



SUBJECT: Official Plan and Zoning By-law Amendment applications for 789-795 Brant Street

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-04-23

Wards Affected: 2

File Numbers: 505-07/22, 520-08/22

Date to Committee: January 10, 2023

Date to Council: January 12, 2023

Recommendation:

Direct staff to continue to process the submitted Official Plan and Zoning By-law amendment applications for 789-795 Brant Street in an effort to bring forward a subsequent recommendation report. This report provides a description of the subject applications, an update on the technical review that is underway, and a summary of the technical and public comments received to date.

PURPOSE:

The purpose of this report is to provide background information to the committee and the public for a Statutory Public Meeting for the lands known as 789-795 Brant Street and to seek direction from Council to continue processing the applications in an effort to bring forward a subsequent recommendation report.

Vision to Focus Alignment:

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

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
-

Executive Summary:

RECOMMENDATION:		Continue to process application	Ward:	2
Application Details	APPLICANT:	MHBC Planning, Urban Design & Landscape Architecture		
	OWNER:	Camarro Developments Inc.		
	FILE NUMBERS:	505-07/22 & 520-08/22		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		
	PROPOSED USE:	A 31-storey residential building with a 7-storey podium with retail at grade.		
Property Details	PROPERTY LOCATION:	Southeast corner of Brant Street and Prospect Street		
	MUNICIPAL ADDRESS:	789-795 Brant Street		
	PROPERTY AREA:	0.219ha (789 Brant Street: 0.089ha; 795 Brant Street 0.13ha)		
	EXISTING USE:	Commercial		
Documents	1997 OFFICIAL PLAN Existing:	Mixed Use Corridor - General		
	1997 OFFICIAL PLAN Proposed:	Mixed Use Corridor - General with site-specific policies for height and Floor Area Ratio		
	2020 OFFICIAL PLAN Existing:	Upper Brant Precinct		
	ZONING Existing:	Mixed Use General (MXG)		
	ZONING Proposed:	MXG-XXX with site-specific regulations		
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	September 23, 2022		
	STATUTORY DEADLINE:	January 21, 2023 <i>(not subject to application fee refunds under Bill 109 if timeline is exceeded)</i>		
	PRE-APPLICATION COMMUNITY MEETING:	October 21, 2021		
	PUBLIC COMMENTS:	The notice was circulated December 6, 2022 to 724 addresses.		

Background and Discussion:

On September 23, 2022, the City received complete applications from Camarro Developments Inc. requesting Official Plan Amendments and Zoning By-law Amendments to permit a mixed-use development a 31-storey building with a 7-storey podium with retail at grade.

On December 6, 2022, the Community Planning, Regulation, and Mobility Committee recommended that City Council state its intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street by AECOM, dated November 23, 2022. The report provided at the Committee meeting stated that AECOM Heritage Evaluation found that the property at 795 Brant Street met six out of the nine criteria required for heritage designation. The Committee's approved motion is as follows:

State an intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street prepared by AECOM, dated November 23, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 795 Brant Street, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 795 Brant Street, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

On December 13, 2022, Council ratified the Committee motions of December 6th, and stated its' intention to proceed with designating the property at 795 Brant Street. On December 14, 2022, the City circulated a Notice of Intention to Designate 795 Brant Street and provided a Statement of Cultural Heritage Value or Interest, which is provided as Appendix B to this report.

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, a summary of technical and public comments received to date, and a recommendation that Council direct staff to continue to proceed with processing the subject applications in an effort to allow for the heritage resource to be integrated into the proposed development. It should be noted that the Zoning By-law application was deemed complete on September 23, 2022, and therefore is not subject to the Bill 109 application refund requirements in the event that the application processing timelines exceed 120 days.

Description of Subject Property and Surrounding Land Uses

The subject property is located at the southeast corner of Brant Street and Prospect Street. The property has an area of 0.21 hectares, with 50.55 metres of frontage on Brant Street. The site is currently occupied by two separate 2-storey buildings that contain commercial units with driveway access to both Brant Street and Prospect Street. At the time of writing this report, the 2-storey building at 795 Brant Street is listed on the City's Municipal Cultural Heritage Register. On December 13, 2022, Council decided to move forward with the intent to designate the property at 795 Brant Street and the Notice of Intention to Designate 795 Brant Street was circulated December 14, 2022.

Surrounding uses are as follows:

- North: Immediately to the north of the Subject Lands is a medical office building. Further to the northeast beyond Fairview Street is the Burlington GO Station and surface parking lot.
- East: To the east of the Subject Lands is a residential area with a mix of residential uses including high, medium and low density buildings. Residential uses to the immediate east include an eight storey apartment building, three storey apartment building, and duplex dwellings. Further east down Prospect Street is Optimist Park.
- South: To the south of the Subject Lands is a one-storey retail commercial unit in a single-detached house along a mixed use corridor. The lands to the south are subject to applications to facilitate a 25-storey mixed use development. Also to the south is Burlington Square Plaza which includes high density residential uses.
- West: To the west of the Subject Lands is a mixed use corridor with retail commercial units and mixed use three storey buildings.

Burlington GO is an approximately 950-metre walking distance from the subject property, to the northeast. Optimist Park is located to the northeast, being an approximately 500-metre walking distance from the subject property.

There are northbound and southbound bus stops at the intersection of Brant Street and Prospect Street. These bus stops are serviced directly by route 2 which connects to Burlington GO, Highway 407 GO Bus Terminal, and the Downtown Terminal.

Description of Applications

The applications propose to amend the Official Plan and Zoning Bylaw to permit the development of a 31-storey mixed use building with a 7-storey podium with retail at grade. The residential building use is permitted, and the Official Plan and Zoning By-law Amendments are requested for the proposed increases in Floor Area Ratio and height, as well as reductions in parking, accessible parking, parking dimensions, amenity area,

setbacks, and landscape areas, as outlined in further detail in the 'Zoning By-law 2020' section below.

The proposed development includes 356 residential units ranging from 1 to 3 bedrooms and 485 square metres of at-grade retail space. 279 vehicular parking spaces and 196 bicycle parking spaces are proposed within the underground parking and surface parking areas. Vehicle access is proposed from Prospect Street. Amenity space is proposed both indoor and outdoor. The outdoor amenity area (2,704m²) is provided on the 6th, 7th and 8th floors and the indoor amenity space (583m²) is provided on the 7th and 8th floors.

Application materials are posted on the City's Development Project webpage at burlington.ca/789brant.

Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

1. [Cover Letter \(September 2022\)](#)
2. [Planning Justification Report \(September 2022\)](#)
3. [Renderings \(September 2022\)](#)
4. [Survey \(September 2022\)](#)
5. [Landscape Plan \(September 2022\)](#)
6. [Housing Impact Study \(September 2022\)](#)
7. [Heritage Impact Assessment \(September 2022\)](#)
8. [Urban Design Brief \(September 2022\)](#)
9. [Height Survey \(September 2022\)](#)
10. [Functional Servicing Report \(September 2022\)](#)
11. [Grading and Servicing Plan \(September 2022\)](#)
12. [Hydrogeological Report \(September 2022\)](#)
13. [Geotechnical Investigation \(September 2022\)](#)
14. [Construction and Mobility Management Plan \(September 2022\)](#)
15. [Noise Report \(September 2022\)](#)
16. [Shadow Study \(September 2022\)](#)
17. [Wind Study \(September 2022\)](#)
18. [Transportation Impact Study \(November 2022\)](#)
19. [Waste Management Plan \(September 2022\)](#)
20. [Sustainability Checklist \(September 2022\)](#)
21. [Environmental Site Screening Questionnaire \(September 2022\)](#)

22. [Phase 1 ESA \(September 2022\)](#)
23. [Phase 2 ESA \(September 2022\)](#)
24. [Reliance Letter Phase 1 & 2 ESA \(November 2022\)](#)
25. [Arborist Report \(September 2022\)](#)
26. [Tree Inventory Plan \(September 2022\)](#)
27. [Outdoor Amenity Plan 6th \(September 2022\)](#)
28. [Outdoor Amenity Plan 7th \(September 2022\)](#)
29. [Outdoor Amenity Plan 8th \(September 2022\)](#)

Application materials are posted on the City's website at burlington.ca/789brant.

Strategy/process

This section provides information on staff's ongoing review of the subject applications, including the applicable policy framework, and the comments received to date from technical reviewers and members of the public.

Policy Framework

The subject applications are subject to the policy framework described below.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The importance of cultural heritage is outlined in Section 2.6 of the PPS. Section 2.6.1 of the PPS states that significant built heritage resources shall be conserved. To that end, a Notice of Intention to Designate 795 Brant Street was issued by the City on December 14, 2022.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("the Growth Plan") provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region's resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and public dollars are invested.

The Growth Plan also states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas (Section 4.2.7.1). Staff are seeking additional time to continue to process the applications, which would provide an opportunity to conserve the remaining heritage building on the property by incorporating the resource appropriately into a development proposal for this site.

Halton Region Official Plan

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton's physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas.

ROPA 48 implements components of the Regional Urban Structure to establish a hierarchy of strategic growth areas in the Regional Official Plan. The Minister of Municipal Affairs and Housing approved ROPA 48 with limited changes November 10, 2021. The subject property is located within Burlington's Downtown Urban Centre. Map 1H "Regional Urban Structure" of the ROP, as amended by ROPA 48, identifies the Burlington Downtown Urban Centre as an Urban Growth Centre and within a Major Transit Station Area (MTSA). Urban Growth Centres are "planned to achieve a minimum development target of 200 residents and jobs combined per gross hectare by 2031 or earlier" (ROP 80.2). MTSA's "provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment" (ROP 81(2)).

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and approved and modified by the Minister of Municipal Affairs and Housing November 4, 2022. The purpose of ROPA 49 is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the year 2051. ROPA 49 also updates policies and mapping related to the Regional Urban Structure and Strategic Growth Areas.

Part IV Healthy Communities Policies outlines the policies for Cultural Heritage Resources. The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generation (Section 165). Staff have recommended that Council direct staff to continue to proceed with processing the subject applications which may allow for the heritage aspects of the property to be integrated into the proposed development.

City of Burlington Official Plan (1997, as amended)

The City's Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development and resource management matters to guide the future planning and development of the City towards the desired community vision.

As shown on Schedule B of the OP, the subject property is located within the Mixed-Use Corridor - General. This designation permits mixed-use development including retail, office, and high-density residential uses. The maximum building height is 6-stories and maximum Floor Area Ratio is 1.5:1.

The applicant proposes to amend the Official Plan (1997) to create a site-specific Mixed-Use Corridor - General designation to permit a maximum building height of 31-stories and a maximum floor area ratio of 11.55:1.

Section 8.0 of the OP states that cultural heritage resources of significant cultural heritage value shall be identified and conserved (Section 8.1 a)). Council has stated an intention to designate the property at 795 Brant Street and a notice was circulated to December 14, 2022. Staff are seeking additional time to process these applications to allow for the opportunity to conserve the existing heritage resource.

City of Burlington New Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) ("the new OP"). The new OP is subject to appeals, including an appeal by the owner of the subject property. Appeals are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the new OP and relevant appeals, visit www.burlington.ca/officialplan.

The new OP outlines a long-term vision of the community and quality of life for Burlington residents through statements of objectives and policies. The new OP provides policy direction to both the public and private sectors on land use, development, and resource management to guide the future planning and development of the City towards the desired community vision.

The City of Burlington's new Official Plan (2020) ("new OP") designates the subject property as Upper Brant Precinct, as shown on Schedule D "Land Use – Downtown Urban Centre". The Urban Centres designation permits mixed-use development. This designation permits residential, retail, service commercial, office, employment, hotel, entertainment, public service facilities and institutional uses, and open space uses. The maximum building height permitted is 25-storeys.

As shown on Schedule B-1, "Growth Framework", of the new OP, the subject property is located within a Primary Growth Area. Primary Growth Areas are planned to accommodate the majority of the City's forecasted growth and consequently will experience the greatest degree of change. Primary Growth Areas shall be regarded as the most appropriate and predominant location for new tall buildings (in accordance with the underlying land use designations) and shall be priority locations for investments in transit as well as other types of infrastructure and public service facilities, including parks, to support population and employment growth. Primary Growth Areas shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian-oriented in nature.

Cultural Heritage Resources policies are outlined in Section 3.5 of the OP (2020). As mentioned throughout this report, staff are recommending that Council direct staff to continue to process the subject applications to allow for the opportunity to incorporate the heritage building into the plans.

Zoning By-law 2020

The City's Zoning By-law zones the subject property as Mixed Use Corridor – General (MXG). This zone permits mixed-use development with a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

The applicant is proposing to amend the Zoning By-law to rezone the property to a site-specific Mixed Use General (MXG-XXX), that permits development with a maximum Floor Area Ratio of 11.55:1; maximum building height of 31-storeys; reduced parking; reduced accessible parking; reduced amenity area to a minimum of 9.2m² per dwelling unit; reduced setbacks for the underground parking structure; reduced setbacks to the property lines; reduced landscape areas; and reduced parking space dimensions.

Table 1 below summarizes the site-specific regulations that have been requested by the applicant, in comparison to the base requirements set out in the MXG zone.

Table 1: Summary of site-specific regulations requested by applicant, compared to MXG zone regulations

	MXG zone requirements	Site-specific regulations requested by applicant
Maximum building height	2 storeys minimum, 6 storeys maximum	31-storeys
Maximum Floor Area Ratio	1.5:1	11.55:1
Parking	1.25 spaces per unit inclusive of visitor parking	0.79 per unit consisting of: 0.64 for residents 0.15 for visitors and retail
Accessible Parking	3% of the required parking	3% of the required parking
Minimum Amenity Area	15 m ² per efficiency dwelling unit 20 m ² per one-bedroom dwelling unit 35 m ² per two or more bedroom dwelling unit	9.2m ² per dwelling unit
Setbacks for underground parking structure less than 1.6 metres above grade	3 metres from the street line	0.8 metres abutting north property line 0.8 metres abutting east property line
Minimum Setbacks	4.5 metres yard abutting any street 3 metres rear yard No minimum side yard	1.1 metres abutting Brant Street 2.2 metres abutting Prospect Street 0.8 metres abutting south property line 3 metres abutting rear property line
Landscape Areas	3 metres abutting a street	1.1 metres abutting Brant Street
Parking Space Dimensions	Minimum width of 2.75 metres and a minimum area of 16.5 m ²	Minimum width of 2.6 metres and a minimum area of 14.5 m ²

As of the time of writing this report, Zoning staff have not yet completed their review of the subject applications. Through their ongoing review of the applications, Zoning staff

will confirm the extent of zoning conformity issues and the detailed amendments to the Zoning By-law that would be required to permit the proposed development. A subsequent recommendation report would describe all zoning conformity matters and the required Zoning By-law amendments.

Urban Design Guidelines

The proposed development is subject to the following Council-approved urban design guidelines:

- Tall Building Guidelines (2017)
- Shadow Study Guidelines and Terms of Reference (2020)
- Pedestrian-level Wind Study Guidelines and Terms of Reference (2020)
- Sustainable Building and Development Guidelines (2021)
- Stormwater Management Design Guidelines (2020)
- Keeping Places: Heritage-Based Design Guidelines for Downtown Burlington (2006)

The subsequent recommendation report will include an assessment of the proposed development against the applicable urban design guidelines.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments. As of December 14, 2022, staff have received comments from the City's Heritage Planner, City's Finance Department, City's Accessibility Coordinator, and Halton District School Board. The comments are as follows:

City's Heritage Planner

The City's Heritage Planner has raised concerns that the applications, as submitted, are not consistent with nor do they conform to the applicable policy framework as the applications have not appropriately addressed policies relating to the conservation of significant built heritage resources. The building at 795 Brant Street is listed on the City's Heritage Register and Council stated its intention to designate the building at its meeting of December 13, 2022.

City's Finance Department

Property taxes to be paid in full including all installments levied.

Halton District School Board

It has been identified that students in this area are within the Tom Thomson PS, Burlington Central HS catchment. The Burlington Central SS is projected to be at or under building capacity and it is expected that the development can be accommodated in the respective schools with minimum impact on the facility. The Tom Thomson OS is projected to be over building and portable capacity, and an option for student accommodation will be reviewed for this school. Attendance is not guaranteed for existing and new students. A standard list of conditions has also been provided.

City's Accessibility Coordinator

Comments received state that any reduction in barrier-free parking is not supported. Additionally, the application is not accessible due to the permeable surface, and zig zag direction in the walkway.

As of December 14, 2022, no other technical comments have been received. A future recommendation report will provide a summary of technical comments received.

Public Comments

Members of the public who wish to provide comments on the subject applications should submit their written comments to the Planner on file, using the contact information provided at burlington.ca/789brant. Public input will be considered by staff in the review of the subject applications.

As of December 14, 2022, Planning staff have not received written comments. Any written submissions received after December 14, 2022 will be appended to a future staff report for consideration by Council.

Financial Matters:

All application fees have been received in accordance with the Development Application Fee Schedule.

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path to 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 future recommendation report will include a discussion of the climate implications of staff's recommendation concerning the subject applications.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on October 21, 2021. This meeting was attended by approximately 16 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 2 Councillor Lisa Kearns. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at burlington.ca/789brant;
- Notice signs were erected on the subject property in December 2022;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 724 addressees) on December 6, 2022;
- A Statutory Public Meeting will be held on January 10, 2022. This report has provided information about the subject applications to inform discussion at the Statutory Public Meeting.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on December 15, 2022. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

Interested members of the public can continue to provide written comments to City staff using the contact information provided on the webpage linked above or by contacting the Community Planning Department.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

This report provides a description of the subject applications, an update on the technical review that is underway, and a summary of technical and public comments received to-date. Planning staff recommend that Council direct staff to continue to process the subject applications for 789-795 Brant Street in an effort to bring forward a subsequent recommendation report.

Respectfully submitted,

Jaclyn Schneider

Planner II

(905) 335-7600 ext. 7326

Appendices:

- A. Zoning and Concept Plans
- B. Notice of Intention to Designate 795 Brant Street

Notifications:

MHBC Planning, Dana Anderson and Melinda MacRory

442 Brant Street, Suite 204

Burlington, Ontario, L7R 2G4

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.