

# **401-413 Brant St., 444-450 John St., 2002- 2012 James St.**

Regular Meeting of Council

Council Date: June 17, 2025

Staff Report No.: DGM-37-25

ZBA App. File No.: 520-07/25

409 Brant Street Limited (Owner)

WND Associates (Applicant)

Goodmans LLP (Presenter)



Council June 17 2025  
DGM-37-25  
Joe Hoffman presentation

## Project context: Site is located in downtown Burlington and is approved for a 65 metre tall mixed-use building



### Key Approvals and Applications

- **2018:** Burlington City Council approved a 65-metre tall mixed-use building on the site.
- **2023:** A Minor Variance application was approved to permit technical refinements to the Zoning By-law.
- **2025:** A ZBA application was submitted to implement technical amendments that support a purpose-built rental tenure and enable a more efficient building design.

# ZBA Overview: The building is now purpose-built rental, requiring technical amendments to support this tenure and enable a more efficient design

Provision	Adjustment details		Rationale
	Approved	Proposed	
<b>1. Min. Vehicle Parking Rate</b> (details next page)	1.07	0.66 spaces/unit	<ul style="list-style-type: none"> <li>Parking rate reduction reflects the purpose-built tenure and site-specific attributes</li> <li>Initially 0.74 (rate to be provided); by-law rate reduced to 0.66 to account for minor construction deviations &amp; to avoid future MVAs<sup>1</sup></li> </ul>
<b>2. 2nd floor clear height</b>	3.8	3.7	<ul style="list-style-type: none"> <li><b>No impact</b> on functionality / accessibility</li> <li>Simplifies design (OBC design consideration)</li> </ul>
<b>3. Underground structure setback to south property line</b>	1.2m	0.5m	<ul style="list-style-type: none"> <li><b>No impact</b> to neighbouring property</li> <li>Results in a more efficient U/G parking layout</li> </ul>
<b>4. Building height</b>	65m	66m	<ul style="list-style-type: none"> <li><b>No impact</b> to GFA, shadows, wind, or privacy</li> <li>Required to accommodate mechanical / structural transfers within the building</li> </ul>
<b>5. Number of storeys (by definition only)</b>	18	19	<ul style="list-style-type: none"> <li><b>No impact</b> to habitable space or overall height (no built form change)</li> <li>Technical zoning interpretation concerning the mechanical penthouse mezzanine level</li> </ul>
<b>6. Canopies permitted obstructions in visibility triangles</b>	65m	66m	<ul style="list-style-type: none"> <li><b>No impact</b> to transportation sight-lines – canopy located on (2/F), well above-grade</li> <li>Proposed canopies will define entrance areas and provide weather protection to pedestrians</li> </ul>

## Key takeaways

- **Amendments reflect unique considerations for purpose-built rentals** not previously considered and enable a more efficient building design
- **No changes to the residential / non-residential density (GFA) & the building above-grade remains substantially consistent with the underlying 2018 approval**
- **All amendments being requested are supported by City Staff**

# Proposed Amendment No. 1: Parking rate reduction reflects the purpose-built tenure and site-specific attributes

Parking rate reduction rationale	Details
Meets unique purpose-built rental needs	<ul style="list-style-type: none"> <li>Tenant demographics have lower parking demand</li> <li>Property managers control spaces, allowing real-time reassignment, demand-based pricing &amp; optimal utilization</li> <li>Renters needing parking will choose other buildings if unavailable</li> </ul>
Reflects highly walkable neighbourhood with access to higher level transit	<ul style="list-style-type: none"> <li>Site location in Downtown Burlington is highly served by public transportation (i.e., Bus terminal adjacent to the site, close proximity to Burlington GO)</li> <li>Ammenties located within walking distance: Spencer Smith park (waterfront), Burlington Performing Art Centre and retail services</li> </ul>
Reduces single-occupant vehicle trips through a comprehensive TDM <sup>1</sup> offering	<ul style="list-style-type: none"> <li>Offering includes 2 car share spaces, subsidized transit passes, unbundled parking from rent, bike repair stations and a program designed to coordinate carpooling</li> </ul>
Maintains practical parking supply while minimizing the need for future variances (details to follow)	<ul style="list-style-type: none"> <li>Avoids future variance applications by proactively accounting for expected as-built conditions</li> <li>All spaces will still serve 95th percentile vehicles</li> </ul>



Spencer Smith Park (7 min walk)



The Burlington Performing Art Centre (3 min walk)

<sup>1</sup> – Transportation Demand Management (TDM) refers to strategies and tools that aim to reduce reliance on single-occupant vehicle trips by encouraging more sustainable travel options such as walking, cycling, transit use, and carpooling.

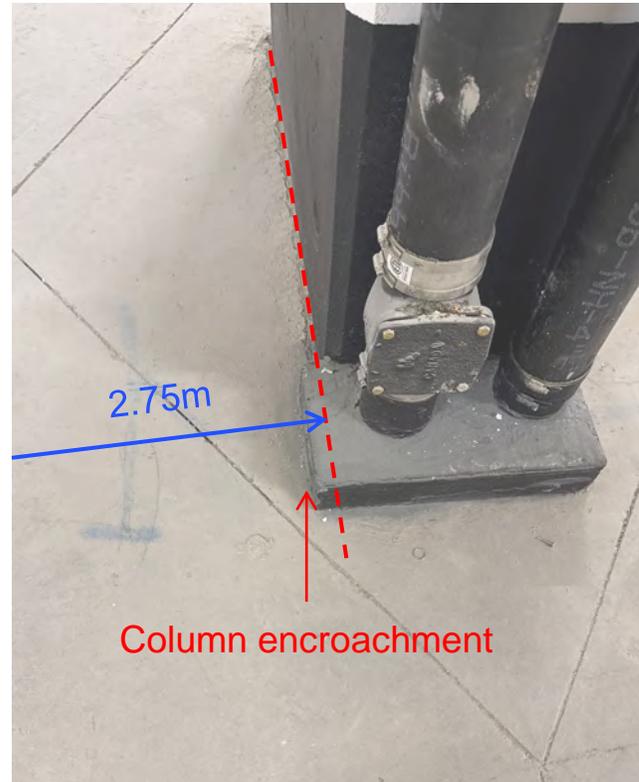
# Obstruction example: Parking reduction maintains practical parking supply while minimizing the need for future variances

**Explanation:** Minor deviations from planned dimensions are common during construction due to:

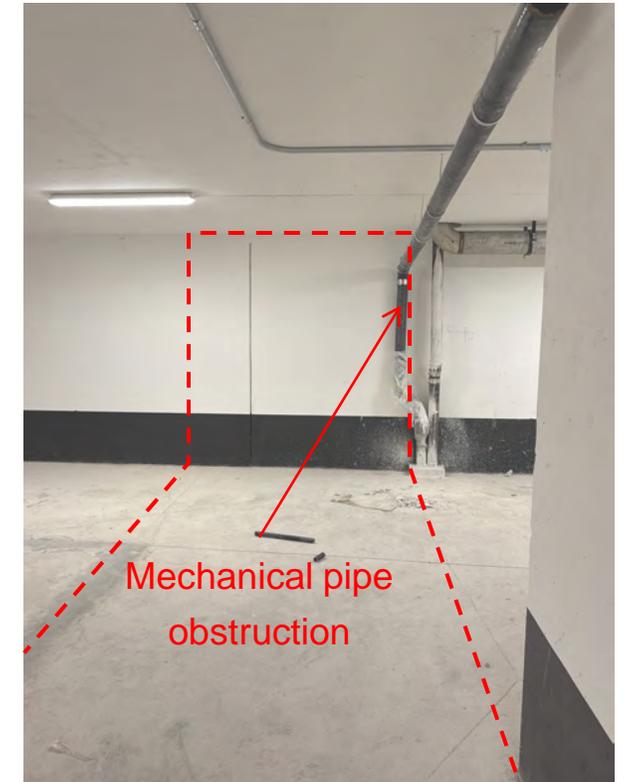
- Structural columns encroaching slightly into parking spaces (**Example 1**)
- Mechanical infrastructure causing localized obstructions (**Example 2**)
- Other as-built conditions that affect parking space dimensions

**Issue:** While these conditions may render some parking spaces technically non-compliant with by-law dimensions, the spaces remain safe, functional, and suitable for long-term use.

**Request:** A modest reduction in the parking rate provides flexibility to accommodate these potential conditions - preserving practical parking supply while proactively addressing technical compliance and minimizing the need for future variance approvals.

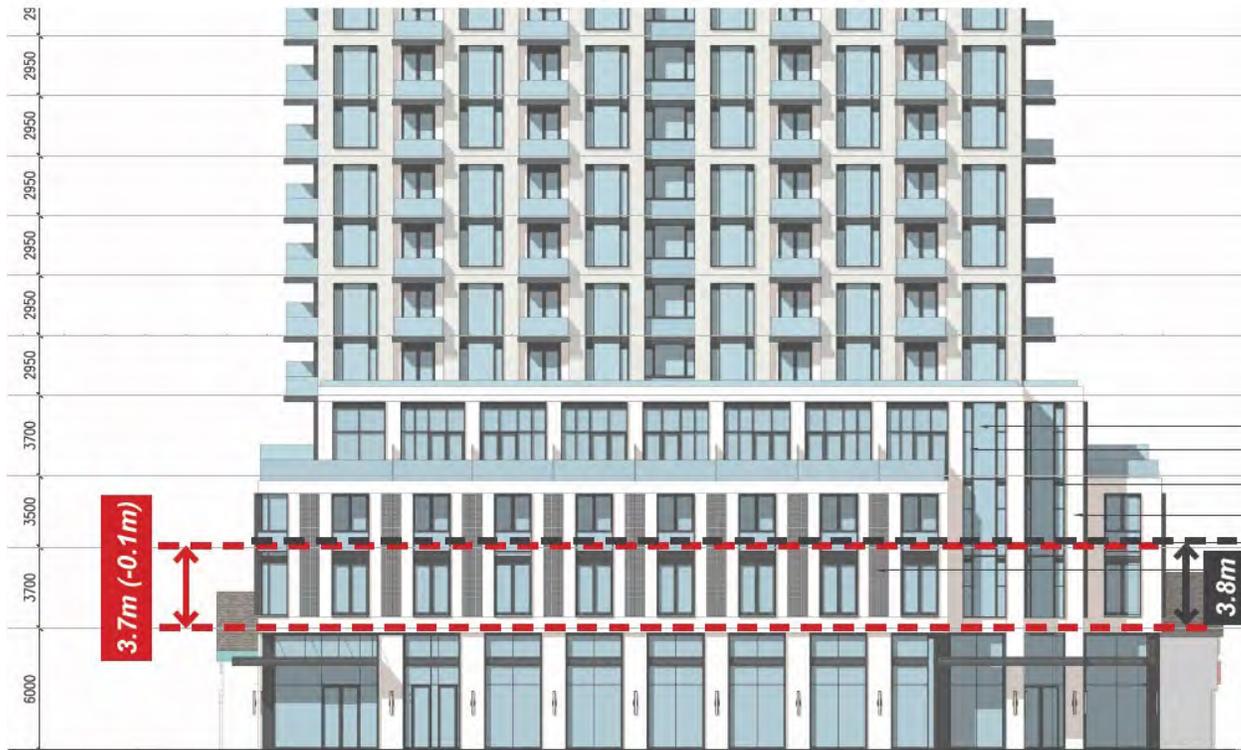


**Example 1:** Column footing deficiency reducing unobstructed width



**Example 2:** Mechanical pipe reducing unobstructed length

# Proposed Amendment No. 2: Reduce Required Minimum Second Floor Height from 3.8m to 3.7m



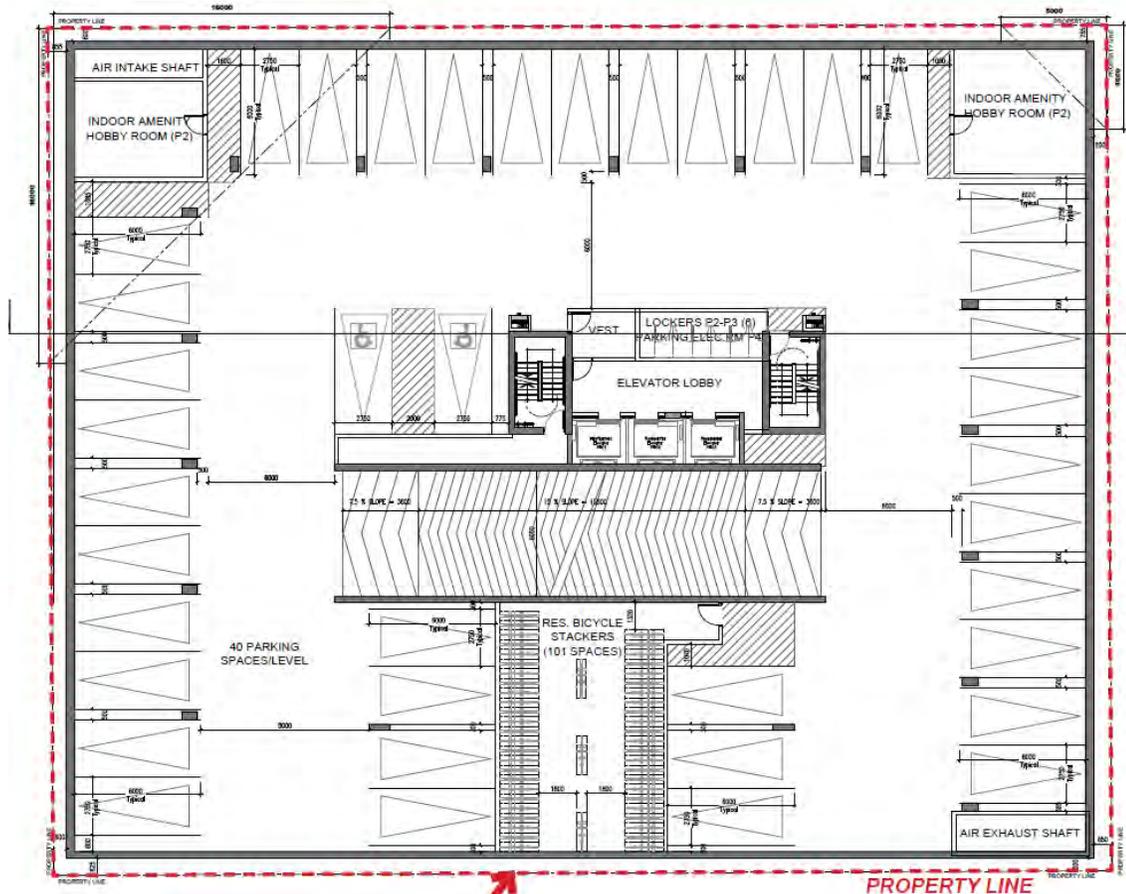
## Amendment Details

- Reducing 2<sup>nd</sup> floor height from 3.8m to 3.7m

## Rationale

- **No impact** on functionality or accessibility of floors
- Increasing the height to **3.8m** requires another stair landing per OBC – introduces unnecessary design complexity

# Proposed Amendment No. 3: Reduce underground setback to south property line from 1.2m to 0.5m



0.5m (-0.7m)

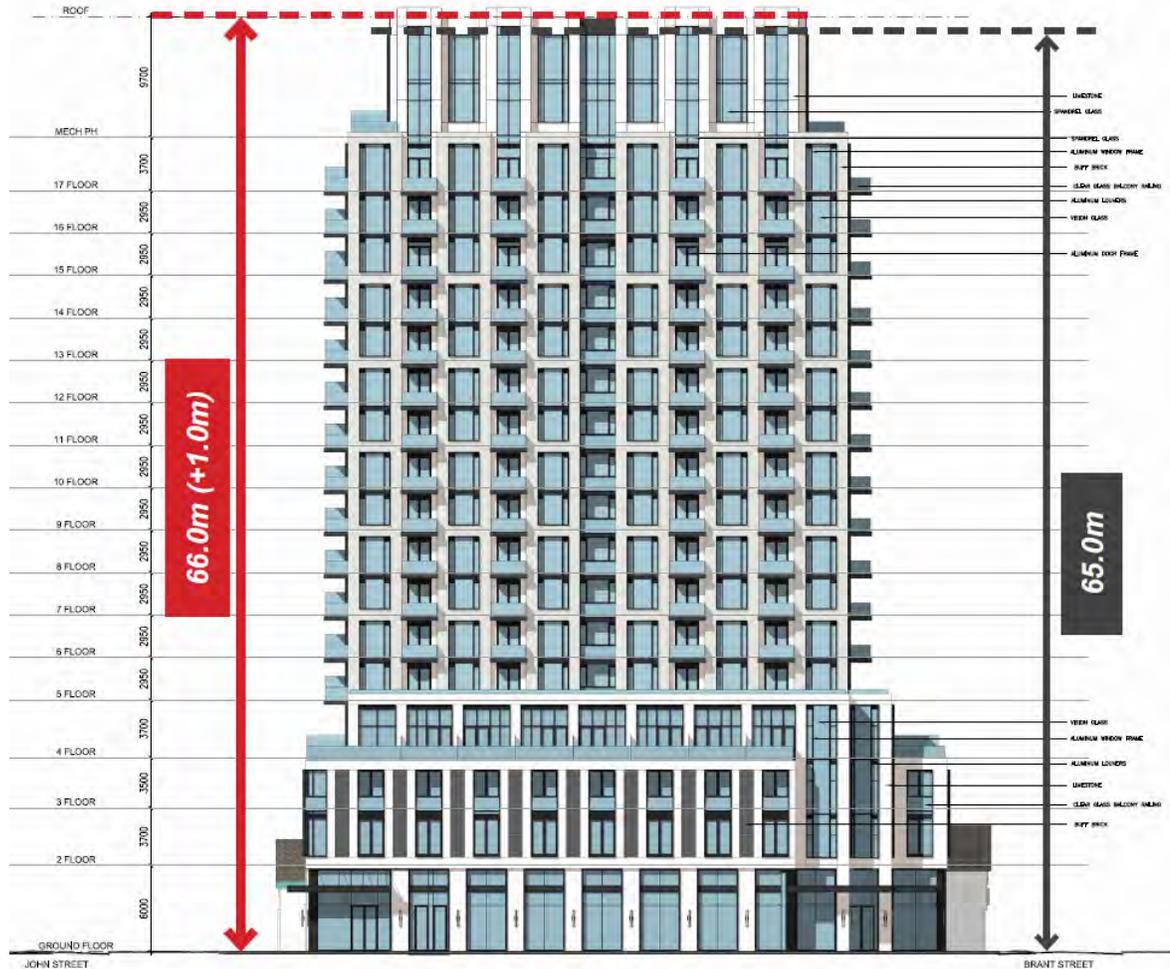
## Amendment Details

- Reducing U/G parking setback (south side) from 1.2m to 0.5m

## Rationale

- No impact to neighbouring property
- All shoring and construction remain within the property

# Proposed Amendment No. 4: Increase permitted building height from 65m to 66m



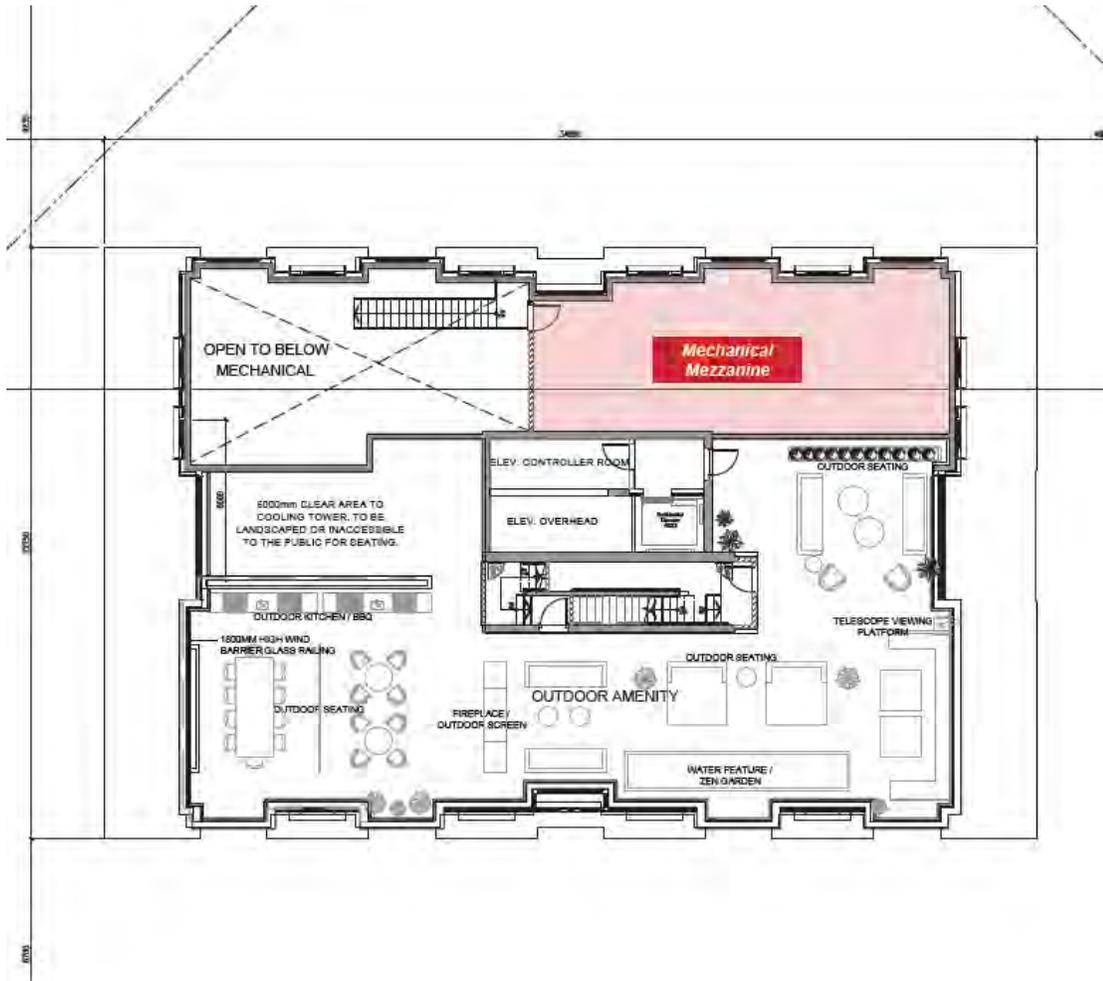
## Amendment Details

- Increase height from 65m to 66m

## Rationale

- No increase in GFA
- No impact on shadows, wind, or light and privacy
- Necessary to accommodate mechanical / structural transfers within the building

# Proposed Amendment No. 5: Reclassify the building from 18 to 19 storeys (by Zoning By-law definition only, no built form changes)



## Amendment Details

- Increase from 18 storeys to 19 storeys

## Rationale

- No impact to habitable space or increase overall height
- Technical zoning interpretation due to how a “storey” is defined in Zoning By-law vs. OBC, specifically concerning the mechanical penthouse mezzanine level

## Proposed Amendment No. 6: Allow for canopy projections at key entrance points



### Amendment Details

- **Permit canopies within sight line triangles** at Brant St. / James St. & James St. / John St.

### Rationale

- **No impact** to transportation sight lines – canopies are located 3.7m above grade on the second floor
- The proposed canopies will serve to **define the entrance areas** to the building and **provide weather protection** to pedestrians



Boutique Appareil / B



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**END**