



SUBJECT: Report recommending modified approval of an Official Plan and Zoning By-law amendment for 421 – 431 Brant Street

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-62-17

Wards Affected: 2

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

Date to Committee: November 1, 2017

Date to Council: November 13, 2017

Recommendation:

Approve the application submitted by 421 Brant Street Inc., to amend the Official Plan and Zoning By-law, as modified by staff in Report PB-62-17, to permit a mixed used development with a height up to 23 storeys; and

Approve Amendment No. 106 to the City of Burlington Official Plan, as contained in Appendix B of Report PB-62-17, to modify the “Downtown Core Precinct” policies affecting 421 – 431 Brant Street, to permit a mixed use development consisting of a 23 storey building with a maximum of 169 residential apartment units, a minimum of 365 square metres of office space and 900 square metres of commercial retail space at 421 - 431 Brant Street; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 106 as contained in Appendix B of Report PB-62-17 (File: 505- 01/17); and

Approve in principle the application by 421 Brant Street Inc., to amend the Zoning By-law, as modified by staff in Report PB-62-17, to permit a mixed use building with a height of up to 23 storeys at 421 – 431 Brant Street, subject to Section 37 negotiations; and

Direct planning staff to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and to return to Council with a report outlining the recommended community benefits; and

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 421 – 431 Brant Street from “DC” and “DC-434” to “DC-473” substantially in accordance with the draft regulations contained in Appendix C of Report PB-62-17 and direct that the amending zoning by-law will not be enacted until completion by the applicant of the following:

- i) Execution of a Residential Development Agreement including the conditions listed in Appendix D of Report PB-62-17; and
- ii) Execution of a Section 37 Agreement, in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City’s Official Plan, as they relate to the request for increased density on the subject properties.

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 106 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 106 is adopted. (File: 520-02/17); and

Approve the proposal by 421 Brant Street Inc., to remove three (3) city-owned trees from the Brant Street and John Street rights-of-way in front of the properties at 421 – 431 Brant Street and identified on Sketch No.2 in Appendix A of Report PB-62/17, subject to the following:

- i) The Owner shall compensate the City of Burlington for the tree removals by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$3,750); and

All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

Purpose:

The purpose of the report is to recommend modified approval of applications to permit a mixed use building at 421 – 431 Brant Street with a height of up to 23 storeys.

Applications have been submitted requesting amendments to the City’s Official Plan and Zoning By-law 2020 for the subject properties in order to permit a proposed 27-storey mixed use building (includes 1-storey of rooftop amenity space). Appendix A contains sketches showing the proposed development.

The applicants are proposing to amend the Official Plan (Downtown Core designation) and Zoning By-law (DC zone) to permit the proposed 27-storey mixed use building with a floor area ratio of 10.29: 1. Notwithstanding, planning staff are recommending a modified approval which would permit a mixed use building with a height up to 23 storeys, subject to significant design and public realm improvements.

The modified development proposal aligns with the following objectives in Burlington's Strategic Plan 2015-2040:

A City that Grows:

- Promoting Economic Growth
 - 1.1.g: Burlington's downtown is vibrant and thriving with greater intensification attracting both businesses and people to enjoy the quality of life.
- Intensification
 - 1.2.a: Growth is being achieved in mixed use areas and along main roads with transit service, including mobility hubs, downtown and uptown.
 - 1.2.d: New/transitioning neighbourhoods are being designed to promote easy access to amenities, services and employment areas with more opportunities for walking, cycling and using public transit.
 - 1.2.g: Intensification is planned so that growth is financially sustainable and so new infrastructure needed to support growth is paid using all financial tools available to have development pay for growth infrastructure.
 - 1.2.h: 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 businesses and residents.
 - 1.2.i: 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 Population Growth
 - 1.3.a: Burlington is an inclusive city that has a higher proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

A City that Moves:

- Increased Transportation Flows and Connectivity
 - 2.1.b: Mobility hubs are being developed and supported by intensification and built forms that allow walkable neighbourhoods to develop.
 - 2.1.g: Walkability has guided the development of new/transitioning neighbourhoods and the downtown so that people rely less on automobiles.
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REPORT FACT SHEET

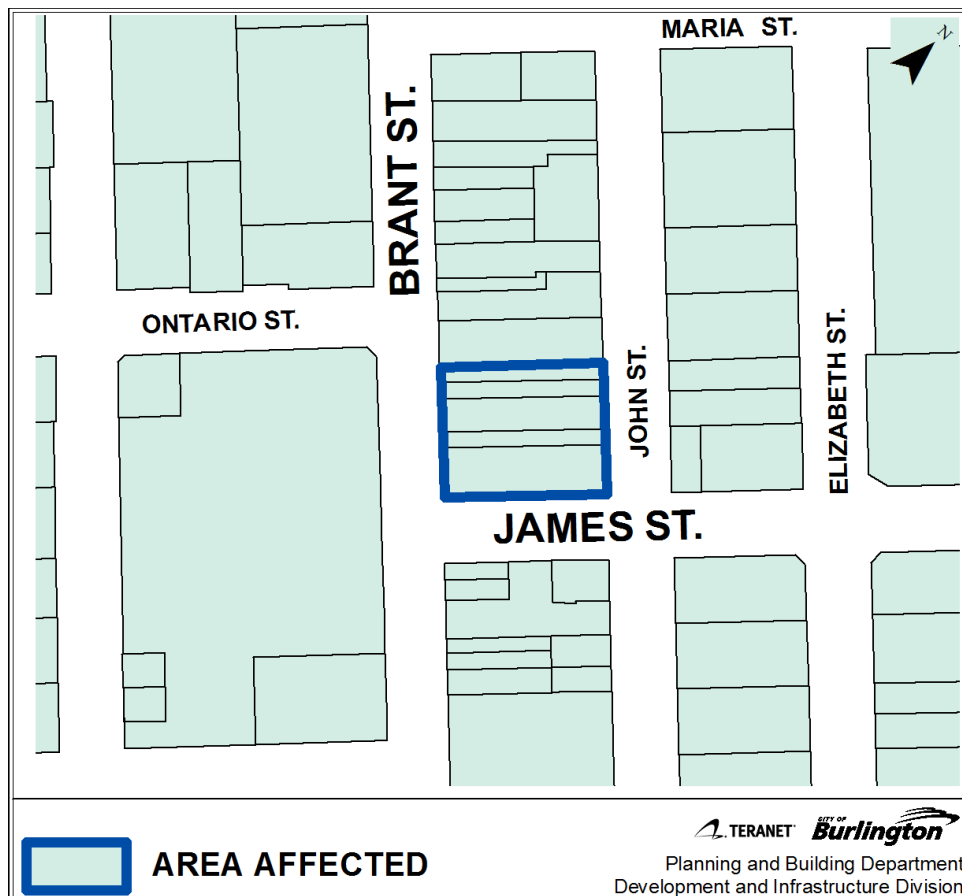
RECOMMENDATIONS:		<i>Modified Approval</i>	Ward No.:	2
Application Details	<p>APPLICANT:</p> <p>OWNER:</p> <p>FILE NUMBERS:</p> <p>TYPE OF APPLICATION:</p> <p>PROPOSED USE:</p>	<p>421 Brant Street Inc,</p> <p>421 Brant Street Inc.</p> <p>505-01/17 & 520-02/17</p> <p>Official Plan & Zoning By-law Amendment</p> <p>27-storey mixed use building with commercial/retail, office and residential uses.</p>		
Property Details	<p>PROPERTY LOCATION:</p> <p>MUNICIPAL ADDRESSES:</p> <p>PROPERTY AREA:</p> <p>EXISTING USE:</p>	<p>South end of block bound by Brant Street, James Street and John Street.</p> <p>421 – 431 Brant Street</p> <p>0.2 hectares (0.5 acres)</p> <p>1 & 2 storey retail commercial buildings & surface parking</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>Downtown Mixed Use Centre – Downtown Core Precinct – site specific designation to permit increased height and floor area ratio (FAR).</p> <p>421 – 427 Brant Street – ‘DC -434 (Downtown Core)’</p> <p>429 – 431 – ‘DC – Downtown Core’</p> <p>Modified ‘DC’ with site specific exception</p>		

Processing Details	<p>NEIGHBOURHOOD MEETING:</p> <p><i>March 28, 2017</i></p> <p>PUBLIC COMMENTS:</p> <p><i>Staff have received 25 emails, five neighbourhood meeting comment sheets, and two letters.</i></p> <p><i>Note: Some constituents sent multiple letters</i></p>
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Background and Discussion:

Site Description:

The proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (hereafter referred to as rezoning) applications apply to the properties located at the south end of the City block bound by Brant Street on the west, James Street on the south and John Street on the east, as shown on the sketch below and on the Location / Zoning Sketch, attached as Appendix A.



The applications apply to five properties known municipally as 421, 425, 427, 429 and 431 Brant Street, which the applicants have assembled. 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, these properties have a total frontage of 40.5 metres along Brant Street; 50.2 metres along James Street; and 40.2 metres along John Street.

Surrounding Land Uses:

North	One storey retail / commercial uses fronting on Brant Street with surface parking at the rear accessed from John Street.
East	John Street, 2 storey retail, commercial and office buildings fronting onto James Street and Elizabeth Street with surface parking areas accessed from John Street.
South	James Street, 1 & 2 storey retail and commercial uses fronting onto Brant Street and John Street. Surface parking lot and 6-storey office building located to the south-east.
West	Brant Street, 8-storey City Hall (includes Civic Square and the Cenotaph War Memorial). Three and a half storey mixed use building to the south-west. Two and three storey retail, commercial and office buildings to the north-west.

Application Details and Processing History

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, for the purpose of facilitating the development of a twenty-seven (27) storey mixed use building, as illustrated in the sketches in Appendix A. The proposed development includes:

- four storeys of underground parking;
- one storey of retail uses (1,019.5 square metres) at grade fronting Brant Street, James Street and John Street;
- one storey of office uses on the 2nd floor (870.8 square metres); and
- 25-storeys (above the retail & office floors) containing 179 residential units.

The floor area ratio of the proposed development is 10.29:1 (measured by adding the retail floor area, office space, indoor amenity area and residential floor area and dividing it by the site area), and the proposed density is 895 units per hectare. The proposed development is illustrated in the attached Sketches 2 & 3 (Appendix A).

The subject applications seek approval to:

- Increase the height of the building to 27 storeys from the 4 & 7 storey permission in the Zoning By-law and the 8 & 12 storey permission in the Official Plan;
- Increase the density on the property to 10.29:1 from the 4.0:1 & 4.5:1 floor area ratio permitted in the Zoning By-law and the Official Plan;
- Reduce the amount of parking to 183 spaces from the 224 spaces required in the Zoning By-law; and
- Reduce the minimum required height of the 2nd storey;
- Reduce the minimum required setback between the property line and the vehicular entrance / exit ramp;
- Reduce the minimum required setbacks for the proposed underground parking structure; and
- Increase the maximum permitted encroachments for the proposed balconies;

Staff initiated the public and technical circulation of the applications in February 2017 and the City scheduled a neighbourhood meeting that was held on March 28, 2017 at the Art Gallery of Burlington, which was attended by approximately 100 residents.

The statutory public meeting took place at the Planning and Building Committee meeting held on May 2, 2017. Staff information report PB-38-17 was presented at this meeting and included the public comments regarding the proposed development that were received by the planning department. Additional public comments received since April 2017 have been attached as Appendix F to this report. City Council received and filed report PB-38-17 on May 15, 2017.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant submitted updated plans which lowered the number of residential units; reduced the tower floor plate size, gross floor area, and floor area ratio; reduced the amenity area and office space; increased the retail space; and increased the parking ratio.

Following the statutory public meeting, staff met with the applicants to discuss technical issues and planning concerns with the development proposal. Planning staff endeavoured to take a position believed to represent good planning, which is reflected in the recommended modified approval outlined in this report and consists of the following:

- Twenty-three (23) storey building, which includes a 1-storey rooftop amenity area;
- Four-storey podium;
- 900 square metres of ground floor retail / commercial space;

- 365 square metres of 2nd floor office space;
- 169 residential units (maximum);
- A parking ratio of 1.2 parking spaces per residential unit in the below-grade parking structure, in addition to 8 dedicated visitor parking spaces and 1 car share space;
- Appropriate building setbacks from Brant Street (2.95 metres), James Street (2.6 metres) and John Street (1.8 metres);
- A 128 square metre (16 metre x 16 metre) visibility triangle (publicly accessible open space) at the corner of Brant Street and James Street;
- Appropriate building setbacks and terracing above the 4th floor and above the 18th floor.

Background Reports

The applicant has submitted the following technical reports and plans listed below in support of the applications. These reports were circulated to technical staff and agencies for review and comment and posted on the City's website (www.burlington.ca/421Brant) to facilitate public review.

- 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.

Discussion:

Policy Framework and Review

The OPA and rezoning applications are subject to the following policy framework: Provincial Policy Statement, 2014; Growth Plan for the Greater Golden Horseshoe, 2017; The Big Move, Transforming Transportation in the Greater Toronto and Hamilton Area; Halton Region Official Plan; Burlington Official Plan; Downtown Urban Design Guidelines; Tall Building Design Guidelines; and Zoning By-law 2020.

Staff has reviewed and analyzed the planning merits of these applications within this policy framework as described below.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. All planning decisions are required to be consistent with the PPS.

The PPS provides broad 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 focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

Settlement Areas Policies

The PPS identifies settlement areas as the focus of growth and development and requires that sufficient land be made available through intensification and redevelopment and, if necessary, designated growth areas. The PPS sets out that:

Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 4. support active transportation;
 - 5. are transit-supportive, where transit is planned, exists or may be developed;

In addition, the PPS directs planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated and to promote appropriate development standards which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The appropriate locations and opportunities for intensification are clearly described in the City of Burlington's Official Plan in accordance with the City's intensification strategy. The appropriate development standards to facilitate intensification are provided through the City's Official Plan's evaluation criteria for intensification proposals and more specifically through the City's Zoning By-law 2020, which the PPS identifies as vehicles for the implementation of the PPS.

The PPS also directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The provincial targets for intensification shall represent the minimum target for affected areas and can be exceeded. The subject property is located within the settlement area as well as within a designated growth area; the proposed development is located near existing transit facilities; and the development can use existing infrastructure. The City of Burlington has considered local conditions in the development and implementation of the City's comprehensive intensification strategy and staff have further determined that an appropriate level of intensification on this site can contribute towards achieving the City's intensification targets. Further discussion regarding the City's intensification targets is included below in this report.

The PPS also sets out that new development taking place in designated growth areas should occur adjacent to the existing built-up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Housing Policies

The housing policies of the PPS direct planning authorities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents of the regional market area. The PPS sets out that this will be achieved by:

- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents...; and
 - 2. all forms of residential intensification, including second units, and redevelopment...
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The City's Official Plan currently permits and facilitates all forms of housing and residential intensification, including second units and redevelopment. The City's existing intensification strategy has appropriately considered, planned for and implemented an effective strategy that directs a significant amount of intensification towards the City's mixed use centres and intensification corridors and these Official Plan policies are consistent with the PPS.

The appropriate development standards to facilitate residential intensification, redevelopment and new residential development are provided through the Official Plan's evaluation criteria for intensification proposals and in more detail through the City's Zoning By-law 2020. These development standards are explored in greater detail later in this report.

PPS and Local Context

The PPS recognizes that local context is important and that not all policies will be applicable to every site, feature or area. Further, the PPS sets out that some policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

The PPS also sets out that the Official Plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

With these two statements, the PPS is clear that the objectives of its policies should be given contextual consideration and not be interpreted as an unrestricted or unconditional permission to apply PPS policies to specific sites and development proposals. The PPS refers the reader to local Official Plans and Zoning By-laws which are the vehicles to best achieve comprehensive, integrated and long-term planning and are suited to provide reasonable and attainable policies to protect provincial interests, such as the intensification strategy embedded in the City of Burlington's Official Plan. The Official Plan provides the overarching policy framework, evaluation criteria for intensification proposals and development standards in the City of Burlington.

In principle, the proposed development is consistent with the PPS. Staff is of the opinion that an appropriate level of intensification, as set out by the recommended modified approval, would represent an opportunity to establish an efficient development pattern to optimize the use of land and promote a mix of housing, which could prioritize the use of active transportation and transit.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. The Growth Plan intends to build towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. 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 stores and services to meet daily needs.

Managing Growth

The Growth Plan contains population and employment forecasts which will be used for planning and managing growth in the GGH to the horizon of the Growth Plan. The vast majority of growth will be directed to settlement areas, and more specifically will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. location with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities.

The City's Official Plan policies direct new growth to the built-up areas and focus intensification in the mixed use centres and intensification corridors.

Urban Growth Centres

The Growth Plan defines Urban Growth Centres (UGC) as existing or emerging downtown areas and identifies them in the Plan. The UGCs will be planned to, among other things, accommodate significant population and employment growth. Downtown Burlington has been identified as a UGC and is required to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare.

The City began implementing and developing an intensification strategy in 2006. The City's previous Intensification Study and the current draft new Official Plan both address the objectives of the Growth Plan and are intended to direct a significant amount of population and employment growth to mixed use intensification corridors and centres. A detailed breakdown of the City's current position with respect to achieving the minimum density target is included below within the Urban Growth Centre Targets Section below.

The proposed development is located within the Urban Growth Centre boundary established in the Burlington Official Plan. The proposed development constitutes intensification and generally conforms to the growth management and general intensification policies of the Growth Plan.

Transit Corridors and Station Areas

The Growth Plan defines major transit station areas as the area including and around a major bus depot in an urban core and generally defined as areas within an approximate 500 metre radius of a transit station, representing about a 10-minute walk.

The subject property is located approximately 120 metres northwest of the John Street Downtown Bus Terminal. As such, the proposed development is located within a major transit station area.

The Growth Plan sets out that major transit station areas will be planned and designed to be transit supportive and to achieve multimodal access to stations and connections to nearby major trip generators. Within all major transit station areas, development will be supported in part by planning for a diverse mix of uses to support existing and planning transit service levels.

Housing

The Growth Plan sets out that municipalities will support the achievement of complete communities by planning to achieve the minimum intensification and density targets in the Plan; consider the range and mix of housing options and densities of the existing housing stock; and plan to diversify their overall housing stock across the municipality.

To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Growth Plan Implementation

The City of Burlington was one of the first municipalities to undertake a Growth Plan conformity exercise which was included in the completion of Burlington's 2008 Official Plan (OPA 55) and refined through additional OPAs (59 and 73). This Official Plan update included policies regarding Burlington's Urban Growth Centre boundary, intensification corridors and accessory units. Staff notes that OPA 73 has been appealed to the Ontario Municipal Board and is awaiting resolution, but the growth allocation numbers provided in OPA 73 were approved by the Region in Regional Official Plan Amendment 37 which was not appealed.

The Growth Plan notes that the minimum intensification and density targets are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate. In planning to achieve the minimum intensification and density targets, municipalities are required to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the expectation is that achieving or exceeding the intensification targets is not done at the expense of high quality urban design, which will be further explored in this report.

The subject applications generally conform to the principles of the Growth Plan by proposing intensification in an Urban Growth Centre, which are intended to accommodate intensification. Staff is of the opinion that the recommended modified approval would conform to the objectives of the Growth Plan, while ensuring that new development would be contextually appropriate and provide high quality urban design. An appropriate level of intensification on the subject site would also contribute towards the City meeting its minimum density target established in the Growth Plan. As previously noted, the minimum intensification targets are minimums and the Growth Plan encourages municipalities to go beyond the minimum targets. Staff is of the opinion that a high-rise built form is appropriate on this site, and would represent an appropriate way to achieve a built form that is contextually appropriate within the downtown setting.

The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Areas (2008)

The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Areas (Big Move) is a provincial policy document prepared under the Metrolinx Act (2008) that contains action items to develop and implement a multi-modal transportation plan for the Greater Toronto and Hamilton Area (GTAH).

The Big Move identifies a comprehensive rapid transit development plan as well as 51 Anchor and Gateway Mobility Hubs throughout the GTAH. Many of these Mobility Hubs coincide with Urban Growth Centres and major transit station areas. The Big Move identifies the major transit station area as well as the area approximately within an 800-metre radius of the transit station as the Mobility Hub and regards these areas as generally forecasted to achieve, or have the potential to achieve, a [total] minimum density of approximately 10,000 people and jobs within an 800 metre radius.

Downtown Burlington is designated as an Anchor Mobility Hub. Anchor Mobility Hubs are defined as hubs that have strategic importance due to their relationship with urban growth centres.

The subject property is located approximately 120 metres northwest of the John Street Downtown Bus Terminal which is generally considered the centre of the Downtown Burlington Anchor Mobility Hub and, therefore, the subject property is located within the boundaries of this Anchor Mobility Hub.

Staff has reviewed the 800 metre radius of the John Street Bus Terminal in Downtown Burlington and notes that the approximate radius extends to the intersection of New Street and Bridgman Avenue to the east; to just north of Brant Street and Baldwin Street; and to the intersection of Maple Avenue and Ontario Street to the west. While the limits of this boundary do not exactly align with Burlington's Urban Growth Centre boundary, staff notes that a significant amount of the Urban Growth Centre area is

contained within this radius and, of note, a significant amount of the residential population within the Urban Growth Centre is contained within the 800 metre radius of the John Street Bus Terminal. As discussed in Urban Growth Centre Targets Section of this report, the Urban Growth Centre has exceeded a total density of 10,000 people and jobs and is expected to reach the density target of 20,920 people and jobs (200 persons and jobs per hectare) by the year 2031.

The Metrolinx Mobility Hub Guidelines

Metrolinx also produced Mobility Hub Guidelines which provide guidance for municipalities to define their Mobility Hubs. Downtown Burlington is classified as a “Historic Suburban Town Centre” which recognizes the history and context of Burlington’s downtown core. This classification includes smaller city centres with low-medium density development; a mix of uses with some destinations; and a walkable street network with smaller block sizes. The Historic Suburban Town Centre classification is appropriate given the location and context of the Downtown Burlington Mobility Hub which is comprised of smaller blocks, does not have direct connections to rail transportation and is not directly located on a major provincial highway.

Region of Halton Official Plan

The Region’s Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton. Regional Official Plan Amendments (ROPA) 37, 38 and 39 received partial approval by the Ontario Municipal Board in 2014.

Section 76 of ROPA 38 establishes that the range of permitted uses in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws, but all development is subject to the policies of the ROP.

The subject property is designated Urban Area and also identified as being within a ‘Mobility Hub’. The Urban Area policies of the ROP provide that the range of permitted uses and creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. However, all development shall be subject to all other relevant policies of the Regional Plan.

As part of the Urban Area, the subject lands also form part of a Regional Intensification Area and are part of an Urban Growth Centre in the ROP and Growth Plan. The policies of the Urban Area designation support residential intensification and the development of vibrant and healthy communities. The ROP further supports providing opportunities for live/work relationships, and achieving densities higher than the surrounding areas and as high as permissible under local Official Plan policies. The proposed OPA and corresponding rezoning both appear to be in keeping with the general intent and objectives of the Urban Area policies of the ROP, as the proposal is transit supportive,

provides increased density within the Built Boundary, supports the Growth Plan and provides for reasonably accommodated intensification.

Urban Area Designation

The ROP provides objectives for the urban area which include accommodating growth; supporting a form of growth that is compact; promoting the adaptive re-use of brownfield and greyfield sites; and facilitating and promoting intensification and increased densities.

The ROP states that the Urban Area should establish a rate and phasing of growth that ensures the logical and orderly progression of development. Locating an appropriate level of intensification on the subject site would contribute towards an appropriate rate and phasing of growth to ensure logical and orderly progression of development.

Regional staff generally have no objection to the proposed development on the basis that it conforms to the Region's growth policies. City staff has evaluated the applications on the basis of land use compatibility and the ability to achieve the City's desired built form. City planning staff is of the opinion that a high-rise built form would represent a development opportunity that would be in line with both regional and municipal objectives.

City of Burlington's Intensification Strategy

Since the inception of the Provincial Growth Plan in 2005, Burlington has been developing a comprehensive intensification strategy to conform to the Growth Plan and achieve its density targets, as outlined below.

2006 – Official Plan Amendment 55

In 2006, Burlington staff refined the boundaries and population and employment estimates for Burlington's Growth Centre in consultation with the Ministry of Public Infrastructure Renewal (MPIR), as part of the City's Official Plan update (OPA No. 55). Burlington's Urban Growth Centre analysis estimated a residential intensification increase of 2,200 dwelling units that would support an additional 3,750 residents by the year 2031.

2007 – Official Plan Amendment 59

Planning staff provided an update on various provincial, regional and municipal initiatives and provided an overview of the City's intensification strategy which was approved by City Council on October 1, 2007. These initiatives included the following:

- OPA 55;

- GO Station Intensification Opportunity Study (which informed OPA 59 & Zoning By-law 2020-213);
- Analysis of Intensification Potential (corridors, key sites, accessory units, infrastructure); and,
- Implementation Measures (OPA/Rezoning, Design Guidelines, Infrastructure Improvements).

OPAs 55 and 59 included a series of amendments to the Official Plan that identified the Urban Growth Centre boundary; strengthened the policies for Mixed Use Centres and Mixed Use Corridors which serve as intensification areas; added policies for accessory dwellings units; addressed intensification around GO Stations and established a strategic approach to planning for and accommodating intensification within the built boundary.

2008 – Burlington Intensification Study

In 2008, Planning staff prepared the Burlington Intensification Study (Staff Report PL-1/08) with Preliminary 2031 Residential and Employment Intensification Estimates. This staff report described the components of residential intensification in Burlington which included the Urban Growth Centre, Urban Growth Corridors, Uptown and Regional Malls, low density infill and accessory dwelling units.

2009 – Official Plan Amendment 73

Following the completion of the 2008 Official Plan Review and the approval of OPA 73 in 2009, which included the City's population forecasts to 2031, the City's Official Plan policies presented a comprehensive and strategic approach to intensifying the two Mixed Use Centres (Downtown Burlington and Uptown) as well as a series of intensification corridors identified as Mixed Use Corridors. Staff notes that OPA 73 is currently under appeal, but the City's population forecasts to 2031 are included in ROPA 37 which was not appealed and therefore the City's forecasts were approved by the Region of Halton.

2017 – Draft New Official Plan

The draft new Official Plan (OP) has been developed in recognition of the opportunities and challenges ahead as the City continues to evolve. The City has expressed its interest to Grow Bold, which means the City welcomes continued growth and will guide this growth to the right locations. Burlington's draft new OP communicates Council's vision and establishes strategic priorities for the City's growth management, land use and infrastructure. The draft new OP reaffirms the City's commitment to maintain a firm urban boundary and introduces a new Urban Structure and Growth Framework to direct growth to the right parts of the City, and prioritizes growth around the Mobility Hubs.

The Downtown is considered an Urban Centre and is identified as a mobility hub in the draft new Official Plan. The area is currently under review through the Mobility Hub Area-Specific Plan. The review will confirm or change the policies as currently contained in the existing Official Plan. The draft new OP does not contain policies for lands in the downtown that are identified in the current Official Plan as: Downtown Core; Wellington Square; Old Lakeshore Road; Residential Medium and High Density, and some other related policies. Notwithstanding, the draft new OP and the Mobility Hub Area-Specific Plans will conform to the Provincial Growth Plan and allow the City to achieve its minimum density targets.

The City has conducted several conformity exercises and has developed a comprehensive approach that balances the protection of neighbourhoods and the accommodation of compatible intensification in appropriate locations. Planning staff is confident that the intensification framework that has been established provides the City with the ability to achieve the density targets established in the Growth Plan, Regional Official Plan and City Official Plan. Notwithstanding, it is important to note that the intensification targets are minimums and municipalities are encouraged to exceed these targets, with developments that help a municipality achieve its strategic growth objectives.

City of Burlington New Official Plan & Mobility Hubs Area Specific Plans

The subject lands fall within the Downtown Burlington Mobility Hub as identified in The Big Move. The City of Burlington is currently preparing a new Official Plan and is in the process of developing master plans for each of the City's Mobility Hubs, being Downtown, Aldershot GO, Burlington GO, and Appleby GO.

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 commenced in the Spring of 2017 and extended 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.

Mobility Hubs Area Specific Plans

In keeping with the Growth Plan, existing policy in the City's Official Plan identifies Major Transit Station Areas which consist of all GO stations and the downtown, and the Urban Growth Centre located in the downtown, as intensification areas with a pedestrian and transit-oriented focus; however, there is limited policy guidance to address how development should occur in these areas. The current Official Plan does not recognize Mobility Hubs and does not include the City's vision for these areas and specific policies to guide their development and redevelopment. Through the new Official Plan process, detailed Area Specific Plans are being completed for each of the Mobility Hubs which will guide development of the hubs. The creation of the Area Specific Plans for the Mobility Hubs was identified as a key priority for City Council through the development of Burlington's 2015 – 2040 Strategic Plan, and also supports the objectives of the Big Move Plan, the Growth Plan and the Region's Official Plan.

Mobility Hubs Opportunities and Constraints Study (2013)

In 2013, the City of Burlington initiated a Mobility Hubs Opportunities and Constraints Study. Through this study, the consulting team identified primary, second and tertiary boundaries for each Mobility Hub in the City of Burlington as well as provided proposed recommendations.

The subject property falls within the proposed primary zone boundary of the Downtown Mobility Hub. In the Study, the primary zone is defined as the area within 250m radius having the greatest potential for change through redevelopment. This means that the subject property is one of many sites in the primary zone that may contribute to supporting the Mobility Hub.

In evaluating the opportunity sites for the Downtown Burlington Mobility Hub, the report says that:

the historic character of the downtown is defined by a fine grain network of streets, variation in building scale, and proximity to adjacent residential neighbourhoods. The design and massing of all new development should respect this character, while integrating opportunities for greater densities where appropriate.

The Opportunities and Constraints report sets out that existing destinations within the Downtown need to be protected and enhanced. The report set out that Brant Street is the primary destination within the downtown. New development should frame the street, and be designed and massed to reinforce the historic scale through a human-scale podium, façade articulation, significant glazing and spill-out retail opportunities. New mixed use development on secondary streets, such as John Street, should complement, and not detract from, uses on Brant Street. The recommended modified approval would achieve these objectives.

In terms of land use, the report provides draft Official Plan direction to achieve the following items:

- Encourage mixed-use (retail, office, residential) infill with transit-supportive infrastructure on vacant or underutilized lots;
- Along John and James streets, new development should reinforce a strong transit presence through grade-level building design, including weather protected waiting areas, ticketing functions, and where appropriate, supporting retail; and
- Concentrate the greatest densities in close proximity to the transit services along the key transit corridors to protect adjacent residential neighbourhoods and heritage buildings;

With regard to built form, the report states the following:

- Tall buildings on Brant Street and Lakeshore Road should be designed and massed to protect and frame sky views and views of Lake Ontario through the design of the building base, middle and top; and
- Mid-rise and Tall buildings should be subject to front and rear-yard angular planes to reduce their perceived mass and minimize shadow and privacy impacts.

With regard to open space and circulation, the report states the following:

- Reinforce Brant Street as the primary Downtown main street leading to the waterfront;
- Promote Brant Street as the primary connection between the Burlington GO Mobility Hub and the waterfront. Support this role through streetscape initiatives, active ground floor uses and street-related infill that builds on the continuous pedestrian-supportive main street;
- Promote pedestrian-focused street design on Brant Street and John Street to balance the multiple roles of the street as a vibrant place and connector; and
- Create new open spaces within large development sites to provide new public amenity space to support increased densities.

Downtown Mobility Hub Preferred Concept (2017)

The on-going Mobility Hubs Area Specific Planning process has identified the subject site within the Brant Main Street Precinct. The Brant Main Street Precinct is a new precinct that has been created to recognize the unique and fine grain “Main Street” character of Brant Street, to achieve a pedestrian-scaled environment, and to establish public realm improvements between Pine Street and Caroline Street. The Brant Main Street Precinct responds to the overwhelming public feedback about the importance of retaining the character of Brant Street. The area identified as Brant Main Street Precinct in the draft new Precinct Plan is identified as part of a larger Downtown Core Precinct in the City’s current Official Plan.

The Brant Main Street Precinct includes key policy directions intended to retain a pedestrian-scaled character along Brant Street through the establishment of a maximum building height of 3 storeys immediately adjacent to Brant Street and 11 storeys along John and Locust Streets, subject to a 45-degree angular plane analysis and the terracing of building heights as well as podium requirements along Locust and John Streets. Additional directions are included to establish a maximum floor plate size, a requirement for retail and service commercial along Brant Street, a minimum of two uses within buildings and Transportation Demand Management (TDM) and mitigation measures.

The policies for the Brant Main Street Precinct also introduce the concept of a flexible street (a street that is designed to transition between vehicular and pedestrian-focused activities and events) on Brant Street from Pine Street to Caroline Street.

The proposed Brant Main Street Precinct includes a Special Policy Area with the objective of creating a civic node at the intersection of Brant Street and James Street, which includes the view terminus of City Hall. The Special Policy Area covers the subject site and is located on the east side of Brant Street between the Elgin Promenade to the south and the mid-block connection across from Ontario Street to the north.

The key policy directions for the Brant Main Street Special Policy Area include the establishment of an enhanced civic node and permission for a modified built form and increased building heights of 17 storeys in order to achieve significant building setbacks, sight lines to key civic features and the creation of new public space at the corner of James and Brant Streets to serve as a public extension of Civic Square.

The study has identified that developments adjacent to the Brant Street / James Street intersection will recognize and enhance the civic and public gathering

functions existing at this intersection including City Hall, Civic Square and the Cenotaph. Developments will be expected to contribute to the extension of Civic Square to the east side of Brant Street and ensure that view corridors from James Street to City Hall, Civic Square and the Cenotaph are established. Provision of such public amenities will result in a modified built form and increased building height permissions relative to that otherwise permitted in the Brant Main Street Precinct.

Staff is of the opinion that an appropriate level of increased height and density on the subject site, subject to a high level of design, would comply with the general intent of the Special Policy Area expectations set out by the on-going Mobility Hubs study. The increased height would highlight this prominent node and announce arrival into this civic node, through the provision of a landmark building, urban plaza, public art, enhanced landscaping, façade design, and a higher order of streetscaping.

The Draft New Official Plan and Mobility Hubs Study have no policy implications at this time as neither have received Council approval; however, staff have evaluated both of these as they will form the basis for policy moving forward. It is evident that there continues to be support for the redevelopment of underutilized sites in the downtown core, such as the subject lands. Staff notes that the master planning exercise for the Downtown Mobility Hub has determined that a high-rise built form may be appropriate on this site, subject to increased building setbacks; enhancement of sight lights to key significant features and the creation of new public space at the Brant Street / James Street intersection, all of which the modified development proposal would achieve. At this point in time, development proposals will be required to meet the Official Plan policies that are currently in force and effect. If Council approves Mobility Hub objectives that are incorporated into the Official Plan as a result of this Official Plan Review, then development proposals will be required to meet those objectives until such time as the master planning exercise is completed.

Urban Growth Centre Targets

Staff has prepared the following analysis of the City's Urban Growth Centre (UGC) with respect to the Provincial Growth Plan's minimum required gross density of 200 residents and jobs per hectare by the year 2031. It is noted that this analysis represents a snap shot of a certain point in time; however, this is a dynamic process that will be continuously updated as new data becomes available.

Based on the Halton Region Official Plan and the City of Burlington Draft New Official Plan, the UGC boundary comprises 104.6 hectares of land. The minimum intensification target for the UGC is 200 persons and jobs per hectare, which requires the UGC to

accommodate 20,920 people and jobs in the UGC by 2031 (104.6 hectares x 200 persons and jobs).

In 2014, the Region of Halton requested a custom data set from Statistics Canada to determine the population in the Urban Growth Centre based on the 2011 Census. This request was necessary because the standard information from Statistics Canada does not allow for the calculation of all of the individual parcels within Burlington’s Urban Growth Centre, which has an irregular boundary. Staff have taken the 2011 Stats Canada custom data set and added the Stats Canada population growth by Dissemination Area (2011 – 2016), which includes the UGC and portion of adjacent neighbourhoods (this assumes all new growth over the 2011 – 2016 timeframe occurred in the UGC).

In order to extrapolate the total persons and jobs from the number of residential units and type of employment space, staff have relied on the assumptions outlined in the below chart. The Persons Per Unit (PPU) ratios were based upon the Stats Canada 2011 Census. The Employment figures were derived from the City of Burlington 2014 Development Charges Background Study.

<u>Persons per Unit (PPU)</u>	<u>Employment</u>
Low Density = 3.28	Commercial=1 employee/52sqm
Medium Density = 2.47	Office= 1 employee/33sqm
High Density = 1.48	Institutional= 1 employee/37sqm
	Hotel=1 employee/hotel room

The result from this work was a 2016 UGC population of 9,217 residents, based upon the PPU ratios listed above.

The Region has been conducting an Employment Survey for several years and continues to improve the methodology of this survey. In 2016, the Region of Halton employment survey determined that there were 7,162 jobs in the UGC.

As such, as of 2016, staff calculates the total residents and jobs within the UGC to be 16,379 (9,217 residents + 7,162 jobs), which equates to 156.6 people and jobs per hectare or 78% of the minimum density target.

Additional Projects Completed or Under Construction

The following developments have been recently completed or are currently under construction.

Project	Residential Units	Non-Residential Component	Total People and Jobs
Berkeley/Medica One	120 (high density)	Commercial:2,329sqm Office:8,147sqm	470
Bridgewater	150 (high density)	Commercial:1,677 sqm Hotel:151 rooms	405
Saxony	37 (high density)	Commercial:254sqm Office:190sqm	66
514 Pearl	1 (low density)		3
Joseph Brant Hospital Expansion		Institutional:37,031sqm	1,000
			1,944 p&j 18.6 p&j/ha

These developments result in an additional 1,944 people and jobs in the UGC. This would increase the density of the UGC to 175.2 people and jobs per hectare or 87% of the minimum density target.

Developments That Have Obtained Draft Site Plan Approval

The following developments have not yet commenced construction, but do have the appropriate zoning in place and have obtained draft site plan approval. Subject to the applicants clearing conditions of their draft approval, these developments could commence construction in the near future.

Project	Residential Units	Non-Residential Component	Total People and Jobs
Cherish Homes	146 (high density)	Commercial:685sqm	229
M&G Eade	4 (high density)	Commercial:212.7sqm	10
			239 p&j 2.3 p&j/ha

These developments would result in an additional 239 people and jobs in the UGC. This would increase the density of the UGC to 177.5 people and jobs per hectare or 88% of the minimum density target.

Development Applications Under Consideration

The following development applications are currently in process and have not received any planning approvals. As such, it is acknowledged that these

applications may not receive approval as applied for and that the residential and non-residential components listed below are subject to change.

Project	Proposed Residential Units	Proposed Non-Residential Component	Proposed Total People and Jobs	Status
2085 Pine	15 (high density)		22	Approved by Council October, 2017 – By-law Pending
Molinaro-Brock	170 (high density)	Commercial:186sqm	256	No Decision
421 Brant	179 (high density)	Commercial: 1,019.5sqm Office:870.8sqm	323	No Decision
Adi-374 Martha	240 (high density)	Commercial:423.2sqm	363	Refused by Council – Awaiting OMB decision
			964 p&j 9.2 p&j/ha	

If these developments were approved as applied for (noted that this is unlikely as these application are in process and subject to change), this would result in an additional 964 people and jobs in the UGC. This could potentially increase the density of the UGC to 186.7 people and jobs per hectare or 93% of the minimum density target.

Development Inquiries Which Could Lead to Future Applications

The City has held a number of pre-consultation meetings for development proposals within the UGC. Downtown Burlington contains a number of vacant and under-utilized sites, some of which are owned by the City and others which are privately owned, and there continues to be interest from the development industry to re-develop both City-owned and privately-owned land in the City’s downtown core.

Since these development proposals have not yet resulted in active planning applications, the details of the proposals are private and confidential. Notwithstanding, staff have done a high-level overview of these development proposals to gain an understanding of the development potential downtown over the next few years.

It is acknowledged that not all of the development proposals will result in development applications. Further, if the development proposals do result in development applications, any such applications may not receive approval as applied for and therefore the proposed residential and non-residential components listed below are subject to change.

If the development proposals that the City has received became development applications and were approved as applied for (noted that this is unlikely as proposals would be subject to further review and change), this would result in an additional 2,984 people and jobs in the UGC. This could potentially increase the density of the UGC to 215.2 people and jobs per hectare or 107% of the minimum density target.

Summary of Analysis

To achieve 20,920 people and jobs in the UGC, the City requires approximately 2,360 additional people and jobs by 2031. Therefore, the City only needs roughly 60% of the people and jobs proposed through development applications and development pre-consultations to achieve the minimum density target in the UGC. Further, additional development proposals and applications may come forward in the next 14 years to further contribute to the City's growth projections. As such, it is staff's opinion that the City of Burlington is well positioned to achieve a total of 200 residents and jobs per hectares by 2031. However, it should be acknowledged that new construction is subject to volatility based upon changes to market conditions; availability of suitable land for development; uncertainty, time and costs associated with the assembly of properties suitable for development; among other things. While the City is well positioned to achieve its minimum intensification targets, the Growth Plan notes that the intensification and density targets are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate. As such, providing permissions above and beyond the minimum density targets would allow the City to meet its own growth objectives, as outlined in the Strategic Plan and Draft New Official Plan.

Based on the development patterns that have taken place in the Urban Growth Centre since the inception of the Provincial Growth Plan, staff is of the opinion that the City of Burlington is well positioned to achieve a total of 200 residents and jobs per hectare by 2031. Notwithstanding, the required density targets are minimums and municipalities are encouraged to exceed the minimum targets, where appropriate. The proposed development would contribute towards the City achieving its minimum density growth targets, and further, staff is of the opinion that appropriate development of this site represents a strategic opportunity for the City to achieve the development of a prominent site within the City's downtown core.

Burlington Official Plan

The City of Burlington's Official Plan, 2008 (OP) identifies the subject properties on three schedules:

- *Mixed Use Activity Area* on Schedule A, Settlement Pattern;
- *Mixed Use Centre* within the Downtown Urban Growth Centre Boundary on Schedule B, Comprehensive Land Use Plan – Urban Planning Area; and
- *Downtown Core Precinct* on Schedule E, Downtown Mixed Use Centre.

Mixed Use Activity Area

Mixed Use Activity Areas are locations where:

employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and will be pedestrian-oriented and highly accessible by public transit.

Mixed Use Activity Areas address the demand for higher intensity employment, shopping and residential areas within the City. These areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services.

The Mixed Use Activity Areas are intended to encourage comprehensively planned mixed use areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact, urban form, while retaining compatibility with nearby land uses. Given that these areas have a mixture of uses, they are intended to develop in a compact urban form, be pedestrian-oriented and highly accessible by public transit.

It is the general intent of the OP that Mixed Use Activity Areas shall be subject to a high quality of urban design. Staff have completed an assessment of the proposed urban design relating to the City's Downtown Urban Design Guidelines and the Tall Building Design Guidelines which is discussed in further detail in the sections below.

Mixed Use Centre

Within the Mixed Use Activity Areas, there are a series of Mixed Use Corridors and Mixed Use Centres which are intended to accommodate a significant amount of the City's intensification within the built boundary.

The objectives of the Mixed Use Centre are:

- a) *to provide locations centred at the intersection of selected major arterial roads, inter-municipal transit stations and the Downtown that will serve as areas for mixed use developments consisting of medium and high density*

- residential, retail, service commercial, office, industrial, entertainment, community facilities and institutions and open space uses;*
- b) to encourage higher intensity, transit-supportive and pedestrian-oriented development within Mixed Use Centres while retaining compatibility with nearby land uses;*
 - c) to permit mixed use developments on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail and office uses are located next to one another;*
 - d) to create an open space system incorporating both public and private lands which provides linkages to adjacent major open space areas and ensures that the development in the Mixed Use Centres is well landscaped and balanced with open space areas, such as squares and parkettes, appropriate for an urban setting;*
 - e) to ensure that the development, both on a comprehensive and a site-specific basis, is designed to promote personal safety; and,*
 - f) to promote a more diversified transportation system which serves private vehicular and public transit traffic, as well as pedestrians and cyclists.*

This development site is located adjacent to a prominent intersection within the City's downtown, abutting to two of the three arterial roadways that provide access to the Downtown (i.e. Brant Street and James Street). In addition, the site is located adjacent to City Hall, Civic Square and the War Memorial (Cenotaph), which establishes this intersection, and the properties flanking it, as a significant node within the City's downtown. Encouraging higher intensity, transit-supportive and pedestrian-oriented development is a direction provided within this designation. Further, this development provides a public realm design that provides linkages within the Downtown and provides an appropriate relationship to the surrounding context as a prominent node within the Downtown.

Within Mixed Use Centres, a wide range of uses are permitted including, but not limited to retail; service commercial; office uses; employment; entertainment; recreation; and medium and high density residential uses; and to a limited extent, low density residential uses.

Mixed Use Centres permit a range of development intensities and a range of building heights, but the OP does acknowledge that the zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors that may include, but are not limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.

This OP policy acknowledges and anticipates that the full range of permitted uses and the full extent of development intensity will not be permitted at every location within the Mixed Use Centre based on site specific factors, one of which is land use compatibility. This policy conforms to and is consistent with policies in the Provincial Policy Statement and in the Regional Official Plan.

The Mixed Use Centre designation contains a number of site plan considerations intended to ensure compatibility between the Mixed Use Centre uses and adjacent uses. These considerations include the following:

- i. buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible;*
- ii. the site plan for individual sites includes features to integrate the new development with surrounding uses;*
- iii. the site plan promotes safe, convenient, and barrier-free pedestrian travel within the site, between the site and adjacent land uses, and to and from transit stops;*
- iv. off-street parking areas, loading areas and service areas shall be screened and landscaped;*
- v. the site plan promotes public safety;*
- vi. the site plan promotes convenient access to public transit services;*
- vii. off-street parking areas shall be located in the side and rear yards;*
- viii. off-street parking areas shall be located away from adjacent residential uses; and*
- ix. loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic.*

The proposed development would reinforce the public realm and streetscape by ensuring a high quality design along the three street frontages. The proposed building would provide sense of human comfort by providing interesting, transparent streetwalls within an appropriately scaled and setback building base (podium). The proposed parking would be located underground, with access being provided along John Street to the parking and internal loading and service areas, which would avoid conflict between pedestrian and vehicular traffic.

The OP states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of the Housing Intensification Section of the OP. This policy clearly sets out the requirement to evaluate all proposals for residential intensification within the Mixed Use Centre on the basis of the objectives and the Housing Intensification policies. This evaluation has been completed and is outlined in the Housing Intensification Section below.

Downtown Mixed Use Centre Designation

The boundary for the Downtown Burlington Urban Growth Centre (UGC) is shown on Schedule B: Comprehensive Land Use Plan – Urban Planning Area and on Schedule E: Downtown Mixed Use Centre. The OP sets out that the UGC boundary includes various land use designations, and as such, development within this boundary is subject to the specific policies of the applicable land use designations. The principles of the Downtown Burlington UGC include accommodating a significant share of population and employment growth with the City.

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 a Provincial Growth Centre. According to the OP, new development shall be of high quality design to maintain and enhance the Downtown's image as an enjoyable, safe, pedestrian-oriented place and designed and built to complement pedestrian activity and historical attributes.

The following are some of the objectives of the Downtown Mixed Use Centre with specific relevance to the proposed development.

- a) *To establish 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;*

- c) *To establish a unique role for the Downtown so that it provides for certain uses such as offices, and residential, as well as unique opportunities such as independent, specialty retail activities and waterfront recreational opportunities;*

Comment: The proposed development would provide opportunities for retail activities, office space and residential uses to support the planned mixed use function of the Downtown.

- d) *To establish and maintain the Downtown's primary role as the City centre for cultural, governmental, civic and waterfront activities;*

Comment: The proposed development would incorporate an expansion to the civic function in this area by providing an expansion to Civic Square on the east side of Brant Street.

- e) *To create a compact Downtown city core with a mix of residential, commercial and other uses, as an alternative to the car oriented shopping plazas, malls and business corridors;*

Comment: The proposed development would provide a compact built form that incorporates a mix of residential, commercial and office use in a Downtown setting.

- g) *To increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure the Downtown is used after business hours, and create a local market for convenience and service goods;*

Comment: The proposed development would assist the City in achieving its required growth targets by providing a variety of housing types and jobs within the Urban Growth Centre to strengthen the live/work relationship.

- h) *To provide commercial activity that serves the general needs of Downtown residents as well as specialized functions for the entire community;*

Comment: The proposed development includes 900 square metres of ground floor retail / commercial space to serve the needs to the Downtown residents and the entire community. The provision of this commercial / retail space would contribute to the overall vibrancy of the Downtown.

- i) *To ensure that buildings in the Downtown are offset by a range of open space areas (that may include parkettes, urban plazas, and pedestrian networks) that may allow for both passive and active recreational and social activities;*

Comment: The proposed development would provide a substantial 128 square metre (16m x 16m) visibility triangle at the corner of Brant Street and James Street. The publicly accessible space would contribute to the extension of Civic Square and the War Memorial (Cenotaph) on the east side of Brant Street and establish view corridors from James Street to City Hall, Civic Square and the War Memorial.

- l) *To establish the concept of design excellence in the Downtown to encourage long-term investment;*

Comment: The recommended modified approval would result in a development that would achieve the City's objective of establishing design excellence for new developments. The proposed development would meet

the general intent of the Downtown Urban Design Guidelines as well as the City's Tall Building Design Guidelines.

- m) To establish planning precincts within the Downtown, each with their own distinct character and specific planning policies;*

Comment: The emerging Downtown Mobility Hub Preferred Concept identifies this site as being within the Brant Main Street Precinct and includes a Special Policy Area with the objective of creating a civic node at the Brant Street and James Street intersection. This designation anticipates a modified built form and increased building heights in order to achieve significant building setbacks, sight lines to key civic features and the creation of new public space, which the proposed development would achieve. The proposed development would maintain the general intent of the emerging vision for the Downtown as set out by the Downtown Mobility Hub Preferred Concept.

- n) To create a continuous, harmonious, safe and attractive environment through streetscape, building façade improvements and the design of new buildings;*

Comment: The proposed development would reinforce and enhance the existing streetscapes of Brant Street, James Street and John Street by providing generous building setbacks, an appropriately designed building base and an enhanced pedestrian experience in the immediate vicinity.

- o) To ensure that the density, form, bulk, height and spacing of development is compatible with the surrounding area;*

Comment: As outlined in further detail below, staff is of the opinion that the modified development as recommended by staff, would result in a development that would be compatible with the surrounding area.

- r) To provide adequate and safe parking in the Downtown.*

Comment: As outlined elsewhere in this report, the proposed development would incorporate a sufficient amount of parking, including contributing to the growing car share network being established in the City.

Staff is of the opinion that the level of intensification being recommended for this site would meet the principles and objectives of the Downtown Mixed Use Centre and the Downtown Core Precinct, which would therefore maintain the general intent and purpose of this designation. The modifications proposed by staff would

result in density, bulk, height and spacing of development that would be considered compatible with the surrounding area.

The General Policies for the Downtown Mixed Use Centre state that development shall be permitted in accordance with the land use designations of the OP and that, within the Urban Growth Centre Boundary, the target is established as a minimum gross density of 200 residents and jobs per hectare, in accordance with the Provincial Growth Plan.

The proposed development represents the redevelopment of underutilized properties and would contribute towards achieving the density targets for the Urban Growth Centre. Staff is of the opinion that an appropriate level of intensification on this site, as recommended through this modified approval, would result in a development with an appropriate density, form, bulk, height and spacing, which would result in compatibility with the surrounding area, which is discussed in further detail below.

Compatibility

The Official Plan defines compatibility as development or redevelopment that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact of, existing or proposed development in the area or pose an unacceptable risk to environmental and / or human health. Compatibility should be evaluated in accordance with measurable / objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals. This definition is part of deferral D53, so it is not in force and effect at this time. However, this definition helps guide the City's view of compatibility and is similar to the definition of compatibility that has been similarly endorsed by the Ontario Municipal Board in a significant body of decisions.

Using the City's definition of compatibility, staff is of the opinion that compatibility of this site with surrounding land uses can be achieved through the appropriate development of the subject site. An appropriate level of intensification on this site will be able to negate any physical and / or functional adverse impacts on existing development in the area, as discussed below.

Pedestrian Scale

The proposed development has been designed to ensure that the pedestrian experience along the street was protected by reinforcing a human scale that is consistent with the existing low-rise character that

currently exists in the immediate vicinity. The applicants have attempted to replicate the existing streetwall that exists along Brant Street to ensure that the proposed built form was compatible with the existing low-rise character that exists along Brant Street. The proposed building podium is scaled at 4 storeys to reinforce and enhance the existing street related character of the retail street of Brant Street and reflect the existing zoning permissions along Brant Street. The proposed development would also include generous building setbacks which would result in expanded sidewalks to provide an improved pedestrian experience abutting the site. The proposed development has been designed to replicate the existing built form rhythm that exists along Brant Street which ensures compatibility with the surrounding built form. In addition, the recommended modified approval would include a 128 square metre (16m x 16m) visibility triangle at the corner of Brant Street and James Street. This would result in an extension of Civic Square on the east side of Brant Street and would provide significant view corridors from James Street Civic Square, City Hall and the War Memorial (Cenotaph). A public access easement would be registered over this corner to ensure that the public function is maintained. This has been included as a condition of approval. This would greatly improve the pedestrian experience in this area and contribute to an important civic node in the City's Downtown.

Noise Study

The applicants submitted a noise study which assessed the potential impacts of the environment on the proposed development. The focus of which was to assess the potential for transportation noise impacts from nearby roadways, as there are no significant stationary industrial or commercial sources of sound in the area. The report concludes that noise control measures are not required; however, warning clauses are recommended for all units as sound levels may change due to increasing road traffic.

Capital Works staff have reviewed the Noise Study and finds that the report appropriately addresses the noise impacts for the future residents living in the proposed development. A more detailed noise assessment will be required at the subsequent site plan review stage.

Pedestrian Wind Study

The Pedestrian Wind Study prepared by Novus Environmental completed a screening level assessment using computational fluid dynamics. According to the report, this tool is useful in identifying potential wind issues and employs a comparable analysis methodology to that used in

wind tunnel testing. This is an excellent means of readily identifying relative changes in wind conditions associated with different site configurations or with alternative built forms.

Wind comfort conditions for areas of interest were predicted on and around the development site to identify potentially problematic windy areas. Wind flows were predicted for both the existing site, as well as with the proposed development for comparative purposes.

Pedestrian wind comfort criteria are established in terms of being acceptable for certain pedestrian activities and range on a scale of five different activities. For example, the most comfortable activity category is “sitting” and the least comfortable is “uncomfortable” with the activities of “standing”, “leisurely walking” and “fast walking” falling in between the two ends of the spectrum. Generally speaking, the activities of “leisurely walking”, “fast walking” and “uncomfortable” indicate that the wind speeds are not ideal for activities like sitting and reading a book, enjoying a meal on a patio or having a conversation while waiting at a bus stop.

The Pedestrian Wind Study identifies that the proposed development will increase the wind conditions at various locations on and surrounding the proposed development. The seasonal extremes of summer and winter are discussed in the report. Of particular note are the increased wind speeds that move into the categories of:

- “standing” at the northeast corner of Brant Street and James Street; north side of James Street; and west side of John Street (in the summer);
- “leisurely walking” at the northeast corner of Brant Street and James Street; north side of James Street; and west side of John Street (in the winter); and
- “leisurely walking” and “fast walking” at the northeast corner of the subject site (west side of John Street) behind the existing Centro building.

The report concludes that the residential, office and retail entrances would be suitable for sitting throughout the year, which is considered ideal. On the sidewalks surrounding the proposed development, wind conditions are generally comfortable for leisurely walking or better throughout the year, which is considered suitable for sidewalks. The exception is at the north-east corner of the subject site, where wind conditions would be conducive to fast walking during the winter, due to strong easterly winds. It is recommended that a wrap-around canopy be considered at that corner in

order to disrupt wind flows. Mitigation techniques could be refined as part of the subsequent site plan process.

At the City Hall Civic Square, wind conditions actually improved to be comfortable throughout the year. This is due to the mass of the proposed development, as it partially blocks the strong northeasterly winds. The wind safety criterion is met for all areas at grade (along sidewalks) in both the existing and proposed configurations.

Sun Shadowing Study

The applicants have submitted a Shadow Impact Assessment for the proposed development to ensure compliance with the City's Tall Building Guidelines dealing with sun shadowing. According to the Tall Building Guidelines, the height and massing of the podium (not including the tower) should ensure a minimum of five consecutive hours of sunlight on the opposite side of the street at the equinoxes (March 21 and September 21) except where existing conditions preclude. The assessment of the shadow study concludes that the opposite side of two of the three abutting streets surrounding the development (i.e. west side of Brant Street and south side of James Street) do not currently receive five consecutive hours of sunlight at the equinoxes under current conditions. The east side of John Street does currently receive over five hours of consecutive sunlight and would continue to receive approximately five hours of consecutive sunlight after the proposed development. As such, the study concludes that incremental ground level shadowing resulting from the proposed development over and above the subject site's existing height permissions is limited and reasonable.

The Tall Building Guidelines also set out that the massing and height of the podium shall ensure a minimum of five consecutive hours of sunlight over more than 60% of a park or playground area or a public open space at the equinoxes. Planning staff have assessed compliance with this guideline using 3D modeling and have concluded that the public open spaces adjacent to City Hall (i.e. Civic Square and the War Memorial) would continue to receive over seven consecutive hours of sunlight over more than 60% of the open space areas on the equinoxes, post development.

The Tall Building Design Guidelines include a maximum tower floorplate, which is intended to minimize shadow impacts and ensure sky views are protected. The modified approval recommended by staff would ensure that the proposed tower floorplate would align with the maximum floorplate envisioned by the Tall Building Design Guidelines. This would ensure that

the shadow cast by the slender tower would be a narrow shadow that would move quickly, therefore minimizing the shadow impacts of the proposed tower. As such, the proposed development would comply with the City's expectations with respect to shadows and sky views.

Traffic

The applicants were required to complete a traffic impact study to determine whether the additional traffic generated by the proposed development could be satisfactorily accommodated by the surrounding road network. The traffic impact study concluded that the additional traffic generated could be accommodated by the surrounding road network. The City's Transportation Department has reviewed these conclusions and concurs with the assessment. Staff has indicated that the proposed development would generate 99 two-way vehicle trips in the AM peak hour and 103 two-way vehicle trips in the PM peak hour. With full development and occupancy of the property, all of the intersections in vicinity of the proposed development are forecast to operate at acceptable levels of service during the weekday peak hours. The traffic generated by the proposed development can be accommodated by the adjacent road network and therefore is supported by the City's Transportation Services staff.

Downtown Core Precinct Designation

The Downtown Mixed Use Centre policies describe the individual precincts as areas that have their own distinct character and specific planning policies.

Within the Downtown Mixed Use Centre, the subject site falls within the Downtown Core Precinct. The objectives of the Downtown Core Precinct are:

- a) *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.*
- b) *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."*

These objectives outline that this designation is intended to be the inner core area of the Downtown, intended for higher density development that is consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre. The proposed development is located along this spine, and it is staff's opinion that locating an appropriately scaled building within this prominent location within the Downtown Core Precinct supports the role of Brant Street as a

major spine of the Downtown and highlights the significant function that this area plays within the Downtown.

In addition, the objective of requiring the high standard of design for new buildings would provide a sense of place, compatibility with existing development and a sense of pedestrian scale. An appropriately designed building base would ground the building to a pedestrian / human scale and add to the pedestrian experience and comfort that would be felt adjacent to the proposed built form.

Height

The OP sets out that high-density residential apartment uses, including the residential use of upper storeys of commercial buildings may be permitted in the Downtown Core precinct. Within the designation, the minimum density of residential buildings shall be 51 units per net hectare. The minimum height of buildings shall be two storeys. The maximum height of buildings shall be four storeys. Taller buildings up to a maximum height of eight 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 community benefits provisions. The OP includes an exception for a portion of the subject site (421 – 427 Brant Street) which sets out that the maximum height of building shall be seven storeys and taller buildings up to a maximum height of twelve storeys 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.

Density

The Official Plan also addresses density in terms of floor area ratio and requires that the maximum floor area ratio for any individual site shall be 4.0:1, except that higher floor area ratios may be permitted in conjunction with the aforementioned heights. The exception for 421 – 427 Brant Street sets out a maximum floor area ratio of 4.5:1, except that higher floor area ratios may be permitted subject to community benefits provisions.

The Downtown Core Precinct designation requires that retail or service commercial uses are provided at grade along public streets in residential or office buildings and in parking garages, except where bordering residential precincts. This designation requires that buildings be constructed to the street line with no surface parking permitted, except for loading and emergency vehicles and further sets out that on-site parking is not required for non-residential uses.

Staff is satisfied that the proposed development provides retail uses at grade along the three street frontages. The expectation in the Official Plan is that buildings be constructed to the street line with no surface parking permitted and

no on-site parking required for non-residential uses. The proposed development has exceeded the Official Plan's expectations by increasing the setbacks from the property lines to the proposed building podium in an effort to improve the public realm adjacent to the proposed building. The proposed development meets these policies of the OP.

The OP sets out that applications for increased building heights for mid to high rise buildings in the Downtown Core Precinct may be required to provide an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels. As noted in the sections above, the applicants have provided the appropriate studies which have confirmed that the proposed development will mitigate compatibility issues to an appropriate level.

The OP sets out that each precinct in the downtown has its own distinct character and specific planning policies. The OP has identified the Wellington Square Precinct as an area where higher building heights, up to 14 storeys, could be accommodated. This area is a concentrated area within the Downtown for tall, high density development and the OP sets out that it is intended to prevent the unlimited spread of higher density developments throughout the Downtown. As such, the Downtown Precinct plan envisions the tallest buildings in the Downtown to be located in the Wellington Square Precinct.

Notwithstanding, staff is of the opinion that a tall building height peak is warranted on this development site to highlight the prominence of this site as a civic node and to also reflect the substantial public realm improvements and design excellence that could be achieved, which is also aligns with the emerging vision for the Downtown, as identified through the Downtown Mobility Hub Preferred Concept.

Staff is of the opinion that an appropriate level of development on the subject site, up to 23 storeys, would meet the objectives and policies of the Downtown Core Precinct, would provide compatibility with surrounding land uses, and represent good planning.

Housing Intensification

The Mixed Use Centre policies of the OP set out that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of the Housing Intensification section of the OP. The Housing Intensification section of the OP provides thirteen criteria which are to be assessed to ensure that established neighbourhoods are protected from any potential negative impacts associated with intensification proposals.

The objective of the housing intensification policies is to encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.

The housing intensification policies are intended to encourage residential intensification within existing neighbourhoods with the caveat that the additional housing must be compatible with the scale, urban design and community features of the neighbourhood.

Intensification Evaluation Criteria

The Housing Intensification policies of the City's Official Plan contain thirteen criteria to ensure that compatible intensification takes place. Staff has reviewed each evaluation criterion carefully with respect to the subject applications and provides this analysis below.

i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;

The development application was circulated for comment to Halton Region, the City's Capital Works Department and the school boards and no servicing constraints were raised. Halton Region advised that there is adequate water or wastewater capacity available to support the development of the subject lands at this time; however, servicing capacity will be reassessed as this development progresses. Site Engineering staff have outlined a number of conditions to be addressed at the site plan stage including, but not limited to a Record of Site Condition, a Stormwater Management Report, and detailed servicing and grading plans. The school boards have advised that they have no objections to the application. Lastly, Parks and Open Space staff have highlighted the proximity of parkland in proximity to this site, including Lions Park, Apeldoorn Park, Spencer Smith Park and the Centennial bike path. As such, cash-in-lieu of parkland is recommended for this development. All requested zoning conditions have been included in Appendix D to this report.

As such, adequate municipal services exist to accommodate the proposed development including the provisions of water, wastewater and storm sewers, school accommodation and parkland. This criterion is met.

ii) Off-street parking is adequate;

The applicants are proposing a parking ratio of 1.2 parking spaces per residential unit to be provided below grade, two loading spaces at grade internal to the building as well as eight visitor parking spaces. The 'Downtown Core (DC)' zone parking requirements are a minimum of 1.25 parking spaces per apartment dwelling unit. The DC zone does not require designated parking spaces for the proposed retail / commercial uses, office uses or for residential visitors. The applicants are proposing to provide 8 visitor parking spaces, as well as one car share parking space. The proposed visitor parking spaces would provide parking for both the residential visitors and the office users.

As mentioned, the applicants are proposing to contribute to the City's emerging car-share network through the provision of a car-share parking space. The City's Transportation Services section has reviewed and is supportive of the parking totals recommended in the modified approval.

iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;

The municipal transportation system can accommodate the increased traffic flows and the orientation of ingress and egress as well as potential increased traffic volumes to Brant Street, James Street and John Street. The proposed development will increase the volume of traffic on adjacent streets, but the increased traffic flow can be accommodated, particularly considering the downtown environment, through the provision of bicycle stalls, the multi-use trail (Elgin Street Promenade and Centennial Pathway) and the proximity of the Downtown Burlington bus terminal.

The City's Transportation Department has reviewed this application and has indicated that the surrounding road network has adequate capacity to handle additional traffic associated with this development. This criterion is met.

iv) The proposal is in proximity to existing or future transit facilities;

The proposed development is located approximately 120 metres northwest of the John Street Downtown Bus Terminal (less than a five minute walk) which provides service to multiple Burlington Transit bus routes. In addition, several bus stops are located within a short distance

of the proposed development. The site is well serviced by existing transit routes. This criterion is met.

v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;

Staff is of the opinion that compatibility can be achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area and that an appropriate transition between existing uses and new development can be provided. This is explored in further detail below.

Scale

Scale refers to the apparent size or massing of a building as created by the placement and size of the building in its setting in comparison with the size of adjacent buildings and as perceived from the street in relation to human scale. People tend to evaluate the physical size and massing of built elements in relationship to their perception of objects that are the approximate height and size of other people.

While the building would be taller than other structures in the immediate vicinity, the appropriate design of the building, in particular the building base (podium) would reinforce a human / pedestrian scale by creating a positive relationship with the street. Incorporating a well designed building base into the existing streetscape would allow the building to respond to the existing built form context by reinforcing the existing streetwall to frame the streetscape. Podiums are also to be broken down into smaller components to reflect traditional lot widths that may exist along a streetscape (i.e. Brant Street). The proposed development also proposes increased setbacks along Brant Street, James Street and John Street. These increased setbacks allow for a wider sidewalk and public realm, which contributes to additional 'breathing room' around the site, further reducing the scale of the proposed development.

Above the 4th storey, the proposed development would contain generous stepbacks from the podium to the proposed tower component. These stepbacks reduce the impact of the proposed height from street level, which once again contributes to an appropriate building scale. In addition, the tower would have a slender

floorplate to maximize sky views and access to sunlight. This would also reduce the perception of the building scale.

Massing

The City's Official Plan defines massing as the overall bulk, size, physical volume, or magnitude of a structure or project. A properly designed tall building would include three distinct components being the building base (podium), building tower (middle) and building top, each of which can contribute to or mitigate building massing.

With respect to the podium design, massing can be reduced by ensuring the height is reflective of the adjacent road width; including appropriate setbacks; providing a generous first floor height and ensuring that a podium does not hinder the amount of sunlight that the adjacent streets receive.

The tower of a tall building is the most substantial and impactful component. The massing of a tower should recognize and reflect this important role and should be carefully considered to minimize adverse impacts. The height of the tower and its location on the building base shall provide a gradual and appropriate transition in height to help mitigate potential impact on the surrounding context. Limiting the tower floorplate ensures the tower would be slender and would maximize sky views and sunlight.

While the modified tower would have a significant mass, due to the building height, the building base and tower would be appropriately designed to reduce the impacts associated with the proposed height. This differs from many of the existing towers within the City's Downtown, which contain large slab floorplates. Historically, these slab towers with larger floorplates were constructed at lower heights; however, the built form resulted in significant adverse impacts (wind, shadowing, scale, etc.) on adjacent streets, neighbourhoods, parks and open spaces. Staff is of the opinion that the increased massing on this site, up to 23 storeys in height, is acceptable due to the high level of design that is being proposed, which mitigates the majority of the impacts associated with the massing.

Height

The modified height being recommended by staff would be slightly larger than that of other tall buildings in the immediate vicinity, and slightly taller than the emerging vision for the Downtown, as provided for by the ongoing Mobility Hub Area Specific Planning process.

Within 150 metres of the subject site, there are three existing tall buildings (equal to or greater than 12 storeys) being the 18 storey Wellington Place (478 Pearl Street), the 15 storey Elizabeth Manor (477 Elizabeth Street) and the 12 storey Upper Canada Place (505 Locust Street). In addition, the 17 storey Berkeley Building is under construction at 2025 Maria Street.

Staff also notes there are a number of taller buildings that exist or are under construction along Lakeshore Road. One of these developments is the Bridgewater development on the south side of Lakeshore Road, where a 22 storey apartment building is being constructed.

As set out earlier in this report, the policy framework encourages high-density uses on this site where compatibility is provided with surrounding land uses and a sense of pedestrian scale is provided. This development site is located adjacent to a prominent intersection within the City's downtown, abutting two of the three arterial roadways that provide access to the Downtown (i.e. Brant Street and James Street). In addition, the site is located adjacent to City Hall, Civic Square and the War Memorial (Cenotaph), which establishes this intersection, and the properties flanking it, as a significant node within the City's downtown. Encouraging higher intensity, transit-supportive and pedestrian-oriented development is considered appropriate on this site. As set out earlier, the development of this site is able to achieve compatibility with adjacent land uses and the design of the site would provide a sense of pedestrian scale and improve the public realm. Prominent sites do not necessarily require tall buildings to make them feel special, nor are they stand-alone justification for a tall building or an increase in height; however, staff is of the opinion that this site warrants additional height in relation to the site's surrounding context (i.e. 17 – 20 storeys) to reflect this prominent location and also contribute towards a number of city-building objectives.

According to the preferred concept for the downtown, as set out by the on-going Mobility Hubs study, the subject site has been identified within the Brant Main Street Precinct. The study has identified that developments adjacent to the Brant Street / James Street intersection will recognize and enhance the civic and public gathering functions existing at this intersection including City Hall, Civic Square and the Cenotaph. Developments will be expected to contribute to the extension of Civic Square to the east side of Brant Street and ensure

that view corridors from James Street to City Hall, Civic Square and the Cenotaph are established. Provision of such public amenities will result in a modified built form and increased building height permissions (i.e. 17 storeys) relative to that otherwise permitted in the Brant Main Street Precinct (i.e. 11 storeys). Staff is of the opinion that an increased height on the subject site up to 23 storeys is appropriate as it would result in a high level of building design and extension of the existing civic node, which would comply intent of the vision outlined by the on-going Mobility Hubs study.

Siting

The recommended modified approval would result in a built form that would appropriately address the corner of Brant Street and James Street and would include generous setbacks from the exterior lot lines. The building base is sited appropriately and contributes to the pedestrian scale and human experience. The siting of the podium frames the streetscape and provides sufficient 'breathing room' within the public realm. The public open space at the Brant Street and James Street corner further contributes to an appropriate grounding of the building. The tower of the building is sited appropriately on the building base and is stepped back enough that impacts to the public realm are mitigated. The siting of the proposed development would be compatible with the existing neighbourhood character.

Setbacks

The development would include increased setbacks along Brant Street, James Street and John Street. These increased setbacks allow for wider sidewalks, landscaping, patios, etc. which all contribute to an improved public realm adjacent to this development. These greater building setbacks would be located along all three of the frontages of the development site and provide for architectural interest; improved pedestrian amenity space; tree planting; wider sidewalks; and other publicly accessible open space.

Parking

Staff has reviewed the development proposal and finds that the amount of parking being recommended is adequate to accommodate this type of development. The Zoning By-law requires 1.25 spaces

per apartment unit and does not require assigned parking for visitors, commercial or office uses. The modified approval would require a minimum parking ratio of 1.2 parking spaces per residential unit. The applicants are proposing to provide 8 visitor spaces. Staff considers this to be sufficient.

This development site is located in close proximity to the bus terminal and is well served by a number of transit routes. Further, the applicants have agreed to contribute to the car share network that is being developed in the City by providing a car share parking space and vehicle.

Amenity Area

This development would include both indoor and outdoor amenity areas. The indoor amenity areas would consist of amenity rooms on the 2nd and 5th floors while the outdoor amenity area would consist of communal outdoor space on the 2nd floor, 5th floor and rooftop as well as private balconies for each of the residential units. The total amenity space would exceed 3,300 square metres. The Zoning By-law requires 20 m² of amenity area for each apartment unit, and the modified development would meet or exceed the minimum requirements by providing a minimum of 20 square metres of amenity space for each unit.

Transition Between Existing and Proposed Buildings

Tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity especially when adjacent to areas of differing land use or lower-scale built form. In general, appropriate fit and transition is achieved when tall buildings respect and integrate with the height, scale and character of neighbouring buildings, reinforce the broader city structure, provide sufficient horizontal separation and transition down to lower scale buildings and open space.

Within the same block as the subject site, there is currently a one storey commercial building immediately north of the site, which has been given due consideration through the design of the proposed building base. As set out earlier in this report, the design of the building base (podium) has taken into account and is reflecting the building height and character that exists along Brant Street. In addition, the proposed tower has been setback 12.5 metres from the

northern property line to ensure that the sufficient separation and transition was provided with the adjacent property. This preserves sky views and sunlight and also ensures that the development rights of the adjacent property have been protected.

Based on the compatible scale, massing, height, siting, setbacks, coverage, parking, amenity area and transition between existing and proposed buildings, this criterion is met.

vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;

There are two City trees along Brant Street and one City tree along John Street that would be impacted by the proposed development, and as such, are proposed to be removed. A detailed landscape plan would be required at the subsequent site plan stage.

Pursuant to Tree By-law 68-2013, Council approval is required to remove trees located on City property. Staff have reviewed the plans submitted with the rezoning application, conducted site visits and discussed site plan options with the applicant. To permit redevelopment to occur, staff is supportive of the applicant's request to remove three City trees subject to compensation being provided by replanting trees within the City's boulevard and / or providing cash-in-lieu, where the opportunity for replanting is not available. The total value of compensation shall be \$3,750, as indicated in the Recommendations Section of this report.

The impacts on existing vegetation on the site will be minimal since the site contains buildings and surface parking areas at the rear. This criterion is met.

vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;

As set out above, the applicants have submitted a Shadow Impact Assessment for the proposed development to ensure compliance with the City's Tall Building Guidelines dealing with sun shadowing. The study concludes that incremental ground level shadowing resulting from the proposed development over and above the subject site's existing height permissions is limited and reasonable. Sun-shadowing on adjacent properties is limited because the floor plate of the tower results in a very narrow and long shadow that moves quickly. In addition, the proposed development would result in an acceptable level of sunlight being

provided to the nearby public spaces. The proposed development would comply with the City's shadow expectations, and as such, this criterion is met.

viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;

Located within the City's downtown, the subject site provides access to a wide variety of employment, shopping, leisure and tourism opportunities. There are specialty retail, community retail, services and other businesses located in walking distance to this site. There are a range of facilities such as City parks; elementary schools and a secondary school; commercial areas; and a hospital all within a 1.5 km radius of the site. This criterion is met.

ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts;

The applicants have designed their development to ensure that adequate buffering was provided to minimize identified impacts to adjacent properties and the streetscape. The development proposes generous setbacks from the property lines which provides the ability to incorporate architectural interest; improved pedestrian amenity space, wider sidewalks and an improved public realm. As identified, the proposed development has taken steps to ensure that any impacts relating to sun-shadowing and wind impacts have also been mitigated to the extent possible. This criterion is met.

x) Where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;

There is the potential for redevelopment around the subject site as there are a number of underutilized properties in the immediate vicinity. As such, any development on the subject site needs to be cognizant of the development potential that exists on surrounding properties and not compromise the redevelopment potential of these properties. Similar to the subject site, properties in the immediate vicinity are comprised of a low-rise built form with buildings that are generally 1 – 2 storeys, which have the potential to be redeveloped at some point in the future.

The 'Downtown Core (DC)' zone, which currently applies to the subject site and all adjacent properties, sets out that a side yard setback is not required for lots abutting Brant Street, James Street or John Street (among other streets). As such, buildings are permitted to have a zero metre side lot line, which reflects the urban fabric of a downtown core where buildings abut each other to create a continuous streetwall. Within the DC zone, buildings up to 4 storeys in height do not need to provide a side yard setback. The proposed development would be in line with the expectations of the Zoning By-law, as it would provide a minimal side yard setback to the north for the first five storeys and increase the side yard setback to 12.5 metres at the sixth floor.

The City's Tall Building Guidelines set out that proposed towers should be set back 12.5 metres from adjacent property lines to protect a future 25 metre separation distance (split between each property). The proposed development would maintain a 12.5 metre tower separation to ensure that the development potential on the property to the north is protected. In addition, the parcels on the opposite sides of the streets (i.e. south side of James Street and east side of John Street), would also have their development rights protected as the road widths would provide appropriate separation distance between structures. It is staff's opinion that the development of the subject site does not unduly impede the redevelopment of properties in the immediate vicinity. This criterion is met.

xi) Natural and cultural heritage features and areas of natural hazard are protected;

The proposed development does not negatively impact natural or cultural heritage features nor areas of natural hazard as there are not any natural or cultural heritage features or areas of natural hazard in proximity to the proposed development. This criterion is met.

xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 g) and m); and

The subject policies have been considered are not applicable because there are no floodplains or watercourses located on the subject property and the proposed development is not located in the South Aldershot Planning Area. This criterion is not applicable.

xiii) proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct

vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

This criterion is not applicable in the Downtown Core Precinct.

Staff is of the opinion that the development is compatible with the scale, urban design and community features of the neighbourhood and meets the objectives of the housing intensification policies.

The recommended modified approval of the applications would permit intensification in a high-rise building form within the City's Downtown Core, where access to transit and community services is available. An appropriate level of development would support the City's objectives to achieve a broad range of housing forms and tenure, while ensuring the development is compatible with surrounding properties.

Urban Design

The OP sets out that design is an increasingly important part of the planning process. To that end, the City of Burlington is committed to a high standard of design and architecture and will bring these expectations to the development approval process. The City has prepared and will continue to prepare Design Guidelines for use within the Downtown and relating to various building typologies. Design guidelines will be referred to through the development process and there is an expectation that the City and development proponents adhere to the Guidelines and that their proposals will be made to conform to the vision that the guidelines seek to achieve.

One of the objectives of the Design section of the OP is to ensure that the design of the built environment strengthens and enhances the character of the existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character. The OP also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit.

Another objective is to achieve a high quality of design within the public realm. Design opportunities to enhance the quality of the public realm shall be encouraged. Improvements to existing streetscapes shall be encouraged when reconstruction occurs. Planning staff have completed the following review of the applicable Design Guidelines to assess the proposed development against the City's design objective and policies.

City of Burlington Downtown Urban Design Guidelines (2006)

The Downtown Urban Design Guidelines (hereafter referred to as “the Guidelines”) are intended to supplement the Official Plan and Zoning By-law by providing property owners, developers and City staff with additional detail on what constitutes desirable built form in the Downtown. The Urban Design Guidelines are a component of the City’s planning framework and provide an additional tool for municipal planners in which to assess development applications and inform the City’s expectations for built form in a specific area.

The Guidelines provide a set of recommendations to ensure that new development protects the most crucial aspects of Downtown Burlington’s existing character, which includes, among other things:

- the relationship of buildings to streets and open spaces;
- the articulation of facades;
- the relationship of buildings to one another;
- the protection of important views;
- the fine-grained pedestrian network with its shortcuts and urban paths; and
- the palette of materials.

In this document, the subject property is identified as being located within the Downtown Core Precinct area, which is consistent with the existing Official Plan designation.

The Guidelines address a number of topics including:

- public realm;
- loading and service areas;
- setbacks;
- street wall;
- entrances;
- design of the first floor;
- heights; massing;
- separation between tall elements;
- high rise design and architectural quality; and
- high rise building massing, articulation and detailing.

Specific Guidelines Relevant to the Proposed Development

The following guidelines are relevant to the proposed development.

Public Realm

Views

View to Lake Ontario from the public realm and many Downtown buildings and landmarks (i.e. City Hall, Knox Presbyterian Church) are important to protect and frame through new development. View termini resulting from T-intersections (such as Brant and James) are also important view termini to be considered in the placement and design of the built form. The identified views in and around this development site have been protected and enhanced through the modified approval being recommended by staff.

Open / Civic Spaces and Pedestrian Networks

Throughout the Downtown, opportunities exist to strengthen existing public and semi-public spaces such as the City Hall plaza, and the Cenotaph parkette north of City Hall. Opportunities for new patios and plazas will also arise from new public and private development. Generally, pedestrian comfort could be further improved by extending existing tree lines along sidewalks, encouraging further plantings on public and private properties and adopting a palette of high quality, consistent streetscape treatments. The modified approval being recommended by staff would enhance and increase the public space in this area. The increased building setbacks would also provide opportunities for new patios and plazas, which would increase pedestrian comfort along all three street frontages.

Sidewalks

Where possible, sidewalks should be widened to a minimum of 4 – 5 metres in width. The additional width creates a safer pedestrian zone and may accommodate public benches, sidewalk cafes, and street trees. At corners, boulevards should widen to provide planting areas, seating areas, and other pedestrian amenities that beautify the street and create a public buffer from vehicular traffic. The proposed building would be setback at least 5 – 6 metres from the street curbs, which would create better streetscapes along all three street frontages.

Built Form

Built form elements such as height, mass, setbacks, parking, servicing, access, sun penetration and visual condition at the street level are crucial to fostering and maintaining a positive pedestrian experience.

Quality of Frontages

Building setbacks generally should be sensitive to the location of existing built form, sun angles and the intended use of the sidewalk (patio, gathering space, etc.). It is crucial that the street wall be constructed with the highest quality of

architectural design and materials, as this portion of the building is the most visible and accessible to pedestrians. Steppbacks of upper storeys should be provided so that building bulk is minimally perceived from the vantage of a pedestrian on the street. The recommended modified approval would ensure that the pedestrian experience is enhanced along all three street frontages.

Building Heights

The Guidelines recognize that the Official Plan and Zoning By-law determine the allowable height of developments while the Guidelines recommend how the height should be articulated and address a variety of issues and conditions regarding future infill and new site development.

The Guidelines state that existing or approved building heights generally follow a logical pattern that has a “peak” around the Lakeshore-Brant intersection and descends along “ridges” towards low-rise areas.

Building Steppbacks

The Guidelines set out that steppbacks of upper storeys should be provided so that building bulk is minimally perceived from the vantage of a pedestrian on the street. Steppbacks should be considered for buildings above three storeys. The modified approval would include building steppbacks above the 4th storey and additional building steppbacks above the 18th floor.

High Rise Design and Architectural Quality

A section of the Downtown Urban Design Guidelines focuses on High Rise Design and Architectural Quality. However, City Council approved updated Tall Building Design Guidelines in July 2017, which are more current and detailed than the high rise design guidelines that were implemented in 2006. Staff have included a detailed review of the City’s Tall Building Design Guidelines in the Section below.

City of Burlington Tall Building Guidelines (2017)

In 2017, Council approved Tall Building Guidelines (TBG) as a way to guide the development of new buildings over 11 storeys. The TBGs are intended to ensure new tall buildings promote design excellence, support vibrant streets and provide a positive addition to the City’s skyline. The TBGs provide guidance for developers and architects designing tall buildings in the City of Burlington, and will be used by City staff as one tool in evaluating development applications. The objective of the guidelines is to provide best practices related to building height, massing, transitions, sun / shadowing, and building articulation to promote and encourage high-quality tall building proposals.

The guidelines are broken down by the components of a tall building being the Building Base (Podium); Building Middle (Tower); and the Building Top. Staff have completed a review of these components and guidelines of particular relevance in relation to the proposed development, as discussed below:

Building Base (Podium)

The podium of a tall building anchors the tower and defines the pedestrian experience at the street. Its location and height should frame and create a positive relationship to the street. It should be carefully designed, including a mix of horizontal and vertical elements, to reinforce the human scale. There should be a visual connection between the public and private realm, which promotes vibrancy and activity throughout the day.

- i. The podium location shall be located to frame the street. On corner lots, the podium shall be located to frame both streets.*

Comment: The podium design would appropriately frame the adjacent streets. Furthermore, the podium has been designed to enhance the view corridors from James Street to City Hall and the Cenotaph to highlight the civic and public interaction that occurs in this area.

- ii. On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, the location of the podium should reinforce the established streetwall.*

Comment: The podium design reinforces the existing streetwall that exists along Brant Street and continues the street rhythm that currently exists. The building base has an appropriate relationship with the adjacent buildings which reinforces the human / pedestrian scale.

- iii. Where no streetwall has been established, podiums should be setback at grade to create wide boulevards that accommodate pedestrians, street trees and landscaping, and at-grade active uses. A 6 metre boulevard measured from curb is preferred, except where existing conditions preclude.*

Comment: The building has been setback approximately 6 metres from the Brant Street, James Street and John Street curbs. These generous setbacks provide for architectural interest; improved pedestrian amenity space; tree planting; wider sidewalks and other publicly accessible open space.

- iv. *Where no established streetwall exists, the minimum height of the podium shall be 10.5 metres (3 storeys) to frame the streetscape and reinforce a human scale.*

Comment: The proposed building base would have a height of approximately 15.6 metres (4 storeys), which complies with the minimum podium height.

- v. *The maximum height of the podium shall be 80% of the adjacent right-of-way width. A maximum height of 20 metres is recommended to maintain a human scale.*

Comment: The adjacent streets have a width of approximately 20 metres, and therefore the maximum podium height (80% of road width) would be 16 metres. The proposed podium height would be approximately 15.6 metres, which is less than the maximum and would maintain the existing human / pedestrian scale that currently exists along the adjacent streets.

- vi. *The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses.*

Comment: The proposed floor-to-ceiling height of the ground floor would exceed 4.5 metres, which would maintain the flexibility of this space and reinforce the human scale of the podium.

- vii. *The height and massing of the podium (not including the tower) should ensure a minimum of five consecutive hours of sunlight on the opposite side of the street and over more than 60% of a park or public open space at the equinoxes (March 21 and September 21).*

Comment: The assessment of the shadow study concludes that the opposite side of two of the three abutting streets surrounding the development (i.e. west side of Brant Street and south side of James Street) do not currently receive five consecutive hours of sunlight at the equinoxes under current conditions. The east side of John Street does currently receive over five hours of consecutive sunlight and would continue to receive approximately five hours of consecutive sunlight after the proposed development.

- viii. *On corner lots, articulation of the podium shall acknowledge its important location through corner entrances, chamfering (and associated public space), and/or other architectural features.*

Comment: Developments adjacent to the Brant Street / James Street intersection need to recognize and enhance the prominent role that this intersection has. The podium design has accomplished this by including a significant extension to the public realm at the corner of the proposed development (128 square metres). This development has incorporated a significant extension of the civic function in this area and has provided enhanced view corridors towards City Hall and the adjacent open spaces (i.e. Civic Square and the Cenotaph).

- ix. *Publicly-accessible privately owned open space, including courtyards, plazas, and parkettes should be encouraged where appropriate within tall building sites through applicable planning tools (i.e. Section 37 of the Planning Act). Publicly-accessible privately owned open spaces shall be designed and located to encourage public use, provide connections to the broader open space network, and / or highlight important site characteristics (i.e. plazas at corner sites).*

Comment: Developments adjacent to the Brant Street / James Street intersection need to recognize and enhance the prominent role that this intersection has. The podium design included as part of the recommended modified approval would accomplish this by including a significant extension to the public realm at the corner Brant Street and James Street. This significant publicly accessible area would serve as a significant extension of the civic function in this area and would provide enhanced view corridors towards City Hall and the adjacent open spaces (i.e. Civic Square and the Cenotaph).

Building Middle (Tower)

The tower is the most substantial and impactful component of a tall building. It can enhance the skyline and provide a defining landmark throughout the City. The design and massing should recognize and reflect this important role, and should be carefully considered to minimize adverse impacts on adjacent neighbourhoods, parks and open spaces. The tower should maximize sky views and access to sunlight through slender floorplates and spacious setbacks.

- i. *Proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*

Comment: The proposed tower has been setback 12.5 metres from the northern side property line to ensure that development potential on the adjacent property has been protected.

- ii. *The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure useable outdoor amenity space (i.e. patios).*

Comment: The proposed tower has been stepped back at least 3 metres from the podium on all sides, with increased setbacks along the Brant Street frontage (i.e. 6.3 metres), and John Street frontage (i.e. 4.1 metres). These increased setbacks reduce the negative impacts of the tower from street level.

- iii. *For design flexibility, a portion of the tower (i.e. up to 20%) may extend to the edge of the podium without a setback provided it can be demonstrated that there are no adverse wind and shadow impacts.*

Comment: The modified design being recommended by staff would include a significant open space area within the building base at the corner of Brant Street and John Street. The 3rd and 4th floors would actually cantilever over a portion of this space to frame the area, mitigate any wind impacts and provide weather protection in this area.

- iv. *The tower portion of a tall building should be slender and should not exceed 750 square metres, excluding balconies.*

Comment: The tower would slightly exceed the 750 square metre maximum floorplate size by 10 square metres, which would maintain the general intent and purpose of this guideline. The additional 10 square metres was required in order to accommodate an additional elevator shaft, which was deemed necessary as the design of the proposed building was refined. Towers with smaller floor plates and regular shape perform better with respect to shadow impacts, access to sky views, wind conditions and overall impressions of whether the building is too massive or slim and less imposing.

- v. *The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

Comment: The wind study that was submitted has concluded that the residential, office and retail entrances would be suitable for sitting throughout the year, which is considered ideal. On the sidewalks

surrounding the proposed development, wind conditions are generally comfortable for leisurely walking or better throughout the year, which is considered suitable for sidewalks. The exception is at the north-east corner of the subject site, where wind conditions would be conducive to fast walking during the winter, due to strong easterly winds. It is recommended that a wrap-around canopy be considered at that corner in order to disrupt wind flows. Mitigation techniques could be refined as part of the subsequent site plan process.

Building Top

The top of a building defines the tower while further distinguishing a unique and interesting skyline. A variety of elements, including stepbacks, material variations, lighting, and other architectural elements are recommended to reinforce a strong presence at the top of the building. Where possible, rooftop amenity space is recommended to reinforce a strong presence at the top of a building. Structural elements, such as the mechanical penthouse and elevator shafts should not be visible from ground level.

- i. Design the upper floors of tall buildings to clearly distinguish the top of the building from the tower, to further reduce the building profile, and to achieve a distinct skyline. This may include stepbacks, material variation, and / or unique articulation.*

Comment: The modified development being recommended by staff would clearly distinguish the top of the building from the tower by including a 1 metre stepback above the 18th storey along all three street frontages and also include material variation from the rest of the building. These design elements would ensure compliance with this guideline and the design of the upper floors could be further refined as part of the subsequent site plan review process.

- ii. Where located at a gateway intersection or terminating view, the tower top is encouraged to act as a recognizable landmark with signature features defining its importance.*

Comment: As outlined elsewhere in this report, staff is of the opinion that this site acts as a significant civic node, and therefore the tower top is to act as a recognizable landmark with signature features defining its importance. The stepbacks of the upper floors, combined with the material variation and other design considerations would achieve this and additional design

considerations would be reviewed as part of the subsequent site plan review process.

- iii. *Where possible, outdoor amenity space should be included within the top of the building, including balconies and patios, terraces, rooftop gardens, pools, etc.*

Comment: The building is proposed to have a roof top amenity area that would provide both indoor and outdoor amenity space.

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 A. 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 recommended modified zoning for the 23-storey mixed use building.

Zone Regulation	DC & DC-434 Zone Requirements	Modified Proposal Recommended by Staff	Relief Required
Minimum Lot Width	7.5m	40.2m	No
Minimum Lot Area	No minimum	0.2 ha	No
Yard Abutting a Street	Floors 1 to 4: <u>Minimum:</u> 2m from Brant Street 1.5m from James Street 1m from John Street	<u>Brant Street</u> Floors 1-4: 2.9m Floors 5-18: 9.2m Floors 19-22: 10.2m Floor 23 (Mechanical Penthouse): 19m <u>James Street</u>	No

	<p><u>Maximum for 1st floor:</u> 3m from Brant Street 2.5m from James Street 2m from John Street</p>	<p>Floors 1-4: 2.6m Floors 5-18: 5.6m Floors 19-22: 6.6m Floor 23 (Mechanical Penthouse): 15.2m</p> <p><u>John Street</u> Floors 1-4: 1.8m Floors 5-18: 5.2m Floors 19-22: 6.2m Floor 23 (Mechanical Penthouse): 9.1m</p>	<p>YES (Max setback on James Street)</p> <p>No</p>
Rear Yard and Side Yard	<p>None required for lots abutting Brant Street, James Street or John Street</p>	<p>Interior Side Yard: Floors 1-2: 0m Floors 3 - 5: 0m Floors 6 - 22: 12.5m Floor 23 (Mechanical Penthouse): 14.5m</p>	<p>No</p>
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>23 storeys (81m)</p> <p>1st Storey: 5m 2nd Storey: 3.95m</p>	<p>YES</p> <p>YES</p>
Floor Area Ratio (FAR)	<p><u>DC Zone</u> (429 – 431 Brant): Maximum: 4.0:1</p> <p><u>DC-434</u> (421 – 427 Brant): Maximum: 4.5:1</p>	<p>9.45:1</p>	<p>YES</p>
Parking	<p>Minimum: 1.25 parking spaces per unit</p>	<p>1.2 parking spaces per unit + 8 dedicated visitor parking spaces</p>	<p>No</p>
Bicycle Parking	<p>Minimum Retail, Service Commercial, Office, Institutional: 2 spaces plus 1 space / 1000m² GFA</p>	<p>69</p>	<p>No</p>
Amenity Area	<p>Minimum 20m² per unit</p>	<p>20m² per unit</p>	<p>No</p>
Built Form	<p>The 1st floor elevation of any building facing a street shall</p>	<p>John Street = 25%</p>	<p>YES</p>

	have a minimum of 60% glazing		
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

The Official Plan and Zoning By-law amendment and supporting documents were circulated to internal departments and external agencies for review. Written responses to the technical circulation have been received from Halton Region, Halton District School Board, Halton Catholic District School Board, Burlington Hydro, the Transportation Department, the Capital Works Department, Burlington Economic Development Committee and the Sustainable Development Committee. No objections have been identified by these agencies. The Sustainable Development Committee's comments have been included in Appendix E, and will be addressed at future stages of planning (i.e. site plan).

Financial Matters:

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

The applications were processed under the standard development application fees. If Council approves the recommendations to approve OPA 106 and approve the rezoning application in principle, staff will initiate discussions with the applicant to secure community benefits in accordance with Section 37 of the *Planning Act* and report back to Council with a report on Section 37 benefits prior to enactment of the zoning by-law.

At the site plan stage, the City will require securities to ensure the works associated with the proposed development will be completed to the City's satisfaction. The applicant will also be required to provide cash-in-lieu of parkland and pay development charges as required by the Development Charges By-law.

Public Engagement Matters:

The applications were subject to the standard notification requirements to owners and tenants within 120 metres of the site following submittal of complete applications and prior to the statutory public meeting. Public notice signs were also posted on the subject site. A further notice was distributed in October 2017 advising individuals of the date Committee will consider this recommendation report. All revised plans and reports submitted by the applicant, as well as planning staff notices and reports were posted on the project webpage (www.burlington.ca/421Brant) as they became available.

The City conducted a neighbourhood meeting on March 28, 2017 that was attended by approximately 100 residents. Following Report PB-38-17, Planning staff received an additional ten emails and two letters, which are contained in Appendix F.

A summary of the issues raised by the community and staff's consideration of these comments is provided below.

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 25 emails, 5 neighbourhood meeting comment sheets, 2 letters and 7 emails forwarded from the Councillor's office. The public comments received to date are included in Appendix F. 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

A summary of the issues raised by the community and staff's consideration of these comments is provided below.

Comment	Staff's Response
Traffic and safety	<p>The applicants were required to complete a traffic impact study to determine whether the additional traffic generated by the proposed development could be satisfactorily accommodated by the surrounding road network. The traffic impact study concluded that that the additional traffic generated could be accommodated by the surrounding road network. The City's Transportation Department has reviewed these conclusions and concurs with the assessment. With full development and occupancy of the property, all of the intersections in vicinity of the proposed development are forecast to operate at acceptable levels of service during the weekday peak hours. The traffic generated by the proposed development can be accommodated by the adjacent road network and therefore is supported by the City's Transportation Services staff.</p>
Inadequate parking spaces	<p>The modified approval recommended by staff includes a minimum parking ratio of 1.2 parking spaces per residential unit to be provided below grade, two loading spaces at grade internal to the building and 8 dedicated visitor parking spaces. The 'Downtown Core (DC)' zone parking requirements are a minimum of 1.25 parking spaces per apartment dwelling unit. The DC zone does not require designated parking spaces for the proposed retail / commercial uses, office uses or for residential visitors. Notwithstanding, the applicants are proposing to provide 8 visitor parking spaces, in addition to one car share parking space. The proposed visitor parking spaces would provide parking for both the residential visitors and the office users.</p>
Concerns with building height	<p>As noted in this report, the current Official Plan policies for this site would permit a 12 storey building where it provides a sense of compatibility with surrounding land uses and a sense of pedestrian scale by the use of terracing above the second floor. As such, modified approval recommended by staff would permit an additional 11 storeys (including a one floor mechanical penthouse) beyond the current Official Plan permissions, but in a much more desirable built form.</p> <p>In terms of context, within 150 metres of the subject site, there are three existing tall buildings (equal to or greater than 12 storeys) being the 18 storey Wellington Place (478 Pearl Street), the 15 storey Elizabeth Manor (477 Elizabeth Street) and the 12 storey Upper Canada Place (505 Locust Street). In addition, the 17 storey Berkeley Building is under construction at 2025 Maria Street. Staff also notes the there are a number of taller buildings that exist or are under construction along</p>

Lakeshore Road. One of these developments is the Bridgewater development on the south side of Lakeshore Road, where a 22 storey apartment building is being constructed.

As set out earlier in this report, the policy framework encourages high-density uses on this site where compatibility is provided with surrounding land uses and a sense of pedestrian scale is provided. This development site is located adjacent to a prominent intersection within the City's downtown, abutting two of the three arterial roadways that provide access to the Downtown (i.e. Brant Street and James Street). In addition, the site is located adjacent to City Hall, Civic Square and the War Memorial (Cenotaph), which establishes this intersection, and the properties flanking it, as a significant node within the City's downtown. Encouraging higher intensity, transit-supportive and pedestrian-oriented development is considered appropriate on this site. As set out earlier, a 23 storey building is able to achieve compatibility with adjacent land uses and the design of the building would provide a sense of pedestrian scale, improve the public realm and enhance the civic function in this area. Prominent sites do not necessarily require tall buildings to make them feel special, nor are they stand-alone justification for a tall building or an increase in height; however, staff is of the opinion that this site warrants additional height to reflect this prominent location and to contribute to an extension of Civic Square on the east side of Brant Street.

According to the preferred concept for the downtown, as set out by the on-going Mobility Hubs study, the subject site has been identified within the Brant Main Street Precinct. The study has identified that developments adjacent to the Brant Street / James Street intersection will recognize and enhance the civic and public gathering functions existing at this intersection including City Hall, Civic Square and the Cenotaph. Developments will be expected to contribute to the extension of Civic Square to the east side of Brant Street and ensure that view corridors from James Street to City Hall, Civic Square and the Cenotaph are established. Provision of such public amenities will result in a modified built form and increased building height permissions (i.e. 17 storeys) relative to that otherwise permitted in the Brant Main Street Precinct (i.e. 11 storeys). Staff is of the opinion that an increased height on the subject site up to 23 storeys is appropriate as it would result in a high level of building design and extension of the existing civic node, which would comply intent of the vision

	<p>outlined by the on-going Mobility Hubs study.</p>
<p>Concerns with number of units / density</p>	<p>Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.</p> <p>The Growth Plan defines Urban Growth Centres (UGC) as existing or emerging downtown areas and identifies them in the Plan. The UGCs will be planned to, among other things, accommodate significant population and employment growth. Downtown Burlington has been identified as a UGC and is required to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare. In addition, the Growth Plan defines major transit station areas as the area including and around a major bus depot in an urban core and generally defined as areas within an approximate 500 metre radius of a transit station, representing about a 10-minute walk. The subject property is located approximately 120 metres northwest of the John Street Downtown Bus Terminal and development on this site would support transit use in this area.</p> <p>The subject applications generally conform to the principles of the Growth Plan by proposing intensification in an Urban Growth Centre, which is intended to accommodate intensification. Staff is of the opinion that an appropriate level of intensification on the subject site would conform to the objectives of the Growth Plan, while ensuring that new development would be contextually appropriate and provide high quality urban design. An appropriate level of intensification on the subject site would also contribute towards the City meeting its minimum density target established in the Growth Plan. Further, it is noted that the minimum intensification targets are minimums and the Growth Plan encourages municipalities to go beyond the minimum targets. Staff is of the opinion that a high-rise built form is appropriate on this site, and would represent an appropriate way to achieve a built form that is contextually appropriate within the downtown setting.</p>
<p>Support for proposed development</p>	<p>It is staff's opinion that the modified high-density development recommended by staff represents an appropriate form of intensification and an efficient use of land. The modified development represents appropriate use of under-utilized</p>

	<p>lands within the City’s downtown. It is staff’s opinion that the modified approval would satisfy the City’s objectives to develop downtown as a mixed use community; provide housing opportunities that encourage use of public transit and active transportation; achieve design excellence and provide development that is compatible with surrounding properties.</p>
<p>Building Form and Urban Design</p>	<p>The Official Plan (OP) sets out that design is an increasingly important part of the planning process. To that end, the City of Burlington is committed to a high standard of design and architecture and brought these expectations to this development application process. The City has prepared and will continue to prepare Design Guidelines for use within the Downtown and relating to various building typologies. Design guidelines have been referred to through the development process and there has been an expectation that the development proponents adhere to the Guidelines and that their proposals be made to conform to the vision that the guidelines seek to achieve.</p> <p>One of the objectives of the Design section of the OP is to ensure that the design of the built environment strengthens and enhances the character of the existing distinctive locations and neighbourhoods, and that proposals for intensification and infill be designed to be compatible and sympathetic to existing character. The OP also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit.</p> <p>Another objective is to achieve a high quality of design within the public realm. Design opportunities to enhance the quality of the public realm shall be encouraged. Improvements to existing streetscapes shall be encouraged when reconstruction occurs.</p> <p>Planning staff have given significant consideration to the design of the proposed built form and public realm. Staff have assessed the development against the City’s design objectives and applicable Urban Design Guidelines and is of the opinion that the proposed development represents an opportunity to implement design excellence within the City’s Downtown in terms of the public realm improvements and the quality of the built form.</p>
<p>Wind impacts & Shadow Impacts</p>	<p>The applicant submitted reports as part of these applications to ensure that the wind and shadow impacts were at acceptable levels to ensure compatibility. These reports were</p>

	<p>reviewed and accepted by City staff.</p> <p>The Wind Assessment report concludes that the proposed residential, office and retail entrances would be suitable for sitting throughout the year, which is considered ideal. On the sidewalks surrounding the proposed development, wind conditions would be generally comfortable for leisurely walking or better throughout the year, which is considered suitable for sidewalks. The only notable area is at the north-east corner of the subject site, where wind conditions would be conducive to fast walking during the winter, due to strong easterly winds. It is recommended that a wrap-around canopy be considered at that corner in order to disrupt wind flows. Mitigation techniques could be refined as part of the subsequent site plan process.</p> <p>At the City Hall Civic Square, wind conditions actually improved to be comfortable throughout the year. This is due to the mass of the proposed development, as it partially blocks the strong northeasterly winds. The wind safety criterion is met for all areas at grade (along sidewalks) in both the existing and proposed configurations.</p> <p>The applicants also submitted a Shadow Impact Assessment for the proposed development to ensure compliance with the City's Tall Building Guidelines dealing with respect to sun shadowing. According to the Tall Building Guidelines, the height and massing of the podium (not including the tower) should ensure a minimum of five consecutive hours of sunlight on the opposite side of the street at the equinoxes (March 21 and September 21) except where existing conditions preclude. The assessment of the shadow study concludes that the opposite side of two of the three abutting streets surrounding the development (i.e. west side of Brant Street and south side of James Street) do not currently receive five consecutive hours of sunlight at the equinoxes under current conditions. The east side of John Street does currently receive over five hours of consecutive sunlight and would continue to receive approximately five hours of consecutive sunlight after the proposed development. As such, the study concludes that incremental ground level shadowing resulting from the proposed development over and above the subject site's existing height permissions is limited and reasonable.</p> <p>The Tall Building Guidelines also set out that the massing and height of the podium shall ensure a minimum of five consecutive hours of sunlight over more than 60% of a park or playground area or a public open space at the equinoxes. Planning staff have assessed compliance with this guideline using 3D modeling and have concluded that the public open</p>
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	<p>spaces adjacent to City Hall (i.e. Civic Square and the War Memorial) would continue to receive over seven consecutive hours of sunlight over more than 60% of the open space areas on the equinoxes, post development.</p> <p>The Tall Building Design Guidelines include a maximum tower floorplate, which is intended to minimize shadow impacts and ensure sky views are protected. The modified approval recommended by staff would ensure that the proposed tower floorplate would maintain the maximum floorplate expectation envisioned by the Tall Building Design Guidelines. This would ensure that the shadow cast by the tower would be a narrow shadow that would move quickly, therefore minimizing the shadow impacts of the tower. As such, the proposed development would comply with the City's expectations with respect to shadows and sky views.</p>
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Conclusion:

The subject applications have been reviewed in accordance with applicable Provincial, Regional, and Municipal planning policies. It is staff's opinion that the modified high-density development recommended by staff represents an appropriate form of intensification and an efficient use of land. The modified development represents appropriate use of under-utilized lands within the City's downtown. It is staff's opinion that the proposal satisfies the City's objectives to develop downtown as a mixed use community; provide housing opportunities that encourage use of public transit and active transportation; achieve design excellence and provide development that is compatible with surrounding properties.

Staff recommend a modified approval of the subject applications to amend the Official Plan and Zoning By-law on the basis that that the proposal supports the policies of Official Plan, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies. This report recommends approval of an Official Plan Amendment No. 106, and approval in principle of the rezoning application.

Respectfully submitted,

Kyle Plas, MCIP, RPP

Senior Planner – Development Review

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Appendices:

- A. Sketches
- B. Official Plan Amendment
- C. Draft Zoning Regulations
- D. Proposed Development Conditions
- E. Sustainable Development Committee Comments
- F. Public Comments

Notifications:

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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.