



Community Planning Department

SUBJECT: Proposed Settlement for 40-70 Plains Road E - Official Plan and Zoning By-law Amendment

TO: Blake Hurley, Deputy Corporation Counsel

FROM: Mark Simeoni, Director of Community Planning

Property Information:

1.0 Background:

On January 22, 2020, a neighbourhood meeting was held at the East Plains United Church to discuss a proposed development for the lands at 40-70 Plains Road East. At this meeting, planning staff provided a brief presentation of the planning process and introduced the applicant to provide an overview of the proposal. On September 9, 2020, the proponents met with City and Halton Region staff to determine the requirements of a complete application under the *Planning Act* to facilitate a development proposal consisting of a 10-storey residential apartment building with 423 residential units. At the pre-consultation meeting, the applicant was advised of the current Official Plan designation and Zoning By-law regulations and advised of the required applications and supporting reports, studies and plans needed before the application could be deemed complete.

On April 21, 2021, the City acknowledged that complete applications had been received for an Official Plan amendment and Zoning By-law amendment to facilitate the development of a ten-storey (including mechanical penthouse level) apartment building on lands addressed as 40-70 Plains Road East. A public notice and request for comments were circulated in June 2021 to surrounding property owners / tenants. Notice signs were also posted on the property, which depicted the proposed development.. The Statutory Public Meeting was held on September 14, 2021 and included an information report (PL-34-21) and presentation by staff and the applicant.

On November 30, 2021, the applicants appealed the subject applications to the Ontario Land Tribunal (OLT) based upon non-decision of the City within the required time period set out by the *Planning Act*.

On November 9, 2022, the applicants submitted a Settlement Offer to the City for consideration. The settlement offer includes the following:

- Increased height of the proposed mid-rise building from 10 storeys to 12 storeys;
- Reduced residential gross floor area from 29,626m² to 28,143m²;
- Introduction of 1,027 m² of ground floor commercial / retail space;
- Increased residential unit count from 360 to 389 units;
- Increased total residential amenity space from 5.83m² per unit to 21.98m² per unit (926 m² of indoor amenity space, 1,978 m² of outdoor amenity space, and 5,645 m² of private amenity space (balconies terraces));
- Increased side yard setback to abutting property at 992 Birchwood Ave from 3 metres to 5.5 metres;
- Introduction of a 15-metre built form separation above the 6th storey between the upper built form elements;
- General compliance with the City's Mixed Use and Residential Mid-Rise Buildings Guidelines;
- Reduced parking rate from 1.17 spaces per unit (inclusive of visitor parking) to 0.97 spaces per unit (inclusive of shared visitor & retail / commercial parking).

1.1 Site Description:

The subject lands are located in the Aldershot community in the City of Burlington on the south side of Plains Road East, east of Lasalle Park Road. The subject lands consist of seven properties known as 40, 46, 50, 56, 62, 66, and 70 Plains Road East, and have a combined area of approximately 0.68 hectares. These lands have a depth of approximately 50 metres and a combined frontage of approximately 128 metres on the south side of Plains Road East. The existing uses on the site consist of seven detached dwellings of 1.5 to 2 storeys in height with individual driveways providing access from Plains Road East.

1.2 Surrounding Land Uses:

Surrounding land uses are:

- To the south: low-density detached dwellings fronting on Fairwood Place East and Birchwood Ave. Approximately 500 metres to the south is Lasalle Park.
- To the west: a six-storey mixed-use building with residential apartments and ground-floor commercial space (Halton Condo Plan 671). Beyond this are a two-storey restaurant with outdoor patio and surface parking, an automobile

service station with surface parking and accessory retail (convenience store), and a six-storey mixed-use building at the southwest corner of Waterdown Road/Lasalle Park Road and Plains Road comprising a retirement home with ground-level retail and medical office.

- To the north: Plains Road East, across which are a vacant parcel at 35 Plains Road East, a one-storey building containing an adult entertainment establishment and motel with surface parking at 53 Plains Road East, and a vacant parcel at 71 Plains Road E. Beyond these are employment uses along Cooke Blvd and low-density residential uses on Clearview Ave. Approximately 650 metres north of the subject lands is the Aldershot rail station served by GO Transit and VIA Rail.

The Local Planning Appeal Tribunal (now called the Ontario Land Tribunal) has approved an Official Plan Amendment and Zoning By-law Amendment to permit a 9-storey residential building with 72 residential units and ground-floor commercial uses at 35 Plains Road East (PL171346). Information on this approval is available at www.burlington.ca/35plains.

The owner of 53-71 Plains Road E and 1025 Cooke Blvd has applied for Official Plan Amendment and Zoning By-law Amendment to permit development of 10-storey and 12-storey mixed-use buildings on these lands with 450 residential units and ground-level commercial uses. On May 12, 2021, these applications (file numbers 505-11/17 and 520-22/17) were appealed by the owner for non-decision. These appeals have been referred to the Ontario Land Tribunal (OLT). For more information, visit www.burlington.ca/solidgold.

- To the east: a one-storey detached dwelling known as 992 Birchwood Avenue, at the southwest corner of Plains Rd E and Birchwood Ave. Beyond Birchwood Avenue are additional detached dwellings. 56m east of the subject lands, the property known as 92 Plains Road East has been approved by the Local Planning Appeal Tribunal (now called Ontario Land Tribunal) for development of a 7-storey apartment building with ground-floor office (PL180373).

REPORT FACT SHEET

RECOMMENDATIONS:	<i>Approval of proposed built form</i>	Ward No.:	<i>1</i>
	OWNER:	Infinity (Plains Road) Corporation and Infinity (Aldershot) Developments Inc.	
	APPLICANT:		

		Bousfields Inc.
	FILE NUMBERS:	505-02/21, 520-03/21
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment
	PROPOSED USE:	12-storey mixed use building
<i>Property Details</i>	PROPERTY LOCATION:	South side of Plains Rd E, between Lasalle Park Rd and Birchwood Ave
	MUNICIPAL ADDRESSES:	40, 46, 60, 56, 62, 66, and 70 Plains Rd E
	PROPERTY AREA:	0.68 hectares
	EXISTING USE:	Seven two-storey detached dwellings
<i>Documents</i>	OFFICIAL PLAN Existing:	Residential – Medium Density
	OFFICIAL PLAN Proposed:	Mixed-Use Corridor – General (with site-specific policies)
	ZONING Existing:	RM1-346
	ZONING Proposed:	MXG-XXX (Mixed Use Corridor – General with site-specific regulations)
<i>Processing Details</i>	NEIGHBOURHOOD MEETING:	January 22, 2020
	PUBLIC COMMENTS:	22 residents submitted written comments; One resident submitted a petition signed by 59 residents and results of an online survey created by the resident and completed by 86 respondents.

2.0 Policy Framework and Review:

The proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, conform to all applicable Provincial Plans; Halton Region Official Plan; reflect the policy direction of the City of Burlington Official Plan, have regard for matters of Provincial interest for the reasons set out in this report.

2.1 Conformity Analysis and Policy Framework Review:

The applications are subject to the following policy framework: The Planning Act, Provincial Policy Statement, 2020; A Place to Grow: Growth Plan for the Greater

Golden Horseshoe, 2019; Halton Region Official Plan; Burlington Official Plan (1997, as amended); Burlington New Official Plan (2020); and Zoning By-law 2020.

Staff have reviewed and analyzed the planning merits of the settlement offer within this policy framework as described below.

2.1.1 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) came into force and effect on May 1, 2020 and applies to decisions concerning planning matters occurring after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters “shall be consistent with” the PPS.

The PPS directs growth to settlement areas and promotes efficient development and land use patterns which sustain financial well-being of municipalities over the long term. The plan promotes appropriate densities and a mix of land uses that optimize use of land, infrastructure and public service facilities; promote energy efficiency and minimize negative impacts to air quality and climate change; and support transit and active transportation. The PPS requires that sufficient land be made available through intensification and redevelopment and, if necessary, designated growth areas.

In addition, the PPS directs planning authorities to identify appropriate locations and opportunities for intensification and to promote appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The PPS directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The PPS notes that where a provincial target is established through a provincial plan that the provincial target shall represent the minimum target, which in this case is the Growth Plan. The PPS sets out that new development within designated growth areas shall have a compact form and contain a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The PPS recognizes the importance of local context given the diversity of Ontario and that not all policies are applicable to every site and thus some flexibility in policy implementation is offered provided provincial interests are upheld. Further, the PPS identifies Official plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City’s Official Plan provides this policy framework and includes evaluation criteria for intensification proposals.

Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated taking into account existing areas and availability of suitable existing or planned infrastructure and public service facilities to accommodate needs. The appropriate locations and opportunities for infill and intensification are identified in the City of Burlington's Official Plan that provide policy framework and includes evaluation criteria for intensification proposals.

The housing policies of the PPS direct planning authorities to provide an appropriate range and mix of housing options and densities to meet the needs of current and future residents of the regional market area. This is to be accommodated by promoting densities for new housing and establishing development standards for new residential intensification and development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety. In addition, the provision of an appropriate range and mix of housing options and densities is through permitting and facilitating 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. The City's Official Plan intensification strategy has appropriately considered, planned for and implemented an effective strategy that directs growth towards underutilized or vacant parcels in existing communities and to the City's mixed use centres and intensification corridors, which is consistent with the PPS.

Density and a mix of land uses should minimize the length and number of vehicle trips and support current and future use of transit and active transportation and improve connectivity within and among transportation systems and modes and between cross jurisdictional boundaries.

Opinion

Staff are of the opinion that the revised proposal is consistent with the policy directives of the PPS. The revised proposal represents an appropriate level of intensification within the urban boundary, efficient use of land and provides for a range and mix of housing options and densities. The revised proposal provides for an appropriate density and built form that represents compatible intensification.

The proposed revised development can be supported through use of existing and newly proposed infrastructure and public service facilities and the land is attractive for intensification given the proximity to existing transit routes, cultural and recreational resources, parks, institutional uses and community amenities. The revised development proposal will provide a range and mix of housing options within the urban boundary.

The initial submissions were circulated to all applicable agencies that included the Region of Halton, City department staff and other agencies and a coordinated approach

was taken with respect to multi-jurisdictional features. The initial technical studies submitted in support of the proposed development have been reviewed and additional detail is contained elsewhere in this report.

The proposed intensification would contribute towards achieving the City's minimum intensification targets established by the Growth Plan, through the efficient use of land, infrastructure and resources.

Staff are of the opinion that the revised applications are consistent with the policy directives of the PPS.

2.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The polices in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. They also continue to ensure the protection of our agricultural and natural areas and support climate change mitigation and adaptation as Ontario moves towards the goal of environmentally sustainable communities.

The guiding principles of the plan include prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; supporting a range and mix of housing options to serve all sizes, incomes, and ages of households; and protecting and enhancing natural heritage, hydrologic, and landform systems, features and functions.

The Growth Plan contains population and employment forecasts to plan for and manage growth to the horizon of the Growth Plan (2051). The policies direct the vast majority of growth to settlement areas and more specifically within delineated built-up areas and strategic growth areas where there is an existing or planned transit and public service facility.

The Growth Plan requires municipalities to develop and implement, through their official plans and other supporting documents, a strategy and policies to phase in and achieve allocated intensification and the intensification targets. Policies are to encourage intensification throughout the delineated built-up areas; identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; encourage intensification generally throughout the delineated built-up area; and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

The Growth Plan supports the achievement of minimum intensification and density targets by identifying and considering a range and mix of housing options and densities and by planning to diversify overall housing stock across the municipality. Municipalities are to consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a wide range of household sizes and incomes. In addition, municipalities are to maintain at all times land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

The Growth Plan identifies minimum density targets for Major Transit Station Areas (MTSA - which the subject lands are within) of 150 residents and jobs combined per hectare for those MTSA's that are served by the GO Transit rail network.

The Growth Plan supports the achievement of minimum allocated density targets through the consideration of a range and mix of housing options and densities and by planning to diversify the overall housing stock across the municipality. The Growth Plan notes that density targets are minimum standards and municipalities can go beyond these minimum targets, where appropriate.

Another focus of the Growth Plan is the planning and management of transportation systems that include the movement of people and goods. Transportation systems are to offer a balance of transportation choices to reduce automobile dependence and promote use of public transit and active transportation.

Public transit is to be a priority in transportation planning, and land use will be planned to achieve transit supportive densities and provide a mix of residential, office, institutional, and commercial development. In addition, municipalities are to ensure that active transportation networks provide for safe, comfortable travel for pedestrians, bicyclists and other users. The policies support the development and implementation of transportation demand management policies in Official Plan and other planning documents that reduce trip distance and time, increase alternatives to the automobile, prioritize active transportation, transit and movement of goods.

Opinion

The Growth Plan defines intensification as the development of a property, site or area at a higher density than currently exists. Staff support intensification of the site as it is located within the urban boundary and within an identified Major Transit Station Area at a location that is well served by existing transit and pedestrian infrastructure, has adequate servicing capacity and is in close proximity to various land uses and amenities to support the day to day needs of future residents.

The revised proposed development will provide a range and mix of housing options within the urban boundary. The surrounding area is evolving and contains a number of

existing and planned similar built forms that include a mix of mid-rise and tall buildings with a range of densities. Further, the revised development has incorporated appropriate design techniques to ensure that the proposed development is compatible with the existing neighbourhood.

The subject lands are located on existing transit route #1 and in close proximity to route #4, which run along Plains Road provide access to the Burlington GO Station, Downtown Burlington Bus Terminal, Appleby GO Station. This service provides connections to other routes and other areas of the City and beyond. In addition, the subject lands are located approximately 700 metres from the Aldershot GO station.

Staff are of the opinion that the revised development proposal conforms with the policies of the Growth Plan.

2.1.3 Halton Region Official Plan

The Region's Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton Region. The ROP provides population and intensification targets for all of the local municipalities including the City of Burlington. The subject lands are designated as Urban Area on Map 1 of the ROP and are located within a Major Transit Station Area (MTSA) as identified by Regional Official Plan Amendment (ROPA) #48. MTSA's are part of a regionally mapped and defined *Intensification Area*. The ROP further supports providing opportunities for live/work relationships and achieving higher densities and mix of uses as defined and prescribed by local Official Plan policies.

ROPA #49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA #49 was adopted by Regional Council on June 15, 2022 and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA #49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure.

The Urban Area is intended to accommodate future growth through increased densities and intensification that is compact and transit supportive in order to reduce the dependence on the automobile and facilitate active transportation. The ROP establishes that the range of permitted uses within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws, however, all development shall be subject to all other relevant policies of the ROP. The ROP further directs that the Aldershot MTSA is to achieve a minimum density target of 150 residents and jobs combined per hectare by 2051.

Within the Urban Area, the ROP policies support the achievement of densities higher than surrounding areas and mixed uses that support active transportation and ensure

the viability of existing and planned transit for everyday activities promoting the development of vibrant and healthy communities. The ROP objectives for intensification areas are to provide an urban form that is complementary to existing developed areas, make efficient use of land and services and promote a diverse and compatible mix of land uses that create a vibrant and pedestrian-oriented urban environment. The ROP also supports the provision of an adequate mix and variety of housing to satisfy differing physical, social and economic needs.

All new development in the Urban Area is to be on the basis of connections to Regional Servicing. Regional staff note that there are existing services adjacent to the subject lands and there are no capacity-related servicing concerns at this time.

Opinion

Staff are of the opinion the proposed applications, as revised, are in keeping with the general intent and objectives of the ROP Urban Area policies by providing an urban form that is complementary to existing developed areas, making efficient use of land and services and providing a variety of housing to satisfy different needs.

Staff have reviewed the revised proposed applications and are satisfied that the development conforms to the Urban Area and MTSA policies of the ROP and will also be consistent with the PPS and Provincial Growth Plan. City staff are of the opinion that the revised applications comply with the ROP.

2.1.4 City of Burlington Official Plan (OP) (1997, as amended)

The City's Official Plan recognizes changes with respect to the future built form within the City. The Plan identifies that to meet the needs of the changing population, a broader mix of residential dwellings in terms of type, size, cost and ownership in a more compact form is required. It also encourages development that is served by various modes of transportation and located in close proximity to jobs, shopping and leisure areas. This direction is designed to maintain the established character of the City's neighbourhoods by directing growth towards underutilized or vacant parcels in existing communities, to certain mixed use corridors, and to the Downtown and Uptown.

The Official Plan land use vision is to direct growth in a manner that enhances the City's character while providing a broad range of opportunities. It also recognizes the importance of environment and that as the City approaches a mature state, a significant amount of its future growth will be in the form of intensification and redevelopment within the existing urban boundary.

With intensification and redevelopment becoming more prominent, urban design will become increasingly important to integrate new development within the existing urban fabric. The Official Plan design principle states that tangible elements that form the

urban landscape, including built form and open space, shall be designed in an efficient, attractive and compact manner to enhance the well-being of residents and reflect the vision of the Official Plan. New development is to preserve natural environmental features, be compatible and sympathetic to existing neighbourhood character, be well served by public transit with well-developed pedestrian environments and well-designed public realm. Preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of transit. The policies outline that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with the surrounding area.

Official Plan Land Use

The City's Official Plan identifies the subject properties on two schedules:

- *Residential Area* on Schedule 'A' (Settlement Pattern);
- *Residential Medium Density* on Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area);

Residential Areas

Lands identified as 'Residential Areas' to Schedule 'A' (Settlement Pattern) of the City of Burlington Official Plan are those areas provide for housing and other land uses that are part of a residential environment. Housing may take many forms ranging from detached homes to high-rise apartment structures. To provide opportunities for the broad range of residential uses that will satisfy the City's housing requirements, and provide for compatibility issues to be suitably addressed.

In accordance with Part III, Subsection 2.2.1, 'Residential Areas' aim to encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods. Furthermore, these areas aim to provide housing opportunities that are compatible with the protection of the natural environment; that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car; that encourage a strong live/work relationship in the City by providing a variety of housing that reflects the existing and future socio-economic and demographic characteristics of local residents and job opportunities; housing opportunities in proximity to employment areas and residential support uses such as shopping and recreational areas to create opportunities to reduce travel times; and that encourage the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.

Residential – Medium Density Designation

The subject lands are located within the ‘Residential – Medium Density’ designation as is illustrated on Schedule ‘B’ (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan.

In accordance to Part III, Subsection 2.2.2 d), ‘Residential – Medium Density’ areas, ground or non-ground-oriented housing units with a density ranging between 26 and 50 units per net hectare shall be permitted. Furthermore, in accordance with Part III, Subsection 2.2.2 g) ii), detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments shall be permitted in Residential-Medium Density areas, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 d).

Residential Intensification

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial growth management objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment, active and public transportation use and housing opportunities in proximity to employment areas.

The City’s Official Plan provides a balanced approach by targeting specific locations and areas for intensification. Applications to amend the Official Plan to more closely meet the general intent of the intensification policies of the Official Plan and A Place to Grow (‘Growth Plan’) may be considered appropriate, subject to the nature of the site-specific development application.

The policies of the Official Plan provide for a broad range of permitted residential dwelling types. Residential densities are in accordance with the applicable land use designation and include Residential-Low Density Areas (up to 25 units per net hectare), Residential-Medium Density Areas (26 to 50 units per net hectare), and Residential-High Density Areas (51 to 185 units per net hectare).

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

Intensification Evaluation Criteria

Section 2.5.2 (General Policies – Housing Intensification) of the Official Plan contains thirteen (13) evaluation criteria for intensification proposals, which are to be assessed to

ensure that established neighbourhoods are protected from any potential negative impacts associated with intensification proposals. The proposed intensification has been assessed against the 'Housing Intensification' criteria as follows:

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

City of Burlington Engineering Services staff reviewed the submitted Functional Servicing Plan Drawing dated April 2021 and provided comments related to the proposed servicing (i.e. sanitary and water) on July 30, 2021. Based on the review of the Functional Servicing Report (FSR), Engineering Services staff identified that an updated Functional Servicing Report would be required; however, that report could be provided at the time of a site plan application., Similarly, Regional staff have also requested amendments to the submitted FSR.

Halton District School Board (HDSB) provided comments on June 7, 2021 with respect to the applications and indicated no objections to the proposed development. HDSB provided standard conditions of development approval to be applied to a future development agreement (i.e. Site Plan Agreement).

Parks and Open Space staff have advised on October 21, 2021 that park dedication would be taken as Cash in Lieu of Parkland dedication as specified in the City's current Park dedication By-law.

As such, staff is of the opinion that there is adequate municipal services, school accommodation and parkland available for the purposes of the proposed development.

Off-street parking is adequate;

The applicants are proposing a residential parking rate of 0.97 spaces, inclusive of residential, visitor and retail parking requirements (i.e. residential rate of 0.91 spaces per residential unit and 0.06 visitor / retail spaces per residential unit). Based upon the 389 residential units being proposed, the applicants are proposing to provide approximately 355 residential parking spaces. The applicants are also proposing 1,027 square metres of retail space at grade with a parking rate of 0.06 spaces which translates to approximately 24 parking spaces. The proposed parking for the retail space is to be shared with the visitor parking requirements for the residential units.

The City's Zoning By-law sets out that within a Primary Growth Area as identified on Schedule B-1 of the City's New Official Plan (which the subject lands are within) the required parking rate is 1.25 parking spaces per units inclusive of visitor parking. The Zoning By-law acknowledges that this is an interim rate and is subject to further study. An application to reduce this parking rate will be required to be supported by a parking justification study deemed acceptable by the City.

Transportation Planning and Integrated Mobility staff have reviewed the proposed off-street parking rates and are of the opinion that the proposed rates are sufficient and will provide an adequate supply of parking for the proposed development. Staff recommend that options for reduced parking demand be further investigated through the continued review of this development proposal through transportation demand management (TDM) measures, including the provision of secure, conveniently located, weather protected on-site bicycle storage facilities and associated amenities; reserved priority car-pool parking spaces; provision of provincial / city transit passes to building occupants or residents; and other measures that reduce single occupancy vehicle trips.

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

City of Burlington Transportation Services Department staff reviewed the original development proposal based upon the submitted traffic impact study and in the context of available traffic data in the vicinity of the property and had no concerns with the proposed traffic volumes or the proposed ingress and egress from Plains Road. There are no concerns with the capacity of the municipal transportation system in proximity to the subject lands.

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

The subject lands are located within the Aldershot GO Major Transit Station Area, as defined by Halton Region through Regional Official Plan Amendment #48.

The subject lands are located on the existing Burlington Transit Route 1 (Plains) and in close proximity to Route 4 (Central), which run along Plains Road and provide access to the nearest Aldershot GO Station, Burlington GO Station and Appleby GO Station as well as the Downtown Burlington Bus Terminal. This service provides connections to other routes and other areas of the City and beyond. In addition, the subject lands are located approximately 700 metres from the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line.

Plains Road and Waterdown Road are identified as 'Primary Bus Service' routes on Appendix 'A' (Schedule 1) - Long Term Transit Service Network and are classified as 'Multi-purpose and Minor Arterials' in the Official Plan. These routes are intended to provide peak period service frequencies of 15 minutes or better.

Transit-supportive development that reduces vehicular traffic, parking demands and congestion (air pollution) are priorities in the assessment of levels of transit service available at a location. The level of transit service provided at this location promotes the use of public transit and is well served for the long-term.

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

Scale and Massing

The proposed development contemplates a total gross floor area (GFA) of approximately 29,170 squared metres. Based on a lot area of 6,823 squared metres, the total floor area ratio (FAR) contemplated by the proposal is approximately 4.27 (GFA/lot area). The proposed unit count of 389 residential units translates into a residential density of 570 units per hectare which exceeds the prescribed density under the Official Plan ranging between 26 and 50 units per net hectare.

While there isn't any existing built form with the proposed height and density in the area currently, there are existing mid-rise buildings along Plains Road. The principle for the development of mid-rise and tall building forms is being established for this area as part of the on-going area-specific planning process for the Aldershot Major Transit Station Area (MTSA). Within the City's urban structure (as outlined in the City's New Official Plan), MTSA's are considered primary growth areas that are intended to accommodate the majority of the City's growth moving forward. To that end, lands within the MTSA boundary, as defined by the Halton Region Official Plan, are planned to be developed at a higher intensity than lands that fall outside of the MTSA boundaries. Impacts from the increased scale and massing have been mitigated to an acceptable point through the use of the City's design guidelines.

This revised development proposal has been reviewed in the context of other related City policies, including building and site design guidelines, and staff are satisfied that the proposed use and form is appropriate with respect to compatibility, the maintenance of area character and alignment with the on-going secondary planning work. The majority of the proposed building's mass has been pushed to the north end of the site, adjacent to Plains Road and as far away as possible from the abutting low-rise properties to the south. As part of the revised proposal, the applicants have increased the rear landscape buffer, in addition to increasing the setbacks and stepbacks at the rear of the building to ensure an appropriate transition and compatibility with the adjacent properties to the south.

Height

The proposed development consists of 6-storey shared podium (i.e. lower component of the building) with two separate upper-building built form elements measuring 11 and 12 storeys respectively. The proposed building height exceeds the maximum permitted by the Zoning By-law (i.e. 6 storeys) and is included as part of the overall amendments being proposed as a component of the development proposal.

The design of the proposed upper building as it relates specifically to height has been reviewed in the context of emerging built form context in the Aldershot MTSA, as well as the attributes of the site, including building placement and setbacks, building design (including podium stepbacks), shadowing and microclimatic conditions and pedestrian comfort.

The proposed development is in general compliance with the required setbacks to low-density residential zones located at the rear of the proposed building (south-east property line) for floors 1-6. The proposed building structure provides stepping back of built form from the podium to permit sunlight permeability and to reduce the effects of shadowing on the adjacent sites and hence permit an improved transition of building mass from the site to neighbouring properties.

The height of the building elements has been designed to focus the greater heights towards the north-west side of the site (along Plains Road), furthest away from the adjacent existing low-rise residential properties. In addition, the majority of the proposed 12-storey building would be situated outside of the 45° angular plane from the adjacent low-rise properties, with the exception of floors 10-12, which encroach slightly into the 45 degree angular plane. It should also be noted that the easterly upper building built form element is 11 storeys in height, while the westerly upper building built form element is 12 storeys in height. While the height of the proposed building has increased since the original submission, this has allowed for a more gradual and sensitive transition at the rear of the building.

Siting and Setbacks

45° angular planes (extending from the grade along the property lines of adjacent low-rise residential properties upward toward the proposed building elements) are generally the area within which buildings or structures should not encroach in order to maximize an appropriate transition between higher density form and lower density form on adjacent and surrounding properties. This design guideline is intended to reduce the relative impact of building massing (with impacts reduced with greater portions of the building falling inside the angular plane) and maximize light permeability (and reduce shadow cast).

The proposed design of the building, is such that there would be no encroachments of the building into the angular plane for floors 1-9. There are encroachments into the angular plane for floors 10-12; however, pushing the massing and height as far away from the adjacent properties to the south is considered an appropriate way to mitigate the impacts associated with these encroachments into the angular plane.

With respect to setbacks, the revised proposal has increased the rear yard setbacks to allow for greater building separation and increased at-grade amenity space, and provide sufficient unencumbered space to allow for the planting of landscaping that will have

sufficient soil volume to mature. In addition, an increased side yard setback has been proposed adjacent to the easterly property at 992 Birchwood Ave to increase compatibility with that property.

Coverage

The existing 'Residential – Medium Density' (RM1-346) Zone prescribes lot coverage regulations for detached dwelling units, while, the proposed 'Mixed Use Corridor – General' (MGX) does not contain a prescribed maximum permitted lot coverage for buildings within the applicable zoning.

Parking

The applicants are proposing a residential parking rate of 0.91 spaces per residential unit. Based upon the 389 residential units being proposed, the applicants are proposing to provide approximately 355 residential parking spaces. The applicants are also proposing 1,027 square metres of retail space at grade with a parking rate of 0.06 spaces which translates to approximately 24 additional parking spaces. The proposed parking for the retail space is to be shared with the visitor parking requirements for the residential units.

The City's Zoning By-law sets out that within a Primary Growth Area as identified on Schedule B-1 of the City's New Official Plan (which the subject lands are within) the required parking rate is 1.25 parking spaces per units inclusive of visitor parking. The Zoning By-law acknowledges that this is an interim rate and is subject to further study..

Transportation Planning and Integrated Mobility staff have reviewed the proposed off-street parking rates and are of the opinion that the proposed rates are sufficient and will provide an adequate supply of parking for the proposed development. Staff recommend that options for reduced parking demand be further investigated through the continued review of this development proposal through transportation demand management (TDM) measures, including the provision of secure, conveniently located, weather protected on-site bicycle storage facilities and associated amenities; reserved priority car-pool parking spaces; provision of provincial / city transit passes to building occupants or residents; and other measures that reduce single occupancy vehicle trips.

Amenity

The provision of amenity area as part of a residential intensification development is generally recognized as an appropriate design standard and reflected in Official Plan policy as a means of providing for a range of open space areas for buildings. Amenity areas include private space amenities as proposed by the development.

The proposed development contemplates indoor amenity space, outdoor amenity areas, as well as private amenity areas (i.e. balconies terraces). As a standard, the existing 'Residential – Medium Density' (RM1-346) Zone does not require a minimum amenity

area. Differently, the proposed 'Mixed Use Corridor – General' (MGX) requires a minimum area based upon the dwelling types being proposed (i.e. 15 squared metres per efficiency dwelling unit, 20 squared metres per one bedroom unit, 35 squared metres per two or more bedroom unit). The applicants are proposing to comply with the City's amenity space requirements.

Transition

The built form design of the proposed development contemplates measures to minimize adverse impacts related to height (i.e. shadowing, overlook, massing). The site design includes setbacks, stepbacks and landscape buffers that planning staff find meet the intent of the zoning by-law, particularly at key transition points at the south-east of the property, abutting low rise, low density residential development.

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

The original application submission was reviewed by the City's Intermediate Technician – Landscaping. Landscaping staff do not currently encourage the large number of tree removals identified as part of the original application submission. Further review of the proposed removals on the subject and adjacent lands would be considered upon a Site Plan application review.

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

Staff are recommending that the applicants provide an updated Shadow Study, in accordance with the City's Shadow Study Guidelines and Terms of Reference, to the satisfaction of the City to demonstrate that the shadow impacts resulting from the proposed development will be appropriate and mitigated to the extent possible.

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

The proposed development is located in proximity to various community services and other neighbourhood conveniences (including community centres, retail and service uses, offices and institutional land uses, parks and open space networks and public service facilities) which are accessible by multi modal means (including private vehicle, public transit, cycling and pedestrian connections).

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

The proposed development contemplates appropriate minimum setbacks to existing lot lines (particularly to the south-east at the transition to existing low density residential

land uses on the adjacent lot). These setbacks would allow for well-designed streetscapes; amenity areas; landscape buffering and distance separation between building elements and adjacent and surrounding development.

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

The current land use designation and applicable zoning of the subject lands permit the redevelopment of the property for additional residential intensification. The proposal has been reviewed in the context of site-specific amendments that are contemplated as part of this particular development concept. Staff are satisfied that this development proposal would not impact any future development potential of adjacent sites.

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

No impacts are anticipated. There are no known natural or cultural heritage features or natural hazards on or within proximity to the site.

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

Not applicable. The proposed development envelope is not impacted by a regulatory floodplain or valleylands and there are no known watercourses located within the limits of the subject lands. The regulatory limits of Conservation Halton do not impact the property.

Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

The subject property is located at the periphery of an existing residential neighbourhood and has direct access to a multi-purpose arterial road (Plains Road). In addition, the built form has been designed in such a way that scale and mass associated with the proposed development will allow the development to transition well to the adjacent residential properties. This is discussed in further sections of this report.

Urban Design

The City of Burlington is committed to a high standard of urban design and architecture which is becoming increasingly important as re-development and intensification become more prominent forms of development. The review of proposed building and site design in the context of other development best practices (i.e. pedestrian and transit

connections (and the continuity of grade-related activity)); public realm considerations (i.e. safety and comfort), compatibility and neighbourhood character, as well as built form are critical components in the review and evaluation of development applications.

The design of the built environment should strengthen and enhance the character of the surrounding neighbourhoods. Intensification within existing neighbourhoods is to be designed to be compatible and sympathetic to the neighbourhood character. The Official Plan also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian-oriented and encourage increased use of public transit.

The implementation policies of the City of Burlington Official Plan state that the preparation of design guidelines shall be required as part of the consideration of major site or area-specific development proposals which are to review and recommend solutions to issues such as compatibility with surrounding uses, transit use, micro-climate effects, pedestrian safety, noise abatement and issues of human scale and views.

Any City Council approved design guidelines are considered City policy and shall be implemented for all public and private development proposals.

Specific Guidelines Relevant to the Proposed Development

The proposed development has been reviewed for conformity with the following City Council-approved guideline documents for matters related to building and site design and implement the intent of the City's Official Plan objectives.

City of Burlington Design Guidelines for Mixed Use and Residential Mid-Rise Buildings (2019)

City Council approved the Mixed Use and Residential Mid-Rise Building Guidelines in March 2019, which have been reviewed in the context of the subject development. For the purposes of these guidelines, a mid-rise building is defined as any building between five (5) and eleven (11) storeys in height. While one of the proposed built form elements is proposed to be 12 storeys, staff are comfortable assessing the proposed development using the Mid-Rise Building Design Guidelines.

The objective of the Guidelines is to provide best practices related to building height, massing, transitions, and building articulation to promote and encourage high quality mid-rise building proposals.

The guidelines are grouped by the main components of a mid-rise building being the lower building and the upper building. Staff have completed a review of these components and guidelines of particular relevance in relation to the proposed development, as discussed below.

The lower part of the building contributes to a positive pedestrian experience at the ground level. It is important that the location and height of the lower building responds to its context to define the street edge and reinforce a human scale. Street level design elements such as clear glazing, and the organization of entrances and internal uses, further define the appearance of the building and create physical and visual connections between the private and public realms while promoting vibrancy and activity throughout the day.

The proposed mid-rise portion of the building has a public retail / commercial component at grade with residential uses above. The building is setback greater than 6 metres from the edge of curb of Plains Road East. The entrance at grade is clearly defined through articulation including double doors. The entrance is pedestrian- and cycle-friendly shown through the bike parking located at the entry. An outdoor amenity space at grade is also provided at the rear.

The upper part of the building contributes to the overall massing of the building form and its impact on the skyline and neighbouring properties. As shown through the 3D massing submitted, there is a mixture of expression (balconies) and recesses, which help to minimize the overall massing of the proposed building.

There is an increased setback at the middle of the building which is a 6-storey element with two upper building built form elements on each side. This treatment breaks up the architectural and design elements in an effort to sufficiently differentiate the building mass to appear as separate building forms, which that meet the intent of the mid-rise building design guidelines. The building also utilizes appropriate pushing (projecting) and pulling (recessing) of the mass and volume, which helps break down the mass of the building.

Plains Road Urban Design Guidelines (2006)

The purpose of the Plains Road Corridor Urban Design Study is to refine the vision that the Plains Road Village Vision had been advocating and to create design guidelines to assist the city to direct future redevelopment of the roadway and adjacent lands. The subject property is located within the LaSalle District as per Section 5.2.4 of the Plains Road Urban Design Guidelines. The LaSalle District is identified as lands along Plains Road East between Cooke Boulevard and Daryl Drive. The guidelines for this area are intended to encourage the development of a Village Node, with intensified street related land uses in the vicinity of the Waterdown Road intersection.

The proposed development provides an approximate 12 metre setback from the edge of Plains Road East which allows for a landscaped boulevard. Additionally, the proposed development will have an articulated entrance from Plains Road East and the mechanical equipment is screened from view as it is located on the 12th floor of the

building and setback. Parking is provided underground and loading spaces are located towards the rear of the building.

Summary

In summary, the proposed development utilizes urban design and the City's mid-rise and Plains Road design guidelines as a method of ensuring compatibility with the surrounding developments.

The proposed building incorporates suitable massing, setbacks, step backs and spacing to facilitate a desirable transition with the surrounding properties.

Opinion

Staff are of the opinion that the proposed development, as revised, is consistent with the policies and intent of the Official Plan. The proposed development, as revised, encourages development that is served by various modes of transportation and is located in close proximity to a variety of community amenities. The proposal is providing a mix of residential unit types at an appropriate density within the urban boundary on an underutilized parcel that provides for efficient use of land, infrastructure and services.

The revised proposal is compatible with adjacent building typologies, scale, massing, setbacks, step backs and building heights and provides an appropriate transition between the proposed development and the adjacent neighbourhood. It is also supplying adequate off-street parking and there is existing public transit located along Plains Rd and the nearby Lakeshore West rail corridor. The proposed development has access to a multi-purpose arterial road and can be accommodated by the existing road network surrounding the development. As well, there are community services and amenities located within close walking distance to the subject lands.

2.1.5 Burlington's New Official Plan (2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the New Burlington Official Plan. The New Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved Official Plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal – that date being December 22, 2020 for the New Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant section of OP, 2020.

The lands are identified as being within a *Primary Growth Area* in accordance with Schedule B-1 – Growth Framework of the New Official Plan. Primary Growth Areas are recognized as distinct areas that will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP, and consequently will experience the

greatest degree of change. Primary Growth Areas shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian-oriented in nature.

The lands are designated *Urban Corridor* in accordance with Schedule C – Land Use – Urban Area of the New Official Plan. The Urban Corridor designation requires transit-supportive and pedestrian-oriented design and is intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the corridor. Permitted uses include residential uses and mixed use developments in buildings between 2 to 6 storeys in height. The maximum permitted Floor Area Ratio (FAR) is 2.0:1 but higher FAR may be permitted through a Zoning By-law Amendment without requiring an Official Plan amendment.

The lands are also within the Aldershot GO MTSA Special Planning Area in accordance with Schedule G – Aldershot GO MTSA Special Planning Area of the New Official Plan.

Major Transit Station Areas (MTSAs) are an important component of the City's urban planning area, and are intended to serve as city-wide destinations and focal points for the provision of transit. MTSAs are to exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the City's future population and employment growth.

Chapter 8, Subsection 8.1.2(3) contains policies for development applications proceeding an area-specific plan. The following policies are applicable for the proposed development:

- b) For the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, as identified on Schedule F: Burlington GO MTSA Special Planning Area; Schedule G: Aldershot GO MTSA Special Planning Area; and Schedule H: Appleby GO MTSA Special Planning Area, of this Plan, the applicable objectives and policies for the underlying land use designations on Schedule C: Land Use-Urban Area, the objectives and policies for MTSAs in Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.
- c) Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within MTSA Special Planning Areas preceding the completion of an area-specific plan shall have regard for Provincial guidelines for mobility hubs and transit, and shall implement Regional and Provincial major transit station area policies. In addition, applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, shall have regard for the Mobility Hub Opportunities and Constraints Study (2014).

For applications that proceed the completion of an Area Specific Plan, the proposal shall be reviewed against the underlying land use designation (Urban Corridor), the policy and objectives of Subsection 8.1.2, and any other applicable policies of the New Official Plan.

The Urban Corridor land use designation does not permit the proposed height or density; however, the underlying land use designations in the Aldershot MTSA are placeholder designations that will eventually be replaced by the designations and/or precincts that result from the on-going area-specific planning that is underway for the Aldershot MTSA. Therefore, staff is of the opinion that the proposed development aligns with the objectives of the Aldershot MTSA and is in general alignment with the New Official Plan.

Aldershot MTSA

As set out the Aldershot MTSA is identified as an area that will be subject to further detailed area-specific planning, which is currently underway. The draft precinct plan that has been endorsed in-principle by Council for the Aldershot GO MTSA identifies the lands as being within the Aldershot Main Street Precinct. While not yet approved or in-force, staff have reviewed the development proposal against Section 6 of the Major Transit Station Areas, Area Specific Plans and notes that it is in keeping with the emerging vision for the Aldershot MTSA. A brief assessment is below:

6.4.2.1 Aldershot Main Street Precinct Policies

- a) The following uses are permitted within the Aldershot Main Street Precinct:
 - i. residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings office uses;
 - ii. retail and service commercial uses (required at grade, on bottom two floors only);
- b) The minimum building height is six (6) storeys and the maximum building height shall not exceed eleven (11) storeys, except for locations specified in the Zoning By-law where taller buildings may be permitted.

The proposed development is for a twelve (12) storey mixed use building with 389 residential units and 1,027 m² of ground floor retail. Therefore, the development proposal is in general alignment with this built form direction.

- c) Development abutting Plains Road East, Plains Road West, Waterdown Road or Cook Boulevard shall contain a minimum of two permitted uses and should contain three permitted uses, where feasible.

The development abuts Plains Road East and will provide two permitted uses: residential and ground floor retail / commercial. Therefore, the development proposal conforms to this policy.

- d) Development shall address the policies of Subsection 3.3.3.2 Retail Streets of this ASP.

The precinct plan for the Aldershot GO MTSA identifies the subject lands as a Retail Main Street. The proposal is addressing the policies of the Retail streets by providing retail/service commercial uses continuously at grade with frontage onto a public street (Plains Road East). The proposal will also have clear glazing on windows and doors along the front façade of the building to ensure active store frontages and provide service, loading and parking access at the rear of the building. Staff note that further refinements may be required at the Site Plan stage. Based on the above, staff is of the opinion that the proposal conforms to this policy.

- e) A continuous streetwall height of 3 storeys shall be provided throughout the precinct. Above the third story, buildings shall be stepped back at minimum 3 metres.

The proposed development has a continuous streetwall height of 6 storeys and is stepped back 3 metres above the sixth storey. While having a step back above the 3rd storey would provide a lower scale streetwall, the width of Plains Road abutting the site, does provide some justification for a streetwall with some additional height.

- f) New development will be scaled appropriately to provide transitions to the existing Residential – Low Density designation, adjacent precincts, and parks. Where development is proposed adjacent to a Residential Low-Density designation, considerations include:
 - i. Maximum 6 storey building height adjacent to the existing Residential – Low Density designation;
 - ii. Minimum 7.5 m setback from the neighbouring property line; and,
 - iii. The built form to fit within a 45-degree angular plane projected from the neighbourhood property line.

Staff have reviewed the proposed development and are of the opinion that it generally aligns with the direction of the Aldershot MTSA Area-Specific Plan. The development proposal is for a twelve (12) storey mixed use building that is located adjacent to a Residential Low – Density designation. Although the above draft policy direction is for a maximum height of 6 storeys adjacent to existing Residential – Low Density designation, staff feel that the proposed twelve (12) storey building is appropriate as it provides an appropriate transition through the use of setbacks, step-backs and the use of the 45-degree angular plane. Based upon the above criteria, the proposed height

exceeds 6 storeys; however, the proposed development exceeds the minimum setback requirements and conforms to the 45-degree angular plane for floors 1-9. As such, while full compliance is not achieved, planning staff are satisfied that the proposed development generally aligns with the emerging land use vision for the Aldershot MTSA and achieves some of the key policy directions.

Opinion

Planning staff is of the opinion that the revised development proposal maintains the general intent and purpose of the new OP. The proposed development contains a mix of land uses and transit supportive development that supports the achievement of complete communities through a more compact built form, while ensuring compatibility with surrounding areas. The revised development proposal is considered compatible with adjacent buildings; provides appropriate separation distances between built form elements on and adjacent to the site; limits overlook to adjacent low-rise areas; provides an appropriate transition through the use of setbacks, step-backs and the stepping down of heights; adequately limits shadow impacts on adjacent properties; and respects the 45-degree angular plane with the adjacent low-rise residential properties.

In addition, the proposed development acknowledges and respects the objectives and design principles of the ongoing Aldershot MTSA area-specific planning work. The proposed development provides retail / commercial space at grade to support the mix of uses in the MTSA area and the achievement of a complete community. The proposed built form also respects the mid-rise main street principle along Plains Road, while adhering to the general intent and purpose of the City's design guidelines. As such, planning staff are satisfied that the proposed development aligns with the emerging land use vision for the Aldershot MTSA and achieves some of the key policy directions.

2.1.6 Zoning By-law 2020

The subject lands are currently zoned 'RM1-346'. The base RM1 zone permits detached dwellings, semi-detached dwellings, duplex, triplex, retirement home, and a limited range of non-residential uses. Exception 346 prohibits townhouses and provides specific regulations for residential, and office uses.

The MXG permits a variety of residential building typologies and retail/service commercial uses. The applicants are proposing to rezone the subject lands to a site specific 'MXG' with an exception to permit the proposed mixed use development. An overview of the existing MXG zone requirements against the original submission and the settlement proposal have been broken down and provided in the table below.

Zone Regulation	MXG Zone	Original Submission (April 2021)	Settlement Proposal (November 2022)
Building Height (max.)	2 storey (min.); 6 storey (max.)	10 storeys	12 storeys
Maximum Floor Area Ratio	1.5:1	4.33:1	4.5:1
Building Setback from Plains Road (west of QEW)	3.0 metres (min.); 23.0 metres (max.)	1.2 metres	1.2 metres
Landscape Area and Buffer Abutting a Street	3.0 metres	0 metres (drawings show approximately 0-1.2 metres at grade, 0 metres below ground)	0 metres (drawings show approximately 0 - 1.2 metres at grade, 0 metres below ground)
Yard abutting a Residential Zone	Floors 1 to 3: 12m Floors 4 and 5: 15m Floor 6: 18m	Floors 1 to 3: 7.5m Floors 4: 10.5m Floor 5: 13.5m Floor 6: 16.5m	Floors 1 to 3: 10.19m Floors 4: 13.3m Floor 5: 16.5m Floor 6: 19.31m
Landscape Area and Buffer Abutting a Residential Zone	6 metres	0 metres	1.2 – 2 metres
Amenity Area (min.)	Efficiency dwelling unit: 15m ² 1 bedroom dwelling unit: 20m ² 2 or more-bedroom dwelling unit: 35m ²	5.83 m ² per unit	21.98 m ² per unit
Parking	'Apartment Building' located within a 'Secondary Growth Area' (Schedule B-1 of City's Official Plan) 1.25 spaces per unit (inclusive of visitor parking) (By-law No. 2020-414 – LPAT Approved)	1.17 spaces per unit inclusive of visitor parking	0.97 spaces per unit inclusive of visitor & retail / commercial parking

The proposed development, as revised, provides for a more intensive form of development that was not originally anticipated by the Zoning By-law. The revised development proposal improves upon the original submission and meets the general intent and purpose of some of the key performance standards outlined in the base MXG zone category, such as, yard abutting a residential zone (rear yard setback) and minimum amenity area. In addition, the proposed development is in general alignment with the direction and built form objectives of the City's Official Plans and urban design guidelines. Staff is of the opinion that the relief of the zoning provisions are appropriate as it will result in a compatible built form. In addition, staff is of the opinion that the further refinement could occur through the subsequent processes (i.e. site plan application).

3.0 Technical Reviews

The original applications were circulated to internal departments and external agencies for review. Written responses to the technical circulation were received from Burlington Site Engineering, Finance Department, Halton Region Police Service, Rogers, Union Gas/Enbridge, Halton District School Board, Halton Catholic District School Board, Conseil scolaire via monde (French School Board), and Canada Post. Staff were also still awaiting comments from the City of Burlington's Transportation Department, Parks Design & Construction team, Landscaping and Forestry staff, Fire Department, and Transit Department. Other outstanding agency comments included Halton Region, Burlington Hydro, and Aldershot Village BIA. However, after the Statutory Public Meeting, comments were received from all outstanding commenters except for Burlington Hydro which remain outstanding.

It should be noted that there are a number of technical studies that will need to be revised and completed to the City's satisfaction to reflect the revised development proposal. Staff would recommend to the Ontario Land Tribunal that, should the Tribunal approve the proposed development in this matter through a settlement or contested hearing, that the Tribunal withhold its order approving the development until these additional items are completed to the satisfaction of the City. Once completed to the satisfaction of the City, the Tribunal would issue its order.

4.0 Conclusion

The revised proposal has been reviewed in accordance with applicable Provincial, Regional, and Municipal planning policies and staff are of the opinion that the revised proposal is consistent with these documents and represents an appropriate level of intensification, efficient use of land and provides a range and mix of housing options that promote the use of active transportation and transit.

The proposal, as revised, will provide a mix of residential unit types at an appropriate density within the urban boundary on an underutilized parcel that provides for efficient

use of land, infrastructure and services. The revised proposal is compatible with adjacent building typologies, scale, massing, setbacks and building heights. The revised proposal also provides an appropriate transition between the proposed development and the existing low-rise neighbourhood to the south and east.

The proposed development has access to a multi-purpose arterial road being Plains Road and the initial transportation study concluded that the street network could accommodate the additional traffic associated with the increased intensity of this site. There is also existing public transit located along Plains Road and the Lakeshore West GO rail line, as well as community services and amenities located within walking distance to the subject lands.

Staff are satisfied that the applicant has made appropriate modifications in an effort to reduce the overall impact of the development on the neighbouring properties. The revised applications are consistent with the Provincial Policy Statement, conform to all applicable Provincial Plans, the Region of Halton Official Plan and the City of Burlington Official Plans and have regard for matters of Provincial interest.

As such, Staff are satisfied with proceeding by way of a Settlement Hearing before the Ontario Land Tribunal for the revised proposal on the condition that the Ontario Land Tribunal withhold its order on any settlement decision until the additional technical studies, as requested by the City, are completed to the satisfaction of the City.

Respectfully submitted,

Mark H. Simeoni, MCIP, RPP
Director of Community Planning

Appendices

- **Settlement Offer including Revised Detailed Development Concept**