

***APPLICATION FOR
OFFICIAL PLAN AMENDMENT
& REZONING***
Brant Street and Ghent Avenue
City of Burlington
PLANNING JUSTIFICATION REPORT

Fothergill Planning & Development Inc.

June 2021

Planning Justification Report

Application for Official Plan Amendment and Rezoning

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City of Burlington



Prepared for
MOLINARO GROUP

Prepared by
FOTHERGILL PLANNING & DEVELOPMENT INC.

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Executive Summary

The proposed project helps to achieve intensification objectives of local, regional and provincial planning documents by introducing an exciting mixed use development in an area which is intended to accommodate mixed use intensification. The project takes advantage of the strategic location near the Burlington GO station and the Downtown Core Area of the City of Burlington. Once fully developed, those new residents who will be enjoying the lifestyle in these buildings, will help further strengthen the function of both the GO station and the downtown area.

The ability of the proponent to complete such a significant land assembly program has allowed for the comprehensive design of all three corners that can be fully integrated with each other and with the community and provide a striking gateway feature to and from the downtown area.

The final design of the project was the product of a collaborative design exercise which implemented recommendations arising out of Pre-Consultation discussions with staff, contact with the neighbourhood, and input from the Burlington Urban Design Panel.

The proposal will make a significant contribution to the range and mix of housing in the downtown area and the Burlington community as a whole. Through further discussions and negotiations with the Region, opportunities exist for the provision of affordable housing for this project as has been implemented in other developments undertaken by the proponent. Care has been taken to protect rental housing which will be displaced by the proposed development.

The proposal is compatible and will be fully integrated into the existing community through the sharing of the benefits provided by ground floor commercial uses and by the generous public and private open spaces provided in the enhanced streetscapes, including special design features at the intersection of Brant and Ghent as well as the two privately owned publicly accessible parks being proposed.

The height and form of development is consistent with the direction provided in the newly adopted Official Plan which identifies height limits and very specific design parameters for the Upper Brant Precinct. This proposal is consistent with those provisions and from a design perspective, is generally consistent with the Urban Design Guidelines.

A series of detailed technical studies undertaken by the proponent has confirmed that the project, with appropriate mitigation, will not generate any adverse impacts, particularly with respect to matters related to shadow impact, noise, wind, or traffic.

The proposal can be accommodated with existing infrastructure and will not require any public funds to support the proposal.

The project will provide an attractive living environment with accessibility to a variety of community services, as well as access to both pedestrian and vehicular transportation networks. The development of this site for the proposed use is supported as conforming to sound planning principles and will contribute to the success of an evolving core area in downtown Burlington as well as the Major Transit Station Area.

This proposal will establish a strong and desirable precedent for further development projects in the downtown and for sites within and adjacent to the Major Transit Station Area.

In my opinion, the proposal represents good planning.

1.0 INTRODUCTION

This report provides planning justification for the redevelopment of three corners at the intersection of Brant and Ghent in the City of Burlington. Given that the owner has been successful in assembling 13 separate properties, a somewhat unique opportunity has arisen whereby a comprehensive development proposal on the three properties can be designed as an integrated package and implemented in a staged fashion.

This special opportunity combined with the unique attributes of the site being located between the Burlington GO station and the downtown core area of the City invites careful consideration of design alternatives. This development proposal introduces an innovative and striking design feature for the three sites which will produce a built form which will act as a significant gateway feature for those entering and leaving the downtown area along Brant Street.

This report describes the proposal and assesses it within the context of relevant planning policy documents at the local, regional and provincial level. It outlines the very thorough and productive pre-application process undertaken by the proponent in collaboration with staff at the City, the public as well as the Region and external agencies.

The report introduces a number of technical studies which were prepared to support the application and provides a summary of their key findings and conclusions.

With the input provided by this background information, the report provides a planning opinion which supports the proposed official plan amendment and rezoning by examining such matters as intensification, transit, housing, neighbourhood context, compatibility, potential impacts and livability.

The planning assessment concludes with a recommendation that the applications for official plan amendment and rezoning be approved. The report concludes with providing recommendations for the form and context of the proposed amendments.

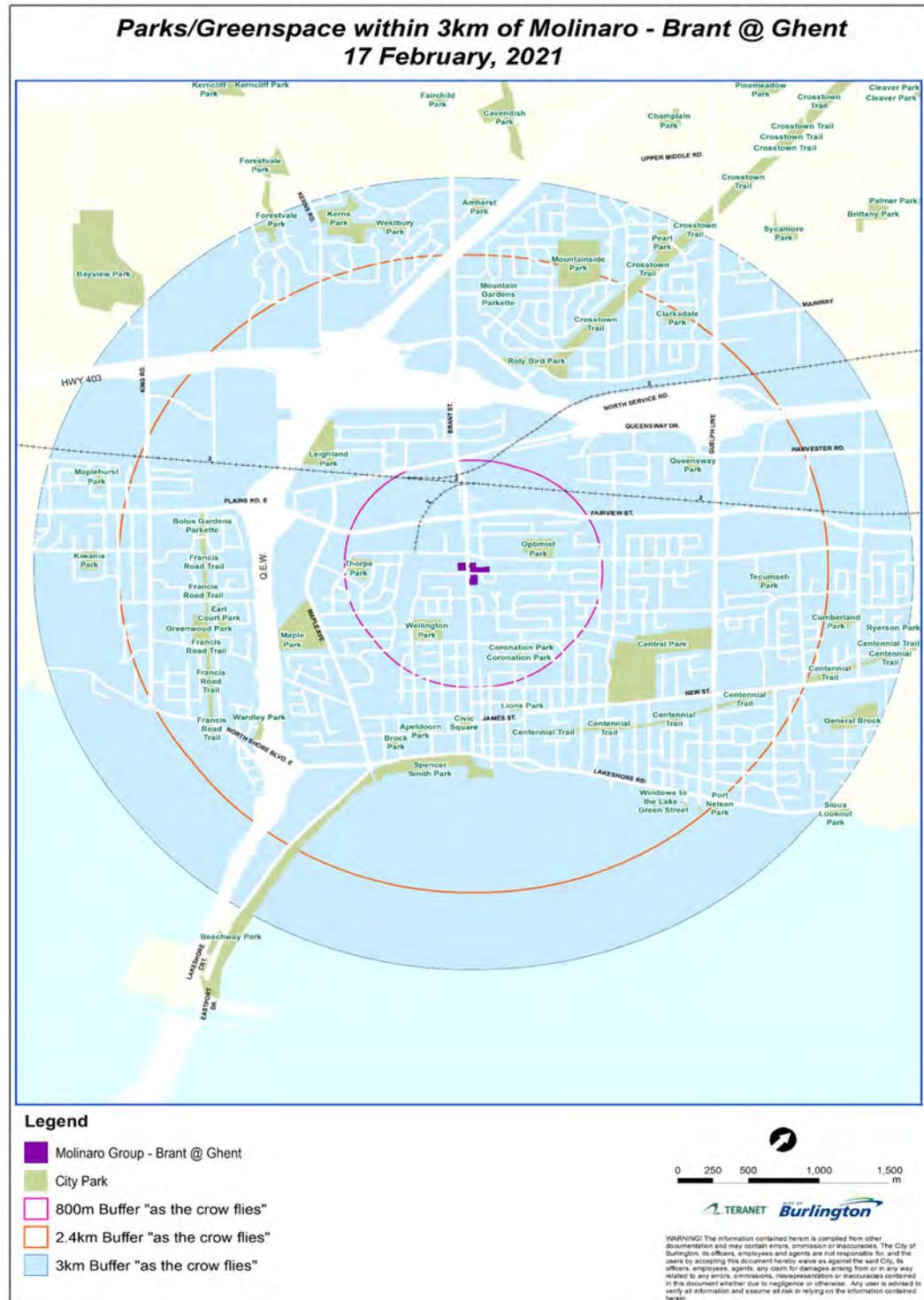
Schedules 1-8 of the report contain background information including a location map, site survey details and development plans. It also includes details related to the Pre-Application process and a copy of a draft official plan amendment and a draft zoning by-law.

2.0 Location

The development proposal includes the northwest, northeast and southeast corners of Brant Street and Ghent Avenue. Located between the Burlington GO station and downtown, the site is a 10-15 minute walk to the GO station and a 15-20 minute walk to Spencer Smith Park. The property provides close vehicular access to Brant Street, Fairview Street and the Queen Elizabeth Way which is approximately 600 metres to the north. Enclosed is a map prepared by the City which identifies the location of the site and all parks and major landmarks within a 3 kilometre perimeter.

The site is surrounded by a mix of uses with commercial uses being predominant along Brant Street and Fairview Street. This mix of retail and service commercial uses includes a Walmart Store adjacent to the GO station to the north-west and a commercial plaza anchored by a Staples store and a Mandarin Restaurant to the north-west.

The neighbourhood includes a variety of housing forms including low rise residential development to the east and a variety of existing high rise built form in the area including an 8 storey building to the northeast of the property, a number of 10 storey apartment buildings along the north side of Ghent Avenue, west of Brant Street, and an 18 storey apartment building at the southwest corner of Brant Street and Ghent Avenue. Lands along Ghent Avenue west of Brant Street accommodate a range of employment uses.



3.0 Property Details

The property at the northwest corner of Brant and Ghent Avenue (Parcel A) is currently vacant. This site represents an assembly of 5 properties, 4 of which contained single family dwellings, all of which have since been demolished.

The property at the northeast corner (Parcel B) includes an existing parking lot at 769 Brant Street which accommodates 90 parking spaces which are used in conjunction with the medical office building at the southeast corner. This parcel also includes three single family dwellings on the north side of Ghent Avenue east of the parking lot including 2023 Ghent Avenue, 2027 Ghent Avenue, and 2031-2033 Ghent Avenue as well as an existing single family dwelling at 779 Brant Street and 783 Brant Street. The property at 783 Brant Street was not part of the initial Formal Consultation submission and has been assembled since that time.

The third parcel (Parcel C) includes the assembly of two properties, one of which contains a 2 storey medical building. The Molinaro Group has submitted an application for minor variance for this building to permit the building to be used as a sales office and general office. That application, which will not result in any changes to the site is now being considered by the Committee of Adjustment.

The property at 747 Brant Street, which is also part of Parcel C, contains a 2-storey rental apartment building comprised of 14 two-bedroom units which range in size from 757 sq.ft. to 920 sq.ft. This building will be demolished to accommodate the proposed development.

Further site details are described in Table 1.

Table 1 - Property Description				
PROPERTY	ADDRESS	FRONTAGE (metres)	DEPTH (metres)	AREA (ha)
Parcel A	0, 774, 778, 780, 782 Brant Street	Brant 73 Ghent 98.5	99	0.67
Parcel B	769, 779, 783 Brant Street, 2023, 2027, 2031- 2033 Ghent Avenue	Brant 72 Ghent 135	135	0.66
Parcel C	747, 761 Brant Street	Brant 76.2 Ghent 48.5	76.2	0.38
TOTAL	13 Properties			1.71 ha

4.0 Development Proposal

While all three buildings are integrated from a visual and functional perspective and maintain a consistent streetscape presence, each of the sites has been designed independently to reflect and respond to surrounding built form.

In order for any major redevelopment project such as this to be successful, it must generate a final product which is successful from a marketing perspective. This requires the proponent to pay careful attention to all of the functional and design elements of the building and the site that will make it an attractive, livable environment for future residents and will contribute to the appeal of the City of Burlington as a desirable place to live.

The desirability of this project from a livability perspective results in part from its strategic location which allows for easy and direct pedestrian connectivity to the surrounding

community including a variety of retail service commercial uses and parks as well as walkable direct transit connections to the local Burlington transit system. It also provides easy and convenient vehicular access to a Major Transit Station Area as well as the Queen Elizabeth Way via the Brant Street interchange.

From a unit design perspective, the striking exterior and interior design elements of the project contribute to the attractiveness of the site as a desirable place to live.

At the site level, attractive outdoor amenity areas normally associated with this form of development are augmented by the presence of the generous open space amenity area offered by the two POP areas and the extensive public and private pedestrian realm created along Brant Street, Ghent Avenue and at the intersection corners. This extensive open space area allows for integrated open space uses as noted in the landscaping plans submitted with this proposal. It is anticipated that through the site plan process, the use, function and design of these features can be refined through collaborative dialogue with the City.

The initial development proposal presented to the Formal Consultation meeting included two 25-storey towers on Parcel A at the north-west corner. In response to input received through the Pre-Submission process, the plan has been modified and now includes a 25 storey tower on the west side west of Brant Street with a second tower stepped down to 14 storeys. This allows for a gradation in height from Brant Street to the existing 10 storey apartment buildings to the west. This gradation also enhances the prominence of the Brant Street Tower and the gateway feature which has been established in conjunction with the 25 storey tower facility at the northeast corner.

In response to comments received at the Pre-Consultation meeting and in follow-up meetings with staff, the plans have been modified to allow for a generous multi-use POP area long the north side of Ghent Avenue on Parcel A. This area will contain both public and private spaces, and will function as a POP with a seamless connection to the pedestrian areas, both along Ghent Avenue and Brant Street. Further details regarding the use of this space and 3D perspective drawings of how this space could be utilized are included in the landscape plans prepared by Seferian Design and the Urban Design Brief prepared by Graziani + Corazzo which are submitted as part of this application.

Parcel B introduces a tower element of 25 storeys close to Brant and Ghent Avenue with stepping down elements introduced on the eastern side of the property to 3 storeys to ensure compatibility with the low density residential development to the east. The development proposal considered at the Pre-Consultation meeting including a townhouse element on the east side of the property. The revised proposal has eliminated the townhouse component and has significantly increased the size of the privately owned but publicly accessible (POP) from 510 sq.m. to 1960 sq.m. As well as providing an important park facility for future residents and the surrounding community, this feature provides a substantial buffer to the existing low density residential built form to the east.

The buildings on Parcel A and Parcel B introduce a 3 storey podium feature on Brant Street and a wide public/ private pedestrian activity area between the building and Brant Street. The built form of the building has been shifted away from the corner to allow for a very generous open pedestrian activity area. This feature is replicated at all three corners.

Parcel C has been carefully designed to account for its location adjacent to lowrise development to the east and lower rise mixed uses to the south. In addition to minimizing height, the built form of the building has been designed to offer gradation of built form between the Brant Street frontage and the residential uses to the east.

Streetscape elements of this building have been designed to be consistent with those introduced in Parcels A and C. With the advantage of the property consolidation undertaken by the Molinaro Group, an opportunity exists to create an attractive, functional and consistent streetscape pattern on all three corners.

The design elements which are included in the Seferian landscape plan, allow for a seamless use of public and private space which will serve a park-like function not only for residents in the building, but also the general public. The generous width of the pedestrian realm and the enhancements proposed will set a new and highly desirable precedent for subsequent development proposals along Brant Street.

The initial development plan included driveway accesses to Brant Street and Ghent Avenue for Parcels A and B. After input from the pre-submission process and further consideration, the accesses to Brant Street for both Parcels A and B have been removed.

The intent of the proponent is to develop the project in stages beginning with Parcel A and ending with Parcel C. Development details are illustrated in Schedule 2 to this report. A summary of details of each element of the proposal is included below.

Table 2 - Project Description						
PROPERTY	RESIDENTIAL		COMMERCIAL FLOOR AREA (sq.m.)	HEIGHT (storeys)	DENSITY (units/ha)	FAR
	Units	Floor Area (sq.m.)				
Parcel A	425	31,183	794	14-25	634	4.8:1
Parcel B	328`	24,173	492	25	497	3.7:1
Parcel C	128	11,061	0	8	339	2.9:1
TOTAL	881	66,417	1286			

Table 3 provides an estimate of parking requirements based on new City standards which include an allowance to count required commercial spaces toward visitor parking and to allow for a reduction in parking requirements for mixed use projects. For the purposes of this calculation, a 5% reduction has been applied. This is the reduction that was applied to the Paradigm property on Fairview Street.

At this point, final unit layout and interior building design has not yet been completed. As a result, it is possible that the unit count may need to be adjusted. Similarly, at site plan and final design stage, the number of parking spaces may change. As a result, the implementing by-law being proposed for each site will be based on a parking ratio of 1.1 to 1.2 spaces per unit to include both resident and visitor parking.

TABLE 3 PARKING REVIEW			
	PARCEL A	PARCEL B	PARCEL C
1. Residential 1 space/unit 0.25 spaces - Visitor	425 107	328 82	128 33
2. Commercial (Counted as Visitors)	40	23	N/A
3. Sub-Total 1.25 spaces/unit)	532	410	160
4. Total Required - Including Mixed Use Residential - reduction of 5%	506	390	160
Provided	516 (1.21 spaces/unit)	377 (1.15 spaces/unit)	179 (1.39 spaces/unit)

5.0 Public Planning Policy Documents

5.1 Provincial Policy Statement ("PPS") (2020)

All development projects in the Province must be consistent with the provisions in the PPS, which was approved by the Province in 2020. The intent of the PPS is to support strong, livable and healthy communities through the efficient use of land. Policies that will help achieve this objective are outlined in Section 1.1 of the Policy Statement and include the following:

- "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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;**
 - f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;"**

In order to achieve these directives, the PPS includes a number of directives which promote intensification and redevelopment within existing Urban Areas, including the following:

- "1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:**

- a) efficiently use land and resources;
- b) 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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *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."

The Provincial Policy Statement includes policies for the housing sector which direct planning authorities to provide for an appropriate range of housing types and densities:

"1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs 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* and which aligns with applicable housing and homelessness plans. 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 *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and**
 - 2. **all types of *residential intensification*, including additional residential 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;**
- e) **requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and**
- f) **establishing development standards for *residential intensification*, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."**

The Provincial Policy Statement also contains policies that promote the efficient use of existing infrastructure and public service facilities (Section 1.6). This includes municipal sewage services and water services, as well as other municipal infrastructure including roads, sidewalks, etc.

5.2 Growth Plan for the Greater Golden Horseshoe 2020 ("Growth Plan")

These lands are shown within the "Built-Up Area-Conceptual" in the Growth Plan.

The Growth Plan envisions increasing intensification of existing built up areas focussing on "Urban Growth Centres" which include, among others, the Burlington Urban Area. Concentrating new development in these areas provides a focus for infrastructure investments to support the future health and growth of the City.

Relevant guiding principles found in Part 1.2.1 of the Growth Plan include the following:

- **Support the achievement of *complete* communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.**
- **Prioritize *intensification* and higher densities in *strategic growth areas* to make efficient use of land and *infrastructure* and support transit viability.**
- **Support a range and mix of housing options, including additional residential units and *affordable* housing, to serve all sizes, incomes, and ages of households."**

Direction is provided in Part 2.2 of the Growth Plan for where and how to grow, including:

- "2.2.1.2(c)(iii) locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and ..."**

Consistent with the Provincial Policy Statement, the Growth Plan promotes development of complete communities (Policies 2.2.1.4 and 2.2.2(3)(d)). To achieve that objective, Policy 2.2 states that complete communities will:

- "2.2.1.4(a) feature a diverse mix of land uses, including additional residential units and employment uses, and convenient access to local stores, services and *public service facilities*.**

- 2.2.1.4(c) provide a diverse range and mix of housing options, including additional residential units and *affordable* housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.
- 2.2.1.4(d) expand convenient access to:
 - i) a range of transportation options including options for the safe, comfortable and convenient use of *active transportation*."

In achieving this objective, municipalities are encouraged to develop a strategy which will, among other matters:

- "2.2.2.3(a) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development.
- 2.2.2.3(b) identify the appropriate type and scale of development *in strategic growth areas* and transition of built form to adjacent areas.
- 2.2.2.3(c) encourage *intensification* generally throughout the *delineated built-up area*."

While intensification is generally encouraged throughout municipalities, the Plan points to specific areas where intensification is to be directed, including Transit Corridors and Station Areas in Policy 2.2.4.

A Major Transit Station Area is defined as:

"The area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk."

As noted on page 3, the site is within 800 metres of the Burlington GO station.

Relevant policies include:

"2.2.4 Transit Corridors and Station Areas

2. **For *major transit station areas on priority transit corridors* or subway lines, upper- and single-tier municipalities, in consultation with lower-tier municipalities, will delineate the boundaries of *major transit station areas* in a *transit-supportive* manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.**
9. **Within all *major transit station areas*, development will be supported, where appropriate, by:**
 - a) **planning for a diverse mix of uses, including additional residential units and *affordable* housing, to support existing and planned transit service levels.**
 - c) **providing alternative development standards, such as reduced parking standards.**
10. **Lands adjacent to or near to existing and planned *frequent transit* should be planned to be *transit-supportive* and supportive of *active transportation* and a range and mix of uses and activities."**

5.3 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-laws.

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

"Urban Area

72. The objectives of the Urban Area are:

- (1) To accommodate growth in accordance with the *Region's* desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable *natural environment*, and preserve certain landscapes permanently.
- (2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
- (3) To provide a range of identifiable, inter-connected and *complete communities* of various sizes, types and characters, which afford maximum choices for residence, work and leisure.
- (6) To identify an urban structure that supports *the development of Intensification Areas*.
- (9) To facilitate and promote *intensification* and increased densities.

It is the policy of the Region to:

77. (2.4) Require development occurring in Designated Greenfield Areas to:

- c) create street configurations, densities, and an urban form that support walking, cycling and the early integration and sustained viability of transit services;
- d) provide a diverse mix of land uses, including residential and employment uses to support vibrant neighbourhoods; and
- e) create high quality parks and open spaces with site design standards and urban design guidelines that support opportunities for transit and *active transportation*

78. The *objectives* of the *Intensification Areas* are:

- (1) To provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes *active transportation*, and is environmentally more sustainable.
- (4) To provide diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods.
- (5) To create a vibrant, diverse and pedestrian-oriented urban environment.
- (6) To cumulatively attract a significant portion of population and employment growth.
- (7) To provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places.
- (8) To support transit and *active transportation* for everyday activities.
- (9) To generally achieve higher densities than the surrounding areas.
- (10) To achieve an appropriate transition of built form to adjacent areas.

80. *Intensification Areas* are parts of the Urban Area and consist of:

- (1) *Urban Growth Centres*, which are shown as an overlay on top of the Urban Area on Map 1, subject to specific *policies* in addition to those for *Intensification Areas*;

81. It is the policy of the Region to:

- (1) Direct *development* with higher densities and mixed uses to *Intensification Areas*

81.(1) The *objectives* of the *Urban Growth Centres*, as shown on Map 1, are:

- (1) To serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses.
- (2) To accommodate and support major transit *infrastructure*.

- (4) To accommodate a significant share of population and employment growth.
84. The *goal* for housing is to supply the people of *Halton* with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.
- 86.(19) Require the Local Municipalities to use a rental housing vacancy rate of 3% as the minimum threshold to permit the conversion of existing rental housing to ownership tenure or other uses or the demolition of such housing."

Given that the development of Parcel C will eliminate 14 rental units, effort must be undertaken to comply with this Regional policy. It is understood that rather than a strict prohibition, the Region is willing to consider a proposal from the proponent to replace the 14 rental units to allow the development to proceed. This matter is discussed further in Section 7.3 of this report.

5.4 City of Burlington Official Plan ("BOP")

5.4.1 Existing Official Plan

The Official Plan for the City of Burlington (BOP) which is currently in effect provides guidance for the development of lands within the City boundaries, including the promotion of infill 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 3 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.

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 urban form in an efficient and attractive manner to enhance the well being of residents of the community, and to reflect the vision of the plan.

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:

- "b) To the extent to which land is available in the Urban Planning Area, a sufficient supply of owner occupied and rental housing *shall* be maintained to meet existing and future needs.**
- c) To the extent to which land is available in the Urban Planning Area, a broad, diverse range of housing types *shall* be provided including housing which is affordable and accessible for all residents.**
- d) The City *shall* address new housing demands, through the best use of existing resources and community *infrastructure*, and through new community development."**

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, infill, redevelopment and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood."

The plan continues in Policy 2.5.4 to provide direction for infill development and reinforce the need for that development 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)).

As the site is within an area identified as Mixed Use Activity Area, development should be guided by the principles in Part 3 Policy 5.1:

"5.1 Principles

- (a) Mixed Use Activity Areas provide alternatives to low density, suburban *development* and *encourage* the efficient use of physical resources and municipal services;**
- (b) The design and *development* of Mixed Use Activity Areas provide opportunities to create and/or maintain a special community identity and focal point for a variety of City-wide, community and neighbourhood functions.**
- (c) Mixed Use Activity Areas address the demand for higher intensity *employment*, shopping and residential areas within the City. One of the general objectives of the designation is:**

5.2.1(a) to *encourage* comprehensively planned Mixed Use *Employment*, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, *institutional and entertainment uses* with residential uses, *community facilities*, cultural facilities, institutions and open space in a compact urban form while retaining *compatibility* with nearby land uses."

The Plan also speaks to development opportunities in proximity to a GO Station in Part 3, Policy 5.3.2(a)(iii):

"Development and redevelopment of lands within a major transit station area such as a GO Transit commuter rail station, shall achieve a higher density of re-development and consist of transit supportive uses as called for and defined in the Growth Plan for the Greater Golden Horseshoe. Notwithstanding Part III, subsection 5.3.3(b) and (e), those lands designated Mixed Use Corridor subject to the Commercial Corridor policies of Section 5.3.3 and located within a major transit station area shall permit only transit supportive uses as defined in the Growth Plan for the Greater Golden Horseshoe and have a minimum floor space index of 0.5 and a minimum building height of 2 storeys."

In summary, the Official Plan policies promote and encourage the form of development that is being proposed with this development, which fulfils 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.

5.4.2 Adopted Official Plan (2018)

The City of Burlington initiated a review of their Official Plan in 2011 and undertook a number of background studies that led to the preparation of a new Official Plan entitled 'Grow Bold'. The plan was adopted by City of Burlington Council on April 26, 2018 and forwarded to the Region for approval.

Through that planning exercise, the policy provisions for the 3 properties changed significantly. The new Official Plan permits heights of up to 25 storeys on the north-west and north-east corners and a height of 11 storeys on the south-east corner. All three corners are identified as Mixed Use Intensification Area - Urban Centre in Schedule B and in Schedule C.

The Mixed Use Intensification Areas are intended to accommodate significant amounts of intensification and as focal points for community activities for greater accessibility to public transit and higher intensity development (8.1.3.1 and 8.1.3.2).

As shown in Schedule D, the three properties are located in the Upper Brant Precinct and are subject to the following policies:

"8.1.1(3.13) UPPER BRANT PRECINCT

The Upper Brant Precinct will accommodate *developments* with a variety of building heights proportional to parcel size along Brant Street between Prospect Street and Blairholm Avenue, with the tallest *developments* in the Downtown located north of Ghent Avenue. *Development* will generally achieve a height and density that reflects the precinct's walking distance to *higher-order transit* at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while achieving *compatibility* with adjacent established residential areas.

8.1.1(3.13.1) POLICIES

- a) The following uses *may* be permitted within the Upper Brant Precinct:
- (i) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone *ground-oriented dwellings*;
 - (ii) *office* uses;
 - (iii) retail and *service commercial* uses;
 - (iv) hotel uses;
 - (v) *entertainment uses*; and
 - (vi) *recreation uses*.
- b) *Development shall* contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.13.1)a) of his Plan and *should* contain three permitted uses, where feasible.
- c) *Development shall* not exceed a height of twenty-five (25) storeys except in the following sectors where maximum height *shall* be limited to one (1) storey for every four and a half (4.5) m of parcel depth or the following, whichever is less:

- (i) eleven (11) storeys within Sector One (Area 'S1') as identified on Schedule D: Land Use - Downtown Urban Centre of this Plan;
 - (ii) seven (7) storeys within Sector Two (Area 'S2') as identified in Schedule D: Land Use - Downtown Urban Centre of this Plan; and
 - (iii) seventeen (17) storeys within Sector Three (Area 'S3') as identified on Schedule D: Land Use - Downtown Urban Centre of this Plan.
- d) *Mid-rise and tall buildings shall* achieve a terraced built form with building height oriented toward Brant Street and away from areas designated Residential-Low Density on Schedule C; Land Use-Urban Area, of this Plan. Terracing *shall* be in accordance with a forty-five (45) degree angular plane measured from a property line shared with a property designated Residential-Low Density on Schedule C: Land Use -Urban Area of this Plan.
- e) Within Sector Three (Area 'S3'), as identified on Schedule D: Land Use - Downtown Urban Centre of this Plan, *ground-oriented dwellings* with a maximum height in accordance with Subsection 8.1.1(3.13.1)d) of this Plan *shall* be provided adjacent to a property line shared with a property designated Residential Low-Density on 'Schedule C: Land Use - Urban Area' of this Plan.
- f) The City's implementing Zoning By-law will establish a minimum rear yard setback requirement for *development* within Sector 2 (Area 'S2'), as identified on Schedule D: Land Use - Downtown Urban Centre of this Plan, which ensures a consistent and *compatible* separation distance is maintained between a *development* and the principal residential building located on an adjacent property designated Residential - Low Density on Schedule C: Land Use - Urban Area, of this Plan. "

5.4.3 New Official Plan ("NOP")

Subsequent to the 2018 Plan being forwarded to the Region, Burlington Council on February 7, 2019 initiated a review of the Official Plan. This process resulted in a number of amendments which were approved by Council on October 7, 2020.

The new Official Plan was approved by the Region November 30, 2020. Following approval by the Region, a number of appeals were filed. As a result, the existing Official Plan, approved by the OMB in 2008, is still in effect and represents the in force policies for the subject property.

Council also passed an Interim Control By-law to limit development in the downtown area and around the GO station including the subject property while a study was undertaken. The ICBL Study was completed in January 2020 and resulted in the approval of a new Official Plan. The Plan and the Zoning By-law have been appealed to LPAT. There were no appeals filed by the proponent with respect to the Brant and Ghent sites.

The NOP introduced an "Urban Centre" designation in Schedule C (Land Use - Urban Area) and an "Upper Brant Precinct" designation in Schedule D (Land Use - Downtown Urban Centre) on the three properties and continues to recognize maximum height of 25 storeys in Parcels A and B and maximum 11 storeys on Parcel C.

"2.3.1 MIXED USE INTENSIFICATION AREAS

Lands identified as Mixed Use *Intensification Areas* provide locations where a range and *intensity of employment*, shopping, *public service facilities*, residential uses and complementary uses such as open space and parks, *institutional*, and *cultural* uses will be developed with transit supportive densities in *compact built form*. Walking, biking, transit and other *transportation demand management* measures will be prioritized. Mixed Use *Intensification Areas* will offer substantial *development* opportunities and represent a key element in this Plan's strategy to accommodate and direct growth in the city over the planning horizon and beyond."

In the Mixed Use Intensification Areas, the City has identified sub-areas including Urban Centres, which include the Downtown Urban Centre and the Uptown Urban Centre. The subject property is contained within the Downtown Urban Centre as shown on Schedule C - Land Use - Urban Area in the NOP.

"Urban Centres

- 2.3.1(e) Lands identified as Urban Centres provide for a broad range and mix of uses in areas of higher, yet appropriate, *intensity* in relation to the surrounding neighbourhoods, designed in a *compact built form*, oriented to support transit and facilitate *active transportation* in accordance with the underlying land use designations. They bring a variety of *public service facilities* and a mix of other uses such as retail uses to support residents and employees."**

The site is also within a Primary Growth Area, as identified in Schedule B-1 - Growth Framework.

The plan contains a number of community-wide policies, including those geared toward helping to establish complete communities in Chapter 3 of the NOP. As a part of developing complete communities, the plan includes a number of policies related to the supply of housing.

"3.1.1 HOUSING SUPPLY

3.1.1(1) OBJECTIVES

- a) To ensure that a sufficient supply of suitably designated and serviced land is available to accommodate residential growth to meet existing and future housing needs.
- b) To promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures across the city, subject to the policies of this Plan.
- c) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing, while maintaining *compatibility* with the character of existing neighbourhoods.

3.1.2 HOUSING TENURE

3.1.2(1) OBJECTIVE

- a) To maintain balance between rental and ownership housing stock in the City by protecting the existing supply of rental housing and encouraging the provision of new rental housing.

3.1.2(2) POLICIES

- a) The demolition of residential rental properties or the conversion to freehold or condominium ownership of a residential rental property containing six (6) or more units, in part, or in whole, *shall* not be permitted unless the following conditions are satisfied:
 - i) the rental vacancy rate by structure type for the City of Burlington as defined and reported yearly through the C.M.H.C. Rental Market Report has been at or above three (3) percent for the preceding two-year reporting period;
 - ii) the building for which conversion is proposed meets the requirements of the property standards by-law, the Ontario Building Code, and any other applicable law, or will be upgraded in accordance with these standards and requirements;
 - iii) that negative economic and other impacts upon tenants are minimized to an acceptable level; and
 - (iv) the requirements of any applicable Provincial legislation or regulation, as amended, are met.
- b) Notwithstanding 3.1.2 (2) a) (i), the demolition of residential rental units may be permitted in conjunction with a *development application* which at a minimum shall provide the same number of rental units with the same number of bedrooms per unit, at a similar rental rate at the time of *development application* submission, as those units that are demolished."

"3.1.3 HOUSING AFFORDABILITY

3.1.3(1) OBJECTIVES

- a) To promote the provision of an appropriate range and mix of *affordable housing* to meet the needs of the existing and future population.
- c) To *encourage* the development of *affordable housing* throughout the city"

Being located within the Downtown Urban Centre, the proposal is subject to consideration in the context of policies in Section 8.1.1(3) Downtown Urban Centre. The NOP notes:

"The Downtown Urban Centre is a lively, vibrant "people place" and inclusive community, with a wide variety of *employment*, shopping, leisure, residential and tourism opportunities. It is the City's centre for cultural facilities, public gatherings, festive and civic occasions, and social interaction. A large portion of the Downtown Urban Centre is within the Urban Growth Centre Boundary, an area referred to in the "Places to Grow" - Growth Plan for the Greater Golden Horseshoe (2006) as an area that *shall* accommodate a significant share of population and employment growth.

The Downtown Urban Growth Centre will be a focal area for investment in Regional *Public Service Facilities*, such as the hospital, as well as commercial, recreational, cultural and *entertainment uses* and will serve as a high density Major *Employment Centre*."

The relevant objectives of this designation are as follows:

"8.1.1(3.1) GENERAL OBJECTIVES

- a) To establish the Downtown as a major centre for office, retail, service commercial, residential, culture, and *public service facilities, including* educational and *institutional* uses that contribute towards the Downtown's role as a unique destination and important source of identity for the city, consistent with Chapter 5: Economic Activity, of this Plan.
- d) To ensure *development* incorporates effective transitions with adjacent *development* and surrounding areas.

- g) To ensure that residents, employees and visitors of the Downtown have access to a range of public parks and open spaces including parkettes, urban plazas, playgrounds, promenades, trails and Privately-Owned Publicly Accessible Spaces (POPS) that allow for both passive and active recreational and social activities.
- i) To expand public access to parks, open spaces and the Lake Ontario waterfront within the Downtown, where possible.
- k) To provide a continuous, harmonious, safe, active and attractive pedestrian-oriented environment along Retail Main Streets.
- l) To enhance Downtown *streetscapes* with street trees and other greenery/landscaping where appropriate.
- m) To achieve urban design and architectural excellence in new developments.
- o) To permit building heights and *intensities* that support the designation of the Downtown as an Urban Growth Centre while protecting the predominant low-rise character of Brant Street and providing a transition to adjacent lowrise neighbourhoods.
- p) To require a mix of uses throughout the Downtown that reinforces the Downtown's role as a *complete community*.
- t) To increase affordability and attract a wide range of demographics and income levels to the Downtown.
- u) To *encourage* the integration of a wide range of housing types and tenures within the Downtown, including *assisted and special needs* housing, and rental housing.
- w) To support the creation of new and expanded pedestrian and cycling corridors.
- x) To *encourage* active and supporting uses at grade along Retail Main Streets.
- y) To ensure adequate *public service facilities* and *institutional uses* to support and serve current and future residents and employees.

- z) To ensure the Downtown has adequate *infrastructure* to support new *development*.

8.1.1(3.2) GENERAL POLICIES

- a) In addition to the objectives and policies of Subsection 8.1.1(3), Downtown Urban Centre, the objectives and policies of Subsection 8.1.2, Major Transit Station Areas of the Plan, *shall* apply within the Downtown Urban Centre.
- g) *Development* will support and enhance the Downtown as a lively, vibrant and people-oriented place.
- h) *Development* will respect and be *compatible* with the existing built form character of adjacent *development* and provide appropriate built form transition."

As noted in Policy 8.1.1(3.2(a)), policies of Subsection 8.1.2 (Major Transit Station Areas) apply to the Downtown Urban Centre. Relevant policies in this section of the plan include the following:

"8.1.2 MAJOR TRANSIT STATION AREAS

MTSAs are important components of the city's Urban Structure, Growth Framework and transportation network, and are intended to serve as city-wide destinations and focal points for the provision of transit. *MTSAs* will exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and *active transportation*. Located in key areas served by the regional and local transit networks, *MTSAs* are focal points for higher *intensity* and mixed use *development* that will accommodate a significant share of the city's future population and employment growth to 2031 and beyond.

1. **MTSAs on Regional Express Trail (RER)**

The Burlington GO and Appleby GO *MTSAs* are both located on a Priority Transit Corridor, as identified in the Growth Plan. *MTSAs* on Priority Transit Corridors are important due to their relationship and position along a *higher order transit* route with planned *frequent transit* service by way of Regional Express Rail (RER) within the Greater Toronto and Hamilton Area."

Relevant objectives include the following:

"8.1.2(1) OBJECTIVES

- b) To develop the *MTSAs* into compact, pedestrian, environmentally *sustainable* and *transit-supportive* places each with a distinct character.
- c) To promote *intensification* in order to achieve transit-supportive residential and *employment* density targets.
- d) To require a mix of uses within *development* and throughout each *MTSA*, that will strengthen the live/work/shop relationship and support the creation of *complete communities*.
- l) To promote the accommodation of a diverse range and mix of household sizes, household incomes and housing tenure.
- m) To ensure the provision of a range of open spaces and connections.
- n) To ensure that there is an appropriate transition in *scale, intensity, height, massing* and spacing of *development* in including appropriate transitions between various land uses and built forms.
- p) To achieve design excellence in *MTSAs* that will encourage long-term investment and the creation of high quality and sustainable built forms in the *public* and private *realm*.
- u) To *encourage transit-supportive, pedestrian-oriented* and cycling-friendly *development* in a *compact built form*, while ensuring *compatibility* with the surrounding areas is achieved.

- v) To ensure *development* establishes a high-quality *public realm* featuring a network of new and existing public squares, parks and open space that incorporate street trees, landscaping and vegetation."

"8.1.2(2) POLICIES

- l) New green spaces such as trees and landscape areas, parks and open spaces *shall* be provided as part of *development applications*, which may include, but are not limited to, dedication of parkland, Privately-Owned Publicly Accessible Spaces (POPS) and/or trees and landscape areas located between a public right-of-way and a building, to be provided to the satisfaction of the *City*.
- m) Privately-Owned Publicly Accessible Spaces (POPS) may be used to augment public space but *shall* not be used as a replacement to public parkland dedication."
- q) *Development* patterns *shall* have regard for optimization of land, resources and public investment in *infrastructure* and public services. For clarity, the concept of optimization *shall* be applied to *development* patterns over the entirety of the *MTSAs*."

The Official Plan divides the downtown area into a number of individual precincts. In a manner similar to the adopted plan, the subject property is located within the Upper Brant Precinct which is subject to policies in Section 8.1.1(3.8).

"8.1.1(3.8) Upper Brant Precinct

The Upper Brant Precinct will accommodate *developments* with a variety of building heights proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest *developments* in the Downtown located along and north of Ghent Avenue. *Development* will generally achieve a height and density that reflects the precinct's walking distance to *higher-order transit* at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while also achieving *compatibility* with adjacent Residential-low density areas shown on Schedule C: Land Use - Urban Area, of this Plan.

A low-rise feel will be maintained for pedestrians along Brant Street through setbacks above the third storey for buildings *abutting* Brant Street. However, to balance the objectives of providing increased density within walking distance to the Burlington GO Station, providing for a transition to adjacent established low-rise residential areas and to provide for a setback along Brant Street above the third storey, flexibility *maybe* considered in the depth of the setback from Brant Street above the third storey.

8.1.1(3.8.1) Policies

- a) The following uses *may* be permitted within the Upper Brant Precinct:
- a) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone *ground oriented dwellings*;
 - b) *office uses*;
 - c) retail and service commercial uses;
 - d) hotel uses;
 - e) entertainment uses; and
 - f) recreation uses.
- b) Development *abutting* Brant Street *shall* contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.8.1) a) of this Plan and *should* contain three permitted uses, where feasible.
- c) Notwithstanding the permitted uses in Subsection 8.1.1(3.8.1) a), residential uses *shall* not be permitted on the ground floor facing Mixed Use Streets as shown on Schedule D-1: Downtown Urban Centre Retail Streets, of this Plan. Residential lobbies/access *should* be located on side streets or at the rear of the building where feasible.
- d) New *development shall* generally be comprised of *tall buildings* at the northern end of the Precinct and *mid-rise buildings* at the south according to the maximum heights set out in Schedule D-2: Downtown Urban Centre Heights, of this Plan.

- e) Buildings *abutting* Brant Street shall incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street. The setback *should* be similar to the 20 m setback in the Brant Main Street and Mid Brant Precincts, but flexibility in the setback *may* be considered through the review of *development applications* due to the wider Brant Street right-of-way in this precinct and in order to provide a transition to the adjacent Residential-Low Density designations, shown on Schedule C; Land Use - Urban Area, of this Plan, as required in 8.1.1(3.8.1)g). Direction on the form of the step-back will be provided in the Downtown Placemaking and Urban *Design Guidelines*.
- f) Adjacent to areas designated Residential Low Density on Schedule C: Land Use - Urban Area of the Plan, *mid-rise and tall buildings shall* achieve a terraced built form with height oriented away from the Residential-Low Density designations. Terracing shall be in accordance with a forty-five (45)- degree angular plane measured from a property line shared with a property designated Residential-Low Density on Schedule C; Land Use-Urban Area of this Plan.
- g) *Ground-oriented dwellings* with a maximum height in accordance with Subsection 8.1.1(3.8.1)(f) of this Plan *should* be provided adjacent to a property line shared with a property designated Residential Low-Density on "Schedule C: Land Use - Urban Area" of this Plan. *Alternatively ground-oriented dwelling units* could be incorporated into a *podium* of a *mid-rise or tall building* provided the *podium* meets the angular plane requirements of Policy 8.1.1(3.8.1)f).
- h) Additional park space *shall* be provided in the precinct through one or more public urban squares and/or Privately Owned Publicly Accessible Open Spaces (POPS), that will create leisure opportunities for the residents of the precinct and surrounding areas, in accordance with the policies and objectives in Sections 3.3 and 8.1.1(3.14) of this Plan. *Development applications* on site larger than 0.4 ha *shall* provide a park concept plan to illustrate how a public urban square and/or POPS could be provided and function on the site."

TABLE 4 - OFFICIAL PLAN SUMMARY

MOLINARO - Brant & Ghent - Official Plan Comparison

		Current OP (2008)		Adopted OP April 26, 2018	New OP	Proposal
Parcel A	Designation	Mixed Use Corridor - General (5.3)		Urban Centre, Upper Brant Precinct	Urban Centre, Upper Brant Precinct	Urban Centre, Upper Brant Precinct
	Height	6 storeys		25	25 storeys	25 storeys
	FAR	1.5:1 ⁽¹⁾		Unknown	N/A	4.6:1
Parcel B	Designation	Mixed Use Corridor - General	Residential - Medium Density	Urban Centre, Upper Brant Precinct, Residential - Medium Density	Urban Centre, Upper Brant Precinct, Residential - Medium Density	Urban Centre, Upper Brant Precinct, Residential - Medium Density
	Height	6 storeys	N/A	25	25 storeys	25 storeys
	FAR	1.5:1 ⁽¹⁾	N/A	N/A	N/A	3.7:1
Parcel C	Designation	Mixed Use Corridor - General		Urban Centre, Upper Brant Precinct (Sector 1)	Urban Centre, Upper Brant Precinct (Sector 1)	Urban Centre, Upper Brant Precinct (Sector 1)
	Height	6 storeys		11 storeys	11 storeys	7 storeys
	FAR	1.5:1 ⁽¹⁾		Unknown	N/A	2.7:1

NOTES:

(1) Higher FAR may be permitted subject to consideration of a variety of factors.

5.5 Tall Building Guidelines

As can be seen, the tall buildings proposed for Parcels A and B are generally consistent with the guidelines.

TABLE 5				
MOLINARO - BRANT & GHENT				
Review of Tall Building Guidelines				
		Guidelines	Provided	
			PARCEL A	PARCEL B
1.	Minimum Boulevard Width	6 m	Brant = 7.0 m Ghent = 8.8 m	Brant = 9.5 m Ghent = 6.3 m
2.	Minimum Podium Setback from Property Line - north - Brant Street	5.5 m	3.0 m 9.5 m - 12.5 m	3.0 m 9.5 m - 18.9 m
3.	Minimum Podium Height	10.5 m	10.9 m	10.9 m
4.	Maximum Podium Height (80% of R.O.W.)	20 m x 0.8 = 16m	10.9 m	10.9 m
5.	Minimum Ground Floor Height	4.5 m	4.3 m	4.3 m
6.	Minimum Tower Stepback from Podium	3.0 m	3.0 m Ghent 6.5m-9.5 m Brant	3.0 m Ghent 6.5m-15.9m Brant
7.	Minimum Width of Street Level Commercial Units	7 - 10 m	TBD	TBD
8.	Balconies on 1 st or 2 nd floor	Not Permitted	Recessed terraces and balconies on 2nd floor	Recessed terraces and balconies on 2nd floor
9.	Minimum Tower Separation	30 m	32.5 m	49.2 m from Parcel A tower
10.	Minimum Tower Setback from Adjacent Property Lines	12.5 m	13.5 m	12.5 m
11.	Maximum Footprint of Tower	750 sq.m.	750 sq.m.	750 sq.m.
12.	Rooftop Mechanical - % of Top Floor (maximum)	50%	Twr A = 41.9% Twr B - 48.2 %	41.9%
13.	Minimum Setback from Edge of Floor Below for Mechanical Equipment	3 m	3.3 m	3.3 m

5.6 City of Burlington Zoning By-law 2020

All three properties are zoned Mixed Use - General - MXG. Parcel A contains a Holding provision that requires assembly of the property to allow for proper redevelopment of that corner. Since this assembly has been completed, the Holding provision can now be removed. A request for the removal of the Holding provision is being made through this application.

The property in Parcel B and the northern portion of Parcel C are provided with special exception number 8 which limits the use of the south side of Ghent Avenue to a medical office building and the north side of Ghent Avenue to a medical office parking lot.

The MXG zone permits a range of commercial residential uses including retail stores on the ground floor of a mixed use building, restaurants, office uses, apartment buildings and townhouse dwellings.

The subject lands are in an area covered by Interim Control By-law passed by the City of Burlington on March 5, 2019. The Molinaro Group did not file an appeal with respect to the by-law. The intent will be to have the by-law removed prior to the approval of the site specific official plan amendment and Zoning By-law to implement this development proposal.

In order to implement the development proposal, all three sites will retain the mixed use zone with site specific provisions to implement the proposal. Tables 6-8 provide a summary of the manner in which the provisions of the MXG zone must be modified to accommodate the development proposal on each parcel. A copy of a draft amending by-law is included in Schedule 8 to this report.

TABLE 6
ZONING COMPARISON CHART
Parcel A (Northwest Corner)

REQUIREMENT	H-MXG ZONE	PROPOSAL
Minimum Lot Width	25 m	73 m
Minimum Lot Area	1000 m ²	6,704 m ²
Yard Abutting Street	Min 3.0 m Max 4.5 m	3.4 m on Brant St.* 6 m on Ghent Ave.*
Minimum Rear Yard	3.0 m	11.5 m
Minimum Side Yard	No min.	3.0 m North 6 m South
Minimum Yard Abutting Residential Zone	Floors 1-3 = 12 m Floors 4-5 = 15 m Floor 6 = 18 m	2nd = 10 m* 4th = 14 m* 6th = 14 m*
Maximum FAR	1.5:1	4.8:1*
Minimum FAR	0.3:1	-
Minimum Density	30 upha	425/0.6704 ha= 634 upha
Minimum Landscape Area Abutting Street	3.0 m	3 m
Minimum Landscape Buffer Abutting Residential Zone	6.0 m	3 m*
Maximum Floor Area Per Retail Use	1800 sq.m.	Total Retail 794 m ²
Building Height	Min 2 storeys Max 6 storeys	Min 3 storeys Max 25 storeys*
Minimum Parking - Apartment (N.B. Special requirements for mixed use building - see Part 5 - Section 4.6 of By-law 2020)	Residents: 1 per unit x 425 = 425 Visitors: 0.25 per unit x 425 = 107 Retail: 5/100 m ² = 40 spaces Total = 572	516* (1.2 spaces/unit)
Minimum Amenity Area 15 sq.m./Efficiency Unit 20 sq.m./1 Bedroom 35 sq.m./2 Bedroom	20 x 274 = 5,480 35 x 129 = 4,515 36 x 22 = 770 Total = 10,765	9,655 sq.m.* (including balconies / terraces)

*Variance from standard regulation

TABLE 7
ZONING COMPARISON CHART
Parcel B (Northeast Corner)

REQUIREMENT	MXG-8 ZONE	PROPOSAL
Minimum Lot Width	25 m	72 m
Minimum Lot Area	1000 m ²	6598 m ²
Yard Abutting Street	Min. 3.0 m Max. 4.5 m	0 m on Brant St.* 3 m on Ghent Ave.
Minimum Rear Yard	3.0 m 9.0 (east limit)	10.5 m
Minimum Side Yard	No min.	3.0 m North 3.3 m South
Minimum Yard Abutting Residential Zone	Floors 4-5 = 15 m Floor 6 = 18 m	68 m East
Maximum FAR	1.5:1	3.7:1*
Minimum FAR	0.3:1	-
Minimum Density	30 upha	328/0.6598 ha = 497 upha
Minimum Landscape Area Abutting Street	3.0 m	0 m on Brant St.* 3.3 m on Ghent
Minimum Landscape Buffer Abutting Residential Zone	6.0 m	2.7 m North* 68 m East
Maximum Floor Area per Retail Use	1800 sq.m.	Total Retail 492 m ²
Building Height	Min 2 storeys Max 6 storeys	Min 1 storey Max 25 storeys*
Minimum Parking - Apartment (N.B. Special requirements for mixed use building - see Part 5 - Section 4.6 of By-law 2020)	Residents: 1 per unit x 328 = 328 Visitors: 0.25 per unit x 328 = 82 Retail: 5 / 100 m ² = 23 spaces Total = 433	377 * 1.15 spaces/unit
Minimum Parking Lot Setback	3.0 m (north) 1.5 m (other)	N/A
Minimum Amenity Area 15 sq.m./Efficiency Unit 20 sq.m./1 Bedroom 35 sq.m./2 Bedroom	20 x 194 = 3880 m ² 35 x 102 = 3570 m ² 35 x 32 = 1120 m ² Total = 8570	7212 m ² * (including Balconies / Terraces)

* Variance from standard regulation

TABLE 8
ZONING COMPARISON CHART
Parcel C (Southeast Corner)

REQUIREMENT	MXG-8 ZONE	PROPOSAL
Minimum Lot Width	25 m	48.5 m
Minimum Lot Area	1000 m ²	3881 m ²
Yard Abutting Street	Min 3.0 m Max. 4.5 m	0 m on Brant St.* 3 m on Ghent Ave.
Minimum Rear Yard	3.0 m 9.0 (east limit)	3.1 m
Minimum Side Yard	No min.	West 0 m (Brant St.) East 10 m
Minimum Yard Abutting Residential Zone	Floors 4-5 = 15 m Floor 6 = 18 m	15m 4th 18 m 6th
Maximum FAR	1.5:1	2.9:1*
Minimum FAR	0.3:1	-
Minimum Density	30 upha	128 / 0.3831 ha = 335 upha
Minimum Landscape Area Abutting Street	3.0 m	0 m Brant St.* 0 m Ghent Ave.*
Minimum Landscape Buffer Abutting Residential Zone	6.0 m	0 m Ghent Ave.*
Maximum Floor Area per Retail Use	1800 sq.m.	-
Building Height	Min 2 storeys Max 6 storeys	8 storeys*
Minimum Parking - Apartment (N.B. Special requirements for mixed use building - see Part 5 - Section 4.6 of By-law 2020)	Residents: 1 per unit x 129 = 129 Visitors: 1.25 per unit x 129 = 33 TOTAL 162	178 spaces (1.4 spaces per unit)
Minimum Amenity Area 15 sq.m./Efficiency Unit 20 sq.m./1 Bedroom 35 sq.m./2 Bedroom	20 X 47 = 940 35 X 75 = 2625 35 X 8 = 280 TOTAL 3845	4313 m ² (including Balconies / Terraces)

* Variance from standard regulation

6.0 Pre-Consultation

A pre-consultation meeting was held with City staff on April 6, 2016. The pre-consultation meeting confirmed the technical studies that would be required to provide support for the application, including:

- Planning Justification Report, including height survey of adjacent buildings
- Conceptual Site Plan Layout (at site plan stage)
- Stormwater Management Report
- Functional Servicing Report (including Water and Wastewater)
- Tree Inventory and Preservation Study
- Traffic/Transportation Impact Study and Parking Justification Report
- Noise Feasibility Study
- Shadow Analysis
- Phase 1 Environmental Assessment
- Environmental Site Screening Checklist
- Wind Impact Study
- Urban Design Brief
- Hydrogeological Study
- Rental Housing Analysis
- Grading, Drainage and Servicing Plans
- Geotechnical Report
- Angular Plane Studies (all sides)
- 3D Model

A second Pre-Consultation was held with the City on Wednesday June 17, 2020. At that time, staff agreed what the proposal was generally consistent with the Council adopted Official Plan arising out of the Interim Control By-law Study as well as the proposed new Official Plan. Notes from that meeting were provided by the City on June 19 and included an outline of studies required to be submitted with complete application and included:

- Planning Justification Report
- Conceptual Site Plan Layout and Site Survey
- Stormwater Management Report
- Functional Servicing Report
- Tree Inventory and Preservation Plan
- Landscape Concept Plan
- Traffic Impact Study
- Noise and/or Vibration Feasibility Study
- Shadow Analysis
- Environmental Site Screening Checklist
- Phase 1 or 2 Environmental Site Assessment
- Record of Site Condition
- Land Assembly Documents
- Height Survey
- Wind Impact Study
- Urban Design Advisory Panel Meeting Minutes
- Urban Design Brief
- Grading and Servicing Plans
- Geotechnical Study
- Draft Official Plan Amendment and Zoning By-laws
- 3D Model of Proposed Buildings
- Construction and Mobility Management Plan
- Pre-Application Public Consultation Meeting Minutes
- Reference Plan and PIN Report
- Waste Management Report
- Robust Housing Analysis Report
- Minutes from Consultation Meeting with City and Conservation Halton
- Minutes from Meeting with City regarding park requirements
- Draft Reference Plan showing ROW dedication

The notes from that meeting are included in Schedule 5 to this report. The meeting was facilitated by Ms. Alyssa Lai and included Kyle Plas from the City of Burlington, Councillor Lisa Kearns and Mayor Marianne Meed-Ward. Representatives of the owner included Ed Fothergill, Barry Graziani, the project architect, and Mr. Vince Molinaro.

The meeting which attracted approximately 15 calls was helpful in that it provided insights to the project from the general public.

Comments and questions included the following:

1. Pocket park – will this be accessible to the public (Tim)
2. 1425 and 1415 Ghent – These are condos owned by residents (Melanie Schwindt)
3. Will there be a lack of sunlight? Worried about freezing in the winter (2012 Grove Tree Lane - Ilona Forgo)
4. What will happen to 747 residents that are low income? Where will they go? Do we have a housing strategy? (Denene Berard)
5. Worried about privacy, noise and light pollution. (Resident behind phase 3)
6. What will our construction management plan look like? (Allison Thornton – Ghent Resident)
7. Where will retail parking be located? (Sue)
8. Has there been a study done to see if there is a need for the retail space? (Allison)
9. Will phase 1 have a dedicated driveway? Has there been consideration of removing access to Brant Street? (1424 Ghent Ave)
10. When did the OP change to allow 25 stories? (Leslie)
11. How far is Phase 1 set back? (1425 Ghent Ave)
12. Worried about her property value (Julie at 1425 Ghent).

Burlington Urban Design Advisory Panel

A virtual meeting of the panel was held on October 20, 2020 at which time myself and Barry Graziani introduced the project to the panel members and planning staff. The panel then provided input to the design and answered three questions provided by the Planning Department.

Comments arising out of that exercise included:

1. The buildings are unique to the area and should look to the existing context but not be defined by it.
2. Further consideration should be given to explain how the buildings transition to their surroundings in terms of the proposed street.
3. The idea of the project functioning as a gateway should be carried through to the ground level by creating symmetry at the pedestrian level through tree planting and setbacks on both sides of the street.
4. Primary building lobbies and larger entrances should be provided at the corners to create a more pedestrian friendly public realm.
5. Should consider eliminating vehicular access from Brant Street.

A copy of the Minutes of that meeting are included as Schedule 6 to this report.

Table 9 summarizes the main points arising from the consultation process including notes from the Pre-Consultation meeting on June 17, 2020, the meeting with the Burlington Urban Design Advisory Panel (BUD) in October 2020, comments arising from the virtual Pre-Submission meeting with the neighbours, and ongoing dialogue and meetings with staff.

Responses to each of the comments include the identification of the source of each comment. As noted, there was overlap in terms of similar comments received from different sources.

Table 10 provides a more detailed outline of the changes made to the development proposal since the initial Pre-Consultation meeting in response to input received through this engagement process.

The three most significant changes include the reduction of the westerly tower on Parcel A from 25 to 14 storeys, the introduction of a new POP on Parcel A, the significant increase of the POP on Parcel B, the elimination of driveways onto Brant Street on Parcels A and B, and the redesign of the 8 storey building on Parcel C to meet the 45 degree angle of plane.

These modifications which arise from the pre-submission review process were carefully considered and contribute positively to the enhancement of the project.

TABLE 9**Molinaro Group
Brant and Ghent****Response to Comments**

Comment		Source	Response
1.	Consider relocating the residential entrances from the corner of Brant and Ghent to face Ghent Avenue instead and provide retail service commercial uses at the corners to provide visual interest and activity to the corners.	Pre-Consultation Meeting, June 17, 2020	Retaining the residential entrances at the corner helps to animate the street activity in this location. This can be accommodated while at the same time providing the required retail service commercial uses at the corners.
2.	It was noted that the primary building lobbies are provided at the back of the building. Larger entrances, significant glazing and other elements in the corners could be provided to create a more pedestrian friendly public realm at the corners.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	Agreed. This appears to be contrary to the earlier comments received by staff in Item 1 above. Pedestrian access from the residential building to the corner will be maintained.
3.	Service hallways should not exit onto the corner of Brant and Ghent.	Pre-Consultation Meeting, June 17, 2020	We do not have service exits in these locations.
4.	Ground floor residential units should have separate entrances and be set back a minimum of 3 metres from the street wall to allow for landscaping and delineation between public and private space.	Pre-Consultation Meeting, June 17, 2020 Burlington Urban Design Advisory Panel (BUD), October 20, 2020	Yes, we are set back a minimum of 3.0 m.

5.	Consider providing retail units along Ghent Avenue or flexible residential units that can be transitioned to retail use.	Pre-Consultation Meeting, June 17, 2020 Burlington Urban Design Advisory Panel (BUD), October 20, 2020	The preference of the proponent is to retain residential uses on Ghent Avenue to maintain the residential character of the street.
6.	Building placement, massing and setbacks from the street shall consider existing surrounding buildings that reinforce a consistent, harmonious streetscape on both Brant Street and Ghent Avenue.	Pre-Consultation Meeting, June 17, 2020	We believe the proposal should not be defined by the existing context but ensure that the context has been taken into account in terms of design, massing and setbacks.
7.	The panel felt that the buildings are unique to the area and they should look to the existing context but not be defined by it.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	This appears to be somewhat different from the comment from planning above. We agree with this position of the panel.
8.	Landscape buffers are required adjacent to residential zones.	Pre-Consultation Meeting, June 17, 2020	Allowance for these buffers has been included in the plans. Further details to be provided at site plan stage with Landscape Plans.
9.	Underground parking structures will not be permitted within the buffer to allow for the appropriate development of the site and proper dimensioning of parking spaces and driveway access areas.	Pre-Consultation Meeting, June 17, 2020	The underground parking garages on each property must be developed close to or on the property line to allow for proper maneuvering, stall size, and driveways in underground parking structure. Through innovative planting techniques, significant landscape plantings can be provided. Details will be forthcoming at site plan stage.
10.	Rental units in 2031 and 2033 and 747 Brant Street appear to contain rental housing units. Replacement rental housing units are required to be provided for existing rental units that will be demolished.	Pre-Consultation Meeting, June 17, 2020	Replacement housing will be provided. Details will be outlined in housing report as part of the Planning Justification Report.

11.	Majority of units are 1 bedroom units. Please consider providing a more balanced mix of unit sizes.	Pre-Consultation Meeting, June 17, 2020	Plans have been changed to allow for more 2-bedroom units and 3-bedroom units.
12	<p>Consider massing facing Ghent Avenue as it relates to the existing 10 storey apartment building to the west of the site.</p> <p>Consider providing additional terracing and a greater tower setback from the west property line to provide transition to the existing apartment buildings.</p>	<p>Pre-Consultation Meeting, June 17, 2020</p> <p>Burlington Urban Design Advisory Panel (BUD), October 20, 2020</p> <p>Neighbour Comments</p>	<p>All three sites have been adjusted to accommodate a transition in heights from the proposed 25 storey easterly building on Parcel A to 14 storeys in the westerly building as a transition to the 10 storeys to the west.</p> <p>In response to this change, podium has been changed from 6 storeys to 10 storeys stepping down to 3 storeys.</p>
13.	Consider reducing the amount of hard surface on the site for the Phase 1 building.	<p>Pre-Consultation Meeting, June 17, 2020</p> <p>Neighbour Comments</p>	The focus of the design has been to maximize pedestrian space and green space in front of the building along Brant Street and Ghent Avenue. Interior development areas will be provided with landscaping around the perimeter of the property and hard and soft landscape treatment on the interior of the site.
14.	The entire building including balcony and terraces should fit within the 45 degree angle of plane on Parcel C.	Pre-Consultation Meeting, June 17, 2020	<p>The built form on Parcel B meets the 45 degree angle of plane from the existing residential development to the east.</p> <p>The 8 storey building on Parcel C exhibits an angle of plane of 45 degrees.</p> <p>It is noted that Official Plan policies allow for a height of 11 storeys on this site.</p>

15.	Phase 3 landscape buffer required abutting residential zone to the east.	Pre-Consultation Meeting, June 17, 2020	<p>Due to the insufficient depth of the property from Brant Street and the need to accommodate minimum areas for the enhancement of the Brant Street streetscape, minimum driveway widths and building depth, it is not possible to provide a 3 metre landscape buffer at the eastern limit of the property. Privacy will be provided by way of a privacy fence.</p> <p>In addition, the proponent would be prepared to pay for the cost of the installation of trees in the rear yards of the abutting residential properties to the east. This would provide each resident with a degree of optional choices for the establishment of buffering between the existing dwellings and the proposed development.</p>
16.	Appropriate transitions to the low rise buildings to the south of the site, eg. through terracing, should be provided along the south side of the building to support a harmonious streetscape environment along Brant Street. It is noted that these lands are zoned for 3 storeys which is the limit set out in the draft modifications to the Official Plan downtown policies.	Pre-Consultation Meeting, June 17, 2020	The proposal provides terracing of the third floor, which creates a transition to the existing context.

17.	<ul style="list-style-type: none"> • The proposed park in Part B is located over a parking structure which is not in keeping with the requirement for an unencumbered park. • Privately owned, publicly accessible open space (POPS), can enhance the publicly owned open space network but is not considered a replacement to public parkland dedication. • The park dedication area and location over a parking structure does not satisfy the park dedication requirements for this Master Plan. • More park area should be provided. 	<p>Pre-Consultation Meeting, June 17, 2020</p> <p>Neighbour Comments</p>	<p>The amount of park open space area on the three sites taken together has increased significantly from 530 sq.m. to 1960 sq.m. It is the position of the proponent that while the lands will remain on private space, they will be publicly accessible. As such, they will help to serve the parkland needs of the area.</p> <p>The use and enjoyment of this will not be diminished if it is privately owned and should contribute to park dedication requirements for the project. Any deficiencies can be made up in terms of a cash-in-lieu payment.</p> <p>Since the open street level pedestrian areas at the 3 corners will serve as a meeting/resting area, these lands should be included into the parkland calculations as well.</p>
18.	<p>Consider eliminating vehicular accesses from Brant Street.</p>	<p>Burlington Urban Design Advisory Panel (BUD), October 20, 2020</p> <p>Neighbour Comments</p>	<p>Access to Brant Street from Parcels A and B has been removed.</p>
19.	<p>There may be better design interventions to separate public from private space to contribute to the public realm other than planters.</p>	<p>Burlington Urban Design Advisory Panel (BUD), October 20, 2020</p>	<p>This interface will be examined in more detail as the project unfolds through the site plan approval process.</p>

20.	Suggestion that the curvature of the buildings be the same as, instead of opposing.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	Consideration has been given to the building alignment. The proponent feels that the proposed alignment is preferred. Built form has been revisited, but concept of reversing the architectural treatment of the 2 signature towers is maintained.
21.	The top of the proposed 6 storey building appears heavy against the design panel.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	This concern has been addressed by ensuring that the top floors are distinguished by different material and treatment and step backs.
22.	Reservations were made about the horizontal treatment of the podiums, more pattern, verticality, and reflection of local material is needed.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	Podium design has been adjusted to a more vertical expression that is more reflective of existing context.
23.	More attention is also needed to the first 3 levels of the building to ensure that they hit the ground appropriately.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	See note above. We will also be developing further details as the design evolves.
24.	Concern about the similarities in materiality and design of this development and the proposal for Plains Road. The character of the two development proposals should be different and reflect their different contexts.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	The proponent feels that there are sufficient design differences between the two projects, which are situated a significant distance apart. No change is being proposed.
25.	Sustainable design features should be incorporated into the proposal. There is a significant proportion of glazing to solid wall proposed, which impacts sustainability.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	The ratio between window to solid features has been reduced and will be further coordinated to meet energy model requirements while maintaining desire to maximize views and daylight for the residential units.
26.	Consider incorporating walls that can also double as public art.	Burlington Urban Design Advisory Panel (BUD), October 20, 2020	Consideration will be given to including public art on walls at subsequent design stages.

TABLE 10 - SUMMARY OF PROJECT CHANGES

Design Element	August 2020	May 2021
Phase 1		
GFA	39,448 sq.m.	31,977 sq.m.
Residential	39,028 sq.m.	31,183 sq.m.
Retail	420 sq.m.	794 sq.m.
Ghent Avenue podium setback	3.1 m	6 m, 11 m to increase POPS
Vehicular access	Driveways to Brant St. and Ghent Ave.	Driveway only to Ghent Ave.
At grade parking spaces	0	10
Total underground parking spaces	498	516
Residential	-	425
Visitor/Retail	-	91
Residential lobby entrance location	Corner of intersection	Centred on podium facing Ghent Ave.
Ground floor residential units	16 (9 1 bdr, 7 2bdr)	0
Ground floor retail	420 sq.m.	794 sq.m.
Ground floor indoor amenity space	0 sq.m.	626 sq.m.
Second floor residential units	33 (27 1 bdr, 5 2 bdr)	30 (16 1 bdr, 12 2bdr, 2 3bdr)
Second floor indoor amenity space	351 sq.m.	0 sq.m.
Total residential units	587	425
1 bedroom units	435	275
2 bedroom units	152	129
3 bedroom units	0	21
Total indoor amenity space	557 sq.m.	1470 sq.m.
Ground floor height	6 m	4.3 m
Podium massing	3 and 6 storeys	1, 3 and 10 storeys
Podium materials	Glass, brick, precast	Glass, precast
Podium design	"Heavier" brick and precast elements to ground podium, precast horizontal elements around 2nd and 3rd floor balconies	"Lighter" vertical precast elements consistent around entire podium, greater transparency at street level

Tower A height Tower B height	25 storeys 25 storeys	25 storeys 14 storeys
Tower A design	Curved eastern facade with inset and protruding balconies, alternating glass and precast on protruding balconies	Two slightly offset square plans. South square with protruding balconies and east and west encased in offset square patterned precast. North square protruding glass balconies rotate from floor to floor, creating wave effect.
Tower B design	Alternating concave and convex shaped balconies with similar glass and precast pattern as Tower A	Protruding balconies and east and west encased in offset square patterned precast.
Mechanical penthouse design	Continuation of tower floorplates	Step back from tower floorplates
Phase 2		
Development	Podium-tower and 7 townhouse units	Podium-tower (wider podium and large POPS)
GFA Residential Retail	23843 sq.m. 23418 sq.m. 425 sq.m.	24665 sq.m. 24173 sq.m. 492 sq.m.
At grade parking spaces	0	7
Vehicular access	Driveways to Brant St and Ghent Ave	Driveway only to Ghent Ave
Total underground parking spaces Residential Visitor/Retail	354 - -	377 328 49
Ground floor residential units Ground floor retail Ground floor indoor amenity space	11 (11 1 bdr) 425 sq.m. 0 sq.m.	9 (9 1 bdr) 492 sq.m. 366 sq.m.
Second floor residential units Second floor indoor amenity space	18 (10 1 bdr, 8 2 bdr) 220 sq.m.	27 (19 1 bdr, 6 2 bdr, 2 3 bdr) 0 sq.m.
Total residential units 1 bedroom units 2 bedroom units 3 bedroom units Townhouse units Total indoor amenity space	316 212 104 0 7 330 sq.m.	328 194 103 31 0 876 sq.m.

Ground floor height	6 m	4.3 m
Podium massing	3 and 6 storeys	1,3,7,8 and 10 storeys
Podium materials	Glack, brick, precast, wood	Glass, precast
Podium design	"Heavier" brick and precast elements to ground podium, brick horizontal elements around 2nd and 3rd floor balconies	"Lighter" vertical precast elements consistent around entire podium, greater transparency at street level
Tower design	Curved eastern facade with inset and protruding balconies, alternating glass and precast on protruding balconies	Two slightly offset square plans. North square with protruding balconies and east and west encased in offset square patterned precast. South square protruding glass balconies, rotate from floor to floor, creating wave effect
Mechanical penthouse design	Continuation of tower floorplates	Step back from tower floorplates
Phase 3		
GFA Residential Retail	12015 sq.m. 11018 sq.m. 997 sq.m.	11061 sq.m. 11061 sq.m. 0 sq.m.
Driveway	Rounded end to underground ramp	Added hammerhead to driveway end
Total underground parking spaces Residential Visitor/Retail	178 178 0	179 179 0
Ground floor residential units Ground floor retail Ground floor indoor amenity space	5 (2 1bdr, 3 2bdr) 997 sq.m. 0 sq.m.	5 (2 1 bdr, 2 2bdr, 1 3 bdr) 0 sq.m. 954 sq.m.
Ground floor connection to street	No residential terraces	Residential terraces added
Second floor residential units Second floor indoor amenity space	20 (13 1 bdr, 7 2 bdr) 395 sq.m.	22 (8 1 bdr, 12 2 bdr, 2 3 bdr) 0 sq.m.
Total residential units 1 bedroom units 2 bedroom units 3 bedroom units Total indoor amenity space	108 66 42 0 395 sq.m.	128 41 71 16 1153 sq.m.
Building massing	3 storey podium, total 6	3 storey podium, total 8 storeys

7.0 PLANNING ANALYSIS AND OPINION

7.1 Intensification

All of the planning policy documents which were reviewed in this report are consistent in their position of encouraging intensification of urban areas through infill development. The Provincial Policy Statement (PPS) notes that intensification is one of the tools to ensure sufficient areas of land are available to accommodate 25-year growth projections (Policies 1.1.2, 1.1.3.3, and 1.4.3(b)(2) and (d)). The Growth Plan is premised on the expectation that intensification will occur in urban areas, particularly Urban Growth Centres such as the downtown area of Burlington and the Major Transit Station Area near the Fairview Street GO station as noted in Policies 1.2.1, 2.2.2.3(a) and 2.2.4(10).

In a consistent manner, intensification is encouraged in the ROP Policies 77(11) and 86(11). In the BOP, intensification policies are included in the overall vision for the community (Part 1, Policy 4.3) and as one of the guiding principles in Section 3.0, Part I and Part III, Policy 2.2.1, 2.5.1(a) and also in Part III, Policy 5.5.1(a) and 5.5.2(g) dealing with the downtown area. Relevant policies in NOP include 2.3.1(a)(e), 8.1.1, 8.1.2 and 8.1.2(1)(c), 8.1.3(1)(a) and 8.1.3.2(2)(a).

Residential infill development projects are particularly encouraged in areas where high density residential precincts have been developed, along major arterials, and within the downtown urban growth centre areas as defined by Provincial policy documents and the City of Burlington Burlington Official Plan.

The intensification of urban areas, particularly within the downtown, not only accommodate anticipated growth that is expected for the City of Burlington, but also strengthens the function of the downtown area. The downtown core area of the City of Burlington has over the last number of years begun to experience an impressive resurgence and is quickly evolving into a self-sufficient downtown area. With additional residential units, the downtown establishes a stronger population base for future employment opportunities in the core area. This increased

population also helps to support a wider range of retail and service commercial uses which are now emerging in greater numbers in downtown Burlington. The establishment of a more diverse selection of these facilities, in turn, further encourages additional residential development, thus creating a long-term cycle of sustainability.

The proposal is well suited to meeting general intensification objectives as it is located close to the downtown core, and can help strengthen the core function as well as utilize various services found in the core area. It meets all of the requirements for the proper location of infill projects as outlined in Provincial Policy Statement Policy 1.4.3(c), (d) and (e) in the Growth Plan in Policy 2.2.1.4(a) , in BOP Part I Policy 4.3, Part III Policy 2.2.1 (e), 2.5.2(a)(viii) and in NOP, Policy 2.3.1(e), 8.1.3(2)(a) and 8.1.1(3.1).

It is important to recognize that intensification initiatives will generate change. This is most noticeable in terms of built form which will produce a much more dense built environment, particularly in downtown areas, and in certain areas increased height beyond existing standards and existing structures.

At the same time, there will be a functional change in the community that will involve a greater sharing of municipal resources. This will manifest itself in more traffic on existing roadways, busier pedestrian thoroughfares, more active parks, recreation facilities and public open spaces, and more activity for businesses and personal service providers. In a sense, those within existing urban areas will be called upon to share the urban amenities they now enjoy with those who will be added to the community as a result of the expectations of the Provincial Growth Plan. It is hoped that in addition to embracing the inherent benefits of intensification, those within existing communities will also learn to tolerate a reasonable level of change which will not only affect the look of their community, but will also add people and activity into their day-to-day routines.

7.2 Transit

The proposed development is located adjacent to the Major Transit Station Area as defined in NOP. Due to its close proximity to the Burlington GO station, this site can take advantage of the opportunities afforded by the proximity of a major transit facility. In addition, the redevelopment of these three sites helps to support the long-term sustainability of the Major Transportation

Station. This inter-relationship is recognized in Policy 8.1.1(3.2)(a) which notes that the policies related to Major Transit Station Areas in 8.1.2 apply to this site as it is part of the Downtown Urban Centre.

The promotion of transit supportive development is found in Policies 1.1.3.2(f), 1.1.3.3 and 1.4.3(e) in the PPS, as well as Policies 2.2.1.2(c)(iii), 2.2.1.4(d), 2.2.4.2, 2.2.4.9(a), and 2.2.4.10 of the GP in Policy 2.3.1(u) and 8.1.2 in NOP.

The site is located on a north-south local transit route (Brant Street) - Line Number 2, which connects the downtown area with the GO station. There is an existing transit stop in front of the site for the northbound route on Brant Street at Ghent Avenue as well as a transit stop on the southbound route at Brant and Ghent.

The property also has close access to the east-west routes on Fairview Street which allow for connections easterly to the Appleby GO station and westerly to Mapleview Mall and beyond. This availability of transit meets the intent of Policy 1.4.3(d) of the PPS, GP Policies 1.2.1, 2.2.1.2(c)(iii), 2.2.4.2, 2.2.4.9(a), and 2.2.4.10, as well as Part II, Policy 6.2(d), 6.6(e), Part III, Policies 2.2.1(c), 2.5.2(a)(iv) in the BOP and Policies 2.3.1(1)(e), 8.1.2, 8.1.3(1)(d)(i), 8.1.3(2)(p) and 8.1.2 in NOP. Further transit details are included in the Transportation Impact Assessment prepared by Paradigm.

7.3 Housing

The redevelopment of these three sites contributes significantly to assisting with the provision of a range of housing types within the downtown area. This project includes a mix of 1, 2 and 3 bedroom units. While most of the units are provided in an apartment structure, ground-oriented units have been introduced along the north and south side of Ghent Avenue, east of Brant Street.

The addition of this project to the residential housing market helps to achieve the objectives in Policies 1.1(a) and 1.4.3(a)(b) in the PPS, Policy 1.2.1 and 2.2.1.4(c) of the GP and Policy 84 of the Regional Official Plan which speak to the provision of a range of housing options. The proposal also helps to achieve similar housing objectives in NOP Policies 8.1.1(3.1)(u), 3.1.1.1(b) and 3.1.3(1)(a)(c).

Policy 86.19 of the Regional Plan prohibits the elimination of rental housing units when the vacancy rate is below 3%. It is understood in discussions with Regional staff that the vacancy rate at present is less than 3%. It is also understood that the Region will consider a proposal from a proponent to replace any rental housing units which are lost through a redevelopment project. Given that 14 rental units at 747 Brant Street will be demolished, they will need to be replaced in a manner consistent with the intent of the Regional Official Plan. In addition, NOP, Policy 3.1.2(2)(b) requires the replacement of the same number of rental units with the same number of bedrooms per unit at a rental rate similar to that on the date the units are demolished. This policy has not yet been approved and is not in full force and effect.

In order to achieve the objective of protecting rental accommodation, the owners are prepared to commit to replacing these units in either the Parcel A or Parcel B buildings. As has been accomplished in the first phase of the Paradigm building adjacent to the Burlington GO station, the proponent is willing to work with Regional housing officials to accomplish this objective.

Given that the buildings on Parcel A and B will be in the form of condominium ownership, it will not be possible to separate out the 14 rental units. As a result, the preferred option is for the Region to have the ability to purchase these units at a reduced rate from the proponent. In this manner, the ownership of the units by the Region will guarantee long-term protection of the units to remain as rental units.

7.4 Neighbourhood Context

Because of this anticipated change, infill and intensification projects must be assessed within the context of the ability of the community to assimilate the form of development that is being proposed. That is, are municipal and community services available to accommodate the proposed development and the resultant increase in urban activity without creating any undue stress on the social fabric of the neighbourhood. These considerations are articulated in the PPS in Policies 1.1.3.2(a)2, 1.1.3.3 and 1.4.3(c) and in Policies 1.2.1 in the Growth Plan. This consideration is also included in the BOP in Part III, Policies 2.1 (d), 2.2.1 (a), and 2.5.2(a)(i, iii, viii) and in the NOP in Policies 8.1.3(1)(e), 8.1.1(3.1)(y)(z) and 8.1.2(2)(q).

From a review of the proposal and neighbourhood context, it is my opinion that the development can be properly accommodated within the existing neighbourhood. There are adequate municipal services in place to accommodate the proposed development including direct access to Brant Street and Ghent Avenue and availability of municipal services. The adequacy of existing municipal underground services is confirmed in the servicing report prepared by S. Llewellyn & Associates Limited which concludes that the site can be serviced in accordance with the requirements of the City of Burlington and the Region of Halton.

The integration of the project with the existing road network is confirmed in the traffic report prepared by Paradigm which accompanies this submission.

The neighbourhood is well served by existing open space and parks, including Optimist Park, Thorpe Park, Wellington Park and Coronation Park, all of which are within 800 metres of the intersection of Brant Street and Ghent Avenue. Within a 2.4 km radius of the property, the following additional park facilities are found: Maple Park, Leighland Park, Mountainside Park, Central Park, Spencer Smith Park, as well as the Francis Road recreational trail, Centennial Trail south of New Street and the Crosstown trail on the hydro right-of-way from Roly Bird Park to east of Walkers Line.

7.5 Compatibility

While supporting intensification, all planning policy documents provide a template against which intensification projects must be assessed, including matters related to community assimilation, compatibility and potential impacts on the surrounding neighbourhood. The public interest in this case is to place some limits on intensification to protect the stability of existing urban structures.

With the exception of the Provincial Policy Statement, compatibility requirements for intensification projects are required and articulated throughout the planning policy documents that have been reviewed. Compatibility in a planning context does not mean that the proposed development has to be the same as, or even similar to that which currently exists in the neighbourhood. It simply means that the proposed development has to coexist in harmony and be mutually tolerant with both the function and the form of the community, bearing in mind the

need for the community to develop an ability to tolerate a manageable level of change and sharing of community services.

The theme of compatibility is identified in the GP in Policy 2.2.2.3(b) and ROP Policy 85(4) and 86 (11). Compatibility in the BOP begins with a statement in Part I. Policy 4.3 as part of the vision which calls for a balance of interests. It is articulated in Part II, Policies 6.2(c), 6.2(d), and in Part III, Policy 2.2.1 (a), 2.5.1 (a), 2.5.2(a)(v), and 2.5.2(a)(xiii) as well as the inclusion of the downtown policies 5.5.2(o) and 5.5.5(a) and Policies 8.1.1(3.1)(d), 8.1.2(1)(n), 8.1.3(1)(e)(f) and 8.1.3(2)(p) in the NOP.

7.5.1 Functional Compatibility

The addition of high rise buildings in this precinct will help to establish this area as a high density residential core area. Although different in height and scale, the use of the site for residential purposes is both compatible and similar to surrounding land uses. The introduction of new residential uses in this area will not only coexist with, but can also help strengthen, the function of the downtown core by providing a stronger base to support the viability of businesses and service facilities in the downtown area. The use of the property for high density residential uses is anticipated in adopted planning documents.

Given the location close to the downtown core, all of the services and facilities available in the downtown area are easily accessible from the subject property. The site also provides easy vehicular access to all major community facilities in Burlington, and to external destinations by way of convenient access to the Queen Elizabeth Way at Brant Street.

The ground level commercial uses will not only serve the needs of those residing in the residential units in each project, they will also provide a service function for the surrounding neighbourhood. In this manner, the project as a whole will be fully integrated into the surrounding community.

In a similar fashion, the POP areas in Parcels A and B together with the active streetscape environment envisioned along Brant and Ghent and particularly at the intersection will facilitate

ongoing interaction between those new residents who occupy these units and those in the surrounding community. The park areas and commercial uses will be enjoyed by existing and new residents together, thus contributing to the integration of the development into the community.

The project is generally self-sufficient in terms of parking and therefore will not create any spillover effects onto adjacent properties. As noted in Table 3, the preliminary design work undertaken so far illustrates that each site can generally accommodate parking required by the Zoning By-law at a ratio of 1.25 spaces per unit, taking into account provisions in the by-law which allow non-residential parking to be counted toward visitor parking and allowing a 5% discount for mixed use buildings. The 5% reduction translates into a parking ratio of 1.19 spaces per unit.

At this stage, there is a minor deficiency of 10 spaces for Parcel A which represents a deficiency of 2%. Parcel B is short 15 spaces which represents a deficiency of 3.3%. Parcel C has a surplus of 19 spaces (12%) beyond the minimum by-law requirement of 1.25 spaces per unit.

Recognizing that final design details of each building have not yet been completed, the implementing Zoning By-law seeks to establish a ratio of 1.2 spaces per unit for Parcel A and 1.1 spaces for Parcel B to allow some flexibility through the final design phase which may require the adjustment in the number of units, the number of parking spaces, or both.

The adjustment to standard parking regulations can be supported given that the site complies with a number of transit-supportive policies in the Provincial planning documents, the Regional Official Plan and the City of Burlington Official Plan. Specifically:

1. The site is close to the Burlington GO station with direct bus and train connections to locations throughout the GTA.
2. With increased emphasis on intensification and transit usage, it is expected that over time, parking requirements for infill projects will diminish.

3. The site is within the downtown area and hence, occupants will be less dependent on the automobile than most other locations in the City.
4. The site is on a north-south transit route and within three blocks of two major east-west transit routes.
5. Experience of the proponent with respect to parking demand on other properties.
6. The provision of a generous number of bicycle parking spaces.

Therefore, it is my opinion that the proposed use of the site for residential purposes is compatible with the functional operation of the existing neighbourhood. It can exist in harmony within the high density residential core area and can contribute to the strength of the downtown area.

7.5.2 Visual Compatibility

This location at Brant and Ghent Avenue has been recognized as suitable for buildings up to 25 storeys in height in the previously adopted Official Plan as well as the new Official Plan that has recently been adopted by the City and approved by the Region.

While Official Plan policies allow for a building of up to 11 storeys on the south-east corner, this proposal introduces an 8-storey which is more appropriate given the size of the site and the proximity of low density residential uses to the east. As noted, the 8 storey structure is intended to be stepped back from the easterly interface with existing residential community in a manner which complies with the 45 degree angle of plane measurement from the property line.

The construction of a new high rise building on these three sites will properly be able to co-exist visually with the surrounding development pattern. Portions of the development will be higher than the immediately surrounding buildings and will function as a downtown gateway feature.

In the original design prepared by the proponent and presented to the Pre-Consultation meeting on June 17, 2020, designs for Parcel A at the north-west corner contained two 25-storey towers. In response to comments from the neighbourhood and from the Urban Design Panel, a

modification to the plan was made to reduce the western tower from 25 storeys to 14 storeys. This introduces a transition in built form from 25 storey easterly tower to the 10 storey high-rise buildings to the west on the north side of Ghent Avenue.

The development pattern originally proposed at the Pre-Consultation meeting for Block B included a townhouse block and a POP of approximately 510 sq.m. In response to comments received through the Pre-Application Consultation process, the townhouse component was removed, the built form of the building was shifted to the west, and POP was increased by a factor of 4 from 510 sq.m. to 1960 sq.m.

A gradation in height and bulk was built into the design on the north-east corner of Brant and Ghent, to respect the presence of the 8 storey apartment building to the north-east and the low density residential development to the east. This is reflected in the gradation in height of built form from the 25-storey tower on Brant Street to 10, 8, 7 and 3 stories respectively to the abutting residential development to the east, which is east of the POP. The redesign is well within the 45 degree angle of plane view from the low density residential uses on Ghent Avenue. The transition to the neighbourhood was enhanced through the introduction of the larger privately owned but publicly available park space (POP).

The urban design elements of the project were considered within the context the Tall Building Guidelines adopted by the City. As noted in Table 5, the proposal is generally consistent with the guidelines. Subsequent to the approval of the Tall Building Guidelines, Council reassessed the appropriate podium setback for buildings along Brant Street through the new Official Plan review process. The new Official Plan does not identify a specific podium setback but kept design options open for the site and suggested that a setback greater than 3 metres be considered.

In response to this input, the initial plans which identified a 3 metre setback have been modified to accommodate a 9.5 metre to 12.5 metre podium setback from Brant Street on Parcel A and a podium setback from Brant Street ranging from 9.5 m to 18.9 m. This staggered setback moves the tower feature further away from the corner, thus allowing for a more dramatic streetscape design at the corners. These elements recognize and implement the expressed intent of the new official plan policies for the precinct.

An Urban Design Brief has been prepared by Graziani + Corazza to describe the proposed urban design character of the buildings, to assess their fit within that context, and to review their conformity with the City's urban design policy framework, including the Tall Building Guidelines.

Conclusions arising out of the study are as follows:

"In our opinion the form, scale, and character of the proposal represents excellent urban design. The built form is compatible with the existing adjacent tower on the south corner of the intersection, other residential buildings in the surrounding area, and will not have an adverse impact on the community. The mixed-use proposal of residential combined with retail offers an additional vitality and complementary activity to this neighbourhood.

The podium's low-rise frontage creates a high quality and contemporary facade on Brant Street and Ghent Avenue. The towers are well set back from the podium edge, allowing for ample outdoor amenity space and private terraces. The cohesiveness of the proposal encompassing three quarters of the intersection establishes a clearly distinguishable place creating a neighbourhood node as well as a gateway to the city's downtown area.

Shadow and wind studies will be conducted to ensure minimal affects.

The proposal conforms to the Burlington Tall Buildings Guidelines and is reflective of the broad aims of the Official Plan urban design policies.

Although the proposed development requires Official Plan and Zoning amendments for its height and density, we believe that such approvals are warranted from an urban design perspective and that what is proposed will be a positive addition to Burlington."

The design elements and the function of the street level pedestrian areas and POPs are outlined in great detail in the landscaping plan prepared by Seferian Design Group. These plans illustrate the seamless connection between public and private open spaces and demonstrate the integration and connectivity between the proposed development and the surrounding community. Specific design elements of these spaces will be refined further at the site plan stage through collaborative discussions with the City.

7.6 Potential Impacts

Part of the consideration as to whether or not an infill project is compatible with the neighbourhood is to examine potential impacts that may be created by the proposed development. The need to assess potential impacts is generally considered with the compatibility of policies that were referred to in Section 8.3 of this report. In addition, policies of the NOP speak to specific impact issues including in Part III, Policy 2.5.2(a)(vi) Vegetation, 2.5.2(a)(vii) Sun Shadowing and 2.5.2(a)(iii) Traffic.

7.6.1 Traffic

A Transportation Impact Assessment was prepared by Paradigm to determine the impact of the proposed traffic on the surrounding road network and to identify recommended improvements to accommodate the traffic generated by the proposal. Through the pre-consultation process, it was suggested at the Public Open House that consideration be given to eliminating driveway access to Brant Street. Upon review of this matter, the traffic study concluded that such a change could be accommodated and the plan was amended accordingly for both Parcels A and B.

Conclusions and recommendations from the report are as follows:

- **Existing Traffic Operations: Capacity issues are identified at the Brant Street intersections with Fairview Street and Prospect Street/Grahams Lane.**
- **Estimated Site Generated Traffic: Under full build-out, the subject site is forecast to generate approximately:**
 - **Vehicle trips - 234, 297, and 314 external vehicle trips during the AM, PM, and Saturday peak hours, respectively.**
 - **Transit trips - 48, 66, and 69 external transit trips during the AM, PM, and Saturday peak hours, respectively. The transit trips are assumed to begin and end by using Active Transportation.**
 - **Non-Auto Trips - 17, 22, and 24 external non-auto trips (walking/bicycle) trips during the AM, PM, and Saturday peak hours, respectively.**

- **Background Traffic Operations:** The capacity constraints identified under existing conditions are expected to continue to occur with the expected growth in non-site generated traffic. Capacity issues are identified at the following intersections:
 - Brant Street and Fairview Street (Phase 1 Horizon);
 - Brant Street and Prospect Street/Grahams Lane (Phase 1 Horizon); and
 - Brant Street and Blairholm Avenue (Phase 1 Horizon).

- **Total Traffic Operations:** Site generated traffic results in new capacity deficiencies at the following intersections:
 - Brant Street and Fairview Street;
 - Westbound left-turn (PM peak hour); and
 - Northbound left-turn (AM and Saturday peak hours).

No capacity issues are forecast to occur at the proposed site driveways to Ghent Avenue.

- **Remedial Measures:** The following remedial measures have been identified to address forecast critical movements:
 - Brant Street and Fairview Street:
 - Optimizing signal timings.

 - Brant Street and Prospect Street/Grahams Lane:
 - Repaint the westbound left-turn lane to provide an additional 25 metres of storage (45 metres total).

 - Brant Street and Ghent Avenue
 - Repaint the southbound approach two-way centre left-turn lane to remove the taper.

 - Brant Street and Blairholm Avenue:
 - Repaint the westbound left-turn lane to provide an additional 5 metres of storage (15 metres total).

No geometric improvements are recommended at the proposed site driveways to Ghent Avenue.

Based on the above conclusions, the following is recommended:

- The road authorities monitor the future traffic volumes along the Brant Street and Fairview Street corridors and optimize the signal timings accordingly.
- The road authorities consider modifying the following turn lanes to provide additional storage necessary to accommodate the forecast queue lengths:
 - Brant Street at Prospect Street - eastbound left-turn lane (45 metres of total storage);
 - Brant Street at Ghent Avenue - southbound left-turn lane (remove taper lane marking)
 - Brant Street at Blairholm Avenue - westbound left-turn lane (15 metres of total storage);"

7.6.2 Wind

A pedestrian wind assessment was undertaken by R.W.D.I. Consulting Engineers and Scientists. A summary of the findings of the report is as follows:

- **The proposed masterplan includes several positive design features such as low podiums around the proposed towers, and favorable locations for most main entrances and amenity spaces.**
- **Suitable wind conditions are expected in the summer for all pedestrian areas, including all main entrances and sidewalks, as well as most amenity spaces.**
- **During the winter, elevated wind speeds around tower corners may become uncomfortable or potentially unsafe. Higher-than-desired wind speeds are also predicted at the Phase 2 tower entrance at the intersection during the winter, as well as at the exposed terraces on the podiums of Phases 1 and 2 during the summer. With the proper mitigation in the form of soft and hard landscaping wind conditions can be improved.**
- **Conceptual wind control measures are provided in the report and will be reviewed with the design team and validated through wind tunnel testing at a later design stage to quantify the level and frequency of high wind activity, and to develop and refine wind control solutions."**

7.6.3 Noise

A Noise Impact Study was completed by HGC Engineering and examined noise impacts from traffic on Brant Street, Ghent Avenue and Fairview as well as rail traffic on the CN rail line. From that review, the study found that predicted noise levels will exceed MECP guidelines at the buildings in the proposed development. The report proposed mitigating measures including central air conditioning, upgrading building construction and providing warning clauses to future residents.

Given the fact that the site is more than 75 metres away from the rail line, it was determined that vibration measurements were not required for the subject property.

Specific recommendations and implementation measures include the following:

- "1. Central air conditioning is required for all proposed buildings in the development.**
- 2. Upgraded building and glazing constructions are required for the proposed buildings. Any exterior wall, and double-glazed window construction meeting the minimum requirements of the Ontario Building Code (OBC) will provide adequate sound insulation for the proposed buildings. When detailed floor plans and building elevations are available, a detailed study should be conducted to refine acoustic requirements.**
- 3. Warning clauses should be included in the property and tenancy agreements and offers of purchase and sale to inform future residents of the traffic noise issues.**
- 4. Tarion Builder's Bulletin B19R requires that the internal design of condominium projects integrates suitable acoustic features to insulate the suites from noise from each other and amenities in accordance with the OBC, and limit the potential intrusions of mechanical and electrical services of the buildings on its residents. If B19R certification is needed, an acoustical consultant is required to review the mechanical and electrical drawings and details of demising constructions and mechanical/electrical equipment, when available, to help ensure that the noise impact of the development on itself are maintained within acceptable levels. Outdoor sound emissions should also be checked to ensure compliance with the City's by-law.**

Implementation

To ensure that the noise control recommendations outlined above are fully implemented, it is recommended that:

- 1) **At the site plan stage, a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should review the architectural plans and building elevations to refine glazing requirement based on actual window to floor areas ratios.**
- 2) **Prior to the issuance of occupancy permits for this development, the City's building inspector or a Professional Engineer qualified to provide acoustical engineering services in the Province of Ontario should certify that the noise control measures for the development have been properly incorporated, installed and constructed."**

7.6.4 Sun Shadow

A Sun Shadow Study was undertaken by RWDI to illustrate the shadow patterns for the proposed development and to determine potential exposure to sunlight and shadow on and around the site area. It is noted in the report that the results are based on an earlier design for a 7 storey building on Parcel C. The report also notes that the development of an 8 storey building on the site is not expected to materially change the conclusions of the report.

The summary and conclusions of the report are as follows:

- **Per the City of Burlington requirements, the new shadows cast by the proposed building were predicted for every hour between 9:00 am EDT and 6:00 pm EDT on March 21 and September 21, as well as for December 21 between 11:00 am EST and 3:00 pm EST and June 21 between 8:00 am EDT and 7:00 pm EDT.**
- **Intermittent new shadowing from the proposed project is expected to fall across the residential properties to the north and east of the site. Shadowing is mostly confined to the area south of Prospect St. and west of Deyncourt Dr. New shadowing in these areas is predicted intermittently during the afternoon hours throughout the year.**

- **Areas as far west at Legion Rd. can also experience new shadowing, though generally only before 11:00 am. Shadows are also anticipated to fall at grade and onto the roofs of neighboring commercial properties.**
- **No shadow impacts were predicted on the yards of Tom Thomson Public, St. John Elementary, Central Public or Central High schools. Likewise no impacts were predicted on Optimist Park.**
- **The roof top amenity spaces of Phase 1 are on all sides of the building. For the north of the tower, it can be shadowed much of the year during the afternoon. For the east and west amenity spaces, they can each be in shade for the morning hours and evening hours, respectively. It is important to note that in some cases (e.g. the southern terrace amenity space of Tower 1) the “net new shadows” predicted are due to an existing building but are flagged as new shadow because the space itself is new not because the shadow is from the proposed building. This is a consequence of how new shadowing is to be computed.**
- **The amenity space of Phase 2 is mainly south of the tower and therefore was predicted to have improved solar access even though it will experience shadow from Phase 1 and 3. During the equinoxes, no shadowing is predicted here before 2:00pm. During summer, higher solar elevations allow sun across the majority of the amenity space essentially all day.**
- **The grade level ‘open spaces’ outlined in green that are located adjacent to Brant Street are predicted to be shadowed during the morning hours and again in the evening hours. For the open space to the north of the Phase 2 development, shadows are anticipated in afternoon hours all year, though the extent of the shadowing is lower during summer.**
- **The private terraces in the Phase 3 building are on the north and south elevations. Aside from the first hours of the day, the north side is expected to be in shadow the majority of the time. The south facing terraces were predicted to receive much more sun. On the equinoxes, essentially the entire terrace area is in full sun from 11:00 am until 4:00 pm. In summer this time frame extends until 6:00 pm."**

7.6.5 Servicing and Infrastructure

7.6.6 Environmental Phase 1, Phase 2

Phase 1 and Phase 2 Environmental Reports were prepared for each of the three properties by Landtek Limited based on site work that was undertaken in September 2020. The reports are included with the submission material.

The Phase 1 Report for Parcel A found some potential areas of concern including unknown fill on the site and potential off site impacts. As a result, a Phase 2 report was completed. The Phase 2 study included the installation of six boreholes and three monitoring wells. The results of that work are described in the report.

"Soil Quality

The soil samples collected for analysis as described in the relevant sections of this report indicate that the on-Site soils are not adversely impacted and concentrations do not exceed the applicable Table 3 SCS.

Groundwater Quality

The results of the groundwater analysis from the three (3) monitoring wells sampled were reported to be below the O. Reg. 153/04 Table 3 SCS.

Phase Two Property Certification

Based on the findings of the Phase Two ESA, the soil and groundwater meets the applicable O. Reg. 153/04 Table 3 SCS for RPI land use at the Site."

As a result of Phase 1 findings on Parcel B that identify unknown fill and de-icing operations of the existing parking lot, a Phase 2 study was recommended. The recommendations from the report include:

"CONCLUSIONS

The soil samples collected for analysis as described in the relevant sections of this report indicate that the soils on-Site are not adversely impacted and concentrations do not exceed the applicable O. Reg. 153/04 Table 3 SCS.

Parameter of SAR and EC exceeded MECP Table 3 RPI Standards in the shallow soils (0.0-0.6 mbgs) located in RSC Property parking lot and sidewalk areas. The SAR and EC exceedances were determined by the QP to be attributable to the de-icing activities, and pursuant to O. Reg. 153/04, Section 49.1(1), are deemed not to exceed the Standards for the purposes of Part XV.1 of the Environmental Protection Act. All other soil samples and parameters met the O. Reg. 153/04 Table 3 RPI Standards.

RECOMMENDATIONS

Based on the results of this Phase Two ESA, an RSC can be submitted based on the work completed on the Site."

Landtek undertook a Phase 1 and Phase 2 report for Parcel C. Potential environmental concerns identified with respect to unknown quality of fill and parking lot de-icing. The conclusions of the Phase 2 Report are as follows:

"CONCLUSIONS

The soil samples collected for analysis as described in the relevant sections of this report indicate that the soils on-Site are not adversely impacted and concentrations do not exceed the applicable O. Reg. 153/04 Table 3 SCS.

Parameter of SAR and EC exceeded MECP Table 3 RPI Standards in the shallow soils (0.0-0.6 mbgs) located in RSC Property parking lot and sidewalk areas. The SAR and EC exceedances were determined by the QP to be attributable to the de-icing activities, and pursuant to O. Reg. 153/04, Section 49.1(1), are deemed not to exceed the Standards for the purposes of Part XV.1 of the Environmental Protection Act. All other soil samples and parameters met the O. Reg. 153/04 Table 3 RPI Standards.

RECOMMENDATIONS

Based on the results of this Phase Two ESA, an RSC can be submitted based on the work completed on the Site."

7.7 Summary

The proposed project helps to achieve intensification objectives of local, regional and provincial planning documents by introducing an exciting mixed use development in an area which is intended to accommodate mixed use intensification. The project takes advantage of the strategic location near the Burlington GO station and the Downtown Core Area of the City of Burlington. Once fully developed, those new residents who will be enjoying the lifestyle in these buildings will help further strengthen the function of both the GO station and the downtown area.

The ability of the proponent to complete such a significant land assembly program has allowed for the comprehensive design of all three corners that can be fully integrated with each other and with the community and provide a striking gateway feature to and from the downtown area.

The final design of the project was the product of a collaborative design exercise which implemented recommendations arising out of Pre-Consultation discussions with staff, contact with the neighbourhood, and input from the Burlington Urban Design Panel.

The proposal will make a significant contribution to the range and mix of housing in the downtown area and the Burlington community as a whole. Through further discussions and negotiations with the Region, opportunities exist for the provision of affordable housing for this project as has been implemented in other developments undertaken by the proponent. Care has been taken to protect rental housing which will be displaced by the proposed development.

The proposal is compatible and will be fully integrated into the existing community through the sharing of the benefits provided by ground floor commercial uses and by the generous public and private open spaces provided in the enhanced streetscapes, including special design features at the intersection of Brant and Ghent as well as the two privately owned publicly accessible parks being proposed.

The height and form of development is consistent with the direction provided in the newly adopted Official Plan which identifies height limits and very specific design parameters for the Upper Brant Precinct. This proposal is consistent with those provisions and from a design perspective, is generally consistent with the Urban Design Guidelines.

A series of detailed technical studies undertaken by the proponent has confirmed that the project, with appropriate mitigation, will not generate any adverse impacts, particularly with respect to matters related to shadow impact, noise, wind, or traffic.

The proposal can be accommodated with existing infrastructure and will not require any public funds to support the proposal.

The project will provide an attractive living environment with accessibility to a variety of community services, as well as access to both pedestrian and vehicular transportation networks. The development of this site for the proposed use is supported as conforming to sound planning principles and will contribute to the success of an evolving core area in downtown Burlington as well as the Major Transit Station Area.

This proposal will establish a strong and desirable precedent for further development projects in the downtown and within and adjacent to the Major Transit Station Area.

In my opinion, the proposal represents good planning.

7.8 Implementation - Modifications to Official Plan and Zoning Regulations

7.8.1 Official Plan Amendment

The modification proposed in this amendment application to increase the permitted height on the northwest and northeast corners from 6 storeys to 25, can be supported given the strategic location of the property.

As noted in the Planning Opinion in Part 7.0 of this Report, higher density is supported in that it helps to achieve intensification targets by focussing development in a high-rise precinct area such as that enjoyed by the subject property. Higher density is transit supportive and represents an efficient use of land within a high quality building which has been designed in accordance with the Tall Building Guidelines.

The establishment of higher density on the site is also consistent with Provincial policy directives to encourage transit supportive development in Urban Growth Centres in locations such as this which are well served by transit.

The increase in height from the current Official Plan can be supported given that this height is consistent with Council adopted Official Plan policies that arose out of two separate planning exercises. This additional height maximizes the ability of the site to achieve intensification targets and recognizes a strategic location on Brant Street between the downtown core area and the Fairview Street GO station.

This height helps the design elements of the building to comply with the Tall Building Guidelines in terms of tower floorplate and setbacks. The proposed height also helps achieve higher standards of urban design as outlined in the Urban Design Brief prepared by Graziani+Corazzo and contributes to the establishment of an important Gateway feature for those entering and leaving the downtown area.

The proposal is generally consistent with the policies in Section 8.1.1(3.8.1) that relate to the Upper Brant Precinct. This proposal can be implemented by applying the policies that relate to the Upper Brant Precinct to this site, subject to two minor adjustments.

1. Policy 8.1.1(3.8.1(b)) shall not apply to Parcel C.

Given the limited size of the building, it will not be possible to introduce commercial uses to the building which will remain solely used for residential purposes.

2. Elimination of the last sentence in 8.1.1.(3.8.1) (c) which reads:

"Residential lobbies/access *should* be located inside streets or at the rear of the building where feasible."

This proposal includes lobby entrances facing Brant Street. This is intended to help animate the street and add to the functionality of the building as it relates to its surrounding environment. This element was also supported in comments from the Urban Design Panel.

7.8.2 Zoning Regulations

In order to implement the development proposal, it is necessary to remove the holding provision for Parcel A. Given that the holding provision was to ensure proper land assembly, the development application satisfies this requirement. Therefore, the holding provision should be removed.

There is a need to modify a number of the standard zone regulations for MXG identified in the Zoning Review Charts in Tables, 6, 7 and 8 of this report. The justification for the proposed increase in height and floor area ratio was outlined in the Planning Report and in Section 7.8.1 of this report. In addition, a number of setback provisions require modification, in part because of the fact that regulations are not consistent with current urban design standards which promote the location of the building closer to the street. It is important to note that these setbacks, together with other design elements of the building, are consistent with the Tall Building Guidelines which represent a current and acceptable standard of design excellence.

The reduction in parking for retail users and visitors represents a reasonable response to anticipated supply and demand factors affecting parking as outlined in Section 7.5.1 of this report.

Development on Parcels A and B are marginally deficient in terms of amenity areas being provided. In both cases, this is offset by the introduction of the POPS on Parcels A and B as well as the amenity areas that will be created at the street level including both public and private spaces on Brant and Ghent Avenue.

Given the limited depth of the property on Parcel C, it is not possible to provide a landscape buffer to the existing residential development to the east. In order to compensate, it is suggested that opportunities be provided to those home owners immediately abutting the property to introduce plantings in their rear yards at the expense of the developer. It is important to note that the placement and design of the building complies with the 45 degree angle of plane measurement from the easterly property line.

8.0 RECOMMENDATIONS

8.1 Official Plan Amendment

It is recommended that:

1. The City of Burlington Official Plan be amended by changing the Mixed Use Corridor - General and Residential Medium Density designation in Schedule B to Mixed Use Intensification Area - Urban Centre for Parcels A, B, and C.

2. The City of Burlington Official Plan be amended by modifying the following policies in the Upper Brant Precinct:
 - (a) Policy 8.1.1(3.8.1)(b) shall not apply to Parcel C.

 - (b) The last sentence in Policy 8.1.1(3.8.1)(c) shall be deleted.

 - (c) Policy 8.1.1(3.8.1)(g) shall be deleted.

 - (d) Policy 8.1.1(3.8.1)(e) should be modified to delete the reference to Policy 8.1.1(3.8.1)(g).

A copy of the proposed draft official plan amendment has been included with this report as Schedule 7.

8.2 Zoning By-law Amendment

1. The Holding provision on Parcel A be lifted.
2. That a site specific zoning be established on each property to modify the standard MXG zone provisions in the following manner:

(a) Parcel A

(i)	Maximum setback on Ghent Avenue	6 metres
(ii)	Minimum yard abutting residential zone floors 1-3	10 metres
(iii)	Minimum yard abutting residential zone floors 4-5	14 metres
(iv)	Minimum yard abutting residential zone floors 6+	14 metres
(v)	Maximum floor area ratio	4.8:1
(vi)	Minimum landscape buffer abutting residential zone	3 metres
(vii)	Maximum building height	25 storeys
(viii)	Minimum parking requirement	1.2 spaces per unit
(ix)	Minimum amenity area	9500 sq.m.

(b) Parcel B

(i)	Minimum yard abutting street (Brant Street)	0 metres
(ii)	Maximum floor area ratio	3.7:1
(iii)	Minimum landscaped area abutting street (Brant Street)	0 metres
(iv)	Minimum landscape buffer abutting residential zone	2.7 metres
(v)	Maximum building height	25 storeys
(vi)	Minimum parking	1.1 spaces per unit
(vii)	Minimum amenity area	7100 sq.m.

(c) Parcel C

(i)	Minimum yard abutting street (Brant Street)	0 metres
(ii)	Maximum floor area ratio	2.9:1
(iii)	Minimum landscaped area abutting street	0 metres
(iv)	Minimum landscape buffer abutting residential zone	0 metres
(v)	Maximum building height	8 storeys
(vi)	Minimum parking requirement	1.2 spaces per unit

A draft zoning by-law to implement the proposed development has been included with this report as Schedule 8. The draft by-law includes regulations which implement the above provisions. They have been drafted in such a way as to allow some flexibility as specific design details are further refined. This will minimize the need to consider variances to the by-law through the site plan and building permit stages.

9.0 Conclusions

1. The proposed infill project is consistent with and helps to achieve the overall urban growth objectives designed to encourage the development of complete communities in the Provincial Policy Statement, the Province of Ontario Growth Plan, the Official Plan for the Regional Municipality of Halton, and the Official Plan for the City of Burlington.
2. The proposed development will help to accommodate future growth anticipated for the City of Burlington which must be accommodated within the existing Urban Area.
3. The proposed development will offer an attractive living environment by providing needed housing opportunities which will contribute to the range and mix of housing in the community including opportunity to collaborate with the Region in the provision of affordable housing and the replacement of rental housing.
4. The proposed development will help strengthen the function of the downtown core area and the Major Transit Station Area.
5. The proposal will function in a manner which is both functionally and visually compatible with the existing residential community.
6. The ground level private and public pedestrian and open space areas will integrate the project with the existing community.

7. The proposed development form will create an exciting new gateway to and from the downtown area.
8. The proposed development can be accommodated with existing municipal infrastructure including roadways, water and sewer services.
9. The proposed development will not create any adverse impacts on the immediate neighbourhood or on the broader community in terms of traffic, noise, wind, or shadowing effects.
10. For the above reasons, the proposal is considered to represent good planning and will provide a positive contribution to the urban fabric of the City of Burlington.

Respectfully Submitted,

FOTHERGILL PLANNING & DEVELOPMENT INC.

Edward Fothergill

E.J. Fothergill, MCIP, RPP
President

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