



SUBJECT: Statutory public meeting and information report regarding the Official Plan and Zoning By-law amendment applications for 421 – 431 Brant Street

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-38-17

Wards Affected: 2

File Numbers: 505-01/17 & 520-02/17

Date to Committee: May 2, 2017

Date to Council: May 15, 2017

Recommendation:

Receive and file planning and building department report PB-38-17 regarding official plan and zoning by-law amendment applications for 421-431 Brant Street.

Purpose:

The purpose of this report is to provide background information for the statutory public meeting required under the Planning Act for Official Plan and Zoning By-law amendment applications.

The report provides an overview of the proposed applications, an outline of the applicable policies and regulations and a summary of technical and public comments received to date.

The report relates to the following objectives of the City of Burlington Strategic Plan:

A City that Grows

- Promoting Economic Growth
- Targeted Intensification
 - Growth is being achieved in mixed use areas and along main roads with transit service, including mobility hubs, downtown and uptown.
 - Burlington has a downtown that supports intensification and contains green space and amenities, has vibrant pedestrian-focused streets, is culturally active and is home to a mix of residents and businesses.

- Architecture and buildings are designed and constructed to have minimal impact on the environment reflecting urban design excellence that create buildings and public spaces where people can live, work or gather.
 - Focused and Directed Population Growth
- A City that Moves
- Increased Transportation Flows and Connectivity
 - Mobility hubs are being developed and supported by intensification and built forms that allow walkable neighbourhoods to develop.

REPORT FACT SHEET

RECOMMENDATIONS:		<i>None. Statutory Public Meeting</i>	Ward No.:	2
Application Details	<p>APPLICANT:</p> <p>OWNER:</p> <p>FILE NUMBERS:</p> <p>TYPE OF APPLICATION:</p> <p>PROPOSED USE:</p>	<p><i>421 Brant Street Inc.</i></p> <p><i>421 Brant Street Inc.</i></p> <p><i>505-01/17 & 520-02/17</i></p> <p><i>Official Plan and Zoning Bylaw Amendments</i></p> <p><i>27-storey mixed use building with commercial/retail, office and residential uses.</i></p>		
Property Details	<p>PROPERTY LOCATION:</p> <p>MUNICIPAL ADDRESSES:</p> <p>PROPERTY AREA:</p> <p>EXISTING USE:</p>	<p><i>South end of block bound by Brant Street, James Street and John Street.</i></p> <p><i>421 – 431 Brant Street</i></p> <p><i>0.2 hectares (0.5 acres)</i></p> <p><i>Commercial / retail uses with surface parking along John Street.</i></p>		
Documents	<p>OFFICIAL PLAN Existing:</p> <p>OFFICIAL PLAN Proposed:</p>	<p><i>Downtown Mixed Use Centre – Downtown Core Precinct</i></p> <p><i>Downtown Mixed Use Centre – Downtown Core Precinct – site specific designation to permit increased height and floor area ratio (FAR).</i></p>		

	<p>ZONING Existing:</p> <p>ZONING Proposed:</p>	<p><i>421 – 427 Brant Street – ‘DC -434 (Downtown Core)</i></p> <p><i>429 – 431 – ‘DC – Downtown Core)</i></p> <p><i>Modified ‘DC’ with site specific exception</i></p>
<p>Processing Details</p>	<p>NEIGHBOURHOOD MEETING:</p> <p>PUBLIC COMMENTS:</p>	<p><i>March 28, 2017</i></p> <p><i>Staff have received 15 emails, five neighbourhood meeting comment sheets, two letters and four emails forwarded from the Councillor’s office.</i></p> <p><i>Note: Some constituents sent multiple letters</i></p>

Background:

The purpose of this report is to provide an overview of the proposed applications, an outline of the 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. As such, no recommendations on the applications are being made at this time.

Site Description

The subject applications apply to five properties, known municipally as 421, 425, 427, 429 and 431 Brant Street, which the applicants have assembled. These lands comprise the southern portion of the City block bound by Brant Street to the west; James Street to the south; and John Street to the east. These properties currently contain several commercial / retail buildings and operations, as well as surface parking areas at the rear accessed from John Street. The subject lands comprise a total area of approximately 0.2 hectares (0.5 acres). Assembled, the subject lands have a total frontage of 40.5 metres along Brant Street; 50.2 metres along James Street; and 40.2 metres along John Street.

To the north of the subject properties are retail / commercial uses; to the east are retail / commercial uses and residential lands uses; to the south are retail / commercial uses, office uses (south east), and residential uses (south west); and to the west is City Hall. Surrounding land uses are shown in the Location / Zoning Sketch attached as Appendix 1 to this report.

Description of Applications

On February 9, 2017, the Planning and Building Department acknowledged that complete applications had been received for Official Plan and Zoning By-law amendments for 421 – 431 Brant Street. The applications propose the development of a 27-storey mixed use building with 966 square metres of ground floor retail / commercial uses fronting onto Brant Street and James Street; 1,327 square metres of office space on the 2nd floor of the proposed building; and 183 residential units as illustrated in Appendix II – Detail Sketch. There are 4 levels of underground parking being proposed with vehicular access being provided from John Street. A total of 183 parking spaces are being proposed for the residential component of the building. The proposed building also contemplates outdoor terracing (amenity space) on levels 3 – 5 and on the 27th storey (rooftop amenity terrace).

Technical Reports

The following technical reports were submitted in support of the applications:

- Architectural Plans, prepared by Turner Fleisher Architects Inc, dated January 2017;
- Landscape Plans, prepared by Ferris & Associates, dated November 2016;
- Brant Street Rendering, prepared by Turner Fleisher Architects Inc, dated January 2017;
- James Street Rendering, prepared by Turner Fleisher Architects Inc, dated January 2017;
- Planning Justification Report, prepared by Fothergill Planning & Development Inc., dated January 2017;
- Urban Design Brief, prepared by Bousfields Inc., dated January 2017;
- Noise Study, prepared by Novus Environmental Inc., dated January 2017;
- Shadow Impact Study, prepared by R. Bouwmeester & Associates, dated February 2017;
- Pedestrian Wind Assessment, prepared by Novus Environmental Inc., dated January 2017;
- Transportation Impact Study, Parking Study and TDM Options, prepared by Paradigm Transportation Solution Limited, dated December 2016;
- Functional Servicing Report, prepared by S. Llewellyn & Associates Ltd., dated December 2016;
- Environmental Site Screening Questionnaire;
- Geotechnical Engineering Report, prepared by Terraprobe Inc., dated December 2016;
- Hydrogeological Investigation Report, prepared by Terraprobe Inc., dated December 2016;

- Phase 1 Environmental Site Assessment, prepared by Terraprobe Inc., dated December 2016;
- Phase 2 Environmental Site Assessment, prepared by Terraprobe Inc., dated December 2016.

The applications along with these materials have been circulated to various departments and agencies for technical review. The applications remain under technical review, with only a limited number of comments received at the time of finalizing this report (comments included below in the Technical Review section). The technical reports can be accessed and reviewed on the City's website at www.burlington.ca/421Brant.

Discussion:

POLICY FRAMEWORK

The proposed Official Plan and Zoning By-law amendment applications are subject to the following policy framework: the Provincial Policy Statement (PPS), 2014; Places to Grow, Growth Plan for the Greater Golden Horseshoe, 2006; Halton Region Official Plan; City of Burlington Official Plan, and the City of Burlington Zoning By-law 2020.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. It sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The PPS focuses growth and development within settlement areas while encouraging the wise management and efficient land use and development patterns.

Decisions affecting planning matters made on or after April 30, 2014 "shall be consistent with" the PPS.

Growth Plan for the Greater Golden Horseshoe (2006)

The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. The Growth Plan directs growth to existing urban areas through intensification to optimize the use of the existing land supply and concentrating on making better use of our existing infrastructure. The Plan focuses on building complete communities that are well-designed, offer transportation choices, accommodate people at all stages of life and

have the right mix of housing, a good range of jobs and easy access to store and services to meet daily needs.

Halton Region Official Plan

The subject property is designated Urban Area. The Urban Area is where urban services (municipal water and/or wastewater systems or components thereof) are provided to accommodate concentrations of existing and future development.

The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws. In addition, all development shall be subject to the policies of the Regional Official Plan.

City of Burlington Official Plan

The subject lands are designated as Downtown Mixed Use Centre and are further specified as being within the Downtown Core Precinct designation.

According to the Downtown Mixed Use Centre policies, the Downtown shall be re-developed through the infilling of existing surface parking lots, the rehabilitation of existing buildings and the intensification of under-utilized lands and buildings, in keeping with its role as Provincial Growth Centre, ensuring that such development shall encourage transit use and that an adequate supply of parking is provided. Objectives include establishing the Downtown as a Mixed Use Centre composed of retail, service, office, public and residential uses while providing a focus and source of identity in the context of the City as a whole.

One of the objectives of the Downtown Core Precinct designation is to designate the inner core area of the Downtown for higher density development consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre, to meet Provincial Growth objectives and to help support increased transit use. Another objective is to require a high standard of design for new buildings in order to provide a sense of place, compatibility with existing development and a sense of pedestrian scale and comfort.

The Downtown Core Precinct designation permits commercial activities including local service and retail uses to office and administration uses; high density residential apartment uses, including the residential use of upper storeys of commercial buildings; and cultural, recreation, hospitality, entertainment and community facilities.

The minimum height of buildings in this precinct is two storeys and the maximum height is four storeys. Taller buildings up to a maximum height of eight storeys and 29 metres 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 benefit provisions of the Official Plan.

For 421, 425 and 427 Brant Street, there is a special provision which sets out that the maximum height of buildings shall be seven storeys and 22 metres. Taller buildings up

to a maximum of twelve storeys and 37 metres may be permitted where they provide a sense of compatibility with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor.

Draft New Official Plan – Downtown Burlington Mobility Hub

On April 6, 2017, staff presented a draft of the City's new Official Plan to Committee of the Whole, which communicates Council's vision and establishes strategic priorities for the City's growth management, land use and infrastructure.

The draft Official Plan does not contain policies for lands that are identified in the current Official Plan as: Downtown Core; Wellington; Old Lakeshore Road; Residential Medium and High Density, and some related policies.

Review of the existing downtown policies is required, and is being completed as part of the on-going Mobility Hubs study. The City's Strategic Plan emphasizes the importance of mobility hub lands, which are described as "a location with several transportation options. A concentrated point for such features as transit, employment, housing and recreation". The Strategic Plan contains guidance to direct growth and intensification to the downtown and each GO station and to undertake area specific plans for each hub.

The City has initiated the Mobility Hub Area Specific Planning process, which presents an opportunity to prepare new downtown policies and incorporate them into the new Official Plan. The public engagement program will commence in the Spring of 2017 and extend into the Fall of 2017. Draft new downtown Official Plan policies will be brought to the public and Council for consultation, prior to incorporating them into the proposed new Official Plan.

City of Burlington Zoning By-law 2020

The subject lands are zoned 'Downtown Core (DC)', with a site specific provision (DC-434) applying to 421, 425 and 427 Brant Street, as shown in Appendix 1. The DC zone permits a range of retail, commercial, service commercial, office, community, hospitality, entertainment / recreation and residential uses. The DC zone permits residential dwelling units in a commercial / office building and also permits an apartment building so long as the ground floor of any building within 15 metres of a public street is only used for retail or service commercial uses.

The DC zone sets out a maximum height of 4 storeys (15 metres) and a maximum floor area ratio of 4.0:1. The site specific provision applying to 421, 425 and 427 Brant Street (i.e. DC-434), sets out a maximum building height of 7 storeys (22 metres) and a maximum floor area ratio of 4.5:1.

The regulations for the DC zone are listed below. For comparison, Table 1 lists the DC zone requirements and the proposed zoning for the proposed 27-storey mixed use building.

Table 1 – Zoning Regulations – Existing and Proposed

Zone Regulation	DC & DC-434 Zone Requirements	Proposed	Relief Required
Minimum Lot Width	7.5m	40.2m	No
Minimum Lot Area	No minimum	0.2 ha	No
Yard Abutting a Street	<p>Floors 1 to 4:</p> <p><u>Minimum:</u> 2m from Brant Street 1.5m from James Street 1m from John Street</p> <p><u>Maximum for 1st floor:</u> 3m from Brant Street 2.5m from James Street 2m from John Street</p>	<p><u>Brant Street</u> Floors 1-3: 2.95m Floors 4-24: 8.55m Floors 25-27: 10.55m</p> <p><u>James Street</u> Floors 1-3: 2.6m Floors 4-24: 5.01m Floors 25-26: 7.6m Floor 27: 15.25m</p> <p><u>John Street</u> Floors 1-3: 1.84m Floors 4-24: 5.06m Floors 25-27: 6.5m</p>	<p>No</p> <p>Yes</p> <p>No</p>
Rear Yard and Side Yard	None required for lots abutting Brant Street, James Street or John Street	<p>Interior Side Yard: Floors 1-2: 0.68m Floors 3 - 4: 0.98m Floors 5 - 24: 12.8m Floors 25 - 27: 14.8m</p>	No
Building Height	<p><u>DC Zone</u> (429 – 431 Brant): Minimum: 2 storeys Maximum: 4 storeys and 15m 1st & 2nd Storeys: minimum 4.5m each</p> <p><u>DC-434</u> (421 – 427 Brant): Maximum: 7 storeys and 22m</p>	<p>27 storeys (94.05m)</p> <p>1st Storey: 5m 2nd Storey: 3.95m</p>	<p>Yes</p> <p>Yes</p>
Floor Area Ratio (FAR)	<u>DC Zone</u> (429 – 431 Brant): Maximum: 4.0:1	11.24:1	Yes

	<u>DC-434 (421 – 427 Brant):</u> Maximum: 4.5:1		
Parking	Minimum: 1.25 parking spaces per unit 1.25 spaces x 183 units = min 229 spaces	183 spaces	Yes
Bicycle Parking	Minimum Retail, Service Commercial, Office, Institutional: 2 spaces plus 1 space / 1000m ² GFA	69	No
Amenity Area	Minimum 20m ² per unit	25.9m ² per unit	No
Built Form	The 1 st floor elevation of any building facing a street shall have a minimum of 60% glazing	This info has not yet been confirmed	To be determined
Below Grade Parking Structure Setbacks	An enclosed parking structure below grade shall be setback 3m from a street line	0.5m	Yes
Parking Ramp Setbacks	Entrance and exit ramps to below-grade parking structures shall be setback 7.5m from a street line.	1.84m	Yes

Technical Review

On February 14, 2017, staff circulated a request for comments to internal and external agencies, including Halton Region. Formal comments on the applications were not all received by the time this report was being finalized. Agency comments will be addressed in the subsequent recommendation report.

Burlington Economic Development Corporation (BEDC):

The employment component of the development could generate up to 130 new jobs in the downtown. The addition of new jobs and modern office and retail space to Burlington's downtown core would be supported by BEDC.

City Forestry / Landscaping

There are 3 City trees along Brant Street and 1 City tree along John Street that could be affected by the proposed development. Tree preservation is recommended along with the planting of new street trees.

Halton Region

At the time of writing this report, comments from Halton Region had not been received.

Financial Matters:

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

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments were circulated in February 2017 to surrounding property owners / tenants. Notice signs were also posted on the property, which depicted the proposed development. All technical studies and supporting materials were posted on the City's website at www.burlington.ca/421Brant .

Neighbourhood Meeting

A neighbourhood meeting was held on March 28, 2017 at the Art Gallery of Burlington and was attended by approximately 100 members of the public, the Ward Councillor and the Mayor.

Comments included the following:

- Traffic & safety;
 - Increase in traffic volumes;
 - Concerns about turning movements, especially onto James Street and Caroline Street;
 - Inadequate provision of drop-off, delivery, service vehicle space;
 - Downtown congestion during highway closures;
- Inadequate parking spaces to accommodate residents and visitors;
 - Car share and transportation demand management should be incorporated;
- Concern with building height;
 - Building height is not compatible with adjacent buildings and land uses;
 - Building height should conform to City's Official Plan and Zoning By-law;
 - Building height would dwarf City Hall and Civic Square;
 - Represents significant deviation from City's Official Plan and Zoning By-law;
- Concern with number of units / density;
 - Poor location for additional density;
 - Proposed development constitutes over-intensification;
- Support for proposed development;
 - Opportunity to improve Brant Street, James Street and John Street;

- Questions / comments about unit prices and sales period;
- Adds excitement to the downtown and could attract a younger demographic;
- Concern about length of construction period and noise implications;
- Built Form & Urban Design;
 - Mid-rise building would be more appropriate than high-rise building;
 - Mixed use developments don't work downtown (i.e. Upper Canada Place and Burlington Square Plaza);
 - Development potential of properties at north end of block bound by Brant Street, James Street, John Street and Pine Street;
- Concern that this application will be precedent setting;
- Sustainability should be integral part of development;
- Negative impact to downtown charm and aesthetics.

Public Comments

Since the subject applications were submitted in February 2017, staff have received correspondence from members of the public regarding the proposed development. To date, staff have received 15 emails and 5 neighbourhood meeting comment sheets. The public comments received to date are included in Appendix 3. The general themes of these comments are:

- General opposition to the proposed development;
 - Support for the development;
 - Concern about the significant increase in density from the permissions set out in the City's Official Plan and Zoning By-law;
 - Concern with proposed building height;
 - Poor location for proposed height;
 - Proposed development could dwarf City Hall;
 - Impacts from building height;
 - Height would create wind impacts;
 - Height would create shadow impacts;
 - Traffic & Safety;
 - Increased traffic volumes;
 - Insufficient parking;
 - Concern that this application would be precedent setting;
 - Architectural / Urban Design / Streetscape concerns;
 - Concern the building could impact the existing character of the downtown.
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Conclusion:

This report provides a description of the development applications, an update on the technical review of this application and advises that several 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,

Kyle Plas, MCIP, RPP

Senior Planner – Development Review

905-335-7600 ext. 7555

Appendices:

Appendix 1 – Location / Zoning Sketch

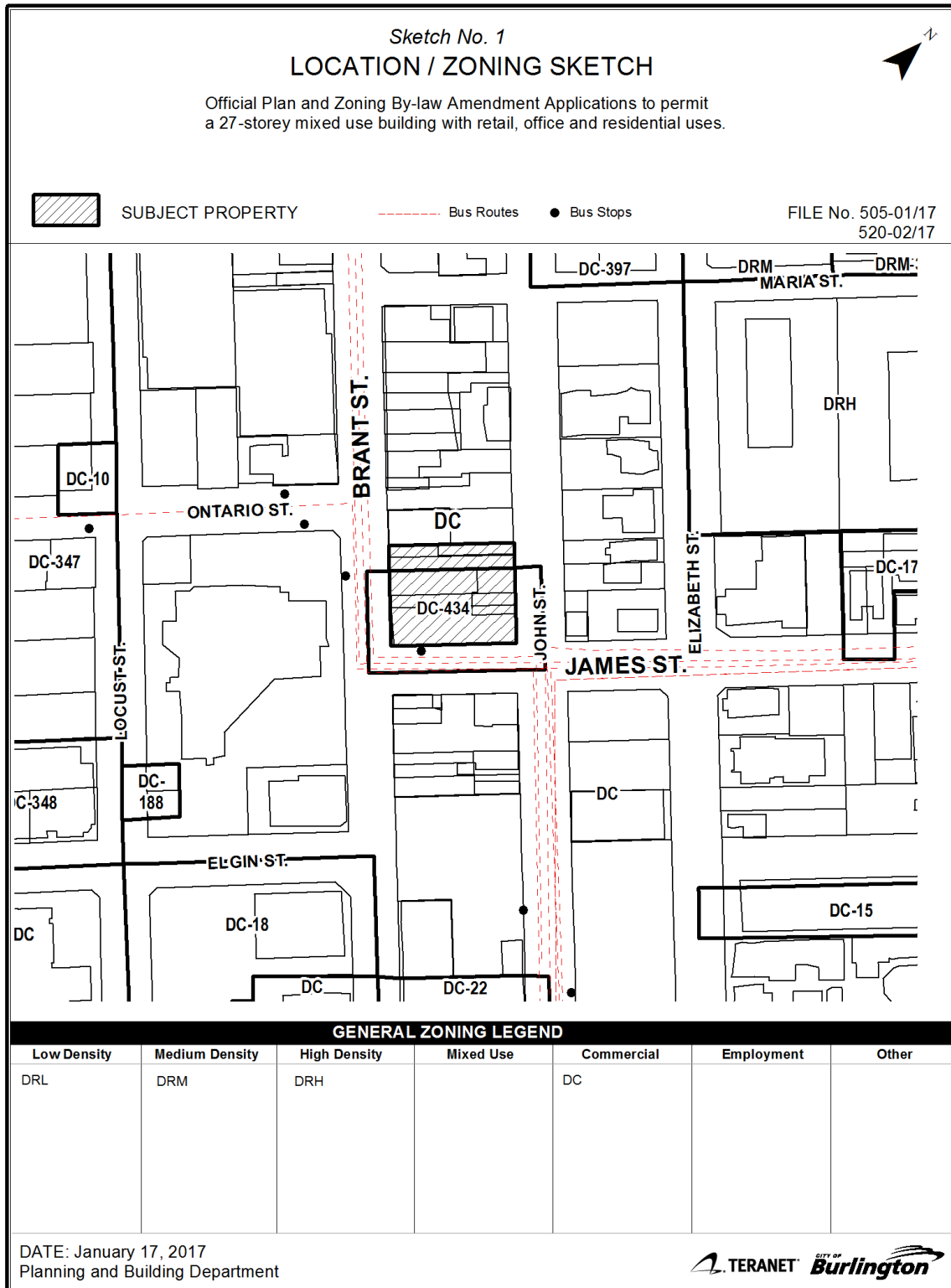
Appendix 2 – Detail Sketch

Appendix 3 – Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

APPENDIX 1 – Location Sketch



APPENDIX 2 – Detail Sketch

