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July 3, 2024 ***Delivered By Email***

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

Attention: Craig Kummer,
Acting Executive Director of Planning and Building

Dear Mr. Kummer:

Subject: Official Plan & Zoning Amendment Application
Development of 2030 Caroline Street
Southeast Quadrant of Caroline Street and John Street
City of Burlington
Inaria Burlington Inc.

Inaria Burlington Inc., the owner of the above noted property, is pleased to submit this application to amend the Official Plan, 1997 for the City of Burlington and Zoning By-law 2020, as amended, to facilitate revitalization of vacant lands within the core of the Downtown area located at 2030 Caroline Street within the southeast quadrant of the intersection of Caroline Street and John Street (the "Subject Land").

Purpose of the Applications:

This proposal includes a 28 storey mixed-use building within the northerly portion of the Subject Land and a six storey above-grade parking facility within the remainder of the Subject Lands between the proposed mixed-use building and the existing high-rise development to the south. The area of the Subject Land is approximately 0.28 hectares. To accommodate the proposed development of the Subject Land, official plan and zoning amendments are required. The proposed official plan and zoning amendments seek permission to develop one of the most significantly underutilized sites in the Downtown area, with a high-density mixed-use redevelopment and an above-grade parking facility.

Official plan and zoning amendments are required to accommodate the height and density of the proposed development and to establish contemporary zoning standards necessary to implement the project

As detailed in the Planning Justification Report included with this submission, the proposed development is in compliance with the Regional Official Plan and implements the intent of the City's Official Plan. 1997 (the "OP"). However, an amendment is required to the OP primarily as a result of the artificially low heights set out in the policies. A zoning amendment is required to permit a mixed-use building that can accommodate the proposed height and density, to establish contemporary development standards required for high rise buildings and to implement Tall Buildings Guidelines.

The proposed OP and Zoning Amendments represent good planning and a modern approach to building in Downtown Burlington that promotes the positive attributes of the Downtown as a complete community. The proposal builds on and positively responds to wide-spread and critical housing shortages, recent mixed-use redevelopment activity in downtown Burlington, the City's Housing Pledge to the Province of Ontario and the role and function of the Subject Land within a priority growth area established by the Region of Halton. The redevelopment of the Subject Land has been reimagined to include a 28 storey mixed-use building and an above-grade parking garage

Key Features Included in the Project:

The project provides the following:

- Approximately 302 residential units;
- Approximately 382 sq. m. of commercial space at-grade (office and retail space)
- Approximately 20,215 sq. m. of total gross floor area within a 28 storey building - representing a Floor Area Ratio of 8.59;
- A tower floor plate size of approximately 750 sq. metres;
- Proposed parking rate (resident and public visitor) 0.86;
- A three (3) storey podium with commercial space (retail and office uses) at-grade fronting onto John Street and wrapping around the corner of Caroline Street and John Street
- Two storey urban townhouses are proposed on the Elizabeth Street frontage;
- The proposed tower is setback a minimum of 3.0m from the exterior face of the podium in accordance with the City of Burlington Tall Building Guidelines;
- The City of Burlington Downtown Streetscape Guidelines are proposed to be implemented and this included a 2.5m wide clear path in Caroline Street, as requested by city staff;
- The separation distance between the proposed tower and the existing high rise to the south is over 40m (whereas a minimum of 25m is required);
- A watertight building;
- The condominium entrance and lobby area was proposed within the centre portion of the Caroline Street frontage; the south corner of the site; and, Loading, service bays and parking ramps access John Street and Elizabeth Street.

As will be summarized below, this proposal has been designed so as to build on the success of Burlington's downtown by replacing a underutilized site with new residential and commercial

uses in a manner that implements applicable policy and fits within the existing built and planned context of the downtown.

Description of the Subject Land and Local Context:

The Subject Land is a 0.28 hectare parcel of land located within the southeast quadrant of the intersection of Caroline Street and John Street and within the northerly portion of the city block bounded by Caroline Street, John Street, Elizabeth Street and Maria Street. The Subject Land fronts onto Caroline Street, John Street and Elizabeth Street. The southerly portion of the block was redeveloped in 2017 with a 17 storey mixed-use building ("The Berkeley"). Immediately to the southwest of the block is a recently constructed and occupied 23 storey mixed use building at 421 Brant Street ("Gallery Condos and Lofts") developed and constructed by Carriage Gate Homes. Less than one city block to the northwest is an approved and as yet unbuilt 27 storey mixed-use building. Within the southeast quadrant of Maria Street and Elizabeth Street are two high rise buildings (15 – 18 storeys) circa 1984. Clearly, the Subject Land is in the core of an evolving downtown.

The redevelopment of the Subject Land will complete the redevelopment of this block. The subject land is currently being used by the City of Burlington as a temporary City-operated commercial parking lot (a short term lease).

Background Information:

In 2010, the City of Burlington approved a block plan, an official plan amendment and a zoning amendment for the city block in which the Subject Land is located. Prior to these approvals, the landownership was fragmented, comprised of a number of separate parcels that included several commercial buildings and a City-owned parking lot. A series of land exchanges were successfully negotiated with the City of Burlington to assemble the block.

Since 2010, there have been ongoing efforts to redevelop the Subject Land, but these have not been able to proceed for wide range of reasons.

Construction of the Berkeley (address - 2025 Maria Street) in the southern portion of the block commenced in 2016. It is noteworthy that a significant portion of the Berkeley's approved below-grade residential parking garage extends north and under the Subject Land.

Since the approvals in 2010, the City has developed a series of new guidelines that development proponents are requested to consider. These guidelines include:

- City of Burlington Tall Building Guidelines, September 2017
- City of Burlington Downtown Streetscape Guidelines, 2019
- City of Burlington Shadow Study Terms of Reference and Guidelines, 2020
- City of Burlington, Pedestrian Level Wind Study Terms of Reference and Guidelines, 2020

In 2019, the City of Burlington passed an interim control by-law impacting the majority of the properties within the downtown, including the Subject Land.

During the fall of 2020, the City of Burlington modified its proposed New Official Plan ("New OP") to reflect new and/or revised land use planning policies for significant areas and individual properties. The Subject Land was one of the impacted properties. After its adoption by City Council the New OP was appealed by many different landowners and building industry representatives, including the owners of the Subject Land. The New Official Plan has been approved in part by the Ontario Land Tribunal, however the Subject Land has retained both site specific and general appeals. The City is also now in the process of reviewing the appealed New OP as many sections and policies fail to respond to, and reflect, planning policy changes made by upper tier levels of government including those by the Region of Halton and the Province of Ontario. Therefore, the New OP has no legislative authority insofar as the redevelopment of the Subject Land is concerned and the Official Plan, 1997, as amended, remains as the local planning policy document in force and effect.

In November 2023, the Subject Land was sold to Inaria Burlington Inc. and this new owner is proposing the redevelopment of the northern portion of the block as described below.

Existing Planning Policy:

Official Plan for the Regional Municipality of Halton:

The Official Plan for the Regional Municipality of Halton, as amended by Regional Official Plan Amendment 49, designates the subject as being within an *"Urban Area" and a Priority Growth Area.* This permits a range of urban uses which are to be designated in local official plans to and zoning by-laws to promote the continued evolution of the downtown.

The proposal, as described, satisfies objectives of Priority Growth Areas and assists in the achievement of policies in the Plan promoting redevelopment and intensification within Urban Areas and Priority Growth Areas. The development as proposed will contribute to the City and Region meeting the minimum population targets and intensification targets set out in the Halton Region Official Plan, by increasing density in the area of the City that is its most successful complete community, and based on analyses prepared for the City, the most likely to proceed with intensification based on marketability considerations.

It is significant to note that through the pre-submission consultation process, the Region of Halton has not raised issues or concerns regarding the redevelopment of the subject land as generally proposed subject to, what have become over time, a series of standard clauses and conditions of approval to be satisfied further to any approvals issued by the City of Burlington.

Official Plan for the City of Burlington, 1997 and New Official Plan, 2020:

As noted in the Planning Justification Report included with this submission, the OP is the approved, operative and in-force planning policy document for the City of Burlington.

As indicated in the Planning Justification Report included with this submission, the OP policies promote and encourage 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. Furthermore, although the New OP is not a determinative planning policy document for the reasons set out above, it is important to note that the New OP recognizes the importance of the downtown and its role in meeting intensification objectives.

The extent to which the proposal can achieve these objectives is considered in more detail in the Planning Justification Report and the Urban Design Brief, both prepared by Bousfields and included with this submission.

Proposal's Implementation of Policy Objectives

Below are highlights of the proposal and how it addresses both the applicable policies, guidelines and the comments received as part of the pre-application process:

a) Implements higher order policy and builds upon the evolving planning policy framework for the downtown as a *Priority Growth Area* as defined by the Region of Halton;
b) Implements the intent of the City of Burlington Tall Buildings Guidelines, 2017. In fact, the tower separation between the existing high density building within the southern portion of the block and the proposed new tower has been increased by over 66% to over 41.5m - the Tall Building Guidelines recommend a minimum distance separation of 25m between towers;
c) Superior streetscape and building relationships to the public realm in compliance with the City of Burlington Downtown Streetscape Guidelines which in part promote animation and vitality within an enhanced public realm;
d) Building height and floor area ratio are appropriate for the subject land and to broaden housing choices within an evolving downtown context;
e) As demonstrated by the site's walk score of 98, the proposal is in a well-situated complete community, and is adjacent to the City's main public bus transit line on Brant Street and a less than ten (10) minute walk to the John Street Bus Station (the only public transit station in the downtown);
l) Further to this, the proposal will assist the City in its efforts to reduce auto dependency, minimize the use of private motor vehicles, promote the use of effective TDM standards and to promote the use of public transit, reduced parking rates are proposed to be implemented;
f) No adverse wind, noise, sun light penetration or shadow impacts;
g) Enhanced access to the residential condominium from the middle of the block along Caroline Street - promotes and enhances the prominence of Caroline Street as it Transitions towards Brant Street;
h) To improve compatibility and establish a positive relationship with the existing townhouse development on the east side of Elizabeth Street, two storey urban townhouses are proposed;
i) Effective screening of loading and service facilities and functions on John Street and Elizabeth Street;

j) The implementation of two (2) sections of green roof between the existing tower to the sough the proposed tower included in this proposal;
k) New retail space at the corner of Caroline and John Street to provide new and improved options for retailers and to enhance the economic vitality of the area as one moves east from Brant Street and north and south on John Street;
m) The underground parking garage satisfies all City design standards;
n) A significant outdoor amenity space and a package of two green roof areas promote an enhanced the living experience;
o) Promoting interaction with John Street at multiple levels;
p) Promotes the revitalization of the Downtown Core;
q) The proposed redevelopment is compatible with neighbouring uses and activities; and,
r) The building provides refined architecture forming a positive addition to the downtown in a manner while fitting within the skyline.

It is within this context that the Planning Justification Report and Urban design Brief submitted with this application provide detailed analyses of the form, fit and function of the proposal within this priority growth area.

Project Team:

Inaria Burlington Inc. has carefully examined redevelopment opportunities of the Subject Land and has retained a well-qualified team of consultants to reimagine the redevelopment of the Subject Land including:

- Chamberlain Architects – architecture;
- MBTW Group – landscape architecture;
- Bousfields - planning and urban design;
- KPEC Planning and Economics – planning policy and land economics;
- S. Llewellyn and Associates ("SLA") – civil engineering and flood management;
- SLR Environmental Inc.- acoustic and wind engineering;
- Paradigm Transportation Solutions Inc. – traffic and transportation planning and parking;
- Ralph Bouwmeester and Associates – shadow study analysis;
- Soil-Mat Engineers and Consultants Ltd.; and,
- A.T. McLaren Limited - surveyor.

Pre-Submission Consultation:

In accordance with City of Burlington protocols, prior to submitting development applications a series of pre-submission requirements must be satisfied. To satisfy City requirements, the following pre-submission consultation activities were completed:

- August 23rd, 2023 - Pre-submission consultation meeting with City staff, Region of Halton staff and other interested commenting agencies
- October 18th, 2023 – Follow-up meeting with city staff to review and discuss streetscape requirements and expectations

- November 16th, 2023 – Presentation to the Burlington Urban Design Review Panel (BUD)
- March 27th, 2024 – Meeting with Ward 2 Councillor Lisa Kears to discuss the redevelopment of the site
- April 3rd, 2024 – Meeting with Mayor Meed Ward and Ward 5 Councillor Paul Sharman to discuss the redevelopment of the site
- April 9th, 2023 – Conducted a virtual pre-submission community consultation information meeting to discuss the proposed conceptual design of the project.

In addition, in response to the minutes of the August 23, 2023 Pre-submission Consultation meeting, the proponent was requested to consult with City of Burlington Engineering Servies and Conservation Halton staff to review the status of new studies that were being undertaken to evaluate Regional Storm Risk insofar as the Subject Land is concerned. Many discussions with City and Conservation Halton staff have occurred over the last several months. Although downtown Burlington has not experienced a "Regional Storm", we were advised through the pre-submission consultation process, that Conservation Halton and the City of Burlington are examining Regional Storm Risk within the Rambo Creek sub-watershed which includes the downtown and the Subject Land Although the City of Burlington has not experienced a regional storm to-date, this work is one of the off-shoots of the transfer of urban storm water management responsibilities from the City of Burlington to Conservation Halton that were made in approximately 2019 in conjunction with an ongoing review of the New Official Plan being undertaken by the City of Burlington.

As part of the work completed to-date by Conservation Halton and the City, preliminary computer modelling and flood risk mapping has been completed. As currently prepared and presented, and dependent upon additional analysis to be completed by Conservation Halton and the City of Burlington over the summer months, the subject land is within an area that has been unofficially determined to be susceptible to potential Regional Storm Risk. City staff and Conservation Halton have collaborated to confirm the scope of necessary Regional Storm Risk mitigation measures, particularly as they relate to the downtown and the Subject Land. Over the summer months City staff and Conservation Halton have agreed to confirm computer modelling and to advance a comprehensive implementation strategy and program that is intended to be presented to City Council in the fall of 2024. The proponent's project team has been and will continue to work with the City and Conservation Halton as this process continues to evolve.

City Staff expressed some concern with how they thought the proposal implemented the Downtown Streetscape Guidelines. In particular, concern was raised with the accommodation of the various zones: edge, furnishing, clear path and marketing zones. Consequently, a separate meeting was held with City staff on October 25, 2023 to discuss this matter and staff concluded that due to restricted distance between the existing curb on John Street and the property line that it would be beneficial to request recommendations from the City's Urban Design Review Panel ("BUD") on the design of the streetscape.

As part of the City's pre-submission consultation process, on November 16, 2023, the proponent and the project architect attended a BUD meeting to present an urban design brief to the panel and to discuss various comments and questions raised by City staff and the panel. In respect of the implementation of the Downtown Streetscape Guidelines, the panel indicated that John Street serves primarily as a service lane for commercial uses fronting onto Brant Street and there is ample room within the streetscape to accommodate the intent of the Downtown Streetscape Guidelines. The proponent was recommended to work with staff to confirm an acceptable

solution that satisfies the intent of the guidelines.

On April 9, 2024, the proponent conducted a virtual pre-submission consultation meeting in accordance with the City's established protocols. In summary, the comments received from the community were focused primarily on the built form and massing of new development, land use compatibility and potential noise created by residents of the new building using the outdoor amenity space on top of the above-grade parking garage.

In response to comments received at the April 9, 2024 Pre-Submission Consultation Community Information Meeting and streetscape design comments received from City Staff:

- Modifications have been made to the design of the project and are intended to address significant design and building relationship concerns and addressing the design of the streetscape.
- Notwithstanding the minimum distance separation guideline of 25m (Tall Building Guidelines, the location of the tower of the "new tower" has been shifted to the north resulting in a significant increase in the distance separation between the existing building (The Berkeley) and the proposed building - from 37.70m to 41.67m - an increase of approximately 4m. This modification addresses comments received from the public to increase the separation between the existing and proposed buildings and represents a very generous separation distance that is 66% greater than the 25m set out in the Tall Building Guidelines.
- As streetscape design recommendations were not clearly provided by City staff and the BUD panel, the proponent has comprehensively reviewed this matter. In an effort to satisfy the intent of the streetscape guidelines, notwithstanding the function of John Street, portions of the building's podium facing John Street have been recessed from the property line to accommodate a broader "marketing zone". Although ground floor building area is lost, this modification satisfies the concerns raised.
- To improve land use and building relationships with the existing townhouses on the east side of Elizabeth Street, urban townhouses are proposed within the ground floor of the podium, fronting onto Elizabeth Street

Included with this Submission:

As noted above, two applications are included with this submission, an official plan amendment and a zoning amendment. In support of these applications, we include the following:

- Combined Official Plan and Zoning Amendment application form;
- Architectural site plan drawings, prepared by Chamberlain Architect, dated June 21, 2024;
- 30 model, prepared by Chamberlain Architects;
- Planning Justification Report prepared by Bousfields dated June 21, 2024;
- Draft Official Plan and Zoning Amendments;
- Urban Design Brief prepared by Bousfields dated June 21, 2024;
- Economic Analysis, dated July 1, 2024 prepared by KPEC Planning+Econimics;
- Shadow Analysis, Ralph Bouwmeester and Associates, dated June 21, 2024;
- Waste Management Plan, prepared by Chamberlain Architects dated June 21, 2024;
- Transportation Impact Study, Parking Study and TDM Report, prepared by Paradigm Transportation Solutions Inc. dated June 2024;

- Conceptual Landscape and Streetscape drawings and requested on-site vegetation confirmation letter, prepared by MBTW Group dated June 21, 2024;
- Pedestrian Wind Assessment, prepared by Novus Environmental Inc. dated June 2024;
- Environmental Noise Assessment and Addendum, prepared by Novus Environmental Inc. dated June 2024;
- Functional Servicing Report, prepared by S. Llewellyn and Associates dated June 2024;
- BUD Meeting Minutes and affidavits from Steve Mauro and Mark Bales;
- Updated Phase 1 Environmental Report, prepared by Soil-Mat Engineers & Consultants dated May 7, 2024;
- Environmental Sustainability Checklist, prepared by Inaria Burlington Inc. dated June 21, 2024;
- Environmental Screening Checklist, completed by Inaria Burlington Inc.;
- Copies of the Records of Site Condition that have been issued previously by the Province of Ontario; and,
- Boundary and topographic survey, prepared by A.T. McLaren (including a sketch of the Subject Land).

Conclusions:

The proponent. has made significant revisions to its redevelopment proposal to accommodate comments received from the City of Burlington and the public and we are of the opinion that:

- the proposed development represents good planning and implements the intent of all Provincial, Regional and City policies;
- the proposed development satisfies and implements existing City of Burlington Guidelines while at the same time effectively promoting the fulfillment of the evolving planning regime and land use policy framework.

We trust that you find this submission to be in order. We look forward to working with the City of Burlington on this project.

Please confirm the submission fees (City of Burlington, Region of Halton and Conservation Halton) and the fee payment protocol.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,
Inaria Burlington Inc.

Mark G. Bales, MCIP, RPP, MLA
Manager of Development

c.c. Nick Carnicelli, President
Jamie Tellier, Director, City of Burlington
William Wallace, Supervisor, Development Review