



SUBJECT: Statutory public meeting for official plan amendment & zoning by-law amendment applications for 535-551 Brant Street

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-36-21

Wards Affected: 2

File Numbers: 505-04/21 & 520-05/21

Date to Committee: September 7, 2021

Date to Council: September 9, 2021

Recommendation:

Direct staff to continue to proceed with the processing of the submitted official plan and zoning by-law amendments for 535-551 Brant Street, including evaluating and incorporating any/all comments received by Committee and Public at the statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

PURPOSE:

The purpose of this report is to provide background information to Committee and Public related to an application for Official Plan Amendment and Zoning By-law Amendment for lands municipally known as 535-551 Brant Street and seek direction from Council to continue to process the application. Pending the receipt of all public and agency comments and the conclusion of a technical review of the application, staff will work towards bringing forward a subsequent recommendation report to Council for consideration.

Vision to Focus Alignment:

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increasing Economic Prosperity and Community Responsive Growth Management

- Improve Integrated City Mobility
- Support Sustainable Infrastructure and a Resilient Environment
- Building more Citizen Engagement, Community Health and Culture

Executive Summary:

RECOMMENDATION:		Proceed with Processing Application	Ward:	2
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATIONS: PROPOSED USE:	Renimob Properties Limited (% David Falletta, Bousfields Inc. & Mark Bales, Carriage Gate Homes) Renimob Properties Limited 505-04/21 & 520-05/21 Official Plan Amendment & Zoning By-law Amendment Mixed-Use Development (including, residential and ground floor commercial uses)		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USES:	East side of Brant Street and north of Caroline Street 535-551 Brant Street 0.28 hectares (0.69 acres) Existing one and two-storey multi-tenant commercial buildings (to be demolished as a component of the overall redevelopment concept)		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing:	‘Mixed Use Centre’ (Official Plan (1997)) ‘Urban Centres’ (New Official Plan) ‘Mixed Use Centre – Special Policy’ Downtown Core (‘DC’) Zone		

	ZONING Proposed:	Downtown Core Exception ('DC-XX') Zone
Processing Details	PRE-APPLICATION COMMUNITY CONSULTATION MEETING:	October 26, 2020
	APPLICATION RECEIVED:	May 21, 2021
	STATUTORY DEADLINE: (Section 22(7) & Section 34(11) of Planning Act)	September 18, 2021 (120 days)
	PUBLIC COMMENTS	A total of 13 resident/property owner comments received in response to public circulation of application

Background and Discussion:

General

Application for Official Plan Amendment and Zoning By-law Amendment (File Nos. 505-04/21 & 520-05-21) was received by the City of Burlington Community Planning Department on May 21, 2021. In accordance with the requirements of the *Planning Act* and the applicable policies of Part VI – Implementation of the City of Burlington Official Plan, the application was deemed complete on June 15, 2021 with the issuance of a Letter of Complete Application. A Notice of Complete Application was circulated on June 28, 2021 to all property owners/occupants within 120 metres of the subject property and to all boards and agencies requiring circulation pursuant to the Planning Act. A copy of the Notice of Complete Application was provided to the applicant/agent and uploaded to the City of Burlington website and a notification sign was posted on the property.

A Notice of Public Meeting was circulated on July 30, 2021 (updated August 9, 2021) to all property owners/occupants within 120 metres of the subject property as well as to those who expressed an interest to receive further notification. A copy of the Notice of Public Meeting was circulated to all boards and agencies requiring circulation pursuant to the *Planning Act* on July 30, 2021 (updated August 9, 2021). The Notice of Public

Meeting was also published in the August 5, 2021 edition of the Burlington Post and posted on the City's Development Projects Webpage at www.burlington.ca/535brant.

The City's Development Projects webpage (www.burlington.ca/535brant) was updated, accordingly, with the subsequent circulation of each public and agency notification. Several comments have been received to date in response to the circulation of the Notices of Complete Application and Public Meeting. These comments are summarized in a later section of this Report.

Site Description

The total landholding consists of multiple parcels (535-551 Brant Street) on the east side of Brant Street and north of Caroline Street with a total site area of approximately 0.28 hectares (0.69 acres) and 54.20 metres of frontage along Brant Street and John Street Extension (through lot). Demolition of the existing one and two storey multi-tenant commercial buildings is proposed as a component of the overall redevelopment concept. Access to these properties is currently provided via a rear entrance from John Street or a shared entrance with the lands to the north (i.e. commercial plaza).

Adjacent and surrounding land uses include low-rise commercial buildings and commercial conversions (along Brant Street). A multi-tenant commercial plaza is located directly to the north of the subject lands with surface parking lots located to the east (rear) of the property on the east side of the John Street Extension. Proposed and/or approved or under construction development in the area includes other mixed-use projects. The location of the subject lands and overall site context is illustrated on Figure 1: Site Location and Context (below) and Attachment No. 1 (Location Plan (Aerial)).



Figure 1: 2021 Air Photo (Site Location & Context)

Surrounding Land Uses

Surrounding and adjacent land uses are described below and the applicable zoning of these properties is illustrated on Attachment No. 2 (Existing Zoning):

- | | |
|-------|--|
| North | Multi-tenant commercial plaza (with frontage onto the east side of Brant Street), zoned, Downtown Core Exception ('DC-16') Zone (within ICBL Area); |
| South | Commercial land uses; including general office (i.e. financial institutions), service commercial (i.e. restaurants) and retail commercial; zoned, Downtown Core ('DC') Zone (within ICBL Area) on both sides (west and east) of Brant Street; |
| West | 1-2 storey commercial buildings and/or commercial conversions; residential land uses, zoned multiple Downtown Core Exception ('DC-XX') Zones (with frontage along Brant Street and located within ICBL Area) and an existing low density residential neighbourhood further to the west (west |

of Brant Street), zoned Downtown Residential Low Density ('DRL') Zone; and,

East Municipal Parking Lot (John Street Lots); Rambo Creek, including lands zoned Downtown Core ('DC') Zone (within ICBL Area).

Description of the Application

The proposal contemplates a mixed-use development consisting of a 25 storey tower (plus mechanical and rooftop amenity space) and a total of 248 residential units. An additional 1,068 m² of ground floor commercial uses are also proposed.

The overall height of the proposed tower is 85.75 metres (281.33 feet) as measured to the top of the mechanical level. The gross floor area of the proposed development is 21,003.90 m² (7.56 Floor Area Ratio (FAR)). A total of 253 parking spaces within four (4) levels of underground parking are proposed for the development with bicycle parking also to be situated on site. Attachment No. 3 (Concept Plan) includes a development concept with the location, heights and floorplate of the building. Conceptual building elevations illustrating the proposed exterior details (height/scale/massing) is included as Attachment No. 4 (Conceptual Building Elevations).

The application proposes Official Plan redesignation and implementing zoning by-law amendments to facilitate the development, as contemplated, which includes, but is not limited to, an increase in maximum permitted building height and residential density.

The City of Burlington Official Plan (1997), as amended, contemplates building heights of a minimum of 2 storeys and a maximum of 4 storeys within the 'Mixed Use Centre' (Downtown Core Precinct) designation with taller buildings (maximum height of 8 storeys and 29.0 metres) considered where meeting specific development criteria.

The City of Burlington New Official Plan (2020) contains development policies specific to areas located within the Mid Brant Precinct of the 'Urban Centre' (Downtown) designation as it relates to low-rise, mid-rise and tall buildings within the Precinct (subject to criteria, including proximity to Brant Street). The subject lands are shown on Schedule D-2 (Maximum Buildings Heights) of the New Official Plan as contemplated for mid-rise buildings with a maximum of 11 storeys, subject to criteria noted above.

The maximum permitted building height permitted within the existing zoning of the subject lands (Downtown Core ('DC') Zone) is four (4) storeys and 15 metres and a maximum Floor Area Ratio of 4.0:1.

An 'apartment building' is a permitted use in the Downtown Core ('DC') Zone.

Supporting Documents

The following technical reports/plans/studies have been submitted in support of the development application, and include:

- [Planning & Urban Design Rationale](#), as prepared by Bousfields Inc., November 2020;
- [Urban Design Brief](#), as prepared by Bousfields Inc., November 2020;
- [Economic Analysis](#), as prepared by Altus Group Economic Consulting, November 23, 2020;
- [Architectural Plans and Drawings](#), as prepared by Turner Fleisher Architects Inc., November 23, 2020 (Rev. No. 1);
- [3D Models](#);
- [Landscape Plans & Details](#), as prepared by Ferris + Associates Inc., November 23, 2020 (Rev. No. 1);
- [Sun/Shadow Analysis](#), as prepared by R. Bouwmeester & Associates, March 2, 2021;
- [Sun/Shadow Study](#), as prepared by R. Bouwmeester & Associates, March 2, 2021;
- [Pedestrian Wind Study](#), as prepared by SLR Consulting Canada Ltd., January 11, 2021;
- [Phase One Environmental Site Assessment](#), as prepared by Terraprobe Consulting, Geotechnical & Environmental Engineering, April 12, 2019 (November 12, 2020 – Rev. No. 1);
- [Phase Two Environmental Site Assessment](#), as prepared by Terraprobe Consulting, Geotechnical & Environmental Engineering, May 12, 2019 (November 12, 2020 – Rev. No. 1);
- [Remedial Action Plan](#), as prepared by Grounded Engineering Inc., February 26, 2021;
- [Functional Servicing & Stormwater Management Report](#), as prepared by S. Llewellyn & Associates Limited, March 2021;
- [Grading and Erosion Control Plan](#), as prepared by S. Llewellyn & Associates Limited, March 30, 2020 (March 29, 2021 – Rev. No. 2);
- [Hydrogeological Investigation](#), as prepared by Terraprobe Consulting, Geotechnical & Environmental Engineering, April 28, 2020;
- [Hydrogeological Review Report](#), as prepared by Grounded Engineering Inc., February 26, 2021;
- [Geotechnical Engineering Report](#), as prepared by Terraprobe Consulting Geotechnical & Environmental Engineering, April 22, 2019 (November 12, 2020 – Rev. No. 1);

- [Transportation Impact Study, Parking Study and TDM Options Report](#), as prepared by Paradigm Transportation Solutions Limited, November 2020;
- [Environmental Noise Assessment](#), as prepared by SLR Consulting Canada Ltd., March 2021;
- [Construction Vibration Assessment](#), as prepared by SLR Consulting Canada Ltd., November 23, 2020;
- [Boundary and Topographical Survey](#), as prepared by A.T. McLaren Limited, December 6, 2018;
- [Conceptual Construction Management Plan](#), as prepared by BA Consulting Group Ltd., November 9, 2020.

All of these supporting documents have been published on the City's Development Projects webpage related to this application at www.burlington.ca/535brant.

Policy Framework

The Official Plan Amendments and Zoning By-law Amendments, as contemplated by this application, are subject to review for conformity and consistency with the applicable land use framework as set out by Provincial, Regional and City policy documents and standards/guidelines.

A preliminary review of the application with respect to the Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020); Region of Halton Official Plan; City of Burlington Official Plan (1997), as amended; City of Burlington New Official Plan (2020); and, City of Burlington Zoning By-law 2020 is included in report sections below.

A detailed policy analysis will be provided in a future recommendation report to Council to demonstrate whether the proposal is in keeping with these policies.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. Section 3(5) of the *Planning Act* states that where a municipality is exercising its authority affecting a planning matter, such decisions "shall be consistent with" the policy statements issued under the *Act* and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them.

Provincial policy promotes development and land use patterns, including the development of compact communities within settlement areas, with an emphasis on the efficient use of existing infrastructure and public service facilities, while maintaining

appropriate levels of public health and safety and protection of the natural environment and significant built heritage resources.

Land use patterns in settlement areas are also to be based on densities and a mix of land uses which efficiently use land, resources, prepare for the impacts of a changing climate, and support active transportation and transit.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) came into effect in May 2019. Amendment No. 1 to the Growth Plan was subsequently approved and in effect on August 28, 2020. All planning applications are required to conform with the Growth Plan.

The Growth Plan provides a policy framework for implementing the provincial vision for building and establishing ‘complete communities’ that feature a diverse range of land uses and densities; a range of housing options; provide for a more compact built form and vibrant public realm; and, encourage the use of transit and active transportation options, while mitigating and adapting to climate change.

The Growth Plan framework directs long-term growth and development to Settlement Areas, with a focus on strategic growth areas, including Urban Growth Centres to promote the sustainability of development within the region.

Region of Halton Official Plan (‘ROP’)

The subject lands are designated ‘Urban Area’ to Map No. 1 (Regional Structure) of the Region of Halton Official Plan (ROP) and identified as an Intensification Area (‘Urban Growth Centre’ and in proximity to a ‘Major Transit Station Area’) as shown as an overlay to the current ROP.

The Region of Halton Official Plan states that the range of permitted uses within the ‘Urban Area’ shall be in accordance with local official plans and zoning by-laws.

All proposed development within Intensification Areas is subject to the policies of the Region of Halton Official Plan. Objectives of Intensification Areas include:

- to provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable;
- to provide opportunities for more cost-efficient and innovative urban design;

- to provide a range of employment opportunities, facilities and services in centralized locations that are readily accessible by public transit;
- to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods;
- to create a vibrant, diverse and pedestrian-oriented urban environment;
- to cumulatively attract a significant portion of population and employment growth;
- to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places;
- to support transit and active transportation for everyday activities;
- to generally achieve higher densities than the surrounding areas;
- to achieve an appropriate transition of built form to adjacent areas;
- For Major Transit Station Areas and Intensification Corridors:
 - To achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service.
 - To achieve a mix of residential, office, institutional, commercial development, where appropriate.
 - For Major Transit Station Areas, to provide access from various transportation modes to the transit facility, including consideration of, but not limited to, pedestrians, bicycle routes and bicycle parking, commuter pick-up/drop-off areas, carpool parking, car share vehicles, and parking/recharging stations for electric vehicles.
 - For Intensification Corridors, to accommodate local services, including recreational, cultural and entertainment uses.

The Region of Halton has been circulated the application and will review the proposed development in the context of applicable Regional policy.

Recent policy changes as they relate to the adjustment of the 'Downtown Burlington Urban Growth Centre' boundary and removal of the 'Downtown Major Transit Station Area' designation are to be implemented as part of the Region of Halton's Municipal Comprehensive Review of the Regional Official Plan (ROPA No. 48) (and correspondingly, the City of Burlington Official Plan), pending approval by the Province.

The resultant re-delineation of the 'Downtown Burlington Urban Growth Centre' has been supported by the Province as a means of encouraging residential development

closer to existing transit infrastructure (i.e. Burlington GO Station) and in preserving the character of the City's downtown area.

Regional Council adopted ROPA 48 on July 7, 2021, and at the time of writing this report, ROPA 48 approval by the Province had not yet occurred, but is considered to be imminent.

City of Burlington Official Plan (1997), as amended

The subject lands are designated 'Mixed Use Centre' (Urban Growth Centre Boundary) to Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997), as amended. Schedule 'E' (Downtown Mixed Use Centre) further identifies the lands as 'Downtown Core Precinct'.

Section 5.4.1 of the City of Burlington Official Plan (1997), as amended, states that among the objectives of the 'Mixed Use Centre' designation is to provide locations centred at the intersection of selected major arterial roads, inter-municipal transit stations and the Downtown that will serve as areas for mixed use developments consisting of medium and high density residential, retail, service commercial, office, industrial, entertainment, community facilities and institutions and open space uses.

Policy objectives of the 'Mixed Use Centre' designation also include to permit mixed use developments on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another.

Section 5.4.2(a) (Permitted Uses) states that the following uses may be permitted in Mixed Use Centres:

- (i) a wide range of retail, service commercial and personal service uses; financial institutions and services; a broad range of office uses; employment, entertainment, recreation and other community facilities such as day care centres; and,
- (ii) medium and high density residential uses, and to a limited extent, low density residential uses.

The policies of the 'Mixed Use Centre' designation also contemplate a range of development intensities and a range of building heights.

The subject lands are located within the Downtown Core Precinct. Planning precincts were established within the Downtown, each with their own distinct character and specific planning policies. The following are some which may apply to the subject lands:

Section 5.5.8.1 (Objectives) of the Downtown Core Precinct includes to designate the inner core area of the Downtown for higher density development consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre, to meet the Provincial growth objectives and to help support increased transit use.

Section 5.5.8.2(a) (Permitted Uses) within the Downtown Core Precinct may include the following:

- (i) commercial activities including local service and retail uses to office and administration uses;
- (ii) high-density residential apartment uses, including the residential use of upper storeys of commercial buildings;
- (iii) cultural uses of all types;
- (iv) recreation and hospitality uses;
- (v) entertainment uses;
- (vi) community facilities.

Section 5.5.8.2(b) of the Downtown Core Precinct policies states that the minimum density of residential buildings shall be 51 units per net hectare. The minimum height of buildings shall be two storeys. The maximum height of buildings shall be four storeys. Taller buildings up to a maximum height of eight storeys and 29 metres may be permitted where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor, and subject to the community benefits provisions of the Plan.

Section 5.5.8.2(c) of the Downtown Core Precinct policies states that the maximum floor area ratio for any individual site shall be 4.0:1, except that higher floor area ratios may be permitted in conjunction with the policies noted above.

City of Burlington New Official Plan (2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan. The appeal record submitted to the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal (LPAT)) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period.

Although the City is preparing a working version of the new Official Plan, it is the OLT that will issue Orders throughout the appeal process to establish and confirm which portions of the Plan remain subject to appeal, and which portions are in effect. The City anticipates that these Orders will be issued by the OLT following the case management

conferences in this matter. At the appropriate time, City staff will also bring forward a repeal by-law(s) for the former Burlington Official Plan (1997, as amended).

As the OLT process advances, the working version of the Burlington Official Plan, 2020 is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan, 2020 and the Burlington Official Plan, 1997:

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>.

Section 22(2.1) of the *Planning Act* states that no person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. Exceptions include where a council has declared by resolution that such a request is permitted (including a specific request, a class of requests or in respect of such requests generally).

The subject lands are designated 'Urban Centres' to Schedule 'C' (Land Use – Urban Area) of the City of Burlington New Official Plan. The subject lands are further identified as located within the Mid Brant Precinct within the Downtown Urban Centre on Schedule 'D' (Land Use – Downtown Urban Centre) of the City of Burlington New Official Plan. Schedule 'B-1' (Growth Framework) identifies the property as a 'Primary Growth Area'.

Section 8.1.1 of the City of Burlington New Official Plan states that 'Urban Centres' are intended to provide locations in the city that will serve as areas for higher intensity mixed use development, consisting of residential, retail, service commercial, office, employment, hotel, entertainment, public service facilities and institutional uses, and open spaces. Higher intensity, transit-supportive and pedestrian-oriented development is to be encouraged within Urban Centres while ensuring that compatibility with the surrounding area is achieved.

Section 8.1.1(3.7.1)(a) of the City of Burlington New Official Plan states that the following uses may be permitted within the Mid Brant Precinct of the 'Urban Centre' (Downtown) designation:

- (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone, ground-oriented dwellings;
- (ii) office uses;
- (iii) retail and service commercial uses at grade;

- (iv) hotel uses;
- (v) entertainment uses;
- (vi) recreation uses.

Section 8.1.1(3.7.1)(e) of the City of Burlington New Official Plan provides criteria related to proposed development within the Mid Brant Precinct. Accordingly, development shall:

- (i) be in the form of low-rise buildings with a height not to exceed three (3) storeys within 20 metres of Brant Street;
- (ii) be in the form of low-rise buildings or mid-rise buildings with a height not to exceed eleven (11) storeys adjacent to existing John Street and beyond 20 metres of Brant Street;
- (iii) be in the form of tall buildings with a height not to exceed seventeen (17) storeys in other parts of the Precinct as shown on Schedule D-2 (Downtown Urban Centre Maximum Building Heights) of the Plan;
- (iv) create an appropriate height transition to the neighbourhoods to the east and the open space block along Rambo Creek through the use of a 45 degree angular plane measured from the rear or side property line of the residential properties on the east side of Rambo Creek and through the intervening low-rise buildings or other built form transition to create a pedestrian scale adjacent to the open space block as determined through a comprehensive block plan.

The New Official Plan (2020) contains specific policies related to the preparation of block plans as part of the development approvals process to further articulate the comprehensive planning vision for individual Precincts. Block Plans will be considered by Council as part of the review and approval of development applications.

Development proposals located within the Mid Brant Precinct (and on lands situated between Caroline Street and Victoria Avenue) are subject to the preparation of comprehensive block plans to ensure the coordinated planning and development of the Precinct, and to demonstrate the manner in which transportation connections (to Victoria Avenue); creek blocks and walking trails (i.e. Rambo Creek); pedestrian connections; appropriate transitions in density (i.e. setbacks and buffers and built form); and, the maintenance of the existing retail and commercial function of the area as a 'major retail centre', are incorporated into the future development of these lands.

The block planning of the Mid Brant Precinct is also to require the incorporation of a new public urban park in accordance with the applicable policies of the City of Burlington New Official Plan (2020).

According to the New Official Plan, a comprehensive block plan shall be required prior to any development being approved within the Mid Brant Precinct between Caroline Street and Victoria Avenue. The submission of a block plan as it relates to these lands is required and will be included as part of the Community Planning Department review of this application.

City of Burlington Zoning By-law 2020

The subject lands are zoned Downtown Core ('DC') Zone and located within an Interim Control By-law (ICBL) Area to Map No. 9-A of the City of Burlington Zoning By-law 2020. The draft amending zoning by-law contemplates a site-specific Downtown Core Exception ('DC-XX') Zone, with amendments that include, but may not be limited to, increase to maximum permitted building height and density (i.e. FAR); required yards (i.e. maximum/minimum front yard abutting Brant Street); and, required parking.

A comparison between the current and proposed zoning performance standards (and the applicable site-specific regulations) is illustrated on Table 1, below.

Table 1: Zone Requirements (Current & Proposed)

Zone Regulation	Zone Requirement	
	'DC' Zone (Current) Section 4.1 (Table 6.4.1)	'DC-XX' Zone (Proposed)
Lot Width	7.5 metres	N/A
Lot Area	No Minimum	N/A
Front Yard	Floors 1 to 4: Minimum: NIL Maximum for first floor only: 1.0 metre	Minimum: (Front Yard abutting Brant Street) 12.0 metres – for every portion of a building above the first 3 floors Maximum: (Front Yard abutting Brant Street) 6.0 metres – for first 3 floors only
Rear Yard	NIL	N/A

	(for lots abutting Brant Street and John Street)	
Side Yard	NIL (for lots abutting Brant Street and John Street)	N/A
Building Height	Minimum: 2 storeys Maximum: 4 storeys and 15.0 metres The floor area of the second, third and fourth storeys of a building containing more than one storey must be at least 50% of the floor area of the first storey.	Maximum: 25 storeys and 85.75 metres
Floor Area Ratio	Maximum: 4.0:1	Maximum: 7.56:1
Parking	1.25 spaces per unit (inclusive of visitor parking)	Minimum: 1.02 spaces per unit (inclusive of visitor parking) Minimum: 8 accessible parking spaces

Interim Control By-law

On March 5, 2019, City Council enacted Interim Control By-law (ICBL) No. 10-2019 to temporarily limit development within the City's Downtown 'Urban Growth Centre' and the lands in proximity to the Burlington GO Station for a period of one year in order to complete a Land Use Study assessing the role and function of the downtown bus terminal and Burlington GO Station as 'Major Transit Station Areas (MTSAs)'.

The recommendations from the Study, including Official Plan Amendment (OPA) 119 and Zoning By-law Amendment (By-law No. 2020.418) were approved by City Council on January 30, 2020. However, the City has received appeals for both OPA 119 and By-law No. 2020.418. As a result, the ICBL will remain in effect until the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal) has issued a final decision on each appeal.

While the City awaits the OLT process to conclude, new development planning applications, including the subject application, are being circulated for comment to relevant departments and agencies and statutory Public Meetings are being held to receive public input. No detailed planning analysis is being undertaken and recommendation reports are not being prepared until the OLT has issued decisions on the aforementioned appeals. Following the statutory Public Meeting, the application will be held in abeyance until the ICBL is no longer in effect.

City-Wide Parking Standards

On May 21, 2021, the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal) issued a decision on Case No. PL190525 regarding an appeal of City of Burlington By-law No. 2020.414 (amends Zoning By-law 2020) with respect to proposed City-wide amendments to minimum parking rates for residential land uses.

The resultant decision of the Tribunal had the effect of implementing new residential parking standards on a City-wide basis through an amending zoning by-law.

The subject application will be reviewed pursuant to the updated parking standards, as approved by OLT, which requires a minimum of 1.25 parking spaces per unit (inclusive of visitor parking) for an 'apartment building' within a Primary Growth Area (Schedule 'B-1') of the City of Burlington New Official Plan (2020)).

Applications proposing to amend the established (new) residential parking standards of Zoning By-law 2020, as amended, to reduce the parking rate below a rate of 1.25 spaces per unit (inclusive of visitor parking) for an 'apartment building' within a Primary Growth Area, will need to be accompanied with a Parking Justification Study, as deemed acceptable by the City.

The application includes a request to reduce minimum required parking from 1.25 parking spaces per unit (inclusive of visitor parking) to 1.02 parking spaces per unit (inclusive of visitor parking). A Transportation Impact Study, Parking Study and TDM Options Report were submitted with the application and are in review by the City's Transportation Department.

Technical Comments

The circulation of the application for comment occurred on June 28, 2021 with the distribution of a Request for Comments Memo to Internal Departments and External Agencies. The purpose of this circulation is to obtain technical comments with respect to various aspects of the proposed development that would assist in the review and

determination of the need for additional information or for clarification of a concern. Technical comments also provide an opportunity for the applicant to provide further detail to a development proposal and/or to adjust a development concept to respond to a particular item.

Conseil Scolaire Viamonde, Halton Regional Police Service, Trans-Northern Pipelines Inc., and Ontario Parks has expressed no comment/concern with the proposed development.

There remain several outstanding agency and department comments at the time of writing of this report, which will be required prior to the preparation of a recommendation report by Community Planning staff. The following is a summary of comments received to date:

City of Burlington Finance Department – Property taxes must be paid, including all installments levied

Conservation Halton – based on information that is currently available, no concerns with the proposed Official Plan and Zoning By-law Amendments.

Floodlines as established from a Phase 1 Flood Hazard Assessment are not considered finalized. Flood hazard limits will be confirmed through the Phase 2 Study process that is currently being completed by the City. However, given the current ground characteristics and the location of the floodline (as identified in the Phase 1 Study) relative to the subject site, the property appears to be outside of the hazard and associated allowances, therefore additional modeling and mapping will not be requested to confirm the flood hazard limits at this time.

It is Conservation Halton's understanding that flood risk in this area may change as additional analyses are currently underway and may lead to modifications of the initial Study findings. The applicant should contact Conservation Halton when further information is available through the Phase 2 Study to confirm flood risk and any requirements for the site.

Halton District School Board - no objection to the proposed application, as submitted. HDSB has requested future circulation of notification of adoption/passing of the proposed amendment(s) and future applications (i.e. Site Plan Control Approval). HDSB provided standard conditions of approval of development to be incorporated into future agreements (i.e. clauses of purchase and sale, submission of a phasing plan, posting of signage advising prospective purchasers that pupils may be directed to schools outside of the area, copy of approved sidewalk plan, and the payment of

applicable Educational Development Charges pursuant to the Education Development Charge By-law).

Halton Catholic District School Board – no objection to the application as submitted. HCDSB has requested that conditions of approval be incorporated as part of any subsequent agreement(s) related to the proposed development (i.e. Subdivision, Condominium and/or Site Plan), including those related to clauses of purchase and sale, posting of signage notifying of alternate accommodate and/or bussing (in the event a permanent school is not available), submission of phasing plan (if applicable) and sidewalk plan, and, the submission of a lot/block plan as determined by a draft M-Plan. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law.

Rogers Communications Canada Inc. – no objection to the proposed application, as submitted subject to approval of conditions (if applicable) related to registration of Plan of Condominium and/or approval of conditions of draft approval.

Canada Post - compliance to several conditions related to the installation of a centralized mailing facility in each building (to provide mail service to residents) as well as access to these facilities by Canada Post are required. Canada Post has also stipulated that street level residences and businesses will receive mail delivery at centralized locations (not direct to door) as per the National Delivery Policy. New Postal Codes will be required for the proposed development, as is the responsibility of the Developer.

Enbridge Pipelines – it is likely that a gas main extension will be required as the existing gas main on Brant Street end at 531 Brant Street and the existing gas main inside the plaza will not be enough to support the development.

Financial Matters:

In accordance with the City of Burlington Development Application Fee Schedule (2021), all fees determined have been received.

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse

gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

A discussion of the climate implications of the proposed development will be provided in greater detail as part of a future recommendation report to Council.

Engagement Matters:

A Pre-Consultation Meeting was held on November 18, 2020. In addition to the proponents, meeting attendees included staff of the City of Burlington and Region of Halton.

The purpose of the Pre-Consultation Meeting was to provide the proponent with initial comments related to the development concept and to advise on the technical and supporting submission requirements needed at the time of a complete application (i.e. plans/studies/reports).

A Burlington Urban Design (BUD) Advisory Panel Meeting was held on June 23, 2021 to review the design aspects of the proposed development, with particular focus on the built form (i.e. massing) of the existing/planned context, public realm (connectivity to any future publicly accessible open space; 'edge' condition at north extent of site); and site access (i.e. Brant Street vs. John Street Extension).

The applicant hosted a Virtual Pre-Application Community Consultation Meeting on October 26, 2020 (7:00 PM to 9:00 PM). A Notice of the Pre-Application Community Consultation Meeting was circulated to residents and landowners within 120 metres of the subject property in accordance with City Guidelines, and posted on the City's website.

A Current Development Projects webpage (www.burlington.ca/535brant) was created to update the public on the proposal and the subject applications, including date(s) of public meetings, links to submitted technical reports, studies and plans, and recent staff reports and correspondence. Contact information for the applicant's representative and Community Planning Department staff are also available.

There is a 'subscribe' button included on the webpage which provides an option to receive automatic email notifications any time there is an update on the proposal,

including revised technical reports, studies, plans; tracking the status of the applications; and, the scheduling of future Committee and Council Meetings.

The purpose of the meeting was to provide the proponent an opportunity to present details about the proposed development and to gather feedback from the community at an early stage in the process. Community Planning Department staff prepared a presentation outlining the development planning review process and next steps upon receipt of development application(s).

The Meeting was attended by 94 participants from within the neighbouring community as well as the applicants, representatives of the applicant's consultant team and City Community Planning Department staff. The Mayor and Ward 2 Councillor were also in attendance.

Several questions with respect to the proposed development were directed to the applicant for a response. In general, the primary comments raised at the meeting centred on the following theme areas:

1. Proposed building height and conformity with City of Burlington New Official Plan
2. Impacts on downtown businesses (existing businesses on site as well as in area)
3. Traffic and transportation issues (i.e. on-street and off-street parking)
4. Changes in overall 'neighbourhood character' (i.e. compatibility of use and built form)

A section of the applicant's Planning and Urban Design Rationale Report has been dedicated to summarizing the comments received at the Virtual Pre-Application Community Consultation Meeting in October 2020.

Public Comments

Public comments have been received in response to the circulation of the application; including, Notices of Complete Application and Public Meeting (including sign and newspaper notification) and from information provided on the City's Development Projects webpage. Approximately 122 area residents/businesses were circulated for input.

A summary of the general theme areas of comments is provided below. A total of 13 resident/property owner (including business owner) comments have been received in response to the public circulation as of the writing of this report; copies of which are included as Appendix 'B'.

- Compatibility of proposed building height with other existing development in the immediate area (including low-density residential); proposed building heights excessive and location for tall buildings is not appropriate (scale and design contributes to micro-climate effects, including shadow and wind; privacy issues with tall buildings located adjacent to low-rise residences; impacts on existing view corridors);
 - Proposed building height and density is excessive for the site and not contemplated by the current policy framework and may set a precedent for future development in the area (particularly with the relocation of MTSA and Urban Growth Centre designations);
 - Cumulative impacts of developments within the downtown;
- Loss of existing low(er) density residential and neighbourhood 'character', including introducing a scale of development (i.e. massing, height, density) that was not initially planned for the area; loss of unique downtown identity (i.e. walkable core; close proximity to shops, restaurants, lakefront);
- Impacts of traffic (i.e. volume, safety) and access, and the anticipation of capacity issues resulting from additional traffic to the site and within the surrounding neighbourhood and downtown and the ability for existing road infrastructure to accommodate the increase in traffic volumes anticipated;
- Inadequate supply of off-street parking proposed (i.e. 1.02 parking spaces per unit (inclusive of visitor parking)) due to downtown events; lack of overnight parking in existing lots;
- Development pressures presented by the size and scale of the proposal may contribute to negative effects to the provision of important community services and the maintenance of key infrastructure (i.e. water, wastewater, stormwater), including roads, schools, transit, hydro; and, recreational facilities;
- Loss of greenspace (due to minimal building setbacks); impacts on future proposed park in area; development of subject property as a small green space for downtown visitors/residents;
- Concern about potential decreases in property values (due to increases in residential density, traffic and congestion);
- Identification of the need for more housing affordability; including residential unit sizes that can accommodate a variety of demographics and household size and concern for increases to costs of living; and,
- Potential impact on existing small businesses community (i.e. lack of parking downtown and increase in demand on existing on-street parking/access/vehicular laneways); and the removal of downtown businesses as a result of the proposed development.

Conclusion:

This report provides an overview of the previous and recent public consultation and engagement that has occurred in advance of and throughout the circulation of this development planning application.

A preliminary assessment of the application in the context of the general Provincial, Regional and City land use policies has accompanied a summary of the proposal details, which have identified various outstanding technical aspects of the proposed development that are currently under review. The report has also reflected the Public, Agency Partner and City comments received to date.

These items, in addition to comments/concerns raised at the statutory Public Meeting today, as well as a detailed planning analysis, will be incorporated into a future recommendation report for consideration by Council.

Respectfully submitted,

Gordon Dickson, MCIP, RPP
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Appendices:

Appendix 'A' – Report Attachments & Schedules

Attachment No. 1 – Location Plan (Aerial)
Attachment No. 2 – Existing Zoning
Attachment No. 3 – Concept Plan
Attachment No. 4 – Conceptual Building Elevations

Appendix 'B' – Public Comments

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.