



Community Planning Department

SUBJECT: Proposed Settlement for 53-71 Plains Road E and 1025 Cooke Boulevard - Official Plan and Zoning By-law Amendment

TO: Blake Hurley, Deputy Corporation Counsel

FROM: Kyle Plas, Manager of Development and Design

Property Information:

1.0 Background:

On February 18, 2016, the proponents met with City and Halton Region staff to determine the requirements of a complete application under the Planning Act to facilitate a mixed use development proposal with consisting of two 7-storey buildings with ground floor retail / commercial uses and residential above. 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 February 5, 2018, the City Building Department acknowledged that a complete application had been received for an Official Plan and Zoning By-law Amendment for 53-71 Plains Road East and 1025 Cooke Boulevard to facilitate the development of a 10 and 12 storey building with 1,208 square metres of retail / commercial at grade and 450 residential units. The applications also proposed 581 parking spaces with 91 surface parking spaces and 461 underground and 29 lay-by parking spaces. Access had been proposed off of Clearview Ave. and Cooke Blvd.

A public notice and request for comments were circulated in February 2018 to surrounding property owners / tenants. Notice signs were also posted on the property, which depicted the proposed development. A neighbourhood meeting was held on March 20, 2018 at the East Plains United Church and was attended by approximately 106 members of the public. At this meeting, planning staff provided a brief presentation of the planning process and introduced the applicant to provide an overview of the

application. The Statutory Public Meeting was held on June 11, 2018 and included an information report (PB-54-18) and presentation by staff and the applicant.

On May 13, 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 June 28, 2022, the applicants submitted a Settlement Offer to the City for consideration. The settlement offer includes the following:

- Two separate buildings – the building on the west side of the property (1025 Cooke Blvd & 53 Plains Rd E) consists of an 18-storey tall building at the north-west corner of the property with an eleven storey base fronting Plains Rd E. The building on the east side (71 Plains Rd E) consists of a 9-storey mid-rise building.
- 2,072 square metres (approx. 22,300 square feet) of ground floor commercial / retail space (1,446 square metres in westerly building and 626 square metres in easterly building).
- A 0.2 hectare (0.5 acre) unencumbered public park at the north-west corner of the site.
- A 15 metre wide mid-block pedestrian connection between the buildings which provides pedestrian access to adjacent retail / commercial space and a pedestrian connection between Plains Rd E and the proposed park space.
- General compliance with the City's Tall Building Guidelines and the Mixed Use and Residential Mid-Rise Buildings;
- The 9-storey mid-rise building at 71 Plains Rd E is proposed to adhere to the 45-degree angular plane measured from the abutting low-rise residential property at 1022 Clearview Ave.

1.1 Site Description:

The subject properties, known as 53 & 71 Plains Road East and 1025 Cooke Boulevard, are located on the north side of Plains Road East between Cooke Boulevard and Clearview Avenue. Currently, the site is developed with an adult entertainment establishment and motel with the remainder of the site being vacant. The overall land area is approximately 1.08 hectares with frontages of 142.7 metres on Plains Road East, 99.7 metres on Cooke Boulevard and 52.7 m on Clearview Avenue.

1.2 Surrounding Land Uses:

Surrounding land uses are:

North: Along Cooke Blvd., lands are zoned 'Mixed Use Corridor - Employment (MXE)' and are developed with a single storey industrial use. North of the site along Clearview Ave., lands are zoned 'Residential Low Density (R2.1)' and are developed with single detached dwellings.

West: Along Plains Road E. is generally zoned 'Mixed Use Employment (MXE)' with the exception of the adjacent property to west (35 Plains Rd E) which is zoned 'Mixed Use Corridor – 470' which permits a 9-storey residential apartment building.

South: South of Plains Road E. is zoned 'Residential Medium Density with site specific exception (RM1-346)' and is developed with single detached dwellings.

East: East of Clearview Ave. is currently zoned 'Mixed Use General (MXG)', with a number of low-rise mixed use buildings fronting onto Plains Rd E.

REPORT FACT SHEET

RECOMMENDATIONS:		<i>Approval of proposed built form</i>	Ward No.:	<i>1</i>
	OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	71 Burlington Plains Inc 505-11/17 and 520-22/17 Official Plan and Zoning By-law amendments Two mixed-use, buildings of 18 and 9 storeys with retail and service commercial uses at grade and residential units above.		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	North of Plains Road East, East of Cooke Boulevard 53 & 71 Plains Road East. 1025 Cooke Boulevard 1.08 ha Entertainment Establishment		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing:	Mixed Use Corridor - General and Employment Mixed Use Corridor – General with site specific exceptions MXG and MXE		

	ZONING Proposed:	MXG- with site specific exceptions
<i>Processing Details</i>	NEIGHBOURHOOD MEETING:	March 20, 2018
	PUBLIC COMMENTS:	Staff have received 3 comment sheets, 2 letters and 15 emails Note: Some residents sent multiple letters

2.0 Policy Framework and Review:

The proposed Official Plan and Zoning By-law amendment 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 and represent good planning 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 650 metres from the Aldershot GO station.

Staff are of the opinion that the revised development proposal conforms with the policies of the 2019 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 # 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.

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:

- *Mixed Use Activity Area* on Schedule 'A' (Settlement Pattern);
- *Mixed Use Corridor - Employment* (1025 Cooke Blvd & 53 Plains Rd E) and *Mixed Use Corridor – General* (71 Plains Rd E) on Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area);

Mixed Use Activity Area

Lands identified as 'Mixed Use Activity Areas' to Schedule 'A' (Settlement Pattern) of the City of Burlington Official Plan are those areas where employment, shopping and residential land uses are to be developed. The principal development goals for the

development of these areas is to achieve integrated compact urban form, at higher development intensities, which are highly accessible by public transit and pedestrian-oriented and which will foster community interaction, by providing focus on community facilities.

The subject lands are located within the 'Mixed Use Activity Area' and are proposed with ground floor retail / commercial uses and upper level residential land uses. The development applications are subject to review in the context of companion Official Plan policies (i.e. Downtown Urban Design Guidelines) and Mid-Rise and Tall Building Design Guidelines, that will ensure the implementation of the goal of promoting these areas as focal points for community activities that are characterized by high quality urban design and built form (i.e. compact urban form; higher intensity development).

'Mixed Use Activity Areas' are intended as comprehensively planned mixed-use employment, shopping and residential areas that provide for the integration of a variety of compatible land uses in a compact urban form, with the aim of promoting the use of public transit and pedestrian connectivity.

The Official Plan states that 'Mixed Use Activity Areas' provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services.

The proposed development represents a redevelopment of underutilized lands within a Mixed Use Activity Area contemplated for mixed use intensification. An amendment is required to the applicable policies of the Official Plan with respect to maximum permitted residential height and density.

Mixed Use Corridor – Employment & Mixed Use Corridor – General Designations

The subject lands are located within the Mixed Use Corridor – Employment (1025 Cooke Blvd & 53 Plains Rd E) and Mixed Use Corridor – General (71 Plains Rd E) designations as is illustrated on Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan.

The Mixed Use Corridor – Employment designation permits a broad range of industrial uses, office uses, retail / service commercial uses, entertainment, recreation and other community facilities. Retail / service commercial uses are to be limited to a maximum size and residential uses are prohibited.

Proposals for the re-designation of lands designated Mixed Use Corridor – Employment to allow non-employment uses shall be evaluated based on meeting the following criteria:

- i. the proposal shall only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;

- ii. the proposal shall not detrimentally affect the short and long-term employment land needs of the City;
- iii. the intensity and characteristics of the proposed non-employment uses shall not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;
- iv. the site's physical and natural characteristics, development constraints and location shall justify the consideration of nonemployment uses at the subject location;
- v. re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads shall be discouraged;
- vi. support studies as identified in Part VI, Section 5.3, Other Studies Policies of the Plan are prepared;
- vii. in addition to (i) through (vi) above, the re-designation shall also meet at least two of the following conditions:
 - a. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;
 - b. the development of the site is not feasible for employment uses within the planning horizon of the Plan;
 - c. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;
 - d. the proposal will have a beneficial impact on the surrounding uses and the broader community;
 - e. the development of the land for non-employment uses will meet a public need identified by City Council resolution.

The Mixed Use Corridor – General designation provides locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with high density residential, retail, service commercial office, and related uses. Within these designations, the City's OP encourages higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, in a compact urban form while retaining compatibility with nearby land uses. Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within an in proximity to the Corridor and retail and service commercial uses are to be located at the street level in office or residential buildings.

The OP sets out that development and re-development of lands with a major transit station area, shall achieve a higher intensity of redevelopment and consist of transit

supportive uses. Within the Mixed Use Corridor designations, the maximum floor area ratio at any site shall be 1.5:1; however, Council may consider a higher floor area ratio in conjunction with a site specific rezoning application, subject to the consideration of various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking. Further, the OP sets out that higher density land uses and taller buildings shall be permitted at locations where Mixed Use Corridor areas intersect with multi-purpose arterial roads, major arterial roads or provincial freeways, or existing areas of development concentration.

According to the OP, the design and development of Mixed Use Corridors shall ensure compatibility between the Mixed Use Corridor uses and adjacent land uses, particularly residential uses. The following factors are to be considered in reviewing proposals for new and/or expanding Mixed Use Corridor uses:

- i. buildings should be located so as to be in proximity to the street, to provide a sense of human comfort and pedestrian scale and interest, and should be in close proximity to transit services;
- ii. the site plan includes features that integrate the development with surrounding uses;
- iii. the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses and to and from transit stops;
- iv. the number and location of vehicular access points shall be limited to minimize disruption to traffic flows and to minimize the impact on local streets;
- v. wherever possible, off-street parking should be located in the side and rear yards and away from adjacent residential uses. Off-street parking areas, loading areas and service areas shall be screened and landscaped and located to minimize adverse impacts on adjacent residential uses;
- vi. the site plan promotes public safety;
- vii. outdoor storage areas shall be fenced and/or screened;
- viii. lighting is directed to minimize impacts on adjacent residential uses.

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 and provided comments related to the proposed servicing (i.e. sanitary and water) in March 2018. Engineering Services defers comment on sanitary and water servicing to the Region of Halton.

The Region of Halton Legislative & Planning Services (Community Planning) Division provided comments via memo on March 30, 2018 confirming that based on the review of the Functional Servicing Report (FSR), the information provided is satisfactory for the purposes of identifying the method of servicing the site (and any capacity constraints (downstream or otherwise) and have provided additional general comments on the FSR.

Halton District School Board (HDSB) provided comments on February 12, 2018 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 April 5, 2018 that park dedication would be required to establish a parkette as part of this development to improve the pedestrian realm and provide for passive recreation uses. Ideally the park dedication would be located at the north-west side of the site. The balance of the park dedication would be taken as cash-in-lieu or park dedication. This requirement has been met by the proposed 0.2 hectare park that has been incorporated into the revised development concept.

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

Off-street parking is adequate;

Transportation Planning, Integrated Mobility staff have reviewed the parking demands anticipated by the proposed development in the context of the proposed parking supply.

The applicants are proposing a residential parking rate of 0.78 spaces per residential unit. Based upon the 555 residential units being proposed, the applicants are proposing to provide approximately 433 residential parking spaces. The applicants are also proposing 2,072 square metres of retail / commercial space at grade with a parking rate of 1 space per 45 square metres of retail / commercial space, which translates to approximately 42 parking spaces. The proposed parking for the retail / commercial 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 Cooke Blvd and Clearview Avenue. 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 adjacent to existing transit route #1 and in close proximity to route #4, which run along Plains Road and 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 650 metres from the Aldershot GO station.

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.

The subject lands are also located within 650 metres of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line.

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 36,000m². Based on a lot area of 10,800m², the total floor area ratio (FAR) contemplated by the proposal is approximately 3.33 (GFA/lot area) which exceeds the maximum FAR permitted by the Official Plan and Zoning By-law. The proposed unit count of 555 units translates into a residential density of 514 units per 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 Rd and some existing approvals up to 9 storeys in the area. 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.

The specific 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.

Height

The proposed development consists of a tall building element with a maximum building height of 18 storeys (west tower) and 2 mid-rise building elements fronting Plains Rd at 11 and 9 storeys. The proposed lower building elements consists of 3 storey building bases fronting Plains Rd and Cooke Blvd. The proposed building heights exceed the maximum permitted by the zoning by-law and are included as part of the overall amendments being proposed as a component of the development proposal.

The design of the proposed tower configuration 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 setbacks), shadowing and microclimatic conditions and pedestrian comfort.

Maximum rear yard setbacks have been provided from adjacent low-density residential development to the east, to the closest extent of the podium structure on the subject lands. The placement of the tower on the podium has been selected to achieve a stepping back of built form from the podium to permit sunlight permeability and to reduce the effects of shadowing on ground-oriented development on the adjacent sites. The placement of the tower has been sited further to the north-west to permit a greater transition of building mass on the site.

The height of the mid-rise building elements has been designed to focus the greater heights towards the west side of the site, furthest away from the existing low-rise residential properties along Clearview Ave. In addition, the proposed 9-storey building would be situated entirely outside of the 45° angular plane from the adjacent low-rise properties along Clearview Ave to mitigate any adverse impacts.

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 east mid-rise building (71 Plains Rd E), is such that there would be no encroachments of the building into the angular plane. The proposed 18-storey tower would encroach minimally into the angular plane at the upper floors; however, the positioning and siting of the tower on the property mitigates this impact to the extent possible.

It should be noted that the proposed rear and side yard setbacks to the proposed buildings comply with the minimum required rear and side yard setbacks adjacent to a residential zone within the existing Mixed Use Employment ('MXE') and Mixed Use General (MXG) Zones (Floors 1-3 – 12m; Floors 4 & 5 – 15m; and Floor 6 – 18m).

Coverage

The Mixed Use Employment (MXE) and Mixed Use General (MXG) Zones do not contain a prescribed maximum permitted lot coverage for buildings within the applicable zoning.

Parking

Transportation Planning, Integrated Mobility staff have reviewed the parking demands anticipated by the proposed development in the context of the proposed parking supply.

The applicants are proposing a residential parking rate of 0.78 spaces per residential unit. Based upon the 555 residential units being proposed, the applicants would be proposing to provide approximately 433 residential parking spaces. The applicants are also proposing 2,072 square metres of retail / commercial space at grade with a parking rate of 1 space per 45 square metres of retail / commercial space, which translates to approximately 42 parking spaces. The proposed parking for the retail / commercial 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.

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, private space outdoor amenity areas in the form of private balconies, as well as common amenity areas (rooftop terraces), and rooftop amenity areas (i.e. common terraces).

As a standard, the Mixed Use Corridor Zones require a minimum area based upon the dwelling types being proposed (i.e. 15m² per efficiency dwelling unit, 20m² per one bedroom unit, 35m² per two 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 that comply with the minimum standards of the zoning by-law, particularly at key transition points at the north and east of the property, abutting low rise, low density residential development. Additional measures, which could include a rear yard landscape buffer extending across the lot lines could also assist with transition.

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.

Additional information and plans from a qualified arborist and the applicant will be required, outlining the existing trees and tree protection and preservation methods that will be implemented pre-construction, during construction and post-construction to ensure that trees on site and on neighbouring properties will not be adversely impacted by proposed construction activities.

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 minimum setbacks to existing lot lines (particularly to the north at the transition to existing low density residential land uses on the adjacent lot) that are in compliance to the applicable zoning. 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 Rd). 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 further elsewhere in 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 Tall Building Guidelines (2017)

The City of Burlington Tall Building Guidelines are applicable across the City wherever tall buildings are permitted, and for the purposes of the guidelines, include any buildings over 11-storeys in height.

The Guidelines are broken down by the main components of a tall building, being the Building Base (Podium), Building Middle (Tower) and Building Top. Staff has completed a review of the proposed residential building in this context.

With respect to the building base, the podiums are located appropriately to frame both Plains Rd and Cooke Blvd. The proposed podium height establishes a pedestrian-scaled streetwall along Plains Rd and Cooke Blvd and provides an appropriate mid-block pedestrian connection.

With respect to the proposed building middle (i.e. tower), the tower has been sited in an appropriate location which ensures sufficient setbacks from adjacent property lines. The tower is proposed to be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space. The tower floor plate has been designed to be relatively slender and meets the intent of the maximum floorplate size.

The details of the final design of the rooftop mechanical penthouse treatment is pending further input from the applicants as part of subsequent processes. The proposed maximum building heights are considered those that include the mechanical penthouse portion of the building.

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. The guidelines have been assessed for the building elements included as part of this proposal that are between 5 – 11 storeys.

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 buildings have a public retail / commercial front (along Plains Rd and Cooke Blvd) and suitable residential form to the rear. The buildings do not exceed a length of 60 metres and are appropriately broken up to differentiate the building mass. The buildings also utilize appropriate pushing (projecting) and pulling (recessing) of the mass and volume, which helps break down the mass of the buildings.

As it relates to site design, open space and streetscaping, the revised proposal provides vehicular access at the sides of the development on the secondary streets, while prioritizing pedestrian access along Plains Rd. In addition, most required parking is proposed to be provided underground, while limited surface parking is proposed at grade for visitor / retail / commercial parking needs.

The upper part of the building contributes to the overall massing of the building form and its impact on the skyline and neighbouring properties. A variety of architectural and design elements such as horizontal and vertical articulation, upper floor step-backs, colour and materials are proposed to visually describe the upper building and differentiate it from the components of the lower building.

As mentioned earlier, the proposed buildings step-back the upper floors by 3 metres above the streetwall to protect access to sunlight and sky view for the abutting streets, while providing a pedestrian scaled streetwall.

Summary

In summary, the proposed development utilizes urban design and the City's tall and mid-rise 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 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. Section 17(27) 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 (OP). The appeal record submitted to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT)) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period.

Given that Burlington's new OP was not yet approved and was not in force and effect at the time of this application submission, staff only completed a preliminary cursory review of the new Official Plan policy framework in relation to the revised development proposal. While these policies represent the City's vision for growth, the weight placed on these policies is limited as they are not yet in force and effect.

The new OP was developed to establish strategic growth priorities for growth management, land use and infrastructure and to build a policy framework to guide the City's decision making and approval processes, ensuring that all new development contributes to Burlington's long-term vision.

According to the new OP, the subject lands are split-designated 'Urban Corridor - Employment' and 'Urban Corridor' (Schedule 'C' – Land Use-Urban Area). The subject lands are identified as located within a 'Primary Growth Area' Schedule 'B-1' – Growth Framework) and within the limits of the Aldershot GO MTSA Special Planning Area (Schedule 'G').

The primary growth areas in the City shall accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and beyond and consequently will experience the greatest degree of change. These areas shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with underlying land use designations or the land use policies of an area-specific plan. These areas shall also support the frequent transit corridors and accommodate development that is compact, mixed-use and pedestrian-oriented in nature.

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. The Aldershot MTSA is identified as an area that will be subject to further detailed area-specific planning, which is currently underway.

The underlying land use designations in the new OP (i.e. Urban Corridor – Employment and Urban Corridor) do not necessarily permit the proposed uses, heights or densities; however, the underlying land use designations in the MTSA are essentially 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.

Earlier this year, Council endorsed in-principle the precinct plan for the Aldershot GO MTSA. The subject lands are identified within the Aldershot Main Street Precinct. Low and mid-rise mixed use buildings are the predominant built form and use for this precinct. Permitted uses include apartments with ground floor commercial uses including service commercial, retail commercial and office commercial uses. Developments fronting onto Plains Rd shall include a ground floor commercial use. In terms of built form, heights between 6-11 storeys are permitted with a maximum of 6-storeys adjacent to an existing neighbourhood.

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. To that end, the revised development proposal is considered compatible with adjacent buildings; provides appropriate separation distances between buildings on and adjacent to the site (including podiums and towers); 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 would supply a 0.2 hectare public park and the north-west corner, which aligns with the objective of providing open space within the MTSA area. Further, the proposed development provides a substantial amount of 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 ‘Mixed Use Employment (MXE)’ and ‘Mixed Use General (MXG)’. The MXE zone does not permit residential land uses, while the MXG does permit a variety of residential building typologies. The applicants are proposing to amend the existing MXG zone category for subject properties to a site specific ‘MXG’ with an exception to permit the proposed mixed use development with zone requirements that would facilitate the proposed revised development. An overview of the existing MXE & MXG zone requirements against the proposed zoning requirements have been broken down and provided in the table below.

Zone Regulation	MXG Zone (Existing) (71 Plains Road East)	MXE Zone (Existing) (53 Plains Road East; 1025 Cooke Boulevard)	‘MXG-XX’ Zone (Proposed for entire site)
Building Height (max.)	2 storey (min.); 6 storey (max.) (‘other uses’)	N/A (‘apartment building’ not a permitted use) 2 storey (max.) for industrial/automotive uses; 6 storey (max.) for permitted ‘other uses’	18 storey tall building; 9 storey mid-rise building
Maximum Floor Area Ratio	1.5:1 (‘other buildings’)	1.0:1 (‘other buildings’)	Approx. 3.33

Building Setback from Plains Road (west of QEW)	3.0 metres (min.); 23.0 metres (max.)	3.0 metres (min.); 23.0 metres (max.)	2 metres
Building Setback from any other Street	3.0 metres (min.); 4.5 metres (max)	3.0 metres (min.); 4.5 metres (max)	2 metres
Landscape Area and Buffer Abutting a Street	3.0 metres	3.0 metres	0 metres
Yard abutting a Residential Zone	Floors 1 to 3: 12 m Floors 4 and 5: 15 m Floor 6: 18 m	Floors 1 to 3: 12 m Floors 4 and 5: 15 m Floor 6: 18 m	Floors 1 to 3: 12 m Floors 4 and 5: 26 m Floor 6: 26 m
Landscape Area and Buffer Abutting a Residential Zone	6.0 metres	6.0 metres	1 metre
Amenity Area (min.)	15 m ² /efficiency dwelling unit 20 m ² /1-bedroom dwelling unit 35 m ² /two or more-bedroom dwelling unit 25 m ² /back-back townhouse dwelling unit	15 m ² /efficiency dwelling unit 20 m ² /1-bedroom dwelling unit 35 m ² /two or more-bedroom dwelling unit 25 m ² /back-back townhouse dwelling unit	15 m ² /efficiency dwelling unit 20 m ² /1-bedroom dwelling unit 35 m ² /two or more-bedroom dwelling unit 25 m ² /back-back townhouse dwelling 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)	'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)	0.78 spaces per unit & 1 space per 45m ² of retail / commercial GFA

The proposed development, as revised, provides for a more intensive form of development that was not originally anticipated by the Zoning By-law. Notwithstanding, the proposed development aligns 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 an appropriate and compatible built form. Further, staff is of the opinion that the further refinement will likely occur through the process (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 Hydro, the Sustainable Development Committee, Halton Catholic District School Board, Halton District School Board, Burlington Economic Development, Canada Post, the Ministry of Transportation, CN Rail, Halton Region, Finance Department, Engineering Services, Urban Forestry, Parks and Open Space, and the Transportation Department.

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 north.

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 Plan and have regard for matters of Provincial interest. The proposal, as revised, can be considered compatible with surrounding land uses and represent good planning for the reasons identified in this report.

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,

Kyle Plas, MCIP, RPP

Manager of Development and Design