



August 3rd, 2017

Delivered By Hand

City of Burlington
Planning and Building Department
City Hall
426 Brant Street
P.O. Box 5013
Burlington, Ontario L7R 3Z6

COPY

**Attention: Mary Lou Tanner, MCIP, RPP
Director of Planning and Building**

Dear Ms. Tanner:

**Subject: Official Plan & Zoning By-law Amendment
421 – 431 Brant Street, Burlington
City Files: 505-01/17 & 520-02/17**

This is further to our submission of official plan and zoning by-law amendment applications to the City of Burlington in respect of the above-noted property on January 12, 2017.

The applications were deemed complete by the City of Burlington on February 9, 2017 and were circulated to various City Departments and agencies and to the Regional Municipality of Halton for review and comment.

Responses have been received from:

- Regional Municipality of Halton Legislative and Planning Services
- City of Burlington Capital Works Department
- City of Burlington Transportation Services (preliminary)
- City of Burlington – Landscaping - Capital Works
- City of Burlington – Sustainable Development Committee
- Halton District School Board

- Burlington Hydro Inc.

To-date, we have not received comments from City Planning as we have been advised that comments will be provided in the Fall of 2017 after the City has confirmed a future land use policy framework outline for the Downtown/Urban Growth Centre/Anchor Mobility Hub.

Included in the original submission were a number of detailed technical studies in addition to the required design drawings. These materials demonstrate that the redevelopment as originally proposed does not create adverse impacts on surrounding properties – shadows, wind, traffic, etc. – and is compatible within the context of the Urban Growth Centre/Downtown Burlington.

We have reviewed the circulation comments with our consultant team and in response we are proposing several modifications. **The proposed modifications respond directly to the comments received and do not impact or change the conclusions reached in any of the original submission material and analysis.**

Modifications:

The modifications can be generally summarized as:

- **Tower footprint reduced from under 800 sq. m. to under 750 sq. m. / floor to reflect the direction of the City's Tall Building Guidelines.**
- **Total GFA has been reduced from 22,333.9 sq. m. to 20,439.3 sq. m.**
- **FSI reduced from 11.24 to 10.29 (as a result of the modifications noted below).**
- **Unit count reduced from 183 to 179 – resulting in the density being reduced from 920.99 units per hectare to 900.86 units per hectare.**
- **Common indoor amenity areas has been redesigned resulting in a minor change to the ratio provided – 26.7 sq. m./unit from 25.9 sq. m./unit.**
- **The amount of proposed office space has been adjusted in response to preliminary indications from the City Planning Department that the proposed density may be too great.**
- **Common outdoor amenity space modifications – the outdoor terrace on the north side of the building has been relocated to the second level.**
- **Retail area has increased from 966.8 sq. m. to 1,019.5 sq. m. and office space reduced from 1,337 sq. m. to 870.8 sq. m.**

- Large outdoor amenity area on 3rd level has been dropped to 2nd floor which reduced the amount of gross floor area (office space).
- Minor adjustments have been made to the distribution of common indoor amenity space areas - relocated to 2nd and 4th floors.
- The parking rate has been increased from 1.0 to 1.07.
- The size of units on floors 17-24 have been adjusted to provide larger units on the higher floors.
- The rooftop and mechanical penthouse has been reconfigured – minor.
- The width of the access/service/Waste collection area has been reduced from 14.84m to 14.4m.
- The elevations of the tower have been adjusted to accommodate revisions to the updated footprint of the tower and the reduced number of suites. This has resulted in adjustments to the location of certain balconies.
- In response to comments from Councillor Meed Ward at the statutory public meeting, we have included additional building entrances for the retail units on Brant Street, John Street and James Street.

With these modifications, we are satisfied that all design comments raised through the circulation process have been adequately addressed. A detailed discussion of the modifications and the responses to the comments received is provided below.

Comments Received & Coordinated Responses

Regional Municipality of Halton:

The Regional Municipality of Halton has indicated that:

- the proposed amendments are consistent with the objectives and policy direction of the Provincial Policy Statement 2014 and the Provincial Growth Plan. Specifically the Region of Halton notes that the applications “appear to be in keeping with the general intent and objectives of the Urban Area policies of the ROP/ROPA 38, as the proposal is transit supportive (259.3), provides for increased density within the Built Boundary, supports PTG and policies for reasonably accommodated intensification”. **Agreed.**
- a Record of Site condition (“RSC”) and holding zone provisions have been requested by the Region of Halton to confirm that an opportunity was provided to address potential environmental/soil conditions. **This request is in contravention of the Environmental Protection Act and its regulations. In the case of this site, a record of site condition cannot be filed until**

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remediation is completed. Remediation cannot be completed without shoring to hold the sides of the excavation area up and excavation is completed to remove the impacted soil. As per Provincial regulations, a record of site condition is not required to change the zoning of the property and further a record of site condition is not required for the issuance of building permits for all required activities to aid in the filing of the record of site condition (i.e. shoring, excavation and remediation of the property).

- our environmental consultant (Terraprobe) has discussed this matter with City Works and City Planning who we understand have reviewed this matter with the Regional Municipality of Halton. On July 27, 2017, City Planning (Kyle Plas) confirmed that holding zone provisions are not required to adequately address the onsite environmental issues and the completion of the RSC.
- 421 Brant ST Inc. and its environmental consultant (Terraprobe) confirm that an appropriate approach to addressing this matter is by way of a condition of site plan approval stating that excavation and shoring permits are to be issued prior to the filing of the requested RSC.
- The Region of Halton has confirmed that public waste collection will be provided for the residential component of the development.
- Development Charges – The Region of Halton has noted its requirements in respect of development charges. **The rates imposed by the Regional Municipality of Halton change over time and as such will be reviewed prior to the issuance of building permits for the project.**
- Regional Servicing Comments - **Please see the enclosed correspondence from S. Llewellyn and Associates dated August 2, 2017 that addresses and responds to all Regional servicing comments. All Region of Halton servicing comments have been addressed.**
- the Region has indicated that it would like to review City of Burlington staff reports related to these applications at least twelve (12) days prior to the report(s) being considered by City Council. **Although the Region has indicated that it appears that these applications are exempt from Regional approval, this will be confirmed through the Region's review of the staff report(s) prior to City Council consideration. We do not anticipate any issues yet caution the City to ensure that the Region is provided the requested review and response opportunity period as the applications/report(s) move forward.**

City of Burlington - Capital Works Department

- Although Capital Works has concluded that it has no objection to the proposed applications, comments provided on March 27, 2017 are addressed as follows.

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- Right-of-Way – The City has requested 5.0m daylight triangles to be provided at the intersections of James Street and John Street and James and Brant. **This request is unwarranted and inconsistent with the approach on other developments in the Downtown, particularly the Berkeley located on the city block bounded by John Street, Caroline Street, Elizabeth Street and Maria Street – one block northeast of the subject land. Due to adverse impacts on the design of the underground garage facility - the parking supply and layout, this request is not proposed to be accommodated. Please note however, that we are proposing to provide the requested visibility triangles at these two intersections. Typically this matter is dealt with in the zoning by-law (setbacks) or by way of a surface easement. 421 Brant St Inc. is not prepared to agree to a taking. Please refer to the enclosed plans prepared by Turner Fleischer.**

- Environmental Site Condition – The City has requested that a Record of Site Condition be filed prior to building permit issuance. **This is appropriately addressed concurrently with excavation and shoring activities being completed. To complete the excavation, both excavation and shoring permits are required for high rise buildings. Please see above.**

- Functional Servicing, Servicing and Grading - **Please see the enclosed correspondence from S. Llewellyn and Associates dated August 2, 2017 that addresses and responds to all functional servicing, servicing and grading comments received from Capital Works Department. All Capital Works comments have been addressed.**

- Noise Assessment – The City has confirmed that there are no significant “stationary” industrial or commercial sources of sound in the area and that a detailed noise assessment is not required at this time. However, it has been noted that a detailed noise study will be required at site plan stage. **This is a standard requirement and this study will be provided at the site plan approval stage. Therefore, these comments have been satisfied.**

Transportation Services:

- Preliminary comments were provided on May 4, 2017.

- Daylight triangles have been requested. **Please see above.**

- The width of the loading space/service/waste collection area and entrance to the underground parking structure on John Street was identified as being too wide - over 8m. **The design of the John Street frontage has been undertaken to accommodate several functions: vehicular access and egress to the underground parking facility; public waste collection in accordance with guidelines established by the Regional Municipality of Halton; the accommodation of service and moving vehicles; and, to accommodate**

deliveries. Through the Pre-Submission Consultation process with City staff and others, it was noted that lay-bys could not be accommodated on James Street nor John Street. The design of the entrance respects and satisfies the direction of the City's Downtown Urban Design Guidelines. We would like to draw your attention to the following excerpt:

5.3.2 Loading and Service Areas Loading and service areas should not be visible from major pedestrian or residential areas and should therefore be screened from view on all sides. It is preferable to locate service areas off side streets or service driveways. Service areas should be an integral part of the building and not separate stand alone structures. Storage of goods or garbage should be internal to the main building, wherever possible.

In response to comments and the above, these functions are proposed on John Street and to accommodate the technical design requirements for these functions, the width has been generally maintained (minor reduction as noted above). Further reductions in width would effectively preclude Regional waste collection and would require on-street collection which is not desirable.

- A 6.0m flat landing area at the top of the underground parking ramp where it meets the sidewalk on John Street has been requested. **Please note that this has been provided. Therefore, this comment has been satisfied.**

Landscaping – Capital Works:

We greatly appreciate the thoughtful and comprehensive comments provided. The following provides responses these comments in two parts: General Comments and Responses; and, Specific Responses.

General Comments and Responses:

Common Outdoor Amenity Areas:

Please note that this project has been carefully designed to provide a series of separate and discrete common outdoor amenity areas to its residents and guests. Minor revisions have been made to the design of these spaces to better serve residents and guests. Area 1 – the Brant Street Terrace; Area 2 – a second floor amenity; and, Area 3 – a roof top gathering place. Each area provides separate, complementary and unique experiences and functions while providing a combined area the equivalent of approximately 60% of the site.

Brant Street Terrace – the design of the Brant street Terrace has not changed and as noted above, is intended to serve a special function related to the common indoor amenity space on that level which includes party

rooms, recreational activities and resident amenities. As Brant Street forms the central spine of Burlington's Downtown, the fourth floor terrace has been purposefully designed to take advantage of the special locational attributes of the site and to promote a positive interrelationship with Brant Street. The location and design provides a positive functional relationship to the common indoor amenity areas and takes advantage of the Brant Street frontage while providing a sense of community and safety for the residents. It has been indicated that this area may receive too much sunlight and be too hot during summer months. In our view the value of its relationship to Brant Street, City Hall to the west and activities on the street far exceed any issues related to the amount of sunlight this area receives. At the detailed design/site plan stage, we will consider this comment in more detail and anticipate that there may be some form of shade structure over part of the area.

Second Floor Amenity – Please note that the common outdoor amenity that was originally proposed on the third level (north side of the building) has been lowered to the second level. This area has been redesigned to function as a tranquil outdoor retreat area. The revisions include the elimination of an outdoor pool and the provision of a superior landscape and open space function. Please refer to the revised conceptual landscape drawings prepared by Ferris+Associates (enclosed).

Rooftop Common Outdoor Amenity Area – Further to comments received through the public consultation efforts completed to-date, we have worked with our architect and landscape architect to redesign the rooftop so that it not only provides a well-designed common outdoor amenity area but also provides an enhanced rooftop feature and identity feature that is suitable for this important site within the heart of the downtown/Urban Growth Centre. The extent of the roof cover has been revised to balance the openness to the sky while providing areas of shade and shelter adjacent to the building. The previously shown greenhouse was intended to be more of a sunroom than a horticultural feature, and has now been eliminated to provide more outdoor terrace area.

Streetscaping:

- We have been advised by the City of Burlington that new Downtown Streetscape Standards are being prepared and will be complete before the end of this year. As such, the streetscaping shown is conceptual and is intended to be revised later at such time as the new Downtown Streetscape Guidelines are available.

Arborist Related Matters:

Brant Street

- There are only two City owned street trees in front of the subject property - Honey Locust 74324 (24cm dbh good condition) and Honey Locust 74325 (10cm dbh fair condition).
- The existing tree growing environment is very poor and will certainly not meet proposed new City standards for street trees referred to in the last point of the email (see enclosed photos).
- Given the extent of the proposed development, we will be requesting the removal of these two trees in order to allow for the new comprehensive streetscape treatment.
- These two trees are proposed to be replaced with three new trees with the proper soil volume and streetscape paving treatment.

John Street

- We agree with the observations and comments on Honey Locust tree 72047 (18cm dbh fair condition).
- This one tree is proposed to be replaced with two new trees with the proper soil volume and streetscape paving treatment.

James Street

- There are no existing trees on this street and four new street trees are proposed that will be installed with the proper soil volume and streetscape paving treatment.

Private Landscaping:

Level 3 (now on 2nd Level)

- See above. This common outdoor amenity area has been relocated one level lower.
- This amenity terrace is proposed to support the adjacent interior amenity spaces and may be available for year round use by residents.
- The final landscaping design is no longer considering a swimming pool and will be confirmed through the site plan review process.

Level 4

- See above. We will take the comments under consideration for further design development at the Site Plan Approval stage.

Sustainable Development Committee:

The Sustainable Development Committee has undertaken a thorough review of the official plan and zoning amendment applications submitted to the City of Burlington for approval.

Enclosed, please find a chart that we have prepared to summarize and respond to comments received.

In addition to the chart, we do note that there appear to be a number comments that go beyond the scope of the Sustainable Development Committee, particularly insofar as the discussions provided regarding city planning policy matters – for example it has been indicated that the project may be incompatible in terms of scale, massing and height (bottom of page 3) and when it assesses the need for this development within the context of growth projections for the downtown area. This has resulted in certain inconsistencies in the comments as it is noted that the proposed redevelopment is consistent with the Urban Design Guidelines but somehow is out of character in terms of scale and massing.

The assessment of incompatibility of height by the Committee appears to be based on this project being taller than other buildings in the area and not upon an understanding of the definition of compatibility which is included in Part VIII of the Official Plan.

Interestingly enough though, comments in the second paragraph on page 4 note that the Committee is of the opinion that the proposal will be compatible with intensification on Brant Street.

The Committee has indicated that should the City of Burlington approve the proposed official plan and zoning amendments that it may be appropriate for the proponent to plant additional trees elsewhere in the city. **We note that this is a matter of community benefits that is generally discussed with the applicant later in the process.**

We note that the Sustainable Development Committee has indicated its general support for the proposed redevelopment as indicated at the bottom of page 7, top of page 8.

All of the matters within the purview of the Sustainable Development Committee have been addressed and/or will be addressed at the detailed design stage/site plan. Land use policy matters are most appropriately addressed by the Planning Department.

Halton Catholic District School Board:

- The Board has indicated that it has no objection to the approval of the proposed official plan and zoning amendments and has proposed a number of conditions of approval.

Halton District School Board:

- The Board has indicated that it has no objection to the approval of the proposed official plan and zoning amendments and has proposed a number of conditions of approval.

Burlington Hydro Inc.:

- Burlington Hydro has indicated that service is available and it is not opposed to the proposed redevelopment.
- It is correctly noted that electric service is to be provided to the site from John Street.
- **A series of conditions of approval have been provided that will be reviewed and confirmed prior to zoning approval.**

Additional Planning Considerations:

In response to the Provincial Policy Statement, Places to Grow/Growth Plan, Planning Act requirements and the Big Move, the City of Burlington is currently considering the future planning policy and intensification strategy to accommodate redevelopment and intensification within the Urban Growth Centre and how this application fits within that context. This is being considered through the new Draft Official Plan, mobility hub secondary plans, Tall Building Guidelines, new Downtown Streetscape Guidelines and the establishment of a new advisory design review panel – “BUD”.

We have actively participated and will continue to participate in each of these initiatives and particularly the new Official Plan and the Downtown Mobility Hub secondary plan development initiatives. In this regard, we do have a number of observations and comments that we would like to bring to your attention.

Recently, conceptual massing/intensification diagrams prepared by the City’s consultant team for the Downtown Mobility Hub have been presented to the public. These plans indicate that the vast majority of the redevelopment and

intensification of the Urban Growth Centre could be accommodated through low and mid-rise buildings that are generally accommodated by existing planning permissions (Official Plan and zoning by-law). However, the extent of the area required to be redeveloped and intensified with only this form is unrealistic as the implementation of these plans would result in almost a complete rebuild of the Downtown.

We are of the opinion that while the City of Burlington has an obligation to accommodate growth and intensification, the concept of substantially rebuilding the Downtown is unrealistic. We suggest that the City should be strategic in its planning approach by recognizing and targeting higher density redevelopment and intensification to important and realistically re-developable sites within the Urban Growth Centre. However, we also recognize that a limited number of high rise developments within the Urban Growth Centre are not sufficient. Low and mid-rise developments will also be required. In combination, a mix of these forms of growth can be more realistically expected to achieve the required minimum population and employment density by 2031.

To-date it appears that there is a common misperception that existing planning policies are able to promote and accommodate a minimum population and employment density target of 200 people and jobs within the Urban Growth Centre by 2031.

Information that has been made available to the public has either incorrectly or inadvertently indicated that the City is approximately 75% of the way towards meeting the minimum population and employment density target.

As noted at a recent Ontario Municipal Board hearing for another intensification project in the Urban Growth Centre, City Planning staff confirmed that the current density is closer to 66% of the way towards meeting the minimum target - well short of the 75% noted above. To make matters more challenging, at this same hearing, City Planning staff advised that the existing planning policies for the Urban Growth Centre will not enable the City to reach the minimum density target noted above.

The implications of these conclusions regarding the planning framework for the Urban Growth Centre are profound.

In an effort to obtain a clear, comprehensive and thorough understanding of growth requirements for the Urban Growth Centre and this project, we retained Altus Group to analyze existing planning policies, development and construction trends and land use and housing economics. Altus concludes that substantial redevelopment and intensification within the Urban Growth Centre is required – at least 23 buildings of a similar scale to the 421 Brant Street proposal will be required within the Urban Growth Centre by 2031 to achieve the minimum

population and employment density requirement. Copies of the Altus report are enclosed.

As we have clearly indicated through the planning approval process, the proposed application is located in the heart of the downtown and is included within the centre of the “Anchor Mobility Hub” and the Urban Growth Centre – a strategic and important site within the Downtown.

In light of the foregoing, we opine that 421 Brant is not only a site that is prepared to be redeveloped but is also strategically important in the City’s efforts to achieve the minimum population and employment growth target for 2031 and beyond.

Resubmission Materials:

Enclosed, please find the following resubmission materials:

- Seven (7) copies of this resubmission letter;
- Fifteen (15) copies of updated site plan, floor plan and elevation drawings prepared by Turner Fleischer Architects, dated July 30, 2017;
- Five (5) copies of updated 3D drawings prepared by Turner Fleischer Architects, dated July 30, 2017;
- Five (5) copies of and urban design reliance letter prepared by Bousfield Inc., dated July 30, 2017;
- Seven (7) copies of updated conceptual landscaping drawings prepared by Ferris+Associates, dated July 30, 2017;
- Five (5) copies of tree condition photographs prepared by Ferris+Associates;
- Seven (7) copies of updated Functional Servicing and Grading Reports prepared by S. Llewellyn and Associates, dated July 30, 2017;
- Seven (7) copies of responses to Capital Works comments, prepared by S. Llewellyn and Associates Limited;
- Seven (7) copies of responses to Region of Halton servicing comments, prepared by S. Llewellyn and Associates Limited;
- Revised 3D Model (digital – DVD) prepared by Turner Fleischer Architects;
- Six (6) copies of our responses to comments from the Sustainable Development Committee;

- Ten (10) copies of 421 Brant Street Economic Analysis prepared by Altus Group, dated July 30, 2017; and,
- One (1) DVD with electronic copies of all of the above and this resubmission letter.

As the modifications to the plans are substantially minor proposing to reduce the FSI, the GFA, the size of the tower floor plate, the number of residential units, the amount of commercial floor space and the scale and massing of the proposed redevelopment has not increased, updated Transportation and Parking Analysis, shadow studies and wind assessments are not required and are not included in this resubmission.

Conclusions:

Further to the comments received, the analysis completed by our consultant team and our comments above, we are requesting that you consider the resubmission materials and move this project forward to City Council for approval immediately. As we have indicated, these applications will not create any adverse impacts and not only complement and enhance the Downtown but also contribute significantly towards the City's ability to achieve the required minimum population and employment density for the Urban Growth Centre. This is good planning.

Yours truly,
421 Brant Street Inc.



Mark G. Bales, MCIP, RPP

Enclosures