

# Planning Peer Review

## **2069-2079 Lakeshore Road and 383-385 Pearl Street, Burlington**

Date:

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Prepared By:

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Our File: 18140B

## 1.0 Introduction

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) were requested by Lakeshore (Burlington) Inc. (the “applicant”) to provide a peer review of their proposed development located at 2069-2079 Lakeshore Road and 383-385 Pearl Street in the City of Burlington (the “Subject Lands”). The development proposal includes an Official Plan and Zoning By-law Amendment to permit the development of a 29-storey mixed-use building incorporating residential and at-grade commercial uses.

An initial development application was submitted in October 2018 (the “initial application”) and subsequently circulated for technical comments. Comments have been received from several City departments and formal commenting agencies including the Region of Halton, Halton District School Board, Halton Catholic District School Board, Burlington Heritage Committee, Burlington Downtown Business Association (DBBA), Burlington Sustainable Development Committee (BSDC), and the City’s Capital Works (Civil Engineering and Parks & Recreation) and Transportation Departments. Additionally, public comments have been received on the initial application during a Neighbourhood Meeting held on January 29, 2019 and at a Statutory Public Meeting held on June 11, 2019.

On March 5, 2019, Burlington City Council passed Interim Control By-law 10-2019 (the “ICBL”) which has paused development applications within Downtown Burlington and the Burlington GO Mobility Hub. Despite being submitted prior to the enactment of the ICBL, the City is not assessing the application and has indicated that planning and urban design comments will not be provided until such time as the ICBL process is completed.

A revised application was submitted in June 2019 (the “revised application” or “current application”). The revised application includes several modifications to the development proposal in response to the comments received to date. The following report provides an independent planning opinion based on an assessment of the Planning Justification Report prepared by the applicant’s planning consultant, Bousfields Inc., in support of the application as well as an assessment of the current proposal in relation to the physical and neighbourhood context and applicable policy framework.

This peer review report includes the following:

- An overview of the existing physical and surrounding context of the Subject Lands based on our independent research and site visits;
- An overview of the planning history of the Subject Lands, including pertinent planning studies and materials;
- An overview of the initial (October 2018) and revised (June 2019) proposals along with a summary of key changes made to the revised submission;
- A summary of the technical and supporting studies submitted in support of the initial and revised proposals;
- A summary of public engagement and public comments;
- A review of the Planning Justification Report (August 2018) and Addendum Report (June 2019) submitted by Bousfields Inc. in support of the development proposal;
- A summary of the applicable policy and regulatory framework; An independent planning assessment of the revised application based on the physical and policy context as well as technical and public comments; and,

- A planning opinion on the revised proposal and a series of recommendations for further consideration.

Overall, it is our opinion that the proposal is appropriate within the physical and policy context and represents good planning, as demonstrated in the subsequent sections of this review. The development proposal conforms to and is consistent with Provincial policy, implements the policies of the Regional Official Plan (“ROP”), and represents an appropriate form of redevelopment that efficiently uses existing and planned infrastructure to optimize development within the City’s Downtown Urban Growth Centre (UGC). The modifications made to the proposal in the revised application adequately address comments received from City and commenting agencies with respect to massing, height, functionality, transportation and parking, and heritage.

We recommend that revisions to the proposal be considered as outlined in this report to address the articulation and design of the building, and the provision of affordable market dwelling units through an increase to the number of smaller units within the development.

## 2.0 Physical Context

### 2.1 Site Location

The Subject Lands are situated at the northeast corner of Lakeshore Road and Pearl Street in the City of Burlington and are municipally addressed as 2069 and 2079 Lakeshore Road and 383 and 385 Pearl Street. The Subject Lands are located in Ward 2 in Downtown Burlington and are located approximately 120 metres north of the Lake Ontario shoreline and 250 metres east of Brant Street.

### 2.2 Site Description

The Subject Lands are comprised of the land assembly of four contiguous parcels. Legal descriptions of the undivided parcels are as follows:

Table 1: Legal Descriptions of Parcels in Land Assembly

Municipal Address	Legal Description
2069 Lakeshore Road	Pt Lt 5 Blk P, Compiled Plan PI92, Pt Lt 6 Blk P, Compiled Plan PI92, As In 162412. City Of Burlington
2076 Lakeshore Road	Lt 7 & Pt Lt 6 Blk P, Compiled PI 92, Pts 1 & 2, 20r17468 Subject To An Easement As In 748626 Together With An Easement As In 748626 City Of Burlington
383 Pearl Street	Pt Lt 5 Blk P, Compiled Plan PI92; Pt Lt 6 Blk P, Compiled Plan PI92, Part 2 & 4, 20r4836, S/t & T/w As In 600855. City Of Burlington
385 Pearl Street	Pt Lt 5, Blk P, PI 92; Pt Lt 6, Blk P, PI 92; City Of Burlington

The Subject Lands, as described in the proponent's application, have a collective area of approximately 2,499 square metres (0.25 hectares). The Subject Lands have frontages of approximately 61 metres along Lakeshore Road and 25 metres along Pearl Street. The Subject Lands are currently occupied by three primary buildings including a 2-storey medical building (2069 Lakeshore Road), a 1-storey pharmacy (2069 Lakeshore Road) and 2-storey commercial buildings (383-385 Pearl Street). Collectively, these buildings have a total gross floor area of approximately 1,622 square metres, as shown below.

Table 2: Parcel Area and GFA of the Subject Lands

Municipal Address	Parcel Area (m <sup>2</sup> )	GFA (m <sup>2</sup> )
2069 Lakeshore Road	927.1	764
2079 Lakeshore Road	957.9	417
383 Pearl Street	306.3	441
385 Pearl Street	297.7	
<b>Total</b>	<b>2,499</b>	<b>1,622</b>

The existing buildings have varying relations to the street. The building located at 2069 Lakeshore Road is oriented towards the street with its primary entrance facing Lakeshore Road. The building has a setback of approximately 2.5 and 5.5 metres along Lakeshore Road and Pearl Street, respectively. The building located at 2079 Lakeshore Road is situated toward an interior parking

area on the site and has a setback of approximately 5 metres from Lakeshore Road. The buildings located at 383-385 Pearl Street are oriented towards Pearl Street with a setback of approximately 2.3 metres.

In addition to the buildings described above, the Subject Lands also contain a shared parking area located in the interior of the site which is accessed via Lakeshore Road. This parking area contains approximately 20 surface parking spaces. A smaller parking area accessed via Pearl Street which contains four parking spaces. There is also vegetation and several trees located throughout the site including the interior parking area and along Lakeshore Road, as described further with respect to the Arborist Report prepared by Ferris + Associates Inc. in support of the development application.

The existing buildings located at 383-385 Pearl Street (also known as the "Acland Houses") are listed on the City of Burlington Municipal Heritage Register, however, they are not designated under Part IV of the *Ontario Heritage Act*. The Heritage Value Assessment memorandum prepared by ERA Architects Inc. in support of the application identifies the buildings as an example of red brick Neo-Georgian style. Specific heritage attributes of the building are discussed further in subsequent sections of this review.

### 2.3 Surrounding Land Uses

The Subject Lands are located within Downtown Burlington, which is identified provincially as a strategic growth area as both an UGC and Major Transit Station Area (MTSA). The area surrounding the Subject Lands is characterized by a mix of commercial, recreational and residential uses in a variety of different built forms, including several high-rise mixed-use developments. There are several proposed and under-construction high-rise developments in the immediate area surrounding the Subject Lands. Beyond the immediate context, there are low-density residential neighbourhoods, which are located approximately 250 metres north and east of the Subject Lands. The general surrounding land uses are described further, below:

**North:** 3-storey stacked townhouses containing 30 dwellings with at grade retail along the perimeter of the site fronting onto Pearl, Pine and Martha Streets (389-390 Pearl Street, 385-401 Martha Street and 2076-2087 Pine Street); further north there is a mix of lower-scale uses including a 2-storey dance studio at the corner of Pine and Pearl Street (2077 Pine Street), a single-storey detached dwelling (2085 Pine Street), a row of 3-storey townhouses (402-410 Martha Street) and the St. John Syriac Orthodox Church (419 Pearl Street)

**East:** vacant lot with an approved 26-storey mixed-use building containing 192 dwelling units and at-grade retail (374-380 Martha Street); further east there is a mix of mid- and high-rise buildings including a 5-storey retirement home (2109 Lakeshore Road), a 12-storey rental residential building (395 Martha Street), a 7-storey residential condominium building (2121 Lakeshore Road), a 16-storey residential building (360 Torrance Avenue) and low-rise residential dwellings

**South:** 1-storey commercial and retail building with frontage onto Lakeshore Road and Old Lakeshore Road (2702 Lakeshore Road); two surface parking lots; 1-storey office building and café (2101 Old Lakeshore Road); further south there is a motel and other commercial uses adjacent to Lake Ontario, the Waterfront Downtown Hotel (2020 Lakeshore Road), Spencer Smith Park and the Brant Street Pier and the Lake Ontario shoreline

**West:** 17-storey mixed-use building with at-grade retail (360 Pearl Street); a 14-storey retirement residence (390 Pearl Street); a 12-storey condominium building with at-grade retail (399 Elizabeth Street); Further west of Elizabeth Street is a range of uses including 2- to 3-storey restaurants and mid- and high-rise residential and commercial buildings along Brant Street including Burlington City Hall (426 Brant Street)

## 2.4 Surrounding Development Activity

The Subject Lands are situated in area characterized by a mix of built forms. The following tables provide a summary of adjacent building heights and densities for both existing and proposed developments. The majority of surrounding developments include high-rise residential and mixed buildings. The surrounding area is experiencing intensification in the form of several infill redevelopments. Surrounding development activity is generally occurring on properties less than 0.3 hectares in area which typically results in higher residential densities than what previously existed. In general, surrounding development ranges in height from 7 to 26 storeys in height with residential densities ranging from approximately 180 to upwards of 1,400 units per site hectare.

Table 3: Summary of Adjacent Properties and Existing and Proposed Building Heights

Building Location	Height (storeys)	Area (hectares)
2121 Lakeshore Road (Existing)	7	.40
2109 Lakeshore Road (Existing)	5	.28
374-380 Martha Street (Approved)	26	0.17
395 Martha Street (Existing)	12	0.50
360 Torrance Street (Existing)	15	1.23
2160 Lakeshore Road (Existing)	18	0.84
2170 Lakeshore Road (Existing)	8	0.24
2190 Lakeshore Road (Proposed)	13	0.59
2210 Lakeshore Road (Existing)	9	0.53
2054 Lakeshore Road (Proposed)	8	0.21
2048 Lakeshore Road (Proposed)	7	0.18
2042 Lakeshore Road (Proposed)	22	0.29
2082-2090 James Street (Proposed)	18	0.23
2025 Maria Street (Proposed)	17	0.22
421-431 Brant Street (Proposed)	23	0.20
401-413 Brant Street (Proposed)	24 (LPAT Appeal)	0.20
2085 Pine Street (Proposed)	11	0.11
360 Pearl Street (Existing)	17	0.23

Table 3: Summary of Adjacent Properties and Existing and Proposed Building Heights

Building Location	Height (storeys)	Area (hectares)
390 Pearl Street (Existing)	13	0.29
7 Elizabeth Street (Existing)	12	0.44
478 Pearl Street (Existing)	18	0.47
477 Elizabeth Street (Existing)	15	0.46
2093, 2097, and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road (Proposed)	27	0.33

Table 4: Summary of Adjacent Properties and Existing and Proposed Densities

Building Location	Units	FSI	Density (upsh)
374-380 Martha Street (approved)	240	11.26	1410.93
390, 392, and 398 Pearl Street (existing)	146	5.11	514
2042-2054 Lakeshore Rd (under construction)	152	2.6	563
2109 Lakeshore Road (existing)	68	5.9	246
395 Martha Street (existing)	119	2.4	241
384-400 Martha Street (existing)	29	1.62	49.5
360 Pearl Street (existing)	75	4.9	326
399 Elizabeth Street (existing)	122	4.28	284
375 Brant Street (existing)	126	4.49	519
2085 Pine Street (proposed)	39	n/a	390
430 Pearl Street (existing)	55	3.99	268
1477 Lakeshore Road (existing)	60	5.84	285
1455 Lakeshore Road (existing)	62	2.32	183
478 Pearl Street (existing)	160	4.94	348
477 Elizabeth Street (existing)	132	4.74	293
501-515 John Street (existing)	122	6.77	321
505 Locust Street (existing)	118	1.88	203
452 Locust Street (under construction)	60	n/a	240
442-440 Maple Avenue (existing)	126	3.22	186
1276 Elgin Street (existing)	198	n/a	254
472 Brock Avenue (existing)	115	3.58	353
551 Maple Avenue (existing)	187	4.41	322
1270-1276 Maple Crossing Boulevard (existing)	525	2.48	234

As previously mentioned, there are high-rise residential and mixed-used development proposals surrounding the Subject Lands at various stages of development approval. These active and approved development proposals are further described in the following table.

Table 5: Surrounding Active and Approved Developments

Location	Description	Status
2042-2054 Lakeshore Road <i>New Horizon Development Group</i>	Two condo towers, 22 storeys (100 units) and 7 storeys (50 units) One hotel (8 storeys and 130 units with 855 square metres of ground floor commercial space)	Site plan application approved. Under construction. Final occupancy expected in November 2020.
374 Martha Street <i>ADI Development Group</i>	26 Storey condominium with 240 units and 423m <sup>2</sup> commercial	Official Plan and Zoning By-law Amendment approved by Ontario Municipal Board (OMB). Construction management meeting held Aug 14, 2019.
2082, 2086 and 2090 James Street <i>Mattamy (Monarch) Ltd.</i>	18 Storey condominium apartment with 153 residential units	Original application submitted on December 18, 2017, prior to enactment of ICBL. Revised Official Plan Amendment and Zoning By-law Amendment submitted February 1, 2019.
401, 403, 405, 409, 411 and 413 Brant Street, 450 John Street, 2002 and 2012 James Street <i>Reserve Properties Ltd.</i>	24 Storey residential building with ground floor commercial and rooftop amenity	18 storeys recommended by staff and approved by Council. Decision of council appealed by applicant to the Local Planning Appeal Tribunal (LPAT) for 24 storeys requested. Hearing set for November 13 <sup>th</sup> , 2019.
421, 425, 427, 429, 431 Brant Street <i>Carriage Gate Homes</i>	Revised application for a 23 storey mixed-use building with 169 residential units with office and commercial space (original proposal for 27 Storey mixed-use building with 183 residential units office and commercial space)	Revised applications approved by Council May 22, 2018. Currently under construction with completion expected for summer 2020.
452- 454 Locust Street and 1437-1445 Elgin Street <i>Saxony Developments Inc.</i>	7 Storey mixed-use residential building with 60 residential units and ground floor commercial	Official Plan and Zoning Amendment application approved on May 22, 2018. Site Plan Application Approved. Construction underway.
1157 -1167 North Shore Blvd. East <i>Amica</i>	17-storey, 12-storey, 6-storey and a 2-storey element to provide for a seniors living campus	Original application submitted prior to passing of ICBL. Revised application submitted on August



Table 5: Surrounding Active and Approved Developments

Location	Description	Status
	consisting of 419 units	19, 2019. Appealed to LPAT for non-decision.
2025 Maria Street, 510 Elizabeth Street, 2030 Caroline Street <i>Carriage Gate Berkeley Inc.</i>	8 storey building (retail at grade and 7 storeys of office), 17 storey apartment, and 6 storey parking garage connected by shared podium	Draft site plan approved, clearing conditions. Construction complete and occupied.
490, 492 Brock Avenue and 1298 Ontario Street <i>The Molinaro Group</i>	22 storey building containing 162 residential units and 186 square metres of ground floor commercial	Official Plan Amendment and Zoning By-law Amendment approved by Council May 22, 2018. Construction underway.
401-417 Martha Street	11 storey, 132 unit residential building	Pre-submission, community meeting held Nov. 19, 2018.
441 Maple Avenue	11 storey residential building consisting of 153 units with two levels of underground parking	Official Plan and Zoning By-law Amendment applications under technical review by City staff.
2085 Pine Street <i>Pine Street Burlington Corporation</i>	11 storeys mixed use building consisting of 39 units with 3 levels of underground parking	Official Plan and Zoning By-law Amendment applications under technical review by City staff.
2093, 2097, 2101 Old Lakeshore Road, 2096, 2100 Lakeshore Road <i>Core Development</i>	27-storey building consisting of commercial units on the ground floor, and residential units above	Currently under technical review by City Staff. Due to the ICBL, no planning comments have been received at the date of this report.

Due to the current policy framework applied to Downtown Burlington, we note that all residential and mixed-use development in Downtown Burlington appears to require Official Plan Amendments to permit increases in height.

## 2.5 Surrounding Context

The Subject Lands are located in Downtown Burlington. Downtown Burlington is connected to Lake Ontario through its main street, Brant Street, and provides for a grid system of streets and blocks that form distinctive districts to the west and east. At the base of Brant Street is Spencer Smith Park which runs parallel to the lake and which supports a variety of recreational amenities including the Waterfront Trail, Rotary Centennial Pond, Dofasco Waterjet Plaza, and the Brant Street Pier, a distinct landmark that anchors the southern terminus of Brant Street. The Subject Lands are located approximately 250 metres east of Brant Street and 110 metres north of Lake Ontario.

The surrounding context with respect to the Subject Lands is not defined by a single land use or built form but rather derives its character from a mix of different land uses, densities and built forms that have evolved to respond to the planned need for growth in the Downtown. The

immediate neighbourhood context surrounding the Subject Lands is defined by a variety of residential buildings in the form of high-rise condominiums and townhouses that are street-oriented and support at-grade retail uses. The surrounding streetscapes along Pearl Street and Lakeshore Road are characterized by distinct streetscaping including street trees, landscaping and benches. Lakeshore Road is characterized as an important east-west corridor that connects Downtown Burlington to other areas of the City and is a prominent transportation feature of the Downtown that has a strong connection to portions of the Lake Ontario shoreline.

The surrounding area is also experiencing change and transition in response to addressing housing need. Downtown Burlington, including the area encompassing the Subject Lands, is designated provincially as a strategic growth area, which is intended to achieve significant intensification and redevelopment in order to make efficient use of existing and planned infrastructure and support the development of complete communities that are walkable, transit-oriented, support active transportation and positively respond to matters related to climate change.

As demonstrated in Table 5, above, several development applications are either planned, under construction or recently completed to the east, west and south of the Subject Lands. Surrounding development is generally in the form of high-rise mixed-use buildings ranging in height from 9 to 26 storeys. These surrounding developments incorporate residential apartments or condominiums and at-grade commercial retail or office space. The type and form of development in Downtown Burlington is changing in terms of height and density. This change is reflective of the need to achieve the area's minimum growth targets with respect to its designation as a strategic growth area. At the same time, several existing low-rise buildings are expected to remain in the area, including the mixed-use townhouses located immediately north of the Subject Lands along Pearl, Pine and Martha Streets, and several contiguous commercial buildings along Brant Street and Pine Street which contribute to the traditional "main street" character of Brant Street. It is important to consider the Subject Lands in the context of the immediate area and intersection location internal to the Downtown with the need to achieve a level of growth that conforms with Provincial policy. Redevelopment must be appropriate for the immediate context and ensure impacts on surrounding uses are adequately addressed.

Amid the variety of different land uses and built forms, both existing and planned, the surrounding area is walkable and contains amenities that serve existing residents' daily needs. There are numerous commercial, institutional and cultural amenities located within 400-metres, or a 5-minute walk, of the Subject Lands. Nearby amenities contribute to the development of a complete community and foster favourable conditions for additional residential intensification through compact built forms. Nearby amenities with associated walking, cycling and driving travel times are summarized in the following table:

Table 6: Proximity to Nearby Destinations

Destination	Travel Distance (km)	Travel Time (minutes)		
		Walking	Cycling	Driving
Village Square Shops	0.3	4	1	1
Spencer Smith Park	0.75	9	3	1
Brant Street Commercial District	0.15	1	1	1
Lions Park	0.4	2	5	1
Lakeshore Public School	0.7	8	2	1
Burlington Performing Arts Centre	0.5	7	2	2
Knox Presbyterian Church	0.5	7	2	2
Burlington Baptist Church	1.0	12	4	2
Burlington City Hall	0.65	8	2	2
Burlington Central High School	1.8	17	4	5
Burlington Public Library	1.5	19	6	3
St. John Syriac Orthodox Church	0.2	3	1	1
Art Gallery of Burlington	0.8	10	3	3

## 3.0 Process and Planning History

### 3.1 Site History and Past Uses

Since the 1880s, the Subject Lands were historically used for residential and commercial purposes. The oldest building currently occupying the Subject Lands is located at 383 and 385 Pearl Street. The building is a 2-storey semi-detached brick structure with Italianate design details, collectively known as the Acland Houses.

The Acland Houses are listed on the City of Burlington's Heritage Registry but are not designated under Part IV of the *Ontario Heritage Act*. The Heritage Value Assessment prepared by ERA Architects Inc. in support of the development proposal provides a full history of the building first built in 1880 as a rental income property. The building was converted from its original residential use to commercial and retail uses in 1976, which was followed by a series of interior renovations and the construction of a rear addition. A fire in 1989 damaged the interior of the building. Recently, the building was used for office and commercial retail uses.

The buildings located at 2069 and 2079 Lakeshore Road were first developed in the 1970s. Neither of these buildings are listed on the City's Heritage Registry nor are they designated under Part IV of the *Ontario Heritage Act*. The building located at 2069 Lakeshore Road was previously used as a medical office but has been vacant for the past two years. The building at 2079 Lakeshore Road continues to be used as a medical office and pharmacy.

### 3.2 Current Planning Studies and Processes

#### 3.2.1 Interim Control By-law Land Use Study

The Subject Lands are currently subject to an interim control by-law. On March 5, 2019, Burlington City Council enacted Interim Control By-law 10-2019 (the "ICBL") to temporarily limit development within the City's UGC and the Burlington GO mobility hub (the "study area"). The purpose of the ICBL is to examine the planning structure and land use mix within the study area and assess the role and function of the John Street Transit Terminal and the Burlington GO Station as MTSAs. This work includes assessing the existing and long-range planned transit service for downtown Burlington and the connections between the two respective MTSAs.

We understand City staff determined that the initial application for the Subject Lands could be processed up to the Statutory Public Meeting held on June 11, 2019 and would then be held in abeyance until the ICBL is lifted. We understand no further assessment or comments from planning staff have been provided since September 2019.

The ICBL was enacted after the submission of the initial application and the subsequent submissions were made in response to circulation comments in the absence of comments from City's Planning Department.

### 3.2.2 Scoped Re-examination of the Adopted Official plan

On December 18, 2018, the Region of Halton released a statement of opinion of non-conformity with the Regional Plan with respect to the City of Burlington's adopted Official Plan. The Region identified four areas of non-conformity: proposed employment land conversions and permitted uses within the employment areas and lands; the identification of and permitted uses within agricultural lands; the identification of and permitted uses within the Natural Heritage System; and transportation matters, including road classifications.

On February 7, 2019, Burlington City Council voted to re-examine the policies in the City's new Official Plan, which was adopted in April 2018. This decision has led to the current re-examining the adopted Official Plan policies dated April 26, 2018 in their entirety related to matters of height and intensity as well as conformity with Provincial density targets. We note that no specific conformity issues were identified in the adopted Official Plan with respect to heights and densities within the Downtown. We also note that the adopted Official Plan only has a planning horizon to 2031.

At the Committee of the Whole workshop held on March 18, 2019, City Staff and members of City Council discussed the scope of the work for a further study. While Council supports the majority of policies in the adopted Official Plan, through discussions at the workshop it was determined that the Downtown Precinct Plan, which encompasses the Subject Lands, requires targeted reconsideration. City Staff presented Staff Report PB-47-19 Work Plan for the Scoped Re-examination of the adopted Official Plan. The report identifies details of the work and timing that needs to take place in order to bring modified policies back to Burlington City Council for approval by March 2020. Report PB-47-19 was approved by Burlington City Council at its meeting on May 27, 2019.

The current Official Plan remains in force and effect and is the Official Plan under which the initial and revised applications have been made.

## 4.0 Initial Development Proposal

### 4.1 Application History

Since the initial pre-consultation meeting with City staff on the development proposal in January of 2017, the application appears to have been amended to respond to technical comments from City staff, agency comments and comments from the community. The following table provides a chronology of the events and policy changes related to the development applications:

Table 7: Chronology of Events Related to the Development Application (Bousfields Inc., 2018)

Date	Event
January 11, 2017	Pre-consultation meeting held to receive preliminary comments from the City and identify supporting studies required as part of a complete application
June 19, 2018	The proposal was reviewed by the Burlington Urban Design Advisory Panel
October 23, 2018	The formal Official Plan amendment and rezoning applications were submitted
December 21, 2018	The formal Official Plan amendment and rezoning applications were deemed complete
January 7, 2019	City staff circulated a request for comments to internal and external agencies, including Halton Region.
January 29, 2019	A community meeting was held to gain input from the public on the proposed Official Plan and rezoning applications
March 5, 2019	The City of Burlington enacts Interim Control By-law, 10-2019 freezing development in Downtown Burlington UGC and Burlington GO Mobility Hub
May 16, 2019	The Growth Plan (2019) came into effect, replacing the Growth Plan (2017)
June 11, 2019	The revised Official Plan amendment and rezoning applications were submitted

### 4.2 Initial Development Application

The initial development proposal was submitted on October 23, 2018. The initial application consisted of an Official Plan and Zoning By-law Amendment to permit a 29-storey mixed-use building the Subject Lands containing a total of 280 residential dwellings and 675 square metres of ground-floor commercial space. The initial development proposal sought to amend the City of Burlington's Official Plan from a Downtown Mixed Use Centre-Downtown Core Precinct to a site-specific designation, and to rezone the Subject Lands from a Downtown Core Zone to a site-specific zone to permit the proposed development.

The initial development proposal was supported by the following technical studies and reports which are summarized under Section 5 of this review:

- Planning Justification and Urban Design Report, prepared by Bousfields Inc., dated August 2018;
- Architectural Plans, prepared by Turner Fleischer Architects Inc., dated August 8, 2018;
- Economic Analysis, prepared by Altus Group Economic Consulting, dated August 8, 2018;
- Boundary and Topographic Survey with Adjacent Building Heights, prepared by A. T. McLaren Limited, dated August 24, 2017;
- Conceptual Landscape Plans, prepared by Ferris + Associates Inc., dated August 10, 2018;
- Tree Preservation/Removal Plan, prepared by Ferris + Associates Inc., dated August 10, 2018;
- Arborist Report, prepared by Ferris + Associates Inc., dated August 25, 2017;
- Noise Study, prepared by Novus Environmental, dated January 23, 2018;
- Noise Study Addendum, prepared by Novus Environmental, dated August 8, 2018;
- Noise Study Addendum#2, prepared by Novus Environmental, dated November 7, 2018;
- Transportation Impact Study, Parking Study and Transportation Demand Management, prepared by Paradigm, dated August 2018;
- Additional Traffic Data and Response, prepared by Paradigm, dated November 22, 2018;
- Hydrogeology Report, prepared by Terraprobe, dated August 25, 2017;
- Pedestrian Wind Comfort Opinion, prepared by Novus Environmental, dated August 8, 2018;
- Pedestrian Wind Study, prepared by Novus Environmental, dated December 13, 2018;
- Shadow Study, prepared by Bousfields Inc. dated August 2018;
- Functional Servicing Report, prepared by S. Llewellyn & Associates Limited, dated August 8, 2018;
- Heritage Value Assessment, prepared by ERA Architects, dated December 13, 2017;
- Phase One Environmental Site Assessment, prepared by Terraprobe, dated August 25, 2017;
- Environmental Site Screening Questionnaire dated October 19, 2018;
- Angular Plane Study, prepared by Turner Fleischer Architects Inc., dated August 8, 2018;
- Groundwater Sampling Results, prepared by Terraprobe, dated December 20, 2018; and,
- Phase 2 ESA Qualified Professional Preliminary Statement, prepared by Terraprobe, dated November 24, 2018.

The initial development proposal envisioned a 29-storey building comprised of a 4-storey “L” shaped base building and a 25-storey tower component. The initial development proposal involved the demolition of the existing low-scale buildings at 2069 and 2079 Lakeshore Road. The listed heritage buildings at 383 and 385 Pearl Street were proposed to be shifted closer to the Pearl Street right-of-way, with portions of the building (i.e. façade) to be adaptively re-used as part of the new building. The retained portions of the building were proposed to operate as live/work units with a total gross floor area of approximately 280 square metres.

Under the initial development proposal, the proposed building was setback 0.6 metres to 1.3 metres along Pearl Street frontage; 0.5 metres along the north property line abutting the existing live/work units; and 0.8 m to 1.7 m along the east property line. The 2.0-metre wide right-of-way

widening proposed by City along the north side of Lakeshore Road, adjacent to the north side of the building's retail façade, provides space for sidewalks and enhanced public realm along the south property line. The ground floor of the proposed building contains two separate retail spaces with frontages along Lakeshore Road and Pearl Street. The proposed 4-storey base building consisted of approximately 5,706 square metres, of which consists of at-grade retail uses, 2-storey live/work units and 4,485 square metres of residential gross floor area. Approximately 52 residential units were located in the base building with a range and mix of unit types. The tower component of the proposed building is 25 storeys. The floor plate of the tower is reduced from the base building and varies in size between 783 and 852 metres. Atop the tower is a mechanical penthouse, which has a floor plate of 523 square metres. All four sides of the building have 1.8 metre projecting balconies.

An at-grade driveway is proposed along Pearl Street providing access to a 2.7-metre by 9.7-metre loading space with access to a garbage collection room. A second at-grade driveway is proposed on Lakeshore Road providing access to surface and below-grade parking spaces for residents and retail users and visitors. All parking spaces are accessed via the driveway from Lakeshore Road. A summary of key statistics of the initial application is provided in the following table:

Table 8: Site Statistics of Initial Development Application

Site Statistics	
<b>Site Area</b>	2,482 m <sup>2</sup>
<b>Gross Floor Area</b>	25,177 m <sup>2</sup>
<b>Non-Residential Floor Area</b>	675 m <sup>2</sup>
<b>Residential Floor Area</b>	23,663 m <sup>2</sup>
<b>Floor Area Ratio (FAR)</b>	10.14
<b>Height</b>	94.32 metres (29 storeys) 99.32 metres (including mechanical penthouse)
<b>Residential Units</b>	2 (Live/work) 39 (1-bedroom) 43 (1-bedroom plus den) 93 (2-bedroom) 85 (2-bedroom plus den) 18 (3-bedroom) <b>280 (total)</b>
<b>Residential Amenity Area</b>	559 m <sup>2</sup> (interior) 1,046 m <sup>2</sup> (exterior) <b>5,589 (total, incl. balconies)</b>
<b>Vehicular Parking Spaces</b>	280 (residential, below-grade) 11 (retail/visitor, surface parking) <b>291 (total, including 9 accessible spaces)</b>
<b>Bicycle Parking Spaces (level 1)</b>	97 (residential) 3 (retail)



Table 8: Site Statistics of Initial Development Application

Site Statistics	
	<b>100 (total)</b>
<b>Parking Ratio</b>	1.0

## 5.0 Summary of Supporting Reports

The following section provides a summary of reports submitted with the initial application. We note that several addenda to these initial reports and additional studies were submitted as part of the revised application and these are summarized in Section 8 of this report.

### 5.1 Economic Analysis

An economic analysis was prepared by Altus Group Economic Consulting and outlines the impacts of high density mixed use development on the Burlington economy and housing market. The findings of this report indicate that the proposed development is supportive of provincial and municipal legislation. The report further states that supporting the proposed development will help the Downtown UGC to achieve the minimum intensification target of at least 200 residents and jobs per hectare by 2031.

### 5.2 Tree Preservation/Removal Plan

A Tree Preservation/Removal Plan was prepared by Ferris + Associates Inc. and outlines the deciduous trees to be preserved and those to be removed from the Subject Lands. This plan identifies a total of 12 trees on site which are proposed to be removed.

### 5.3 Arborist Report

An Arborist Report was prepared by Ferris + Associates Inc. and details what was found during an inspection on July 31, 2017. The inspector discovered twelve trees on site and detailed the species, diameter, condition of tree, and other observations. Of the twelve trees discovered on site, two were recorded to be in extremely poor condition, one in very poor condition, five in poor condition, three in fair condition and one in good condition. Included in the report is an Existing Tree Survey Plan identifying where all trees are located on site and the typical minimum tree protection zone as per the City of Burlington standards.

### 5.4 Noise Study and Addendum

A Noise Study was prepared by Novus Environmental Incorporated in support of the first Official Plan Amendment and Zoning By-law Amendment application for 2069 Lakeshore Road. An assessment of the potential for transportation noise impacts from nearby roadways was completed. It was noted that a stationary noise assessment was not necessary as no significant stationary sources of sound are located in the area. Following the study, it was concluded that upgraded facade constructions and window gazing are not required to meet the MOECC Building Component requirements. Noise control measures are not required for the outdoor amenity areas or private terraces, and noise control warning clauses are not required. The mechanical equipment for this redevelopment must also comply with acceptable noise guidelines established by the MEOCC.

On August 8th of 2018, an Environmental Noise Study – Addendum was completed to address modifications to the proposed design and a comment made by the City requesting an assessment of noise impacts from the building as a stationary noise source. The Addendum concludes that revisions to the development plan do not affect sound levels of the proposed development therefore physical noise mitigation measures are not required. In response to the request of a stationary noise assessment, the addendum outlines that it is not realistic to conduct further assessment at this stage as key inputs are not yet available. We understand the City has asked for additional information related to noise which should be further addressed.

## 5.5 Transportation Impact Study, Parking Study and Transportation Demand Management

A Transportation Impact Study, Parking Study and Transportation Demand Management Options Report was prepared by Paradigm Transportation Solutions Limited to analyse the existing traffic conditions, traffic forecasts, parking demand, provide recommendations for future traffic improvement and to provide strategies to reduce single occupancy vehicle travel. A capacity analysis was conducted at multiple key intersections located nearby the proposed development to determine what level of traffic the current infrastructure can accommodate. Analysis lead to the conclusion that current transportation infrastructure can more than adequately accommodate the proposed development and associated traffic volumes. The study suggests that deficiencies will occur at the James Street and Pearl Street intersection with future anticipated growth independent of the proposed development; therefore it is recommended that the City exercise mitigation measures to restrict Northbound and Southbound approaches to right turns only during peak hours Monday to Friday. The study confirmed that there is appropriate ingress and egress to the site. The study concluded that the proposed parking supply will exceed the parking demand and traffic volumes can be accommodated in the Study Area.

## 5.6 Hydrogeology Report

A Hydrogeology Report was prepared by Terraprobe to assess the groundwater conditions and dewatering requirements for the proposed construction at this location. The findings of this report suggest that due to the total suspended solids found in the groundwater, it must be treated prior to its discharge into the sewers. In the case that water does enter the sewer systems, Discharge Agreements will be required by the City or Region. This report investigated short term ground water control requirements and potential impacts during construction; and long term ground water control requirements and potential impacts post construction. From analysis conducted on short and long term requirements and impacts during and post construction, a conclusion determined was that no permits to take water will be required for the short-term or the long-term.

## 5.7 Pedestrian Wind Study

A Pedestrian Wind Study was prepared by Novus Environmental Incorporated in support of the Official Plan Amendment and Zoning By-law Amendment application for the project. Wind tunnel modelling techniques were used to assess the pedestrian wind conditions at this site. This study concludes that the proposed development improves wind conditions on the amenity spaces of the adjacent developments. Existing and proposed development at this location passed the wind safety criteria.

## 5.8 Shadow Study

A Shadow Study was prepared by Bousfields Inc. on August of 2018 to demonstrate the shadow cast by the proposed building. Shadow impacts were studied for June 21<sup>st</sup>, September 21<sup>st</sup>, and December 21<sup>st</sup> at set times to assess the incremental shadow impacts of the proposed buildings. The shadow study demonstrates that on March 21<sup>st</sup> no new shadows are cast onto Pearl Street between approximately 10:30am and 6:30pm, the North side of Lakeshore Road from 9:30am to 3:45pm, or Martha Street from 9:00am to 2:00pm. On June 21<sup>st</sup> there is a minimal difference in comparison with March at the designated study times, and there are no shadow impacts on parks or open space. December 21<sup>st</sup> shows an incremental shadow reaching Lions Park at 9:30am affecting a soccer field, and at 12:30pm affecting the rear of a residential apartment building site. At 3:30pm the shadow will reach the rear yards of residential properties, and sunset will take place at 4:46pm.

The shadow impact of the proposed development will imitate that of the approved development on Martha Street therefore it will not substantially increase shadow impacts already expected. The study concludes that the incremental shadow impacts satisfy the Official Plan policies with regard to the location of the proposed development.

## 5.9 Functional Servicing Study

A Functional Servicing Study was prepared by S. Llewellyn and Associates Limited outlining the proposed servicing scheme for the potential development. The findings of this report indicate that the proposed development can be constructed to meet the municipal and Regional requirements. The report contains recommendations for servicing the proposed development. It is recommended that the proposed development be graded and serviced in accordance with the Grading and Servicing Plan provided in the Functional Servicing Study. This includes the instillation of a 1.5m-100mm orifice pipe at 1.0% to provide quantity control, a CB shield to treat runoff, erosion and sediment controls, and the proposed sanitary and water servicing system.

## 5.10 Heritage Value Assessment<sup>1</sup>

A Heritage Value Assessment was prepared by ERA Architects to assess the cultural heritage value of the site and provide feedback regarding future redevelopment. It was determined by ERA that the property has cultural heritage value and is a candidate for designation under Part IV of the Ontario Heritage Act. Feedback provided regarding future development of the site indicates that the building currently existing on the subject lands is not a candidate for complete demolition. Any new construction shall be setback from the principal elevation of the existing building not obscuring the heritage attributes of the current structure.

## 5.11 Phase 1 and 2 Environmental Site Assessments

A Phase 1 Environmental Site Assessment was prepared by Terraprobe Incorporated to outline the current environmental conditions on the property. Three areas of Potential Environmental Concern were identified on the Subject Lands; the historical placement of imported fill material of unknown quality upon the entire property; historical gas stations at the south portion of the property, and historical automobile service garage with underground fuel tank located at the south portion of the property.

A Phase 2 Environmental Site Assessment was conducted by Terraprobe following the Phase 1 ESA to further investigate the identified Areas of Potential Environmental Concern. Five boreholes were created to analyze the site conditions and it was found that Applicable Site Condition Standards for earth fill materials, native soils, and ground water were met on the property. Verification sampling will be required to confirm the remaining soils meet the Applicable Site Condition Standards. A record of site condition has been identified as being required for this redevelopment project as non-residential uses have existed on the Subject Lands.

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<sup>1</sup> A Heritage Impact Assessment was prepared by MHBC on June 5, 2019 for the revised development application. The report states that modifications made in the revised application adequately retain and protect the heritage features including the Acland House façade up to the roofline. The report states that the changes to the building design are positive and have the effect of providing further prominence to the buildings located at 383-385 Pearl Street. No concerns were identified in the report with respect to the modifications to the design. These modifications are explained in further detail in Section 10 of this report.

## 6.0 Technical Review and Comments

The Official Plan and Zoning By-law amendment and supporting documents were circulated to internal departments and external agencies for review. Written responses to the technical circulation were received from Halton Region, Halton District School Board, Halton Catholic District School Board, Burlington Hydro, Burlington's Transportation and Capital Works Departments, Burlington Economic Development Committee and the Sustainable Development Committee (SDS). These comments are summarized in the following section of this review and are attached to this review as Appendix A. No objections were identified from these departments and agencies. As previously mentioned, no comments were received from the City pertaining to planning or urban design.

### 6.1 City of Burlington Department Comments

#### 6.1.1 Burlington Transit

Burlington Transit stated that there are two transit stops serviced by Route 3 located on the north side of Lakeshore Road within 100 metres east and west of the Subject Lands and another stop directly across the street. The route frequencies referenced in the TIS submitted in support of the original application do not reflect current transit service or service levels from 2018 when the report is dated.

#### 6.1.2 Capital Works – Accessibility

The Capital Works – Accessibility Department provided the following comments stating that the location of the accessible parking on underground levels 2 to 4 is suitable, but that the location of the accessible parking on underground level 5 needs to be moved closer to the elevator lobby. The Department also commented that visitor parking on the ground floor requires an accessible parking space that is a "Type A" parking space at 3400 mm with a 2000 mm accessible aisle.

#### 6.1.3 Capital Works – Parks & Recreation

The Capital Works – Parks & Recreation Department recognized that Lions Parks, Apeldoorn Park and Centennial Multi-Use Trail (neighbourhood parks) are located 0.8 kilometres of the Subject Lands and Spencer Smith Waterfront Park and Central Park (city/community park) are located within 0.8-2.4 kilometres of the Subject Lands.

The Capital Works – Parks & Recreation Department commented that the waterfront park connection is located south of the proposed development on Old Lakeshore Road which will result in a greater number of pedestrian crossings to the west side of Pearl Street and the south side of Lakeshore Road from this site. A daylight triangle is recommended at the Pearl Street and Lakeshore Road intersection to facilitate pedestrian convenience, comfort and safety. Further, the Department also commented that the Park Street setbacks should be increased to maintain a more accessible, viable public realm and streetscape along Pearl Street.

### 6.2 Region of Halton

Comments on the initial application were received from Halton Region on April 15, 2019. Regional planning staff reviewed the initial application within the context of Provincial planning documents and the Regional Official Plan (ROP) and had no objection to the to the proposed Official Plan and Zoning By-law amendments. Regional Staff were off the opinion that the application for the site-specific High Density Residential Uses was consistent with and conformed to the Region's Official Plan subject to a Holding 'H' Symbol with the following provision being implemented:

1. The Owner is to submit, to the satisfaction of the Region, a Ministry of the Environment acknowledged Record or Site Condition for the Subject Lands, which demonstrate that the lands are free and clear for their intended use.

### **6.3 Burlington Sustainable Development Committee**

Comments from the SDS related to the initial application were received on February 20, 2019. The SDC reviewed the development application and supported the proposal with modifications/conditions. The SDC supports higher density development close to transit, retail and community services that will likely attract transit-oriented, environmentally focused residents and businesses. However, the Committee noted opportunity in the development for improved plans for transportation alternatives, an energy efficient building envelope, more employment, place making, affordable and accessible housing, a more detailed plan for trees, and construction waste management.

The SDC stated that the proposed development should address design elements to reduce the use of energy and minimize GHG emissions. The inclusion of retail/commercial uses within the ground floor of the building provides compatibility with surrounding uses and convenient access for residents of the buildings and surrounding community. These uses should be carefully selected to best serve the neighbourhood. Additional space (e.g. commercial/retail spaces in the base) was recommended to encourage employment generation.

### **6.4 Burlington Downtown Business Association (BDBA)**

The BDBA submitted comments on the initial application on February 19, 2019. The BDBA wrote in support of the development with recommendations for modifications. Overall, the BDBA supports new mixed-use developments that maximize the amount of commercial space in the building envelope and provide the same amount of commercial floor area that existed prior to redevelopment of the property. The BDBA supports that the development proposal seeks to maintain a portion of the listed heritage building on Pearl Street which are to be adaptively reused with a live/work function.

The BDBA encouraged the development to be self-sufficient for parking and support the 1.25 spaces per unit parking ratio and the addition of parking for maintenance vehicles. The BDBA noted that consideration should be given to provision of additional visitor parking spaces, dedicated maintenance/service vehicle parking spaces and consideration as a candidate for a public/private parking partnership.

### **6.5 Heritage Burlington (HB)**

Heritage Burlington provided comments on the initial application on February 20, 2019. While HB recognized the efforts taken to preserve aspects of the buildings at 383-385 Pearl Street, the Committee highlighted concerns with two features of the proposal.

First, HB commented that in this instance retaining only the façade would not preserve the historic character of the building, specifically the roof line and side profiles. HB recommends that City staff work with the developer to preserve the entire roof, front and sides of the historic structure.

Second, HB commented that the close proximity of balconies and other structures directly over the historic building would materially detract from the building's presence. HB recommended that City staff seek to have the developer retain the historic building's airspace or retain sufficient

height between the historic building's roof and overhanging structures so that there is no visual connection.

As detailed further in this review, we note that several of these comments have been addressed in the revised application. The setback along Pearl Street has been increased to better align with the existing buildings at 383-385 Pearl Street. Further, the proposed building has been modified so that residential units are no longer located above the buildings at 383-385 Pearl Street which better conserves key architectural and heritage features of the building and reduces visual connection.

Given the above comments received to date on the initial and revised applications, we note that several of the detailed comments related to design can be appropriately addressed through the site plan process.

## 7.0 Public Engagement and Public Comments

### 7.1 Public Comments

A public notice and request for comments regarding the initial development proposal was circulated in January of 2019 to 804 surrounding property owners and tenants. A neighbourhood meeting was held on January 29, 2019 at the Art Gallery of Burlington and was attended by approximately 125 members of the Public, the Ward Councillor, Wards 3 and 6 Councillors, the Mayor and City staff. Key concerns raised by the public at the meeting included issues of building height; compatibility with the existing neighbourhood; loss of sunlight and privacy; increased wind conditions; inadequate parking spaces; and increased traffic and safety issues.

A statutory public meeting was held on June 11, 2019 at Council Chambers at Burlington City Hall. Since the initial development application was deemed complete in December of 2018, we understand City staff has received 36 emails from 29 individuals and/or households, 11 neighbourhood meeting comment sheets from 7 individuals and/or households and 3 letters. The correspondence received by the City raises concerns with impacts from the proposed development including loss of sunlight and privacy, increased traffic, a lack of parking spaces, stormwater management and flooding and concerns about the impacts of construction on the surrounding area. The identified impacts raised by the public are summarized below:

Table 9: Statutory Public Meeting Comments Received

Comment Theme	Comments Received
Traffic and safety	<ul style="list-style-type: none"> <li>• Increase in traffic volumes;</li> <li>• Truck loading and construction;</li> <li>• Concerns about existing visibility issues on Pearl Street/ Eliminate on-street parking on Pearl Street;</li> <li>• Connection of accesses between Pearl Street and Lakeshore Road;</li> <li>• Traffic congestion could impact EMS access and reliability;</li> <li>• Downtown congestion during highway closures;</li> <li>• Access should not be off Lakeshore Road</li> <li>• Suggestion that there be a lay-by located along Lakeshore Road</li> </ul>
Inadequate parking spaces to accommodate residents and visitors	<ul style="list-style-type: none"> <li>• Not sufficient parking downtown now;</li> <li>• Need to construct new parking garage in east end downtown;</li> <li>• Concern with excessive building height/overdevelopment;</li> <li>• Impact of shadows – extend beyond Pine Street;</li> <li>• Blockage of daylight/sun;</li> <li>• Blockage of views;</li> </ul>



	<ul style="list-style-type: none"> <li>• Tower should be more discreet</li> <li>• Setback from townhouse to north should be greater;</li> <li>• Suggestion that all new high rise developments in downtown have public parking provided in first underground level</li> </ul>
Unit sizes	<ul style="list-style-type: none"> <li>• Concern that unit sizes should be larger;</li> <li>• Need more affordable housing;</li> <li>• Small unit sizes are not attractive to the target market;</li> <li>• Apartment sizes are too small - not conducive to entertaining at home</li> </ul>
Concern about urban design and potential wind impacts	<ul style="list-style-type: none"> <li>• Existing wind tunnels will be made worse;</li> <li>• Proposed development will adversely contribute to a greater wind tunnel effect on Lakeshore Road and Pearl Street;</li> <li>• Wind conditions on Lakeshore Road up to past Elizabeth Street and perception of a wind tunnel effect on Lakeshore Road;</li> <li>• Concern over dark, windy, and unpleasant conditions</li> <li>• Suggestion that there be a greater stepback above the podium</li> </ul>
Concern with stormwater management/flooding	<ul style="list-style-type: none"> <li>• Impact of 5 levels of underground parking on the water table;</li> <li>• Groundwater infiltration seeping through walls and eroding structures;</li> <li>• Flood risk is of concern</li> <li>• Concerns of an earth and road collapse if they dig deep at Pearl Street and Lakeshore Road;</li> <li>• Residential growth will place a strain on the current infrastructure given the recent flooding</li> </ul>
Concern regarding construction and waste management;	<ul style="list-style-type: none"> <li>• Construction will bring heavy trucks occupying the east side of Martha Street and west side of Pearl Street reducing residential vehicle access;</li> <li>• Construction leading to mud and gravel on Martha Street and Pearl Street;</li> <li>• Construction leading to noise and dust around older quiet buildings;</li> <li>• If multiple projects downtown proceed with construction at the same time it will impact the community</li> </ul>

<p>Noted change to the character and feel of the quaint and charming downtown core;</p>	<ul style="list-style-type: none"> <li>• The glass towers do not blend in with the historic downtown;</li> <li>• Do not want Burlington to begin looking like Toronto and lose its character;</li> <li>• Concern about the building congestion and impacts on the City's skyline.</li> <li>• Concern that Downtown Burlington is about to lose its character</li> </ul>
<p>Concern over quantity of non-residential space being provided</p>	<ul style="list-style-type: none"> <li>• The overall provision of commercial space is lower than what previously existed</li> <li>• Concern that new non-residential space at-grade may remain vacant</li> </ul>
<p>Support the proposal as high rise and density should be downtown close to commercial space and activities.</p>	<ul style="list-style-type: none"> <li>• Suggestion that the area west of the Burlington GO Station is the proper placement for a high-rise, high-density building;</li> <li>• Condos could be built outside the city core closer to the Go Stations;</li> <li>• Some resident support for the proposal given direction of Provincial and Regional policy</li> </ul>

## 8.0 Revised Development Proposal

On June 11, 2019, the applicant submitted a revised development proposal in response to the above-noted technical comments from City departments and commenting agencies as well as public comments. Again, no comments were provided from Planning Staff. The revised development proposal maintains most of the initial application in terms of the proposed Official Plan amendment and rezoning requests; however, key changes were made to the built form of the proposed building, as detailed further below.

The revised development proposal was supported by the following technical studies and reports:

- Planning Addendum, prepared by Bousfields Inc., dated June 2019; dated June 2019;
- Updated Architectural Plans, prepared by Turner Fleischer Architects Inc., dated August 8, 2018; dated August 8, 2018;
- Architectural Response Memorandum, prepared by Turner Fleischer Architects Inc., dated June 5, 2019;
- Engineering Response Letter, prepared by S. Llewellyn & Associates Limited, dated June 10, 2019;
- Engineering Technical Memorandum, prepared by S.Llewellyn & Associates Limited, dated June 7, 2019;
- Updated Heritage Impact Assessment Memorandum, prepared by MHBC, dated June 5, 2019;
- Updated Landscape Plan and Details, prepared by Ferris + Associates, dated June 7, 2019;
- Pedestrian Wind Addendum, prepared by Novus Environmental, dated June 5, 2019;
- Updated Traffic Impact Letter, prepared by Paradigm, dated June 5, 2019; and,

Updated Shadow Study, prepared by R. Bouwmeester & Associates, dated July 4, 2019. The revised proposal modifies the built form, unit mix, amenity space, landscaping and setbacks and parking. The revised proposal retains the existing heritage-listed building while facilitating the redevelopment of the subject site with the 29-storey residential mixed-use building in a tower podium form. The revised proposal continues to incorporate retail space at-grade with residential dwelling units on the upper storeys. Architectural plans submitted as part of the revised application are attached to this review as Appendix B.

The key revisions to the proposal can be summarized as follows:

- The two storeys proposed above the existing heritage-listed building have been removed;
- The podium setback to Pearl Street has been increased from 0.57 metres to 2.43 metres;
- The gross floor area of the tower floor plate has been reduced from 773.8 square metres to 755.4 square metres;
- The number of the larger 3-bedroom units has been increased from 18 to 24, while the overall number of dwelling units has decreased from 280 to 278;
- The provision of vehicular parking has been increased;
- The indoor amenity area has been increased from 559.2 square metres to 672.9 square metres, and the outdoor amenity area has been reduced from 5,299.5 square metres to 5,001.2 square metres; and
- An indoor amenity area has been added to the penthouse level.

The following table provides a comparison of key development statistics between the initial and revised proposed developments:

Table 10: Comparison of Key Development Statistics (Source: Bousfields Inc., 2019)

Site statistic	Initial Proposal (August 2018)	Revised Proposal (June 2019)
Site Area	2,482 sq. m.	2,482 sq. m.
Residential GFA	23,663 sq. m.	22,870 sq. m.
Non-Residential GFA	674.6 sq. m.	665.8 sq. m.
Total GFA	25, 176.7 sq. m.	24, 393.0 sq. m.
Floor Area Ratio	10.14	9.89
Height	94.32 (29 storeys)	94.85 m (29 storeys)
Residential Units	Live/work: 2 1-bedroom: 39 1-bedroom and den: 43 2-bedroom: 93 2-bedroom and den: 85 3-bedroom: 18 Total: 280	Live/work: 2 1-bedroom: 44 1-bedroom and den: 34 2-bedroom: 120 2-bedroom and den: 52 3-bedroom: 24 Total: 276
Residential Amenity Space	Interior: 559 sq. m. Exterior: 5,300 sq. m. Total: 5,859 sq. m.	Interior: 672.9 sq. m. Exterior: 5,001.2 sq. m. Total: 5,674 sq. m.
Vehicle Parking Spaces	Residential: 280 (below grade) Retail/Visitor: 11 (at-grade) Total: 291 (incl. 9 accessible)	Residential: 289 (below grade) Retail/Visitor: 11 (at-grade) Total: 291 (incl. 9 accessible)
Bicycle Parking Spaces (Level 1)	Residential: 97 Retail: 3 Total: 100	Residential: 28 Retail: 3 Total: 31

As further discussed in Section 10 of this report, the cumulative effect of these modifications is to bring the revised application into further alignment with the existing physical and neighbourhood context and applicable policy framework. The modifications address comments received from City Departments and formal commenting agencies as well as public comments received from the Neighbourhood and Statutory Public Meetings.

## 9.0 Assessment of Planning Analysis

### 9.1 Planning and Urban Design Rationale (August 2018), Bousfields Inc.

The August 2018 Planning and Urban Design Rationale (the “initial rationale”) prepared to support the initial application includes an analysis of the application in the context of the existing policy framework and local context.

The initial proposal provides a summary of the site and surrounding context in terms of existing land uses, built form, heritage features, neighbourhood amenities and the transportation network. The Subject Lands are described as being in Downtown Burlington in an area that includes a mix of low-rise and high-rise residential and commercial/employment uses, including existing and proposed residential and mixed-use buildings with a range of taller building heights. The initial proposal summarizes the tall building context and the neighbourhood context of the Subject Lands.

The initial planning and urban design rationale provided an overview of the required Official Plan and Zoning By-law Amendments required to permit the proposed development. The rationale framed the policy analysis of the proposal through the lens that the current and adopted Official Plan are inconsistent with and do not conform to Provincial and Regional policies.

The summary of the PPS identifies policies relevant to the proposed development and states that the proposal is consistent with the PSS and in particular, the policies relating to intensification and the efficient use of land, infrastructure and public service facilities. The summary of the PPS also states that the current City of Burlington Official Plan and adopted Official plan are inconsistent with the PPS, in particular Policy 5.5.8.2 (b) and Policy 5.5.8.2(i) of the current Official Plan, as it relates to lands designated ‘Downtown Core Precinct’, which allow for a maximum height of 4 storeys plus a bonusing provision for up to 8 storeys and a maximum density of 4.0:1 floor area ratio. The initial rationale states that an 8-storey building is inconsistent with the PPS as it relates to optimizing the and allowing for the efficient use of land, infrastructure and public service facilities, as such a building does not optimize or adequately promote a land use pattern, density and mix of uses that minimize the length of vehicle trips and support current and future use of transit and active transportation.

The initial rationale assesses the proposed development against the Growth Plan, 2017 (as that was the Growth Plan in effect at the time of the initial development application). The summary of the Growth Plan states that the proposal conforms to the Growth Plan and in particular, the policies which direct significant growth to UGCs and MTSAs, support the achievement of complete communities, optimize the use of land and access to a range of transportation of options, and ensure that development is of a high quality compact built form. The initial rationale also states that the current City of Burlington Official Plan and the new City-adopted Official Plan fail to conform to with the Growth Plan, again referencing Policy 5.5.8.2 (b) and Policy 5.5.8.2(i) of the current Official Plan, as it relates to lands designated ‘Downtown Core Precinct’. The initial rationale states that these policies fail to recognize the Subject Lands as a provincially recognized strategic growth area and that the existing maximum height limitations preclude the municipality’s ability to meet Provincial policy objectives.

With respect to the Halton ROP, the initial rationale states that the proposal has regard for Regional planning policy. Again, the initial rationale states that the current Burlington Official Plan and in particular, policies 5.5.8.2 (b) and 5.5.8.2(i), does not conform to the ROP as the maximum building height of 4 storeys does not promote higher densities for intensification areas than surrounding

areas and is not sufficient to accommodate planned population and employment growth for the Downtown Burlington UGC.

In its assessment of the City's current Official Plan, the initial rationale echoes that the intent of the Plan with respect to height and density of the Downtown Core Precinct (i.e. a maximum building height of 4 storeys and a provisional maximum height of 8 storeys) is inconsistent and not in conformity with Provincial policy. The initial rationale states that the current Official Plan is prescriptive and applies a level of rigidity, with respect to height and density, without a proper level of analysis or justification for these restricted and prescriptive limits.

In relation to the zoning amendment required, the report provides a chart illustrating the current zoning provisions and the required amendments to permit the 29-storey building due to the current zoning that applies to the site. The amendment includes provisions for increased height and density, reduced parking and reduced setbacks.

In relation to the urban design of the proposed development, the initial rationale considered the development with respect to intensification, land use, height and massing, built form impacts, urban design, and transportation and servicing. The initial rationale assessed the initial application against several guidelines and documents related to urban design including the Streetscape Design Study for Downtown (1981), City of Burlington Downtown Urban Design Guidelines (2006), and the Tall Building Design Guidelines (2017). The initial rationale stated that the proposed development aligned with the appropriate urban design guidelines and had regard for the site and surrounding context.

## **9.2 Planning Addendum (June 2019), Bousfields Inc.**

A planning addendum was prepared in June 2019 in support of the revised application which maintains the 29-storey height of the proposed building but reduced the total number of units, increases the parking ratio and proposes to retain the façades of the buildings at 383-385 Pearl Street through increased setbacks along Pearl Street and from the northern property line.

The planning addendum provides an overview of the changes to the application including the total unit count and mix, setbacks, stepbacks and floor plate size. Please refer to Table 10 for a comprehensive comparison of key development modifications between the initial and revised development applications.

The planning addendum provides an updated analysis of the policy framework with consideration for the revised proposal and changes to the policy framework that has occurred since the submission of the initial application. The planning addendum maintains that the current and adopted Official Plan are inconsistent and do not conform to Provincial and Regional policy.

The planning addendum recognizes that the Growth Plan, 2019 now applies to the revised application as it was submitted after the new Growth Plan came into effect. Accordingly, the planning addendum provides an assessment of the revised application with respect to the new Growth Plan and states that the revised application conforms to the Provincial policy document. The planning addendum states that an 8-storey building, the provisional maximum building height currently permitted on the Subject Lands, does not conform to the new Growth Plan. The planning addendum states that the policies of the Growth Plan direct significant intensification and growth to UGCs and MTSAs and that permitting greater building height and densities than currently permitted on the Subject Lands supports the achievement optimized use of land, complete communities and transit-supportive development.

In our assessment of the initial planning rationale and the planning addendum prepared by Bousfields Inc. in support of the initial and revised development applications, we are satisfied that a comprehensive assessment of the development proposal has been provided. We generally agree with the planning rationale and assessment of the relevant policy framework. One area we wish to clarify, however, is the focus in both of the aforementioned reports on non-conformity of the current and adopted Official Plan. While we agree that the City's current Official Plan is not consistent and in conformity with Provincial and Regional policy under the current 2019 Growth Plan and PPS, it does focus growth in the Downtown and allows for development greater than 8 storeys through the provision of Section 37 community benefits and the achievement of compatibility with the surrounding context. As such it does provide for the opportunity to amend the Plan to provide for development that does conform to and is consistent with Provincial policy.

## 10.0 Policy Overview and Discussion

The following section provides an independent assessment of the proposed development within the applicable policy and regulatory framework.

The Official Plan Amendment and Zoning By-law Amendments are subject to the following policy framework: Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, the Halton Regional Official Plan, the City of Burlington Official Plan, Downtown Urban Design Guidelines; Tall Building Design Guidelines; and Zoning By-law 2020, as amended.

We have assessed the proposed application as revised in the following sections of this report.

### 10.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. The PPS is the guiding policy document for land use planning and development in Ontario. It provides broad policy direction on matters of provincial interest that supports the building of viable, healthy and strong communities. All planning decisions are required to be consistent with the PPS.

The PPS promotes healthy, liveable and safe communities through the promotion of efficient development and land use patterns, and the accommodation of a range and mix of residential uses (PPS, 1.1.1)1.1) directs growth to settlement areas and promotes densities and a mix of land uses which optimize the use of land and resources; are appropriate for, and efficiently use, infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2). The PPS requires that sufficient land be made available through intensification, redevelopment, and designated growth areas (PPS, 1.1.2).

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 (PPS, 1.1.3.3, 1.1.3.4). 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 states that where a provincial target is established through a provincial plan that provincial target shall represent a minimum target (PPS, 1.1.3.5). Municipalities are encouraged to set and achieve targets that exceed provincial targets. In this case, relevant targets for population and employment growth, intensification and densities for designated growth areas are contained in the Growth Plan for the Greater Golden Horseshoe, 2019. The PPS sets out that new development within designated growth areas shall have a compact form, contain a mix of uses and densities that allow for efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6).

The PPS requires a coordinated, integrated and comprehensive approach to development including addressing housing needs (PPS, 1.2.1). The housing policies of the PPS encourage an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents (PPS, 1.4). The PPS states that the development of new housing is directed towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (PPS, 1.4.3). The PPS further states that this is to be achieved by promoting densities which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit



in areas where it exists or is to be developed. The PPS also sets out establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (PPS, 1.4.3). Municipalities are to ensure they have minimum targets established for the provision of housing to meet a wide range of needs and shall ensure they provide for all forms and types of housing based on current and future needs (PPS, 1.4.3). We understand the City is working on its housing strategy but has not implemented one to date.

The PPS promotes the creation of healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (PPS, 1.5.1).

The PPS provides policy direction related to transportation and promoting sustainable transportation modes and promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (PPS, 1.6.7.4). The PPS also states that the transportation and land use considerations shall be integrated at all stages of the planning process (PPS, 1.6.7.5).

Part 2.6 of the PPS speaks to the importance of recognizing and protecting cultural heritage landscapes and properties. The PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved (PPS, 2.6.1). Further, the PPS directs that “planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and that it has been demonstrated that the heritage attributes of the protected heritage property will be conserved” (PPS, 2.6.3).

The PPS recognizes the diversity of Ontario and that local context is important. The policies of the PPS are outcome-oriented, and some provide flexibility in their implementation provided that provincial interests are upheld (PPS, Part III). The PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS (PPS, 4.7). The appropriate locations for intensification are identified in the current Burlington Official Plan and redevelopment shall occur in accordance with the City’s intensification strategy. Development standards to facilitate intensification are provided through evaluation criteria contained in the City’s Official Plan which are implemented through the City’s Zoning By-law 2020 and it must be kept up to date and reflect the most current Provincial policies which often facilitates the need for amendments prior to new Official Plans being updated.

#### 10.1.1 Opinion of Consistency with the PPS, 2014

It is the opinion of the applicant as expressed in the Planning Justification Report, that the proposed high-density mixed-use development on the Subject Lands is consistent with the policy directives of the PPS and in particular the policies relating to intensification and the efficient use of land, infrastructure and public service facilities. In the Planning Justification Report, the applicant states that the current Burlington Official Plan and adopted Official Plan are inconsistent with the PPS due to the restrictions on height and density permitted on the Subject Lands.

The Subject Lands are located within the settlement area as well as within a designated growth area in Downtown Burlington. The Subject Lands are located within the Downtown Mobility Hub which is a recognized MTSA in the Growth Plan, 2019. The site is well served by transit and is located on an adjacent transit route, within 250 metres of the John Street Transit Terminal which provides transit local transit access and connections to regional transit facilities including direct

bus access to the Burlington GO station which provides transit access to the broader region. The site can be adequately serviced by surrounding roadways and infrastructure.

The Subject Lands are located in a walkable, transit-oriented location within Downtown Burlington. A range of services and amenities that meet many of the daily needs of current and future residents are located within a 10-minute walk from the Subject Lands which are easily accessible by active transportation including walking and cycling while nearby transit connections provide access to the broader region. The Subject Lands are currently underutilized in the context of the City's UGC and represent an appropriate location for intensification. Given the strategic location of the Subject Lands, the proposed development will promote walkability and transit usage and contribute to the development of a strong, healthy and safe community.

The revised development proposal represents a more compact built form than currently exists on the Subject Lands, and adequate servicing exists to support the proposed development. As such, existing infrastructure and land can be used efficiently and responsibly. The type of development envisioned by the application does not result in the expansion of the built boundary and represents an efficient use of existing infrastructure. The revised development proposal recognizes the site's strategic location with respect to transit facilities and incorporates bicycle parking which promotes active transportation. In general, the type of development proposed by the application is consistent with the type of development encouraged by the PPS.

The revised development provides for an increasing mix and range of housing types, including the addition of larger units to accommodate households of larger sizes and different life stages and slight increase in one bedroom units. The proposed Official Plan Amendment and Zoning By-law Amendment will support compact built form and increase the range of housing options available to current and future residents. An increase in smaller units, located within the podium, could provide for more affordable units in relation to lower priced units that are more accessible and affordable for first time buyers.

The listed heritage properties at 383 and 835 Pearl Street are proposed to be adaptively reused through the site's redevelopment. Several modifications were incorporated in the revised application that reflect comments received from Heritage Burlington which provide enhanced protection of key architectural and heritage resource components of the building. We understand the listed buildings will be retained, including the roof and siding which were identified as being the most significant historical features of the buildings. The HIA prepared by ERA in support of the initial application identified no issues with the original proposal with respect to the façade retention as the rear and side elevations were not considered character-defining elements of the property. Further, the HIA prepared by MHBC for the revised application identifies no concerns with respect to the modified building design and states that the revisions further enhance the heritage value of the façade of the buildings. Given the findings of these studies, we believe the application recognizes the significance of the buildings and considers retaining key heritage features of the buildings with no negative impacts on key heritage resources. It is our opinion that the proposed development is consistent with the cultural heritage policies of the PPS.

While the PPS recognizes the Official Plan as the most important vehicle for implementing provincial policy, the current Burlington Official Plan while generally consistent with the PPS, does not provide consistency in particular in relation to Policy 5.5.8.2(b) and Policy 5.5.8.2.(i) of the current Official Plan as it related to lands designated 'Downtown Core Precinct', which allows for a maximum height of 4-storeys plus a bonusing provision for up to 8 storeys and a maximum density of 4.0:1 Floor Area Ratio. A limitation of an 8-storey building on the Subject Lands does not

optimize land use in an UGC nor allow for the most efficient use of land, infrastructure and public service facilities.

The development proposal in its context and form (discussed later in this report) is consistent with the PPS as it facilitates intensification in the built-up area, specifically in the City's UGC which is to be planned to achieve a level intensification and accommodate a range of uses to meet the long-term needs of the community without adverse impact or overdevelopment.

In summary, based on the above analysis, it is our opinion that the proposed development is consistent with the PPS. The development proposal represents intensification in an appropriate location serviced by existing infrastructure with capacity to accommodate the development, representing an efficient use of land, resources and infrastructure. The proposed development also supports the creation of strong, healthy and safe communities through the provision of a compact built form, a mix and range of housing units, and the promotion of active transportation and transit usage. Some consideration to a wider mix of unit types and sizes to accommodate market ownership is recommended.

## 10.2 Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") took effect on May 16, 2019, replacing the previous 2017 Growth Plan. The Growth Plan provides a growth management policy direction and framework for implementing the Province's vision for building strong, prosperous complete communities by better managing growth within existing urban areas. Complete communities are to support healthy and active living and meet people's needs for daily living through an entire lifetime. All planning decisions "shall conform with" the Growth Plan.

We recognize that the initial development application was submitted while the 2017 Growth Plan was in effect. Due to the timing of the submission of the revised development application, our review assesses the proposal for conformity with the Growth Plan, 2019 as it is the currently in-force Growth Plan and all decisions related to development must conform to its policies. Most of the revisions in the Growth Plan, 2019 place greater emphasis on increasing housing supply and intensification, particularly within MTSAs, with a new emphasis on utilizing a market-based approach to housing supply. The Growth Plan, 2019 also reinforces the role of the UGCs and MTSAs as the focus for growth. In particular, the Growth Plan, 2019 clarifies that MTSAs can range from approximately 500 to 800 metre radius of a transit station and introduces a streamlined approach to development within these areas.

The Growth Plan prioritizes intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. Development is to be focused in areas within existing urban areas that are supported by existing infrastructure, including UGCs and MTSAs. In promoting intensification and higher densities, the policies Growth Plan support the achievement of complete communities that are compact, transit-supportive, make efficient use of investments in infrastructure and public service facilities and accommodate people at all stages of life. This includes providing a mix of housing options that serve all sizes, incomes and ages of households, a good range of jobs and easy access to amenities and services that meet daily needs of residents (Growth Plan, 2.1).

The Growth Plan contains population and employment forecasts to plan and manage growth to the horizon of the Growth Plan and requires municipalities to develop and implement through their Official Plan policies and strategies for achieving allocated intensification. Under the Growth

Plan, Halton Region is forecasted to support a population of 820,000 and 390,000 jobs by 2031, increasing to 1,000,000 and 470,000, respectively, by 2041 (Growth Plan, 2.2.2.1.1). The Growth Plan allocation numbers for the City of Burlington to 2031 were approved by Halton Region in Regional Official Plan Amendment 37. As detailed in the economic analysis prepared in support of this application, approximately 16 developments commensurate to that proposed by the application would be required to be built in Downtown Burlington over the 2014-2031 timeframe in order to achieve the City's aforementioned minimum growth targets.

The Growth Plan identifies that municipalities are to develop and implement urban design policies within the Official Plan and other supporting documents to direct the development of high-quality public realm and compact built form in planning to achieve the minimum intensification density targets of the Plan. It is important to note that the targets set out in the Growth Plan represent "minimum" targets and that municipalities are required to set and achieve targets that exceed provincial targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan (Policy 5.2.5.1).

The Growth Plan states that "the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities" (Growth Plan, 2.2.1.2 a)). The Growth Plan further states that growth within settlement areas is to be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities (Growth Plan, 2.2.1 c)). To support intensification, the Growth Plan states that following the next municipal comprehensive, and for each year after, a minimum of 50% of all residential development within Halton Region shall take place through intensification.

The Growth Plan also identifies UGCs that will be planned to accommodate significant population and employment growth. Downtown Burlington continues to be a UGC and is required to achieve a minimum density target of 200 residents and jobs combined per hectare by 2031 or earlier (Growth Plan, 2.2.3). Under Policy 2.2.3.1, UGCs are planned "as focal areas for investment in regional public services, as well as commercial, recreational cultural and entertainment uses; to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit; to serve as high-density major employment centres that will attract provincially, nationally or internationally significant employment uses; and to accommodate significant population and employment growth."

The Growth Plan identifies MTSA's in relation to existing and planning transit infrastructure. Planning within MTSA's on priority transit corridors is to be prioritized, including zoning in a manner that implements the policies of the Growth Plan. Within MTSA's, development is to be supported by planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit services; fostering collaboration between public and private sectors, such as joint development projects; providing alternative development standards, such as reduced parking standards; and prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities (Growth Plan 2.2.4.9).

Achieving the minimum intensification and density targets is to be supported by identifying and considering a range and mix of housing options and densities and by planning to diversify the overall housing stock across the municipality (Growth Plan, 2.2.6). The Growth Plan also sets out that 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 diverse range of household sizes and incomes (Growth Plan, 2.2.6). In addition, municipalities are to maintain at all times where

development is to occur, 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 (Growth Plan, 2.2.6).

The Growth Plan recognizes that cultural heritage resources foster a sense of place and benefit communities, particularly in strategic growth areas, and requires their conservation and protection (Growth Plan, 4.2.7.1). Municipalities are to work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

#### 10.2.1 Opinion of Conformity with the Growth Plan, 2019

It is the opinion of the applicant as expressed in the Planning Justification Report that the proposed high-density mixed-use development on the Subject Lands conforms to the Growth Plan as it relates to focusing growth in strategic growth areas where minimum growth and density targets have been established. In the Planning Justification Report, the applicant states that the current Burlington Official Plan does not conform with the Growth Plan due to the restrictions on height and density permitted on the Subject Lands. Failing to recognize appropriate locations for established minimum density targets and opportunities for intensification in strategic growth areas will result in the municipality's inability to meet Provincial policy objectives

The revised development application addresses the principles of the Growth Plan by proposing intensification in an UGC, which is intended to accommodate significant levels of intensification. We are of the opinion that the revised development application in its context and form conforms to the objectives of the Growth Plan, by ensuring that new development is contextually appropriate and provides high quality urban design without adverse impacts. An appropriate level of intensification on the Subject Lands contributes toward the City meeting its minimum density target established in the Growth Plan. As previously noted, under policy 5.2.5.1 of the Growth Plan, these intensification targets are minimums and the Growth Plan encourages municipalities to go beyond the minimum targets where doing so does not conflict with other policies of the Growth Plan. The application proposes to intensify an underutilized property that is located in a strategic growth area under the Growth Plan. The application will contribute to achieving the minimum intensification target identified for Halton Region and the City of Burlington.

The Subject Lands are located in Downtown Burlington at a location that is well served by transit, walkable, and had adequate servicing capacity. The Subject Lands are identified as 'Downtown Core Precinct' within the City's current Official Plan. This land use designation allows for a mix of uses and encourages intensification. The current Official Plan also contains intensification policies, discussed in further detail in this review, which assist in determining which areas are appropriate for intensification. The development proposal will contribute to achieving the minimum density target planned for Downtown Burlington. The area immediately surrounding the Subject Lands is well serviced by transit services, public service facilities, retail opportunities that support daily living, employment opportunities and a range of open space and recreational amenities. The proposed development will contribute to the achievement of a complete community and will implement the policies related to supporting a vibrant UGC.

The revised development application also conforms to the housing policies of the Growth Plan by providing a range of unit types that increase housing choice and accommodate a variety of household sizes and various stages of life. The provision of condominium units, and in particular larger 3-bedroom units, contributes to a mix of housing in an UGC and in a location well served by

transit which contributes to the overall achievement of a complete community. The proposal should also seek to provide for a balance of units inclusive of smaller units which can provide for affordable market ownership units.

The Growth Plan requires the City of Burlington to consider the conservation of the cultural heritage resources on the Subject Lands in the context of their contribution to defining and supporting the “sense of place” of Downtown Burlington. We note that the buildings at 383 and 385 Pearl Street, which are listed on the City’s heritage register, are proposed to be maintained in the revised development application. Revisions made to the development application include increased setback from Pearl Street and the elimination of residential uses that were originally proposed to be located above the buildings. For these reasons, the revised development application appropriately protects and maintains existing heritage resources and conforms to the policies of the Growth Plan.

The development proposal conforms to the Growth Plan as it supports a compact and efficient development form as well as a complete community through the provision of range of unit sizes and a mix of residential and retail commercial uses. The proposed development is appropriate in its central context and form given the site location and is compatible with the evolving area. The proposed development maintains and protects existing heritage resources and meets the evaluation criteria for intensification projects in the City and is therefore consistent with the Growth Plan.

### **10.3 Halton Region Official Plan, 2018**

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 ‘Urban Area’ within the ROP. Urban areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the ROP. Policy 72(2) of the ROP states that the objective of the Urban Area is to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services and promotes live-work relationships. Policy 72(9) speaks to promoting intensification and increased densities within the Urban Area.

The Subject Lands are located within an Intensification Area which is considered by the ROP to be parts of the Urban Area and consist of UGCs, MTSAs, Intensification Corridors and Mixed Use Nodes. Under Policy 78 of the ROP, the objectives of Intensification Areas are to provide for an urban form that is complementary to existing developed areas, uses space more economically, promotes live/work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable; provide a diverse and compatible mix of land uses; create a vibrant, diverse and pedestrian-oriented urban environment; cumulatively attract a significant portion of population and employment growth; support transit and active transportation for everyday activities; and generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas. Development with higher densities and mixed uses are to be directed to Intensification Areas (Policy 81.1).

The Subject Lands are also located within a MTSA. Under Policy 78.11 of the ROP, MTSAs have additional objectives with respect to Intensification Areas, which are to achieve increased residential and employment densities in order to ensure the viability of existing and planning transit infrastructure and service; achieve a mix of residential, office, institutional and commercial development where appropriate; and provide access from various transportation modes to transit facilities.

The Subject Lands are located within an UGC encompassing Downtown Burlington, as identified on Map 1 of the ROP. The Objectives of the UGCs are to serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses. As directed by the Growth Plan, the ROP requires that UGCs achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier (Policy 81.3 b)).

With respect to housing, the ROP states that the goal for housing in the Region is to “supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs” (Section 84). Among the housing objectives of the ROP, development of housing in the Region is to make efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods (Policy 85.4).

#### 10.3.1 Opinion of Conformity with the ROP

With respect to the comments received from Halton Region with respect to the initial development application, we recognize that Regional staff generally has no objection to the proposed development on the basis that it conforms to the Region’s growth policies. The Region supports the development subject to placing an ‘H’ Holding Symbol on the property.

Based on our assessment of the ROP policies, the proposed development proposal is consistent with the ROP as it aligns with the policies related to Intensification Areas, MTSAs and UGCs. The proposed development represents an appropriate level of intensification that is an efficient use of land that is serviced by existing infrastructure that will assist in achieving Regional goals related to having 50% of annual housing development be in either townhouse or multi-unit buildings and achieves a minimum density target of 200 residents and jobs combined per hectare in the Downtown Burlington UGC. The types of units proposed as part of the development contribute to a wider range of housing choice including the provision of larger 3-bedroom units in a compact built form. Additional smaller units within the mix provided will also better achieve the Region’s housing policies.

Overall, the proposed development and Official Plan Amendment conforms to the Region’s land use planning policies and implements the planned vision for the Subject Lands that focus on achieving a more compact, pedestrian-oriented and transit-supportive community.

### 10.4 City of Burlington Official Plan (2017 Consolidation)

The City of Burlington Official Plan was approved by the Ontario Municipal Board on October 24, 2008. Text and maps were updated in the October 2017 office consolidation of the Official Plan. Official Plan Amendment (OPA) 55 was adopted in order to bring the Official Plan into conformity to the 2006 Growth Plan. For the purposes of this review, the current Official Plan that is in force and effect forms the majority of the policy review with respect to the local land use policy framework, as explained in further detail below.

Due to the timing of the submission of the initial development proposal, the adopted Official Plan which takes the City to 2031 was under review by the Region of Halton. On December 4, 2018, the Region issued a notice stating that the new proposed Official Plan does not conform to the ROP with respect to policies and mapping related to, among other matters, proposed employment land conversions and permitted uses within the employment areas and lands; the identification of and permitted uses within agricultural lands; the identification of and permitted uses within the Natural Heritage System; and transportation matters, including road classifications. Council is currently re-examining the Downtown from a land use policy perspective.

As the City has decided to undertake a comprehensive study of the new Official Plan, the City has stated that development applications are not to be assessed by the policies therein. Given that the adopted Official Plan is not currently in force and is under review by the City, and that changes are anticipated given the ongoing studies related to the Downtown and Burlington GO mobility hub as a result of the existing ICBL, we have not evaluated the proposal for conformity with the new Official Plan policies.

The City of Burlington's Official Plan, 2008 identifies the Subject Lands on three schedules:

- 'Mixed Use Activity Area' in accordance with Schedule A (Settlement Pattern)
- 'Mixed Use Centre' under Schedule B (Comprehensive Land Use Plan – Urban Planning Area)
- 'Downtown Core Precinct' under Schedule E (Downtown Mixed Use Centre Land Use Plan)

The revised development application is assessed below against the above-noted land use designations and associated development and intensification criteria.

There are also general policies of the Official Plan that are to be considered with all developments including the development of a greater diversity of housing types to meet the changing needs of the population. A broader mix of housing is encouraged in terms of type, size, cost and ownership. (Section 4.3). The Downtown Mixed Use Centre is to include residential redevelopment and intensification to accommodate new housing supply.

Part 3 of the City's Official Plan also provides for principles related to housing supply (Section 2.2) including the provision of a broad, diverse range of housing types that are accessible and affordable to all residents. Sections 2.3 and 2.4 of the Official Plan set out policies related to housing supply and housing affordability and provide for the objective to provide for a range of housing types to meet various lifestyle and income group needs for the existing and future population.

#### 10.4.1 Mixed Use Activity Area

Mixed Use Activity Areas are locations where employment, shopping and residential uses will be developed and integrated in a compact urban form at higher development intensities. These areas are to be pedestrian-oriented and highly accessible by public transit. Mixed Use Activity Areas provide alternatives to low density, suburban development and encourages development that efficiently uses existing infrastructure and resources. Mixed Use Activity Areas are to provide opportunities to create and/or maintain a special community identity and focal point for a variety of City-wide, community and neighbourhood activities while addressing the demand for higher intensity employment, shopping and residential areas within the City.



It is the general intent of the current Official Plan that Mixed Use Activity Areas shall be subject to a high quality of urban design. We have completed an assessment of the proposed urban design relating to the City's Downtown Urban Design Guidelines and the Tall Building Design Guidelines which is discussed in further detail in the sections below.

#### 10.4.2 Mixed Use Centre

Within Mixed Use Activity Areas exist Mixed Use Centres, which are locations centred at the intersection of major arterial roads, inter-municipal transit stations and Downtown Burlington that serve as areas for mixed use developments consisting of medium and high density residential, retail, service commercial, office, industrial, entertainment, community facilities and institutions, and open space uses.

In general, the objectives of Mixed Use Centres encourage higher intensity development that is transit-supportive and pedestrian-oriented while maintaining compatibility with nearby land uses. Development within Mixed Use Centres is to promote personal safety and a more diversified transportation system which serves private vehicular and public transit traffic, as well as pedestrians and cyclists. Development within Mixed Use Centres is to incorporate different uses on individual sites including residential, retail, office and other uses and to incorporate different land uses next to one another. Development in Mixed Use Centres is to be supported by an open space system incorporating both public and private lands which provide linkages to adjacent major open spaces and ensures that development in Mixed Use Centres is well landscaped and balanced with open spaces, including public squares and parkettes.

The Subject Lands are located adjacent to a prominent intersection within Downtown Burlington, abutting Lakeshore Road, an arterial roadway that provides access to the Downtown. The Subject Lands are also located in close proximity to a range of existing retail, institutional and recreational amenities as well as key transit facilities including the John Street Transit Terminal. The Subject Lands are serviced by several transit routes including Routes 3, 4 and 10 which service three transit stops within 100 metres of the Subject Lands. The high-rise built form of the development proposal is provided for under the Mixed Use Centre designation and the development provides a high quality public realm through enhanced setbacks along Lakeshore Road (approximately 2.1 metres) which can accommodate wider sidewalks and landscaping.

A range of uses are permitted under the Mixed Use Centre designation including but limited to retail; service commercial; office uses; employment; entertainment; recreation; and medium and high-density residential uses; and to a limited extent, low density residential uses. Further, a range of development intensities and building heights are permitted within Mixed Use Centres. Given this range in permitted development types, the current Official Plan acknowledges that the zoning of individual sites may provide site-specific regulations based on traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.

Retail, service commercial and other pedestrian-oriented uses are required at the street level in Downtown Burlington including the Downtown Mixed Use Centre which the Subject Lands are designated. Reduced parking standards, shared parking formulae and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and accessibility by transit and other modes of travel. Opportunities for the sharing of parking in mixed use developments may be considered subject to evaluation by the City.

The revised development reinforces the public realm and streetscape by ensuring high-quality design along the Pearl Street and Lakeshore Road frontages. The proposed building would provide a better sense of comfort and compatibility to the street frontages through a human-scale podium that supports retail commercial uses. Further, the existing heritage features located at 383-385 Pearl Street will be retained and their facades incorporated into the proposed building podium, ensuring compatibility between adjacent residential uses north of the Subject Lands. The proposed parking would be located underground, with access being provided along Lakeshore Road to the parking and internal loading and service areas, which avoids conflict between pedestrian and vehicular traffic.

The current Official Plan states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of the Housing Intensification Section of the Official Plan. An evaluation of the revised development proposal against these criteria is provided further below in this review.

#### 10.4.3 Downtown Mixed Use Centre Designation

The Downtown Mixed Use Centre is shown on Schedule B: Comprehensive Land Use Plan – Urban Planning Area and on Schedule E: Downtown Mixed Use Centre. The Current Official Plan sets out that the UGC boundaries, as defined under the Growth Plan, includes various land use designations, and as such, development within this boundary is subject to the specific policies of the applicable land use designations. The principles of the Downtown Burlington UGC include accommodating a significant share of population and employment growth with the City.

The current Official Plan states that the Downtown shall be the City's centre for public and festive gatherings and support specialty retail, community retail, and government and institutional, service and other business office development, as well as residential uses. Development in Downtown shall take place through the infilling of existing surface parking lots, the rehabilitation of existing buildings and the intensification of under-utilized lands and buildings, in keeping with its status as a Provincially-recognized UGC. New development in the Downtown is to be of high quality design to maintain and enhance the Downtown's image as an enjoyable, safe, pedestrian-oriented place, and designed and built to complement pedestrian activity and historical attributes.

The following are some of the objectives of the Downtown Mixed Use Centre with specific reference to the proposed development:

- a) *To establish the Downtown as a Mixed Use Centre composed of retail, service, office, public and residential uses while providing a focus and source of identity in the context of the City as a whole;*
- c) *To establish a unique role for the Downtown so that it provides for certain uses such as offices, and residential, as well as unique opportunities such as independent, specialty retail activities and waterfront recreational opportunities;*
- d) *To establish and maintain the Downtown's primary role as the City centre for cultural, governmental, civic and waterfront activities;*
- e) *To create a compact Downtown city core with a mix of residential, commercial and other uses, as an alternative to the car oriented shopping plazas, malls and business corridors;*
- g) *To increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure the Downtown is used after business hours, and create a local market for convenience and service goods;*
- h) *To provide commercial activity that serves the general needs of Downtown residents as well as specialized functions for the entire community;*

- i) *To ensure that buildings in the Downtown are offset by a range of open space areas (that may include parkettes, urban plazas, and pedestrian networks) that may allow for both passive and active recreational and social activities;*
- l) *To establish the concept of design excellence in the Downtown to encourage long-term investment;*
- m) *To establish planning precincts within the Downtown, each with their own distinct character and specific planning policies;*
- n) *To create a continuous, harmonious, safe and attractive environment through streetscape, building façade improvements and the design of new buildings;*
- o) *To ensure that the density, form, bulk, height and spacing of development is compatible with the surrounding area;*
- r) *To provide adequate and safe parking in the Downtown*

Within the Downtown Mixed Use Centre, the current Official Plan establishes a minimum density target of 200 people and jobs combined per hectare within the Downtown Burlington UGC as established in the Growth Plan. The current Official Plan states that higher density development is encouraged in certain precincts of the Downtown Mixed Use Centre, as described further below in this review, and states that the provision of community benefits may be considered for such development in order to support necessary infrastructure, community and public realm improvements. Further, the current Official Plan states that cultural heritage resources are to be preserved and integrated into new developments, and that developments close to cultural heritage resources are to be sensitive to the historic context of the street, not simply the building itself, in order to maintain the historic sense of character supported by the streetscape.

The proposed development represents the redevelopment of underutilized properties and would contribute towards achieving the minimum density targets, as established by the Growth Plan and reiterated in the current Official Plan, of 200 jobs and people combined per hectare within the Downtown Burlington UGC. The revised development proposal would result in a density, and height and spacing of development that would be considered compatible with the immediate surrounding existing and planned area. At the same time, we note that care has been taken in the revised development application to respond to preliminary heritage comments and we are satisfied that the revised proposal adequately protects the existing heritage resources located at 383-385 Pearl Street. The background technical reports and studies demonstrate that the proposed development will not result in any adverse impacts. These reports have determined that the application is appropriate and that mitigation can be undertaken to ensure that the development is compatible with the existing and emerging physical and surrounding context.

#### 10.4.4 Downtown Core Precinct

Within the Downtown Mixed Use Centre, the Subject Lands are located within the Downtown Core Precinct, as identified on Schedule E – Downtown Mixed Use Centre Land Use Plan. The Downtown Core Precinct is intended to provide for higher density development consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre to meet Provincial growth and density objectives and to support increased transit use. High standards of design for new buildings are required for development within the Downtown Core Precinct in order to provide an appropriate sense of place, compatibility with existing development and a sense of pedestrian scale and comfort.

#### Permitted Uses

A range of uses are permitted within the Downtown Core Precinct including high-density residential apartment uses, including the residential use of upper storeys of commercial buildings; cultural uses; recreation and hospitality uses; entertainment uses; and community facilities. Retail

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

On-site parking is not required for non-residential uses. The type of uses and general built form proposed through the revised application conforms with the policies of the Downtown Core Precinct and the permitted uses, and provides high quality urban design through the provision of at-grade service commercial uses, enhanced stepbacks from the building podium, particularly along Pearl Street, and the retention of heritage resources at 383-385 Pearl Street which contribute to a pedestrian-oriented streetscape.

### Height

The Official Plan sets out a minimum building height of two storeys and a maximum building height of four storeys for the Subject Lands. Taller buildings up to a maximum height of eight storeys and 29 metres may be permitted where they provide compatibility with the surrounding land uses and a sense of pedestrian scale. Applications for increased building heights for mid- and high-rise buildings in the Downtown Core Precinct may be required to provide an angular plane study that identifies visual, sun shadowing and wind impacts. The policies of the current Official Plan provide for increased height in response to the direction for taller buildings to be located in the Downtown Core Precinct. Specifically, the current Official Plan states under policy 5.5.3. c) that higher densities and intensities will be encouraged within certain precincts of the Downtown Mixed Use Centre and that the provision of community benefits may be considered for developments proposing residential and business intensification. Under policy 2.4.2 of the Official Plan, provisions may be implemented to encourage the creation of affordable market ownership housing. Such community benefit provisions will include but will not be limited to an awareness of and regard for the cumulative impact of any increased height and/or density on the City's and Region's ability to provide services and a requirement that any increased height and/or density be compatible with the surrounding area.

In our assessment of the application, the proposed height of 29 storeys represents the tallest building to be introduced into the current planning and physical framework. It is our opinion that while revisions to the design should be considered to address the visual impact of the height (discussed further in the report) consideration for the accommodation of affordable market ownership units should be provided in order to assist the City in its efforts to implement housing objectives and policies. Given the scale of the development, incorporating a portion of smaller units which will be more affordable is appropriate and should be further considered by the applicant. The provision of more balanced mix of units, inclusive of smaller units in the proposed building represents an opportunity for including affordable market units and will contribute to better meeting the City's housing policies.

### Density

Within the Downtown Core Precinct, the Official plan sets forth a minimum density of 51 units per net hectare for residential buildings. Further, the maximum floor area ratio for any individual site is 4.0:1, although higher floor area ratios may be permitted subject to criteria which are assessed further below in this review. Again, the current Official Plan policies do provide for increased density with respect to the provision of community benefits, including affordable housing, and compatibility with the surrounding area.

The maximum height and density limitations that apply to the Subject Lands, particularly those expressed in Policy 5.5.8.2 (b) of the current Official Plan, if applied strictly to the Subject Lands, are not consistent with or in conformity with Provincial policy. The proposed development is within an area that is experiencing other development activity, and the Subject Lands are suitable for

development at heights that exceed the as-of-right four storey height and the discretionary eight storey height. The maximum height and density requirements that apply to Downtown Burlington are not appropriate in the context of the 2019 Provincial policy framework and a proposal for a taller and more transit-supportive development is both preferable and better implements the transit-oriented and intensification policies of the PPS and the Growth Plan, 2019.

#### 10.4.5 Intensification Evaluation Criteria

##### *Housing Intensification*

Within the Mixed Use Centre, the Official Plan states that proposals for residential intensification are to be evaluated on the basis of the objectives and policies of Section 2.5 of the Official Plan which deals with housing intensification. Residential intensification is encouraged provided that the additional housing is compatible with the scale, urban design and community features of a neighbourhood. Redevelopment of under-utilized residential lands at the periphery of existing residential neighbourhoods is to be encouraged for non-ground-oriented housing purposes.

##### *Intensification Evaluation Criteria*

We recognize that intensification and transit-supportive development do not, and should not, occur in a vacuum. Development proposals need to be considered with respect to their surrounding context through a compatibility analysis. The Housing Intensification policies of the City's Official Plan contain thirteen criteria to ensure that compatible intensification takes place. We have reviewed these evaluation criteria carefully with respect to the revised application and are of the opinion that the proposal is compatible with the surrounding context, as provided in the following analysis.

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

The initial development application was circulated for comment to Halton Region, the City's Capital Works Department and the school boards. As discussed earlier in this review, technical comments were received for the initial application in March 2019. The supporting technical reports and studies submitted as part of this application adequately address these issues.

The Halton District School Board and the Halton Catholic District School Board have indicated that they have no objections to the application.

Halton Region advised that there is adequate water or wastewater capacity available to support the development of the Subject Lands; however, plans will need to be revised to accommodate Regional waste collection. Further, the Region requires a Holding 'H' Symbol and a provision requiring the submission of a Record of Site Condition to be implemented.

Lastly, Parks and Open Space staff have highlighted the proximity of parkland in relation to this site, including Lions Park, Apeldoorn Park and Centennial Multi Use Trail. As such, cash-in-lieu of parkland dedication is recommended for the development.

##### ***ii) Off-street parking is adequate;***

A parking ratio of 1.01 parking spaces per residential unit to be provided below grade. The 'Downtown Core (DC)' zone parking requirements are a minimum of 1.25 parking spaces per apartment dwelling. The DC zone does not require designated parking spaces for the proposed

retail and commercial uses or for residential visitors. With respect to the Transportation Impact Study submitted in support of the initial application, we are of the opinion that the parking reduction is justified given the UGC and MTSA context.

***iii) 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;***

The Transportation Impact Study submitted in support of the initial application concluded that the additional traffic generated could be accommodated by the surrounding road network. The local transportation system can accommodate the increased traffic flows and the orientation in ingress and egress as well as potential traffic volumes to Lakeshore Road. The proposal will increase the volume of traffic on Lakeshore Road, but the increased traffic flow can be accommodated.

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

The proposed development is located approximately 250 metres west of the John Street Transit Terminal which is a provincially recognized MTSA. The proposed development is serviced by multiple transit stops within 100 metres of the site including a transit stop serviced by bus immediately across the street along Lakeshore Road.

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

#### *Scale*

Scale refers to the perception of size or massing of a building as created by the placement and size of the building in its setting in comparison with the size of adjacent buildings and as perceived from the street in relation to human scale.

The proposed height of the podium (4 storeys, or 14.57 metres) occupies only 47% of the adjacent right-of-way and less than the recommended maximum of 20 metres. Along Pearl Street, the podium setback has increased from 0.5 metres to 2.43 metres in the revised application. No surface parking is provided along Pearl Street or Lakeshore Road as part of the proposal and the podium will be occupied by retail/commercial uses as well as live-work units. The proposal provides an appropriate human-scale streetscape at the intersection location and achieves compatibility with the existing neighbourhood character and provides a transition between existing and proposed buildings.

#### *Massing*

The current Official Plan defines massing as the overall bulk, size, physical volume, or magnitude of a structure or project. Under the Tall Building Guidelines, a properly designed tall building includes three distinct components: the building base (podium), building tower (middle) and building top, each of which can contribute to or mitigate building massing.

The design of the podium is an important building design element that establishes a human scale streetscape and relationship to neighbouring properties. The proposed podium height of 14.57 metres is less than the maximum recommended height of 20 metres. The proposed tower component is 755.4 square metres for floors 5 to 23 which exceeds the recommended floor plate

of 750 square metres. The increase in floor plate size is minor and given the orientation of the building and the lot depth such an increase can be accommodated on the Subject Lands and will limit shadow and wind impacts the surrounding area. The remaining floors (23 to 29) have a proposed floor plate of 725.5 metres. While the proposal provides a level of massing that is compatible with the local context and meets the intent of urban design policies and guidelines, minor revisions to the “top” of the building should reflect the “capping of the height”. This is further discussed in the urban design assessment.

### *Height*

While the proposed building is taller than other tall buildings in the immediate vicinity (200 metres of the site), there are a range of existing and approved tall buildings which range in height from 12 to 26 storeys. As mentioned above, the current Official Plan envisions a maximum height of 4 storeys on the Subject Lands with a provisional option for 8 storeys. There are numerous existing and approved buildings which exceed this height in the immediate vicinity of the Subject Lands, as demonstrated in Table 3 in this review.

The existing maximum height currently applied to the Subject Lands under the City’s current Official Plan is in our opinion too restrictive. The site is suitable for buildings taller than currently permitted by the Official Plan. In addition to the revised application, we note that all surrounding development applications near the Subject Lands have required Official Plan amendments to permit increased height. However, we also note that taller buildings should be carefully designed to ensure the design achieves the objectives for tall buildings and does not create adverse impacts. The proposed height achieves compatibility and does not create adverse impacts, as demonstrated in the associated shadow, wind and noise studies prepared in support of the application. Provincial policy encourages higher intensity, transit-supportive and pedestrian-oriented development where compatibility is provided with surrounding land uses

### *Siting and Setback*

The revised application includes enhanced podium setbacks along Pearl Street from 0.57 metres to 2.43 metres. This increased setback allows for wider sidewalks and landscaping which contribute to an improved public realm adjacent to the proposed building while also better maintaining and aligning with the existing buildings at 383-385 Pearl Street which are proposed to be retained and adaptively reused. The proposed building is also setback approximately 2.0 metres from Lakeshore Road which will provide for enhanced public realm when considering the planned widening of sidewalks to be completed by the City along this section of street.

We also note that the siting of the building on the Subject Lands is oriented toward the intersection of Pearl Street and Lakeshore Road which provides for enhanced tower setback distances to existing low-rise residential developments to the north of the site (12.5 metres) and the approved 26-storey building to the east of the site at 374-380 Martha Street (22.0 metres). The location of the building adequately frames the intersection of the two streets while providing sufficient setbacks and buffering between adjacent properties.

The setbacks provided along Pearl Street are sufficient to maintain the facades of the properties located at 383-385 Pearl Street and improves the visibility of these buildings when looking north along Pearl Street at Lakeshore Road.

### *Parking*

The number of vehicular parking spaces has been increased in the revised application from 291 spaces to 300 spaces. As discussed above, the proposed parking rate is sufficient to service the site.

Based on the TIS, all parking and loading is also appropriately located below grade or in an enclosed area interior to the site.

The number of proposed bicycle parking spaces has been significantly reduced in the revised application from 100 spaces to 31 spaces, including 28 residential spaces. It is our opinion that the number of residential bicycle parking should be increased from this current number in order to better accommodate and support active transportation among future residents of the building. We understand that the applicant has attempted to balance the provision of vehicular and bicycle parking spaces in the revised application but recommend that the application provide for an additional 20-30 bicycle parking spaces.

#### *Transition Between Existing and Proposed Buildings*

Tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity, especially when there are adjacent areas which support different land uses or lower built forms. The residential development to the immediate north of the Subject Lands is of a lower-built form, being a 3-storey townhouse development. In order to ensure compatible form and height, the building must be designed to ensure there are no adverse impacts on existing or future developments.

The proposal maintains the intent of existing or planned uses in the area. The Tall Building Guidelines recommend a minimum 25 metres tower separation. The proposed tower setbacks and separation distances to the north (12.5 metres) and east (25 metres) provide sufficient buffering to existing developments while also not impacting any planned or potential future developments. The proposed building provides an appropriate angular plane and a transition through the podium and stepbacks that will not cause adverse impacts in terms of shadows or noise

Based on the above, it has been shown that compatibility has been achieved in regard to scale, massing, height, setbacks, coverage, parking, amenity area and transition between existing and proposed buildings. The proposal provides for a transition from taller buildings to be located at the Pearl and Lakeshore intersection and height will transition from the site to the north, east and south as recognized in the Plan.

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

The impacts on existing vegetation on the site will be minimal since the site contains buildings and surface parking areas in the interior of the site. There will be a loss of trees which are to be replaced through enhancements to the streetscape along Lakeshore Road.

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

The shadow impacts on the public realm have been considered and, further to a review of the Shadow impact Study Prepared by R. Bouwmeester & Associates, we are satisfied that the anticipated shadow impacts appear acceptable.

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



Given the Subject Land's location within Downtown Burlington, the site provides access to a wide variety of employment, shopping, entertainment and cultural opportunities. There is specialty retail, community retail, services and other businesses located in walking distance to the site. There are a range of facilities such as public parks, elementary schools and a secondary school, commercial areas and a hospital within a 1.5 kilometre radius of the site.

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

The setbacks along Pearl Street and to the northern property line have been increased in the revised application with provided enhanced buffering to lower-rise residential uses to the north of the site while maintaining the heritage features of the buildings located at 383-385 Pearl Street.

***x) 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 Subject Lands comprise a portion of a block fronting onto Lakeshore Road which has a planned 26-storey development immediately east of the site. There is ample room for potential redevelopment on surrounding sites and the given the tower setbacks of 12.5 and 22.0 metres to the northern and eastern property lines, respectively, which provides ample opportunity for redevelopment on adjacent sites. Therefore, the proposed development satisfies this test.

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

There are no natural heritage features or natural hazards within proximity to the site. As such, no impacts are anticipated.

The buildings at 383-385 Pearl Street are identified on the City's Heritage Register but are not designated as heritage property under Part IV of the *Ontario Heritage Act*. We note that several modifications in the revised application better protect the heritage features of the aforementioned buildings. The proposed building has been revised so that more of the side wall of these buildings is visible beyond the new building. This was accomplished through changes to the building articulation as well as the setback of the loading area from the street. Additionally, the proposed building has been revised by removing the second-floor amenity space and residential units on the third and fourth floors which are replaced by a roof deck on the third floor. The roof deck will continue to make use of the previously proposed terrace behind the roof of 383-385 Pearl Street.

The efforts taken to maintain the heritage features of these existing buildings in the revised application are sufficient to adequately protect these features.

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

The aforementioned policies have been considered and are not applicable because there are no floodplains or watercourses located on the Subject Lands and the proposed development is not located in the South Aldershot Planning Area.

***xiii) 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.***

This criterion is not applicable in the Downtown Core Precinct.

#### 10.4.6 Cultural Heritage Resources

Part II, Section 8 of the current Official Plan provides policy direction with respect to cultural heritage resources. These resources are irreplaceable and those of significant cultural heritage value are to be identified and conserved based. The current Official Plan states that the “designation of individual cultural heritage properties and cultural heritage landscapes under the *Ontario Heritage Act* shall be pursued to implement the cultural heritage conservation objectives and policies of this Plan” (Official Plan Part II, 8.3.4.a). The current Official Plan addresses development affecting cultural heritage resources and states that all development shall consider cultural heritage resources and, wherever feasible, incorporate these resources into any development plans in a way that conserves the character-defining elements of the cultural heritage resources.

The retention of the buildings at 383-385 Pearl Street in the revised application is sufficient to conserve the character-defining scale of these heritage resources.

The current Official Plan also states that development of lands with significant cultural heritage resources may be subject to conservation of the cultural heritage resources.

The development seeks to actively reuse the buildings at 383-385 Pearl Street and the proposed building in the revised application provides several modifications that better conserves the important heritage features of the building. The proposal conserves the cultural heritage resource and that there are no negative impacts with respect to heritage conservation.

Part III, Section 5.5.1 of the current Official Plan contains policies applying only to the Downtown Mixed Use Centre, which encompass the Subject Lands. A principle of the Downtown Mixed Use Centre is to take advantage of the unique qualities that set it apart from other areas in the city and contribute to a unique identity including historic buildings, streetscapes, development pattern, cultural activities, pedestrian orientation and recognition as a centre of business and civic activity. This principle promotes not only the conservation of historic buildings but also their incorporation into new developments as a unique and celebrated feature in order to retain a unique neighbourhood context. The revised application carefully approaches the preservation and incorporation of the heritage features at 383-385 Pearl Street by adaptively reusing the buildings and maintaining the façade and many key architectural features. The incorporation of these buildings not only protects an important heritage feature but also provides compatibility with the adjacent residential development to the north of the Subject Lands.

#### 10.4.7 Urban Design

The Official Plan emphasizes urban design as an important part of the planning process. The City has prepared Design Guidelines for use within the Downtown and relating to various building typologies. An assessment with respect to the Urban Design Guidelines and Tall Buildings Guidelines is provided further below in this review.

One of the objectives of the Design section of the current Official Plan is to ensure that the design of the built environment strengthens and enhances the character of the existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character. The current 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.

Another objective is to achieve a high quality of design within the public realm. Design opportunities to enhance the quality of the public realm shall be encouraged. Improvements to existing streetscapes shall be encouraged when reconstruction occurs. We have completed a review of the applicable Design Guidelines further in this review to assess the proposed development against the City's design objective and policies.

### **10.5 City of Burlington Downtown Urban Design Guidelines (2006)**

The Downtown Urban Design Guidelines (the "Guidelines") are intended to supplement the Official Plan and Zoning By-law by providing additional detail on what constitutes desirable built form in Downtown Burlington. The Urban Design Guidelines are an important component of the City's planning framework and provide an additional tool in which to assess the merits and appropriateness of development applications and achieve City-led objectives for built form in various areas across Burlington.

The Guidelines provide a set of recommendations to ensure that new development protects the most crucial aspects of Downtown Burlington's existing character, which includes, among other things:

- the relationship of buildings to streets and open spaces;
- the articulation of facades;
- the relationship of buildings to one another;
- the protection of important views;
- the fine-grained pedestrian network with its shortcuts and urban paths; and
- the palette of materials.

In this document, the Subject Lands are identified as being located within the Downtown Core Precinct area, consistent with the current Official Plan designation.

The Guidelines address a number of topics including:

- public realm;
- loading and service areas;
- setbacks;
- street wall;
- entrances;
- design of the first floor;
- heights; massing;
- separation between tall elements;
- high rise design and architectural quality; and
- high rise building massing, articulation and detailing.

The following guidelines are relevant to the proposed development.

## **Public Realm**

### *Views*

The Guidelines recognize the importance of views to Lake Ontario from the public realm and several Downtown buildings. New development should protect and frame these views. View termini at T-intersections, including those along Lakeshore Road, are important view termini to be considered in the placement of the built form. We are of the opinion that the identified views in and around this development site have been protected.

### *Open / Civic Spaces and Pedestrian Networks*

The Guidelines recognize that there are opportunities to strengthen existing public and semi-public spaces throughout the Downtown including new patios and plazas arising from new public and private development. The streetscapes of Pearl Street and Lakeshore on which the proposed development will front onto are identified by the Guidelines as a “B” street characterization which can support some attributes such as stores and animated sidewalks, consistent tree lines, high quality materials with refined details but can also contain a few undesirable features such as a single entrance in a building that occupies a full block or some blank façades. The proposed building provides for an enhanced pedestrian network by providing adequate setbacks that can accommodate wider sidewalks while the 4-storey podium will frame the street and provide a comfortable pedestrian experience.

### *Sidewalks*

Where possible, sidewalks should be widened to a minimum of 4 – 5 metres in width. The additional width creates a safer pedestrian zone and may accommodate public benches, sidewalk cafes, and street trees. At corners, boulevards should widen to provide planting areas, seating areas, and other pedestrian amenities that beautify the street and create a public buffer from vehicular traffic. The proposed development creates an opportunity for widened boulevards measuring 6.3 metres from building face to the curb on Pearl Street and 6.1-6.2 metres on Lakeshore Road which will create better streetscapes along both street frontages.

## **Built Form**

Built form elements such as height, massing, setbacks, parking, servicing, access, sun penetration and visual condition at the street level are crucial to fostering and maintaining a positive pedestrian experience. As demonstrated in the Shadow and Noise studies and respective addendums submitted in support of the initial and revised applications, the built form the building will not negatively impact sun coverage and will enhance visual conditions at the street level along Pearl Street and Lakeshore Road.

### *Quality of Frontages*

Building setbacks generally should be sensitive to the location of existing built form, sun angles and the intended use of the sidewalk (patio, gathering space, etc.). The street wall should be constructed with the highest quality of architectural design and materials, as this portion of the building is the most visible and accessible to pedestrians. Stepbacks of upper storeys should be provided so that building bulk is minimally perceived from the vantage of a pedestrian on the street. The proposed stepbacks on the fifth storey of the building will ensure that the pedestrian experience is enhanced along both street frontages.

### *Building Heights*

The Guidelines recognize that the Official Plan and Zoning By-law determine the allowable height of developments while the Guidelines recommend how the height should be articulated and address a variety of issues and conditions regarding future infill and new site development.

The Guidelines state that existing or approved building heights generally follow a logical pattern that has a “peak” around the Lakeshore-Brant intersection and descends along “ridges” towards low-rise areas. We believe that the location of the Subject Lands and the position of the tower component of the proposed building maintain the intended pattern of building heights along Lakeshore Road and throughout the Downtown more generally. The depth of the Subject Lands provides for ample depth to accommodate the increased building height so as to be compatible with adjacent land uses in the immediate and surrounding contexts.

#### *Building Stepbacks*

The Guidelines set out that stepbacks of upper storeys should be provided so that building bulk is minimally perceived from the vantage of a pedestrian on the street. The stepbacks provided on the fifth floor of the proposed building measure 2.1 metres to along Lakeshore Road and Pearl Street which provides an appropriate setback to provide a pedestrian-oriented streetscape.

The design of the top portion of the building requires appropriate attention. We would recommend consideration of design modifications to the upper floors above the 22<sup>nd</sup> floor to identify the building’s top as a distinct component that is differentiated from the lower tower component.

#### *High Rise Design and Architectural Quality*

We note that the Downtown Urban Design Guidelines provide guidance on High Rise Design and Architectural Quality. However, we recognize that the City’s Tall Building Guidelines that were approved and updated in July 2017 are more current and provide a more nuanced approach than the Downtown Urban Design Guidelines with respect to high-rise design guidelines. As such, we have provided a review of the Tall Building Design Guidelines in the following section of this review.

### **10.6 City of Burlington Tall Building Guidelines (2017)**

Burlington’s City Council approved Tall Building Guidelines in 2017 as a way to guide the development of new buildings over 11 storeys. The Tall Building Guidelines are intended to ensure new tall buildings promote design excellence, support vibrant streets and provide a positive addition to the City’s skyline. The Tall Building Guidelines provide guidance with respect to designing tall buildings in Burlington and are used by City staff as an additional urban design-focused tool in evaluating development applications. The objective of the guidelines is to provide best practices related to building height, massing, transitions, sun and shadowing, and building articulation to promote and encourage high-quality tall building proposals.

The guidelines are broken down by the components of a tall building being the Building Base (Podium); Building Middle (Tower); and the Building Top. We have completed a review of these components and guidelines of particular relevance in relation to the proposed development, as discussed below:

#### ***Building Base (Podium)***

The podium of a tall building anchors the tower and defines the pedestrian experience at the street. Its location and height should frame and create a positive relationship to the street. It should be carefully designed, including a mix of horizontal and vertical elements, to reinforce the human scale. There should be a visual connection between the public and private realm, which promotes vibrancy and activity throughout the day.

*i. The podium location shall be located to frame the street. On corner lots, the podium shall be located to frame both streets.*

The proposed podium design appropriately frames the adjacent streets. The podium has been designed to enhance the view corridors along Pearl Street to Lake Ontario which remains unobstructed.

*ii. On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, the location of the podium should reinforce the established streetwall.*

The proposed podium design reinforces the existing streetwall that exists along Lakeshore Road and Pearl Street and continues the street rhythm that currently exists. The building base has an appropriate relationship with the adjacent buildings which reinforces a pedestrian scale.

*iii. Where no streetwall has been established, podiums should be setback at grade to create wide boulevards that accommodate pedestrians, street trees and landscaping, and at-grade active uses. A 6 metre boulevard measured from curb is preferred, except where existing conditions preclude.*

The position of the proposed building provides for boulevard of 6.1-6.2 metres along Lakeshore Road and a minimum of 5.9 metres along Pearl Street. We believe that the reduced boulevard measured along Pearl Street is minor in nature and does not create any adverse impacts and maintains the intent of this guideline. These setbacks provide for pedestrians, street trees and landscaping that will contribute to a pedestrian-friendly streetscape.

*iv. Where no established streetwall exists, the minimum height of the podium shall be 10.5 metres (3 storeys) to frame the streetscape and reinforce a human scale.*

The proposed building base has a height of approximately 17.15 metres (4 storeys) which complies with the minimum podium height guideline.

*v. The maximum height of the podium shall be 80% of the adjacent right-of-way width. A maximum height of 20 metres is recommended to maintain a human scale.*

The adjacent streets have a width of approximately 20 and 24.5 metres along Pearl Street and Lakeshore Road, respectively, and therefore the maximum podium height (80% of road width) would be 16-19.6 metres. The proposed podium height is 17.15 metres, which is less than the recommended maximum, maintains the existing pedestrian scale that currently exists along the adjacent streets. The proposed podium height is also generally consistent with the height of the approved building immediately to the east at 374-380 Martha Street.

*vi. The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses.*

The proposed floor-to-ceiling height of the ground floor exceeds 4.5 metres, but maintains the flexibility of this space to reinforce the human scale of the podium.

*vii. The height and massing of the podium (not including the tower) should ensure a minimum of five consecutive hours of sunlight on the opposite side of the street and over more than 60% of a park or public open space at the equinoxes (March 21 and September 21).*

The assessment of the shadow study prepared by R. Bouwmeester & Associates dated July 4, 2019 concludes that the proposed building's podium will have little shadow impact, at most affecting Pearl Street in the early morning and Lakeshore Road in the late afternoon on the equinoxes. In both cases, well over five hours of sunlight on the opposite side of the street is maintained. No parks will be impacted by any part of the building at any time. Given the findings of this study, we are of the opinion that the anticipated impacts of incremental shadows are acceptable.

*viii. On corner lots, articulation of the podium shall acknowledge its important location through corner entrances, chamfering (and associated public space), and/or other architectural features.*

Developments at the Lakeshore and Pearl intersection need to recognize and enhance the role that this intersection has. The podium design accomplishes this by including enhanced boulevard widths. The proposed development extenuates the intersection through architectural features at the southwest corner of the podium.

*ix. Publicly-accessible privately owned open space, including courtyards, plazas, and parkettes should be encouraged where appropriate within tall building sites through applicable planning tools (i.e. Section 37 of the Planning Act). Publicly-accessible privately owned open spaces shall be designed and located to encourage public use, provide connections to the broader open space network, and / or highlight important site characteristics (i.e. plazas at corner sites).*

The proposed development provides private outdoor amenity space on the roof deck on the third and fifth floors of the building as well as indoor amenity space. Enhanced pedestrian connections are provided to the north of the proposed building which is supported through greater setbacks in the revised application.

### **Building Middle (Tower)**

The tower is the most substantial and impactful component of a tall building. It can enhance the skyline and provide a defining landmark throughout the City. The design and massing should recognize and reflect this important role and should be carefully considered to minimize adverse impacts on adjacent neighbourhoods, parks and open spaces. The tower should maximize sky views and access to sunlight through slender floorplates and spacious setbacks.

*i. Proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*

The proposed tower has been setback 12.5 metres from the northern side property line to ensure that compatibility with the adjacent residential property is achieved. Further, the tower setback from the adjacent property to the east provides for adequate tower separation distance of 25 metres of the proposed building at 374-380 Martha Street.

*ii. The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure useable outdoor amenity space (i.e. patios).*

The proposed tower has been stepped back at least 2.1 metres from the podium on Lakeshore Road and between 2.5 to 3.4 metres along Pearl Street due to the alignment of the right-of-way. The reduction in the stepback along Pearl Street is minor and is due to the alignment of Pearl Street and does not result in any negative impacts.

*iii. For design flexibility, a portion of the tower (i.e. up to 20%) may extend to the edge of the podium without a setback provided it can be demonstrated that there are no adverse wind and shadow impacts.*

The proposed tower has appropriate setbacks from the podium on all sides. There is a clear delineation between the podium and tower segments of the proposed building. The supporting wind and shadow studies conclude that there are no negative anticipated impacts from the proposed tower setbacks.

*iv. The tower portion of a tall building should be slender and should not exceed 750 square metres, excluding balconies.*

The proposed tower slightly exceeds the 750 square metre maximum floorplate size by approximately 5 square metres, which would maintain the general intent and purpose of this guideline. The additional 5 square metres was noted as being required to accommodate the number of larger units, which was deemed necessary as the design of the proposed building was refined. Towers with smaller floor plates and regular shape perform better with respect to shadow impacts, access to sky views, wind conditions and overall impressions of whether the building is too massive or slim and less imposing. The revised proposal generally satisfies the intent of the aforementioned Official Plan policy and, as demonstrated further in this report, the City's Tall Building Guidelines.

*v. The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

The wind study that was submitted concluded that the incremental micro-climate impact of the building's height on its surroundings is acceptable. The minor adjustments to height, location and massing of the development reflected in the revised application will have negligible influence on the overall wind conditions around the development. The modifications to the building in the revised application also address on-site wind mitigation with respect to outdoor amenity space and at ground-level throughout the interior of the site.

#### *Building Top*

The top of a building defines the tower while further distinguishing a unique and interesting skyline. A variety of elements, including setbacks, material variations, lighting, and other architectural elements are recommended to reinforce a strong presence at the top of the building. Where possible, rooftop amenity space is recommended to reinforce a strong presence at the top of a building. Structural elements, such as the mechanical penthouse and elevator shafts should not be visible from ground level. The top of the building is currently, in our opinion, lacking in this detail and modifications (materials, setbacks) should be considered to better articulate the cap or top of the tower.

*i. Design the upper floors of tall buildings to clearly distinguish the top of the building from the tower, to further reduce the building profile, and to achieve a distinct skyline. This may include setbacks, material variation, and / or unique articulation.*

The revised development distinguishes the top of the building from the tower by including an inset beginning at level 23 which slightly reduces the floor plate to 7225.5 square metres while increasing balcony size. While this has the effect of distinguishing the top of the building from the tower and reduces the building profile to achieve a distinct skyline, further distinct articulation and



material variation on the upper floors of the building could better contribute to the façade articulation as well as a possible setback to the cap on the tower.

*ii. Where located at a gateway intersection or terminating view, the tower top is encouraged to act as a recognizable landmark with signature features defining its importance.*

The site acts as a significant intersection that offers close access to Lake Ontario and the Lakeshore Road corridor, and therefore the tower top can act as a recognizable landmark with signature features defining its importance. The stepbacks of the upper floors, combined with the material variation and other design considerations could achieve this and additional design considerations should be reviewed as part of the subsequent site plan review process.

*iii. Where possible, outdoor amenity space should be included within the top of the building, including balconies and patios, terraces, rooftop gardens, pools, etc.*

The building is proposed to have a roof top amenity area that would provide both indoor and outdoor amenity space.

### 10.7 Zoning By-law 2020

The Subject Lands are zoned 'Downtown Core (DC)'. The DC zone permits a range of retail and service commercial, office, community, hospitality, entertainment and recreation and residential uses. The DC zone permits a range of retail, commercial, service commercial, office, community, hospitality, entertainment/recreation and residential uses. The DC zone permits residential dwelling units in a commercial/office building and also permits apartment buildings so long as the ground floor of any building within 15 metres of a public street is only used for retail or service commercial uses.

The DC zone sets out a maximum height of 4 storeys (15 metres) and a maximum floor area ratio of 4.0:1.

The regulations for the DC zone are listed in the table below. For comparison, the following table lists the DC zone requirements and the recommended modified zoning for the proposed 29-storey mixed-use building.

Table 11: DC Zone Requirements and Recommended Modified Zoning

Zone Regulation	DC Zone Requirements	Proposed	Relief Required
<b>Minimum Lot Width</b>	7.5	37.6	No
<b>Minimum Lot Area</b>	No minimum	0.2 ha	No
<b>Street Side Yard</b>			
<b>Pearl Street</b>	0 m	0.57 m	No
<b>Lakeshore Road</b>	2m	0 m	Yes
<b>Setback to DRM Zone</b>	3 m	0.7 m	Yes
<b>Building Height</b>	4 storeys (15 m)	29 storeys (95 m)	Yes
<b>Floor Area Ratio</b>	4.0:1	10.2:1	Yes
<b>Glazing of First Floor Elevation</b>	60%	n/a	No
<b>Landscape Buffer</b>	3 m	0 m	n/a

Table 11: DC Zone Requirements and Recommended Modified Zoning

<b>Zone Regulation</b>	<b>DC Zone Requirements</b>	<b>Proposed</b>	<b>Relief Required</b>
<b>Amenity Area</b>	20 m <sup>2</sup> per unit	20.9 m <sup>2</sup> per unit	No
<b>Parking</b>	1.25 spaces per apartment unit	1 space per apartment unit	Yes
<b>Bicycle Parking</b>	2 spaces plus 1 space /1000 m <sup>2</sup> retail, service commercial, office, institutional GFA	100	No
<b>Visibility Triangle</b>	6 m by 6 m	Not requested	No
<b>Below Grade Parking Structure Setbacks</b>	3 m from a street line	Not requested	No

The proposed zoning implements the Official Plan Amendment and the design of the proposed building. The proposed zoning regulations are appropriate in relation to the context and surrounding development. The addition of minimum bicycle parking spaces should be added to the regulations as well as provisions for a balance of mix of unit types.. Additional revisions to the draft Zoning By-law Amendment will be required to accommodate our recommended changes

## 11.0 Rationale and Opinion

The development proposal must balance meeting the objectives of the Provincial, Regional and City policies that encourage and promote intensification, while ensuring high quality design and land use compatibility and ensuring the scale and height of development does not negatively impact surrounding land uses.

We recognize that the City's Official Plan is the most important tool for the implementation of Provincial Policy. However, the City's current Official Plan is not consistent and does not conform to current Provincial and Regional land use policy. The height and density limits that currently apply to the Subject Lands are overly restrictive and do not permit the type of development that is directed by the PPS and required to be achieved by the Growth Plan.

In our opinion, the proposal represents good planning in that it is an appropriate level of intensification for the site, compatible with surrounding physical and neighbourhood context, and mitigates potential impacts, while meeting the appropriate policy and regulatory requirements.

### 11.1 Appropriateness

The proposal represents a type of development that is appropriate for the Subject Lands in their context both physically and within policy. As demonstrated throughout this review, the Subject Lands are in a provincially recognized strategic growth area. At the Provincial level, development is encouraged that is compact and optimizes the use of land, infrastructure and public service facilities. The PPS directs that growth be directed to existing urban areas in areas where existing infrastructure can accommodate development. The Subject Lands are identified in the Growth Plan, 2019 as an UGC and a MTSA. Similarly, the Growth Plan directs that UGCs and MTSA are to be the focus of intensification and support significant portions of population and employment growth. The Growth Plan 2019 reinforces the appropriateness of the identification of an UGC in Downtown Burlington. Given this context, the Subject Lands are appropriate for a significant level of intensification and redevelopment in the surrounding area is to be expected.

The Subject Lands are adequately serviced by the infrastructure necessary to accommodate the development proposed by the applicant including existing and water and wastewater services, among others. The Subject Lands are also serviced by existing public service facilities and amenities that make it ideal for intensification. As demonstrated throughout this review, the Subject Lands are located in an extremely walkable neighbourhood. Most daily needs can be met by active transportation including walking and cycling or by transit. Downtown Burlington supports a wide range of retail, employment, entertainment, personal services and recreational amenities that are easily accessible from the Subject Lands. Further, the John Street Transit Terminal, the "centre" of the Downtown Burlington MTSA and mobility hub is located approximately 250 metres west of the Subject Lands. Development on the site supports active transportation and transit use while minimizing private automobile dependency.

The level of intensification that is proposed through the 29-storey mixed-use building is appropriate for the site given the surrounding and emerging development context. There is a significant amount of development occurring in the adjacent areas around the Subject Lands. Several existing and approved developments are located within an 800-metre radius of the site, as demonstrated in Table 5 of this review. This type of change and evolution of the area is to be expected given the area's recognition as a strategic growth area and the provision of existing

infrastructure and public service amenities. Currently, the Subject Lands are underutilized, and redevelopment of the site represents an optimization of land that is appropriate for the area.

Development at a neighbouring property at 376-380 Martha Street for a 26-storey condominium building was deemed to be consistent with the PPS and in conformity with the Growth Plan as well as the ROP. The Subject Lands are larger than the neighbouring property and can accommodate a slightly greater building height due to increased tower setbacks from adjacent properties and separation distances from existing and planned developments.

The proposal is appropriate and desirable for the Subject Lands.

## 11.2 Compatibility

Intensification and redevelopment do not, and should not, occur without regard for the surrounding physical and neighbourhood context. The Subject Lands can accommodate the level of development proposed by the applicant and that the proposal is compatible with the surrounding area. As demonstrated through the compatibility assessment earlier in this report with respect to the current Official Plan's housing intensification criteria, we find that the proposal meets the City's compatibility criteria.

The setbacks from the street along Lakeshore Road and Pearl Street provide an appropriate framing of the street that can accommodate an enhanced public realm and streetwall. We note that the revised application increases the setback along Pearl Street to approximately 2.43 metres which better aligns with the existing heritage buildings at 383-385 Pearl Street and provides for opportunities for enhanced sidewalks and the provision of landscaping and street trees. The tower component of the proposal is adequately set back from adjacent properties as to be compatible and not cause adverse impact. The siting of the proposed building orients the building towards the intersection of Lakeshore Road and Pearl Street and provides ample buffering between adjacent properties.

We recognize that the surrounding area is experiencing significant change through other intensification projects. The proposal reflects the evolving character that is defined by a mix of high-rise buildings including a range of residential, mixed use and commercial buildings. The proposal also represents a density that is within the current range of densities within the area. It is not an overdevelopment in the context of the scale and density of approved and evolving site redevelopment.

The retention and adaptive reuse of the buildings at 383-385 Pearl Street contributes to distinct identity and enhances compatibility with adjacent properties. The height of the proposed building is compatible with the surrounding neighbourhood given the changing development context and, as demonstrated through the relevant supporting studies, does not cause undue negative impacts on the surrounding area.

As demonstrated through the supporting studies prepared for this application, the proposed development is not anticipated to have negative impacts to view corridors, shadow impacts, noise, or wind. The modifications made in the revised application address many of the comments received to date from City Departments, formal commenting agencies and public comments with respect to compatibility and potential impacts due to height, building siting and massing. The enhanced setbacks from Pearl Street and Lakeshore Road contribute to a street front that is compatible with the surrounding area and enhances existing heritage features within the site. The reduced tower floor plate is well-aligned with urban design guidelines and further minimizes

shadow impacts while at the same time better conserves heritages features at 383-385 Pearl Street by removing the floors originally proposed to be built over the buildings.

The proposal is compatible with the physical and neighbourhood context.

### 11.3 Policy and Regulatory Framework

As demonstrated throughout this review, the proposed development meets the land use policies set forth by the Province and Region. The development represents an intensification opportunity within a strategic growth area that is well serviced by transit and other community services and facilities. We note that comments received from Halton Region with respect to the initial application indicate that the Region generally supports the proposal as it is consistent with Provincial policy and conforms with the ROP.

With respect to the local planning framework, the current Official Plan designations are not appropriate for the Subject Lands and a proposal that is taller and more transit-supportive is both preferable and better implements the transit-oriented and intensification policies of the PPS and the Growth Plan. This opinion is shared in a Board decision with respect to the neighbouring property at 374-380 Martha Street.

The proposed development better implements policy objectives related to intensification and transit-oriented development than the current Official Plan currently provides. In the Economic Analysis prepared in support of this application, it is stated that approximately 16 other developments of commensurate size would be required over the time period of 2014 to 2031 in order to meet the City's intensification target. This development contributes to Burlington meeting its density target of 200 people and jobs combined per hectare as set out in the Growth Plan. The Growth Plan targets represent minimum targets and that municipalities are encouraged to exceed the targets provided that development is appropriate for the surrounding context. The proposal contributes to the appropriate policy objectives to achieve a complete community that is compact and transit supportive.

While the height of the proposed development is taller than surrounding developments, we believe it is important to discuss the building's height with respect to the types of housing the proposal will provide. While height and density are separate, they are related. We recognize that a significant portion of residential units in the revised application (14 units) are 3-bedroom units which provide an increased housing supply for a range of households. We believe that the provision of units that are larger and can accommodate a range of households at various life stages is an important component of achieving a complete community. In order to accommodate this provision of larger units, a greater number of floors must be provided in the building. Providing an increased unit mix is an important component of development for the area.

We also recognize that the additional height should accommodate a broad range of unit types and sizes including smaller units as part of the mix. It is our opinion that these smaller units can contribute to the supply of affordable market ownership units and should be increased within the podium level of the building. A balance of unit types and sizes can provide for and secure an increase of affordable ownership units at the price reflected in the Region's housing strategy should be further pursued in an effort to secure these units.

## 12.0 Conclusions and Recommendations

The current development application has been reviewed in accordance with applicable Provincial, Regional and Local planning policies as well as the supporting materials. The revised high-density mixed-use development represents an appropriate form of intensification in its context and an efficient use of land. The revised development proposal represents an appropriate use of under-utilized lands within the City's Downtown UGC.

Given this, a high-rise, mixed-use building with residential and at-grade retail uses, as currently proposed by the applicant, is appropriate and desirable for the area. The revised development proposal of the site addresses many Provincial, Regional and local planning objectives. Local designation and compatibility requirements ensure the scale and height of the development does not negatively impact surrounding uses and that the heritage character of the Ackland Houses (383 and 385 Pearl Street) and the surrounding area is maintained and enhanced.

With respect to the maximum building height and density that apply to the Subject Lands, the City's current policies and regulations do not provide for an appropriate level of intensification within a provincially recognized strategic growth area given that Subject Lands are located within UGC and a MTSA. The revised development application addresses the relevant Provincial and Regional policy framework as they apply to the Subject Lands and better implements policy direction that encourages compact, high-density built form through intensification of appropriate areas as described throughout this review.

The revised application for a 29-storey mixed-use building better reflects the direction of Provincial and Regional policies with respect to intensification. The requested Official Plan and Zoning By-law Amendments are appropriate given the physical and policy context. The development optimizes the use of land, adequately uses existing infrastructure and public service facilities, and contributes to achieving a complete community that is transit-supportive and promotes active transportation in keeping with the vision for Downtown Burlington from a Provincial policy perspective.

The following revisions are recommended in support of the applications:

1. The articulation of the top of the building be enhanced through increased stepbacks above the 22<sup>nd</sup> floor. This revision better aligns the proposal with appropriate urban design guidelines which recommend tall buildings contain a clearly defined built form consisting of a podium, tower and top or building cap. Furthermore, this recommendation will create a more visually distinctive building cap and city skyline which responds to the proposed building's prominent location along Lakeshore Road. Additional articulation to the top of the tower should also be considered in terms of materials.
2. The provision of bicycle parking should be increased in order to further support active transportation among future residents. Specifically, the provision of resident bicycle parking should be increased and accommodated in the proposed underground parking levels and reflected in the by-law
3. The increased height permitted through the proposed applications should ensure the provision of a broad range of unit types and sizes to include smaller units that equate to affordable market ownership units to better enhance the housing choice available in Downtown Burlington. The provision of a balance of unit types including smaller units that are within the range of costs for affordable market housing units will better align the proposal with Provincial and local policies related to supporting increased housing supply that meets the needs of all existing and future residents.

We would recommend approval of the proposed Official Plan Amendment submitted as part of the revised application. The proposed Zoning By-law Amendment should be revised to reflect the changes we have recommended with respect to enhanced stepbacks at the 22<sup>nd</sup> floor; the provision of increased bicycle parking spaces; and the provision of a target mix of units types and sizes with a minimum number of both small and larger units within the mix..

# Appendix A

Technical Comments Received on Initial Application



# Appendix B

Technical Comments Received on Initial Application