



**SUBJECT: Statutory Public Meeting for Official Plan and Zoning By-law amendments application for 774, 778, 780, 782 Brant Street (Parcel A); 769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747, 761 Brant Street (Parcel C)**

**TO: Community Planning, Regulation & Mobility Cttee.-PM**

**FROM: Community Planning Department**

Report Number: PL-42-21

Wards Affected: 2

File Numbers: 505-06/21 & 520-07/21

Date to Committee: October 12, 2021

Date to Council: October 19, 2021

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**Recommendation:**

Direct staff to continue to proceed with the processing of application for Official Plan and Zoning By-law Amendments for 774, 778, 780, 782 Brant Street (Parcel A); 769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747, 761 Brant Street (Parcel C), 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 application for Official Plan and Zoning By-law Amendments for lands municipally known as 774, 778, 780, 782 Brant Street (Parcel A); 769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747, 761 Brant Street (Parcel C) 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:**

<b>RECOMMENDATION:</b>		Proceed with Processing Application	<b>Ward:</b>	2
<b>Application Details</b>	<p><b>APPLICANT:</b></p> <p><b>OWNER:</b></p> <p><b>FILE NUMBERS:</b></p> <p><b>TYPE OF APPLICATIONS:</b></p> <p><b>PROPOSED USE:</b></p>	<p>Molinaro Group (% Ed Fothergill, Fothergill Planning &amp; Development Inc.)</p> <p>Brant Street Venture Inc.</p> <p>505-06/21 &amp; 520-07/21</p> <p>Official Plan Amendment &amp; Zoning By-law Amendment</p> <p>Mixed-Use Development (including, residential and ground floor commercial uses)</p>		
<b>Property Details</b>	<p><b>PROPERTY LOCATION:</b></p> <p><b>MUNICIPAL ADDRESSES:</b></p>	<p>Northwest (Parcel A); Northeast (Parcel B); and, Southeast (Parcel C) corners of the intersection of Brant Street and Ghent Avenue.</p> <p>774, 778, 780 &amp; 782 Brant Street (Parcel A); 769, 779, 783 Brant Street &amp; 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747, 761 Brant Street (Parcel C).</p>		

	<b>PROPERTY AREA:</b>	0.67 hectares (1.66 acres)(Parcel A) 0.66 hectares (1.63 acres)(Parcel B) 0.38 hectares (0.94 acres)(Parcel C)
	<b>EXISTING USES:</b>	Vacant lot (Parcel A); existing surface parking lot and two (2) single detached dwellings (north of Ghent Avenue; east side of Brant Street) and two (2) single detached dwellings (north side of Ghent Avenue; east of Brant Street) and two-unit residential building (2031-2033 Ghent Avenue)(Parcel B); and, two-storey office building and 14 unit apartment building (Parcel C).
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>	'Mixed Use Corridor - General' & 'Residential – Medium Density' (Official Plan (1997))
	<b>OFFICIAL PLAN Proposed:</b>	'Downtown Urban Centre' (Upper Brant Precinct) & 'Residential – Medium Density' (New Official Plan (2020))
	<b>ZONING Existing:</b>	'Mixed Use Intensification Area – Urban Centre' Mixed Use Corridor – General Holding ('H-MXG') Zone; Mixed Use Corridor – General ('MXG') Zone'; Mixed Use Corridor – General Exception ('MXG-8') Zone; Medium Density Residential Holding ('H-RM1') Zone
	<b>ZONING Proposed:</b>	Mixed Use Corridor – General Exception ('MXG-XX') Zone
<b>Processing Details</b>	<b>PRE-APPLICATION COMMUNITY CONSULTATION MEETING</b>	October 14, 2020
	<b>APPLICATION RECEIVED:</b>	July 8, 2021

	<p><b>STATUTORY DEADLINE:</b> (Section 22(7) &amp; Section 34(11) of Planning Act)</p>	<p>November 5, 2021 (120 days)</p>
	<p><b>PUBLIC COMMENTS</b></p>	<p>A total of 13 resident/property owner comments received in response to public circulation of application</p>

## Background and Discussion:

### General

Application for Official Plan Amendment and Zoning By-law Amendment (File Nos. 505-06/21 & 520-07-21) was received by the City of Burlington Community Planning Department on July 8, 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 August 5, 2021 with the issuance of a Letter of Complete Application. A Notice of Complete Application was circulated on August 18, 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 notification signs were posted on the property.

A Notice of Public Meeting was circulated on September 21, 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 September 21, 2021. The Notice of Public Meeting was also published in the September 16, 2021 edition of the Burlington Post and posted on the City’s Development Projects Webpage at [www.burlington.ca/brantandghent](http://www.burlington.ca/brantandghent).

The City’s Development Projects webpage ([www.burlington.ca/brantandghent](http://www.burlington.ca/brantandghent)) 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 later sections of this Report.

### **Site Description**

The total landholding consists of multiple parcels (an assembly of 13 properties) with a total lot area of 1.71 hectares (4.23 acres) with lot frontages along Brant Street and Ghent Avenue. Existing land uses on the properties include a vacant lot (Parcel A); existing surface parking lot and two (2) single detached dwellings (located north of Ghent Avenue on the east side of Brant Street) and two (2) single detached dwellings (located on the north side of Ghent Avenue, east of Brant Street). 2031-2033 Ghent Avenue includes a two-unit residential building (Parcel B); and, Parcel C is comprised of a two-storey office building and 14 unit apartment building.

Demolition of existing buildings is contemplated as a component of the overall redevelopment concept.

Adjacent and surrounding land uses include low and mid-rise residential land uses to the east (along Ghent Avenue); mid-rise and tall residential buildings located along Ghent Avenue (west of Brant Street) and commercial and employment-related land uses located further to the west (north side of Ghent Avenue); existing residential (and residential conversions); retail and commercial land uses located along Brant Street (north of Ghent Avenue); and, commercial (office) and retail land uses located along Brant Street (south of Ghent Avenue). Existing residential land uses also include low density residential (detached dwellings) and 'walk-up apartments' located further to the south. 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 Commercial/retail plaza; existing residential (and residential conversions) including lands zoned Mixed Use Corridor – General Exception ('MXG-148') Zone and Mixed Use Corridor – General ('MXG') Zone;
- South Mixed-use development; low-density residential; and, commercial/retail land uses on lands zoned Mixed Use Corridor – General Exception ('MXG-23') Zone; Mixed Use Corridor – General Exception ('MXG-180') Zone; and, Mixed Use Corridor – General ('MXG') Zone;
- West Townhouse development and apartment buildings; low density residential land uses on lands zoned Medium Density Residential ('RM2') Zone and High Density Residential ('RH5') Zone; and,
- East Townhouse development and low density residential land uses on lands zoned Medium Density Residential Exception ('RM4-124') Zone and Medium Density Residential ('RM1') Zone.

The subject lands are located within an Interim Control By-law (ICBL) Area.

### **Description of the Application**

The proposal contemplates a multi-phase, mixed use development comprised of a 25-storey and a 14-storey tower (with ground floor commercial area) and 425 residential units (Parcel A); a 25-storey tower (with ground floor commercial area) and 328 residential units (Parcel B); and, 8-storey mid-rise building with 128 residential units (Parcel C). Design elements also include a 3-storey podium along the building frontages. Proposed parking (including bicycle parking) for the redevelopment includes underground structured and limited surface parking spaces. The proposed development comprises the northwest (Parcel A), northeast (Parcel B) and southeast (Parcel C) corners of Brant Street and Ghent Avenue.

Attachment No. 3 (Concept Plan & Site Plan) includes a development concept with the location, heights and footprint of the building. Conceptual building elevations and exterior details (height/scale/massing) of the proposed buildings on Lot 'A', Lot 'B' and Lot 'C' (including an illustration of the 'angular plan') are 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 6 storeys and maximum floor area ratio of 1.5:1 within the 'Mixed Use Corridor - General' designation and residential development with a density ranging from between 26 and 50 units per net hectare within the 'Residential – Medium Density' designation.

The City of Burlington New Official Plan (2020) contains development policies specific to areas located within the Upper Brant Precinct of the 'Urban Centre' (Downtown) designation as it relates to tall buildings within the Precinct (proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue). The subject lands are shown on Schedule D-2 (Maximum Buildings Heights) of the New Official Plan as contemplated for tall buildings with maximum building heights of 25 storeys for the northwest and northeast corners of Brant Street and Ghent Avenue and up to a maximum of 11 storeys for the southeast corner of the intersection of Brant Street and Ghent Avenue.

The 'Residential – Medium Density' designation of the New Official Plan permits maximum building heights of 4 storeys (for non-ground-oriented dwellings) and residential density ranging from between 26 to 75 units per net hectare.

The maximum permitted building heights and residential density (Floor Area Ratio (FAR)) within the existing zoning of the properties is 6 storeys/1.5:1 (Parcel 'A') (pending removal of 'Holding Symbol'); 6 storeys/1.5:1 (with a portion of the property permitted a maximum of 2.5 storeys) (Parcel 'B'); and, 6 storeys/1.5:1 (Parcel 'C'). (Mixed Use Corridor - Employment Oriented ('MXE') Zone) is two (2) storeys for an industrial/automotive use and six (6) storeys for all other permitted uses.

Further planning approval would be required to facilitate the removal of the Holding (H) Symbol on applicable landholdings by by-law, pursuant to Section 36 of the Planning Act. This has not been contemplated as part of the current application as received by the City.

### **Supporting Documents**

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

- [Arborist Report & Tree Protection Plan](#), as prepared by Terrastory Environmental Consulting Inc., June 2020;
- [Landscape Plans & Sections \(Phase 1-3\)](#), as prepared by Seferian Design Group, June 30, 2021;
- [Urban Design Brief](#), as prepared by Graziani + Corazza Architects, May 2021;
- [Architectural Plans and Drawings](#), as prepared by Graziani + Corazza Architects, May 2021 (Rev. No. 1);
- [3D Models & Conceptual Building Renderings and Elevations](#);
- [Planning Justification Report](#), as prepared by Fothergill Planning & Development Inc., June 2021;
- [Sun Shadow Study](#), as prepared by Rowan Williams Davies & Irwin (RWDI), May 14, 2021;
- [Updated Phase One Environmental Site Assessment \(Lot A\)](#), as prepared by Landtek Limited Consulting Engineers, October 9, 2020;
- [Phase One Environmental Site Assessment \(Lot B\)](#), as prepared by Landtek Limited Consulting Engineers, October 2020;
- [Phase One Environmental Site Assessment \(Lot C\)](#), as prepared by Landtek Limited Consulting Engineers, October 2020;
- [Phase Two Environmental Site Assessment \(Lot B\)](#), as prepared by Landtek Limited Consulting Engineers, October 2020;

- [Phase Two Environmental Site Assessment \(Lot C\)](#), as prepared by Landtek Limited Consulting Engineers, October 2020;
- [Functional Servicing & Stormwater Management Report \(Phase 1 of 3\)](#), as prepared by S. Llewellyn & Associates Limited, June 2021;
- [Functional Servicing & Stormwater Management Report \(Phase 2 of 3\)](#), as prepared by S. Llewellyn & Associates Limited, June 2021;
- [Functional Servicing & Stormwater Management Report \(Phase 3 of 3\)](#), as prepared by S. Llewellyn & Associates Limited, June 2021;
- [Hydrogeological Investigation \(Phase 1 – Lot A\)](#), as prepared by Landtek Limited Consulting Engineers, May 25, 2021;
- [Hydrogeological Investigation \(Phase 2 – Lot B\)](#), as prepared by Landtek Limited Consulting Engineers, May 25, 2021;
- [Hydrogeological Investigation \(Phase 3 – Lot C\)](#), as prepared by Landtek Limited Consulting Engineers, May 25, 2020;
- [Geotechnical Investigation \(Phase 1 – Lot A\)](#), as prepared by Landtek Limited Consulting Engineers, May 28, 2021;
- [Geotechnical Investigation \(Phase 2 – Lot B\)](#), as prepared by Landtek Limited Consulting Engineers, May 28, 2021;
- [Geotechnical Investigation \(Phase 3 – Lot C\)](#), as prepared by Landtek Limited Consulting Engineers, May 28, 2021;
- Grading and Servicing Plans (Phases 1 to 3)(C100-C105); as prepared by S. Llewellyn & Associates Limited, June 2018;
- [Transportation Impact Assessment](#), as prepared by Paradigm Transportation Solutions Limited, May 2021;
- [Noise Feasibility Study](#), as prepared by HGC Engineering, May 14, 2021;
- [Pedestrian Wind Assessment](#), as prepared by Rowan Williams Davies & Irwin (RWDI), May 14, 2021;
- [Waste Management Plan](#), as prepared by Graziani + Corazza Architects, May 2021;
- [Topographical Surveys \(Height Survey of Adjacent Buildings\)](#), as prepared by A.T. McLaren Limited, September 2020 and June 2021;
- [Construction Management Report](#), as prepared by BA Consulting Group Ltd., August 13, 2021;
- [Construction Management Plan](#), as prepared by BA Consulting Group Ltd., August 2021;
- Topographical Surveys (Lot A, Lot B, Lot C), as prepared by A.T. McLaren Limited, September 2020 and June 2021; and,
- [Draft Reference Plans \(20R-XXXX\)](#)

All of these supporting documents have been published on the City's Development Projects webpage related to this application at [www.burlington.ca/brantandghent](http://www.burlington.ca/brantandghent).

## **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; 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' boundaries and 'Downtown Major Transit Station Area' are to be implemented as part of the Region of Halton's Municipal Comprehensive Review and Regional Official Plan Amendment (ROPA No. 48) (and correspondingly, the City of Burlington Official Plan), pending approval.

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.

Region of Halton adopted ROPA 48 on July 7, 2021 (By-law No. 31-21) and has forwarded ROPA 48 to the Ministry of Municipal Affairs and Housing for a decision.

### **City of Burlington Official Plan (1997), as amended**

The subject lands are designated 'Mixed Use Corridor – General' and 'Residential – Medium Density' to Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997), as amended.

Section 5.3.1 of the City of Burlington Official Plan (1997), as amended, states that

among the objectives of the 'Mixed Use Corridor – General' designation is to provide locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with high density residential, retail, service commercial, office, entertainment, community facilities and institutions, and open space uses.

The policies of the 'Mixed Use Corridor – General' designation also encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact urban form, while retaining compatibility with nearby land uses.

Section 5.3.2(a) (Permitted Uses) states that the following uses may be permitted in the Mixed Use Corridor – General designation:

- (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 small scale motor vehicle dealerships;
- (ii) high density residential uses and a full range of office uses. Townhouses may only be permitted as a component of an overall development of mixed residential or residential/commercial building forms, where the townhouse portion of the mixed development does not abut the multi-purpose arterial or major arterial road and where the development of the townhouse component does not compromise the long-term objectives for the Mixed Use Corridor designation with respect to such matters as mix of uses, building form and intensity; and,
- (iii) development and re-development of lands within a major transit station area, such as a GO transit commuter rail station, shall achieve a higher intensity of re-development and consist of transit supportive uses, as called for and defined in the Growth Plan.

Section 5.3.2(d) (Zoning Regulations) states that Zoning By-law regulations affecting Mixed Use Corridors shall be based on the following factors:

- (i) the maximum floor area ratio of development at any site shall be 1.5:1. City Council may consider a higher floor area ratio in conjunction with a

- site-specific rezoning or variance application, subject to the considerations of various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through measures such as terracing, a high quality building design, landscaping and streetscaping, and the provision of underground parking;
- (ii) the minimum building height shall be two storeys and the maximum building height shall be six storeys. Where required to ensure compatibility, four to six storey buildings may be required to be terraced back from adjacent residential areas and/or the street;
  - (iii) the implementing zoning by-law shall identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street. These setbacks may be modified for specific corridors following the completion of Council-approved Corridor studies;
  - (iv) all buildings shall be required to have a building entrance from the building façade closest to the corridor street; and,

off-street parking needs may be reduced for sites with transit-supportive designs or shared parking arrangements

Higher density land uses and taller buildings shall be permitted at locations where Mixed Use Corridor areas intersect with multi-purpose arterial roads, major arterial roads or provincial freeways; or existing areas of development concentration, subject to the criteria noted above.

A portion (east) of the property is designated 'Residential – Medium Density'. The 'Residential – Medium Density' designation permits detached and semi-detached homes; townhouses; street townhouses and stacked townhouses; back to back townhouses; attached housing and walk-up apartments at a residential density ranging from between 26 and 50 units per net hectare.

### **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. 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 polices. 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 'Downtown Urban Centre' and 'Residential – Medium Density' to Schedule 'C' (Land Use – Urban Area) of the City of Burlington New Official Plan. Portions of the subject lands are further identified as located within the Upper Brant Precinct within the Downtown Urban Centre on Schedule 'D' (Land Use – Downtown Urban Centre) of the City of Burlington New Official Plan.

Section 8.1.1(3.8) of the City of Burlington New Official Plan states that the Upper Brant Precinct will accommodate developments with a variety of building heights proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest developments in the Downtown located along and north of Ghent Avenue.

Section 8.1.1(3.8.1)(a) of the City of Burlington New Official Plan states that the following uses may be permitted within the Upper 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(3.8.1)(d) of the City of Burlington New Official Plan provides criteria related to proposed development within the Upper Brant Precinct. Accordingly, new development shall generally be comprised of tall buildings at the northern end of the Precinct and mid-rise buildings at the south according to the maximum heights set out in Schedule D-2 (Maximum Building Heights) of the New Official Plan. Maximum building heights shown on Schedule D-2 for the northwest and northeast corners of Brant Street and Ghent Avenue are 25 storeys and up to a maximum of 11 storeys for the southeast corner of the intersection of Brant Street and Ghent Avenue.

Section 8.3.4(1)(Residential – Medium Density (Policies)) of the City of Burlington New Official Plan states that on lands designated ‘Residential – Medium Density’, non-ground-oriented dwellings may be permitted at a density of twenty-six (26) to seventy-five (75) units per net hectare and development may be permitted to a maximum height of four (4) storeys for non-ground-oriented dwellings.

### **City of Burlington Zoning By-law 2020**

The subject lands are zoned Mixed Use Corridor General – Holding (‘H-MXG’) Zone; Mixed Use Corridor General – Exception (‘MXG-8’) Zone; Mixed Use Corridor General (‘MXG’) Zone; and, Medium Density Residential (‘RM1’) Zone and located within an Interim Control By-law (ICBL) Area to Map Nos. 9 & 14 of the City of Burlington Zoning By-law 2020. The draft amending zoning by-law contemplates a site-specific Mixed Use Corridor General – Exception (‘MXG-XX’) Zone, with amendments that include, but may not be limited to, permitted uses, increases to maximum permitted building height and density (i.e. FAR); minimum required yards (including landscape buffers); required amenity area; and, minimum required parking.

Residential land uses (i.e. ‘apartment buildings’) are permitted in the ‘MXG’ Zone.

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

below for each of the Parcels. Where there are no site-specific exceptions otherwise noted in Table 1, the proposed development will be required to comply with the applicable zone provisions and regulations of the standard MXG Zone.

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)**

**PARCEL “A”**

Zone Regulation	Zone Requirement	
	MXG Zone Section 4.0 (Table 5.4.1)	MXG-XX Zone (Proposed)
Yard Abutting Any Street	Min. 3.0 metres Max. 4.5 metres	Max. 7.0 metres (Ghent Avenue)
Yard Abutting a Residential Zone	<b>Floors 1 to 3:</b> 12.0 metres <b>Floors 4 and 5:</b> 15.0 metres <b>Floor 6:</b> 18.0 metres	<b>Floors 1 to 3:</b> 9.0 metres <b>Floors 4 and 5:</b> 13.0 metres <b>Floors 6-18:</b> 13.0 metres
Maximum Floor Area Ratio	0.5:1 for Entertainment or Recreation Buildings NIL for Industrial Buildings 1.5:1 for Other Buildings	5.0:1
Landscape Buffer	<b>Abutting a Residential Zone:</b> 6.0 metres	<b>Abutting a Residential Zone:</b> 3.0 metres
Building Height  (floor area of the second, third and fourth storeys of a building containing more than one	<b>Automotive Uses:</b> 2 storeys (Max.) <b>Other Uses:</b>	25 storeys

storey must be at least 50% of the floor area of the first storey)	2 storeys (Min.) and 6 storeys (Max.)	
Amenity Area	15.0 m <sup>2</sup> per efficiency dwelling unit; 20.0 m <sup>2</sup> per one bedroom dwelling unit; 35.0 m <sup>2</sup> per two or more bedroom dwelling unit; and 25.0 m <sup>2</sup> per dwelling unit (back-back townhouse)	9,500.0 m <sup>2</sup>
Parking	1.25 parking spaces per unit (inclusive of visitor parking)(By-law No. 2020.414) + minimum required parking for non-residential uses (less a factor of 5%)(Part 1, Table 1.2.6)	1.1 parking spaces per unit

## PARCEL "B"

Zone Regulation	Zone Requirement		
	MXG Zone Section 4.0 (Table 5.4.1)	RM1 Zone Section 8.0 (Table 2.8.1)	MXG-XX Zone (Proposed)
Lot Width	25.0 metres	Semi-Detached & Duplex Dwelling 9.0 metres/unit Triplex Dwelling 6.0 metres/unit	
Lot Area	1,000.0 m <sup>2</sup>	Semi-Detached & Duplex Dwelling 270 m <sup>2</sup> /unit Triplex Dwelling 200 m <sup>2</sup> /unit	
Yard Abutting Any Street	Min. 3.0 metres Max. 4.5 metres	6.0 metres (Front Yard)	Min. 0.0 metres (Brant Street) Min. 2.5 metres (Ghent Avenue)
Maximum Floor Area Ratio	0.5:1 for Entertainment or Recreation Buildings NIL for Industrial Buildings 1.5:1 for Other Buildings		3.9:1
Landscape Area	<b>Abutting a Street:</b> 3.0 metres <b>Abutting a Creek Block or O3 Zones:</b> 3.0 metres <b>Abutting a PC or P Zone:</b> 3.0 metres	Semi-Detached & Duplex Dwelling N/A Triplex Dwelling 25%	<b>Abutting a Street:</b> 0.0 metres (Brant Street)
Landscape Buffer	<b>Abutting a Residential Zone:</b> 6.0 metres		<b>Abutting a Residential Zone:</b> 2.0 metres

<p>Building Height</p> <p>(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)</p>	<p><b>Automotive Uses:</b> 2 storeys (Max.)</p> <p><b>Other Uses:</b> 2 storeys (Min.) and 6 storeys (Max.)</p>	<p>Semi-Detached, Duplex Dwelling, and Triplex Dwelling (Flat Roof)</p> <p>1 storey to 4.5 m 1.5 storeys – N/A 2 storeys to 7 m 2.5 storeys – N/A 3 storeys to 10 m</p>	<p>25 storeys</p>
<p>Amenity Area</p>	<p>15.0 m<sup>2</sup> per efficiency dwelling unit; 20.0 m<sup>2</sup> per one bedroom dwelling unit; 35.0 m<sup>2</sup> per two or more bedroom dwelling unit; and 25.0 m<sup>2</sup> per dwelling unit (back-back townhouse)</p>		<p>7,000.0 m<sup>2</sup></p>
<p>Parking</p>	<p>1.25 parking spaces per unit (inclusive of visitor parking)(By-law No. 2020.414) + minimum required parking for non-residential uses (less a factor of 5%)(Part 1, Table 1.2.6)</p>		<p>1.1 parking spaces per unit</p>

**PARCEL “C”**

Zone Regulation	Zone Requirement	
	MXG Zone Section 4.0 (Table 5.4.1)	MXG-XX Zone (Proposed)
<p>Yard Abutting Any Street</p>	<p>Min. 3.0 metres Max. 4.5 metres</p>	<p>Min. 0.0 metres (Brant Street)</p>
<p>Yard Abutting a Residential Zone</p>	<p><b>Floors 1 to 3:</b> 12.0 metres</p>	<p><b>Floors 4 and 5:</b> 14.0 metres</p>

	<b>Floors 4 and 5:</b> 15.0 metres <b>Floor 6:</b> 18.0 metres	<b>Floors 6 +:</b> 17.0 metres
Landscape Area	<b>Abutting a Street:</b> 3.0 metres <b>Abutting a Creek Block or O3 Zones:</b> 3.0 metres <b>Abutting a PC or P Zone:</b> 3.0 metres	<b>Abutting a Street:</b> 0.0 metres (Brant Street) <b>Abutting a Street:</b> 0.0 metres (Ghent Avenue)
Landscape Buffer	<b>Abutting a Residential Zone:</b> 6.0 metres	<b>Abutting a Residential Zone:</b> 0.0 metres
Building Height  (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)	<b>Automotive Uses:</b> 2 storeys (Max.) <b>Other Uses:</b> 2 storeys (Min.) and 6 storeys (Max.)	8 storeys
Parking	1.25 parking spaces per unit (inclusive of visitor parking)(By-law No. 2020.414) + minimum required parking for non-residential uses (less a factor of 5%)(Part 1, Table 1.2.6)	1.1 parking spaces per unit (Parcel A and Parcel B)  1.25 parking spaces per unit (Parcel C)

### 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 1.1 parking spaces per unit (inclusive of visitor parking)(for Parcel A and Parcel B). A Transportation Impact Assessment was submitted with the application and is in review by the City's Transportation Department.

## Technical Comments

The circulation of the application for comment occurred on August 17, 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.

Niagara Escarpment Commission (outside Urban Area), Trans-Northern Pipelines Inc., Conseil Scolaire Viamonde, CP Rail, Halton Regional Police Service, and Ontario Parks have 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 Department staff. The following is a summary of comments received to date:

***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 submission of a lot/block plan as determined by a draft M-Plan. Educational Development Charges pursuant to the Education Development Charge By-law are payable.

***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 Subdivision/Condominium and/or approval of conditions of draft approval.

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## Financial Matters:

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

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## 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.

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## Engagement Matters:

A Pre-Consultation Meeting was held on June 17, 2020. In addition to the proponent (and consultant team), meeting attendees included staff of the City of Burlington, Region of Halton, and Conservation 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 October 20, 2020 to review the design aspects of the proposed development, with particular focus on the proposed building placement/streetwall (i.e. public realm); relationship to intersection (i.e. Brant Street & Ghent Avenue) and public park space; and, building design and architectural expression.

The applicant hosted a Virtual Pre-Application Community Consultation Meeting on October 14, 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 total of 907 residents/property owners were circulated the Notice to attend the Virtual Pre-Application Community Consultation Meeting.

A Current Development Projects webpage ([burlington.ca/brantandghent](http://burlington.ca/brantandghent)) was created to update the public on the proposal and the subject application, 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 redevelopment 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 15 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. Building Height and Massing (and microclimate impacts such as shadow/wind)
2. Building Design and issues related to privacy concerns, noise and light pollution
3. Affordability of proposed units and the removal of existing rental supply
4. Proposed parking (on-site and off-street), particularly related to retail uses
5. Site Access
6. Viability of proposed retail uses
7. Property values
8. Park Space (i.e. on-site and impact on surrounding parks)
9. Construction Management Plan and timing of project/construction schedule

A section of the applicant's Planning Justification 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 1,008 area residents/property owners were circulated for input.

A summary of the general theme areas of comments is provided below. A total of 13 resident/property 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 heights with other existing development in the immediate area (including low-density residential), including, impacts of building height and density on micro-climate (i.e. shadow and wind) and loss of view corridors;
- Loss of existing neighbourhood 'character' and congestion that may result with the development of taller buildings characterized in larger cities (i.e. Mississauga, Toronto);
- Impacts of traffic (i.e. volume, safety, noise) and access, and the anticipation of parking capacity issues in neighbourhoods surrounding the site of the proposed development;
- Loss of quality of life (i.e. 'quaintness') with potential for additional congestion and impacts to the provision of community services and maintenance of existing infrastructure; need for housing affordability and green space;
- Concerns arising from multiple years of construction staging (phased development) (i.e. parking within the adjacent residential neighbourhoods and impacts to businesses); and,
- Importance of maintaining existing zoning on lands in the vicinity of the proposed development site; particularly those zoning categories that involved public consultation with neighbours, staff and Council for properties along Brant Street (i.e. 'MXG-180' Zone).

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## **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.

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Respectfully submitted,

Gordon Dickson, MCIP, RPP  
Senior Planner  
Community Planning Department  
905-335-7600 Ext. 7809

**Appendices:**

***Appendix 'A' – Report Attachments & Schedules***

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

***Appendix 'B' – Public Comments***

**Notifications:**

Ed Fothergill, Principal  
Ed Fothergill Planning and Development Inc.  
62 Daffodil Crescent  
Ancaster, ON L9K 1E1  
[edf@nas.net](mailto:edf@nas.net)

Vince Molinaro, President  
Molinaro Group  
472 Brock Avenue – Unit 103  
Burlington, ON L7S 1N1  
[vincemol@molinaro.ca](mailto:vincemol@molinaro.ca)

**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.