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| e) Yard Abutting Brant Street | | |
| Storeys 1 to 3 | | 3 m |
| Storey 4 | | 7 m |
| Storey 5-17 | | 10 m |
| Storey 18 | | 13 m |
| f) Yard Abutting James Street | | |
| Storeys 1 to 3 | | 3 m |
| Storeys 4 to 17 | | 6 m |
| Storey 18 | | 9 m |
| g) Yard Abutting John Street | | |
| Storeys 1 to 3 | | 1.8m |
| Storeys 4 to 17 | | 4.8m |
| Storey 18 | | 7.8m |
| h) Side Yard (South) | | |
| Storeys 1 to 3 | | 0 m |
| Storeys 4-17 | | 3 m |
| Storey 18 | | 6 m |
| i) Balconies | | |
| Floors 2 to 3 | | Balconies cannot encroach into a required yard |
| Floors 4 to 17 | | Balconies can encroach a maximum of 2m |
| j) Parking Structure | | |
| Abutting a street | | 0.5 m |
| Abutting all other lot lines | | 1.2 m |
| Entrance and exit ramps to below grade parking structure setback | | 6 m |
| k) Building Height | | 18 storey maximum taken from fixed grade at Brant Street up to 65m including mechanical penthouse |
| Floor 1 | | 4.7m |
| Floor 2 | | 3.8m |
| l) Maximum Floor Area | | 760m ² |
| Storeys at or above the 7 th storey | | |
| m) Glazing Percentage on the First Storey Elevation Facing a Street (John Street) | | 25% |
| n) Visibility Triangle | | |
| Brant Street x James Street | | 16m x 16m |
| James Street x John Street | | 5 m x 5 m |
| o) Amenity area per unit | | 18m ² |

In addition to 2.12.1, no portion of the principal building shall be allowed to encroach into a visibility triangle at grade.

2. Community Benefits

The Developer of these Lands agrees to:

- a) provide a discount of \$250,000 to be used against the purchase price of up to 6 dwelling units within the subject development by the Region of Halton, or in the event that a purchase(s) is/are not to occur within the subject development, to provide the City with a cash contribution of \$250,000 to be held in trust for affordable housing in the Urban Growth Centre; and
- b) provide a \$100,000 contribution towards the future expansion and improvement of Civic Square; and
- c) provide a \$50,000 contribution towards the future improvement of the downtown transit terminal; and
- d) provide a \$25,000 contribution towards a new Downtown Burlington Farmers Market; and
- e) provide a \$25,000 contribution towards improvements to walking, cycling, and/or active transportation connections in the vicinity of the Elgin Street Promenade, Brant Street, and John Street; and
- f) provide increased building setbacks as reflected in the amending zoning by-law, to allow for widened sidewalks on Brant Street, James Street, and John Street, and view corridors on Brant Street and James Street to City Hall and the Civic Square; and
- g) provide public access by way of an easement to be registered on title for lands located at the northwest corner of Brant Street and James Street, the minimum dimensions of which are in the form of a triangle measured at 16m by 16m (128m²); and
- h) implement the new City of Burlington Streetscape Guidelines Standards within the Brant Street, James Street, and John Street public realm areas, including within the expanded setback areas at-grade and the publicly accessible open space easement area outlined above; and
- i) retain, preserve, rehabilitate, and/or restore the heritage attributes of the built heritage resource currently located at 401 Brant Street and incorporate into the new development; and
- j) Retain, preserve, rehabilitate, and/or restore the heritage attributes of the built heritage resource currently located at 444 John Street and incorporate into the new development.

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

3. PART 11 of Zoning By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

65. H-DC-489 Map 9A Resolution: PB-67-18

The Holding Symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed:

- The submission of a Letter of Reliance for the Phase 1 and Phase 2 ESA, and a Record of Site Condition or a MOECC approved Risk Assessment, to demonstrate that the lands are suitable for the intended use, to the satisfaction of Halton Region and the Director of Capital Works;
- A geotechnical report and Functional Servicing study has been submitted to the satisfaction of the Director of Capital Works; and

- The owner enters into a Residential Development Agreement, to the satisfaction of the Director of City Building.

- 5 a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c. P13, as amended, this By-law shall be deemed to have come into force on the day it was passed;
- 5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal this By-law shall be deemed to have come into force on the day it was passed.

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

_____MAYOR

_____CITY CLERK

Schedule 'A' to By-law 2020.XXX

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

By-law 2020.XXX rezones lands 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, to permit a mixed use development consisting of an 18 storey building, with ground floor retail / commercial uses, 2nd floor retail, commercial or office uses and residential apartment units above.

For further information regarding By-law 2020.XXX, please contact Lisa Stern of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7824.

