



**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

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

RECOMMENDATIONS:		<i>Approval</i>	Ward No.:	2
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	<i>The Molinaro Group</i> <i>The Molinaro Group</i> <i>505-02/17 & 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>		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	<i>Southwest corner of Brock Avenue and Ontario Street</i> <i>490 – 492 Brock Ave & 1298 Ontario Street</i> <i>0.22 hectares (0.55 acres)</i> <i>Residential / vacant</i>		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<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>		
Processing Details	NEIGHBOURHOOD MEETING: STATUTORY PUBLIC MEETING PUBLIC COMMENTS:	<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:

North	High density residential uses that are comprised of 18-21 storey apartment buildings
East	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
South	High density residential uses comprised of a 14 storey apartment building. Further south are additional high density residential uses
West	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 22nd 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 m² per unit from 20 m² 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) 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.

Matter of Provincial Interest	Staff Analysis
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 ²)*	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 m² 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 (22nd 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 (22nd floor) connecting with the adjacent indoor amenity area. The total amenity space proposed is 2608 m² which is the equivalent of 16 m² per unit which is less than the 20 m² 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.

Zone Regulation	DRH Zone Requirements	Proposed DRH-476	Comment
Minimum Lot Width	30m	45.7m	No changes required
Minimum Lot Area	0.1 ha	0.2 ha	No changes required
Front Yard	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
Street Side Yard	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.
Rear Yard	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.
Side Yard	6 m	15 m	No changes required.
Density	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.
Building Height	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.
Amenity Area	20 m ² per unit	16 m ²	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
Parking	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).
Bicycle Parking	none	90	No changes required
Below Grade Parking Structure Setbacks	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 m² 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 m² -1600 m² than the proposed 750 m² 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 m² 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.

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.

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) 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 m² 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 22nd storey includes 517 m² indoor and outdoor amenity space, 139 m² 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.

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.

Respectfully submitted,

Lola Emberson, MCIP, RPP

Senior Planner – Development Review

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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
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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.