



TO: Development and Infrastructure Committee
FROM: Planning and Building
SUBJECT: Report providing information regarding the Official Plan and Zoning By-law Amendment applications for 374 Martha Street

Report Number: PB-05-15

Wards Affected: 2

File Numbers: 505-02/14, 520-07/14

Date to Committee: January 19, 2015

Date to Council: January 26, 2015

Recommendation:

For information only.

Purpose:

Respond to legislation.

This report provides background information for the statutory public meeting required under *The Planning Act* for the Official Plan and Zoning By-law amendment applications submitted by Walker, Nott, Dragicevic Associates Ltd (WND) seeking approval for a 28-storey building at 374 Martha Street in downtown Burlington.

The report provides a summary of the development applications, an overview of the current policy framework and identifies issues submitted by the public. A detailed analysis of the issues and a recommendation on the applications will be addressed in a future report.

REPORT FACT SHEET

RECOMMENDATION: Receive public comments		Ward No.: 2
Application Details	<p>APPLICANT</p> <p>OWNER:</p> <p>FILE NUMBER:</p> <p>TYPE OF APPLICATION:</p> <p>PROPOSED USES:</p>	<p>Walker, Nott, Dragicevic Associates Ltd. (WND)</p> <p>ADI Development Group</p> <p>505-02/14, 520-07/14</p> <p>Official Plan and Zoning By-law Amendments</p> <p>28 storey apartment building with at-grade retail uses</p>
Property Details	<p>PROPERTY LOCATION:</p> <p>MUNICIPAL ADDRESSES:</p> <p>PROPERTY DIMENSIONS:</p> <p>EXISTING USE:</p>	<p>Northwest corner of Lakeshore Road and Martha Street</p> <p>374 Martha Street</p> <p>Width: 40.6 m Area: 0.136 ha</p> <p>Private parking lot</p>
Documents	<p>OFFICIAL PLAN Existing:</p> <p>OFFICIAL PLAN Proposed:</p> <p>ZONING Existing:</p> <p>ZONING Proposed:</p>	<p>Downtown Mixed Use Centre (Downtown Core Precinct)</p> <p>Exception to permit building height of 28 storeys (86.37 m)</p> <p>DC (Downtown Core)</p> <p>DC - Exception</p>
Processing Details	<p>NEIGHBOURHOOD MEETING:</p> <p>PUBLIC COMMENTS:</p>	<p>October 9th, 2014</p> <p>10 letters, 108 emails, 6 Neighbourhood Meeting Comment Sheets, 3 phone calls (See Appendix III)</p> <p>Note: Some residents submitted multiple letters.</p>

Background:

The purpose of this report is to provide an overview of the proposed application, an outline of applicable policies and regulations and a summary of the technical and public comments received to date. This report is intended as background information for the statutory public meeting.

Description of Applications

On September 24th, 2014, Planning and Building staff acknowledged that complete applications had been received for a Zoning By-law and Official Plan amendment for the property known as 374 Martha Street. The applications propose the development of a 28-storey mixed use building with 226 residential units, 348 m² (3,744 ft²) of retail on the ground floor facing Lakeshore Road, five levels of underground parking and three levels of above-ground parking, illustrated in the sketch in Appendix II. The proposed building contemplates an encroachment of approximately 2 m within the right-of-way on Lakeshore Road to accommodate the parking garage and a terrace on the second to fifth storeys, amenity space on the 22nd storey, the penthouse units on the 27th and 28th storeys and the rooftop terrace.

Site Description:

The 0.136 hectare (0.336 acre) site is located at the northwest corner of Lakeshore Road and Martha Street and is currently used as a parking lot. The site has approximately 40.6 m of frontage on Lakeshore Road and 21.9 m of frontage on Martha Street. The surrounding land uses include:

- North:** One single detached residential dwelling (380 Martha Street); Martha Street, and a 12 storey building (Martha Terrace condos at 395 Martha Street)
- Northeast:** Martha Street, 5 storey building (Martha's Landing Retirement Residence at 2109 Lakeshore Road), 7 storey building (Village Gate condos at 2121 Lakeshore Road) and Rambo Creek
- East:** Lakeshore Road, one and a half storey café, one-storey residential/office building and parking lots
- Southeast:** Lakeshore Road, a parking lot and Old Lakeshore Road
- South:** Lakeshore Road, a one and a half storey office building, Old Lakeshore Road

Southwest: One storey medical and dental offices, two storey building and Pearl Street

West: Three storey live-work townhouses (Thornwood Live-Works)

Northwest: Three-storey live-work townhouses (Thornwood Live-Works), three-storey townhouses, and Pine Street



Technical Reports

The following technical reports were submitted in support of the applications. These materials have been circulated to technical staff and agencies for review and can be accessed on the City's website at www.burlington.ca/374martha.

1. Planning Justification Report (prepared by WND Associates, September 2014)
2. Functional Servicing Report (prepared by Urbantech West, August 2014)
3. Geotechnical Investigation (prepared by Landtek Limited, February 2014)
4. Phase One Environmental Site Assessment (prepared by Landtek Limited, February 2014)
5. Traffic Impact Study (prepared by Paradigm Transportation Solutions Ltd., August 2014)
6. Noise Feasibility Study (prepared by Howe Gastmeier Chapnik Ltd., September 2014)
7. Pedestrian Wind Study (prepared by Novus Environmental, August 2014)
8. Shadow Studies (prepared by RAW Architects, August 2014)
9. Site Plan
10. Tree Inventory & Preservation Study (prepared by Adesso Design Inc, June 2014)

11. Floor Plans (P1-P5, Levels 1-28, Rooftop Terrace Plan and Roof Plan)
 12. Elevations (North, East, South and West)
 13. Sections
 14. Environmental Site Screening Questionnaire
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Discussion:

POLICY FRAMEWORK

The proposed amendments are subject to the following policy framework: the Provincial Policy Statement (PPS), 2005; the Places to Grow: Growth Plan for the Greater Golden Horseshoe; the Halton Region Official Plan; the City of Burlington Official Plan and Zoning By-law 2020. The applicable policies from these documents will be addressed in the subsequent recommendation report.

Regional Official Plan

The subject lands are designated “Urban Area”. Urban areas are locations where urban services (water and waste water) are or will be made available to accommodate existing and future development.

The Regional Official Plan, 2006, states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

City of Burlington Official Plan

The subject lands are designated in the City of Burlington Official Plan as “Downtown Mixed Use Centre” and they are also subject to the “Downtown Core Precinct” policies.

The Downtown Core Precinct Policies 5.5.8.2 a) and b) permit commercial activities including local service and retail uses; high-density residential apartment uses, including the residential use of upper storeys of commercial buildings and cultural, recreation, hospitality, entertainment and community uses with a minimum density of 52 units per net hectare for residential buildings.

The minimum height of buildings in this precinct is two storeys and the maximum permitted height is four storeys. Taller buildings up to a maximum height of 8 storeys and 29 m 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 Part VI, Subsection 2.3 of the Official Plan (Part III, Policy 5.5.8.2 a) and b)).

City of Burlington Zoning By-law 2020

The subject lands are currently zoned “DC” (Downtown Core), as illustrated in Sketch No. 1 attached in Appendix I. The DC zone permits a wide range of retail commercial, service commercial, community, office, hospitality and entertainment and recreation uses. The DC zone permits dwelling units in a commercial/office building, apartment building and retirement home with a requirement that the ground floor of any building within 15 m of a public street shall be used only for retail or service commercial uses with some exceptions.

The DC zone permits a maximum building height of 4 storeys (15 m) and a maximum floor area ratio of 4.0:1. The applicant is proposing an exception to the DC zone to accommodate the proposed development.

The regulations for the DC zone are listed below. For comparison, Table 1 lists the DC zone requirements and the proposed DC-exception zoning for the 28-storey mixed use building.

Table 1 – Proposed Development Details

Zoning Regulation	DC - Required	Proposed DC - Exception
Minimum Lot Width	7.5 m	No change
Minimum Lot Area	No minimum	No change
Yard Abutting a Street	Floors 1 to 4: Minimum: 2 m from Lakeshore Road and 0 m from Martha Street (As required on Diagram 6A in the Zoning By-law) Maximum for first floor only: 3 m from Lakeshore Road and 1 m from Martha Street	<u>Martha Street</u> Underground parking: 0 m Floors 1-4: 0 m Floors 5-19: 3 m Floors 20-26: 2.4 m Floor 27: 1.1 m Floor 28: 1.3 m <u>Lakeshore Road</u> Underground parking: 0 m Floor 1: 2 m Floors 2-5: 0 m (2.0 m encroachment above right-of-way) Floors 6-19: 3 m Floors 20-21: 2.4 m

		<p>Floor 22: 0 m (2.0 m encroachment above right-of-way)</p> <p>Floors 23-26: 2.4 m</p> <p>Floor 27: 1.1 m (2.0 m encroachment above right-of-way)</p> <p>Floor 28: 1.3 m (2.0 m encroachment above right-of-way)</p>
Rear Yard & Side Yard	None required for lots abutting Lakeshore Road or Martha Street	<p>Interior Side Yards:</p> <p>Underground parking: 0 m</p> <p>Floors 1-4: 0 m</p> <p>Floors 5-28: 3 m</p>
Yard Abutting a residential, DRM or DRL zone	3 m	<p>Interior Side Yards:</p> <p>Underground parking: 0 m</p> <p>Floors 1-4: 0 m</p> <p>Floors 5-28: 3 m</p>
Building Height	<p>Minimum: 2 storeys (First and Second Storeys 4.5 m each)</p> <p>Maximum: 4 storeys and 15 m</p>	28 storeys (86.27 m)
Floor Area Ratio	4.0:1 maximum	11.9
Landscape Buffer Abutting a Residential or DRL Zone	3 m	0 m
Parking	<p>1.25 spaces per unit</p> <p>1.25 spaces x 226 units = 282.5 units</p>	218 spaces
Amenity Area	<p>20 m² per unit</p> <p>20 m² x 226 units = 4520 m²</p>	<p>Indoor: 477 m²</p> <p>Outdoor: 504 m²</p> <p>Total: 981 m²</p>

Technical Review

On October 17th, 2014, staff circulated a request for comments to internal departments and external agencies. No objections have been received so far, subject to conditions that will be addressed in the upcoming recommendation report. Formal comments on the application have not yet been received from all agencies, including the Region of Halton.

A summary of noteworthy comments that have been received is provided below:

City Department / External Agency	Comment
City of Burlington Urban Forestry / Landscape	Confirmation of the actual locations of boundary trees, as determined by an OLS surveyor, is required to inform further conditions.
City of Burlington Site Engineering	The building envelope must be confined to the limits of the site only. Alternative measures to mitigate noise should be explored and a revised Noise Report will be required at the Site Plan Review stage.
City of Burlington Transportation Department	A Parking Justification/Reduction Study regarding the proposed development is required.
Sustainable Development Committee	The development is not supported as currently proposed.

Financial Matters:

In accordance with the Development Application Fee schedule, all fees determined to date have been received.

Environmental Matters:

N/A

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements and a public notice and request for comments were circulated in September 2014 to all owners/tenants within 120 m of the subject property. A notice sign was also posted on the property.

Neighbourhood Meeting

On October 9th, 2014, a neighbourhood meeting was held at the Art Gallery of Burlington and was attended by approximately 100 members of the public.

Comments included the following:

- Traffic & safety
 - Increased traffic volumes
 - Turning movements, especially left-turns onto Lakeshore Road
 - Location and interaction of driveways on Martha Street
- Inadequate parking spaces to accommodate residents and visitors
- Concern with number of units / density
 - Poor location for additional density
 - Proposed development constitutes over-intensification
- Concern with building height
 - Building height is not compatible with adjacent buildings and land uses
 - Proposed building height will cast significant shadows on adjacent properties
- Drainage & flooding
 - How will water be managed on site?
 - Where will snow storage be located?
- Concern about length of construction period
- Urban Design
 - The above-ground parking garage is not attractive or compatible
 - The building will overhang the street
 - Inadequate landscaping proposed
- Concern that this application will be precedent setting
- Concern about the significant increase in density from the permissions set out in the Zoning By-law and Official Plan

Public Comments

Beginning in September 2014, staff began receiving correspondence from members of the public regarding the proposed development. To date, staff has received 108 emails,

10 letters, 6 neighbourhood meeting comment sheets and 3 phone calls (127 total). The public comments received to date are included in Appendix III. The general themes of these comments are:

- General opposition to the proposed development
- Concern about the significant increase in density from the permissions set out in the Zoning By-law and Official Plan
- Concern with number of units / density
 - Poor location for additional density
 - Proposed development constitutes over-intensification
- Concern with building height
 - Building height is not compatible with adjacent buildings and land uses
 - Proposed building height will cast significant shadows on adjacent properties
- Concern about development industry establishing heights/densities rather than the Official Plan
- Traffic & safety
 - Increased traffic volumes
 - Turning movements, especially left-turns onto Lakeshore Road
 - Location and interaction of driveways on Martha Street
 - Pedestrian safety
- Concern that this application will be precedent setting
- Inadequate parking spaces to accommodate residents and visitors
- Drainage & flooding
 - Impacts on water table and potential flooding
- Concern about length of construction period
- Concern about minimal area for loading and unloading for retail units
- Urban Design / Streetscape Impacts
 - The above-ground parking garage is not attractive or compatible
 - The building will overhang the street
 - Inadequate landscaping proposed
 - Concerns about impacts on views of the waterfront
 - Concerns about architectural quality
- Impacts on servicing / water, wastewater and hydro capacity
- Privacy concerns

Conclusion:

This report provides a description of the development application, an update on the technical review of these applications and advises that numerous public comments

have been received. A subsequent report will provide an analysis of the proposal in terms of applicable planning policies and will provide a recommendation on the proposed applications.

Respectfully submitted,

Rosa Bustamante, Planner 2
335-7600 ext. 7811

Appendices:

- a. Appendix I – Location and Zoning Sketch
- b. Appendix II – Detail Sketch
- c. Appendix III – Public Comments

Notifications: (after Council decision)

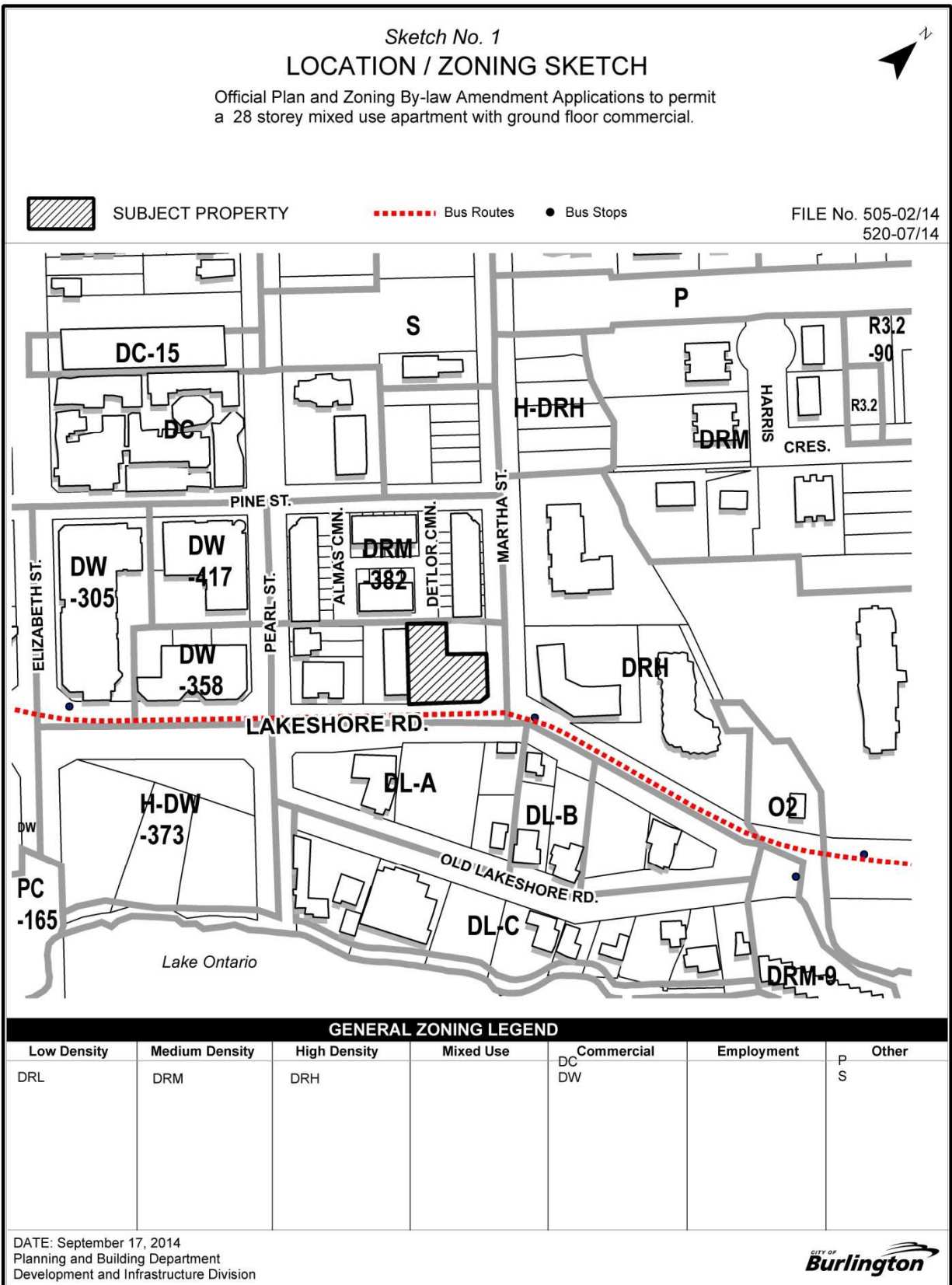
Name:	Mailing or E-mail Address:

Approved by:

Bruce Krushelnicki, Director of Planning and Building and Acting General
Manager, Dev. & Infrastructure
Pat Moyle, Interim City Manager

Reviewed by:

Appendix I



Appendix II

Sketch No. 2
DETAIL SKETCH

Official Plan and Zoning By-law Amendment Applications to permit
a 28 storey mixed use apartment with ground floor commercial.



SUBJECT PROPERTY

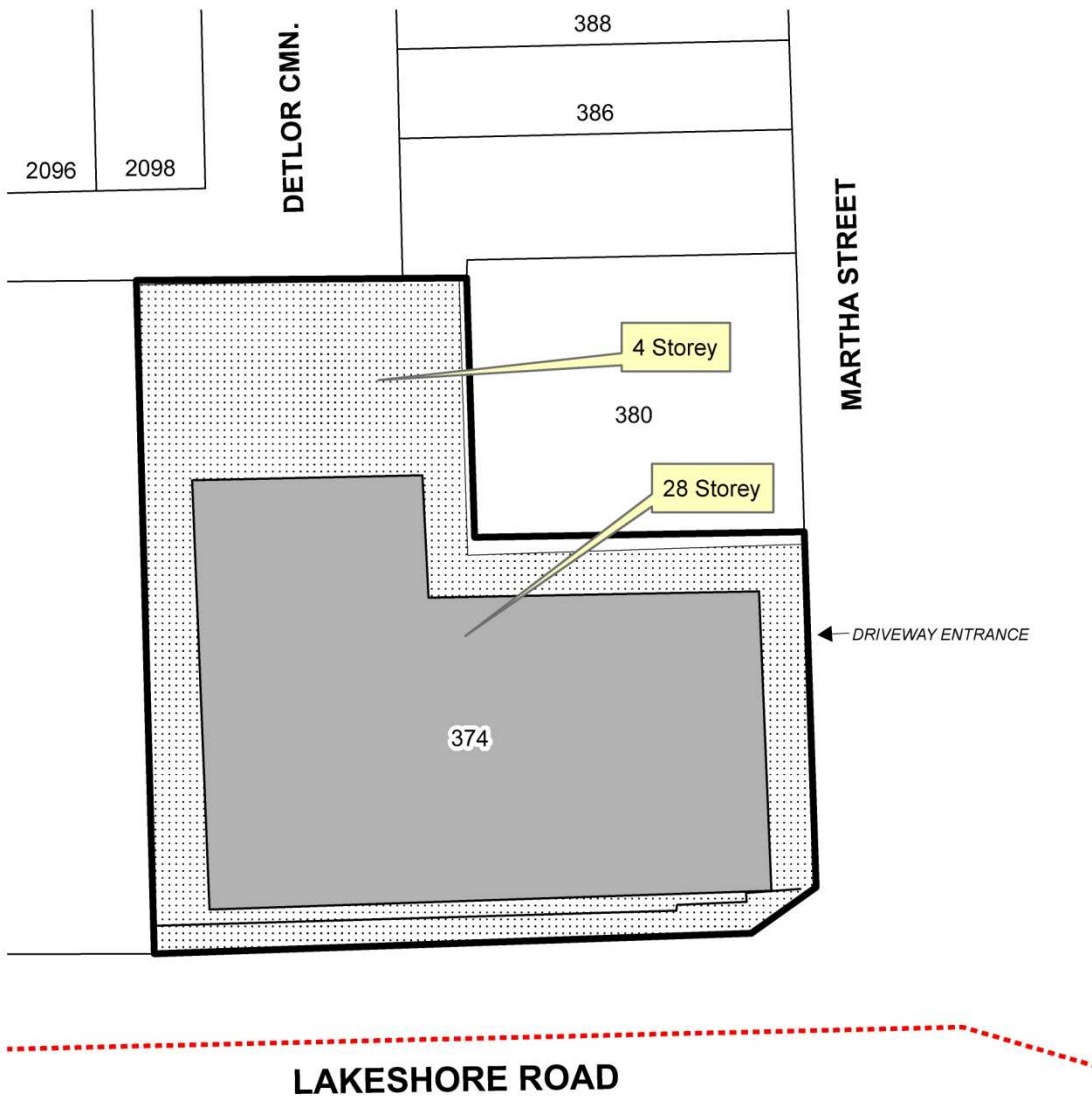


Bus Routes



Bus Stops

FILE No. 505-02/14
520-07/14



Appendix III
Public Comments