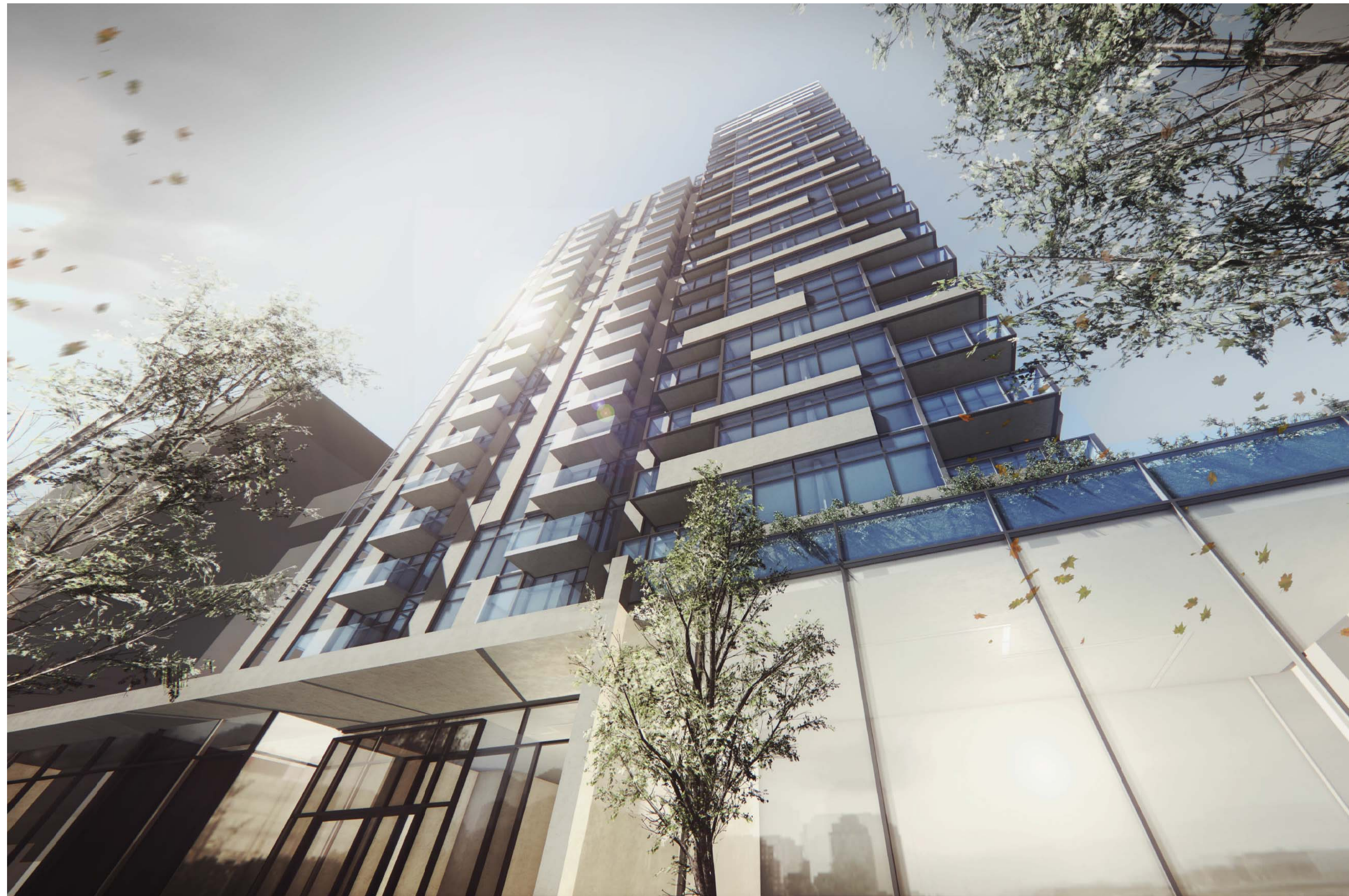
Bus Stops

FILE No. 505-02/17  
520-08/17

ONTARIO ST.

BROCK AVE.





Proposed Residential Development

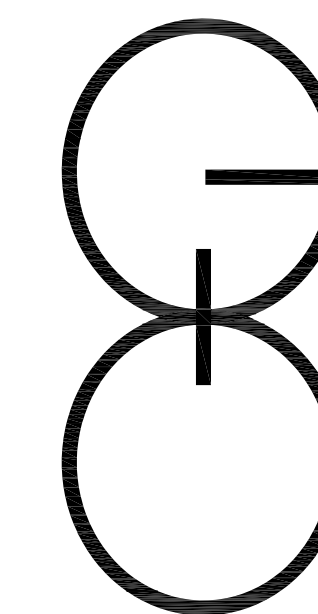
# Brock + Ontario

Burlington

Ontario

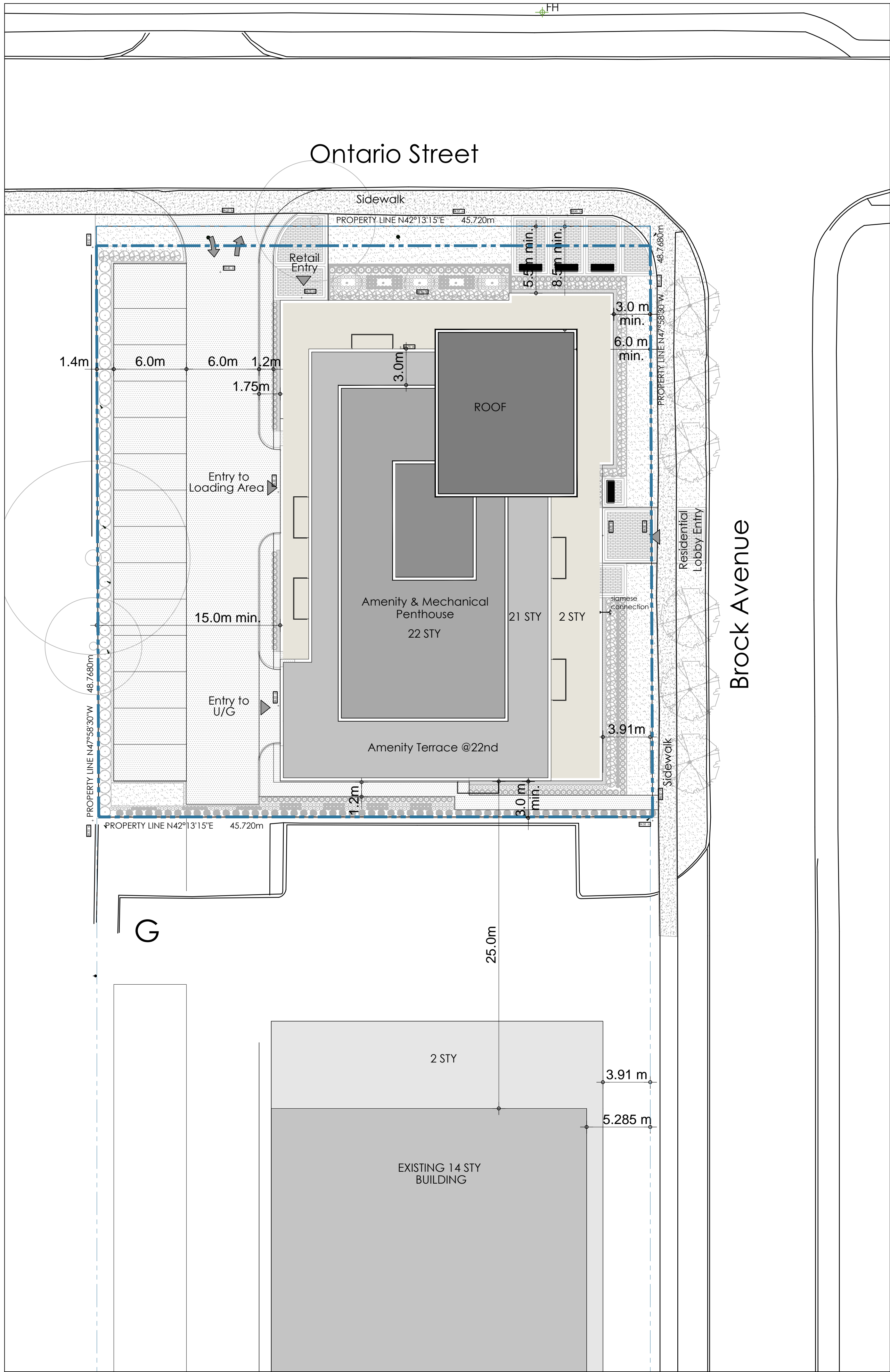
ISSUED FOR RE ZONING - JULY.13.2017

**MOLINARO** GROUP



**GRAZIANI  
+  
CORAZZA**  
ARCHITECTS INC.

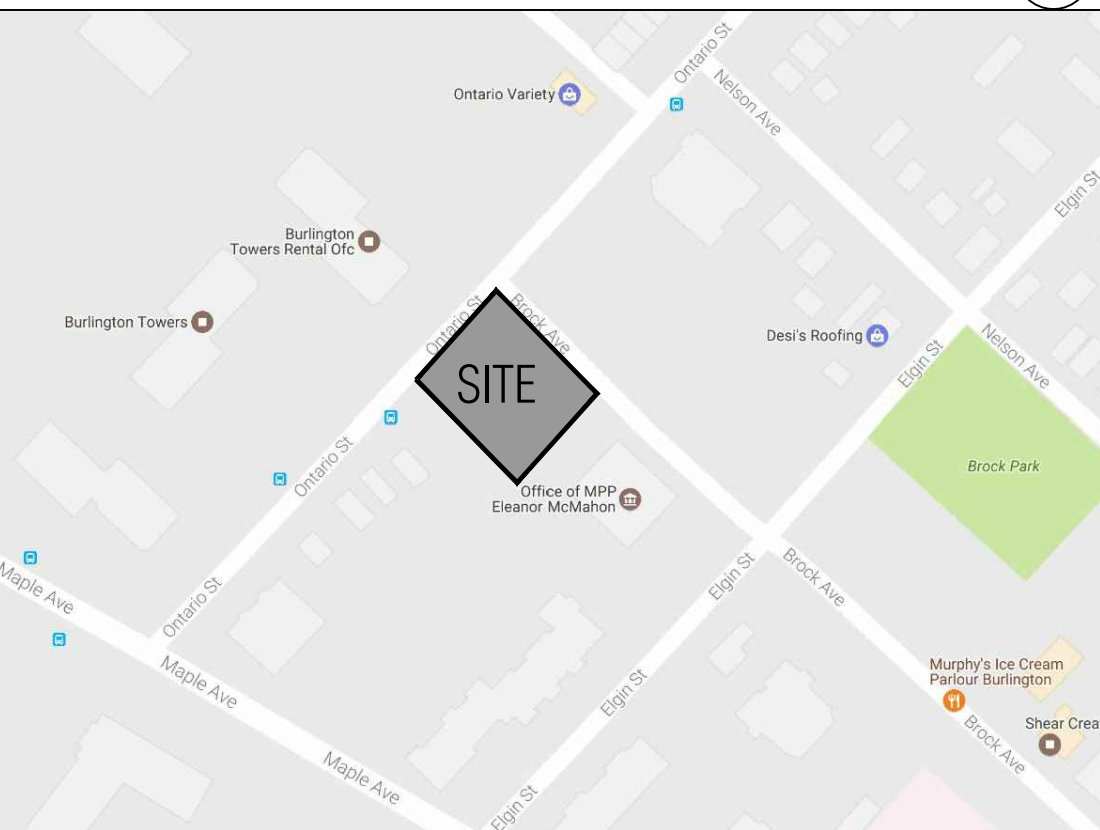
1320 Shawson Drive, Suite 100 Mississauga, ON L4W 1C3  
T. 905.795.2601 F. 905.795.2844 [www.gc-architects.com](http://www.gc-architects.com)



GENERAL NOTES

- 1. For landscaping, refer to landscape drawings.
- 2. For proposed grading, refer to landscape drawings and approved grading plan.
- 3. All perimeter existing information indicated taken from survey.
- 4. All work to be done in conformance with the 2012 Ontario Building Code (O.B.C., as amended)

KEY PLAN



LIST OF DRAWINGS

- A 100 Cover Page
- A 101 Site Plan
- A 201 Underground Plan
- A 202 Underground Plan
- A 203 Underground Plan
- A 204 Underground Plan
- A 301 Ground Floor Plan
- A 302 Second Floor Plan
- A 303 Third Floor Plan
- A 304 Typical Floor Plan (4th-19th )
- A 305 20th and 21st Floor Plan
- A 306 Amenity & Mech. Floor plan
- A 307 Roof Plan
- A 401 Exterior Elevations
- A 402 Exterior Elevations
- A 501 Building Section
- A 701 Shadow Studies
- A 702 Shadow Studies
- A 801 Perspectives
- A 802 Perspectives
- A 803 Perspectives
- A 804 Perspectives

SURVEY INFORMATION

A.T. McLaren Limited  
69 John Street South, Suite 230  
Hamilton, Ontario L8N 2B9  
Ph: (905) 527 8559 Fax: (905) 527 0032

Job #:1488.17 - Brock + Ontario		
Date: April.06, 2017		
Project Statistics		
	Permitted / Required	Parcel A
01. Site Area		2233.3m2 24039.8 ft2
02. G.F.A		
Residential		
Above Grade		15784 m2
Below Grade		
Retail		
Above Grade		186 m2
Total		15970 m2
03. F.S.I		7.15
04. Setbacks (m) *		
Above Grade		
North	5.5	5.5
East	3	3
South	12.5	15
West	3	3
Below Grade		
North	0	1.5
East	0	0
South	0	0
West	0	0
05. Unit Count **		
1 Bedroom	75	45%
2 Bedroom	95	55%
Total	170	100%
06. Parking		
Residential	170	
Visitor/Retail	15 (at grade)	
Total	185	
07. Bike Parking		
Residential	136	
Visitor	40	
Total	176	
08. Lockers	170	
09. Building Height		
(To Main Roof Slab)	22STY - 74.7M	
(To Mech. Penthouse)	79.2M	
10.Amenity Space		
Indoor	292m2	
Outdoor	2144m2	
Total	20m2/ unit = 3400m2	2436m2 (14m2 per unit)
* Setbacks to main building face		
** Final unit count may vary depending on market demand		
***		

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Conditions for electronic information transfer

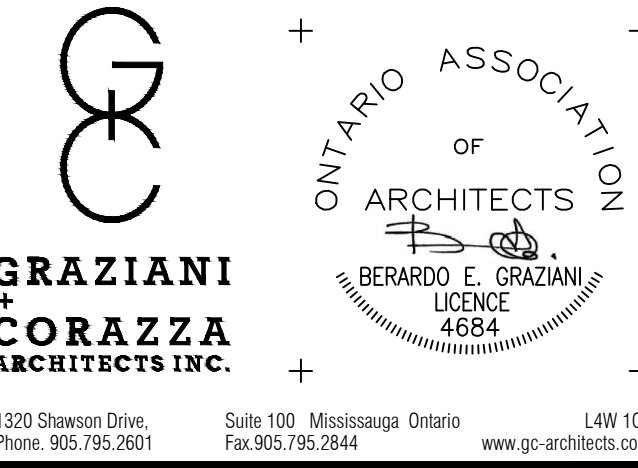
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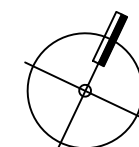
Issued for revisions



Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biose
Plot Date:	Jul. 11, 2017
Job #	1488.17

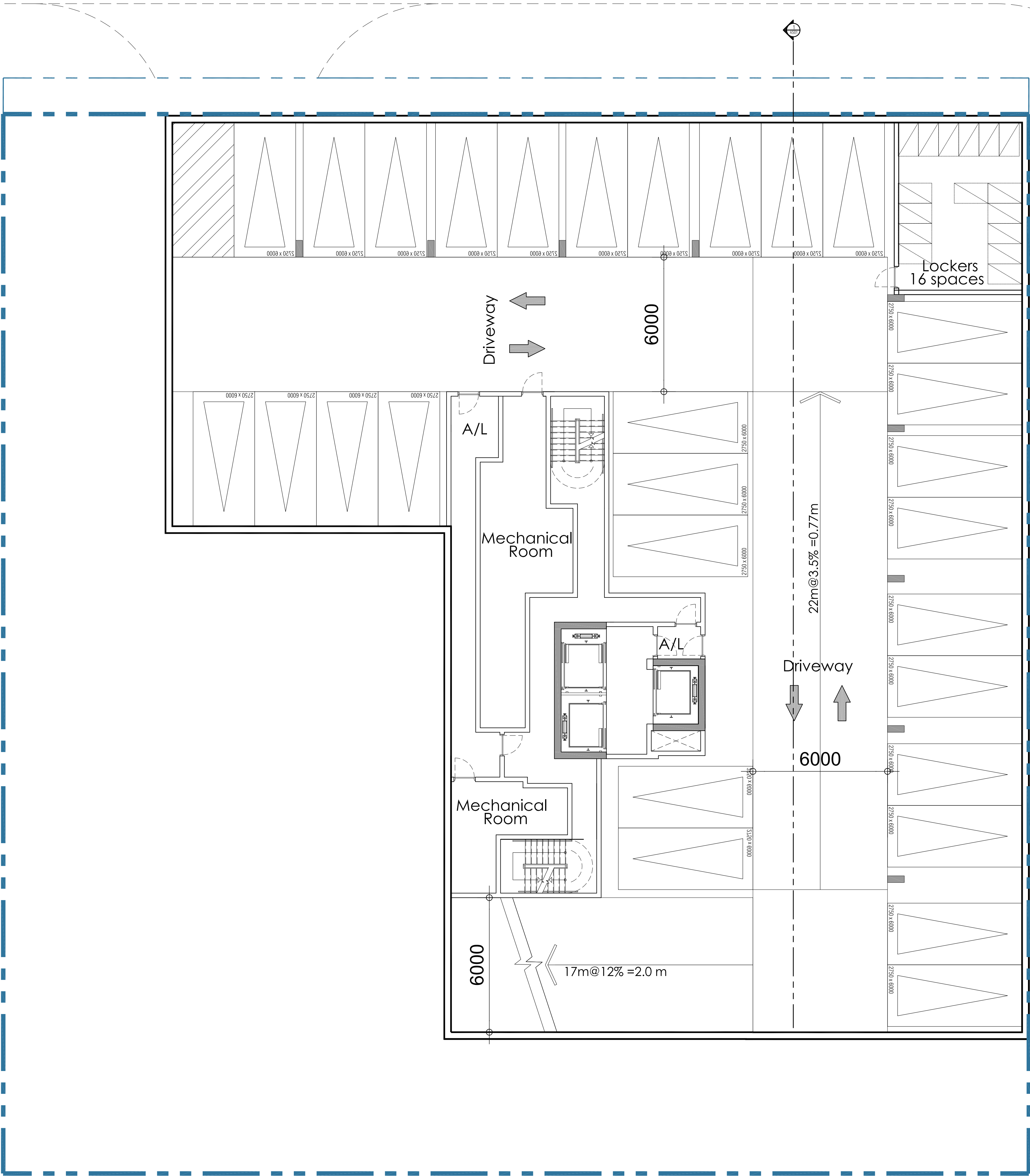
SITE PLAN & STATS



1:200

A101

TITLEBLOCK SIZE: 610 x 950



Parking 29 spaces  
Bikes 0 spaces  
Lockers 16 spaces

**PARKING LEGEND BURLINGTON**

residential

visitor

barrier free

2750

2750

4250

6000

**LOCKERS LEGEND**

horizontal bike locker

vertical bike locker

horizontal stacked bike locker

storage locker

1800

1200

1850

1500

600

600

450

900

CLEARANCE

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BERARDO E. GRAZIANI

LICENCE 4684

1320 Shawan Drive, Phone: 905.795.2601

Suite 100, Mississauga, Ontario Fax: 905.795.2844

LAW 1C3 www.gc-architects.com

**Residential Development**

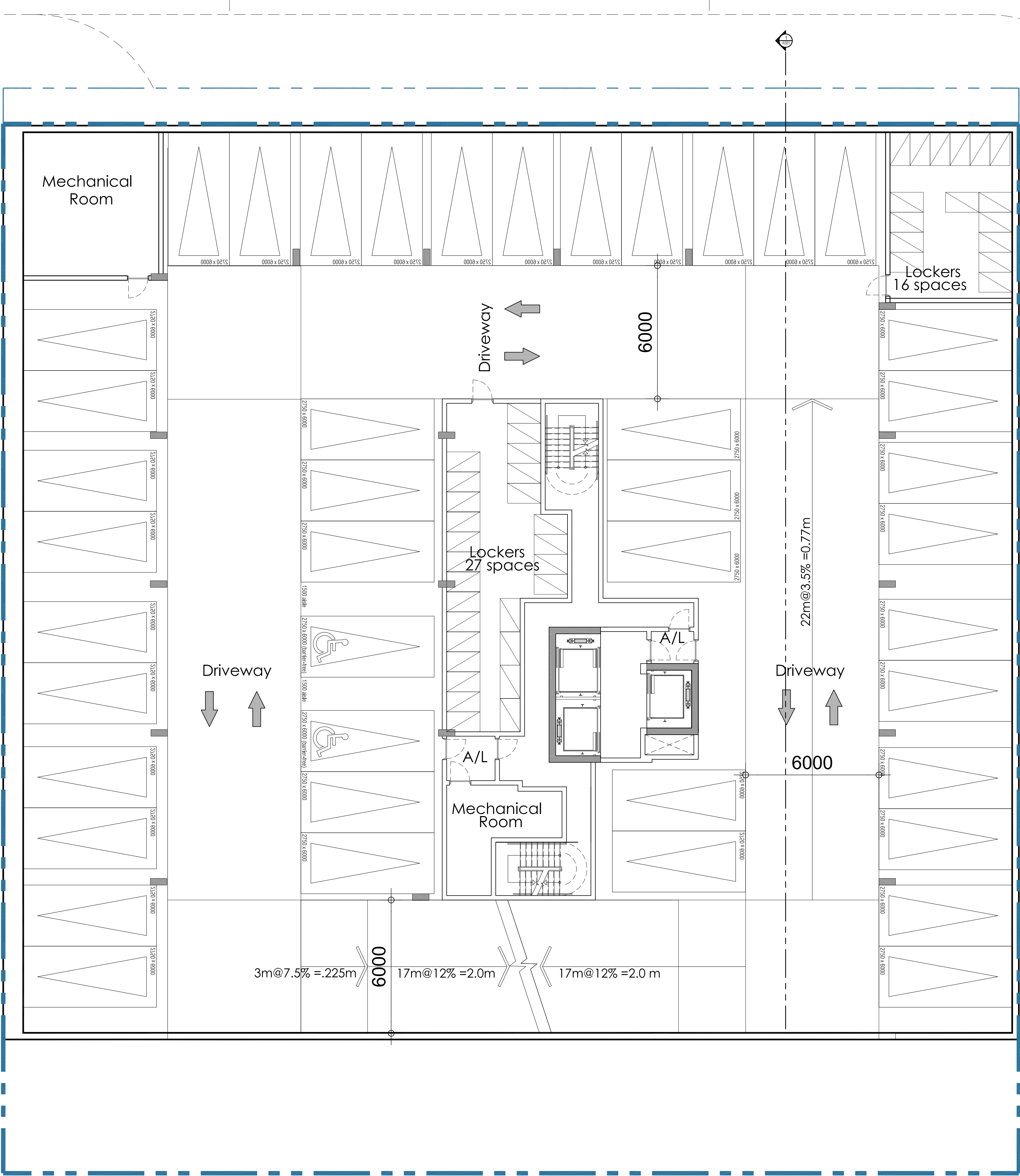
**Brock + Ontario**

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

**UNDERGROUND PLAN**  
**P4 FLOOR PLAN**

1:100

**A201**



Parking 43 spaces  
Bikes 0 spaces  
Lockers 43 spaces

residential

visitor

barrier free

2750

2750

4250

6000

horizontal bike locker

vertical bike locker

horizontal stacked bike locker

storage locker

1800

1200

1850

1500

600

600

450

900

CLEARANCE

01.

July.11.2017

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+ CORAZZA

ARCHITECTS INC.

1200 Shawson Drive,  
Phone: 905.795.2601

Suite 100, Mississauga, Ontario  
Fax: 905.795.2844

L4W 1C3  
www.gc-architects.com

BERARDO E. GRAZIANI

LICENCE 4684

ONTARIO ASSOCIATION

OF ARCHITECTS

Brock + Ontario

Burlington

Ontario

Project Architect:

B. Graziani

Assistant Designer:

P. Shantharaju

Drawn By:

P. Shantharaju

Checked By:

D. Biase

Plot Date:

Jul. 11, 2017

Job #

1488.17

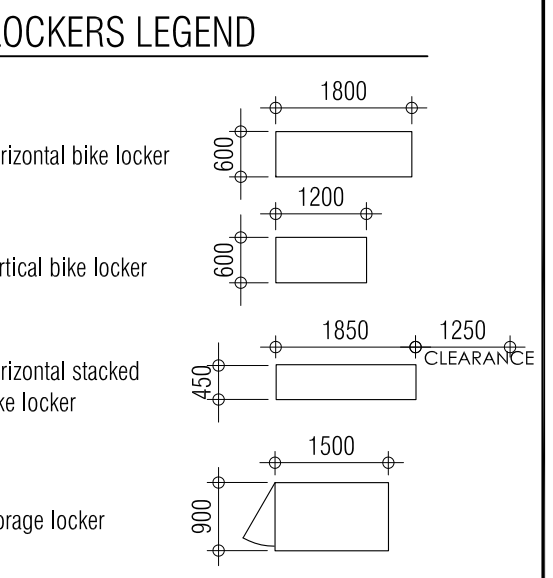
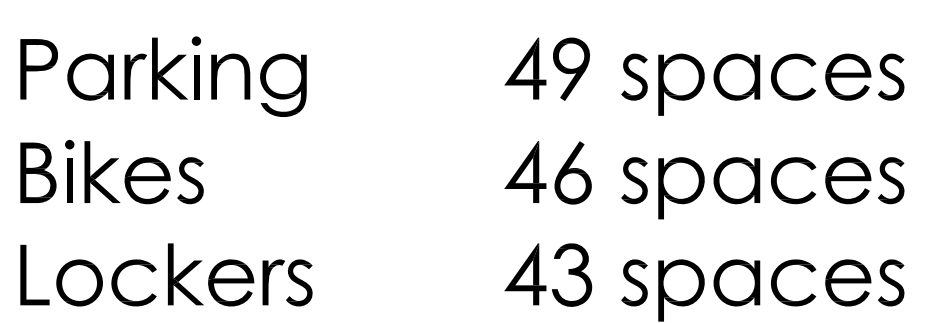
UNDERGROUND PLAN

P3 FLOOR PLAN

1:100

A202

TITLEBLOCK SIZE: 610 x 950



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BERARDO E. GRAZIANI  
LICENCE  
14684


1320 Shawson Drive,  
Phone: 905.795.2601

Suite 100, Mississauga, Ontario  
Fax: 905.795.2844

**Residential Development**

L4W 1C3  
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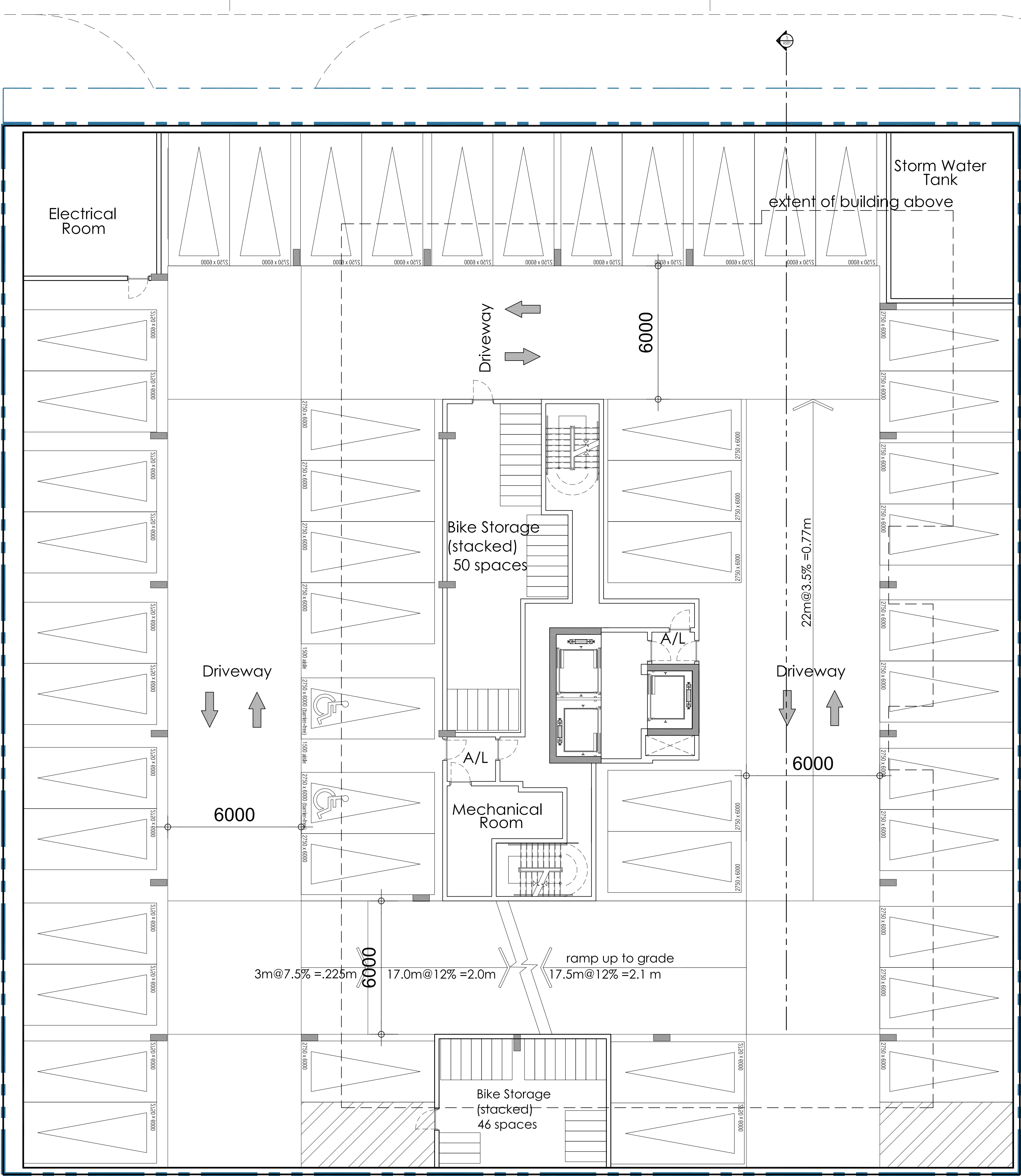
Burlinton	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17



1:100

**A203**

TITLEBLOCK SIZE: 610 x 950



Parking 49 spaces  
 Bikes 96 spaces  
 Lockers 0 spaces

### PARKING LEGEND BURLINGTON

residential

visitor

barrier free

### LOCKERS LEGEND

horizontal bike locker

vertical bike locker

horizontal stacked bike locker

storage locker

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ARCHITECTS INC.

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BERNARD E. GRAZIANI  
 LICENCE 4684

Residential Development

**Brock + Ontario**

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

UNDERGROUND PLAN  
 P1 FLOOR PLAN

1:100
A204

TITLEBLOCK SIZE: 610 x 950

# Ontario Street

**PARKING LEGEND BURLINGTON**

residential visitor barrier free

2750 2750 4250 6000

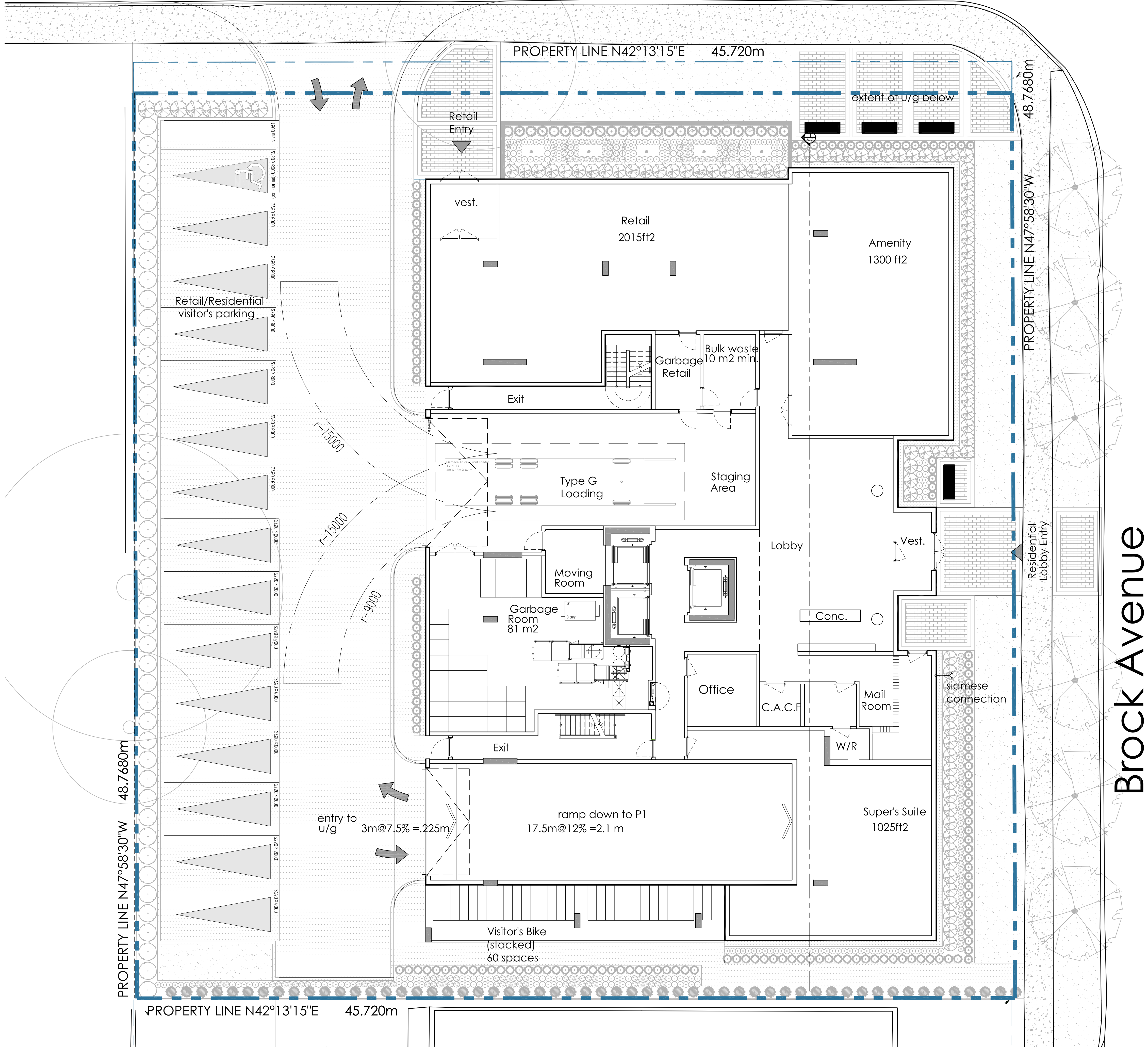
**LOCKERS LEGEND**

horizontal bike locker

vertical bike locker

horizontal stacked bike locker

storage locker



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ONTARIO ASSOCIATION OF ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE 4684

Residential Development

## Brock + Ontario

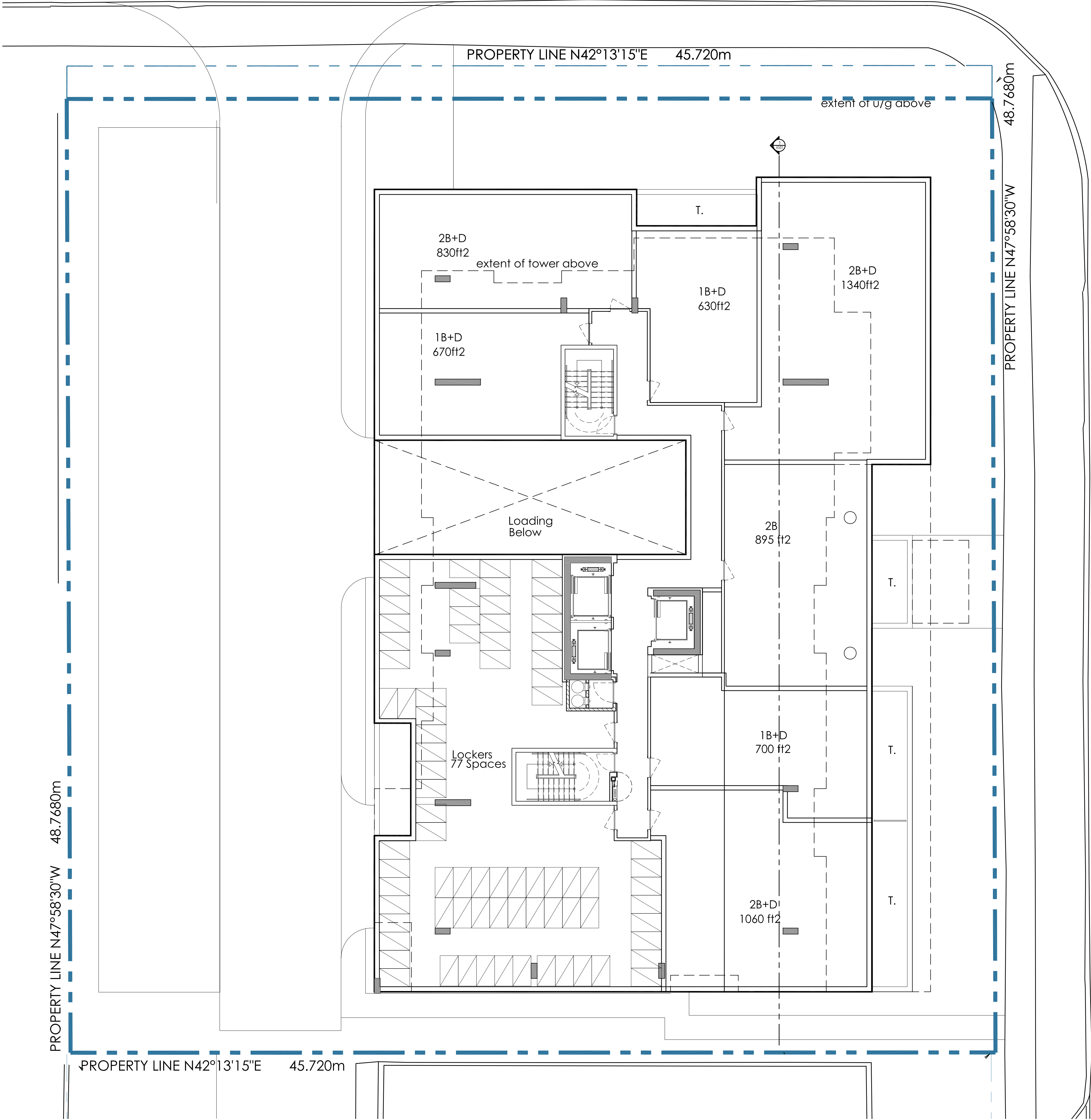
Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

## GROUND FLOOR PLAN

1:100

**A301**

TITLEBLOCK SIZE: 610 x 950



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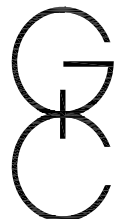
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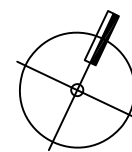
Suite 100, Mississauga, Ontario L4W 1C3  
Fax: 905.795.2644  
www.gc-architects.com

Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

## SECOND FLOOR PLAN



1:100

A302

TITLEBLOCK SIZE: 610 x 950



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ARCHITECTS INC.

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LICENCE 4684

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Phone: 905.795.2601 Fax: 905.795.2644 www.gc-architects.com

Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

## THIRD FLOOR PLAN



1:100

**A303**

TITLEBLOCK SIZE: 610 x 950



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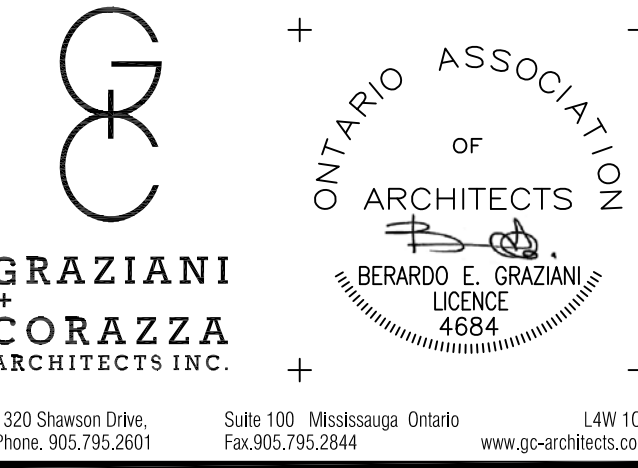
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Residential Development

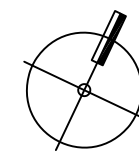
**Brock + Ontario**

Burlington Ontario

Project Architect: B. Graziani  
Assistant Designer: P. Shantharaju  
Drawn By: P. Shantharaju  
Checked By: D. Biase  
Plot Date: Jul. 11, 2017  
Job #: 1488.17

**TYPICAL FLOOR PLAN**

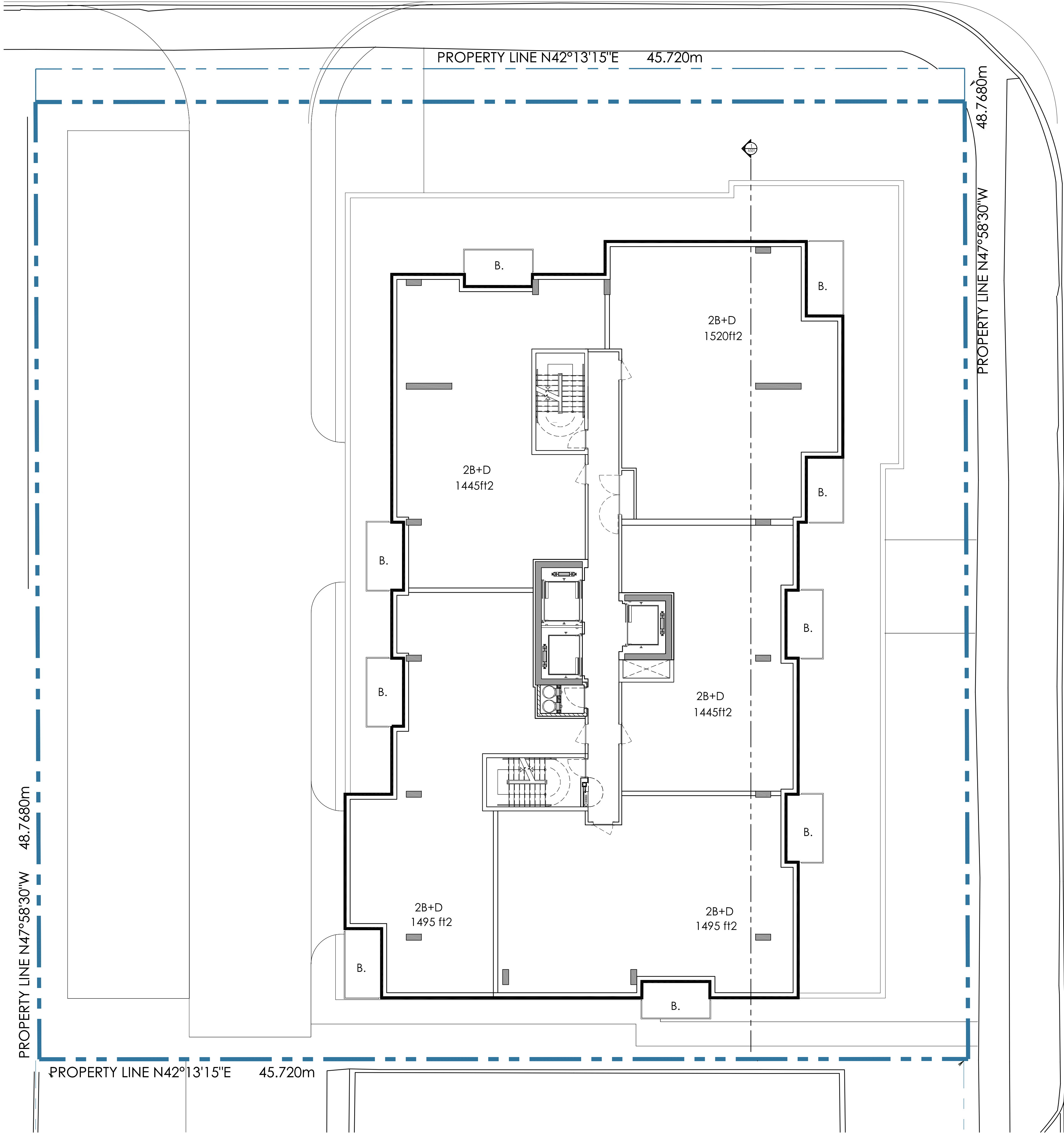
**4TH -19TH**



1:100

**A304**

TITLEBLOCK SIZE: 610 x 950



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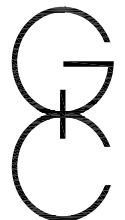
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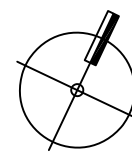
BERARDO E. GRAZIANI  
LICENCE  
4684

Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

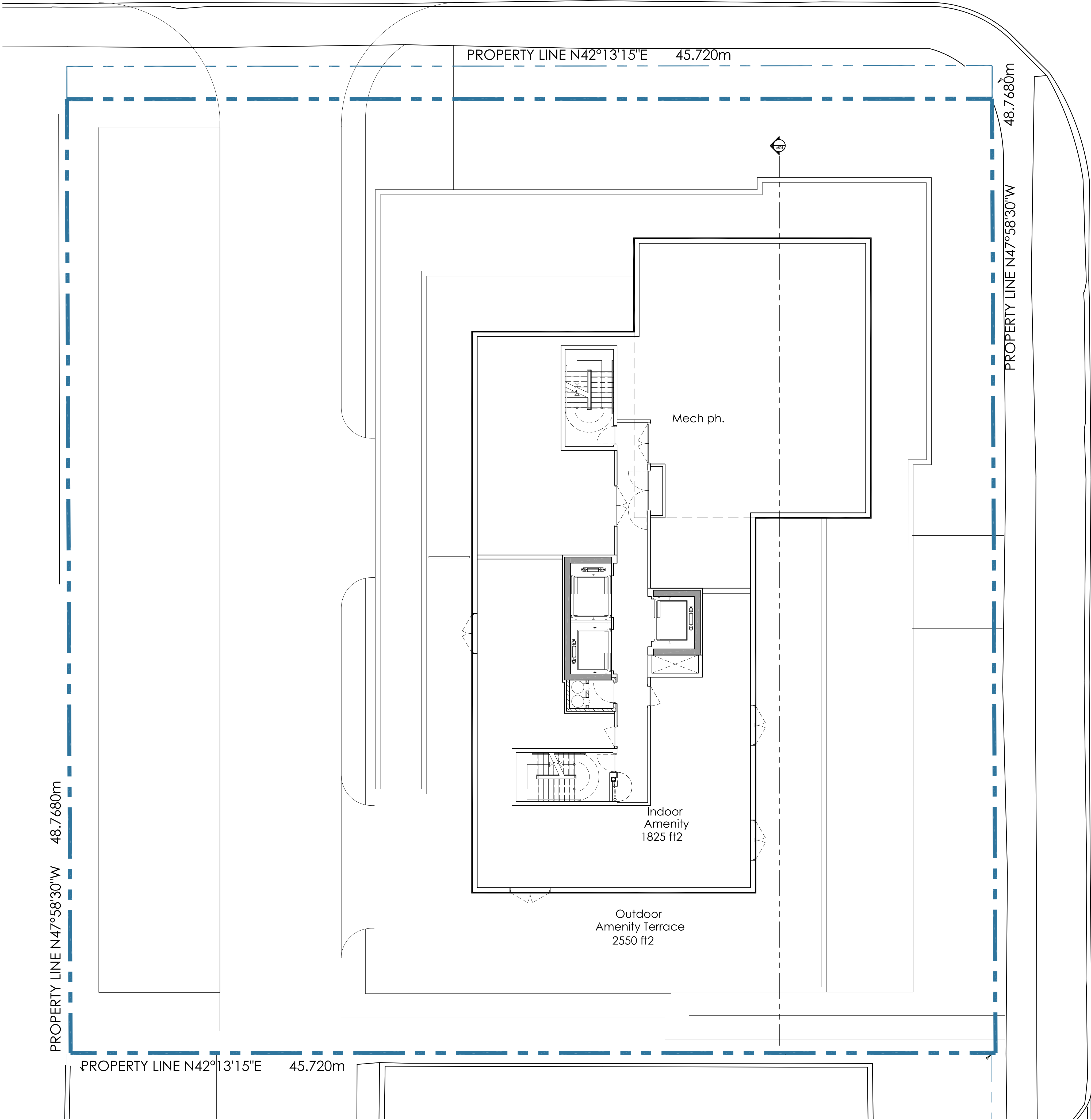
## 20TH AND 21ST FLOOR PLAN



1:100

A305

TITLEBLOCK SIZE: 610 x 950



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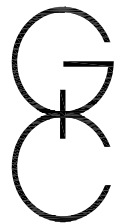
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Fax: 905.795.2644

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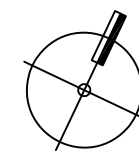
BERARDO E. GRAZIANI  
LICENCE  
4684

Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

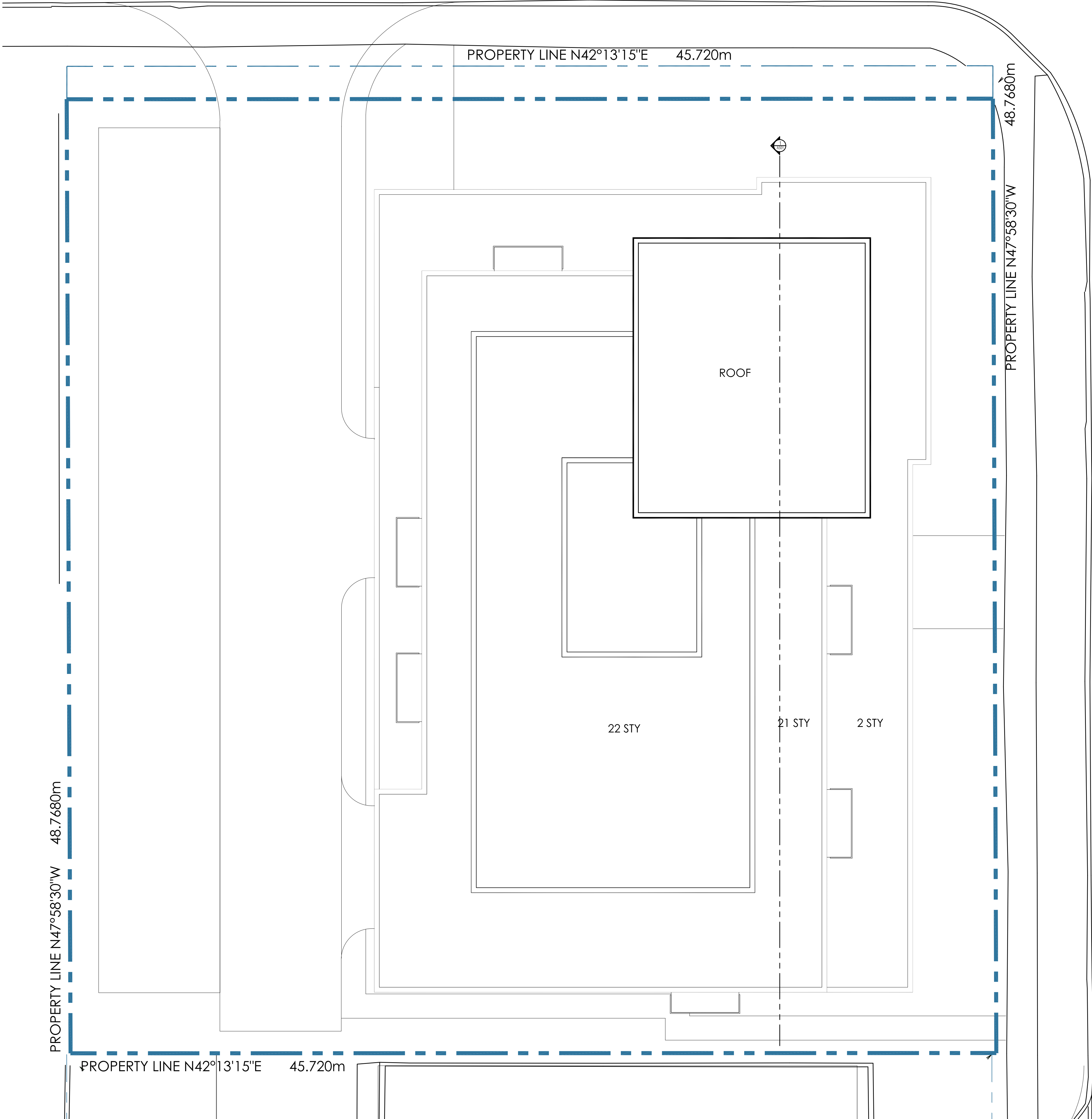
## AMENITY / MECH PH FLOOR PLAN



1:100

A306

TITLE BLOCK SIZE: 610 x 950



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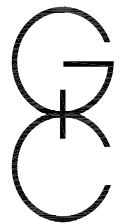
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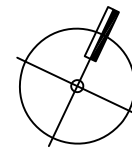
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Residential Development

## Brock + Ontario

Burlington		Ontario	
Project Architect:	B. Graziani		
Assistant Designer:	P. Shantharaju		
Drawn By:	P. Shantharaju		
Checked By:	D. Biase		
Plot Date:	Jul. 11, 2017		
Job #	1488.17		

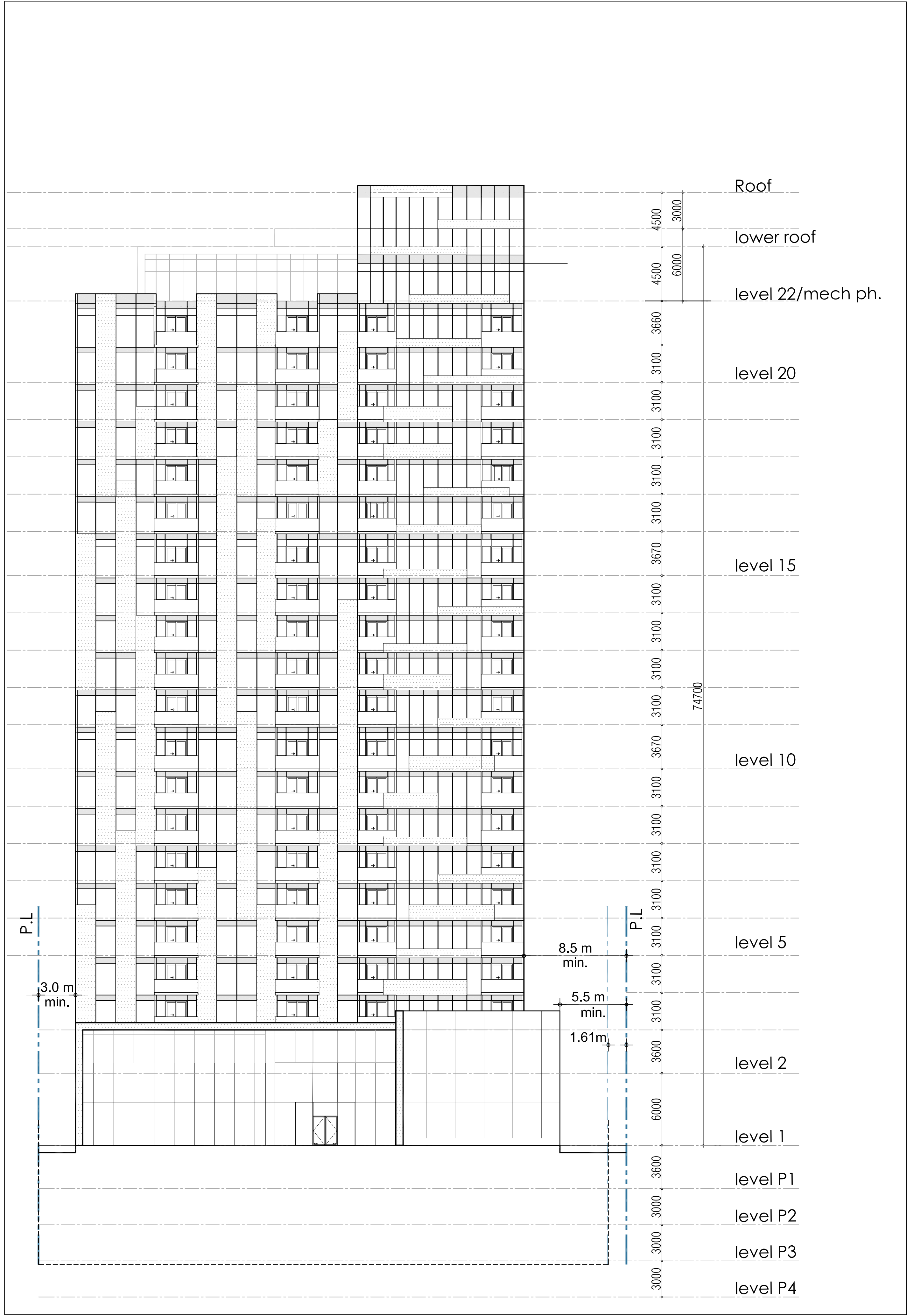
## ROOF PLAN



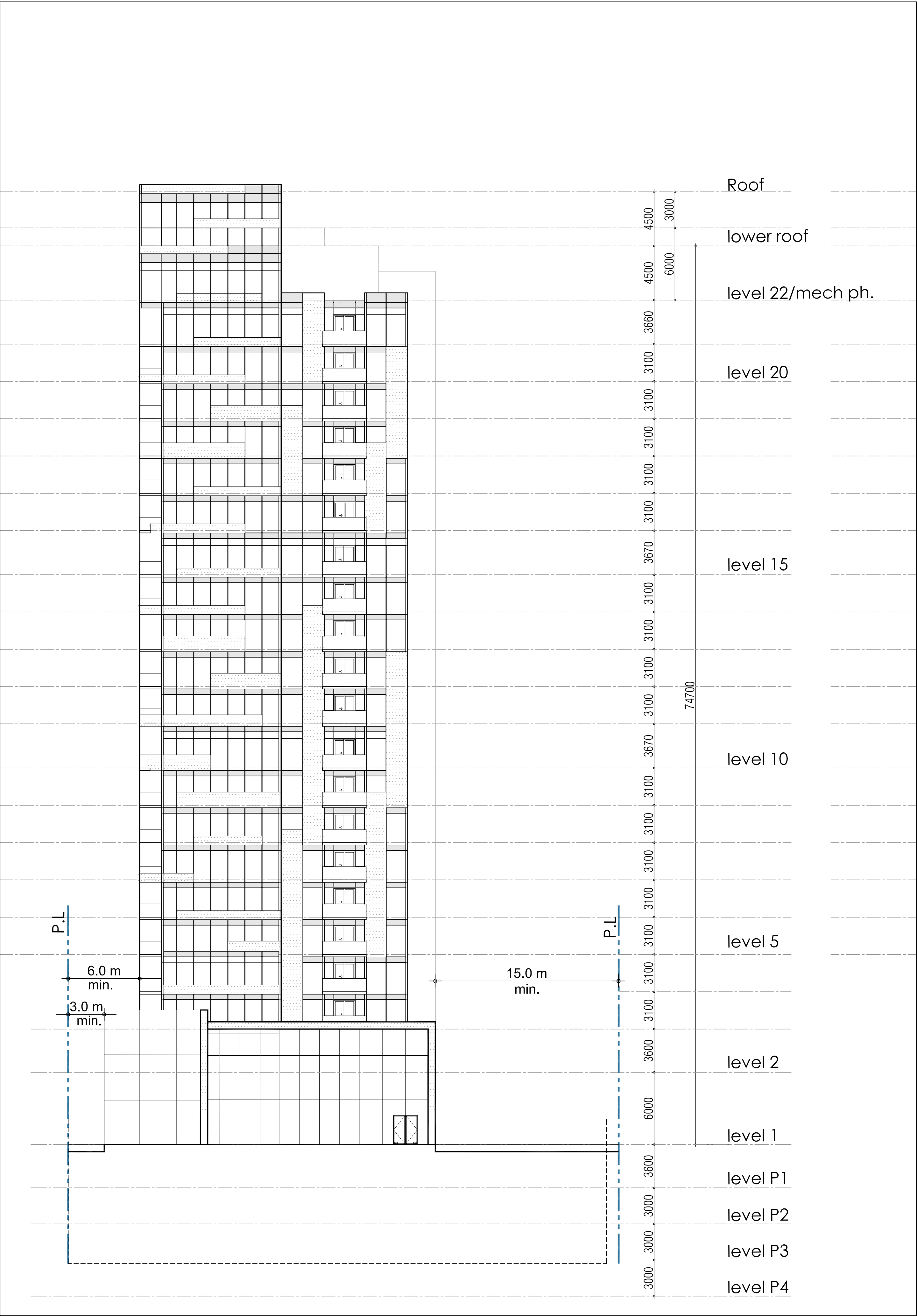
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A307

TITLEBLOCK SIZE: 610 x 950



East Elevation



North Elevation

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Residential Development

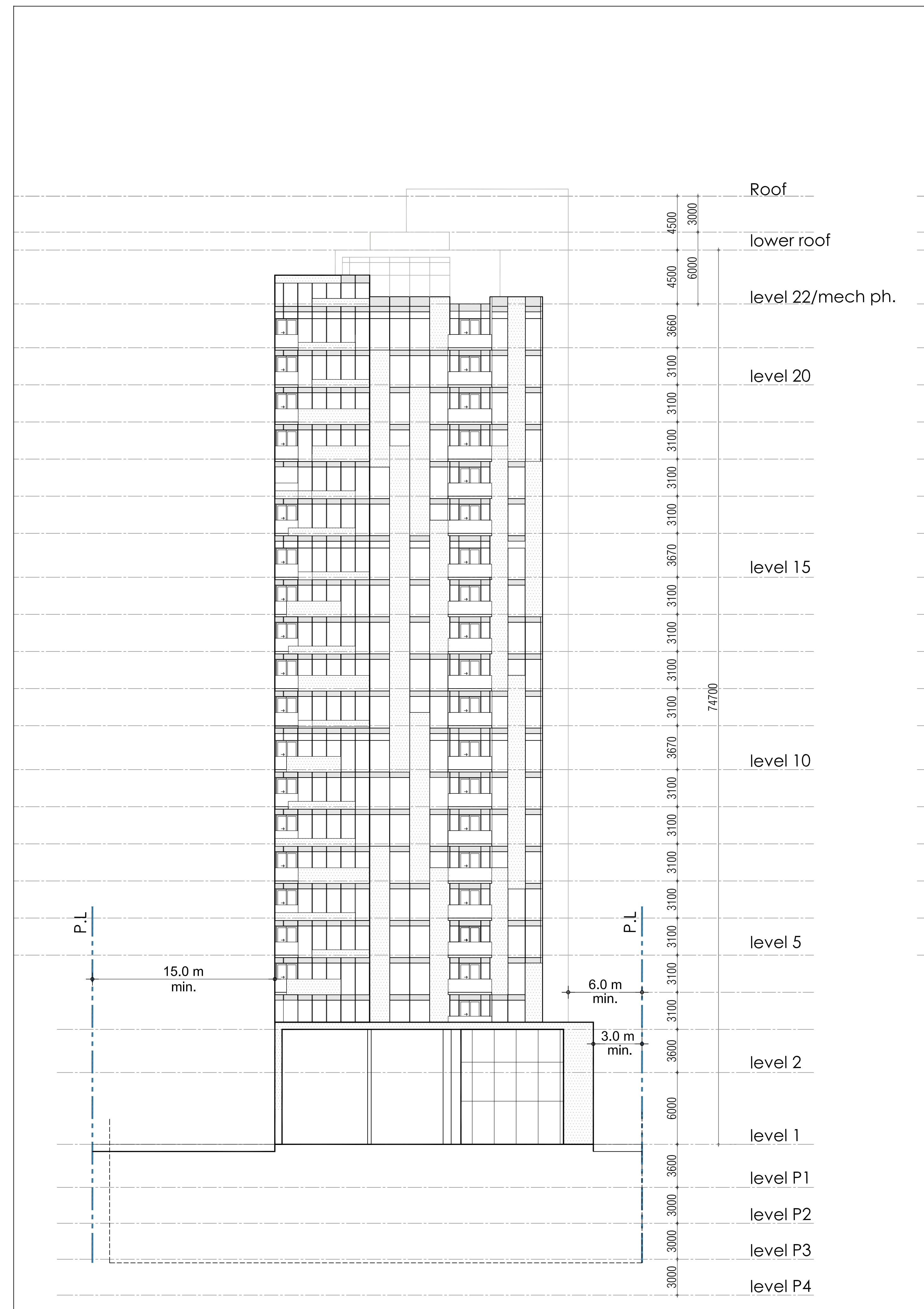
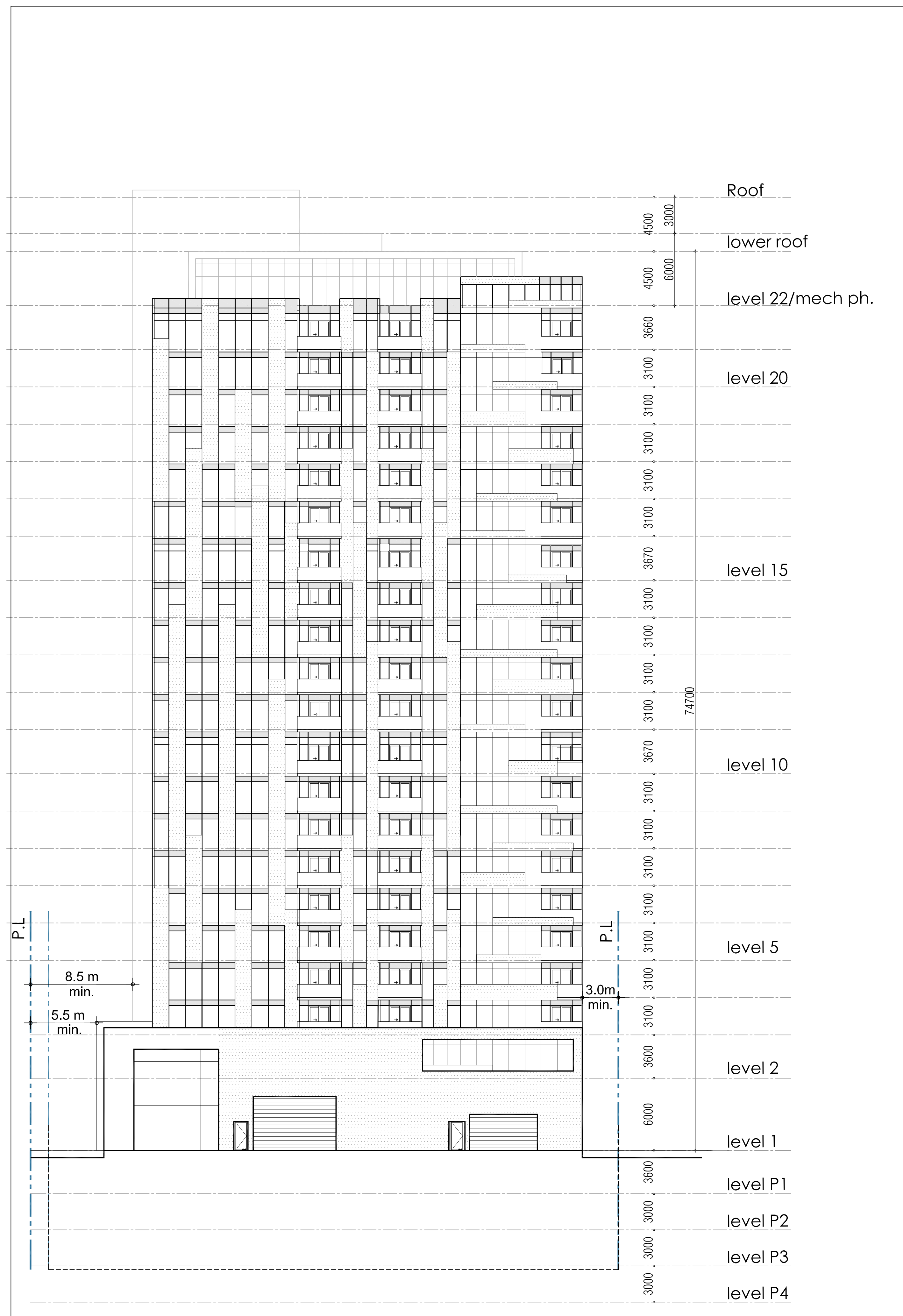
## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biose
Plot Date:	Jul. 11, 2017
Job #	1488.17

## EXTERIOR ELEVATIONS

1:200 A401

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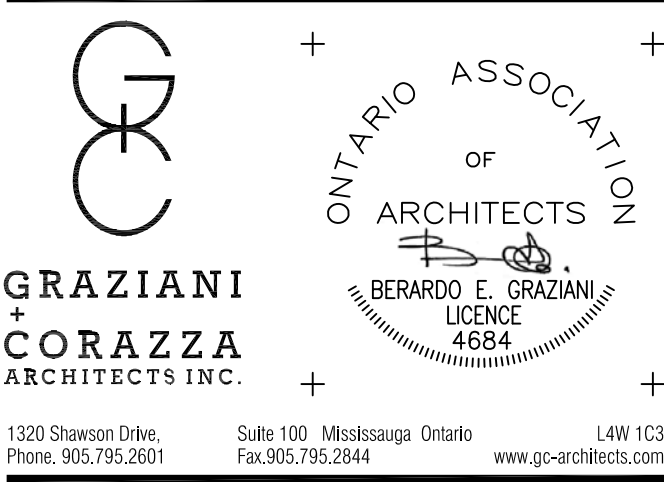
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### Residential Development

## Brock + Ontario

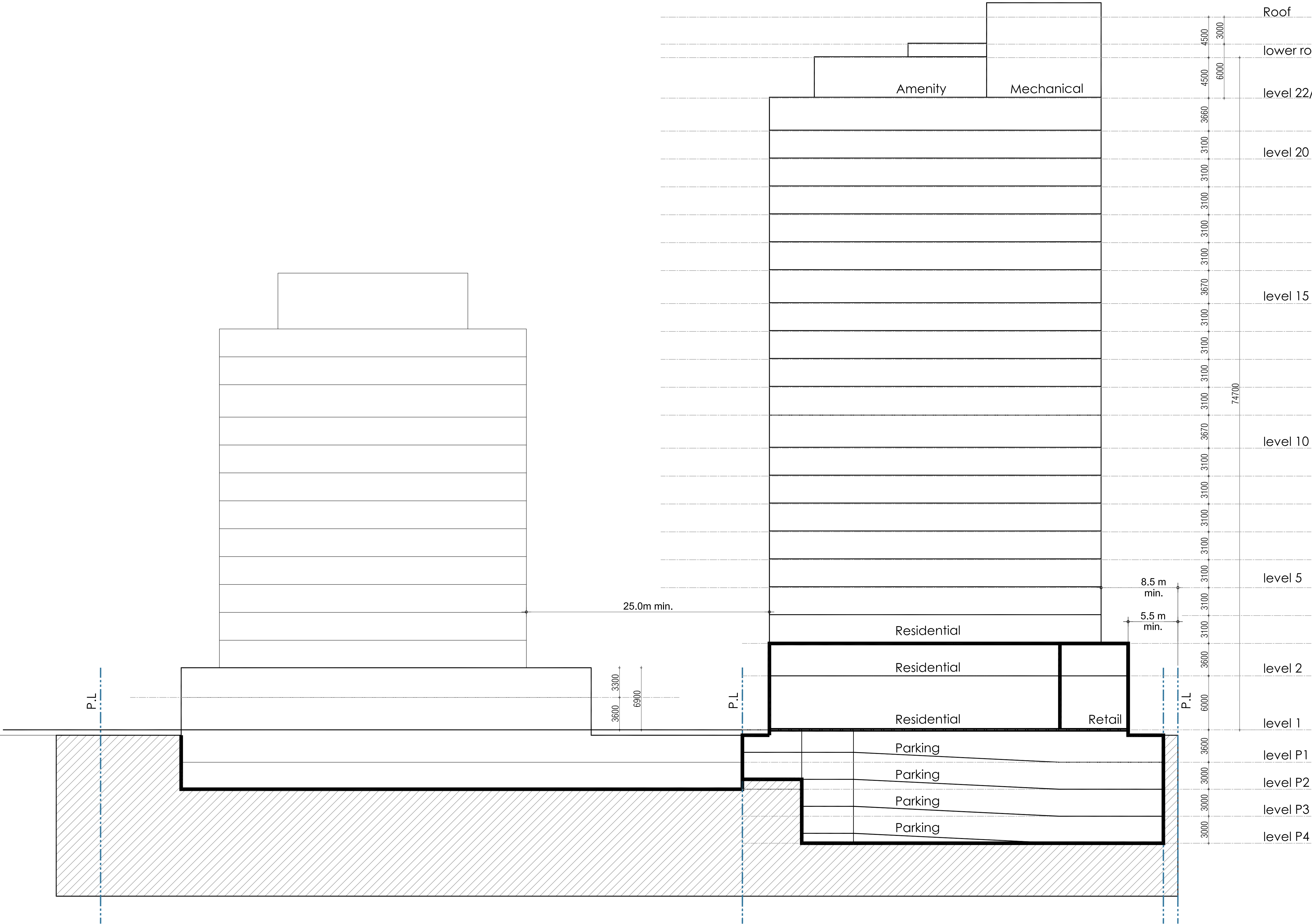
Burlinton Ontario

Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	JUL 11, 2017
Job #	1488.17

## EXTERIOR ELEVATIONS

1:200 **A402**

TITLEBLOCK SIZE: 610 x 950



Section AA

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Residential Development

Brock + Ontario

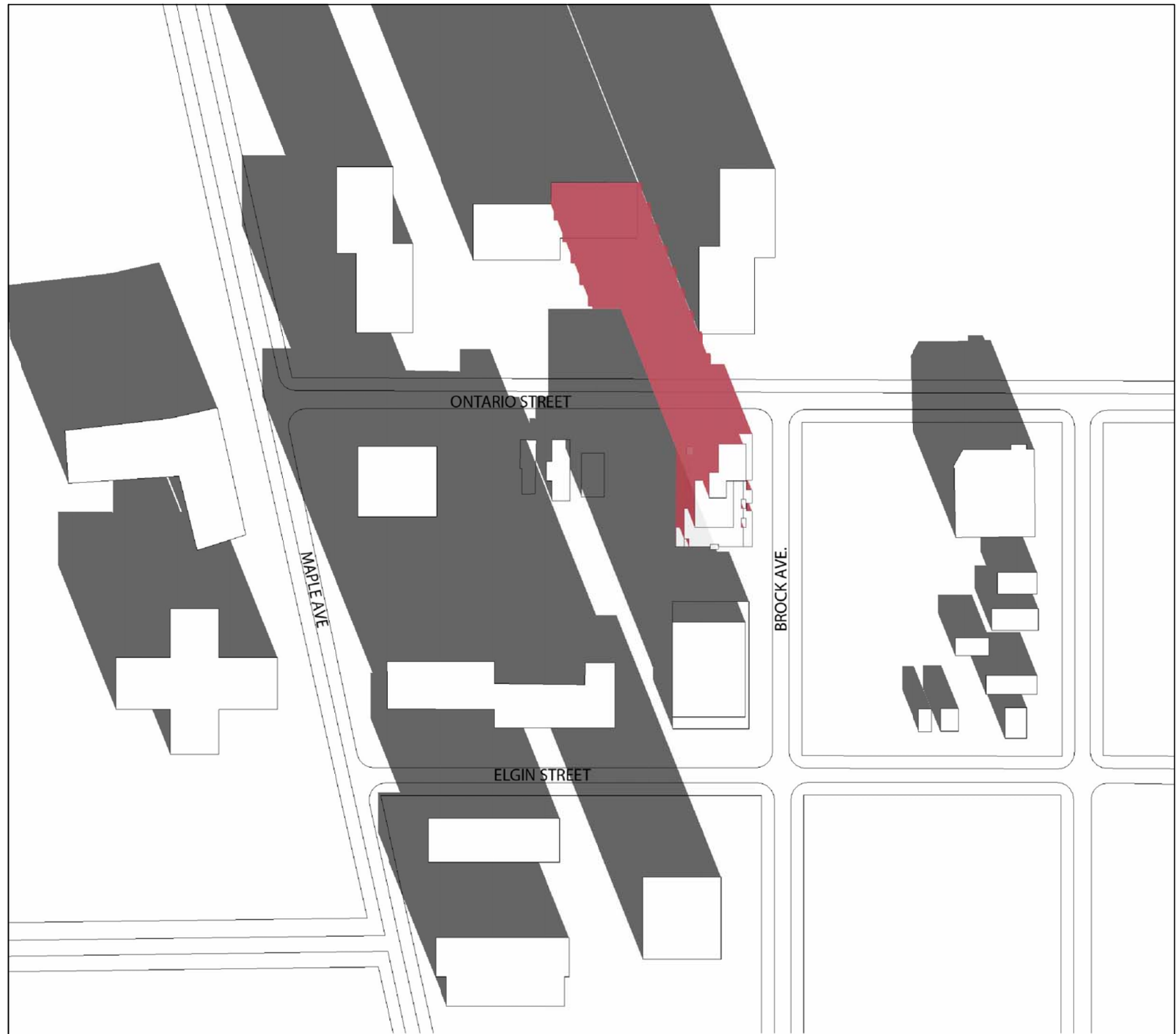
Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

BUILDING SECTION

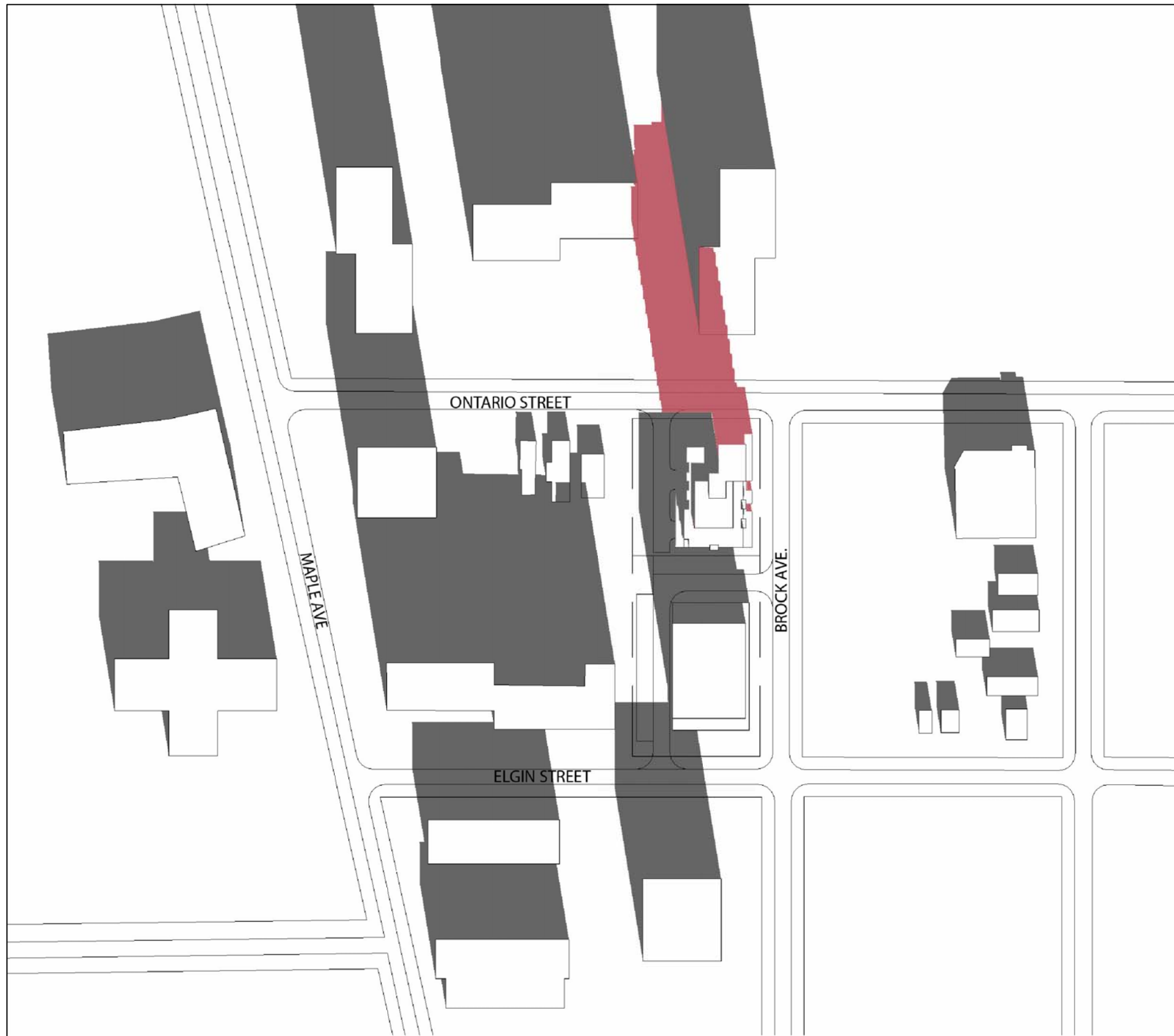
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A501

TITLEBLOCK SIZE: 610 x 950



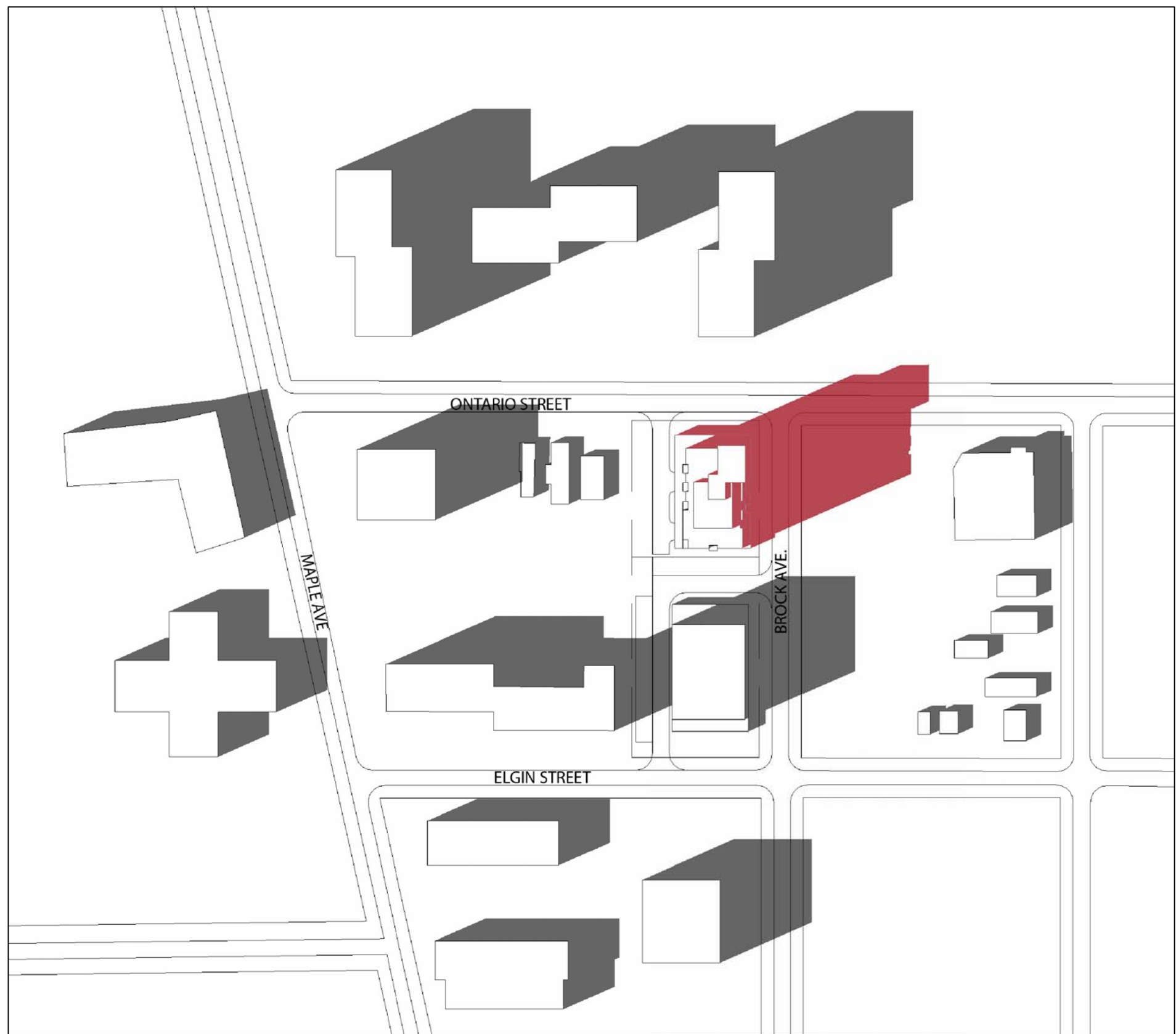
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10.18 am



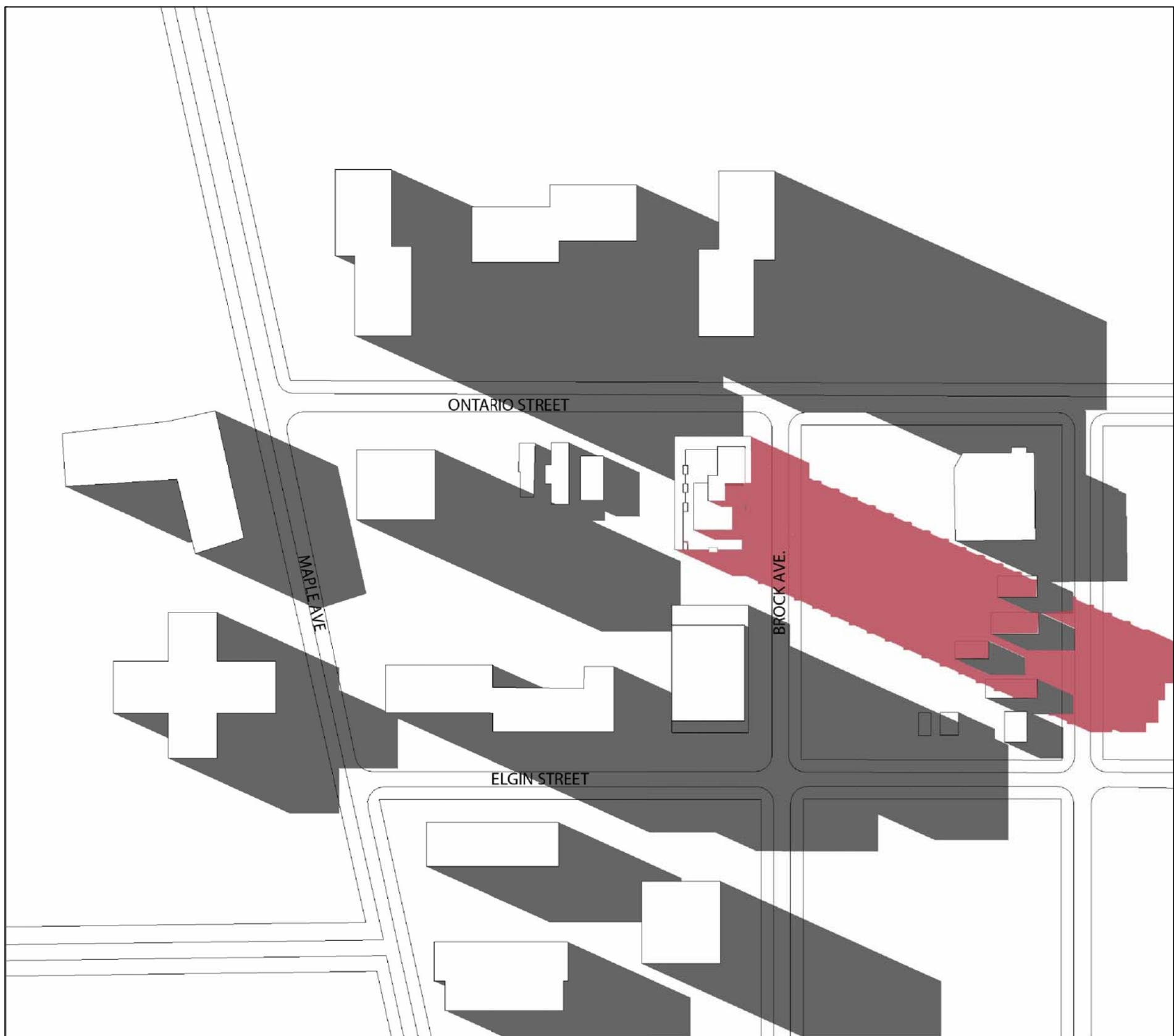
12.18 pm



02.18 pm



04.18 pm



05.18 pm

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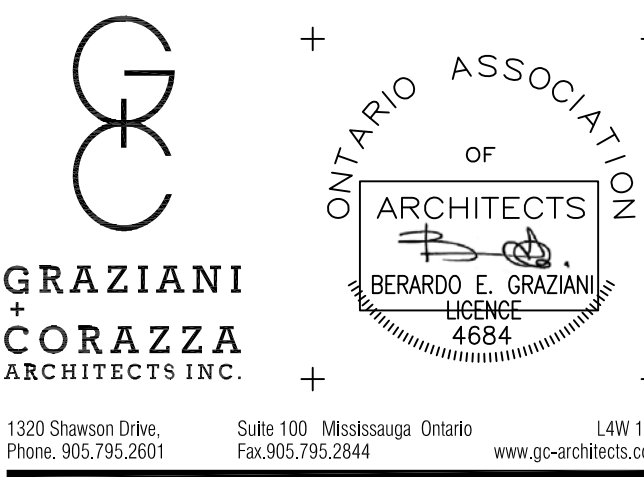
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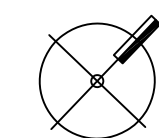
Residential Development

**Brock + Ontario**

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

**SHADOW STUDY**

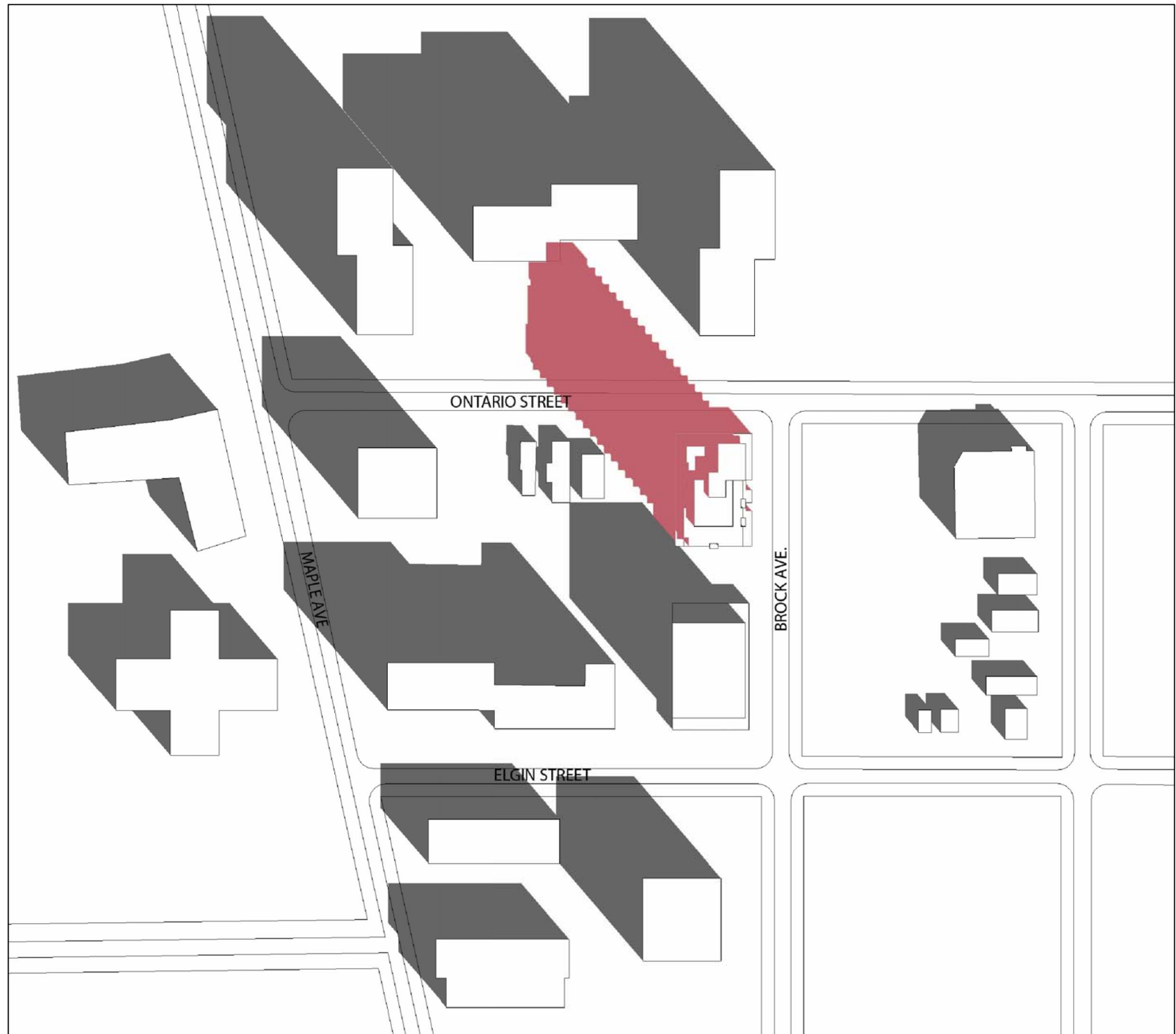
**MARCH 21**



N.T.S

**A701**

TITLEBLOCK SIZE: 610 x 950



9.18 am



10.18 am



12.18 pm



02.18 pm



04.18 pm



05.18 pm

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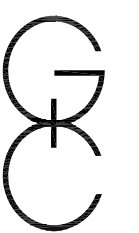
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Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

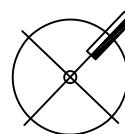
Residential Development

**Brock + Ontario**

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

**SHADOW STUDY**

**JUNE 21**



N.T.S

**A702**

TITLEBLOCK SIZE: 610 x 950



View Looking Southwest

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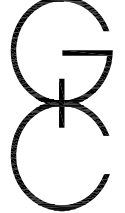
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Residential Development	
Brock + Ontario	
Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
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PERSPECTIVES



View Looking Southwest

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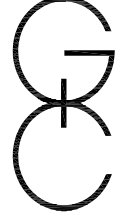
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Residential Development

Brock + Ontario

Burlington	Ontario
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Drawn By:	P. Shantharaju
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Plot Date:	Jul. 11, 2017
Job #	1488.17

PERSPECTIVES

A802



Podium View Along Brock Avenue

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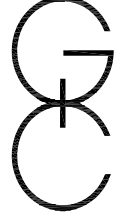
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L4W 1C3  
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Residential Development

Brock + Ontario

Burlington	Ontario
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Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
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Job #	1488.17

PERSPECTIVES

A803



Podium View Along Ontario Street

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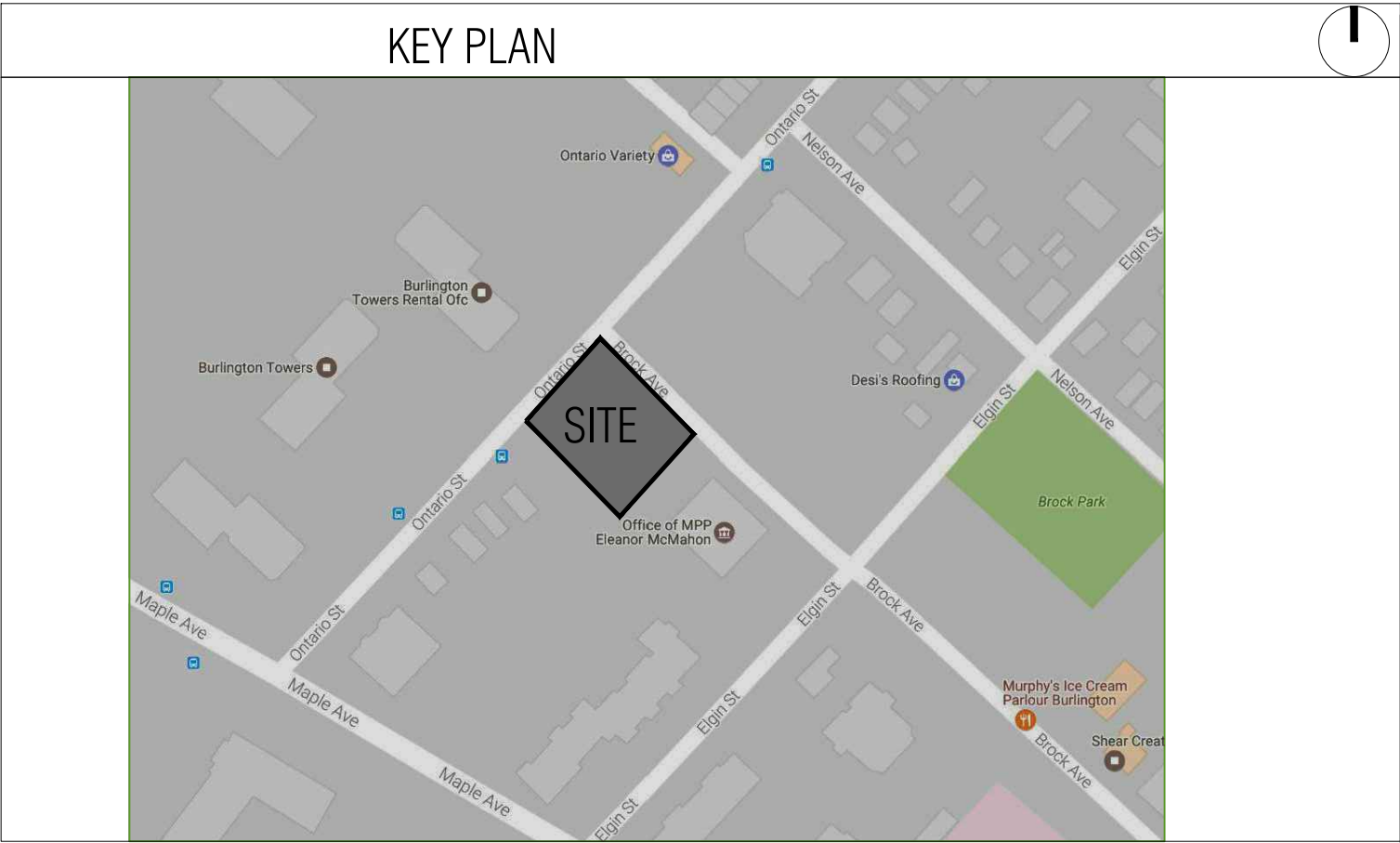
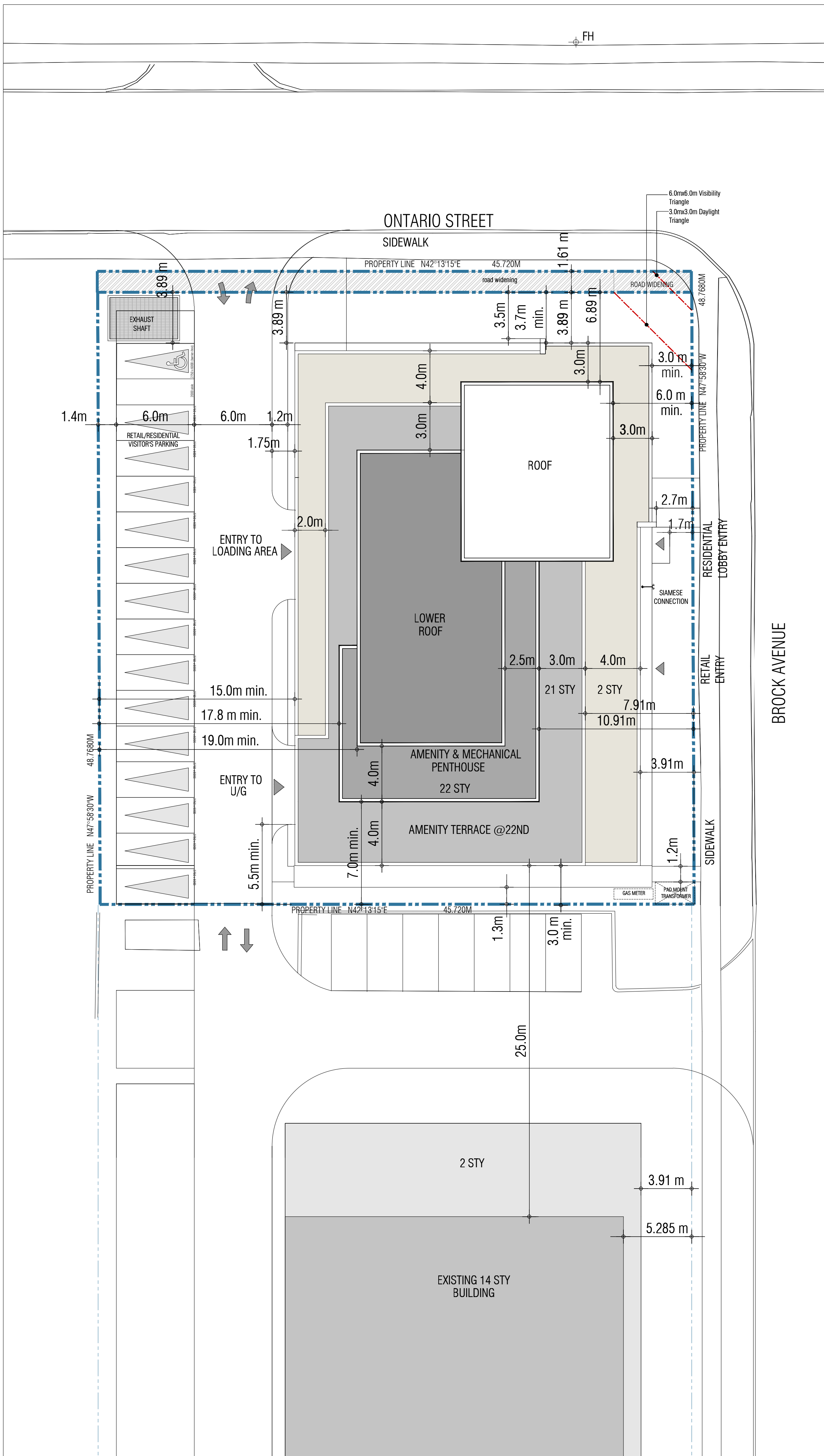
Residential Development

### Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Jul. 11, 2017
Job #	1488.17

### PERSPECTIVES

A804



### GENERAL NOTES

- For landscaping, refer to landscape drawings.
- For proposed grading, refer to landscape drawings and approved grading plan.
- All perimeter existing information indicated taken from survey.
- All work to be done in conformance with the 2012 Ontario Building Code (O.B.C., as amended)

### LIST OF DRAWINGS

- A 100 Cover Page
- A 101 Site Plan
- A 201 Underground Plan
- A 202 Underground Plan
- A 203 Underground Plan
- A 204 Underground Plan
- A 301 Ground Floor Plan
- A 302 Second Floor Plan
- A 303 Third Floor Plan
- A 304 Typical Floor Plan (4th-19th)
- A 305 20th and 21st Floor Plan
- A 306 Amenity & Mech. Floor plan
- A 307 Roof Plan
- A 401 Exterior Elevations
- A 402 Exterior Elevations
- A 501 Building Section
- A 801 Perspectives
- A 802 Perspectives
- A 803 Perspectives
- A 804 Perspectives
- A 805 Perspectives

### SURVEY INFORMATION

A.T. McLaren Limited  
69 John Street South, Suite 230  
Hamilton, Ontario L8N 2B9  
Ph: (905) 527 8559 Fax: (905) 527 0032

<b>Firm Name: Graziani &amp; Corazza Architects Inc.</b> <b>Certificate of Practice Number: 3150</b> 1320 Shawson Drive, Suite 100 Mississauga, ON, L4W 1C3.  The Certificate of Practice Number of the holder is the holder's BCDN.  <b>Name of Project:</b> <b>Brock + Ontario</b>  <b>Location:</b> 490-492 Brock Avenue Burlington, ON		The architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCDN.	
Item	Ontario Building Code Data Matrix Parts 3 & 9	OBC Reference	
1	Project Description: <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Alteration	<input type="checkbox"/> Part 11 11.1 to 11.4	<input checked="" type="checkbox"/> Part 3 2.1.1 9.10.1.3
2	Major Occupancy(s) Group F3, Group E, Group C	3.1.2.1.(1)	9.10.2
3	Building Area (m <sup>2</sup> ) Existing 0 New 996 Total 996	1.1.3.2	1.1.3.2
4	Gross Area (m <sup>2</sup> ) Existing 0 New 16,200 Total 16,200	1.1.3.2	1.1.3.2
5	Number of Storeys Above grade 22 Below grade 4	3.2.1.1 & 1.1.3.2	2.1.1.3
6	Number of Streets/Fire Fighter Access 2	3.2.2.10 & 3.2.5.	9.10.19
7	Building Classification F3=3.2.2.7.3 E=3.2.2.5.7 C=3.2.2.4.2	3.2.2.20-83	9.10.4
8	Sprinkler System Proposed <input checked="" type="checkbox"/> entire building <input type="checkbox"/> basement only 3.2.2.7.3 <input type="checkbox"/> in lieu of roof rating <input type="checkbox"/> not applicable	3.2.2.20-83 3.2.1.5 3.2.2.17	9.10.8
9	Standpipe required <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.9	N/A
10	Fire Alarm required <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.4	9.10.17.2
11	Water Service/Supply is Adequate <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.5.7	N/A
12	High Building <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3.2.6	N/A
13	Permitted Construction <input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-combustible Actual Construction <input type="checkbox"/> Combustible <input checked="" type="checkbox"/> Non-combustible	<input type="checkbox"/> Both <input checked="" type="checkbox"/> Both	3.2.2.20-83 9.10.6
14	Mezzanine(s) Area m <sup>2</sup> n/a	3.2.1.1.(3)-(8)	9.10.4.1
15	Occupant load based on Basement: Occupancy n/a Load n/a persons 1 <sup>st</sup> Floor Occupancy n/a Load n/a persons 2 <sup>nd</sup> Floor Occupancy n/a Load n/a persons 3 <sup>rd</sup> Floor Occupancy n/a Load n/a persons	<input type="checkbox"/> m <sup>2</sup> /person <input checked="" type="checkbox"/> design of building	3.1.16 9.9.1.3
16	Barrier-free Design <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain)	3.8	9.5.2
17	Hazardous Substances <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.3.1.2. & 3.3.1.19	9.10.1.3(4)
18	Required Fire Resistance Rating (FRR) Horizontal Assemblies FRR (Hours) Floors 2 Hours Roof 0 Hours Mezzanine n/a Hours FRR of Supporting Members Floors 2 Hours Roof n/a Hours Mezzanine n/a Hours	Listed Design No. or Description (SG-2) Poured Concrete Poured Concrete Listed Design No. Or Description (SG-2) Poured Concrete	3.2.2.20-83 & 3.2.1.4 9.10.8 9.10.9
19	Spatial Separation - Construction of Exterior Walls Wall Area of EBF (m <sup>2</sup> ) L.D. (m) L/H or H/L Permitted Max. % of Openings Proposed % of Openings FRR (Hours) Listed Design or Description Comb Const Comb. Constr. Nonc. Cladding	3.2.3	9.10.14
	North n/a 15.0 m 36% 100% ¼ Hr 15.9 mm Type X n/a Nonc. Cladding		
	South 43.2 3.0 m 100% 100%		
	East n/a 10.0 m 100% 100%		
	West n/a 15.0 m 100% 100%		
20	Other - Describe n/a		

Job #:1488.17 - Brock + Ontario			
Date: April 18, 2018			
Project Statistics			
		Permitted / Required	Parcel A
01. Site Area			2158m2 23228 ft2
02. G.F.A			
Residential			
Above Grade			16045 m2
Below Grade			
Retail			
Above Grade			155 m2
Total			16200 m2
03. F.S.I			7.51
04. Setbacks (m) *			
Above Grade			
North	7.5		3.89
East	7.5		3
South	7.5		3
West	6		15
Below Grade			
North	0		0
East	0		0
South	0		0
West	0		0
05. Unit Count **			
1 Bedroom		51	31%
2 Bedroom		111	69%
Total		162	100%
06. Parking			
Residential		162 (1.0per unit)	
Visitor/Retail		41 (0.25 per unit)	
Total		203	
07. Bike Parking			
Residential		66	
Visitor		24	
Total		90	
08. Lockers		136	
09. Building Height			
(To Main Roof Slab of Amenity)		22STY - 76.2M	
(To Mech. Penthouse)		78.2M	
10.Amenity Space			
Indoor		524m2	
Outdoor		2084m2	
Total	20m2/ unit = 3400m2	2608m2(16m2 per unit)	
* Setbacks to main building face			
** Final unit count may vary depending on market demand			

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issued for revisions

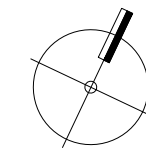


Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

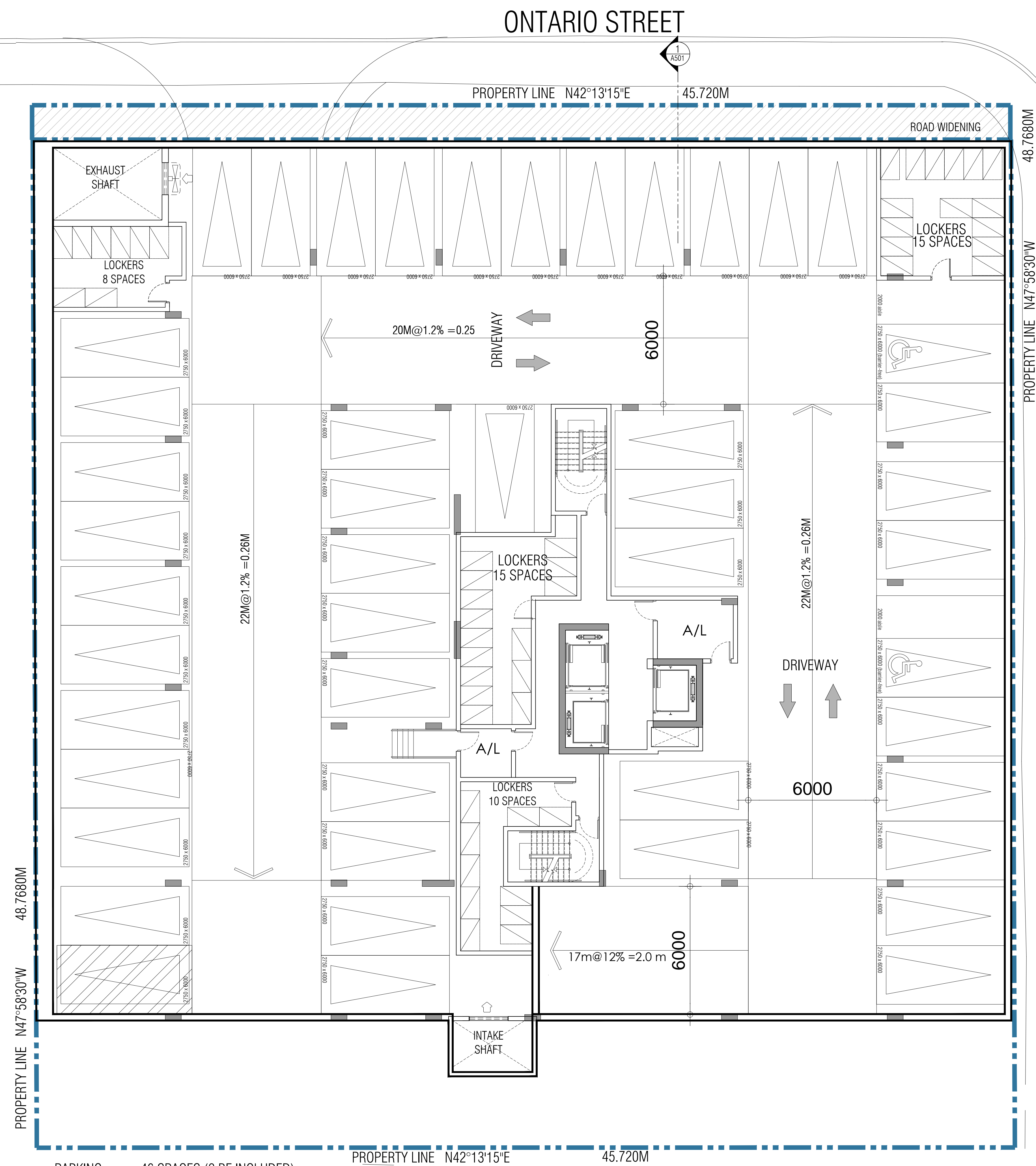
### SITE PLAN & STATS



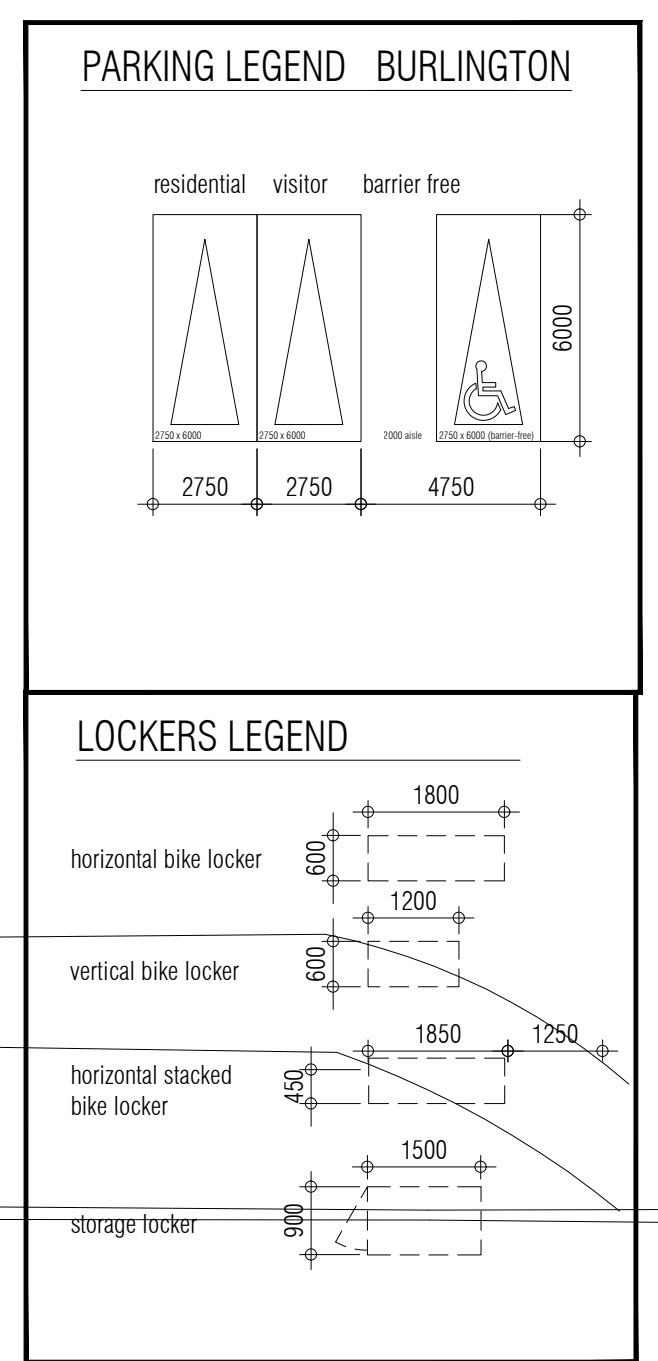
1:200

A101

TITLEBLOCK SIZE: 610 x 900



PARKING	46 SPACES (2 BF INCLUDED)
BIKES	0 SPACES
LOCKERS	48 SPACES



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BROCK AVENUE

issued for revisions

**GRAZIANI + CORAZZA ARCHITECTS INC.**

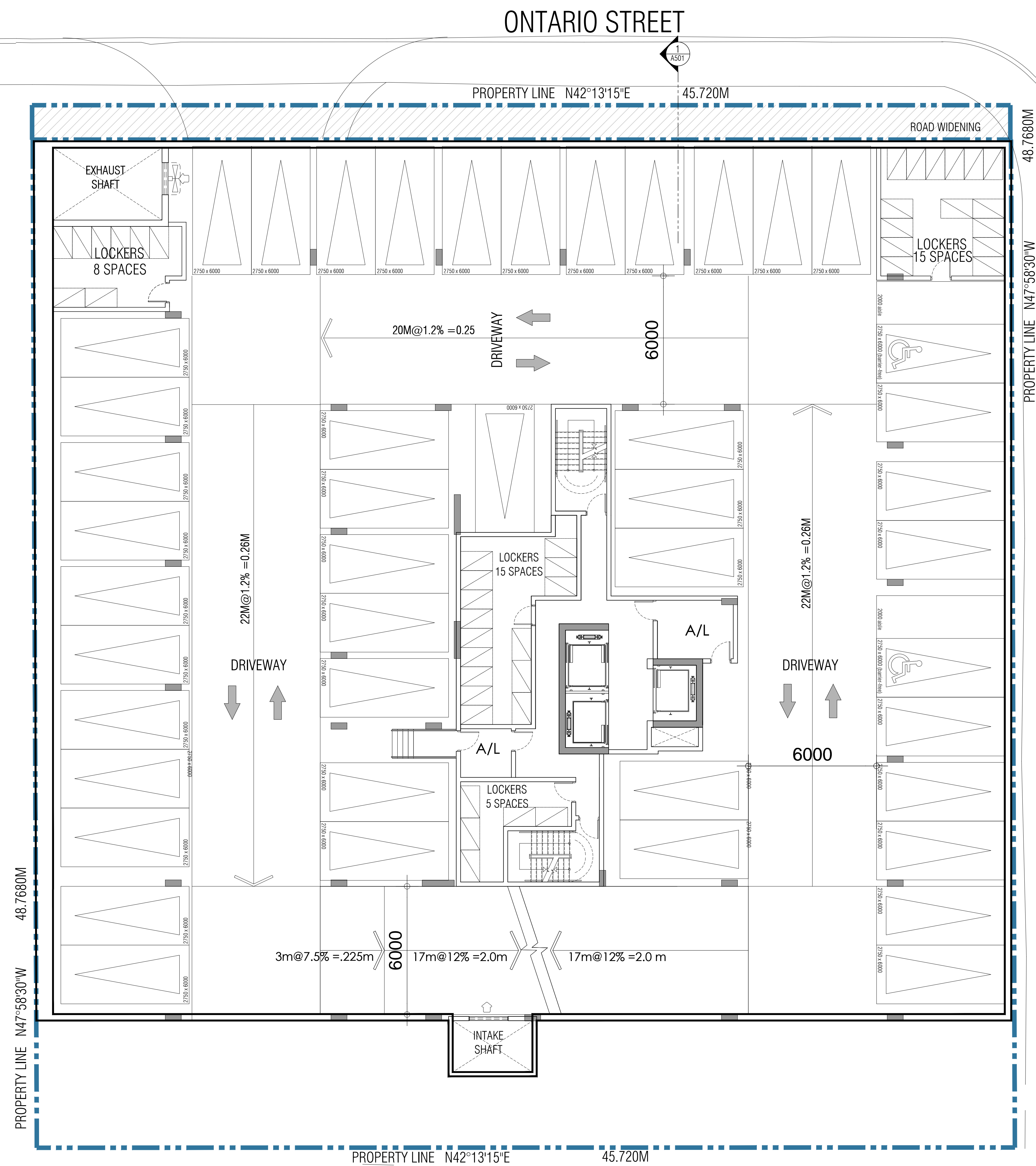
1320 Shawson Drive, Suite 100, Mississauga, Ontario L4W 1C3  
Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

Residential Development

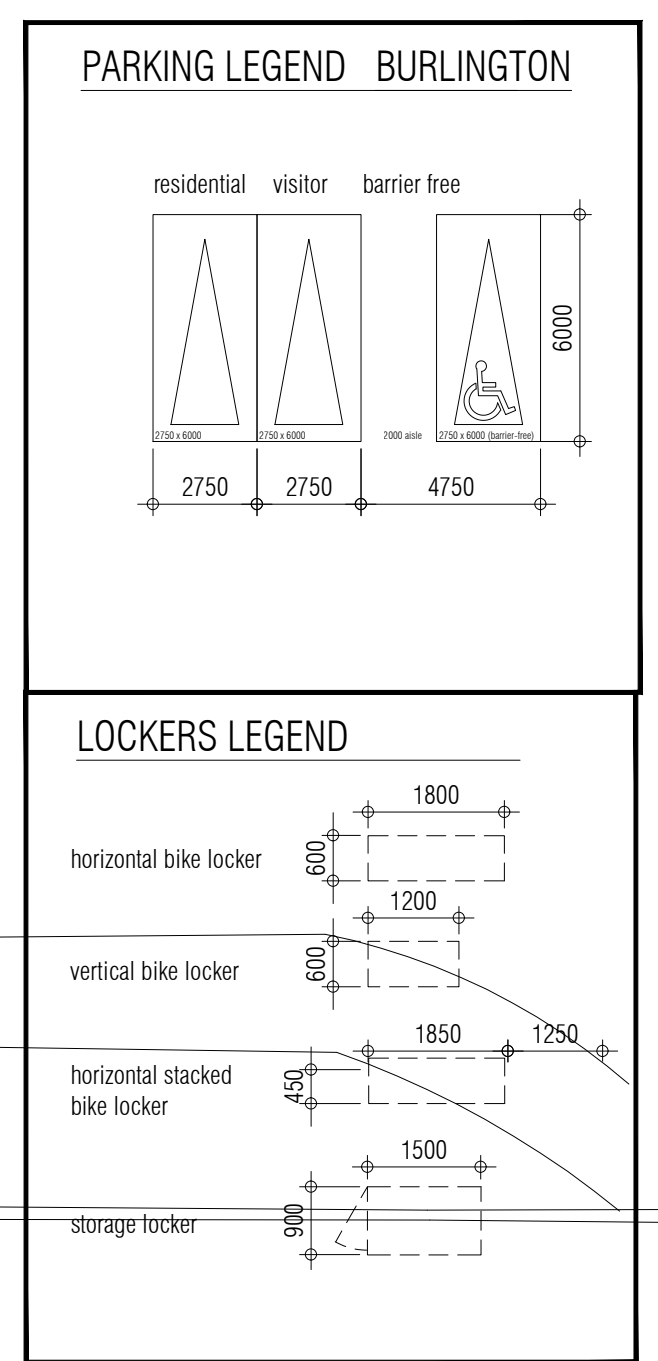
Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

UNDERGROUND PLAN  
P4 FLOOR PLAN



PARKING 45 SPACES (2 BF INCLUDED)  
BIKES 0 SPACES  
LOCKERS 43 SPACES



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BROCK AVENUE

issued for revisions



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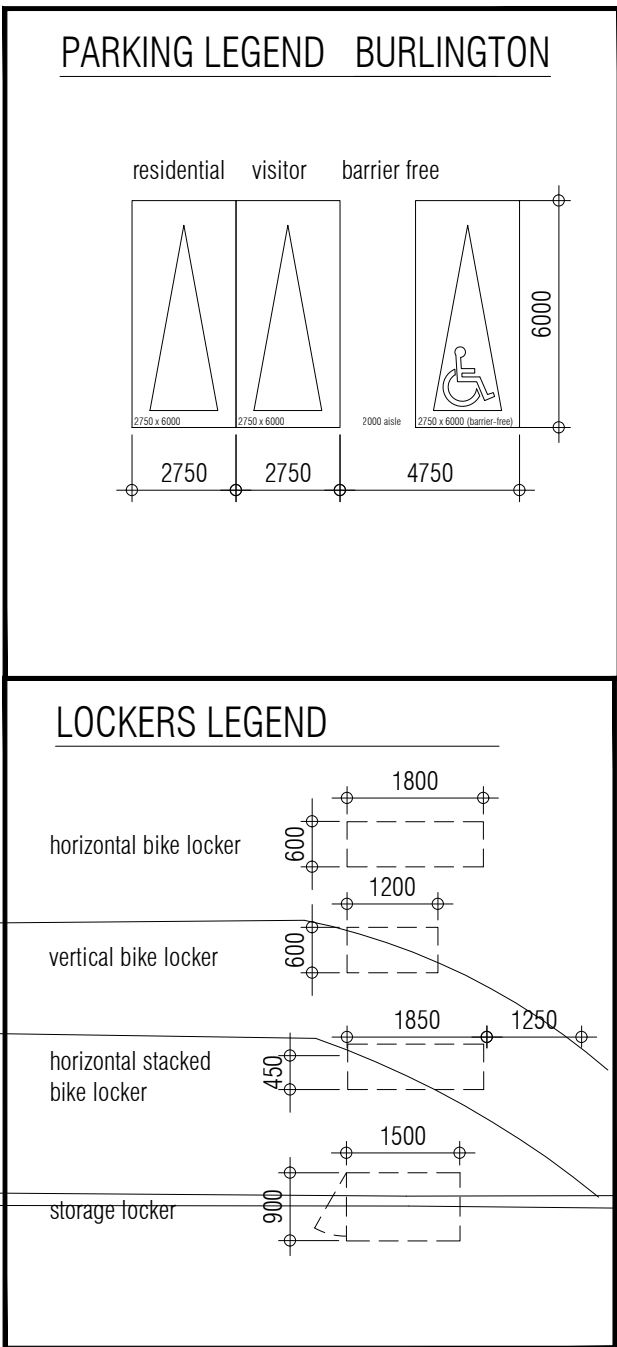
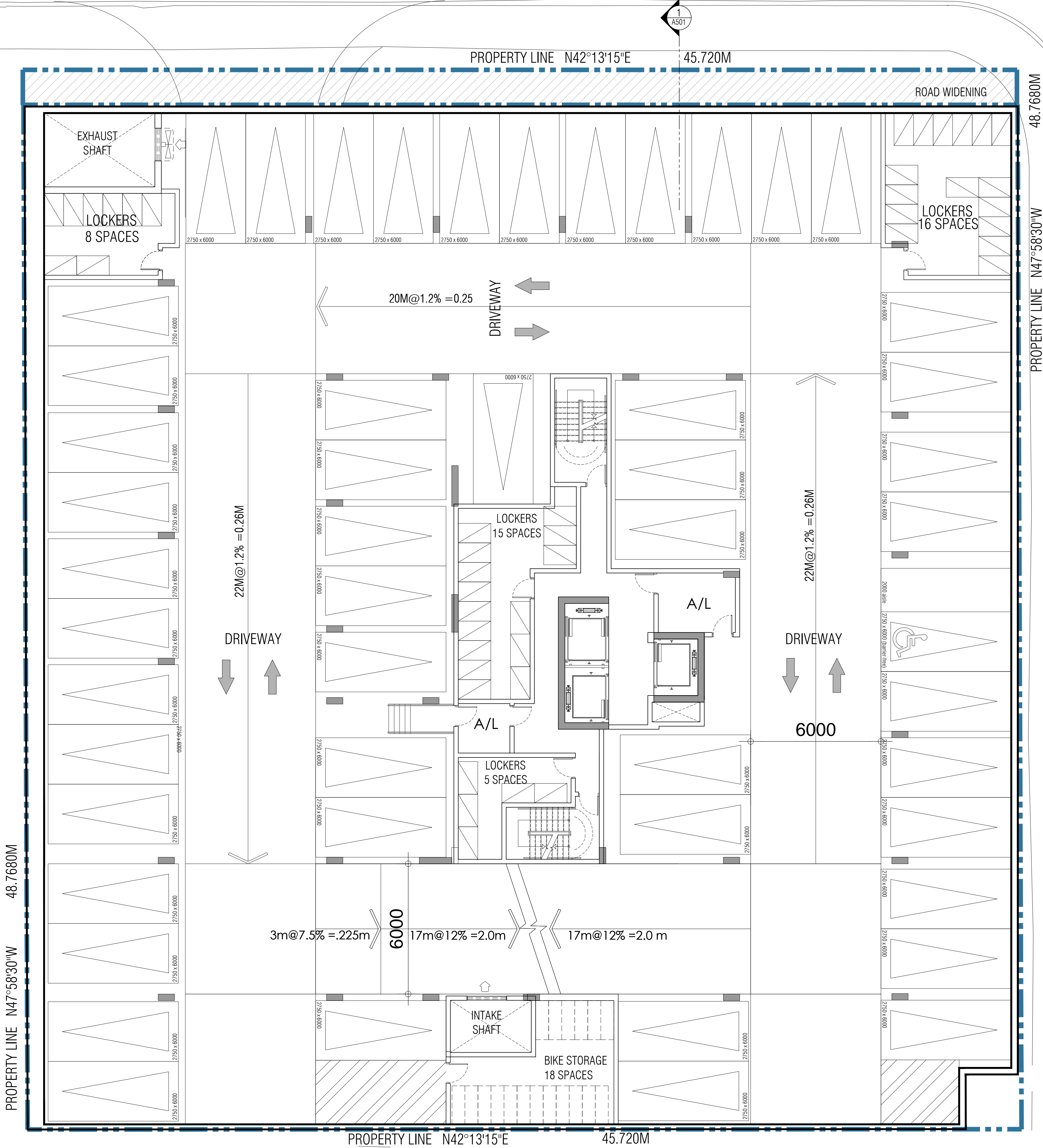
Residential Development

Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

UNDERGROUND PLAN  
P3 FLOOR PLAN

ONTARIO STREET



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BROCK AVENUE

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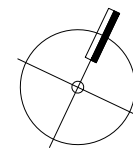
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Residential Development

Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

UNDERGROUND PLAN  
P2 FLOOR PLAN

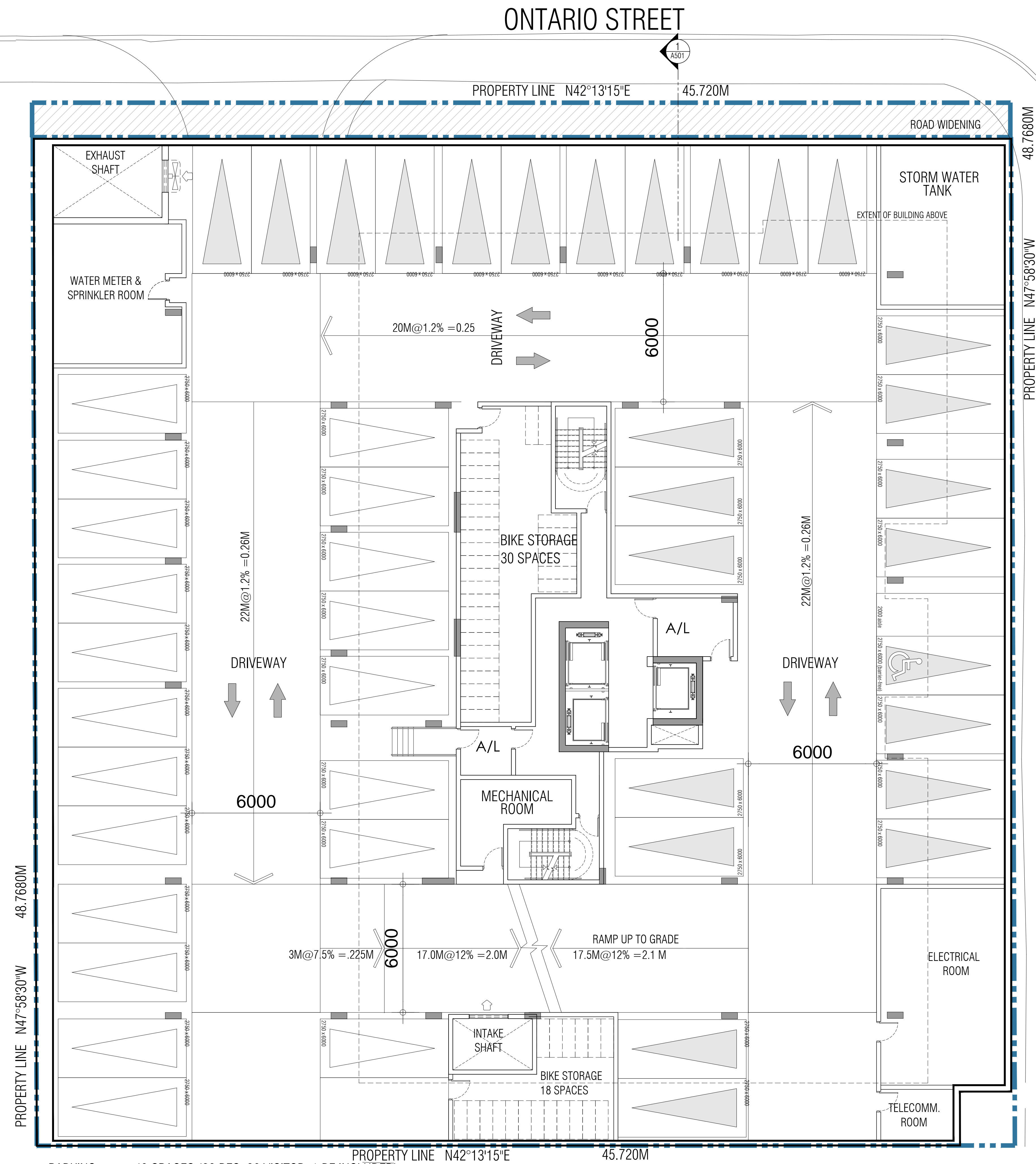


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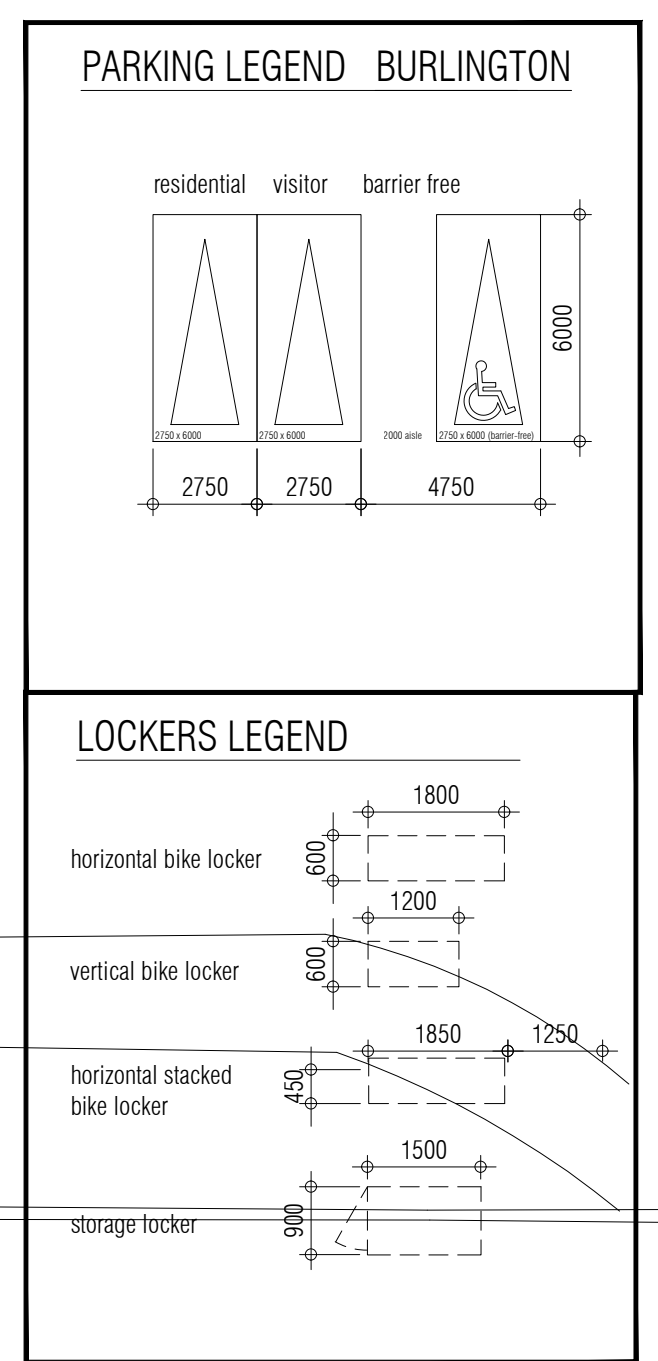
A203

TITLEBLOCK SIZE: 610 x 900

PARKING 51 SPACES (1 BF INCLUDED)  
BIKES 18 SPACES  
LOCKERS 46 SPACES



PARKING 49 SPACES (23 RES, 26 VISITOR; 1 BF INCLUDED)  
BIKES 48 SPACES  
LOCKERS 0 SPACES



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BROCK AVENUE

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**GRAZIANI + CORAZZA ARCHITECTS INC.**

BERARDO E. GRAZIANI  
LICENCE 4684

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Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

Residential Development

Brock + Ontario	
Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
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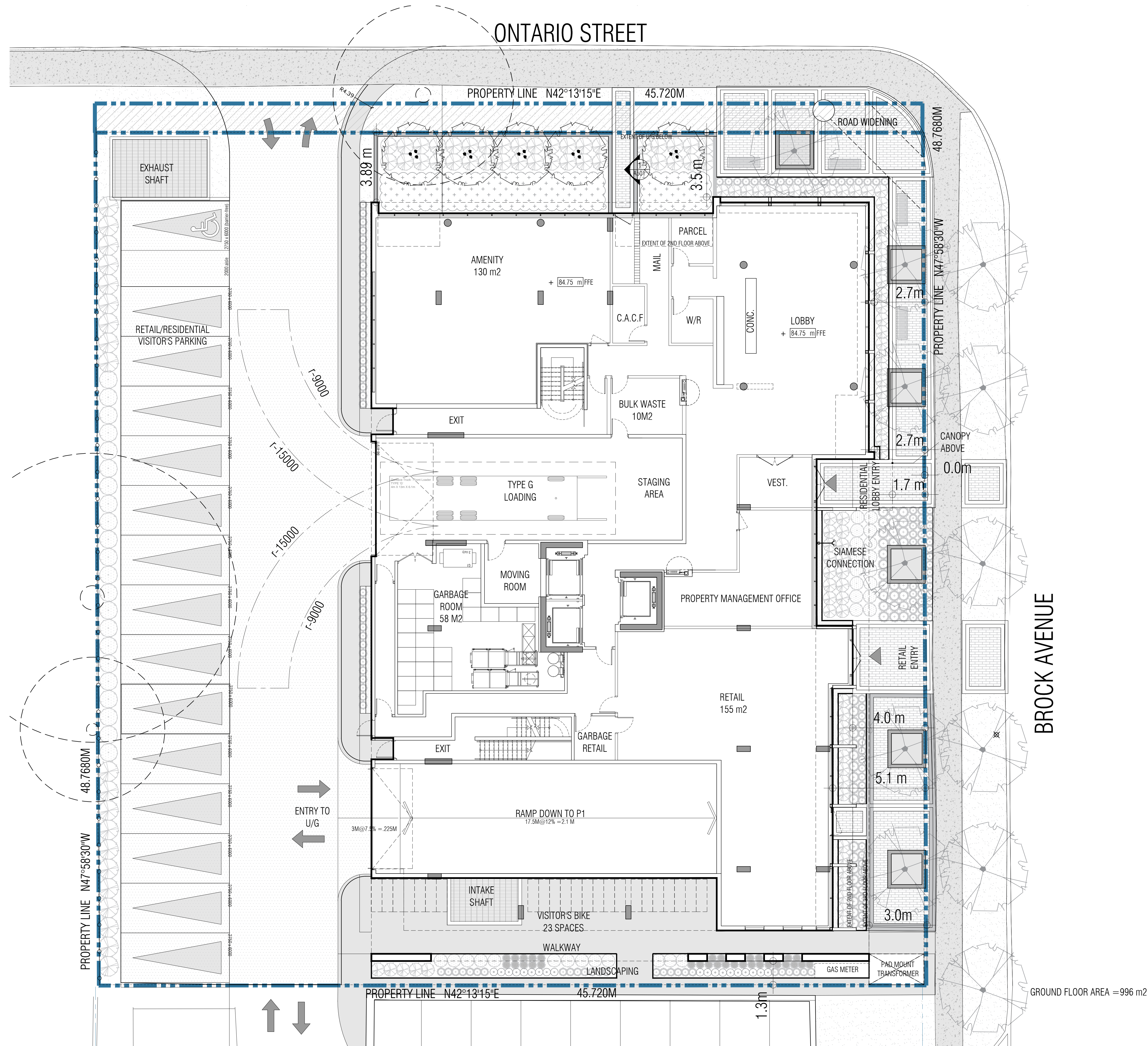
**UNDERGROUND PLAN**

**P1 FLOOR PLAN**

1:100

**A204**

TITLEBLOCK SIZE: 610 x 900



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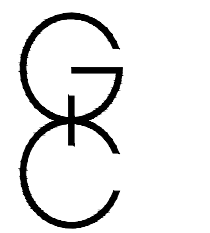
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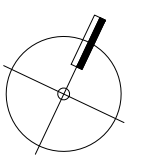
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Drawn By:	P. Shantharaju
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GROUND FLOOR PLAN

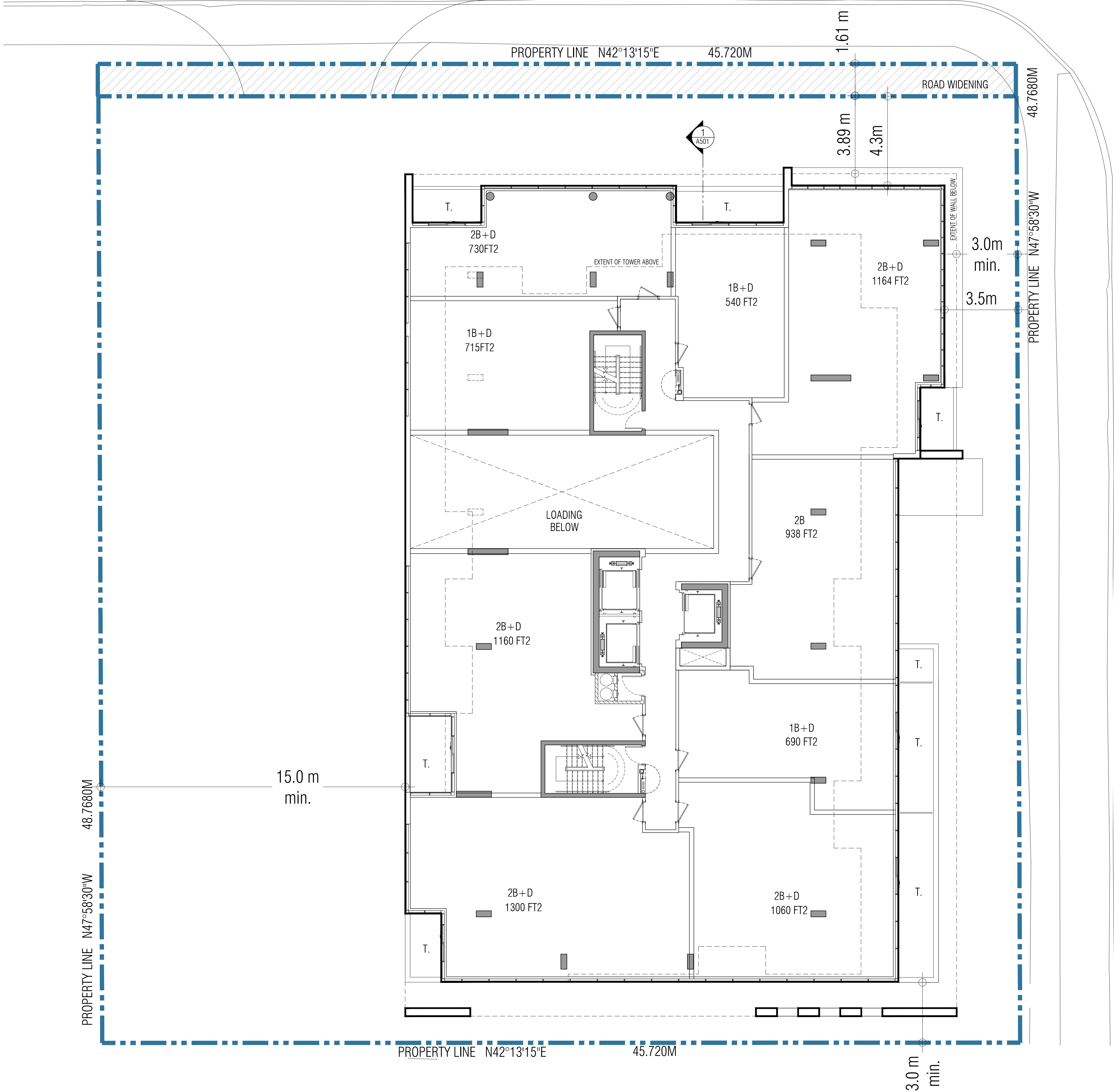


1:100

A301

TITLEBLOCK SIZE: 610 x 900

ONTARIO STREET



BROCK AVENUE

AREA = 980 m2  
UNIT COUNT:  
1 B 3  
2 B 6  
TOTAL UNITS 9

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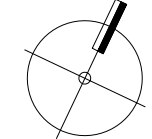
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BERARDO E. GRAZIANI  
LICENCE 4684

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Residential Development

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SECOND FLOOR PLAN

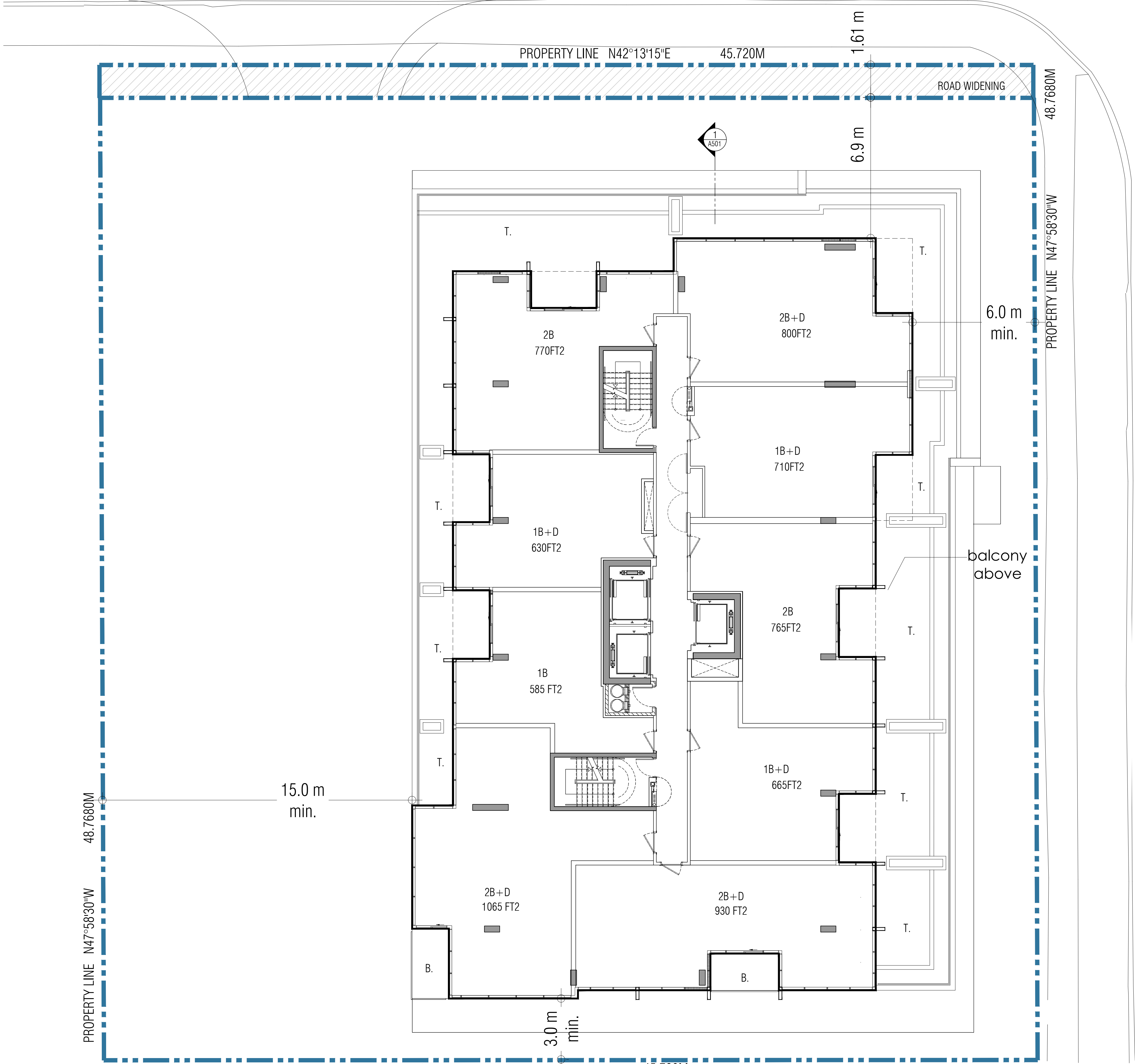


1:100

**A302**

TITLEBLOCK SIZE: 610 x 900

ONTARIO STREET



BROCK AVENUE

AREA = 750 m2  
UNIT COUNT:  
1 B 4  
2 B 5  
TOTAL UNITS 9

3RD FLOOR WITH TERRACES  
4TH-9TH WITH BALCONIES

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ARCHITECTS INC.

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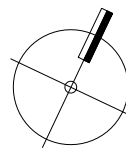
ONTARIO ASSOCIATION  
OF  
ARCHITECTS  
BERARDO E. GRAZIANI  
LICENCE  
4684

Residential Development

Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

TYPICAL FLOOR PLAN  
3RD - 9TH



1:100

A303

TITLEBLOCK SIZE: 610 x 900

PROPERTY LINE N42°13'15"E 45.720M

1.61 m

6.9 m

ROAD WIDENING

48.7680M

PROPERTY LINE N47°58'30"W

6.0 m min.

15.0 m min.

3.0 m min.

1 A501

B.

2B 770ft<sup>2</sup>

2B+D 800ft<sup>2</sup>

2B+D 1040ft<sup>2</sup>

1B+D 630ft<sup>2</sup>

1B 585 ft<sup>2</sup>

2B 830ft<sup>2</sup>

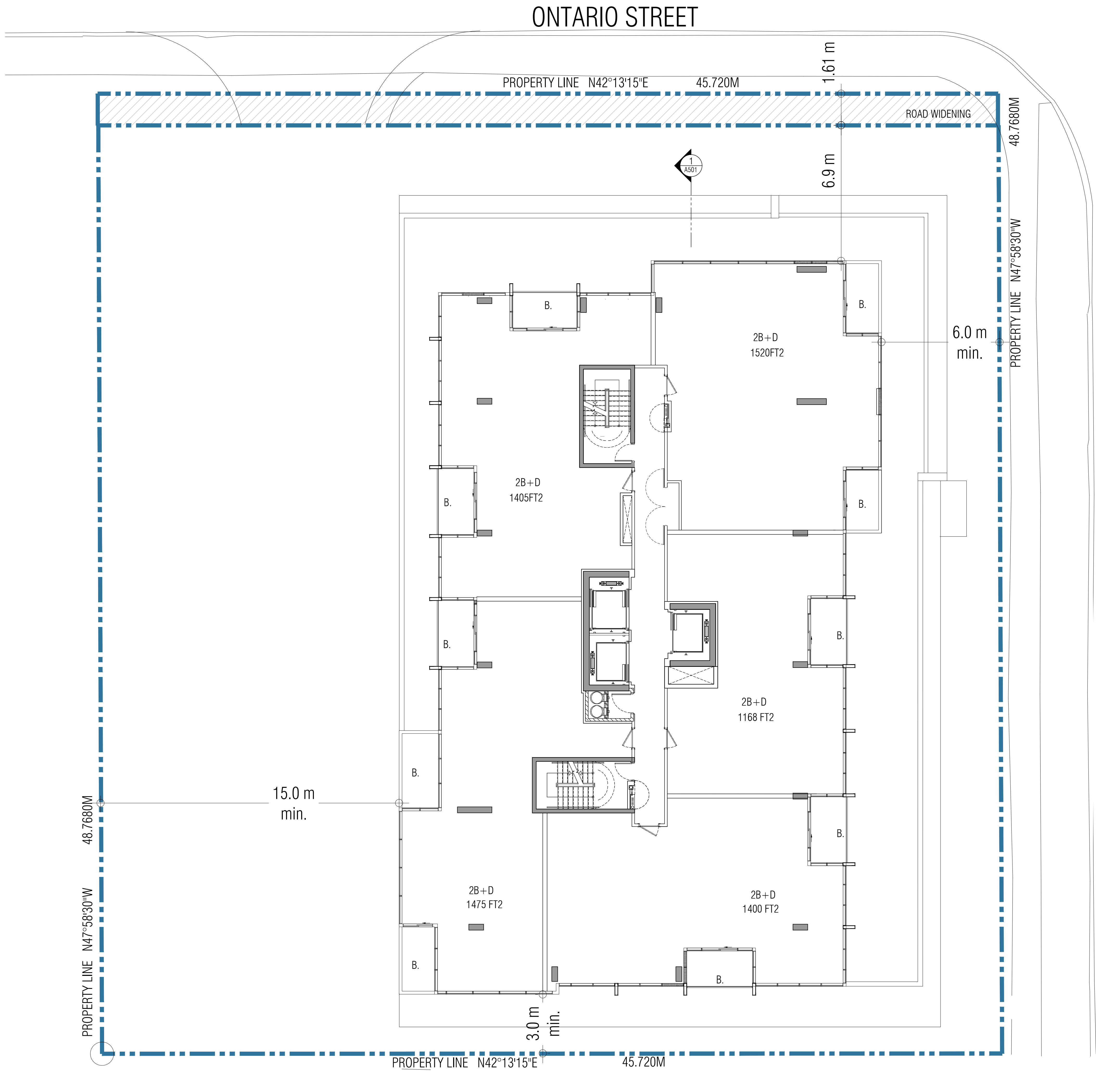
2B+D 1065 ft<sup>2</sup>

2B+D 1200 ft<sup>2</sup>

AREA = 750 m<sup>2</sup>  
UNIT COUNT:

1 B	2
2 B	6
TOTAL UNITS	8

TITLEBLOCK SIZE: 610 x 900



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02.	Dec.07.2017	Re-Issued for ZBA	BG
03.	Feb.14.2018	Re-Issued for ZBA	BG
04.	Mar.15.2018	Issued for SPA	BG

issued for revisions



**GRAZIANI + CORAZZA ARCHITECTS INC.**

BERARDO E. GRAZIANI  
LICENCE 4684

1320 Shawson Drive, Suite 100, Mississauga, Ontario L4W 1C3  
Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

Residential Development

**Brock + Ontario**

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

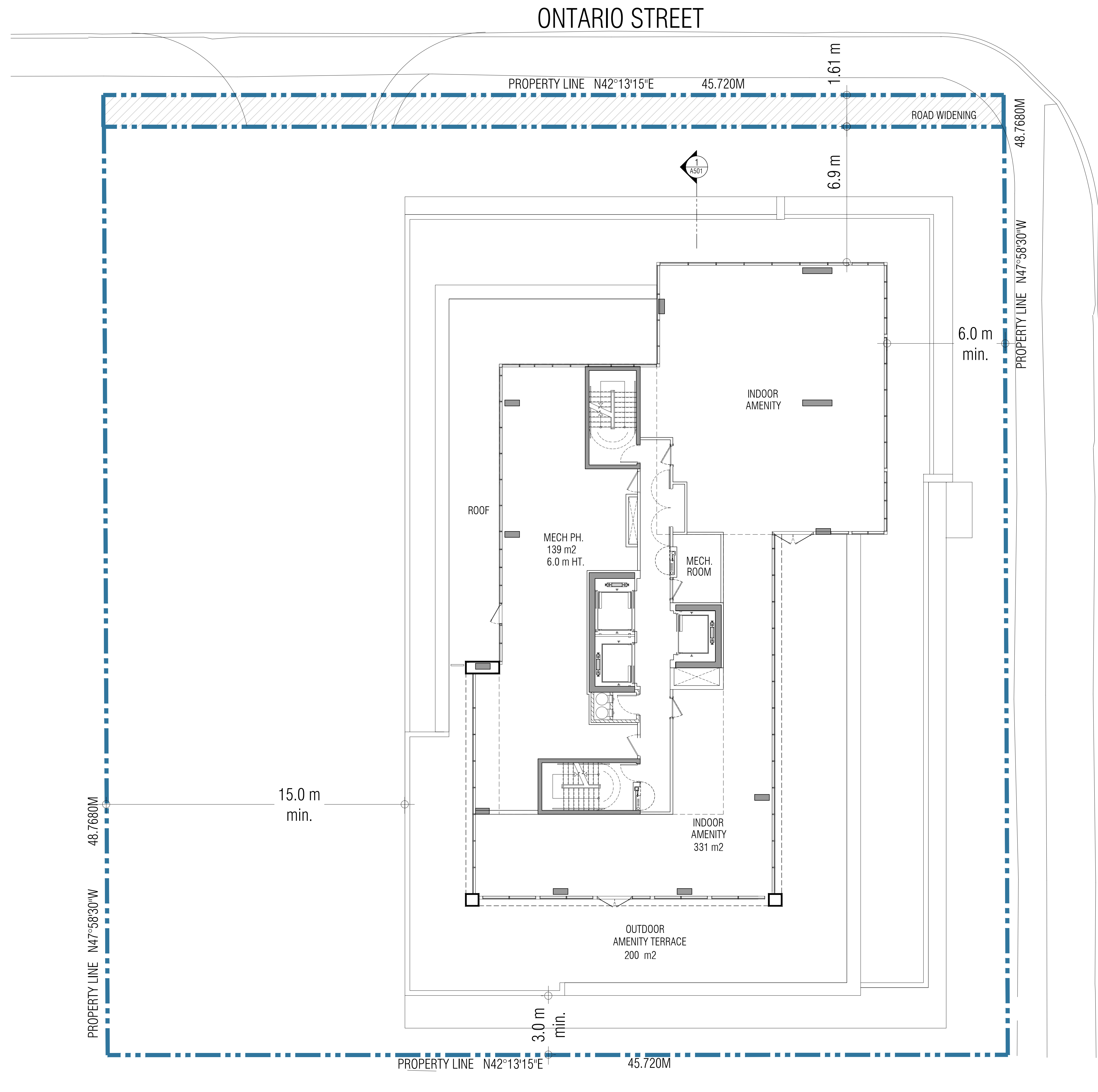
**20TH AND 21ST FLOOR PLAN**



1:100

**A305**

TITLEBLOCK SIZE: 610 x 900



BROCK AVENUE

AREA = 507 r  
UNIT COUNT:  
1 B  
2 B  
TOTAL UNITS

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04.	Mar.15.2018	Issued for SPA	BG

issued for revisions



**GRAZIANI + CORAZZA ARCHITECTS INC.**

BERARDO E. GRAZIANI  
LICENCE 4684

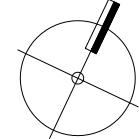
1320 Shawson Drive, Suite 100, Mississauga, Ontario L4W 1C3  
Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

Residential Development

## Brock + Ontario

Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

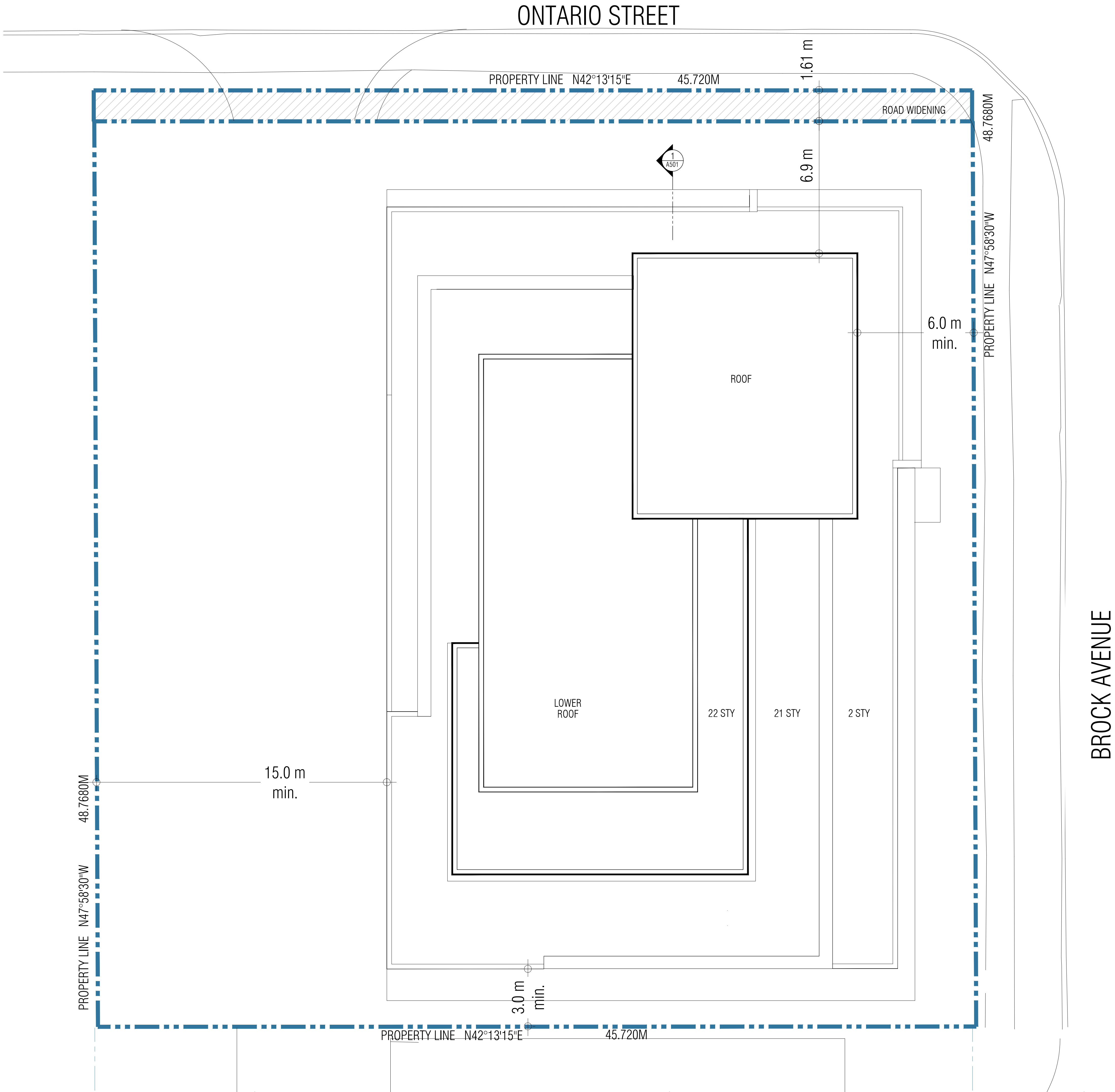
## AMENITY / MECH PH FLOOR PLAN



1:100

**A306**

TITLEBLOCK SIZE: 610 x 900



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**GRAZIANI + CORAZZA**  
ARCHITECTS INC.

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Phone: 905.795.2601 Fax: 905.795.2844  
www.gc-architects.com

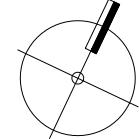


ONTARIO ASSOCIATION  
OF  
ARCHITECTS  
BERARDO E. GRAZIANI  
LICENCE 4684

Residential Development

Brock + Ontario	
Burlington	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 18, 2018
Job #	1488.17

ROOF PLAN



1:100

A307

TITLEBLOCK SIZE: 610 x 900

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- |     |              |                   |    |
|-----|--------------|-------------------|----|
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| 02. | Dec.07.2017  | Re-Issued for ZBA | BG |
| 03. | Feb.14.2018  | Re-Issued for ZBA | BG |
| 04. | Mar.15.2018  | Issued for SPA    | BG |

#### MATERIAL LEGEND

- MATERIAL LEGEND**
- 1 PRECAST PANEL
  - 2 CLEAR VISION GLASS
  - 3 SPANDREL GLASS
  - 4 LONG BOARD SIDING (WOOD FINISH)
  - 5 MULLION
  - 6 GLASS RAILING (CLEAR)

issued for revisions



Residential Development

## Brock + Ontario

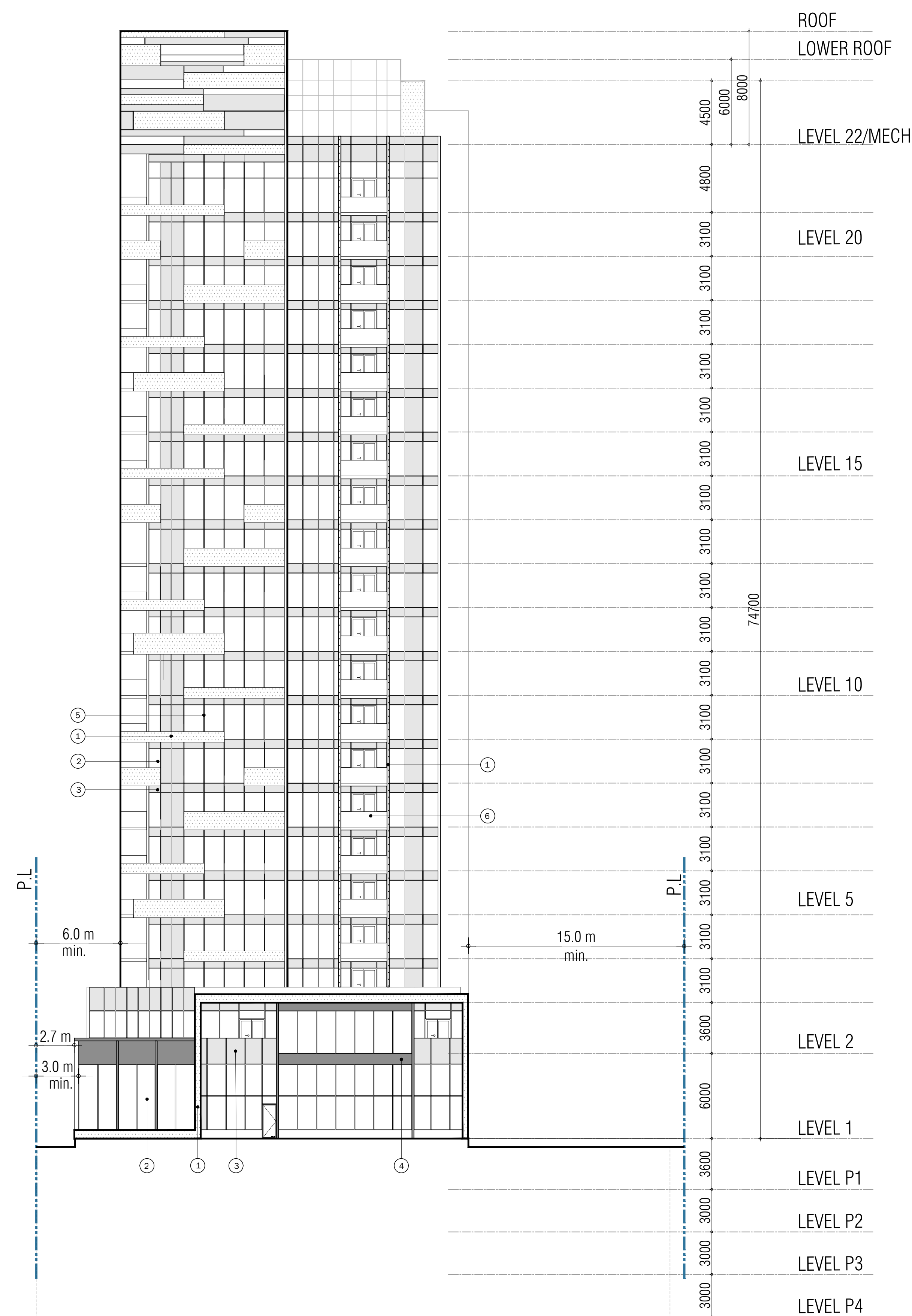
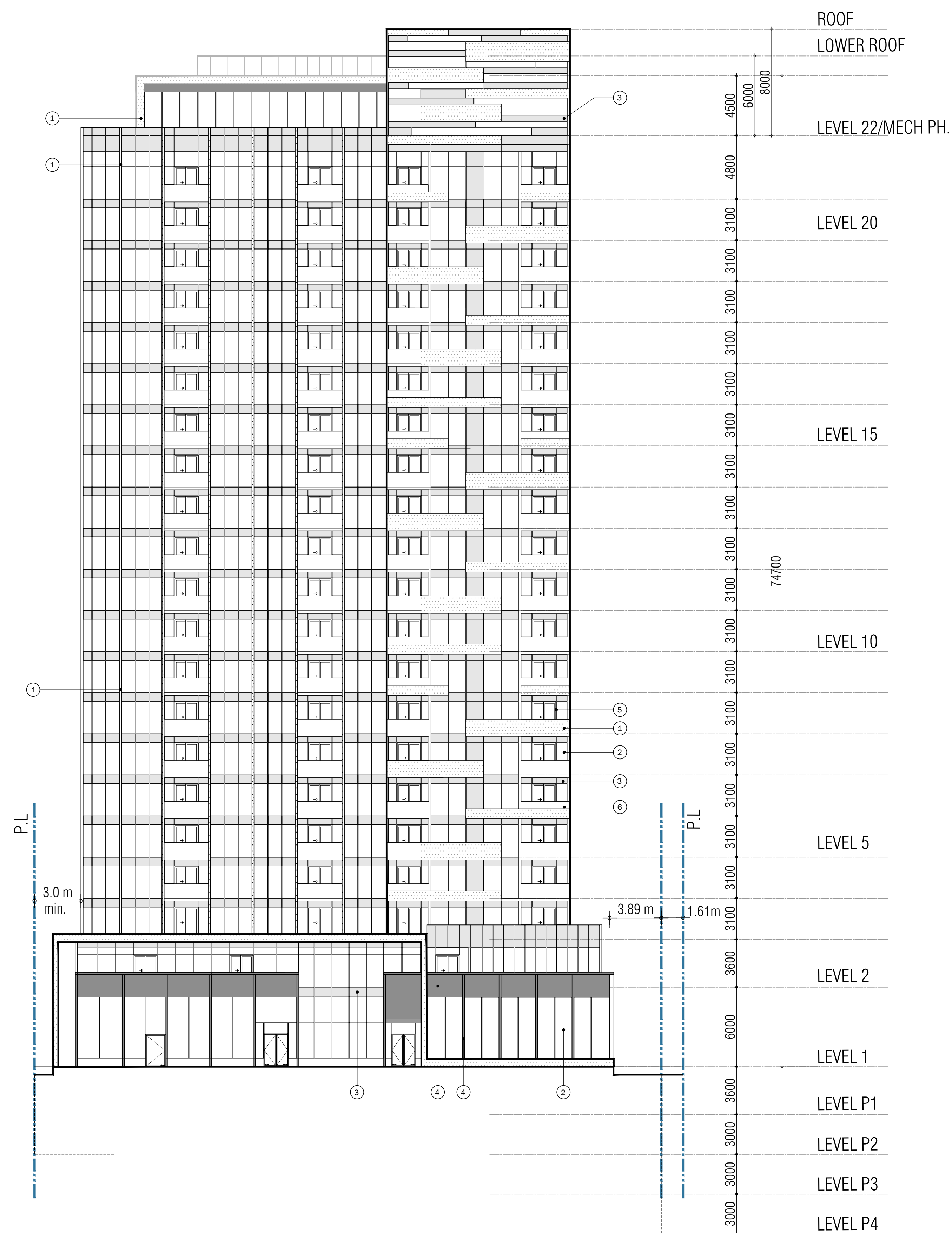
Burlinton	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

## EXTERIOR ELEVATIONS

1:200

A401

TITLEBLOCK SIZE: 610 x 900



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- |     |              |                   |    |
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| 03. | Feb.14.2018  | Re-Issued for ZBA | BG |
| 04. | Mar.15.2018  | Issued for SPA    | BG |

### MATERIAL LEGEND

- MATERIAL LEGEND**
- 1 PRECAST PANEL
  - 2 CLEAR VISION GLASS
  - 3 SPANDREL GLASS
  - 4 LONG BOARD SIDING (WOOD FINISH)
  - 5 MULLION
  - 6 GLASS RAILING (CLEAR)

issued for revisions



Residential Development

## Brock + Ontario

Burlinton	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 5, 2018
Job #	1488.17

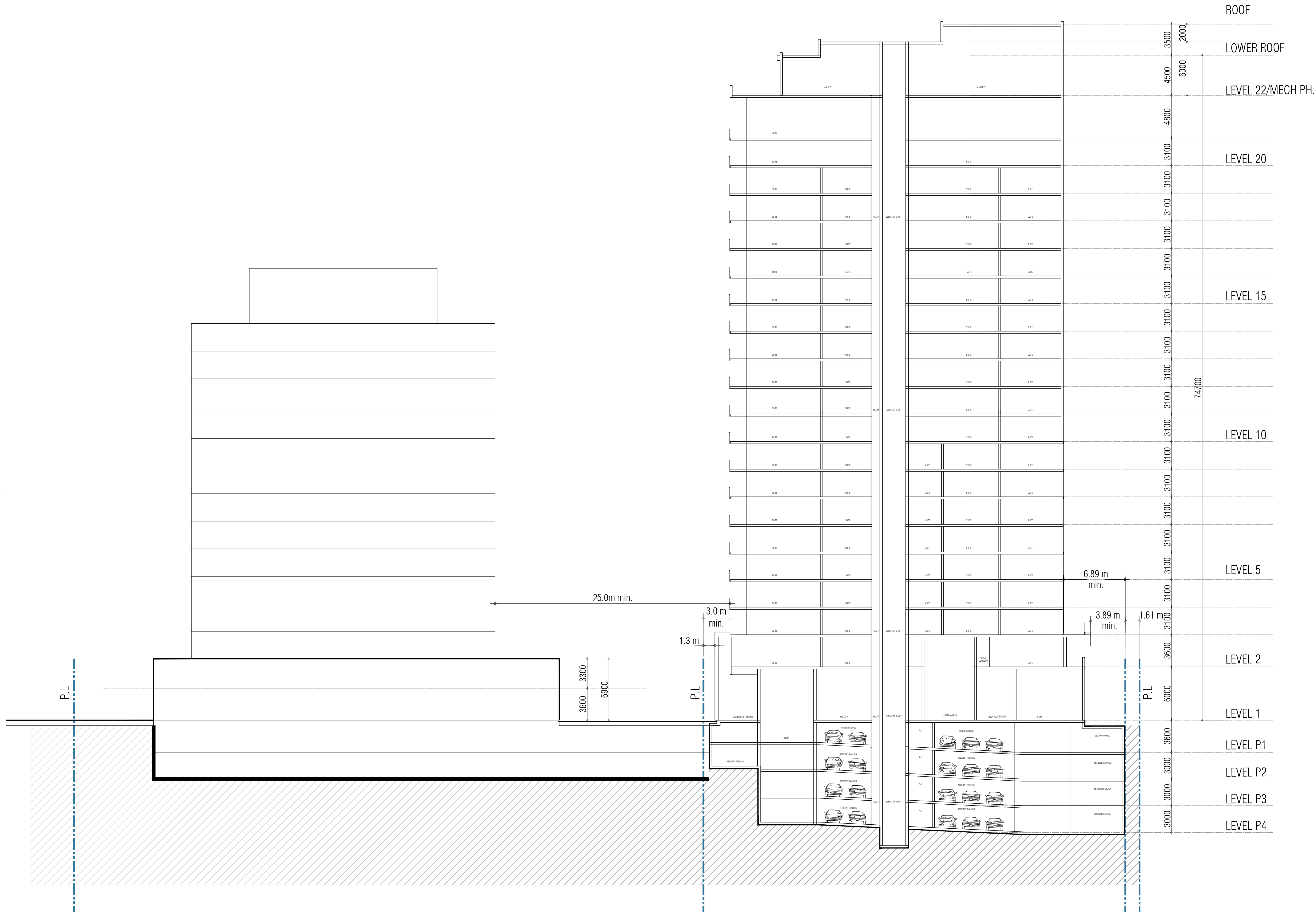
## EXTERIOR ELEVATIONS

1:200

A402

TITLEBLOCK SIZE: 610 x 900





SECTION 1

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04.	Mar.15.2018	Issued for SPA	BG

issued for revisions



**GRAZIANI  
+  
CORAZZA  
ARCHITECTS INC.**

1320 Shawson Drive,  
Phone: 905.795.2601



ONTARIO ASSOCIATION  
OF  
ARCHITECTS

BERARDO E. GRAZIANI  
LICENCE  
4684

Residential Development

1320 Shawson Drive, Suite 100 Mississauga, Ontario L4W 1C3  
Phone: 905.795.2601 Fax: 905.795.2844 www.gc-architects.com

Brock + Ontario

Burlinton	Ontario
Project Architect:	B. Graziani
Assistant Designer:	P. Shantharaju
Drawn By:	P. Shantharaju
Checked By:	D. Biase
Plot Date:	Apr. 18, 2018
Job #	1488.17

BUILDING SECTION

1:200

A501



- Brock + Ontario
- 1488.17
- Apr 17, 2018

VIEW AT BROCK AND ONTARIO



VIEW LOOKING SOUTH WEST

- Brock + Ontario
- 1488.17
- Apr 17, 2018



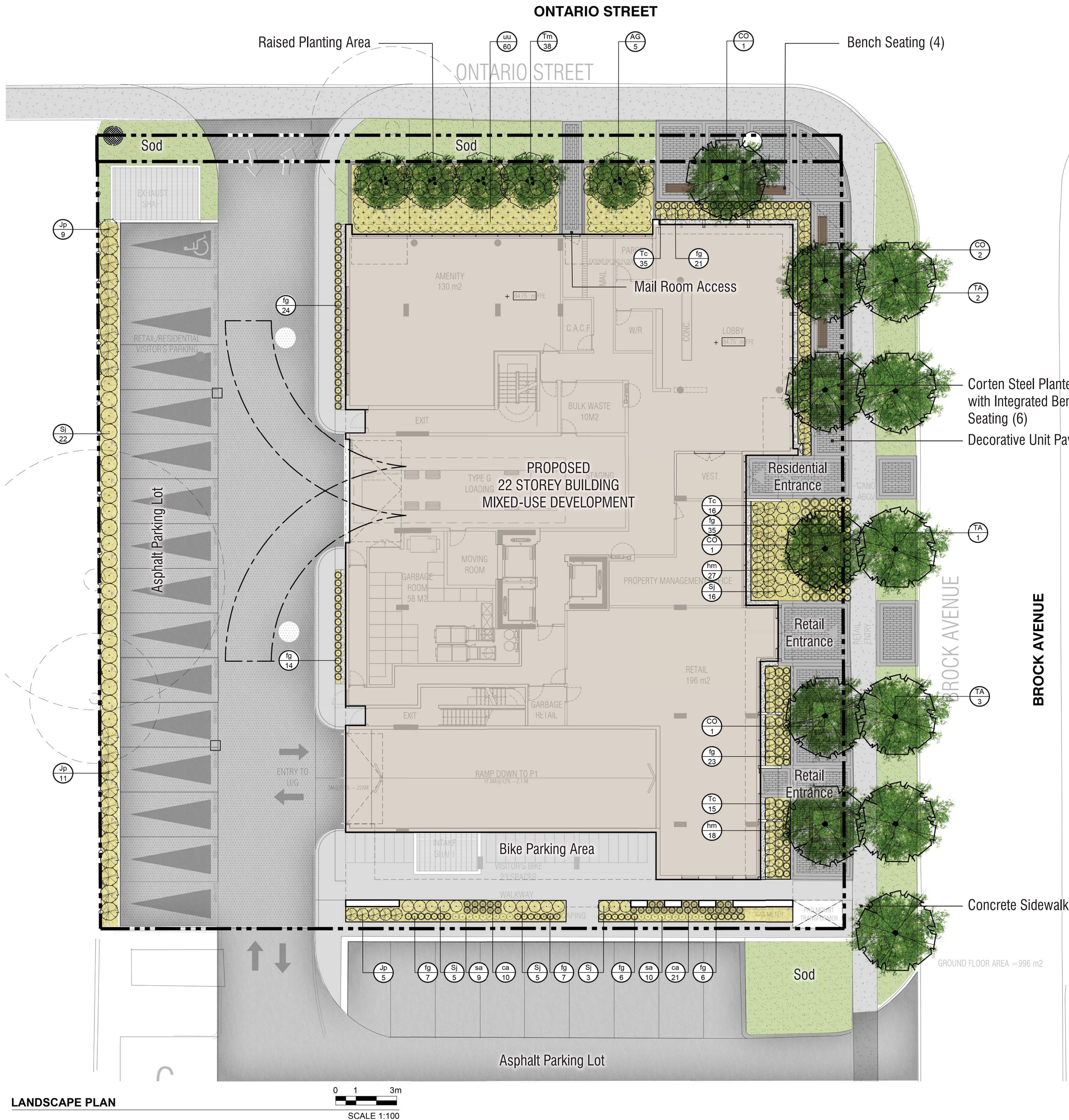
VIEW LOOKING SOUTH



VIEW LOOKING SOUTH

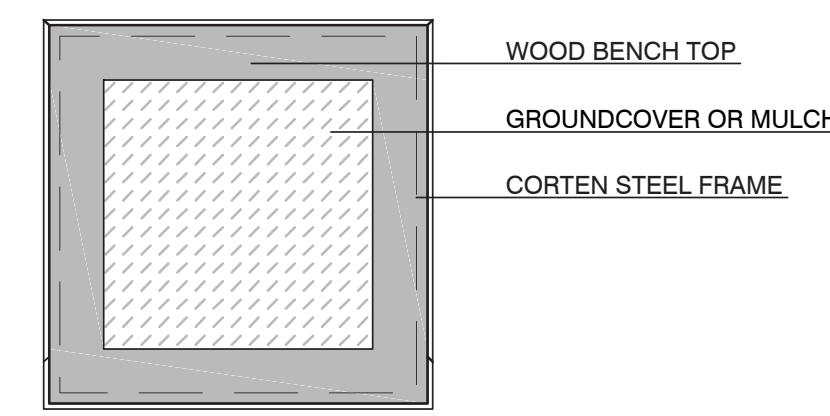
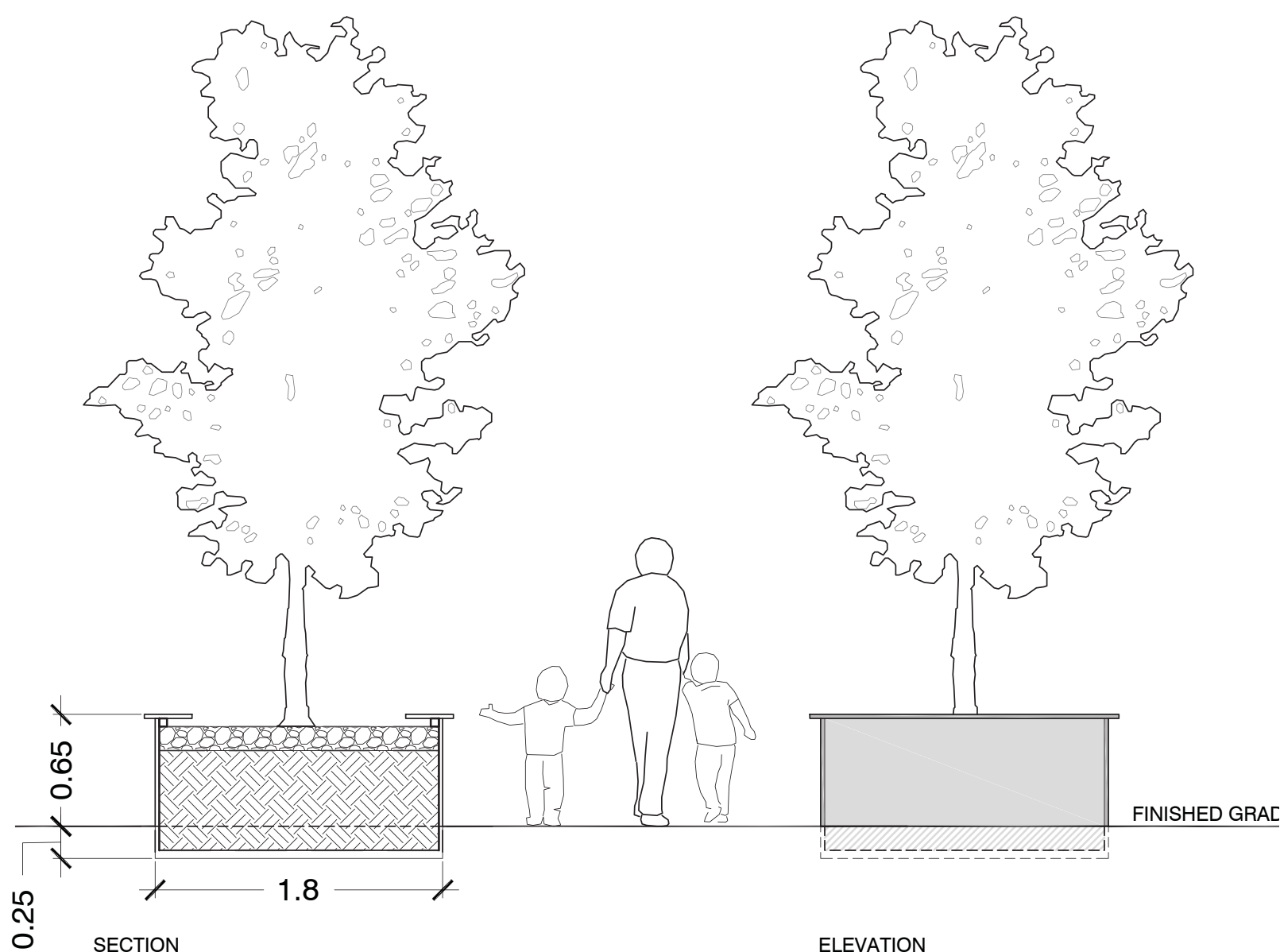
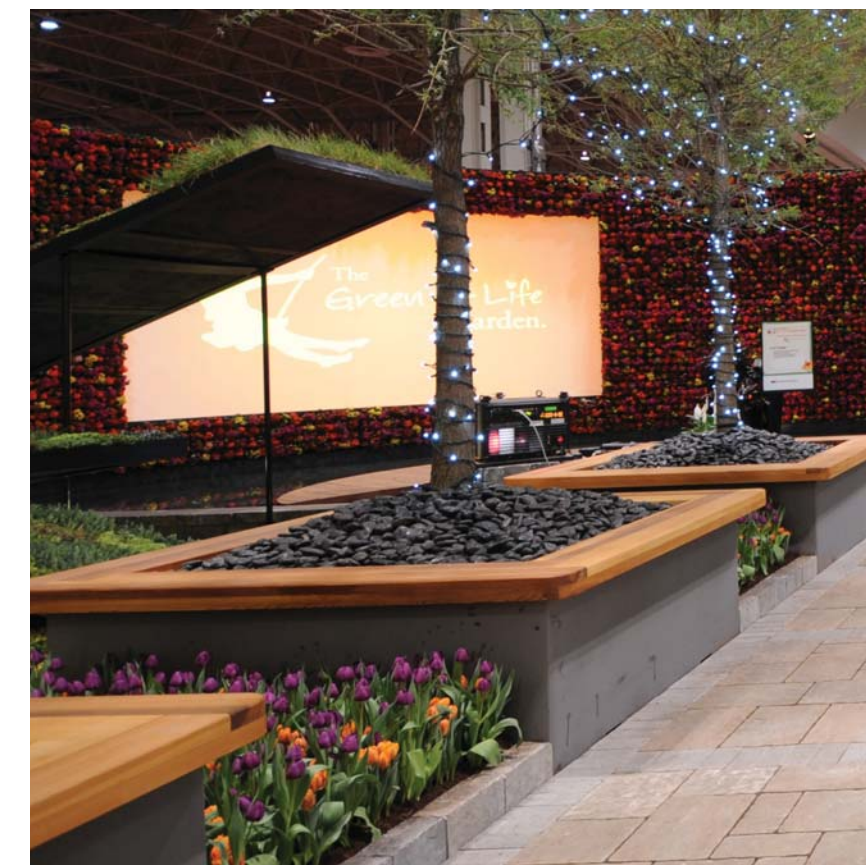
- Brock + Ontario
- 1488.17
- Apr 17, 2018



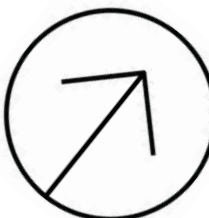


LANDSCAPE PLAN

PLANT LIST:									
SYM	Qty	Botanical Name	Common Name	Cal. (mm)	HT (cm)	Root	Spacing	Remarks	
DECIDUOUS TREES:									
AG	5	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry (treeform)		250	3 gal	As Shown	full vigorous specimen	
CO	5	<i>Celtis occidentalis</i>	Common Hackberry	70		wb	As Shown	full vigorous specimen	
TA	6	<i>Tilia americana</i> 'Boulevard'	Boulevard Basswood	80		WB	As Shown	full vigorous specimen	
CONIFEROUS SHRUBS:									
Jp	25	<i>Juniperus x pfitzeriana</i> 'Mint Julep'	Mint Julep Juniper			3 gal	As Shown	full vigorous specimen	
Tc	66	<i>Taxus canadensis</i>	Canadian Yew			3 gal	As Shown	full vigorous specimen	
Tm	38	<i>Taxus x media</i> 'Wardii'	Ward's Yew		60	BB	As Shown	full vigorous specimen	
DECIDUOUS SHRUBS:									
Sj	51	<i>Spirea japonica</i> 'Neon Flash'	Neon Flash Spirea			3 gal	As Shown	full vigorous specimen	
PERENNIALS:									
uu	60	<i>Arctostaphylos uva-ursi</i>	Bearberry			10 cm	As Shown	full vigorous specimen	
sa	19	<i>Sedum</i> 'Autumn Joy'	Autumn Joy Sedum			1 gal	As Shown	full vigorous specimen	
ORNAMENTAL GRASSES:									
ca	31	<i>Calamagrostis acutiflora</i> 'Karl Foerster'	Feather Reed Grass			1 gal	As Shown	full vigorous specimen	
fg	147	<i>Festuca glauca</i> 'Elijah Blue'	Elijah Blue Fescue			1 gal	As Shown	full vigorous specimen	
hm	48	<i>Hakonechloa 'macra' aureola</i>	Japanese Forest Grass			1 gal	As Shown	full vigorous specimen	



CORTEN STEEL PLANTERS



## **APPENDIX B – DRAFT OFFICIAL PLAN AMENDMENT**

### **AMENDMENT NO.108 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. 108 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 permit the development of a 22 storey mixed use building comprised of 162 residential units, 186 m<sup>2</sup> commercial/retail space and 4 levels of underground parking at 490-492 Brock Street, 1298 Ontario Street with a maximum density of 736 units per hectare.

##### **2. SITE AND LOCATION**

The subject lands are located on the west side of Brock Avenue between Ontario Street and Elgin Avenue and are comprised of three properties that have been assembled. The three properties are known municipally as 490-492 Brock Avenue and 1298 Ontario Street and have a combined area of 0.22 ha with 45.7 m frontage on Ontario Street and 48.8 m frontage on Brock Street.

To the north of the site, there are three 18 storey residential apartment buildings, to the east is a Hydro One corridor and municipal parking lot, to the west is a driveway access and surface parking associated with a residential apartment building located on Elgin Street and 4 two storey detached buildings that include a dry cleaning business and a 13 storey residential apartment building and to the south is a 14 storey apartment building with ground floor office uses. The properties will be required to merge for the proposed redevelopment to occur.

##### **3. BASIS FOR THE AMENDMENT**

- a) The subject applications propose intensification that is consistent with the policies of the Provincial Policy Statement (PPS). The PPS promotes the achievement of complete communities that are compact, transit-supportive and makes effective use of investments in infrastructure and public service facilities. The proposed land use provides a compact mix of housing with a proposed density that supports transit and makes efficient use of land, infrastructure and public service facilities. The subject lands are located along a Burlington Transit route and in close proximity to Maple Avenue major public transit corridor;

- b) Contributes towards a community that is well-designed, offers transportation choices that increase use of active transpiration and transit, 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) Directs 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 Halton Region Official Plan;
- d) The property is identified within the boundary for the Downtown Urban Growth Centre. Within the Urban Growth Centre boundary delineated on Schedule B, Comprehensive Land Use Plan – Urban Planning Area and Schedule E, Downtown Mixed Use Centre Land Use Plan. In accordance with the Provincial Growth Plan for the Greater Golden Horseshoe, 2017, the Urban Growth Centre has a minimum gross density target of 200 residents and jobs per hectare. The proposed intensification comprised on 162 residential units will contribute to the City reaching the required minimum density target for the Urban Growth Centre;
- e) The objective of the “Downtown Residential-Medium and/or High Density Precincts” is to recognize the variety of existing residential medium and/or high density development existing within the precinct and provide for future medium or high density development compatible with the character of the surrounding area. The character of the surrounding area is defined by a mix of primarily high density uses within a variety of medium and tall buildings ranging from 5-21 storeys. The proposed development for a 22 storey building comprised of 21 storeys of residential units and 1 storey of indoor and outdoor rooftop amenity space is similar to other buildings in the area and the overall design of the built form is responsive and sensitive to the character of the area addressing compatibility with surrounding properties;
- f) The proposed development is consistent with the City’s Design Guidelines reflecting design excellence in the Downtown Mixed Use Centre to maintain and enhance the Downtown’s image as an enjoyable, safe and pedestrian-oriented place designed to complement pedestrian activity and surrounding context. The proposed built form incorporates a podium design with a reduced height, steps back of the tower and rooftop mechanical and indoor amenity area to reduce overall impact of building height and mass, as well as incorporates glazing and landscaping to enhance the public realm;
- g) The proposed development is within 800 metres (10 minute walk) of commercial, retail, employment uses along Brant Street, cultural and recreational uses such as Burlington Performing Arts Centre, Art Gallery of Burlington, and Spencer Smith Park as well as convenient access to schools and Joseph Brant hospital.
- h) The applicant submitted technical studies and reports that provide adequate and appropriate information to support the development;

- i) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities which meet 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 adding the following policy f) in Part III, Section 5.5.5 Downtown Residential Medium and/or High Density Precincts, as follows:

South-west corner of Brock Avenue and Ontario Street	m) Notwithstanding Part III, Subsection 5.5.5 b) ii) within the Downtown Residential Medium and/or High Density Precincts designation located at the south-west corner of Brock Avenue and Ontario Street, a maximum density of 751 units per hectare is permitted.
--	---

### **2. INTERPRETATION**

This Official Plan Amendment shall be interpreted in accordance with Section 3.0, Interpretation policies of Part VI, Implementation, 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.

## APPENDIX C – DRAFT ZONING BY-LAW

### DRAFT 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 490-492 Brock Avenue & 1298 Ontario Street for the purpose of facilitating the development of a 22 storey mixed use building.

File Nos.: 505-02/17 & 520-08/17 (PB-16/18)

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-16/18 on May 22, 2018, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential development consisting of a commercial/residential condominium 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 H-DRH to DRH-476.
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 476 with the following:

Exception 476	Zone DRH	Map 9A	Amendment 2020.XXX	Enacted
1. Additional permitted uses:				
a) Retail and service commercial uses on the ground floor of a residential building.				
2. <u>Regulations for Apartment Building</u>				
a) Maximum ground floor retail and/or service commercial area and/or office		186m <sup>2</sup>		
b) Front Yard Abutting Ontario Street				
Floors 1 to 2 (Podium and Floor 3 Terrace)		3.5 m		
Floors 3 to 21 (Tower)		6.7 m		

	Floor 22 (Indoor Amenity Area)	6.7 m
	Underground Parking Structure	0 m
c)	Street Side Yard Abutting Brock Avenue	
	Floors 1 to 2 (Podium and Floor 3 Terrace)	2.7 m
	Floors 3 to 21 (Tower)	6 m
	Floor 22 (Indoor Amenity Area)	6 m
	Floor 22 (Outdoor Amenity Area)	7.9 m
	Underground Parking Structure	0 m
d)	Side Yard (West)	
	Floors 1 to 2 (Podium and Floor 3 Terrace)	15 m
	Floors 3 to 21 (Tower)	15 m
	Floor 22 (Indoor Amenity Area & Mechanical Penthouse)	17.8 m
	Floor 22 (Outdoor Amenity Area)	15 m
	Underground Parking Structure	0 m
e)	Rear Yard (South)	
	Floors 1 to 2 (Podium)	1.3 m
	Floors 3 to 21 (Tower)	3 m
	Floor 22 (Indoor Amenity Area & Mechanical Penthouse)	7 m
	Floor 22 (Outdoor Amenity Area)	3 m
	Underground Parking Structure	0 m
f)	Maximum Density	751 units per hectare
g)	Maximum Building Height	22 storeys up to 79 m
h)	Maximum Floor Height	
	Floor 1	6 m maximum
	Floor 2	3.6 m maximum
	Floor 22 (Indoor Amenity Area)	8 m maximum
	Floor 22 (Mechanical Penthouse)	6 m maximum
i)	Total Amenity Area	2600 m <sup>2</sup>
j)	Maximum Floor Area	
	Floors 3-21 (Tower)	750 m <sup>2</sup>
3.	Encroachment	
a)	Landscape Area may include a transformer, exhaust, shaft and hard and soft landscaping and other decorative features	
b)	Balconies are not permitted to encroach into a required yard	
c)	A canopy may project into a required front yard or street side yard up to the street line	
4.	Non-residential parking shall be provided at grade and may be counted toward the required visitor parking for residential uses.	
5.	Community Benefits - TBD	
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 of .....2018.

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK



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

By-law 2020.XXX rezones lands 490-492 Brock Avenue, 1298 Ontario Street to permit a mixed use development consisting of a 22 storey building with ground floor retail / commercial uses and residential apartment units above.

For further information regarding By-law 2020.XXX, please contact Lola Emberson of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7427.

## **APPENDIX D – 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 City Building:
  - a. Provision of an undertaking that the proposed overall building will not change substantially from the architectural plans submitted by Graziani + Corazza Architects Inc. dated April 5, 2018.
  - b. Provision of updated wind study as part of site plan application submission to the satisfaction of the Director of City Building;
  - c. Provision streetscape details as part of site plan application submission to the satisfaction of the Director of City Building
  - d. Agree to consolidate the properties into one parcel prior to condominium registration to the satisfaction of the Director of City Building;
- 2) The Owner shall complete the following to the satisfaction of the Burlington Director of Transportation Services:
  - a. The owner shall provide one (1) signed car share parking space at grade.
- 3) The Owner shall complete the following to the satisfaction of the Executive Director of Capital Works:
  - a. The Owner agrees to provide cash-in-lieu of parkland dedication for this development.
  - b. The Owner shall compensate the City of Burlington for the removal of the city-owned trees from the Ontario Street right-of-way by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$7,150.00);
  - c. The Owner obtain permission and provide a copy to the City from the co-owner of shared trees (1275 Elgin Street) to remove;

- d. Provide updated plans at the Site Plan stage or before showing additional street trees, as well as additional private trees to address compensatory planting on site.
- 4) The Owner shall complete the following to the satisfaction of the Burlington Director of Finance:
  - a. Property taxes must be paid in full, including all future installments levied.
- 5) 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 include the above statement.
  - 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.
- 6) 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.

Note: The Owner, its successors and assigns, is hereby notified that it agrees to pay all applicable Development Charges; as follows;

- c. City development charges 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.
- d. Regional development charges in accordance with the Region of Halton Development Charges By-law(s), as amended. In addition, every owner of land located in Halton Region intended for residential development will be subject to the Front –ending Recovery payments.

- e. Educational Development Charges are payable in accordance with the applicable Education Development Charge By-laws and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield which 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.



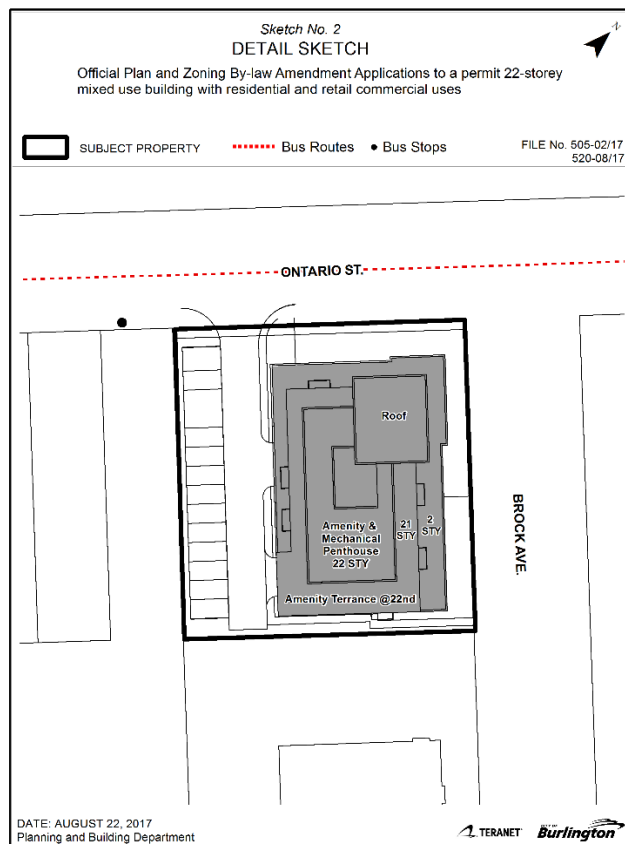
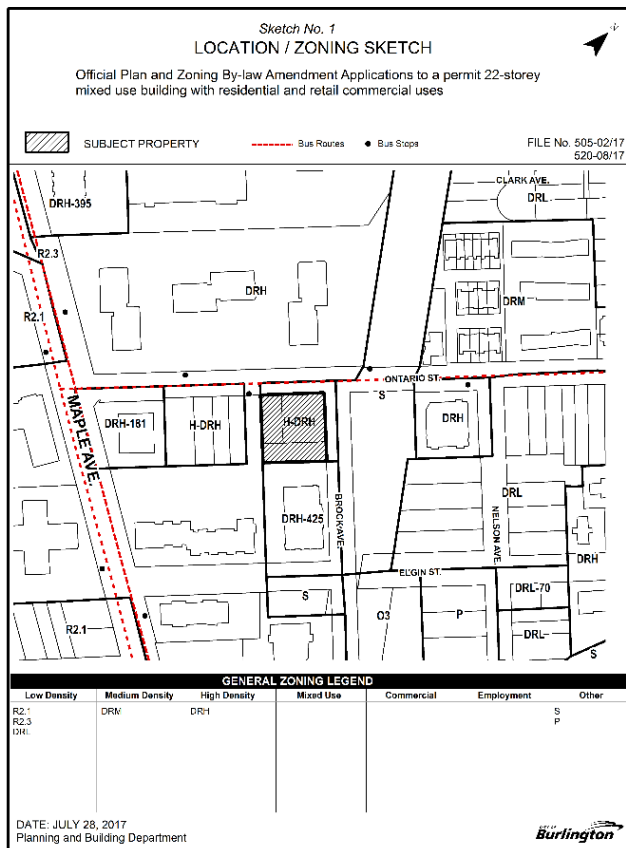
**November 15, 2017**

**RE: 490 to 492 Brock Avenue & 1298 Ontario Street**

**File Numbers: 505-02/17 & 520-08/17**

**Applications to Amend the Official Plan & Zoning By-law – by 421 Brant Street Inc.**

**Overall Recommendation:** We do not support this application. It exceeds the intent of intensification in the downtown core and does not comply with sustainable building principles although an attempt has been made to move in this direction.





## **SDC Mandate**

The SDC reviews development applications in order to provide comments to encourage sustainable development. This mandate was approved by council in 1990 and the Terms of Reference and review protocol require input at the earliest possible stage of development. In addition, the committee is empowered to review applications based on Part II Section 2.3 policy b) of the 2013 Official Plan which states:

*"The City will maintain a citizen's advisory committee to advise and assist Council and staff on the implementation of Principles and Objectives of Sustainable Development (see Appendix E), through the review of development applications and other matters of interest in accordance with the terms of reference adopted and periodically reviewed by Council."*

In general, the committee also relies on the following sections of the official plan in its review of applications:

Part II Section 2.2 objective d) *To use Sustainable Development criteria for review of applications for development, and to ensure that new development is compatible with existing end uses,*

Part II Section 2.7.1 Principles a) *To the greatest extent possible, proposed development shall be consistent with the goals and objectives of Sustainable Development, and other policies in Part II Section 2.7 of the Official Plan.*

### **Preamble:**

Our team has reviewed the available documents including the preconsultation meeting notes and spoken with the Planner for the file. Our understanding is that no sustainable development features were discussed specifically prior to the applicant's submission and any measures related to sustainable design were offered solely on the part of the applicant. This concerns us greatly in view of the fact that our principles and objectives approved by Council have been in existence since 1990 and the new draft Official Plan takes sustainable development seriously in a manner that is comprehensive and in line with the City's Strategic Plan. With the overwhelming response to the draft plan oriented towards open space, described by staff as "more urban greenspace, including trees, landscaping, natural areas and parks", we feel this application is sorely lacking in foresight for what Burlington is trying to achieve.

### **Planning Matters**

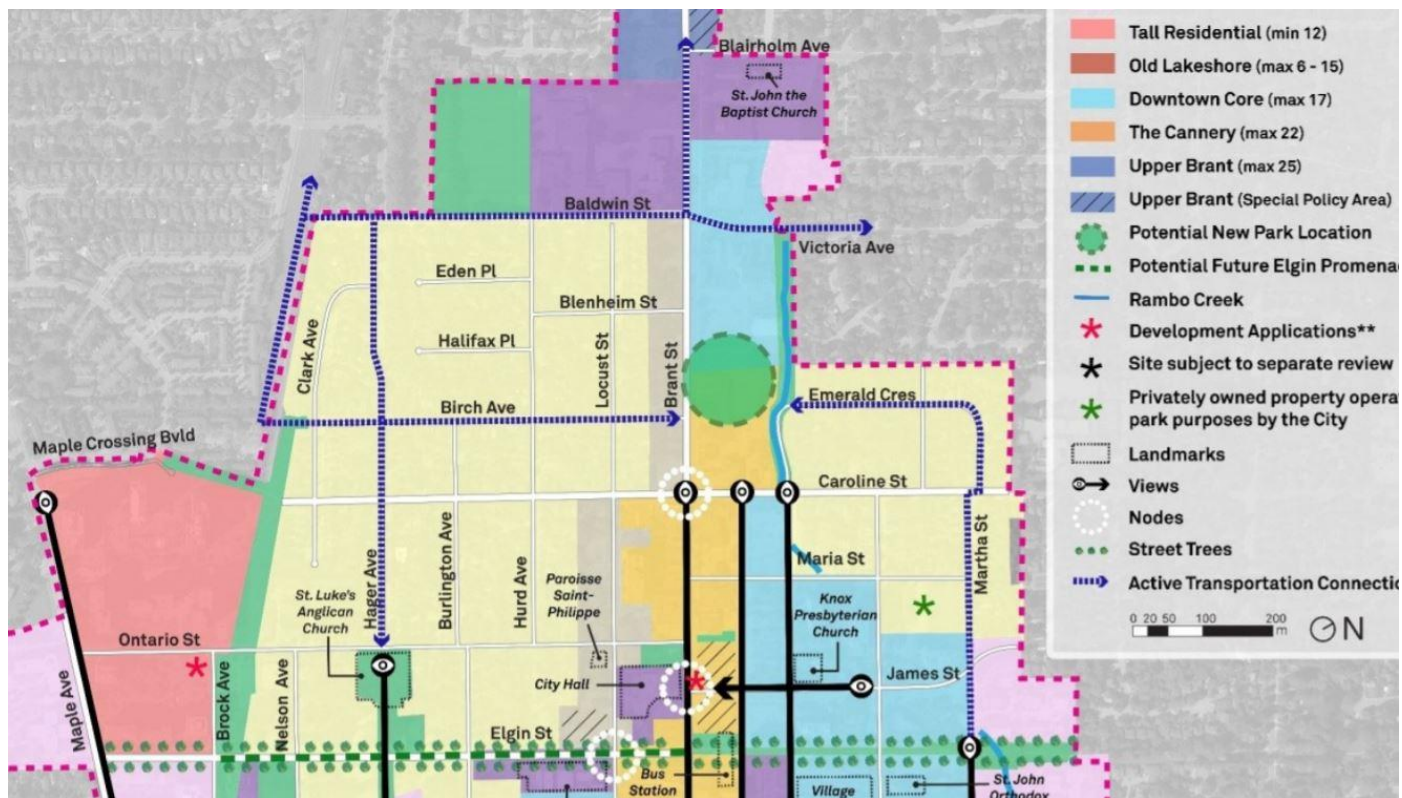
The applicant is requesting amendments to the City's Official Plan and Zoning By-law 2020 for the subject properties in order to permit a proposed 22-storey mixed use building (includes 1-storey of rooftop amenity space). The proposed development would consist of 170 residential units (one and two bedroom suites) and 186 square metres of ground floor retail/commercial space uses fronting onto Ontario Street. The proposed floor area ratio (FAR) is 7.15:1. The proposal also includes 4 levels of underground parking, with 185 parking spaces, accessed from Ontario Street. Sketch No. 2 shows the proposed development.

These applications apply to 3 properties, known municipally as 490 – 492 Brock Avenue and 1298 Ontario Street, which the applicants have assembled. These lands comprise the north-east portion of a City block bound by Ontario Street to the north, Brock Avenue to the east, Elgin Street to the south, and Maple Avenue to the west. 490 & 492 Brock Avenue previously contained single detached residential dwellings; however, these dwellings have been removed and the properties are currently vacant. 1298 Ontario Street currently contains a single detached residential dwelling. The subject lands comprise a total area of approximately 0.22 hectares (0.55 acres).

The site is surrounded by low and high rise buildings, mostly residential. Maplevue Mall is across Maple Avenue to the west of the site. To the north of the subject properties are high-density residential uses (i.e. apartment buildings); to the east is a surface parking lot and a hydro corridor; to the south is a high-density residential use (i.e. apartment building); and to the west is a surface parking lot and a number of single detached residential dwellings.

Currently, the Official Plan allows a maximum height of up to 22 metres (about 10 storeys) and a maximum density of 185 units per hectare. However, progress is being made on the new Official Plan and the Mobility Hubs which should be considered in this application.

Although not final, the suggested height of tall buildings for this area referred to as the Tall Residential Precinct is a minimum of 12 storeys.



There are several aspects of this building that stand out including:

- 186 square metres of ground floor retail / commercial space uses fronting onto Ontario Street. We would like to see more on the second floor that would be compatible with the surrounding area.
- Public transit readily available.
- Shopping, restaurants, recreation etc. are within walking distance of this development.
- No 3 bedroom units are provided that could open up the development to families.
- The overall building design does not match well with the Tall Building design criteria. The podium is not sufficient as it does not frame the street and the height does not tie in well with the surrounding area. We question the all glass appearance as it is not in keeping with sustainable design.
- The minimal sidewalk and poor landscaping does not encourage a pedestrian friendly area and improve connectivity.
- Although 176 bike storage spaces are provided in the first two parking levels and it is proposed to include one bicycle space per resident above grade, no mention is made of charging electric vehicles.

SDC's concern is the proposed development will provide 795 units per hectare and we estimate about 15 jobs for a total of 810 people and jobs/ha. This is more than 4 times the goal of 200 people and jobs for Downtown Urban Growth Centre outlined by the Growth Plan. The City has indicated that they are well positioned to achieve this goal by 2031 taking into consideration the existing Official Plan and zoning regulations.

## Sustainable Building Matters

The new Official Plan draft now encourages sustainable building and development guidelines, some of which are mandatory. Repeated here is the discussion on why it makes sense to build sustainably.

### **“The Benefits and Costs of Sustainable Buildings**

Sustainable building practices are well known for their environmental benefits, however less attention is given to the social and economic benefits of “building green”. The common misconception that sustainable building practices are cost prohibitive is often an obstacle to implementation.

Recent Canadian research has demonstrated that sustainable building activity is being driven by the market, and by the benefits that accrue from good sustainable building practices. These benefits are not only environmental and include reduced operating costs, demonstration of a public commitment to corporate sustainability, effective asset management, improved rental and occupancy rates and creating higher quality buildings that provide enhanced occupant comfort, productivity, health and wellbeing. Doing the right thing and client demand are the top two triggers for increased green building activity in the Canadian market. Research has identified the following performance of green buildings in the Canadian market:

- a median reduction in operating costs of 17% over 5 years;
- a median payback of eight years; and
- a median increased building value of 4%.

Further studies have demonstrated that additional costs in green buildings are generally attributed to the design and modeling time necessary to incorporate sustainability features midway through a project. Incorporating sustainable design features from the outset or early stage of a project can help avoid higher costs. The investment of an additional 3% of project costs in the design phase can reduce construction costs by 10%, and the inclusion of a multi-disciplinary design team and involving contractors in the design process can also contribute to reduced costs.

### **Other Standards and Guidelines**

There are numerous third party certification programs and standards which applicants may also choose to pursue, such as:

- LEED (Leadership in Energy and Environmental Design), [www.cagbc.org](http://www.cagbc.org)
- Energy Star and R-2000 Home Certification, [www.nrcan.gc.ca/energy/efficiency/housing/new-homes/5057](http://www.nrcan.gc.ca/energy/efficiency/housing/new-homes/5057)
- BOMA BEST, [www.bomabest.com](http://www.bomabest.com)
- Quality Assured Passive House Certification (also available for non-residential buildings), [www.passivehouse.ca](http://www.passivehouse.ca)
- Sustainable Sites Initiative, [www.sustainablesites.org](http://www.sustainablesites.org)

The City’s Sustainable Building and Development Guidelines incorporate many similar standards to those found in the programs above. The city supports and encourages the use of recognized and accredited third-party green building certification programs for all new development.”

### **Summary of Principles and Objectives Discussion Below and Recommendations/Action Items:**

This can be a prestigious building for Burlington that sets the standard for new development within the downtown core by incorporating sustainable practices.

We like the proposed sustainable items, although not complete, which include:

- Low water consumption devices
- Drought tolerant landscaping
- Energy efficient windows, lighting and appliances
- Waste separation and recycling during construction
- Low VOC building materials
- Pressurized hallways to control smoking fumes
- Minimum 20% barrier free suites

In addition to these we would like to see the development:

- Improve the building energy efficiency that will enable Burlington to meet our goal of net carbon-neutral. \*\*
- Reduce silt and contaminants in waste water. Recirculate gray water. \*\*
- Provide affordable housing within this development.
- Use recycled and rapidly renewable building materials.
- Implement LEED level best practice at least to a Gold standard.
- With the upcoming Energy Consumption and Water Use Reporting, the developer should turn over the building with ongoing effective operating and maintenance systems to the condo board that can be maintained on an ongoing basis.
- Provide more investment in green spaces.
- Provide on-site electric car charging stations in compliance with the Ontario Building Code changes in effect January 1, 2018, and car and bike sharing.

\*\*Key Priority

Details of these recommendations are provided in more detail in the Principles and Objectives below.

Our comments are based on the following Principles and Objectives of Sustainable Development, as developed by the committee, endorsed by Council and found in Appendix E of the City's Official Plan:

PRINCIPLES	COMMENTS
Support responsible development that promotes efficiency and enhances the quality of life.	<p>This development enhances the Quality of Life by providing most services within walking distance, and transit nearby for residents. Makes good use of land and parking.</p> <p>Not providing 3 bedroom apartments denies the development to families.</p> <p>The target market for this development is luxury condos for empty nesters. This will increase the price of single family homes in the surrounding area decreasing the affordability of family housing in the area. It is important to provide affordable housing in this development to overcome the problems in manner outlined by the Region of Halton. The developer is encouraged to ensure that the project is supportive of Halton Region's Comprehensive Housing Strategy and is in alignment with the housing objective 86(26) of the Halton Region Official Plan: "Seek development opportunities for Assisted and Affordable Housing in Intensification Areas where public transit,</p>

	retail and other facilities are readily accessible.
Promote responsible resource use and conservation practices.	Developer should consider ways to reduce resource usage such as recycled building materials. From a conservation perspective, the use of rapidly renewable building materials should be used on this project and the new building should have waste management facilities that will handle multi-stream waste separated into reuse and recycled material. SDC supports the use of LEED V4 for Neighbourhood Design and LEED Canada for New Construction. It encourages the design and construction of energy efficient buildings particularly the shell that reduce air, water, and land pollution and environmental damage from energy production and consumption.
Promote responsible stewardship to ensure equitable use of natural and environmental resources in order to meet essential needs of both present and future generations.	No evidence of stewardship initiatives in the developer's plans although we encourage willingness to use LEED at better than certified level. In February 2017 Ontario Regulation 20/17, Reporting of Energy Consumption and Water Use was filed and published. The regulation outlines what building owners must do to comply with Ontario's Large Building Energy and Water Reporting and Benchmarking (EWRB). The regulation came into force on July 1, 2017. Both energy and water, consumption and performance data is to be provided as well as GHG emissions and intensity. The developer should take into consideration when developing a building commissioning plan and ongoing operations plan. It is important to turn over the building with ongoing effective operating and maintenance systems to the condo board that can maintained an ongoing basis. Incentives are available to improve energy and water performance.

OBJECTIVES	COMMENTS
<b>Reforestation of the City:</b> Promote the replanting and management of vegetation on private and public property within the city.	Site does not allow significant number of trees, we would like to see the developer plant trees elsewhere in the city to offset the lack of trees on site and provide support for urban parks.
<b>Full Public Participation in Development Decisions:</b> Allow the public to be part of all planning decisions. Economic, environmental and social impacts of proposed developments should be considered.	The developer and City should respond to the concerns raised by residents at the Neighbourhood and Statutory meetings. These responses should include mitigation plans.
<b>Make the Best Use of Land:</b> Land-use decisions based upon an ecosystem approach to ensure environmental integrity and diversity. To include, but not be limited to, promoting environmentally sensitive lands and using fertile soil for agriculture	The design could be improved by providing a mixed used building accommodating retail/commercial space on the ground floor, office space on the second floor, and residential space on the third floor and above. This is compatible with the usage in the surrounding

throughout the municipality.	<p>neighbourhood.</p> <p>This is prime employment land looking for additional office space. An additional storey of office space should be considered. This would provide additional jobs. It is important that the retail/commercial space continues to provide the type of services and design that promote community gathering.</p> <p>There is a significant public transit available and a number of amenities within walking distance</p>
<b>Natural Storm Water Management:</b> Protect water courses in their natural state and for those water courses that have been significantly altered, restoration to a more natural state will be encouraged as opportunities arise.	<p>We recommend reviewing the opportunity to use LID approaches and other SWM best practices.</p> <p>The footprint of the proposed building could produce high levels of contaminated storm water. To decrease runoff where, retention &amp; filtration techniques should be included in the site design.</p> <p>During construction it is important to clean-up the water contaminants before pumping off site.</p>
<b>Balanced Development:</b> Provide a community plan and an economic strategy aimed at creating sustainable and appropriate forms of development that reflect human scale and a sense of community as well as representing a balance between urban development and natural surroundings.	<p>The developer proposes a mixed use facility of commercial/retail and residential that links well with the current neighbourhood activities. The building design can be improved to tie more closely to Tall Building Guidelines from a civil perspective. The podium can do a better job of framing the street and tie closely to the height of the surrounding buildings. The tower has a slightly greater footprint than recommended. The proposed retail lay-out may not meet the guidelines in terms of size of each store suggested.</p>
<b>Efficient Urban Design:</b> Increase the efficiency of land use in the urban community in terms of energy and time; promote intensification and diversification policies rather than policies that generate urban sprawl.	<p>The proposed design will provide for more than four times the planned density of 200 people and jobs/ha needed by the Growth Plan for the Urban Growth Centre. A recent City study indicates that Burlington is well positioned to achieve a total of 200 units and jobs per hectare taking into consideration the existing Official Plan permissions and zoning regulations.</p> <p>We find the general concept of the overall building design quite acceptable for a Tall Building design. If in the new Official Plan, we intend to have our high intensification along this part of Brant Street with Tall Buildings we see no reason for this general concept not to be built. The exact height still needs to be determined.</p> <p>We are concerned with the amount of glazing being used. It has a low R-value that reduces over time with seals failing and provides a large solar heat gain.</p>
<b>Minimal Discharge of Toxic Pesticides and Other Toxic Chemicals:</b> Promote the elimination of private and public use of toxic pesticides and other chemicals that have negative effects on the environment, particularly those known to be persistent.	<p>During Construction ensure any toxic chemicals that are used are cleaned up, removed from site, and disposed in the proper hazard waste site.</p> <p>During the ongoing operations and maintenance of the development ensure green practices are used with minimal toxic materials.</p>

<p><b>Accessible Community Development:</b> Form a new type of community development which includes readily available local community components such as commerce, shopping, employment, education and recreation within walking distance of all residences.</p>	<p>The walkability of the site is positive; it is close to shopping, restaurants, recreation, etc. The proposed design of the sidewalk is too narrow. A wider sidewalk with the height of the podium could provide a good street perspective.</p> <p>There is access to retail/commercial available nearby.</p>
<p><b>Responsible Use of Natural Resources:</b> Encourage conservation of natural resources; the city should work towards ensuring that users are charged for the full local costs of their individual use of water, electricity and sanitary sewers. There should also be educational programs to encourage conservation of natural resources.</p>	<p>Water use technologies such as water-efficient appliances, dual-flush toilets etc. and waste water technologies collection can be improved with filtering of rainwater and recirculation of grey water.</p>
<p><b>Integration of Natural Features and Green Space:</b> Integrate natural features and green space in all new developments and intensification projects.</p>	<p>There is a limited green space provided based on the proposed design. SDC would like to see a more significant investment in greenspace.</p>
<p><b>Energy Conservation:</b> Promote energy conservation through efficient land use planning and building design.</p>	<p>The developer has provided limited information on design elements to encourage the conservation of energy. If this is meant to be a prestige building, a reasonable effort should be made to design and build a building with increased efficiency that will enable Burlington to achieve our goal of net neutral-carbon.</p> <p>SDC recommends the use of:</p> <ul style="list-style-type: none"> <li>• On-site renewable energy</li> <li>• Ground source or air source heat pump heating and cooling and water heating</li> <li>• Construction of a very efficient building envelope</li> <li>• Incorporation of passive solar design elements to maximize the use of solar energy, and</li> <li>• Individual energy metering of each unit.</li> </ul>
<p><b>Balanced Transportation System:</b> Develop a balanced transportation system including transit, pedestrian, and cycling amenities and best use of the road system for movement of goods and people, with the existing facilities used to their fullest capacity.</p>	<p>This location does have easy access to local bus service and a bus ride away from high speed transit. Residents are easily able to walk to transit, shopping and walking, located closely City Hall, Art Centre, etc.</p> <p>Bicycle storage has been provided on site and bike trails are located close by.</p> <p>The development should have car charging stations on site. Bike Sharing and Car Sharing stations should be considered.</p> <p>Traffic does not appear to be an issue. A drop-off area for the building should be considered.</p>

**Future Site Plan & Building Permit Considerations:**

Our comments below outline some sustainable features the proponent should consider in the development of their project, for implementation through the Site Plan process. Further details related to these concepts can be found in:

- LEED Canada for New Construction and Major Renovations
- LEED v4 for Neighbourhood Development
- Burlington's Community Energy Plan

### **Sustainable Sites**

**Development Density** - Channel development to urban areas with existing infrastructure, protecting greenfields and preserving habitat and natural resources. **(OPA/ZBL – Although already determined by the time a development application is made)**

**Site Selection** - Avoid development of inappropriate sites and reduce the environmental impact from the location of a building on a site. **(OPA/ZBL – Although already determined by the time a development application is made)**

**Alternative Transportation, Bicycle Storage & Changing Rooms** - For commercial or institutional buildings, provide secure bicycle storage, with convenient changing/shower facilities (within 184 meters of the building) for 5% or more of regular building occupants. In residential buildings, provide covered storage facilities for securing bicycles for 15% or more of building occupants in lieu of changing/shower facilities. **(Site Plan)**

**Reduced Site Disturbance, Protect or Restore Open Space** - On greenfield sites, limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Or on previously developed sites, restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. **(OPA/ZBL/Site Plan)**

**Reduced Site Disturbance, Develop Footprint** - Reduce the development footprint (defined as entire building footprint, access roads and parking) to exceed the local zoning's open space requirement for the site by 25%. **(OPA/ZBL/Site Plan)**

**Heat Island Effect, Non-Roof** - Provide shade (within 5 years) and/or use light-coloured high-albedo materials (reflectance of at least 0.3) or open grid pavement for at least 30% of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; Or place a minimum of 50% of parking spaces underground or covered by structured parking; Or use an open-grid pavement system (less than 50% impervious) for a minimum of 50% of the parking lot area. **(Site Plan)**

**Heat Island Effect, Roof** - Use ENERGY STAR compliant, high-reflectance and high emissivity roofing for a minimum of 75% of the roof surface; Or install an extensive or intensive "green" (vegetated) roof for at least 50% of the roof area. Combinations of high albedo and vegetated roof can be used providing they collectively cover 75% of the roof area. **(Site Plan/Building Permit)**

### **Water Efficiency**

<b>Water Efficient Landscaping, No Potable or No Irrigation</b> - Use only captured rain or recycled site water to eliminate all potable water use for site irrigation (except for initial watering to establish plants), OR, Do not install permanent landscape irrigation systems. <b>(Site Plan)</b>
<b>Water Efficient Landscaping, Reduce by 50%</b> - Use high-efficiency irrigation technology. Use captured rain or recycled site water to reduce potable water consumption for irrigation by 50% over conventional means. <b>(Site Plan)</b>
<b>Water Use Reduction, 30% Reduction</b> - Employ strategies that in aggregate use 30% less potable water than use baseline calculated for the building after meeting the fixture performance requirements listed in Baseline Water Fixture Requirements Table. <b>(Building Permit)</b>
<b><u>Energy &amp; Atmosphere</u></b>
<b>Fundamental Building Systems Commissioning</b> - Verify and ensure that the fundamental building elements and systems are designed, installed, calibrated, and commissioned to operate as intended by an independent party. <b>(Building Permit)</b>
<b>Minimum Energy Performance</b> - Reduce design energy consumption by: <u>New</u> – 25% of Model National Energy Code for Buildings 1997 (MNECB) or 18% of ASHRAE/IESNA 90.1-1999; <u>Old</u> – 10% of MNECB or meets the ASHRA/IESNA standard. <b>(Building Permit)</b>
<b>Optimize Energy Performance</b> - Achieve increasing levels of energy performance above the prerequisite standard. For example, achieve 24% reduction from MNECB, 1 point and 64% reduction, 10 points <b>(Building Permit)</b>
<b>Renewable Energy, 20%</b> - 20% of building's energy from on-site renewable energy <b>(Building Permit)</b>
<b>Ozone Protection</b> - No HCFC's in base building level HVAC and refrigeration <b>(Building Permit)</b>
<b><u>Materials &amp; Resources</u></b>
<b>Storage &amp; Collection of Recyclables</b> - Provide an easily accessible area serving the entire building and dedicated to separation, collection and storage of materials for recycling, including (at minimum) – paper, corrugated cardboard, glass, plastics, and metal <b>(Site Plan)</b>
<b>Construction Waste Management: Divert 75% from Landfill</b> - Develop and implement a waste management plan to recycle and/or salvage at least 75% of construction, demolition, and land clearing waste. Calculations can be done by either weight or volume but must be consistent.
<b>Rapidly Renewable Materials</b> - Use of building materials or products made from plants that are typically harvested within a 10 year period or less, and totaling at least 5% of the total value of all building materials and products used in the project. <b>(Building Permit)</b>
<b><u>Indoor Environmental Quality</u></b>
<b>Minimum IAQ Performance</b> - Establish minimum indoor air quality (IAQ) performance to enhance indoor air quality in buildings, thus contributing to the comfort and well being of the occupants – required to meet the minimum requirement of ASHRAE 62-2001 <b>(Building Permit)</b>
<b>Low-Emitting Materials: Paints and Coating</b> - Reduce quantity of indoor air contaminants that are odorous, potentially irritating and/or harmful to occupants and installers. The VOC content of paints

and coatings must be then limits of the Green Seal Standard GS-03, GS-11, or the State of California South Coast Air Quality Management District. **(Building Permit)**

**Controllability of Systems: Perimeter Spaces** - Provide a high level of thermal ventilation and lighting system controlled by occupants to promote productivity, comfort & well-being of building occupants. Provide at least an average of one operable window and one lighting control zone per 18.5 m<sup>2</sup> of regularly occupied floor area within 5 metres of perimeter wall. **(Building Permit)**

**Thermal Comfort: Compliance** - Provide thermally comfortable environment – comply with ASHRAE Standard 55-2004 **(Building Permit)**

The Sustainable Development Committee requests a response from the applicant related to the above recommendations. The committee would be pleased to meet with the applicant to discuss these comments in further detail, and appreciates the opportunity to provide further review and comments on subsequent submissions.

Respectfully Submitted,

Guy Sheppard  
Chair, Planning and Development Subcommittee  
Sustainable Development Committee

## FPD

FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

January 8, 2018

Lola Emberson, MCIP, RPP  
Senior Planner, Development Review  
Planning & Building Department  
City of Burlington  
426 Brant Street, P.O. Box 5013,  
Burlington ON L7R 3Z6

Dear Lola:

**Re: Application for OPA & Rezoning - Brock Phase 2**

We have reviewed comments provided by Burlington Sustainable Development Committee with respect to this project. We note that the position of the Committee to not support the application is based on two reasons, including concerns with the project exceeding the intent of intensification of the downtown area, and secondly, compliance with sustainable building principles.

With respect to planning related matters, we would suggest that it is not appropriate for the Committee to provide an opinion with respect to these matters as it is beyond their mandate and we would question the qualifications of the Committee to present planning opinions to Council.

It has been my experience that this has happened in the past and was to be corrected so that Committee does not extend beyond their mandate and potentially create internal conflicts with opinions from the Planning Department. The question also arose on another project as to what would happen should the matter be appealed to the Ontario Municipal Board and the position of the Sustainable Development Committee be different than that of Planning Staff. Would the Committee introduce their own evidence and/or face the possibility of being subpoenaed by other parties to introduce this planning evidence to the Board which could be contrary to that provided by the Planning Department.

Our review of the comments by the Committee on planning related matters illustrate the nature of our concern:

1. It is not appropriate to have retail commercial space on the 2<sup>nd</sup> floor.
2. With respect to lack of 3-bedroom units, there are no policies in the Official Plan that specify unit mix.
3. Contrary to their position that the overall building design does not match well to Tall Building Design criteria, my Planning Justification Report confirmed that it complies to all relevant criteria in the Tall Buildings Guidelines. This position is supported by the project architect.
4. It is unclear as to the manner in which the podium height is insufficient relative to other sites in the area. If these comments are to be considered, it would be helpful to understand the rationale and the extent of the design exercise undertaken by the Committee to arrive at such a significantly different position than that of our architectural team with respect to this design element.

5. The Committee appears to take exception to the fact that the density is four times the goal of 400 people and jobs in the Downtown Growth Centre. This comment appears to misunderstand the context of the growth targets that are to be applied to the overall downtown area and not on a site specific basis. Further, these goals are minimums and have not been put in place to be used to assess individual development projects.
6. We disagree that not providing 3 bedroom apartment units denies the development to families. This and other similar projects appeal to and have been occupied by families.
7. Notwithstanding comments on page 6, it is not necessary to provide affordable housing in this development. This is not an affordable housing project. Matters of affordability can be considered at the time of the preparation of the Section 37 agreement.
8. We disagree with the statement on page 9 that the tower feature has a slightly greater footprint than recommended. The Guideline recommends a tower footprint of 750 sq.m. The tower floor plate in this proposal is 750 sq.m.
9. It is unclear what element of the guidelines the Committee feels the layout of the retail floor does not meet.

In summary, we disagree with many of the comments of the Committee with respect to planning related matters. Given these issues are more properly addressed by planning staff, I would suggest that any comments made by the Committee with respect to providing a planning opinion be disregarded. If this is to be made part of the public record, it should be accompanied by a note either by, or on behalf of, the Sustainable Development Committee that any comments related to planning matters are beyond their mandate and that they have no professional expertise to speak to either planning or urban design matters.

With respect to the comments on sustainable design elements for which we concur that the Committee has a proper mandate, the enclosed checklist provides an outline of sustainable design elements that are to be incorporated within the building in response to comments from the Sustainable Development Committee.

Additional items such as car charging, bike sharing and car sharing are still being considered and need to be explored further before commitments can be made with respect to these items.

Thank you very much.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
President

cc. Vince Molinaro, Sam DiSanto, Rob Molinaro, Kristen Baugaard, Barry Graziani, Pushpa Shantharaju, Rosalind Minaji, Tami Kitay

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# Sustainable Building Development Project Checklist

Block II Condo, Burlington

November 28, 2017

Yes	?	No	
			<b>Site Design</b>
✓			1.1 Required <b>Augment Topsoil:</b> Maintain a minimum 15 cm/6" quality topsoil.
✓			1.2 Required <b>Snow Management:</b> For sites with surface parking, identify a designated snow storage area in an area that will reduce salt and contaminant impacts to vegetation, groundwater and surface water. Appropriate on site snow storage is preferable to off-site snow removal.
	✓		1.3 Voluntary <b>Augment Topsoil, Enhanced:</b> Maintain a minimum 30 cm/12" quality topsoil, protect areas from disturbance and/or decompact subsoil in landscaped areas/non hardscape areas.
		✓	1.4 Voluntary <b>Snow Management, Enhanced:</b> Achieve the Smart About Salt Site Certification.
	✓		1.5 Voluntary <b>Reuse Topsoil:</b> Retain and reuse uncontaminated on-site topsoil in areas not covered by the building and parking/hard surface areas. Proper storage of topsoil to retain soil health and quality.
		✓	1.6 Voluntary <b>Site Disturbance:</b> On greenfield sites, limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Or on previously developed sites, restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation.
		✓	1.7 Voluntary <b>Adaptive Reuse:</b> Development includes adaptive reuse or rehabilitation of any non designated heritage buildings with cultural heritage value or potential.
✓			1.8 Voluntary <b>Accessible Units:</b> In ground oriented residential developments such as townhomes, 15% of units are constructed as visitable housing. <b>Features include:</b> one zero-step entrance, wider doorways and clear passage on the main floor, a main floor bathroom or powder room. <b>NOTE:</b> Currently required for multi-unit apartment and condo buildings under the OBC.

Yes	?	No	
			<b>Transportation</b>
✓			2.1 Required <b>Site Connections:</b> Provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies.
✓			2.2 Required <b>Accessibility:</b> Design on-site sidewalks, crosswalks and walkways to be continuous, universally accessible, barrier-free and clearly delineated in accordance with Official Plan Policies, Accessibility for Ontarians with Disabilities Act & City of Burlington Accessibility Design Standards.
✓			2.3 Required <b>Bicycle Storage:</b> Provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan Policies.
		✓	2.4 Voluntary <b>Transportation Demand Management:</b> Provision and implementation of a Transportation Demand Management Plan. Required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy.
✓			2.5 Voluntary <b>Bicycle Storage (Occupants):</b> Locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures.
✓			2.6 Voluntary <b>Bicycle Storage (Visitor):</b> Provision of bicycle parking spaces in a weather protected area at grade near the main entrance or easy to identify area.
		✓	2.7 Voluntary <b>End of Trip Facilities:</b> In workplaces provide a minimum of 1 shower and change facility with lockers. Provide an additional shower and change facility for every 30 bicycle parking spaces.
✓			2.8 Voluntary <b>Electric Vehicles:</b> A minimum of 3% of parking spaces provide charging stations to accommodate electric vehicles and design additional areas to be EV conversion ready. <b>NOTE:</b> Effective January 2019, the Building Code requires EV charging in 20 per cent of parking spaces and "rough-ins" in the remaining spaces in new multi-unit residential buildings where parking is provided within the building.
		✓	2.9 Voluntary <b>Transit Pass:</b> For residential developments, each unit receives a one-year Burlington Transit pass at no cost to resident.
	✓		2.10 Voluntary <b>Bike Share:</b> Provision of an on-site bike share available for owners/tenants to use.
	✓		2.11 Voluntary <b>Car Share:</b> Provision of an on-site car share service available to owners/tenants and the public.

Yes ? No

## Natural Environment

✓			3.1 Required	<b>Light Pollution:</b> Minimization of light pollution in accordance with the city's Guidelines for Outdoor Lighting and Official Plan Policies.
✓			3.2 Required	<b>Native Species (NHS):</b> As per Official Plan policy, use native, non-invasive species within the Natural Heritage System and related buffers, and use non-invasive species in all other areas.
✓			3.3 Voluntary	<b>Native Species (Enhanced, outside NHS and buffers):</b> Use native, non-invasive species that are suitable to site conditions for a minimum of 75% of all landscaped areas.
✓			3.4 Voluntary	<b>Bird Friendly Design:</b> Incorporate bird friendly design measures. Required for glass buildings and buildings adjacent to the Natural Heritage System and the Lake Ontario shoreline, as per Official Plan Policy.
✓			3.5 Voluntary	<b>Low Maintenance Landscaping:</b> All landscaping is low maintenance and drought resistant (i.e. Xeriscaping) that does not require a permanent potable water based irrigation system (except for initial watering to establish plants).
		✓	3.6 Voluntary	<b>Tree Planting (quantity):</b> Submit a Canopy Cover Plan that demonstrates 20% canopy cover of non-building hard surfaces at two thirds mature size.
	✓		3.7 Voluntary	<b>Tree Planting (soil):</b> Provide a soil volume of 30 m <sup>3</sup> per tree and a minimum depth of 1 metre of high quality soil OR in hard surface situations install a soil cell product with high quality soil and provide the required soil volume.
		✓	3.8 Voluntary	<b>Enhanced Tree Preservation:</b> Maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. <b>Note:</b> Tree preservation requirements will be determined by Official Plan urban forestry policies.
	✓		3.9 Voluntary	<b>Restoration and Enhancement:</b> Complete and implement a restoration and/or enhancement plan that demonstrates net gain for Natural Heritage System areas, including a management and monitoring plan. May be required as a result of Environmental Impact Assessment recommendations.
✓			3.10 Voluntary	<b>Community Gardens:</b> For development containing residential units, provide community garden plots for residents in a common amenity area.

Yes ? No

## Water Conservation and Quality

✓			4.1 Required	<b>Stormwater Quality:</b> Achievement of a level one/enhanced stormwater treatment for all stormwater runoff.
✓			4.2 Voluntary	<b>Water Conservation Systems:</b> implementation of systems to retain and reuse water, such as grey water recycling, rainwater harvesting systems, cisterns and rain barrels.
✓			4.3 Voluntary	<b>Pervious Surfaces:</b> minimization of impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures, such as: • permeable pavement; • bioswales; • infiltration trenches/bioretenion areas; • rain gardens; • draining roofs to pervious areas, and; • other innovative stormwater management strategies
✓			4.4 Voluntary	<b>Efficient Fixtures:</b> All newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling must be WaterSense labeled.

Yes ? No

## Energy and Emissions

✓			5.1 Required	<b>Urban Heat Island:</b> Provide vegetated landscape areas in hard surface areas as per the Zoning By-law.
		✓	5.2 Voluntary	<b>Urban Heat Island (non-roof):</b> efforts to reduce urban heat island effect using light coloured materials/white paving and/or enhanced landscaped parking for at least 50% of non-roof hardscape.
✓			5.3 Voluntary	<b>Urban Heat Island (roof):</b> Use Cool roofing materials for 75% of the roof area OR Install a Green Roof with 50% minimum coverage OR use a combination of green roof and cool roof material for a minimum of 75% of the roof.
✓			5.4 Voluntary	<b>Energy Efficiency:</b> Achieve 10% or better energy efficiency improvements over ASHRAE 90.1-2010 as demonstrated by third party certification/energy modelling.

		✓
		✓
		✓
	✓	
✓		

Yes ? No

- 5.5 Voluntary **On-site Renewable Energy:** Generate a portion building energy needs using an onsite renewable energy supply (e.g. solar, wind, geothermal).
- 5.6 Voluntary **Net-Zero:** Demonstration via energy modelling of net-zero energy footprint.
- 5.7 Voluntary **District Energy:** Incorporate a district heating and/or cooling system, or ensure the building is retrofit ready for a future DE connection.
- 5.8 Voluntary **Continuous Metering:** Provision of continuous metering of energy usage for each unit.
- 5.9 Voluntary **Commissioning:** Third-party commissioning of building systems to ensure they function properly. Commissioning team should be part of an integrated design and construction team at project start.

## Waste and Building Materials

✓		
✓		
✓		
✓		
		✓
✓		
✓		

Yes ? No

- 6.1 Required **Waste Management Plan:** Provide and implement a waste management plan in accordance with Regional requirements.
- 6.2 Voluntary **Waste Management Facilities:** Provision of recycling, garbage and composting facilities (beyond those required by Halton Region) which are easily accessible for all occupants (in an attached building);
- 6.3 Voluntary **Recycled Materials:** Ensure that at least 15% of a project's construction materials (based on value) are comprised of refurbished/reused or recycled content;
- 6.4 Voluntary **Locally Manufactured:** Ensure that at least 15% of a project's construction materials (based on value) are comprised of materials with locally manufactured content;
- 6.5 Voluntary **Sustainable Wood:** Where wood based materials are used, utilize a minimum of 25% that are certified in accordance with the Forest Stewardship Council's principles and criteria for wood building components.
- 6.6 Voluntary **Air Pollutants in Materials:** Minimization of air pollutants in interior materials by using low or no VOC paints, carpets, adhesives and other finishes.
- 6.7 Voluntary **Construction Waste Management:** Develop and implement a waste management plan to recycle and/or salvage construction, demolition and land clearing waste.

## Maintenance, Monitoring and Communication

		✓
✓		
		✓

- 7.1 Voluntary **Maintenance Plan:** provision of a building maintenance plan that provides instructions, training requirements and schedules for maintaining sustainability features of the site/building/landscaping. Includes requirements for recommissioning plan of the facility every 5 years.
- 7.2 Voluntary **Education:** provision of instructions for homeowners and occupants that explain the intent, benefits, use, and maintenance of green building features as part of the lease/sale agreement or condo declaration. Signage and other education materials are posted to educate building visitors of sustainability features.
- 7.3 Voluntary **Monitoring:** collection and monitoring of project performance data on energy, water and healthy living environments.  
**Note:** Ontario's Energy and Water Reporting and Benchmarking (EWRB) program has reporting requirements for commercial, multi unit residential and some industrial buildings over 50,000 square feet.

#	Name & Address	Date Received (by email unless otherwise stated)	Comments
1	Marilyn Ansley #1108, 456 Brock Ave., Burlington, ON [REDACTED]	August 9, 2017	<p>There goes Molinaro again, pushing the envelope from 14 stories to 22 PLUS removing old growth trees with the City’s approval for its condo development at 472 Brock Ave.</p> <p><b>It is well passed the time to stop this developer and others from destroying the history of downtown Burlington!</b></p> <p>In the Planning Justification Report 7.0 Technical Studies 7.1 Tree Inventory: Three trees found on the property,- “ one in fair condition...” , “two in good condition...”, Arborwood Tree Service’s May 15, 2017 justification for removing them states:</p> <ul style="list-style-type: none"><li>· Has poor structure due to Hydro pruning and may have to be cut to accommodate the development.</li><li>· Could pose a risk to future development.</li></ul> <p><b>Really? This is justification?</b></p> <p><b>My questions to the City and our Councillor Marianne Meed-Ward are:</b></p> <ol style="list-style-type: none"><li>1. What is the timing of this tree inventory – before the landscape and architectural plans are submitted? If not, this is when the city should review and/or approve the results NOT after reviewing the architectural plans!</li><li>2. “Poor structure due to Hydro pruning” – gee whiz, if the tree doesn’t look perfect let’s just cut it down for Molinaro’s building’s image?</li></ol> <p>Marianne, I know and appreciate your efforts to preserve Ward 2’s and the City’s history, usually against all odds from the other City Councillors. Please keep up the fight on behalf of all Burlington residents!!!!</p>
	Marilyn Ansley #1108, 456 Brock Ave., Burlington, ON	<b>Comment sheet</b>	22 STOREYS – NO !! WHY DO WE HAVE AN OFFICIAL PLAN & ZONING BYLAW IF DEVELOPERS AND COUNCIL IGNORE IT! PRESERVE OUR DOWNTOWN HISTORY!!!
2	John Lindley [REDACTED]	August 28,2017	We shall be out of town when you hold the hearing on the proposed building at the above address. Sorry to miss it but did want to pass along a concern. Why would the city and developers propose to exit the traffic from the parking lot onto busy Ontario Street as opposed to the very quiet Brock Street ? From my perspective it doesn’t make sense. Comments would be appreciated.
3	Rajesh Bhardwaj [REDACTED]	August 28, 2017	Please don't allow this. We r losing good environment of our city because these builders want to make money and destroying our culture and open space.I am against these proposols.thanks.rajesh bhardwaj
4	Nick and Agnes Izzi [REDACTED]	August 31, 2017	I am writing for the concerns of the proposed construction of the complex for 490-492 Brock Ave area...the area does not need a complex of 24 stories...maybe 8 maximum...the construction is right beside the high tension electric supply lines and will generate radiation in some ways harmful to the incoming tenants, if we check some medical reports with health concerns...and with the health concerns aside...over the past years, Local Burlington residents in the Burlington Towers complexes, have seen their beautiful view of Lake Ontario, which the Ontario and Canadian Gov’t have spent a fortune to clean the Lake up...to which it will...vanish from their sights...not to mention the growing traffic concerns and increase on our roads and the safety of the Population, the Waterfront area is just congested to Hell right now...and the alarming rate of time travel along the Lakeshore...is pathetic...the city of Burlington is over populating itself, and that will increase in the needs of additional staff and services, which no doubt will increase the cost to the City, increase the Budget and most likely, pass those costs onto the Population....it is scary how our land is being developed and at an alarming cost for home buyers to purchase...how much more can we overbuild near the waterfront and overpopulate the area...sometimes I wonder where the elected and City officials are going with this...
5	Scotland 1508-1305 Ontario St Burlington, ON L7S1Y1	September 3, 2018 <b>Letter</b>	<b>NOTE: LETTER ATTACHED</b>
6	Lynn Haderlein 1305 Ontario Street, #1808 Burlington, ON [REDACTED]	September 19, 2017	<p><b>Proposed Change</b></p> <p>□ Reduce minimum parking requirements...what is minimum now? Do some people not get parking? No street parking. Where do they park?</p> <p>What is the minimum amenity area? What amenities are they presently supposed to provide?</p> <p><b>Commercial Ground Floor</b> - Where is parking for commercial on ground floor? What type of commercial? Will they need parking? How much?</p> <p><b>Building parking access onto Ontario...this must be a misprint...</b>has anyone looked at the conjunction of access/egress from 1305 Ontario Street and the visitor and resident access to the building on Elgin which uses the rear lane onto Ontario Street and now adding in access/egress from the proposed development at the same point...you may as well assign an accident reporting service booth nearby. Really out of order at rush hour, weekends, festivals at the park...it was a total nightmare during the fireworks...cars parking everywhere and making Uturns and trying to outmaneuver each other in the parking lots. Police must have been on vacation. There were near misses of people with baby strollers, dogs and out of control children. I trust this situation will not be repeated. It was reported to Marianne’s office. I am sure further events will warrant sufficient coverage by authorities for the parking areas in the Ontario/Elgin/Brock parking lots and street congestion. By the way, you can add a bus stop into the mix...yikes.</p>

			<p><b>Pedestrians...</b>I might also add that many people who live in the building at Maple and Elgin use the rear lane for walking their children to school and also their animals. These people cross Ontario to get to the Hydro lands and to the schools northerly from Ontario. Another potential for accidents as there are no crosswalks or lights.</p>
7	<p>Graham Smith 1272 #1104 Ontario Street Burlington, ON</p> <div></div>	<p>September 24, 2017</p>	<p>Thank you for the opportunity to review this proposal. We have reviewed your correspondence regarding the above proposed construction of a 22 Story residential building at the corner of Ontario Street and Brock Avenue and disagree with granting the requested bylaw changes. However, we have no problem with the developer constructing an appropriately designed 14 story building that complies with current Burlington bylaws.</p> <p>As a long-time resident of Burlington we would completely agree with your Tourism Burlington website opening description welcoming people to Burlington and rightly indicating that “Burlington is not only the best city of its size to live in Canada for 5 years running, was also recognized as municipality of the year by Festivals and Events Ontario in 2016”. We wonder how long these accolades will continue based on the amount of high rise construction that has gone on over the last five years that has contributed considerably to the permanent issues of a now quickly fading skyline, increased traffic congestion, reduced street and lot parking availability, increased pedestrian traffic control problems and diminishing current resident lifestyle. We question some of the conclusions and recommendations in the Justification Report and expand on our concerns as follows:</p> <p><b>Brief Review of Report &amp; Recommendations</b></p> <p>Based on our very brief review of the plans provided on <a href="http://www.burlington.ca">www.burlington.ca</a> website we noted that there are 168 underground parking spaces and 15 retail/residential/guest (one handicapped space) above ground spaces that are somewhat misrepresented in the distributed letter to local residents as 185 parking spaces for the 170 residential units. Also the building has 24 stories not 22. Additionally, the letter and the architectural plans clearly show that the building is completely out of character with the surrounding buildings and generally dwarf’s the existing downtown homes. It is also quite amusing to see that the artist representation of the towering building set in a park like setting with happy families playing in the foreground. What future park was this artistic concept generated from as it appears there is a hydro right of way, a municipal parking lot and many existing residential buildings in the way?</p> <p>Furthermore, we noted that the developer justifies it’s design by pointing to the groups other 14 floor rental property on Brock Avenue and a 21 story 168 unit property some distance away on Maple. Obviously the 14 story property is dwarfed by this proposed development and the 168 unit property is located in a completely different area. The Justification reports building comparison is hardly reasonable. With the exception of the three 18 floor rental buildings, built over twenty years ago on a considerably larger land footprint on Ontario Street, all of the remaining buildings with similar land footprints to the proposed property are between 6 and 15 storey buildings, which we suggest is more in-line with what should be constructed on the small footprint at the corner of Ontario and Brock.</p> <p>The pedestrian and parking justification appears to put considerable emphasis on bike and public transportation, a very limited amount or more likely none of which is currently extensively used by downtown residents. However, automobiles are used by both retirees and those employed elsewhere, which will now increase by 170 x 2 = 340 or more residents. Thus we are very skeptical in our review of the pedestrian and parking results included in the developers report as we are very familiar with the current traffic congestion during daily peak periods and annual organized weekend festivities and the transportation characteristics of the majority of Canadians. We generally disagree with the Planning Justification Report recommendations.</p> <p><b>Quickly Fading Skyline</b></p> <p>How long do you think will Burlington’s reputation indicated in Tourism Burlington’s website last? From a personal point of view we feel that the overall atmosphere of Burlington’s downtown with limited height buildings for the most part has contributed considerably to Burlington’s positive reputation. Changing the skyline to resemble Toronto we believe is a mistake. As a resident of 1272 Ontario Street our view and privacy will be significantly restricted if this behemoth is built at the proposed address. In the shadow of this proposed 22 floor monstrosity the whole area will change and all the current residents will lose a considerable amount of privacy and see only a wall of apartment windows stretching into the sky. No current downtown resident wants Burlington to resemble Toronto with its multiple high-rise landscape or be responsible to address the type of governmental issues, gridlock and costs that Toronto is confronted with now. A more reasonable solution would be to construct a building that conforms to the current bylaws.</p> <p><b>Traffic Concerns</b></p> <p>Concerning traffic, we can hardly believe that the report’s author has driven along Maple Avenue, Brant Street or Lakeshore Road recently? Between 8-10 am and 3-6 pm are usually the worst but it’s also difficult to cross the road or drive through town at many other times due to traffic congestion. We realize that the City’s passion for installing traffic lights and bike lanes has greatly increased the congestion but adding thousands of new apartment units, including the 170 proposed here in the downtown core will inevitably increase the problems and diminish residents lifestyle. In addition delivery trucks and general traffic will increase on Ontario Street and Brock Avenue as customers and suppliers use and service the proposed retail space.</p> <p><b>Parking Availability</b></p> <p>Parking is another concern for both residents and visitors. The proposed 185 parking spots are totally inadequate for the proposed 170 units and resident/delivery/guest/customer parking. The existing outdoor parking in downtown,</p>

			<p>which we presume will be used for the overflow parking from the new unit owners and visitors, hardly keeps up with the current population that is soon to increase when the high-rise buildings now under construction and those slated for construction are built. Also we have noted that the City has eliminated or redesigned several downtown parking areas over the last few years reducing the availability of parking. Where would you like the new residents to park their overflow parking now that you have eliminated the old parking spots? Additionally, we see that the City is contemplating two other high rise buildings near City Hall that will likely reduce available parking. How will this be managed in light of our previous comments?</p> <p><b>Pedestrian Traffic</b></p> <p>With all of this new downtown construction pedestrian traffic has increased making it harder to get around at times and especially during the annual festivities. With the new units coming on line and this proposed new building you are only contributing to pedestrian traffic issues, which will require more City and emergency services involvement to manage. How will the City address these issues? Hopefully, by not increasing the City's operating costs.</p> <p><b>Construction Issues</b></p> <p>There will be significant temporary issues (temporary being 2-5 years) that locals will have to endure while construction plods along such as the proposed excavation of the 20 – 30 metre deep basement, requiring imbedded pilings, transportation soil and material to and from the construction site, along with constant construction noise and all the dust and traffic mayhem that goes along with such a large endeavour. We only need to look to the Lakeshore construction debacle to understand some of the construction issues and inevitable delays that this building contractor will encounter. Construction of a current bylaw compliant building will greatly reduce and even eliminate many of these issues.</p> <p>We are sure that many of the local residents have very similar concerns but, for whatever reason, will not attend your schedule meeting or present their views in letter form as you have requested. Hopefully, there will be sufficient local response to make sure that the developer complies with the current City directives, rules and bylaws in his proposed redesign of the Maple/Brock property to reflect another five year of Burlington being the best city of its size to live in Canada. We look forward to receiving your response to our concerns at your earliest convenience.</p>
8	<p>David Williams 1-1335 Ontario St. Burlington On</p> <p>[REDACTED]</p>	<p>September 25, 2017</p>	<p>I have examined the City of Burlington's website for more information about this application, and at this time, wish to submit my concerns and objections to the proposal, as currently constituted.</p> <p>I've outlined my thoughts in the attached Word document, and there are 2 major concerns that I, and several of my immediate neighbours, have:</p> <p>1) traffic concerns ..... Ontario St. is rapidly becoming a much used east/west artery between Brant St. and Maple, as an alternative to Lakeshore Rd. In fact, to my knowledge, it's the only south end alternative between Brant and Maple. With the substantial number of new high rise housing units being developed and/or approved for the downtown core, the traffic volume on Ontario is only going to get worse. My townhouse unit, like many other such units and single family dwellings on Ontario, have driveways that were designed and built years ago, which only allow for our cars to back out onto Ontario St. This can be very difficult and dangerous at busy times of the day or night, and with the proposed density of this particular project, and it's design featuring residents having to enter or exit the property onto or from Ontario, near a major intersection (with Maple), the dangers clearly will increase. Furthermore, for those currently or about to use Ontario St., the addition of 170 new vehicles onto Ontario St. at this one location, will only add to worsening traffic congestion, especially during rush hours.</p> <p>2) the height and density for the proposed building are much too great ... too high, and far too many units per hectare.</p> <p>I certainly hope that the City, through it's Planning and Development Committee, either rejects the current proposal's request for amendments to the City Official Plan and Zoning By-laws, or makes suitable provisions for much more reasonable scope and design for the land use.</p> <p><b>NOTE: LETTER ATTACHED</b></p>
9	<p>Lesley Race 2059 Halton Place Burlington</p> <p>[REDACTED]</p>	<p>September 28, 2017</p>	<p>1) I do feel for the people at Burlington Towers who are losing their view of the lake after living for many years in their apartment. Why not build tall buildings behind Burlington Towers or where the views had been previously blocked or not there in the first place. We are going to create tunnel roads rather than a calm, wider spaces in which residents can travel. Let's try to keep the height in control for a healthier community.</p> <p>2) Visitor Parking - I agree with Molinaro that visitor parking spaces near the GO stations are not a critical as these buildings attract young people who travelling into Toronto for work and cannot yet afford a home and two cars. But from what I am hearing, many seniors are moving into the downtown area where extra parking is necessary. Many senior couples still what some independence so drive two cars when transportation does not necessarily offer the routes and times that suit their needs. A speaker mentioned that the Brock condo has 1/2 the visitors spaces filled all night as not enough spaces have been supplied for the renters. As we age, governments want us to stay in our homes so services such as CCAC (the old term) will need spaces to park when visiting ailing seniors. A social support system is important for those in need, so spaces for these visitors is important. Some of these visitors may be senior themselves so need a parking space close to the door of these buildings. Marianne mentioned that a report has just been released showing that there is a lack of</p>

			<p>parking in the downtown area due to condo's not supplying what is needed for the individual owners.</p> <p>3) And yes, I am waiting for the OMB to move forward with the proposal to put control back in the hands of the municipalities - particularly Burlington with good councillors and staff to manage our growth.</p> <p>I look forward to reading about the final proposal.</p>
11	<p>Bill Mercer</p> <p>[REDACTED]</p>	October 1, 2017	<p>One of my concerns with this building is the total height of the proposed building. I could live with 22 stories including the mechanical and whatever else is proposed to take the building well beyond 22 stories in total.</p> <p>My second concern is traffic, Ontario and Elgin Streets are the same as they were in 1964. Brock street has been improved but is still only single lane each way. Considering the dramatic increase of the population now living in the immediate area and the vehicles using these narrow streets to access offices and buildings East of this area.</p> <p>To say the number of people driving cars will decrease is a pipe dream, most of the people I deal with work out of town or reside outside of Burlington and a car is a necessity.</p> <p>Using Burlington transit is great if you want to go to the go stations or the downtown depot, outside of that it is totally inadequate.</p>
12	<p>Sean Harris Margaret Vermeltfoort 1290 and 1292 Ontario Street Burlington, ON</p> <p>[REDACTED]</p>	October 3, 2017	<p>After attending the City/Molinaro meeting regarding the proposed 22 story development on Brock St, we do have a strong concern regarding traffic.</p> <p>Much of the debate/opposition to the project seemed to be in relation to the potential generation of a higher volume of traffic on Ontario St.</p> <p>One of the attendees made an excellent point to alleviating the traffic problem, by suggesting the main volume of the residents' vehicular traffic be directed to Brock Street access.</p> <p>In our opinion, this approach makes a lot of sense. Especially in regards to our properties future development, as the only choice for the final HRDH zone within this block, would be to empty onto Ontario St.</p> <p>We would like to officially oppose the proposed building sites plan, as it pertains to the building access/traffic concerns.</p> <p>If this mail is not the proper mechanism to submit our opposition, please advise , the appropriate forum/ document.</p> <p>Hopefully common sense prevails and a change can be made for the betterment of this neighborhood and City.</p>
13	<p>Esther Mar 1335 Ontario Street, Unit 13 Burlington, ON</p> <p>[REDACTED]</p>	<p>October 6, 2017</p> <p>November 6, 2017</p>	<p>Further to the note below I'll try to make this brief because I think the writing is on the wall that the city will approve the project. Given that, I'd like to make sure it is approved such a way as to make it less detrimental to the neighbourhood.</p> <p>My main concerns are linked to each other in how they impact traffic:</p> <ul style="list-style-type: none"><li>• degree of increased density with these number of units (170 units in 22 stories)</li><li>• garage entrance onto Ontario Street</li></ul> <p>With respect to the second point, the west end of Ontario Street already has high density of apartment units on the north and south sides of the street. The remaining small structures between the tall building on the southeast corner of Ontario &amp; Maple and the proposed building on the southwest corner of Ontario &amp; Brock are bound to be torn down at some point in the near future and replaced by tall buildings without any options other than having garage entrances onto Ontario Street. At the very least the proposed building has an option of having its entrance on Brock.</p> <p>The road infrastructure in this neighbourhood is not designed to support the proposed growth. So, please:</p> <ul style="list-style-type: none"><li>• fewer units</li><li>• garage entrance on Brock</li></ul> <p>I just came home from the meeting at city hall (I did not ask to speak) and I'd like to restate a point I made below which did not get enough attention this evening. Further to Anne von Rosenbach's request that the proposed development be viewed in context of the bigger picture, please see the comment below highlighted in yellow. When the next high-rise gets built just to the west of the one now being proposed there will be no option other than to have the garage access on Ontario Street. If nothing changes in the plans for the proposed development then this will result in 3 garage accesses from high-rises in one short block on Ontario Street. The LEAST you can do is require the builder to put the garage access on Brock.</p>
14	<p>Anne and Chris von Rosenbach</p> <p>[REDACTED]</p>	October 9, 2017	<p>My husband and I are residents of Ontario St. and recently attended the community meeting on development of the <b>site at 490-492 Brock Ave. and 1298 Ontario St. by the Molinaro Group</b>. We have a number of concerns about this development.</p> <ul style="list-style-type: none"><li>• <b>A “one-of” approach to planning:</b> All of the reports we read treated this site in isolation and did not consider the fact that there are sites on both sides of this development zoned for high density development. It is extremely likely that the properties 1280-1292 Ontario St will be assembled for development in the near future. With soaring land values downtown, 490 Nelson is also ripe for redevelopment, as are several other sites in the surrounding neighbourhood. The decisions made by the City for the 490 Brock Ave site will set precedents for these surrounding properties that will affect building height, density, shadow effect, traffic and noise in our neighbourhood for years to come. <b>We feel strongly that the proposed plans for 490 Brock should take into account the implications on future developments in the area.</b> In a recent interview, Councillor Marianne Meed-Ward said that planning in the downtown should not proceed "piecemeal" and we strongly agree with this perspective.</li><li>• <b>Excessive height:</b> At 22 storeys (in reality 24 storeys with the rooftop amenity), this development far exceeds the height permitted in Burlington's official plan and is considerably taller than any building in the neighbourhood. Even the Strata, which is</li></ul>

			<p>the tallest building in the area, is only 21 storeys and is situated on a major arterial road, not a 2-lane residential street like Ontario St. A development more in keeping with the Official Plan guidelines and the height of surrounding buildings, and <b>definitely not higher than the Molinaro’s recent 14 storey construction on Brock St., would be a more acceptable use of this site.</b></p> <ul style="list-style-type: none"><li>• <b>Site overdevelopment/intensification:</b> At 773 units per hectare, the density of this project is excessive. There is no other building in the area that comes even close to this level of density and it far exceeds the limits of Burlington’s Official Plan. Even the Strata is only 321 units per hectare. The Molinaro’s representative argued that we need this level of intensification to meet provincial guidelines but, with a minimum of 23 residential projects on the books at this moment and more to come, the downtown does not need this high degree of density to meet its intensification goals. And, in fact, based on the Places to Grow legislation, the downtown is to have 200 residents per hectare, which the city is on track to achieve. This has been repeatedly stated by Councillor Meed-Ward and the mayor in the fight against the 28-storey ADI development. Although we support the need for more affordable housing in Burlington, 490 Brock is clearly being overintensified and <b>we would prefer to see 300 or less units per hectare.</b></li><li>• <b>Traffic:</b> If the development goes ahead as planned, there will be a serious impact on traffic on Ontario St, particularly given the potential for the construction of more high-rises in the next few years. Ontario St. is already a preferred route for cut-through traffic, especially for people trying to avoid the frequent slowdowns on the Lakeshore and Brant St (which will also get worse as the Bridgewater is completed and the Waterfront lands are redeveloped with a view to wider pedestrian boulevards). It is already difficult at times to exit driveways in our townhouse complex because of traffic backups on Ontario St. And if traffic isn’t crawling due to slowdowns, we face the greater risk of speeding cars, racing to get to Maple St and the highway. The volume of traffic now makes it challenging to cross the street at times to reach the downtown amenities in the area. As this development and the other 23 planned projects come on board, the traffic situation will only get worse, particularly as there will be retail uses at 490 Brock that will also bring more traffic into the area. <b>To help address this concern, we would like to see the parking garage exit onto Brock or Elgin Street instead of Ontario ST.</b> At the meeting, the Molinaro’s consultant agreed that re-routing the parking garage exit to Brock St. would be possible. <b>We feel strongly that this should be a requirement of the development,</b> despite the fact that it will require some reconfiguration of the current building design to accommodate. We also feel that more vigilance should be paid to preventing cars from stopping on the road to shop at the convenience store (1325 Ontario St). This already causes bottlenecks and interferes with safe turning on Ontario St and the negative traffic impact will be compounded further when combined with the frequent left turns required to access 490’s parking garage as currently designed.</li><li>• <b>Parking:</b> While the developer’s consultant touted the walkability of the site, the reality for the foreseeable future is that Burlington is a commuter city. Many people relocate to the downtown because of the proximity of the various highways – this is frequently mentioned as a benefit in local real estate ads. Even the smallest rental units often house two people with two cars. The 490 Brock site will offer only one parking spot per unit and only a handful of parking spots for visitors, which must be shared with customers of retail businesses in the building. This will result in residents and their guests using the municipal lot on Brock St and on-street parking. We are already seeing this happen since the completion of the existing Molinaro building on Brock St. <b>As a result, Burlington taxpayers are subsidizing the developer by providing parking for their tenants.</b> It also reduces the amount of parking available to support downtown businesses and restaurants, which undermines the economic viability of the downtown. We object strenuously to this blatant misuse of taxpayer dollars.</li><li>• <b>Noise, shadowing:</b> In an article in the Burlington Post on Sept 28, 2017 about the redevelopment of the Waterfront Lands, Councillor Meed-Ward said that the city should adhere as closely as possible to the existing heights allowed on the site and should take into account the existing heights of buildings to avoid a canyon effect on Lakeshore. If this is a requirement for the Lakeshore, which is a busy major arterial road, it should be even more of a requirement for the residential neighbourhood of Ontario Street. We already have a concrete canyon effect on Ontario St, with a long line of highrise buildings on both sides of the street. This causes noise to bounce around to the point that we can hear every word of conversations from people on balconies of nearby apartment buildings. It also causes excessive shadowing of surrounding properties. The addition of another huge highrise on our street will exacerbate both of those problems considerably, and will add further light pollution, which is also an ongoing problem. We support our neighbours in the area with their concerns about the canyon effect and the various impacts on their quality of life and <b>feel that a lower, less overdeveloped building design will help to address their concerns.</b></li></ul> <p>In summary, there were many valid concerns raised at the recent neighbourhood meeting and we are raising some of them again in our submission. We sincerely ask that the city work with the Molinaros, who have already benefitted significantly from Burlington’s growth in land values, to find the compromises necessary to address these concerns and develop a design that reflects the needs and best interests of the downtown community. Burlington’s Official Plan was developed by qualified teams of planners in consultation with Burlington citizens to shape and protect the future of our city and we do not want to see that vision undermined to satisfy developers’ self-interests.</p>
15	Rudolf & Hermine Reusse 1609 – 1265 Ontario Street Burlington, Ontario L7S 1X8 <div></div>	October 11, 2017	<p><b>Even though it is a waste of time and effort, my wife and I like to exercise our rights to file our <u>objection</u> against the proposed erection of another high-rise building at the aforementioned address.</b></p> <p>It is our opinion that the 22-storey building will increase the traffic in our residential area, and that the structure will certainly block the rest of our much appreciated lake view. It is a foregone conclusion that the application filed by the established and well connected Molinaro Group will succeed. The building will certainly be constructed because the project will generate tax income for the City of Burlington. So much for creative City Planning.</p>

17	<div>Gillian Ready &amp; Todd Hamilton</div> <div>476 Nelson Avenue Burlington, ON L7S 1N5</div> <div></div>	October 12, 2017	<p>I attended the meeting regarding the condo development at the corner of Brock Avenue and Ontario Street at the Burlington Arts Centre on September 27th.</p> <p>Although I did voice my objections at the meeting, my husband and I would like to ensure our names are officially recorded as being opposed to the developers’ plans. We live at 476 Nelson Avenue.</p> <p>We object to the proposed height of more than 20 storeys and believe it should be limited to 7 storeys as per the current municipal plans.</p> <p>We are already subjected to a lot of light pollution at night from the condo at the corner of Brock and Elgin. The design of the new condo is such that we would be subjected to significantly more light pollution.</p> <p>The height of the new condo, even if “stepped in” on the higher storeys would cause our back yard to be shaded. The shade caused by the Brock/Elgin condo already reaches the fence line. A condo restricted to 7 storeys would not a shade impact to homes along Nelson Avenue.</p> <p>The parking lot on Brock is already quite busy overnight throughout the week due to existing condos in the area. The proposed condo plans do not allow for enough visitor parking so this lot will see many more people parking overnight.</p> <p>The current condo plans will severely diminish our privacy and our property values.</p>
18	<div>Brittany Lewis and Benjamin Lewis</div> <div>480 Nelson Avenue Burlington, ON</div> <div></div>	October 12, 2017	<p>I would like to list my name as well as my husbands name in being opposed to the development of a condominium on Brock Road of 20+ storeys.</p> <p>We reside at 480 Nelson Avenue. A 20+ storey condominium would unfavourably impact our lives in our current community.</p>
19	<div>Erik Gaspar</div> <div>1275 Ontario Street Burlington, ON</div> <div></div>	October 12, 2017	<p>I am a resident of 1275 Elgin Street. I received the flyer about sending comments to you regarding the new development proposal for 490-492 Brock Ave.</p> <p>My only suggestion would be to try to ensure that the retail area at ground level be made suitable for "approachable" retail stores as opposed to offices or the like.</p> <p>As an example of a poorly implemented layout/design: On 472 Brock Avenue, their "retail" are amounted to a Molinaro office and an office for a Liberal MPP. These, while contributing to the commercial area of Burlington, offer no improvement of lifestyle to the residents of the surrounding area.</p> <p>It is clear that by design, this space is not suited for walk-in-walk-out retail. If this development has more purpose-built retail space (i.e. large windows, a few parking spots for customers at street side (or counting on the Green P parking)), this will attract retailers that will serve well the residents of the area.</p>
20	<div>Frances Gransaul</div>	October 13, 2017	<div>Comment Sheet</div> <div>NOTE; DO NOT INCLUDE PERSONAL INFORMATION</div>
21	<div>Mary Waddell</div> <div>1272 Ontario Street, Unit 702 Burlington, Ontario. L7S 2L8</div> <div></div>	October 14, 2017	<div>Attached Letter</div>
22	<div>Christina Ronzio</div> <div></div>	October 16, 2017	<p>I am highly concerned about heavy traffic on Ontario St adding another 185 underground spaces.</p> <p>As a resident at Burlington Towers I witness daily idiot drivers who are impatient and driving too fast around corners at Maple and Ontario, who unsafely pass people they are impatient to wait behind when one is making a legal turn. This danger provides not just an increased chance in traffic accidents (which also causes traffuc snarls) but impatient drivers hitting the gas on Ontario St because they are pissed off could lead to the injury of bicyclists and pedestrians, not least of all children.</p> <p>It is already frustrating to try to pull into the BT lots....I can only imagine what the added volume will be with a new building entrance/exit within a city block of the already heavy population.</p> <p>There will be tremendous backups at Maple and Ontario as people turning into Ontario wait to turn left into BT property and cars behind them wait to access 1298 Ontario at rush hour.</p> <p>This is to say nothing about what happens when the QEW, Burlington Skyway or 403 get closed due to reckless driving or structural issues.</p> <p>I think it is a mistake to have another 170 units, so 200-500 people in such a short city block when the roads are one lane each direction for egress.</p>
23	<div>Tom</div> <div></div>	October 23, 2017	<p>I live at 1265 Ontario st .in the morning rush and night rush it almost impossible to cross the streeet or get into our driveway for the parking . This needs to be look at thanks</p>

24	Dick and Dorothy McIlroy 710-1305 Ontario Street Burlington, ON L7S 1Y1	September 27, 2017 <b>Letter</b>	<b>NOTE: 2 LETTER ATTACHED</b>
25	Dorothy Kew 1206 – 1285 Ontario Street Burlington, ON, CANADA L7S 1X9 [REDACTED]	October 6,2017	<p>I was unable to attend the community meeting on September 27<sup>th</sup> re the proposed Molinaro building at the corner of Brock and Ontario Streets, but did get some feedback from one of my fellow tenants here at 1285 Ontario Street (Burlington Towers). My major concern with this building is not only the proposed height, which would be much higher than present buildings around, but most definitely the increased traffic on Ontario Street that this building would create.</p> <p>It is my understanding that there will be no entrance to the building from Elgin Street, and only one on Ontario Street. Considering that Ontario Street is a two lane street that means a considerable amount of added traffic on the street, particularly at this end near to Maple Avenue. Is it possible to suggest to Molinaro that it would help allay some of the traffic issues if they would also have an entrance/exit to Elgin Street as well?</p> <p>One other consideration ... recently I'm noticing increased traffic north bound on Maple Avenue from the Lakeshore, making it quite difficult to make a left-hand turn gong south on Maple on to Ontario Street. With this new building and increased number of residents I wonder if access to Ontario Street from Maple Avenue will be even more difficult. Would the City consider putting in an advanced green (southbound) at Maple and Ontario to help with left hand turns on to Ontario Street? Just a thought.</p> <p>Thanks for your help, Marianne. We appreciate all that you do for Ward 2 residents!</p>
26	Michelle Rutherford 303-1272 Ontario Street Burlington, ON L7S 2L8	Comment Sheet	Height of the building; Increased number of cars on Ontario Street; Infrastructure: can our water, sewer and hydro current facilities deal with the added volume and useage; green space; change in air flow between buildings, no fresh air coming in from the east; how will the parking accommodate all the retail shoppers; such a drastic change to beautiful area of Burlington; pollution-quality of air; safety, what will be done to address that
27	Kimberly Stevens 404-1265 Ontario Street Burlington, ON L7S 1X8 [REDACTED]	April 9, 2018	<p>I fear I have missed my opportunity to comment on the development proposal for 492 Brock. I just found some papers I had mislaid. As a long term tenant (nearly 12 years) of Burlington Towers (1265 Ontario Street) I have only two concerns about the development.</p> <p>1. Parking access would likely be better off of Brock Ave. Ontario Street often has rush hour slowdowns and backups and it becomes nearly impossible to enter the street when there is a closure of the Skyway bridge. If access were on Brock, residents of 492 Brock would have the choice to turn toward Ontario OR Elgin/Lakeshore. Though I would say that for 80% of the day, it would not be an issue.</p> <p>2. I want to see 3 Bedroom apartments in all new developments in Burlington. I have raised two children in a 2 BR apartment. Children are growing up in Apartments and that means that 3 Bedroom apartments are needed. I can't possibly afford to buy a house downtown, but I can afford to live with my family in Burlington Towers. There is always a waiting list at Burlington Towers for the 3 bedroom apartments (only 2 per floor). I would like to see all new high rise builds include 10-20% as a minimum of 3 bedroom apartments. It just makes sense.</p> <p>Thank you for your consideration</p>

Sept 3, 2017

Mr. Kyle Ples

Senior Planner

Burlington Planning &amp; Bldg. Dept

Re - File No.

505-02/17

520-08/17

Dear Sir -

I wish to register my objection to the proposed 22 storey hi-rise bldg at the corner of Ontario St. and Brook Ave. Apart from the fact it would exceed regulation height the major problem would be the addition of 185 cars being focussed onto Ontario St within a 50 ft radius of driveways immediately to the North and to the West which already handle over 800 cars. There would be a complete blockage of cars turning east and west, especially in rush hour traffic which is very heavy on Ontario St. This bottleneck would also very seriously inhibit access to all 3 Bldgs for the Fire Dept & EMS services.

As there already is a driveway matching up on the west side of 472 Brook which I understand has the same owner it

(over)

RECEIVED

SEP 07 2017

City of Burlington  
Planning Department

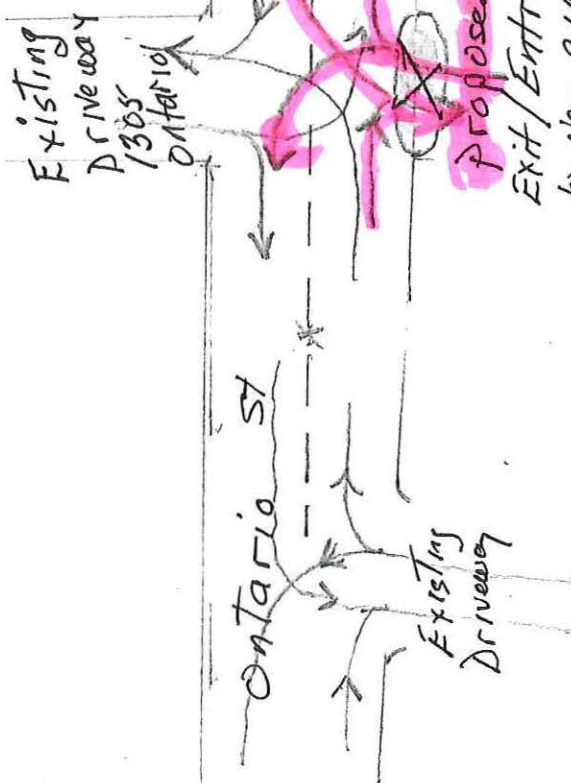
(2)

would make more sense to remove the west end of wood fence and hook the two Molinare driveways together and instead of exiting on Ontario St would have a choice of turning east onto Brock or south onto Elgin - both of which is a clearer and less occupied route and not adding more traffic to Ontario St.  
Trusting this receives your consideration

Yours Sincerely

J Scotland  
1508 - 1305 Ontario St  
Burlington, ON.  
L7S 1Y1

J AND M SCOTLAND  
1305 ONTARIO ST., APT. 1508  
BURLINGTON, ONTARIO  
L7S 1Y1



Problem

Too many cars in small space (50' radius)  
 Inhibit access to Fire & Emerg. vehicles

Solution - remove E-w fence @ S edge and  
 use Elgin and plus Brock for access

Benefits gives new Bldg new entrances  
 and does NOT add extra traffic to Ontario St.

RECEIVED  
 SEP 07 2017  
 City of Burlington  
 Planning Department

Attachment to David Williams email dated September 25, 2017

**Proposed Development for 490-492 Brock Ave and 1298 Ontario St.**

I have serious concerns and objections to the Molinaro Group proposal for this site, as follows:

1) The proposed density for this project is much too high when compared with the both the existing zoning By-law designation, and neighbouring high density residential properties.

- The current H-DRH for this zone permits an apartment building of approximately 7 stories (22 metres) in height, whereas the proposed building will be 22 stories. Currently, the southwestern view towards the lake from our townhouse complex at 1335 Ontario St., in close proximity to this proposed development, has a skyline view in that direction that is only obstructed by buildings of 14 stories in height, so this proposal will be significantly taller than what exists now. This will potentially affect our property values and our enjoyment of our neighbourhood environment, in a seriously negative fashion.
- The current Burlington Official Plan Policy permits a maximum of 185 units / hectare. A survey of 12 adjacent or nearby high rise apartment buildings shows that they have densities ranging from 179 to 247 units / hectare. This proposal for 170 residential units on such a small plot of land, (only .22 hectares) will result in a density of 773 units / hectare, which is far too high and much beyond what is reasonable for this site, and far in excess of any other neighbouring high rise residence.
- This site is surrounded by a variety of single family dwellings, townhouse complexes, and much smaller apartment buildings (especially when compared to their density numbers), that are not compatible with the proposed development. The Official Plan for the City provides for guidance for the development of lands within the city boundaries, including the promotion of infill and intensification ***“which is compatible with existing neighbourhoods”***. This proposal is not compatible with our existing neighbourhood.

2) Given the concerns outlined above, there is a separate, but directly related concern pertaining to a seriously negative effect on traffic flow for Ontario Street. With 170 new residential units, and perhaps twice as many new residents located there, the number of vehicles entering and exiting the building on a daily basis, within such short proximity to the Maple and Ontario intersection, will potentially cause a significant backlog of cars on Ontario St.

- Owners of a number of townhouses facing directly onto Ontario St. are already encountering difficulties in being able to safely back out of their relatively narrow driveways, which were designed and built years ago, when traffic patterns on Ontario St. were not nearly as high volume as they currently are.
- The design of this proposed development has all residential and visitor parking entering and exiting onto Ontario St. The addition of in excess of 170 new vehicles flowing daily onto and off of Ontario St. has to significantly increase the traffic volume, notwithstanding the observations of the Traffic Input Survey that the developer has submitted.
- Ontario St. is rapidly becoming a much used east/west corridor between Brant St. and Maple, especially with the various new substantial high density high rise buildings already approved

and/or being built in the downtown core. Drivers are finding it an attractive alternative to Lakeshore, and with the rapid increase in the number of new downtown residents, there will be more such vehicles on Ontario St. This makes the potential increase of 170 or more vehicles entering and exiting this location on Ontario St all the more concerning, especially during peak rush hour periods in the morning and late afternoon, evening.

- The inclusion of ground floor retail units will also potentially add to traffic concerns, with additional cars having to use the public parking lot across the street, in order to visit the retail units.
- In addition to significantly altering the size of the proposed development, to a much more reasonable density of units / hectare, consideration should also be given to changing the primary entrance for vehicles from Ontario St., to Brock Ave instead. This would lessen the traffic load on Ontario St.

# NEIGHBOURHOOD MEETING COMMENT SHEET

**Subject:** Official Plan & Zoning By-law Amendment Applications  
**Address:** 492-492 Brock Avenue and 1298 Ontario Street  
**Files:** 505-02/17 & 520-08/17

Please Indicate Below Any Comments or Special  
Concerns You May Have About This Project

Parking/Traffic Zoning By-law Amendment is required.

Visitors, retail staff + customers parking is not adequate.

Emergency Vehicles access is hindered because Brock Ave. now only has paid parking on east side + Emergency Vehicles will have to park on west side therefore through traffic will also be affected.

492 Brock Ave. has 1 driveway to enter + exit onto Ontario St. it is also directly across from Burlington Towers driveway.

Why no access onto Brock Ave? There are already too many driveways onto Ontario St. between Maple Ave. + Brock Ave.

Height Zoning By-law Amendment is required.

This changes number of people + cars in this area.

Density Zoning By-law Amendment is required.

This area of Brock Ave/Elgin St/Ontario St/Maple Ave is already subject to too many buildings in height, density + traffic. How much more do we cram into this area?

Why are so many Zoning By-laws Amendments necessary or needed?  
Why are By-laws so easily ammended by anyone who wants to suit themselves? By-laws are put into place to protect all, so if they can be so easily changed they are no use.  
We do not want to live like we are in downtown Toronto.

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*I request the City to not release my personal information.*



*Thank you  
Gransaulf*

Please deposit in the comment box when you leave or mail to:

Attention: Kyle Plas  
City of Burlington Planning and Building  
Department  
426 Brant Street  
P.O. Box 5013  
Burlington, Ontario L7R 3Z6  
or E-Mail to: kyle.plas@burlington.ca

**NO LATER THAN: October 13, 2017**

(Please **FULLY** complete this section, if you wish your comments acknowledged.)

Name: Frances Gransaulf

Address: [REDACTED]

City: [REDACTED]

Postal Code [REDACTED]

(Optional)  
E-mail: \_\_\_\_\_

**Notice of Collection of Personal Information**

Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P. 13 and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. The City collects this information in order to make informed decisions on the relevant issue(s) and to notify interested parties of Council's decisions. It may also be used to serve notice of an Ontario Municipal Board hearing. Names and addresses contained in submitted letters and other information will be available to the public, unless the individual expressly requests the City to remove their personal information. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. Questions about this collection and disclosure should be directed to: Coordinator of Development Review, Planning (905) 335-7642

## PREAMBLE

In 2009\2010 we purchased and moved into a condo in Burlington. Previously we had lived in Oakville then moved to Vancouver upon our retirement. We spent nearly 20 years in Vancouver and then returned to Ancaster, Ontario in 2003. At the time of our condo purchase in Burlington, we knew we had found an ideal area in which to live, 1272 Ontario St at the corner of Maple Avenue; this area had all the good feeling of an interesting and diversified community. It exuded a sense of permanence security and convenience. It was tucked away in an established corner of the town. There was a friendly mix of many different types of buildings and services. There were/are two churches and a cemetery of historical significance, a school which is much devoted to our community needs, the Burlington Performing Arts, the Burlington Art Gallery, the JB Hospital, several professional offices in gracious and large old homes. There are senior retirement homes and Longterm Care facilities; there is another facility for our people with disabilities. It was/is conveniently close to major highways, the Queen Elizabeth, the 403 and the Lakeshore which provides access to Hamilton and Toronto and destinations in between. There is a beautiful Gymnastic Centre housed in a low and attractive building, environmentally friendly, green and spacious with both flora and fauna. There was an interesting mix of small and large houses, old and new, townhouses and a small and convenient plaza. There were several apartment/condos mostly low or medium rise. Not crowded but pleasantly full with no spaces wasted.

We could see the Skyway Bridge and although it was always very busy, it was magnificent at night; it was unique, with Hamilton Harbour in the background, a great point of interest. We saw that Burlington had far surpassed Oakville in planning their waterfront with a wonderful park for all to enjoy, easily accessible and very well maintained....and much used at all times. Maplegrove Mall is very acceptable as it is much closer to Plains Road/Fairview which makes it still convenient but placed wisely in the busy shopping area.

## AUTOMOBILES, ROADWAYS AND TRAFFIC

Now there is good parking under the hydro wires but barely enough to serve the area population. This parking makes good use of an otherwise restricted area. It is a plus...not pretty but the cars are at ground-level and not overwhelmingly visible. The hydro wires are a mixed blessing. We don't look up.

A few years ago this area was a well-balanced mixture; likely not planned but it worked. We were told by many who knew the area that this was an ideal location in which to live, especially for retirement years; close to amenities, peaceful enough, very attractive and interesting. Again, it was tucked into a corner of Burlington, 'neighboured' by North Shore without too many direct approaches from the 'outside' world'. If we consider the roadways which are within this area, they are like a labyrinth to navigate, not conducive to through-traffic....often leading a driver in circles. Realistically the only through streets are Lakeshore, Elgin and Ontario with both Elgin and Ontario being too narrow for

additional cars. To add more could and would be stupid and dangerous. Maple Avenue which used to be reasonably quiet is now often jammed with traffic at rush hours or whenever there is an accident anywhere around Burlington; at other times it is just busy; fortunately, Maple Avenue is wider so that firetrucks, police and ambulances can find their way around the stopped vehicles. This is a very busy road for these service vehicles since it leads directly into the hospital, fire station and the Police.

Bottom line, we do not need more traffic and question why this area is designated as high density. It is a dead-end in many respects and is too often at a bottle-neck for fairly long periods of time. Brant Street, as a main street is useless, again too many narrow spots and lane changes. Your main street should be Fairview/Plains Road and/or Harvester....running in the opposite direction. These two streets you can work with; Brant Street you cannot although it could be an attractive feeder street and be very useful as such. (I am sidetracking with another subjective opinion....again)

## HI RISES

In 2010, we began to see the future of what was to come. Hi-Rises. First The Strata.....we watched with horror after learning that the Bylaws were to be broken and this building was going to exceed the number of storeys allowed and that no bylaw was going to prevent Mr Molinaro from getting around this illegal indulgence. We were told that the Municipal Board had been influenced and had granted their permission. Further, the opinion was that the Burlington 'fathers' had no jurisdiction over this Board. So much for elections and the voice of the people, those of us who lived in this area in particular, some of whom who have called this 'home' for a long time and had paid their taxes. As the structure was built, it was realized that you cannot fight City Hall and apparently not Mr Molinaro and the Municipal Board. My personal opinion is that the finished structure was most unattractive; a jumble of too many unrelated bits and pieces: from bottom to top, three levels which do not match nor co-ordinate; a jumble of glass fronted see-through balconies, a mishmash of brick, concrete, glass and unreal looking stone plus a long line of pillars which serve to add to the confusion across the front. The landscaping does not help, resembling an untidy and neglected desert of tall grasses. The building has virtually no property nor space around it as it is built very close to the property line; probably legal but unattractive. The building appears too large for the lot on which it stands. (I digress as this is a personal opinion and I know that The Molinaro Group would not agree with this taxpayer).

Once again Mr Molinaro and Group appeared...just around the corner, using the same tactics to exceed the number of storeys allowed in his proposed new condo, the Brock, corner of Brock and Elgin. He again broke ByLaws and was allowed to substantially exceed the limited amount of storeys with the help of the Municipal Board and Town Council.....I now accepted that our elected Council had no jurisdiction over the rulings of the MB who do not represent those of us who live in the various areas. So much for basic democracy ! Where have we gone so seriously wrong ?! How can this travesty be corrected and changed?

## A QUESTION

What is this Municipal Board? Where did it come from? Why do they have jurisdiction over the taxpayers? Why are they and a developer allowed to break the taxpayers' BY-LAWS which are there to protect us? Do these people even live in our area? Who are they?

Now, The Brock is complete; Once again, too tall and too large for the lot size....but the landscaping is better !!!!! And now we have three condo/apts built all in one block (Maple, Elgin, Brock and Ontario, Street) two of which were built by Mr. Molinaro and Group . We miss those little houses, gardens and trees that they demolished on Brock which provided some history and character to this community block. And now we are denser and denser. Again broken bylaws which have substantially increased the number of storeys allowed in Burlington apartment/condo structures. The MB is suffocating our area with people and automobiles which we neither need nor want.

#### DENSITY

At the meeting on September 27, 2017 I spoke and presented the result of a quick and informal survey I had done to assess the number of single family units in this block and at the immediate perimeter. The results were: The Maples 50 units, 3 Burlington Towers 540 units Maple Avenue Properties 108 plus 106 total of 214 units, Maple Crossing 2 buildings 240 units estimate.....The Strata 200 ....units est..... Elgin Rentals 170 units THE TOTAL IS 1564 FAMILY UNITS WITH A SINGLE RESIDENT. If there is more than one person living within these units then the occupancy doubles ! I suggest that there are several units of more than one person and conclude that the total number of people living within one block of one another could now be over 2000 persons If each unit has one automobile then the number of owned vehicles in this block area is beyond substantial. Make sure the MB does some mathematics. This exceeds HI DENSITY for this particular block of residents or residences. You have heard the people speak about 3 driveways within a 50 foot range all coming off of Ontario Street. It is not just a driveway problem it is just too many cars in one small city block. Ontario Street is a two lane road which seriously narrows in places. Ontario Street needs wider and better sidewalks which would allow two people to walk side by side comfortably. We do not want a sidewalk crowding onto a road; we have seniors with walkers, citizens with their dogs, children going to school and now we hear that we are going to be blessed with another Molinaro hi-rise with 170 units (some or many of which will very small and under 700 square feet.....and the corresponding number of cars.....possibly two per unit if these little units appeal to young working couples who both are employed and who both could likely have cars.....a sign of the times. This will be the fourth condo/apartment in our city block. Where will Molinaro construct his next one in this block, we are running out of available land in this one spot. This is a concrete jungle now, most unattractive in the 'backyard' of all these buildings ....just cars and asphalt,....and all of the trees gone.....and the birds. Not too environmentally friendly the lesson here is to do as I say, not as I do. People in authority are not practicing what they preach, another sign of the times. In this location, one more hi-rise building built by anyone including Mr Molinaro, is one too many.

#### IN SUMMARY

My main concerns are:

1. You have incorrectly chosen this corner of Burlington as the area for high density. It should not be packed tightly with hi rises boasting tiny units, cars and increased traffic. Take an honest look at what you will be destroying for the sole purpose of funneling or crowding in more people. Yes, money is involved, more for Mr Molinaro, and certainly more for Burlington in taxation....especially for our residences in the sky which we call air-space; I believe your return

is quite substantial considering our municipal taxes; we are cash-cows which is okay but please give something back to us in return.

2. Do not encroach any further on this area Do not impose on us. This Council and Municipal Board have to approach this problem with a positive attitude, be open to change and correct serious errors made in their effort to plan and govern for our future.
3. Do not allow Mr Molinaro to break our bylaws which are there for our protection and not to increase his financial concerns. We do not want a 25?storey high rise of 170 residential units Mid rise or low rise would be much more tolerable if an apartment building has to be constructed. Further, the present plans show a large deficit for guest parking; 15 spaces for guests for 170 suites, Another bylaw infraction? And certainly space deficient. Where do the store customers park?
4. Ask him to reconsider, not to build a highrise and instead reconsider and opt for some elegant townhouses. Would be much more attractive and acceptable. Consider a senior's residence to provide accommodation at a reasonable cost for occupancy....and of limited height. It will be put to good use in the coming years.with our increasingly aging population
5. Increased traffic on a very narrow Ontario Street is not acceptable. Any more hi-rises will exacerbate an already existing problem. Safety must take priority Elgin Street is also too busy and too narrow for any further increase in traffic c.
6. In his proposed new building, changing the exit/entry area the problem will not disappear, only rerouted for a few feet, three driveways within close range entering and exiting together onto Ontario Street.
7. This proposed new hi-rise's footprint is much too small for the proposed height. Out of proportion for this area. Our environment needs GREEN not concrete. Let us see the sky and not more balconies and glass. You are taking 'green' away from our community. Seniors, children, dog-walkers, young adults, runners, whatever, we all use this area for our pleasure, exercise and daily routines. Allow us to keep what we can enjoy, need and use.
- 8 Please note there's an increase in noxious car fumes because of our increase in traffic on Maple and Ontario Streets. We close our windows now because of this. They remain closed more often than open so please consider this as a health hazard and do not allow this to become a greater threat. It was much more pleasant when our windows were open and fresh air could drift inside ! Save our environment and people today...no time to wait for electric cars. People are complaining about compromised breathing, migraines and allergies. Could it be.....noxious car fumes, drifting upwards and into our units....we have created another hazard to the environment and the people, especially to the residents in your new concrete hi-rise alley.

A question.... Why do you ask me to collect my orange peels and potato peelings and encourage me to do this to protect our environment and yet the 'Powers That BE' break other rules that hurt our environment and do damage to us?. Perhaps I too should ignore the environment and forget my potato peels !!!

Please listen to the people and find alternatives with reasonable solutions. We are concerned about our properties, our health and the environment. The steps you are encouraged to take will not serve well and in time will fail us. As said before, poorly planned density, crowding people unnecessarily together in pigeon-hole hi-rise residences (especially rentals) today will help to create tomorrow's tenements, slums and ghettos.

Thank you for taking the time to read this lengthy 'epistle' I sincerely hope that it gives cause to people who are concerned and interested in other people to stop and reconsider, that you must not impose on others and take away another's right to live a chosen, respectable, law-abiding lifestyle. I heard our Councilor speak of her area of residence as something a bit special to her.....a heritage home. I am sure she would be greatly disturbed if she thought that a ruling Board could or would step in and impose upon her residential area.....to change things to fit their plan and not hers. She should/would have a right to be heard and so do we. This may be a small group but it is a very concerned group. Bottom line, we do not like what is happening to OUR residential area and our immediate surroundings. Do not allow the developer, probably an 'outsider' to change our town or our lives by breaking our laws.....or better yet to build in our area, imposing on us what he believes we should have.

Hopefully there are only a few typos and you can decipher your way through. Having retired several years ago, I am a little rusty and not always computer savvy. your attention and patience is appreciated.

Respectfully submitted: October 13, 2017

To: Kyle Plas ([kyle.plas@burlington.ca](mailto:kyle.plas@burlington.ca))

Marianne Meed Ward ([marianne.meedward@burlington.ca](mailto:marianne.meedward@burlington.ca))

Mary A. Waddell

702 -1272 Ontario Street, Burlington Ontario. [REDACTED]

Sept. 27. 2017 **RECEIVED**  
Burlington **SEP 29 2017**  
**City of Burlington**  
**Planning Department**

Dear Sir or Madam:

My husband and myself at 91 & 89 were not able to attend the meeting on Sept 27. - so the reason for this letter. We live at 1305 Ontario St #710 facing Ontario St. Our thoughts re the building to be built at 490-492 Brock St.

- 1- Much Too large for the size of the lot !!
- 2- There should be an entrance for cars onto Brock St as well as the one shown on Ontario St.
- 3- The Ontario St Entrance east of the bus stop is quite close to the ramp of ~~of~~ our ramp to 1305.
- 4- A school bus picks up students - possibly 10 or 18 of them - on the south side of Ontario St at Brock Av which is a safety issue for students !!
- 5- Far too much traffic & congestion for Ontario St and safety issues for our Seniors crossing to the bus stop !! - with only one entrance to the complex.
- 6- The details of parking spaces shown on sketch #2 for ground floor businesses and tenants does not seem adequate since street parking is very limited.

Thank you for reading our concerns re what we feel is too large of a building.

Sorry I wasn't able to typewrite this - my old typewriter decided not to work - My apologies !! Dorothy

Oct. 25, 2017

Dear Lola Emberson:

Managed to get my typewriter working on a narrower piece of paper. A Follow-up to my Sept. 27th letter. Two more thoughts.

1. With only 1 exit/entrance to this rather small property, concern about Moving Vans and Garbage trucks accessibility to the property.
2. When there are bad accidents on the Q.E. and the Skyway Bridge, Maple Avenue can become a horror story and Ontario Street can be a horror story sometimes almost to Brant Street.

Thanks for allowing <sup>me</sup> more input!!

*Dorothy McIlroy*



RECEIVED  
OCT 30 2017  
City of Burlington  
Planning Department