Planning Justification Report

Application for Official Plan Amendment & Rezoning
421, 425, 427, 429, 431 Brant Street and 2007, 2009, 2011 James Street
City of Burlington

Prepared for
421 BRANT STREET INC.

Prepared by
FOTHERGILL PLANNING & DEVELOPMENT INC.

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Table of Contents

Table of Contents - Continued

1.0 Introduction

This Report provides planning justification to support an application for a site specific official plan amendment and rezoning application for a mixed use infill project in the City of Burlington on the east side of Brant Street, on the north side of James Street. The proposed redevelopment, which will face City Hall, is in the form of a 26 storey mixed use residential/retail/office building including 183 residential units, approximately 1,327 square metres of office space and 967 square metres of retail space.

To implement the proposal, it will be necessary to amend the existing Official Plan for the City of Burlington and to introduce modifications to the existing DC mixed use zoning regulations.

This report provides planning justification for the proposed redevelopment of the property in light of existing planning policy documents at the local, Regional and Provincial levels. In addition, the report evaluates the proposal within the context of the physical and location attributes of the site and the surrounding land use pattern in the downtown area.

2.0 Location and Property Details

The subject lands front on the east side of Brant Street, the north side of James Street and the west side of John Street and are known municipally as 421, 425, 427, 429 and 431 Brant Street and 2007, 2009 and 2011 James Street. This property is 0.2 hectares (0.49 acres) in size with 38.5 m frontage on Brant Street, 49.3 m on James Street and 38.4 m on John Street.

Located directly across from Burlington City Hall, the site occupies a key location in the central core of the City at a major downtown intersection. While the Brant Street location provides a strategic advantage of being on the major north-south spine of the downtown area, the James Street location is important because of the linkage function James Street provides to the downtown area towards Guelph Line and beyond, as it connects to New Street east of Martha Street.

These lands are currently developed with a mix of several low rise buildings built in the 1950's with a mix of retail, office and residential uses. Some properties are completely developed while others have limited parking and loading areas to the rear backing onto John Street. Adjacent lands to the north, east and south include a mix of retail and office space and parking lots.

It is understood that land assemblies to facilitate similar forms of mixed use development is occurring in the downtown core and that the City could expect to receive expressions of interest and subsequent development and intensification applications for a number of downtown sites. As a result, the success of this project will have important implications for the consideration of anticipated infill initiatives in the future.

3.0 Development Proposal

The subject site is located in the downtown area of Burlington, Ontario, and has frontages on Brant Street, James Street, and John Street. Currently, the subject site is occupied by multiple low-rise retail buildings mainly fronting on Brant Street, and a small surface parking lot accessed off John Street, all of which will be demolished.

The proposed redevelopment consists of a new 26-storey, 183-unit, mixed-use condominium building. The built form consists of a 3-storey podium with retail at-grade, office/commercial space on the 2nd floor, and residential units at the 3rd floor. The "short slab" tower steps back along the street faces at the 4th floor, with an additional step-back on the interior side yard at the 5th floor and above. A number of indoor amenity areas are proposed on the 3rd and 4th floors, as well as outdoor amenity space on floors 3, 4, and the mechanical penthouse level.

The suites provided are a mix of 1, 2 and 3 bedroom units, with an average unit size of 91.3 square metres (923 square feet). A total of 183 parking spaces are proposed within 4 levels of underground parking, accessed via a ramp to be located on John Street.

4.0 Public Planning Policy Documents

4.1 Provincial Policy Statement

The Provincial Policy Statement ("PPS") provides a vision for the long term prosperity, environmental health and social well being of its residents, which is dependant upon *"strong, liveable, healthy and resilient communities, protect the environment and public health and safety, and facilitating growth"*. The PPS provides guidelines to manage change and promote efficient land use and development patterns, as follows:

"1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
...
e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
..."

"1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure and public service facilities beyond a 20-year time horizon."

Growth is directed to settlement areas whose land use patterns will be based on:

> **"1.1.3.2 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;**
> **3. minimize negative impacts to air quality and climate change, and promote energy efficiency;**
>
> **b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.**
>
> **1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.**
>
> **Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety."**
>
> **"1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities."***

The Provincial Policy Statement promotes the appropriate range and mix of housing types and densities to meet the future needs of current and future residents by:

> **"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:**

a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households*. However where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents including *special needs* requirements; and

2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;

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."

From these policies, it is clear that the intensification and redevelopment of urban areas is encouraged to the extent that it can be accommodated by current and future servicing infrastructure. The subject property represents an opportunity to encourage intensification through the creation of new residential units to accommodate growing urban land needs.

The proposal also supports provincial policy directives that encourage maintaining the well-being of downtowns by virtue of its location at a significant intersection location in the downtown core area. The mixed use nature of the project helps to achieve the sustainability of a viable downtown core. Excerpts form the Provincial Policy Statement are included in Schedule 3.

4.2 Provincial Growth Plan

Downtown Burlington is designated as an "*Urban growth centre"* in the Provincial Growth Plan (PGP). The detailed boundary of the "*urban growth centre"* has been identified by the City in the new Official Plan which illustrates the subject lands as being within these boundaries. In a manner consistent with the Provincial Policy Statement, the Provincial Growth Plan envisions increasing intensification of the existing built-up areas with a focus on "*urban growth centres"*. This is achieved in part by the requirement that a minimum of 40% of all residential redevelopment which occurs annually shall be located within the built up area of the municipality. In a draft of proposed changes to the Growth Plan, this percentage is proposed to be increased to 60%.

Concentrating new development in these areas provides a focus for transit and infrastructure investments to support future growth of the City. The revitalization of downtown Burlington through the implementation of projects such as this is particularly important because it can effectively contribute to the population and employment targets proposed in the Plan. This will contribute to the establishment and reinforcement of the downtown as a regional focal point.

Policy 2.2.4(4) states that urban growth centres will be planned to accommodate a significant share of population and employment growth. The plan targets that downtown Burlington will be planned to achieve, by 2031 or earlier, a minimum gross density target of 200 residents and jobs combined per hectare. At a density of 915 units per hectare, this proposal will help to achieve that target. Excerpts from the Provincial Growth Plan are included in Schedule 4.

As part of this new growth strategy, Major Transit Station Areas are to be designated in Official Plans to help achieve the following:

(a) increase residential and employment densities that support and ensure the viability of existing and planned transit service levels; and

(b) a mix of residential, office, institutional and commercial development wherever appropriate.

Major Transit Station Areas are defined as:

> **"the area including and around any existing or planned higher order transit station within a Settlement Area; or the area including and around a major bus depot in an Urban Core. Station Areas are generally defined as the area within an appropriate 500 metre radius of a transit station, representing about a 10 minute walk.**
>
> **These areas are to be planned and designed to integrate various transportation modes including pedestrians, bicycle parking and commuter pick-up/drop off areas."**

These policies are significant from a public policy perspective in that they provide direction with respect to future expectations for redevelopment in and around major transit station areas, as municipalities such as Burlington, strive to find means by which to accommodate anticipated growth. From a private perspective, these policies are important in terms of identifying opportunities for new investment.

4.3 The Big Move

In response to the need to introduce significant change to the movement of people and goods throughout the GTA, the Province prepared a background paper entitled, 'The Big Move'. The Big Move is a Regional Transportation Plan for the Greater Toronto and Hamilton Area ("GTHA"), which outlines a broad Provincial strategy to connect Mobility Hubs to provide seamless access throughout a regional transit system. Mobility Hubs have been identified as Major Transit Station Areas with significant levels of transit service, which have a high development and redevelopment potential and provide a critical function in the regional transportation system as major trip generators. Mobility Hubs are to be centres of activity encompassing entertainment, shopping, recreation, family services and other amenities and must include both residential and employment uses.

A Mobility Hub includes not only the transit station itself but lands within approximately 500 metres of such stations. These hubs provide an important function for the regional transportation system as an origin/destination or transfer point as part of a broader integrated regional transit system. Their role as a focal point for mixed use intensification initiatives utilizes and supports a viable local and regional transit system.

Downtown Burlington has been identified as an Anchor Hub in part due to its significant potential to attract and accommodate new growth and development. Given that the transit system is a key connector to and between Mobility Hubs, the mix of land uses in the surrounding area within the hub is critical to making it a destination conducive to transit choices.

The proposed redevelopment is consistent with expectations of Mobility Hubs and helps to implement these guiding principles.

4.4 Region of Halton Official Plan

The Official Plan for the Regional Municipality of Halton (ROP) does not include specific land use designations. Rather, the Plan prescribes overall policy direction at the Regional level. The Plan designates the subject property as being located within an "*Urban Area"* within the "*Urban Growth Area"*. This permits a range of Urban uses which are to be designated in accordance with local official plans and zoning by-law.

In a manner consistent with Provincial policy documents, the Plan promotes redevelopment and intensification of Urban Areas through a number of policies, including:

- supporting growth that is compact and transit-supportive - Policy 72(2)
- provide complete communities with maximum choices - 72(3)
- direct minimum 40% of new residential growth to occur within the built up area - 77(2.1)
- require development to create appropriate street configurations, densities and urban form
- support walking, cycling and transit services and a diverse mix of land uses - 77(2.4(c) and (d))

- to provide for intensification areas - 78
- include intensification areas as part of Major Transit Station Areas - 80(2)
- direct redevelopment to intensification areas - 81(1)
- ensure proper integration of intensification areas - 81(6)
- promote development densities that will support existing and planned transit services - 81(7)(d)
- establish Urban Growth Centres to:
  - serve as focal areas for public investment and variety of land uses 81(1)
  - to accommodate and support major transit infrastructure - 81.1(2)
  - serve as Major Employment Centres 81.1(3)
  - accommodate significant share of population and employment growth - 81.1(4)
  - to achieve minimum density target of 200 residents and jobs combined per gross hectare by 2031 - 81.3(1)
  - permit intensification through infill, redevelopment and conversion of existing structures - 86(11)

Excerpts from the Halton Regional Official Plan are found in Schedule 5.

The proposal meets the above objectives for Urban Growth Centres in the Region and helps to achieve policies in the Plan identified above which promote redevelopment and intensification of Urban Areas, and is in conformity with the Regional Official Plan.

4.5 City of Burlington Official Plan

The Official Plan for the City of Burlington (BOP) provides guidance for the redevelopment of lands within the City boundaries, including the promotion of infill, redevelopment and intensification which is compatible with existing neighbourhoods. This consideration is one of the guiding principles for establishing a desirable urban environment in the City of Burlington. The intent of this principle as shown in Part 1 Section 3.0 is:

> **"Promote the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations."**

The intent of the Plan, as outlined in Part 1, Section 4.3, is to address how and where anticipated growth can best be accommodated. The Plan notes that new growth is directed to under-utilized or vacant parcels in existing communities, and in three Mixed Use centres including the Downtown.

In anticipating the kind of development that is expected in Burlington, in Part 1, Policy 4.3 notes as part of the Land Use Vision for the City that:

> **"...new residential growth will be mainly in the form of more compact housing. This development will be served by various means of transportation and located in close proximity to jobs, shopping and leisure areas."**

The Vision highlights the importance of the downtown area, as well as connections to the waterfront, by encouraging residential development in the areas where appropriate and providing a stronger link to the waterfront, such as that provided by the proposed redevelopment.

A consideration of design matters is outlined in Part II, Section 6.0 of the Official Plan, and is included in the plan to promote the design of an efficient and attractive urban form to enhance the well being of residents of the community, and to reflect and implement the vision of the plan.

Key elements of this section which are relevant to the proposal include the following:

"6.2(c) **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 neighbours are designed to be *compatible* and sympathetic to existing neighbourhood character."**

"6.2(d) **To ensure that the design of the built environment in new communities integrates with the natural setting and provides a diverse social setting that is well served by public transit, and by attractive and well developed pedestrian environments."**

"6.5(a) **The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area."**

"6.5(c) **The design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views."**

"6.5(d) **The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining continuity of grade related activity areas, both inside and outside of buildings."**

"6.5(e) ***All developments shall*** **be designed having regard for public transit accessibility in the Urban Planning Area, convenience and comfort, and access and parking for the physically challenged, and to ensure that the needs of persons with disabilities and other special needs groups are addressed."**

"6.5(h) **The *streetscape appear*ance of major, multi-purpose and minor arterial roads and collector streets *shall be enh*anced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances."**

The property is designated as **Mixed Use Activity Area** and **Mixed Use Centre - General** within the Downtown Urban Centre Growth Boundary in Schedule B - Comprehensive Land Use Plan - Urban Planning Area. It is subject to policies of Section 2.0 in Part III of the Plan with respect to Residential areas. The intent of these policies is to provide a framework that will guide future development decisions for residential areas, including the following principles:

"2.1(b) **To the extent to which the land is available in the Urban Planning Area, sufficient supply of owner occupied and rental housing shall be maintained to meet existing and future needs."**

"2.1(c) **To the extent to which land is available in the Urban Planning Area, a diverse range of housing types shall be provided including housing which is affordable and accessible for all residents."**

"2.1(d) **The City shall address new housing demands, through the best use of existing resources and community infrastructure, and through new community development."**

Objectives for accommodating new residential growth include:

> **"2.2.1(a) To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure, capacity, compatibility, and integration with existing residential neighbourhoods."**
>
> **"2.2.1(c) To provide housing opportunities and encourage usage of public transit, pedestrian and bicycle transportation networks and decreased dependence on the car."**
>
> **"2.2.1(e) To provide, where compatible, housing opportunities in proximity to employment areas and residential support uses such as shopping and recreation areas to create opportunities to reduce travel times."**
>
> **"2.2.1(f) To encourage the integration of a wide range of housing types and tenure and discourage the large concentrations of higher density residential blocks."**

The City of Burlington Official Plan in Part III, Section 2.5 contains specific policies with respect to housing intensification. The main objective is found in Policy 2.5.1(a) which is:

> **"To encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, apartments and houses, accessory dwelling units, infill, redevelopment and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood."**

Proposals for housing intensification infill are intended to be measured against a number of criteria in Policy 2.5.2(a), including:

> **"(i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;**
>
> **(ii) off street parking is adequate;**

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

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

(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;

(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;

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

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

(ix) capability to provide adequate buffering and other measures to minimize any identified impacts;

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

(xiii) proposals for medium and high rise 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 multipurpose 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."

The plan continues in Policy 2.5.4 to provide direction for infill development and reinforces the need for any redevelopment to be compatible with surrounding development in terms of height, scale, massing, siting, setbacks, coverage and amount of open space and use (Policy 2.5.4(b)) and development which is generally compatible with the existing neighbourhood (Policy 2.5.4(c)).

General policies dealing with intensification include provisions in Policy 2.5.2 for the requirement of a planning justification report, expanded consultation, and the ability for Council to establish height guidelines as follows:

> **"b) where a proposal for residential intensification is deemed to have potentially significant adverse impacts, Council shall require a planning justification report by a Qualified Person, outlining how the proposed development will be compatible with the existing neighbourhood. This report shall include, but shall not be limited to, the criteria listed in Part III, Subsection 2.5.2(a) above. The report shall determine whether these impacts can be reduced to acceptable levels and shall recommend any measures required to mitigate the adverse impacts to acceptable levels.**
>
> **c) where a proposal for residential intensification is deemed to have potentially significant adverse impacts, Council may require an expanded public consultation process, including additional neighbourhood meeting(s).**
>
> **d) Council may adopt guidelines for maximum building heights to be used in the consideration of applications for residential intensification, in order to ensure compatibility of proposed building heights with the height of existing buildings in the neighbourhood, giving consideration to existing City regulations and guidelines."**

The subject property is within the **Downtown Mixed Use Centre**. As such, the provisions of Policy 5.5 in Part III of the plan dealing with the **Downtown Mixed Use Centre** are relevant. The policies for the downtown area are designed to ensure that this part of the Municipality accommodates a significant share of both population and employment growth. Specific policies that promote intensification and higher density redevelopment in the downtown area, which are applicable to this site, include the following:

- Policy 5.5.1(c), which describes the downtown as a lively, vibrant "*people place"* with a variety of employment, shopping, leisure, residential and tourism opportunities;
- Policy 5.5.1(h) - promotion of intensification and infilling opportunities;
- Policy 5.5.2(b) - the establishment of minimum density targets for residents and jobs in accordance with the "Places to Grow" Growth Plan for the Greater Golden Horseshoe;

- Policy 5.5.2(e) - the creation of a compact Downtown City core;
- Policy 5.5.2(g) - to provide housing types at medium and high densities to strengthen the live/work relationship;
- Policy 5.5.2(o) - to ensure density, form, bulk, height and spacing of development is compatible with surrounding area;
- Policy 5.5.3(c) - the encouragement of higher densities within certain precincts;
- Policy 5.5.5(a) - provision for future high density development which is compatible with existing development;
- Policy 5.5.5(b) - establishing a medium density target of between 26 and 185 units per net hectare in Downtown Residential Medium and/or High Density precincts; and
- Policy 5.5.5(c) - ensuring that all redevelopment is compatible with the existing character of each precinct with respect to height, setbacks, massing, design and community features.

The site is within an area identified as **Downtown Core Precinct** in Schedule E Downtown Mixed Use Centre Land Use Plan. All sites within this area are subject to provisions of Part III, Section 5.5.8 which include the following:

"**Policy 5.5.8.1 - Objectives**

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."

"Policy 5.5.8.2 - Policies

(a) The following uses *may* be permitted in the Downtown Core precinct:

(i) commercial activities including local service and retail uses to office and administration uses;

(ii) *high-density residential* apartment uses, including the residential use of upper storeys of commercial buildings;

(iii) cultural uses of all types;

(iv) *recreation* and hospitality uses;

(v) *entertainment* uses;

(vi) *community facilities.*

(b) 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 the community benefits provisions of Part VI, Subsection 2.3 of this Plan. *D51

(c) 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 provisions of clause b) above. *D51

(d) Retail or *service commercial* uses are required continuously at grade along public streets in residential or office buildings and in parking garages, except where bordering residential precincts.

(e) Buildings *shall* be required to be constructed to the street line with no surface parking permitted, except for loading and emergency vehicles.

(f) On-site parking is not required for non-residential uses.

(i) 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."

In summary, the official plan policies promote and encourage the form of redevelopment that is being proposed, which achieves stated policies with respect to infill and housing intensification. At the same time, the policies are clear that consideration must be given to the issue of compatibility with existing neighbourhoods and surrounding development. The extent to which the proposal can achieve these objectives is considered in more detail in Section 7.0 of this report.

While the proposal meets the general intent of the direction of the Official Plan, there are specific policy provisions that need to be amended. While there are no maximum density limits for development within this precinct by virtue of Policies 5.5.8.2(b) and (c), the maximum height limit of 8 storeys and floor area ratio of 4.0:1 necessitate the requirement for an amendment to the Official Plan to implement the proposed development. Excerpts from the City of Burlington Official Plan are found in Schedule 6.

The City of Burlington is in the process of completing a comprehensive review of the City of Burlington Official Plan. While the original intent of the City was to amend the existing plan document, Council has accepted staff recommendation not to simply amend the existing document but rather to start afresh with a new Official Plan. This change in direction, which is articulated in Staff Report PB-84-16, is in part recognition of significant changes that have occurred at the Provincial level with respect to the expectations for urban areas since the adoption of the original Official Plan by the City of Burlington over 22 years ago (June 11, 1994).

This new approach, which is not encumbered by the context of existing Official Plan, offers a clean slate approach to the consideration of how the City of Burlington is expected to evolve. This is driven in part by Provincial directives to consider greater levels of intensification within urban areas, and also by the understanding that all new growth in Burlington must occur within the existing built up area, both of which represent significant contextual changes for the formulation of new policy to direct City of Burlington into the future. Through this exercise, it is recognized that downtown Burlington is one of the key areas within the City which can, and should, accommodate significant redevelopment and intensification initiatives.

4.6 City of Burlington Interim Tall Building Guidelines

As one illustration of the extent to which the context for the review of development proposals in the City has changed, Burlington Council adopted as Interim measures, Design Guidelines which provide direction for the consideration of tall buildings throughout the City. This new initiative represents a major and fundamental shift in the manner in which the City considers how intensification objectives might be achieved and is helpful in providing direction to proponents who are considering the design of tall buildings which are defined as any building over 11 storeys in height.

The guidelines provide direction for matters such as podium design elements, setbacks, floor plate areas, building separation, and relationships sun/shadow impacts and building articulation and massing.

The guidelines provide a helpful framework within which the design of tall buildings can be considered. The Interim guidelines are included in Schedule 7 to this report.

Given these guidelines represent a major departure in the consideration of tall buildings within the City, the specific guidelines introduce a number of measures which are different than those provided in policies in the City of Burlington Official Plan and Zoning By-law. It is expected that through the ongoing Official Plan review process and subsequent zoning conformity exercise, current policies and regulations will eventually be updated to reflect many of the provisions in the new Interim guidelines. In the meantime, for projects such as this, implementation of the Tall Building Guidelines will necessitate changes to the Official Plan and current zoning regulations.

In order to assess the proposal against the provisions of the interim guidelines, the following chart identifies the quantitative elements of the guidelines and confirms that the proposal is consistent with the guidelines.

CARRIAGE GATE - BRANT STREET Review of Tall Building Guidelines			
		Interim Guidelines	**Provided**
1.	Minimum Boulevard Width	6 m	6.03 m Brant St. 6.08 m James St.
2.	Minimum Podium Setback from Property Line (north)	5.5 m	0.68 m
3.	Minimum Podium Height	10.5 m	12.6 m
4.	Maximum Podium Height (80% of R.O.W.)	20 m x 0.8 = 16 m	12.6 m
5.	Minimum Ground Floor Height	4.5 m	5.0 m
6.	Minimum Stepback	3.0 m	5.6 m Brant 3.0 m James 3.23 m John
7.	Minimum Width of Street Level Commercial Units	7 - 10 m	7 m
8.	Balconies on 1st or 2nd floor	Not Permitted	None
9.	Minimum Tower Separation	25 m	N/A
10.	Minimum Tower Setback from Property Line	12.5 m	8.55 m Brant* 12.8 m North 5.6 m James* 5.07 m John*
11.	Maximum Footprint of Tower	750 sq.m.	799 sq.m.*
12.	Rooftop Mechanical - % of Top Floor (Maximum)	50%	39.5 %
13.	Minimum Setback from Edge of Floor Below For Mechanical Equipment	3 m	6.5 m

Note:

*** Departure from property line setback, but consistent with Guidelines (see Sections 7.4 and 7.7 of Report)**

4.7 City of Burlington Zoning By-law 2020

The subject property is zoned DC (Downtown Core) and DC-434 (Downtown Core - Modified). This zoning permits an apartment building, retirement home, offices, restaurants and retail units. The Special Exception Number 434 allows for a maximum height of 7 storeys and 21 metres as opposed to the standard requirement of 4 storeys and 15 metres in a DC zone and a floor area ratio of 4.5:1 as opposed to the 4.0:1 permitted in a DC zone. A comparison of the proposal with existing zoning regulations identifies measures in the by-law which need to be amended to facilitate the redevelopment.

CARRIAGE GATE - BRANT STREET Zoning Comparison Chart		
	Standard DC and DC-434 Regulations	**Proposed**
Maximum Lot Width	7.5 m	40.53 m
Lot Area	N/A	0.2 ha
Maximum Building Height: DC Zone DC-434 Zone	 4 storeys (15 m) 7 storeys (22 m)	 26 storeys* 94.05 m
Yard Abutting Street - Brant - James - John	(Min) (Max) 2.0 m 3.0 m 1.5 m 2.5 m 1.0 m 2.0 m	 2.95 m 2.6 m* 1.84 m
Max. Floor Area Ratio: DC Zone DC-434 Zone	 4.0:1 4.5:1	 11.24:1*
Min. Side Yard (West)	0 m	0.68 m
Min. Amenity Area	20 sq.m. per unit x 183 = 3660 sq.m.	4741 sq.m. (25.9 sq.m./unit)
Min. Parking (Residents) - Standard	1.25 spaces/unit = 229 spaces	183 spaces*
Min. Accessible Parking	3% of required parking = 183 x 1.25 x 0.03 = 7	6 spaces*

Note: * Modification Required.

5.0 Pre-Consultation

A pre-consultation meeting was held with City staff on October 11, 2016. The pre-consultation meeting confirmed the technical studies that would be required to provide support for the application. A list of the reports and the consulting firm retained to undertake each of the studies is summarized as follows:

• Planning Justification Report	Fothergill Planning & Development Inc.
• Conceptual Site Plan Layout	Turner Fleischer
• Stormwater Management Report or Functional Servicing Report	S. Llewellyn & Associates
• Water and Wastewater Service Report	S. Llewellyn & Associates
• Tree Inventory and Preservation Study (at site plan stage)	TBD, if necessary
• Traffic/Transportation Impact Study	Paradigm
• Noise Feasibility Study	Novus Environmental
• Shadow Analysis Plan	Turner Fleischer
• Phase 1 Environmental Assessment	Terraprobe
• Wind Study	Novus Environmental
• Hydrogeological Study	Terraprobe
• Environmental Screening Checklist	Terraprobe
• Urban Design Brief	Bousfields Inc.
• Conceptual Land Assembly Drawings	Ferris & Associates
• 3D Model	Turner Fleischer
• Boundary and Topographical Survey	A.T. McLaren

A copy of the Pre-consultation Form is included as Schedule 9 of this report.

6.0 Technical Studies

In order to ensure the proposal can be properly integrated within the existing community and provided with the appropriate municipal infrastructure, a number of technical studies were completed by the proponent. A summary of the intent as well as significant findings and recommendations of each report follows.

6.1 Functional Servicing Report

The Functional Servicing Report was prepared by S. Llewellyn & Associates to investigate the ability of the site to accommodate the proposed redevelopment with respect to municipal services including matters related to stormwater management, sediment and erosion control, sanitary sewer servicing and domestic and fire water supply servicing. From the analysis contained in their report, they were able to conclude that the proposed redevelopment can be constructed to meet the requirements of the City of Burlington and Halton Region. Their recommendations included the following:

- The development be graded and serviced in accordance with the Preliminary Grading Plan and the Preliminary Servicing Plan prepared by S. Llewellyn & Associates Limited;

- 10 Zurn Z105 control-flow roof drains be installed as per the Preliminary Servicing Plan and this report to provide adequate quantity control;

- Stormwater quality control is not required as all drainage that outlets to the existing 750 mm storm sewer along Brant Street is considered 'clean runoff';

- Erosion and sediment controls be installed as described in this report to meet City of Burlington requirements;

- The proposed sanitary and water servicing system be installed as recommended in this report to adequately service the proposed development;

- This report be used as the basis for the servicing and stormwater management design. All design data, assumptions and calculations will be confirmed and/or updated as part of the future Site Plan Approval submission.

6.2 Tree Inventory and Preservation Study

There are very few trees on the property. This study can be completed, if required, as part of the site plan approval process.

6.3 Transportation Impact Study, Parking Study and TDM Options

Paradigm Transportation Solutions Limited undertook an analysis to examine the implications of the proposed development on traffic on adjacent roadway networks and provided recommendations with respect to any necessary remedial measures required to accommodate traffic generated by the proposed project. The study also examined the proposed parking ratio to assess the adequacy of parking supply and to provide a plan to ensure that parking is accommodated in a manner that is consistent with the needs of the proposed redevelopment. The report also included an outline of the process for selecting and implementing TDM strategies. The conclusions and recommendations as outlined in their report, included the following:

Transportation Overview

- Under 2025 background conditions, all intersections in the study area are forecast to operate at acceptable levels of service during the weekday peak hours with no individual problem movements;

- With full development and occupancy of the property, the subject site is forecast to generate 99 new trips during the weekday AM peak hour and 103 new trips during the weekday PM peak hour.

- Under 2025 total traffic conditions, the eastbound approach (minor approach) is forecast to operate at level of service E. The overall impact of site related traffic volumes on the minor movement delay is a result of small increases in the through traffic volumes on Brant Street. The proposed development does not add significant traffic volume to the critical movement at this intersection.

- Under 2025 total traffic conditions all other intersections are forecast to operate at acceptable levels of service during the weekday peak hours with no individual problem movements;

- Driveway A with John Street may encounter vehicle blockages of no more than a single car length related to queues created by the stop controlled intersection of James Street and John Street;

- No auxiliary turn lanes are forecast to be required at the unsignalized intersections including Driveway A;

- The proposed site driveway location provides adequate departure and stopping sight distance along John Street; and

- The location of the loading spaces adjacent to Driveway A, provides sufficient storage distance on John Street for the southbound queue at the James Street and John Street intersection.

Parking Overview

- The development conforms to the Burlington Official Plan and in particular the Mixed-Use Activity Areas that encourage greater reliance on non-automotive forms of transportation;

- The development will be marketed towards individuals and families who prefer living in the Downtown with a strong support for using non-automotive travel modes.

- There is an established sidewalk network through the neighbourhood which provides good connectivity to surrounding communities and the site is within walking distance of several services, shops and other employment opportunities that generally reduce the demand for private car ownership.

- The development will promote the use of active transportation through the provision of 69 bicycle parking spaces and a reduced parking standard that will meet the needs of the development while minimizing potential oversupply.

- A review of other municipalities and rates found within the ITE Parking Generation 4th Edition has shown trending towards lower parking standards within major urban centres. Parking supply variances are also granted on a case-by-case basis for developments that meet certain criteria such as proximity to higher order transit, provision of quality bike facilities and/or car share programs. This approach is setting a precedent for becoming a best practice in certain parking management strategies. The development generally satisfies many of these criteria and the proposed parking rates are acceptable.

- To better understand the actual parking demand that can be expected for a development of this type, a parking utilization survey was undertaken at two different sites with similar land uses to the proposed development.

    - Parking demand at the Strata Condominium (551 Maple Avenue) was calculated at 0.80 parking spaces per unit. Applying these rates to the proposed development indicates a total of 147 parking spaces is required. The development exceeds this requirement.

    - Parking demand at 360 on Pearl Condominium (360 Pearl Street) was calculated at 0.76 parking spaces per unit. Applying these rates to the proposed development indicates a total of 140 parking spaces is required. The development exceeds this requirement.

- The site provides significant opportunity with respect to transit availability. Comprehensive bus service is available within the immediate location and is within 150 metres walk of the John Street Transit Terminal. This is an important terminal that provides significant access to all local transit routes.

- Alternative transportation options provide significant encouragement to residents within the building to explore alternative options given the fact that parking will be at a premium in terms of cost and provided on a limited basis.

- The proposed parking supply would accommodate parking of all units in the building (assuming 1 spaces is provided to any specific unit) which exceeds the base proportion of building unit occupants who need to drive on a recurring basis, approximately 70 to 72 percent during the peak periods based on the latest TTS data.

- There will be some visitor vehicle parking demand that will impact adjacent public parking facilities and on-street supply. This however will be managed within the context of the overall transportation system. No residential spillover is projected.

- There are 860 existing parking spaces available within a 400-metre radius of the development. Capacity within the Brant Street and Elizabeth Street lots peaked during the evening hours whereas the remaining lots within the Downtown noted to experience limited use in the evening. Visitors of the site who may have difficulties in locating a parking space adjacent to the development can access available parking in other facilities within less than a 100 metre walking distance.

- To manage any future risk to on-street parking supply, the City does have pricing techniques available to effect the demands on the on-street parking supply.

- The proposed reduced parking supply on site is considered appropriate and will meet the base parking needs of the future residents who need to own a car for the purposes of day-to-day travel.

- The most important aspect to the proposed parking supply is that if residents are unwilling to change their travel behaviour, they will not purchase a unit.

- The development is considered an innovative, adaptive redevelopment, which successfully balances intensification and promotion of non-automotive use which are both compatible and respectful of the existing character of the area.

TDM Overview

- To complement and build upon the developments location and accessibility as well as enhancing the non-auto dependent mobility of prospective residents, the development is encouraged to adopt a TDM plan.

- The TDM plan and the developments transportation context will provide residents with additional information to enhance awareness of a range of mobility choices other than a privately-owned vehicle. These initiatives tend to promote reduced car utilization, while minimizing parking supply requirements.

- Within the context of being within a future Mobility Hub area, the land use lends itself to being less reliant on auto use where residents and visitors can take advantage of the additional transportation choices such as walking, cycling and transit. It is expected that the land use will generate reduced parking demands due to the locale in combination with the proposed overall design and marketing strategy of the project.

6.4 Noise Feasibility Study

In their report, Novus Environmental examined potential impacts of the environment on the proposed development from nearby roadways. The report noted that there are no significant stationary sources of sound in the area, and therefore a detailed stationary noise assessment was not completed. The study examined potential noise sources for activity on Brant Street, James Street and John Street and assessed potential impacts on the building from these resources. The report concluded the following:

- Based on transportation facade sound levels, outlined in Section 2.4, upgraded glazing is not required to meet the MOECC Publication NPC-300 Building Component Requirements.

- As outlined in Section 2.5, Noise control measures are not required for the outdoor amenity areas, or private terraces. However, a Type A warning clause is required for all suites.

- As required by MOECC Publication NPC-300, Type C warning clauses are required to be included in agreements of purchase and sale or lease and all rental agreements for the residential units, as outlined in Section 2.6. Warning Clauses are summarized in Appendix B.

- Given the early stage of design and the conservative analysis that has been completed, it is recommended that the acoustical requirements above should be refined by an Acoustical Consultant as the design progresses.

6.5 Shadow Study

Turner Fleischer Architects has designed the proposed redevelopment and has examined potential shadow and sunlight matters. Results of this work are included in the last six pages of Schedule 2 of this Report. The Interim Tall Building Guidelines are intended, amongst other things, to promote slender towers such that greater sky views and sunlight penetration is permitted in addition to minimizing the potential impacts of shadows on public open space and facilities and streetscapes. As noted in Sections 4.6 and 6.9 of this report, the proposed redevelopment closely conforms to Burlington's Interim Tall Building Guidelines.

We note that the shadow analyses undertaken by Turner Fleischer Architects demonstrates that there will be no shadows cast onto the open space immediately north of City Hall nor the public plaza immediately south of City Hall (parks and open spaces) during the equinoxes and summer solstice.

6.6 Phase 1 Environmental Assessment

The Phase 1 Environmental site assessment has been undertaken by Terraprobe with the following objectives in mind:

- To develop a preliminary determination of the likelihood that one or more contaminants have affected any land or water on, in or under the phase one property.

- To determine the need for a Phase Two Environmental Site Assessment.

- To provide a basis for carrying out any Phase Two Environmental Site Assessment required.

- To provide adequate preliminary information about environmental conditions in the land or water on, in or under the Phase One Property for the conducting of a Risk Assessment following completion of a Phase Two Environmental Site Assessment (if required.)

The work program included the following tasks:

- A review of records and reports regarding historical and current use and activities for the Property and Study Area.

- Interviews with available individuals having knowledge of current and/or past site activities;

- An inspection of the Property and observation of the Study Area;

- Evaluation of the information obtained and documentation of the results of the review.

From that work, as recorded in their report of November 2016, they identified a number of Areas of Potential Environmental Concern on the property. Based on these findings, the report concluded that prior to the preparation and submission of a Record of Site Condition, a Phase Two Environmental Site Assessment would be required to investigate the Areas of Potential Environmental Concern for the Contaminants of Concern that have been identified on the property.

6.7 Wind Assessment

Assessment of the wind implications of the proposed development was undertaken by Novus Environmental and resulted in the preparation of a report which examined wind conditions in areas of interest on and around the development site to identify potentially problematic windy areas. Wind flows were predicted for both the existing site and proposed development in order to allow for a useful comparison. While the analysis undertook a four seasons investigation, only the extreme conditions of winter conditions were examined in the report. Based on their review, the study presented four conclusions:

- The wind safety criterion is met at grade in both the Existing and Proposed Configuration; the wind safety criterion is not met on the Level 3 and rooftop terraces. Mitigation measures have been described.

- Wind conditions at the residential, office and retail entrances are comfortable for sitting throughout the year, which is considered ideal.

- At the three outdoor amenity spaces, wind conditions are generally suitable for the intended usage. Suitable mitigation measures have been suggested for the Level 3 and rooftop amenity spaces.

- On the sidewalks surrounding the proposed development, wind conditions are comfortable for leisurely waking or better throughout the year in the Proposed Configuration. Wind conditions at the nearby transit stops remain suitable for their intended usage.

6.8 Hydrogeological Study

A hydrogeological investigation was undertaken by Terraprobe to assess groundwater conditions and dewatering requirements for proposed construction activities on the property. In their report, Terraprobe provided the following conclusions and recommendations:

- The subsurface investigation indicates that the Site is covered by a pavement structure underlain by earth fill, over a clayey to sandy silt till, overlying Queenston Formation bedrock which the proposed underground parking garage will extend into. A concrete slab overlies earth fill, over Queenston Formation bedrock within the existing buildings.

- The highest ground water elevation at the Site is approximately Elev. 83.4 masl, located within the glacial till. The base of the proposed excavation is 68.5 masl.

Short Term (During Construction)

- The estimated water taking volume of the excavation during construction will be approximately 3000 L/day of water seepage when a factor of safety of 1.25 is applied.

- The collection system should account for stormwater management from rainfall events. A typical 2-year rainfall event will generate approximately 60,000 L of storm water, which will result in a total of 63,000 L including ground water. According to O.Reg. 63/16, a plan for discharge must consider the conveyance of storm water from a 100 year storm event which translates to approximately 188,000 L.

- An application will need to be submitted to the Water Taking Environmental Activity and Sector Registry to the Ministry of the Environment and Climate Change (MOECC) due to the combined ground water seepage and potential storm water at the Site exceeding 50,000 L/day.

- Treatment of the ground water will be required prior to discharge into the storm sewers due to cobalt and uranium exceedances.

- No PTTW will be required for the short-term water taking.

6.9 Urban Design Brief

The Urban Design Brief prepared by Bousfields Inc. described the proposed urban design character of the building and assesses its fit within the context of the downtown area. In addition, it reviewed the conformity of the proposal with the City's urban design policy framework including the recently approved Interim Tall Building Guidelines.

In addition to matters of policy conformity, the outline examined compatibility of both the podium and tower elements of the building and provided a helpful and thorough assessment of the manner in which the proposal achieves compatibility for the building with both the surrounding area and the broader urban context of the Burlington Downtown Area. From the analysis, which considers policies in the Burlington Official Plan, the Downtown Urban Design Guidelines, and the new Interim Tall Building Guidelines, the report concluded the following:

- The form and character of the development represents good urban design.

- The mixed use proposal of residential combined with office and retail, brings additional vitality and complementary activity to its downtown and will be highly compatible with adjacent uses.

- The podium's low rise frontage creates a high quality contemporary retail facade wrapping the length of the Brant Street and James Streets facades and extending around the corner to John Street. Although substantially glazed, the facade is framed by a masonry element that is suggestive of traditional Main Street buildings.

- Widened sidewalks will provide sufficient space for streetscape improvements.

- The tower is well set back from the podium edge, allowing for ample outdoor amenity space and privacy terraces.

- Shadow and wind studies have demonstrated little or no adverse impacts.

- Key views are enhanced and the building effectively frames a key segment of Brant Street.

- The proposal closely conforms to Burlington's Interim Tall Buildings Guidelines and is reflective of the general aims of the Official Plan, Urban Design policies and the public realm elements of the Burlington Downtown Design Guidelines.

- Although requiring an official plan amendment and zoning amendment, for proposed height and density, we believe such an approval is warranted.

7.0 Planning Analysis and Opinion

7.1 Achieving Planning Objectives

Given that the City of Burlington now represents a mature urban setting with limited greenfield development opportunities, all future growth must be accommodated by way of intensification and redevelopment initiatives within the existing urban boundary of the City. This theme is one of the guiding principles in the Burlington Official Plan as noted in Part 1, Section 3.0 of the Plan.

While some intensification and redevelopment generally takes place throughout the municipality, certain key areas within the City have been identified as opportunities to accommodate a significant amount of future growth needs, including the downtown core area, and more particularly sites within Mobility Hubs. This direction is consistent with Provincial policy as found within the Provincial Policy Statement (Policy 1.3.3), the Growth Plan for the Greater Horseshoe (2.2.4)(2.2.5), the Regional Official Plan (77(2.1), 78, 80.2, 81(1), 81.1(2))and in specific directives in the current City of Burlington Official Plan (Part III 5.5.2, 5.5.3). The subject property is located in an area within the City of Burlington which is consistent with and helps support such directives found in all four policy documents.

In addition to providing accommodation for future growth needs, the introduction of new residential units, office and retail uses in the downtown area contributes to the achievement of a vibrant, active and sustainable downtown area. After a long period of relative inactivity, downtown Burlington has experienced new growth and vitality over the past 5-7 years. The introduction of 183 new residential units for this proposal will be another positive step to strengthen the existing service commercial and retail uses in the downtown area, and will be an important contribution to the ongoing health, vibrancy and greater level of urban activity in the downtown core. The introduction of 1327 square metres of contemporary office space plus 967 square metres of retail space helps the downtown core become an important location for job creation, thus attracting and retaining workers in the downtown area throughout the day, further strengthening and diversifying the function and economic vitality of the core.

Given this intent and within the context of the Downtown Area, one of the questions to be asked is why this site is of particular importance. Keys to identifying strategic sites are found in Part III in Policy 2.5.2(a). In assessing the capacity and location of the site, it is clear that the proposal measures very positively against all of the criteria in 2.5.2(a).

With a major transit facility located 2 blocks away, the site is within a Mobility Hub and close to a Major Transit Station. This defines the site as an appropriate location to accommodate increased residential and employment densities that ultimately both support and ensure the viability of existing and planning transit service levels (Burlington Official Plan Policy 2.2.5(a)) through a mix of uses, which will include residential, office and commercial development.

In addition, within the context of downtown Burlington, this site is directly across the street from City Hall and a major public plaza, within two blocks of the Burlington Performing Arts Centre and three blocks from Lakeshore Road and Spencer Smith Park to the south. It is also located at the intersection of two minor arterial roads which provide direct linkages north and south on Brant Street, and easterly by way of a connection to New Street which provides a minor arterial connection to the eastern limits of the City of Burlington. These locational advantages contribute to the importance of this site as providing a key role and contributing to achieving public policy objectives which are geared toward strengthening the Burlington downtown core.

The introduction of higher intensity forms of development is very transit supportive and therefore helps to achieve policy objectives in the (PPS 1.1.3.2(a)(1)(2), 1.1.3.6, PGP 2.2.2(1)(c), 2.2.4, 2.2.5, HOP 80.2, 81.(7)(d), BOP Part 1, Policy 4.3, Part II-6.5(e), Part III-Policy 2.5.2(a) in that it provides a new and increasingly healthy supply of housing opportunities within a 5-minute walking distance of a Major Transit Station and on John/Elizabeth Street and a 10-15 minute walk to the Mobility Hub on Fairview Street, east of Brant Street.

The proposal conforms to all of the principles established for the Downtown Mixed Use Centre in Part III, Policy 5.5.1 of the BOP by:

- accommodating a significant share of population and employment growth within the City;
- accommodating high density employment;
- being able to take advantage of unique qualities of the downtown;
- contributing to a lively, vibrant people place;
- providing opportunities to enhance and complement public gatherings along Brant Street and in the civic square at City Hall;
- offering opportunities for specialty retail, government, institutional services and residential uses;
- providing opportunities for restaurants to encourage both day and evening activities;
- enhancing the pedestrian realm with high quality design;
- encouraging transit and ensuring adequate supply of parking;
- protection of views to the lake through the appropriate design and placement of tower feature.

The proposal also helps to achieve the objectives in Section 5.5.2 of the Plan by providing a mixed use building which will contribute to the viability and strength of the downtown area.

In summary, notwithstanding need to introduce new standards for height and floor area ratio, the proposal meets the intent of the BOP when examined in light of policies for mixed use development in the downtown area within a Mobility Hub.

7.2 Opportunity

While planning policy is important for setting the framework to accommodate intensification initiatives, it is not until a specific proponent comes forward with a specific development application that policy directives to strengthening the downtown are actually implemented. In the case of downtown Burlington, given the fragmented ownership and number of small properties and low intensity forms of development, land assembly is a first step before any development proposals can be prepared. In this case, the proponent has undertaken what is always a difficult, expensive and time consuming process to assemble a sufficient number of properties to allow for a property size which is appropriate for a significant and self sufficient form of development which can be comprehensively planned to incorporate important design elements to ensure the ultimate built form is attractive, functional, compatible and marketable.

With the introduction of the Interim Tall Building Guidelines, parameters for land assembly become more firmly established in that the guidelines help to define the minimum size of assembly required to achieve the objectives and principles of the guidelines. If, for example, the land assembly is too small, it becomes more difficult to accommodate guidelines within a specific development concept. As noted in this case, however, the assembly is of sufficient size to allow for the design of a building which not only provides a good fit for the site in terms of guideline principles, but also can be situated on the site in such a manner as to ensure it does not have any negative impact on the future development potential for surrounding lands, provided an appropriate assembly package can be prepared for those properties.

7.3 Guiding Urban Design Principles

Once the importance of the site within the context of its downtown location has been established, the next step in pursuing development proposal is to consider appropriate guiding principles for the form and design elements of that project. In this case, guiding principles were established utilizing design principles found in Part II, Section 6 of the Official Plan, policies applicable to the Downtown Core Precinct in Part III, Section 5.5.8, as well as general urban design elements of the Official Plan, Downtown Urban Design Guidelines and the Interim Tall Building Guidelines.

Utilizing these background documents, the following principles were used to formulate the proposed redevelopment plan for the site.

- introduction of design of a mixed-use building including residential, commercial and office uses;
- introduction of ground floor non-residential uses;
- second floor office space;
- establishment of a footprint for the tower element that will create a tall, slender building while still responding to market needs and site size;
- podium design of 2-4 storeys;
- creation of generous street presence through appropriate setbacks to allow for the creation of an animated public streetscape;
- ensuring development is transit supportive;
- stepping back of upper floors around the podium;
- introducing an attractive design for the podium and tower elements;

- allow for the establishment of wide streetscape areas to complement, but not necessarily replicate, the open space plaza at City Hall;

- the introduction of proportional building elements; and

- establish an appropriate floor area ratio, which in this case is 11.24:1.

7.4 Design Considerations

Within the context of the above guiding principles, the design exercise generated specific elements of a functional building that achieved these design objectives and took advantage of the strategic location of the site. The proponent has recently had success with the approval of the 17 storey building at John Street which is now under construction. This building does not exhibit the same height as the current proposal, however, the bulk of the building is larger, taking up most of the ground area of the entire block on which it is located and bringing the building close to the streets.

For this project, a different approach has been taken which is more in line with future direction the City has adopted with respect to establishing design parameters for tall buildings. This include primary focus on street level elements of the building, podium feature and generally the first six floors of the building.

It is important to note that the final design of the building is a result of the culmination of a significant amount of design work undertaken by the project team in consultation with City staff. In previous discussions with staff, design options were considered which included a built form with a much larger floor plate for the tower building, resulting in a bulkier form of point tower. Based on our discussions with staff and consideration of Urban Design Guidelines, built form has been modified in this current submission to reflect the tower elements identified in the Tall Building Guidelines. In addition, the overall size of the building has been reduced from a floor area ratio of 11.7:1 to 11.24:1 and the number of units reduced from 195 units to 183 units.

Understanding that the streetscape component is an important element of the overall design, a greater allowance has been made for a more generous "public" space between

the building and the curb. The increase to 6 metres from the 4 metre wide streetscape component that was included in the original design is an enhancement of the project resulting from discussions with staff and input from the project design team. While not entirely within public ownership, this space can be used as an attractive area which will be publically accessible at all times to complement and support street level commercial uses on the site as well as contribute to an attractive pedestrian environment along Brant and James Streets, which is visually linked to the civic plaza on the west side of Brant Street.

The establishment of a strong podium element creates a pedestrian level design element of the building. This feature coupled with a slender tower floor plate allows the tower portion of the building to be set back from the street and from the edge of the podium, thus minimizing the influence of height and shadows at the street level. The creation of a slender tower feature provides an opportunity for a more attractive design, allows for views through the site, and creates lower shadow impacts by ensuring any shadows created by the new structure pass quickly through the surrounding buildings in the downtown area. Further design details of the proposal and the extent to which they are consistent with desired design principles are included in the Urban Design Brief prepared by Bousfields Inc.

The proposed floor plate of 799 sq.m. which represents a 6.5% increase over Urban Design Guidelines, still maintains the intent of the guidelines by resulting in a built form that creates a slender tower feature which is appropriately proportional to the site in terms of setbacks from the podium, setbacks from the street line, and more importantly, an appropriate setback from the northerly property line, so as not to impact development opportunities on lands to the north.

It is also important to remember the Guidelines themselves are not meant to be applied as rigorously as other planning provisions such as zoning regulations, but rather are to be used to guide developers and decision-making bodies in the consideration of appropriate built form. Very specific provisions such as this must be properly applied and adjusted if necessary to take full advantage of opportunities provided by individual sites and to respond to market needs. In the case of the subject property, strict adherence to the guideline would create a building which would not be as responsive to market needs.

7.5 Floor Area Ratio

Given the significant change in policy context at the Provincial level, coupled with the date of the Official Plan, it is not unreasonable or surprising that elements of the outdated plan need to be amended to accommodate the proposed development. The introduction of new Tall Building Guidelines also provides evidence to suggest that there is justification and a need to change elements of the Official Plan, as well as zoning regulations, to allow a greater level of intensification than that which is anticipated by current planning policy.

Despite the significance and departure from current planning policy context which encourage and promote a more intensive urban form, the only two elements of the Official Plan which require an amendment are floor area ratio and height. Policy 5.5.8.2(c) establishes a maximum floor area ratio of 4.0:1 whereas the current proposal exhibits a floor area ratio of 11.24:1. While the Official Plan permits buildings of up to 8 storeys on a portion of a building and 12 storeys on the balance of the site, the current proposal seeks to allow a building of up to 26 storeys in height.

In order to achieve intensification targets which are greater and development objectives which are different than at the time of the adoption of the current plan, the proposed floor area ratio is higher than other buildings in the downtown area. Given this context, one would expect a higher floor area ratio to be appropriate for the downtown area than that currently found with mixed use forms of development, including the newest project now under construction with a floor area ratio of 6.7:1. In addition, further increase in floor area ratio is justified by the significance of the location of the property in the downtown core, both with respect to proximity of two Mobility Hubs, the adjacent City Hall building and the significant intersection of two significant urban roadways.

A higher floor area ratio allows more efficient use of the site which is then better able to achieve intensification objectives. One of the guiding principles of the Burlington Official Plan as noted in Part I, Section 3.0 of the Plan, identifies a need to ensure there is a balance of interests in consideration of intensification initiatives. That is, one must look beyond simply attempting to maximize development on the site without having regard for any number of counterbalancing public interests. In the case of this proposal, there are a number of criteria to assess the appropriateness of the floor area ratio that is being proposed with this application.

The first is the extent to which the site can properly accommodate the proposed development. This floor area ratio is appropriate given the size of the land assembly and through careful considerations of relevant guiding principles. The design exercise has illustrated that an appropriate sized, functional building can properly be accommodated on the site in a manner which helps to achieve the planning objectives for the downtown area in the Burlington Official Plan and is consistent with the most recent expression from the City of appropriate built form through the adoption of the Interim Tall Building Guidelines. Conformity to these guidelines is a strong indicator that the size of the project, as described by floor area ratio, is appropriate for the site.

A second indicator of the appropriateness of the project is the extent to which it can be supported by background technical studies. The technical studies, completed as part of this exercise and submitted with the application confirm the ability of the site to accommodate this level of development, not only from a traffic and servicing perspective, but also with respect to consideration of wind impacts, noise impacts, and environmental impacts. Therefore, the site is of sufficient size and scale to accommodate this scale and form of development.

A very important measure of the appropriateness of floor area ratio is the extent to which the development is compatible within the context of relevant planning policy considerations. A review and assessment of compatibility criteria is discussed later in Section 7.7 of this report.

7.6 Building Height

By implementing the new Interim Guidelines within the context of the proposed floor area ratio, the 26 storey height is a product of the implementation of the Urban Design Guidelines. While a lower built form could be achieved by increasing the floor plate of the tower, the introduction of the 799 sq.m. footprint of the tower element of the building together with required stepback of built form, are important factors which contribute to the need to accommodate increased height. As noted, in earlier discussions with staff, a lower, bulkier building had been put forward for discussion. We believe that the modifications that we have made to the proposal to reduce the size of the tower and increase building height represent not only closer adherence to the Interim Guideline principles, but also achieve superior building design and compatibility.

It is expected that with increased opportunities and expectations for intensification in municipalities, this new built form will become a new standard in the downtown area reflecting the need for a new approach to community building. This is anticipated by the City decision to begin with a clean slate in terms of drafting new Official Plan policies to reshape the urban fabric of the City of Burlington, while still maintaining the overall intent of the Burlington Official Plan to build and sustain a strong Downtown Core.

The consideration of height occurs at two levels. First, at the pedestrian realm where design elements of the building are focussed on the first six floors of the building, including the podium design and street level activities. In this regard, the streetscape realm on Brant Street and James Street will be greatly enhanced over current conditions.

As noted in Section 4.1 of the Urban Design Brief prepared by Bousfields Inc., and illustrated in rendered drawings, great attention has been paid to ensuring the design and function of the streetscape and podium features will provide a new high standard of design quality for the Brant Street corridor and along James Street. This will contribute to an attractive and active streetscape experience which will complement the public open space realm provided by City Hall plaza directly to the west. The consideration of building height at street level is not as significant a factor in the consideration of urban design as is the treatment of the pedestrian realm. With the scale and proximity of the podium feature to the "public" space at ground level, together with stepping features introduced to the building, the streetscape experience dominates at this level and the ultimate height of the building is difficult to assess.

As one moves further from the site, the perception of height increases as the full extent of the building becomes more visible. However, at the same time, the visual impact of height diminishes as one moves further away from any tall building. In addition, from vantage points further removed, the visual presence of tall buildings is affected by the presence of other surrounding structures.

It is understood that once completed, this will be the tallest building in the downtown area. Since the form and the design elements of the building reflect shifting policy towards greater intensification and fully implement the provisions of the Tall Building Guidelines, one can expect the continuation of tall buildings such as this will follow. While they may not contain

all of the same design elements, it is expected that the skyline of the downtown Burlington area will change significantly over time as new buildings emerge within the Mobility Hub.

From a wider perspective, as noted in Section 4.2 of the Bousfield report, the small floorplate and proposed height is not only visually attractive but also fits in well with the context of the changing environment of the downtown. From this perspective, building height is not seen at all as an overpowering element, but rather as an attractive feature as part of an integrated building design that can contribute to and enhance the skyline of the downtown area.

7.7 Compatibility

To ensure the consideration of proper balance of interests, provincial, regional and local planning policies require the consideration of elements of physical and functional compatibility in the design and implementation of any urban intensification project as found in Policies 1.1.3.2, 1.1.3.6, 1.1.4.3 of the PPS, Policies 2.2.2, 2.2.4 of the PTG Plan, and Policies 72.2, 80.2, 81.6, 81(7)(d), and 86.(11) of the HOP and in the following policies of the BOP; Part II, 6.2(c), 6.5(a), 6.5(c), Part III, 2.2.1(a), 2.2.1(e), 2.5.1(a), 2.5.2(a)(v)(vii)(ix) and (x), 5.5.5(a)(c), and 5.5.8.1(b). From a functional perspective, as noted, the proposed uses will help to sustain and enhance the success the downtown area has had over the past few years in attracting new development and redevelopment which brings not only new jobs, but also more individuals living in the downtown area.

While issues of physical compatibility are more sensitive in locations outside of the downtown core and on the periphery of neighbourhoods, consideration of compatible development must be undertaken with respect to this project.

Compatibility does not mean creating a new project which is the same as or even similar to that which currently exists. Rather, compatibility is measured against the extent to which the new proposal can co-exist within the setting in which it is located, in a manner which does not adversely affect the current use of properties in the area or prejudice the use of other surrounding properties.

In that regard, while it is noted that the proposed height of this building is greater than others in the area, the proper implementation of the design elements identified earlier help

ensure that the proposed redevelopment project can not only co-exist in a successful downtown location, but also contribute to an enhance both the design features and functionality of the downtown core.

Direct impacts such as sun shadow study have been examined and determined not to cast any shadows on the important public space in the courtyard area of City Hall.

In considering compatibility with the surrounding urban environment, it is important to remember that other intensification projects are anticipated for the downtown area and that the face of the downtown will continue to evolve over time. Given the significant location and size of this project, it will likely be considered as a new standard against which to assess other new projects. As a result, it has been important to ensure that the design of the project sets a proper template for the consideration of other development proposals, particularly along Brant Street.

A number of the provisions within of the Interim Urban Design Guidelines were structured to ensure compatibility of building design. With the creation of a streetscape experience through the provisions of appropriate setbacks, height limits for the podium, and requiring stepping back of building towers, the intent of the Guidelines is to achieve an urban design experience compatible with the urban streetscape and surrounding properties. By introducing a design which is consistent with these compatibility guidelines and through proper design techniques, this proposal establishes a streetscape presence which is not only compatible with the site, but also helps to enhance the streetscape realm along its street frontages.

Compatibility is also achieved in part by minimizing the size of the tower floorplate and the placement of the tower on the site. The floorplate of 799 sq.m. is consistent with the provisions of the Interim Urban Design Guidelines. By being located 12.5 metres from the westerly property line, the tower portion of the building allows for similar setback, if the property to the north is redeveloped, to achieve setback between tower features of 25 m.

The setback of the face of the tower of 5.6 metres along James Street with a similar setback to be implemented on the south side of James Street together with a 20 m road right-of-way creates an opportunity to establish a setback between towers of approximately 31 metres. Setback of the tower from John Street of 5 metres allows for tower separation of over 30 metres with a future tower setback on lands to the east. These setbacks meet the intent of the Guidelines to provide adequate spatial separation between towers that may later be developed on abutting properties.

7.8 Summary

The proposed redevelopment introduces an exciting opportunity provided by an experienced developer who has successfully completed a significant land assembly program for a key site in the downtown area of sufficient size to properly accommodate an attractive and functional mixed use redevelopment project. The locational attributes of this property at an important intersection in the downtown across form City Hall and in close proximity to the waterfront, Performing Arts Centre and major transit centre, make it a prime candidate to accommodate significant redevelopment in a manner which is consistent with policy directives in the Provincial Policy Statement, Growth Plan, the Regional Official Plan and City of Burlington Official Plan.

The proposal is consistent with public planning policy objectives which seek to attract redevelopment and intensification projects in urban centres such as Burlington, and more specifically within Mobility Hubs in close proximity to Major Transit Station Areas. Achieving these objectives supports policy to accommodate new expected growth. It also contributes to the viability of both existing and future transit operations.

The scale and intensity of the development will contribute significantly to the viability and sustainability of the downtown area as a transit supportive initiative which will bring more people to the downtown area to live and work, thus increasing the viability of businesses, service uses and cultural centres.

In taking advantage of this opportunity, it is important to establish and implement current design principles and guidelines to ensure that the project will set a high standard of urban design in the downtown area against which other new projects will be assessed.

The building design has been formulated within the context of design guidelines which represent good planning and are consistent with those recently adopted by Council for tall buildings. This design exercise has generated a mixed use project that can be properly accommodated on the site with appropriate setbacks, parking and strong urban design elements that will create an attractive pedestrian oriented development along Brant Street, James and John Streets.

The amendment to allow for an increase in floor area ratio above the current level can be supported in part simply because it is a reasonable and necessary response to the need to further intensify urban areas beyond levels that were anticipated when the existing Official Plan was adopted by the City of Burlington. The proposed change, while different from the perspective of current Official Plan policies, is a further extension of increases which have been occurring within the downtown area.

Recognizing that there are reasonable limits to any form of intensification, a careful design exercise undertaken with respect to this project has confirmed that the built form can be properly accommodated on the site in a manner which results in a functional building which is consistent with urban design guidelines, including the recently approved Interim Tall Building Guidelines.

The floor area ratio is also considered to be within reasonable limits as assessed from a number of technical perspectives, including servicing, traffic, wind impacts, noise, and potential environmental impacts.

In proposing innovative new intensification projects, consideration has to be given to matters of compatibility and site context. That is, while it is important to maximize redevelopment potential on any key property, built form must be designed within appropriate parameters to properly be accommodated on the property and not have any impact on either existing uses or future development potential on abutting properties.

In this case, matters of compatibility and site suitability have been carefully examined with the conclusion that the site can properly accommodate the proposed development without having any adverse impact on existing property owners, the public realm or on reasonable future development potential of abutting properties. Through the limitations faced on the tower footprint, the resulting height will have no shadow impacts on the public space at City Hall, and will allow for views through the site.

The required amendment to the Official Plan to allow for increased height can be supported in that the ultimate height of the building is a function of the implementation of the design standards which have been used in this situation combined with an appropriate floor area ratio. The resulting height, while accommodating a scale of development deemed appropriate for the site, will not be perceived as an important element of the design of the building at the streetscape level where podium design and streetscape enhancements will define the experience of the public realm.

The perception of building height becomes more important and has less impact as distance from the site increases. From a broader community perspective, the height of the building will offer an attractive contribution to the evolving landscape of the urban form of the City of Burlington which will change as this and other new projects demonstrate the successful implementation of the Tall Building Guidelines and the anticipation of new intensification expectations. As such, this project will set a desirable precedent for future development and will, over time, become less dominant as other projects evolve.

Given these considerations, it is my opinion that the proposal represents an appropriate balance of public interests and will make an important contribution to the ongoing evolution and sustainability of the downtown core.

8.0 Implementation

This new redevelopment proposal is to be implemented through an amendment to the City of Burlington Official Plan to allow for:

1. Building height of 26 storeys
2. Floor Area Ratio of 11.5:1

While the proposed development has been designed at a floor area ratio of 11.24:1, it is proposed that if a floor area ratio number is required in the Official Plan, it be set at 11.5:1 to allow some flexibility in design. Experience has shown that often through more detailed design exercise or through a different interpretation of zoning regulations, it is helpful to have some flexibility with respect to these two provisions in the Official Plan.

In addition, an amendment to the existing DC zone regulations will be required to accommodate the following elements:

1. Floor Area Ratio of 11.5:1
2. Height of 26 storeys
3. Maximum yard abutting a street of 2.7 m (James Street)
4. Parking ratio of 1 space per unit
5. Minimum of 6 accessible parking spaces

9.0 Conclusions

The proposal can be supported as it represents good planning for the following reasons:

1. is consistent with the Provincial Policy Statement.

2. conforms to the Growth Plan for the Greater Golden Horseshoe.

3. conforms to policies of the Official Plan for the Regional Municipality of Halton.

4. conforms to the intent and policy directives of the City of Burlington Official Plan.

5. substantially conforms to the Interim Design Guidelines for Tall Buildings adopted by the City of Burlington.

6. helps to achieve City of Burlington growth objectives as directed by the Province.

7. provides for an appropriate scale of development on a key downtown site.

8. can be properly accommodated on site.

9. can be properly accommodated with existing infrastructure

10. is supported by all required technical studies including Engineering, Hydrogeology, Traffic, Parking, Noise, Wind, Shadow Impact, Environmental and Urban Design.

11. helps to strengthen the function and sustainability of the downtown area.

12. is transit supportive.

13. is compatible with the downtown core area both in terms of form and function.

14. can be properly accommodated on the site.

15. does not have any adverse impacts on potential future uses or abutting properties.

16. establishes a desirable template and precedent against which to measure other future development projects in the downtown area.

For the above reasons, the project can be supported as good planning and should be implemented in the manner outlined in this report.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, M.C.I.P., R.P.P.
President

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