PLANNING RATIONALE

35 Plains Road East
City of Burlington

Prepared for:
2816544 ONTARIO INC.

January 2025

KFA ARCHITECTS + PLANNERS INC.

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1.0 INTRODUCTION

KFA Architects + Planners Inc. is the planning consultant for 2816544 ONTARIO Inc., the owner of the property located at 35 Plains Road East in the City of Burlington, herein referred to as the "subject property" or "site".

This report provides a planning rationale for the proposed development of a 12-storey mixed-use building located at the northwest corner of Plains Road East and Cooke Boulevard. A pre-application meeting request was submitted previously to the City of Burlington on August 9th, 2023 for an 11-storey mixed-use building with 94 residential units. The subject property had previously obtained an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBA") to facilitate the development of a 9-storey mixed-use building with 72 residential units and commercial uses on the street level.

The current proposal is contemplating an increase to the permitted height, density, and number of residential units within the development, as well as an increase in the proposed vehicle and bicycle parking provided.

This report has been prepared to summarize relevant land use policies and provide a planning justification in support of the proposed development.

This Planning Justification Report provides the following:

- An overview of the subject property, and the surrounding area;
- A description of the proposed development;
- An overview of the planning history of the site;
- A detailed review of relevant policies applicable to the site;
- Supporting studies and their findings;
- Community engagement discussion; and,
- A conclusion which addresses key planning, policy and urban design matters.

This report demonstrates that the proposed mixed-use residential dwelling is supportive of Provincial, Regional and Municipal planning, development, and design policy objectives. It also provides justification as to why the proposed development is appropriate and representative of good planning.

This Planning Justification Report should be read in conjunction with the Architectural Drawing Package and the Urban Design Brief prepared by KFA Architects + Planners Inc., as well as other materials which have been submitted as part of this combined OPA and ZBA application.

1.1 Development Objectives

The following development objectives have been implemented within the building and site design of the proposed development:

Diversify Housing Typologies

The proposal aims to achieve a higher density to support the city's residential objectives of broadening the range of housing typologies and to address the compatibility with the surrounding proposed developments, approved and under review. The subject property is a transit-oriented development that incorporates a range of unit types including studio, 1 bedroom, 2 bedroom, and 3 bedroom units to meet the diverse needs of future residents.

Transit-Oriented Development

The site is located within the Aldershot GO Station Major Transit Station Area ("MTSA") and responds to this by providing a greater density of residential options and a greater intensity of non-residential uses in a compact built-form which prioritizes active transportation methods over traditional vehicular methods.

The site design focuses on strategically limiting the amount and location of vehicular access points to minimize the impact on pedestrians walking or cyclists traveling along bikeways. The design also prioritizes cycling infrastructure on site. The development includes 103 short- and long-term bicycle parking spaces throughout the property to reduce auto dependency in the city, increase the modal split of active transportation options, and to support the future users of the proposed bike lane on Plains Road East.

Improving the Public Realm Experience

A significant consideration for this project was prioritizing the pedestrian experience through the streetscape and public right of way design along Plains Road East and Cooke Boulevard. The base of the mixed-use dwelling focuses on leveling to the pedestrian scale by providing accessible entrances to the commercial retail units within the building. The current design maintains a cohesive aesthetic for the existing street context, with a mix of mid-rise and high-rise development proposed surrounding the subject property.

Integrating Climate Sensitive Urban Design

The site provides climate change mitigation measures and is committed to reducing the urban heat island effect in built-up areas. The proposed design features green roofs above the main building and above the access ramp to the underground parking levels. The main goal is to provide nature-based solutions and green infrastructure to enhance the comfort of existing and future residents.

2.0 SITE & SURROUNDING CONTEXT

2.1 The Subject Property

The subject property is located on the northwest corner of Plains Road East and Cooke Boulevard, in the City of Burlington's west end. It is rectilinear in shape and has an area of approximately 1992.0 square metres (0.49 acres), with a frontage of approximately 32.7 metres along Plains Road East.

The subject property is legally described as follows:

PART OF LOT 6, CONCESSION 1, CITY OF BURLINGTON, REGIONAL MUNICIPALITY OF HALTON

The historical use of the site was a garage and retail fuel outlet from the late 1950s to 1967; was vacant or used for storage and maintenance of landscaping equipment from 1967 to 1981; and was a rental car facility from 1981 to 1995.



Figure 1 - Location of the Subject Property (Source: Google Maps, 2024)



Figure 2 - Site View 1: From Cooke Boulevard Looking Southwest (Source: Google Maps, 2024)



Figure 3 - Site View 2: From Plains Road East Looking Northwest (Source: Google Maps, 2024)



Figure 4 - Site View 3: From Cooke Boulevard Looking Northeast (Source: Google Maps, 2024)

The land uses surrounding the subject property are as follows:

North: Low-rise commercial built form. The Aldershot GO Station is located northwest of the site at a distance of approximately 600 metres.

West: Along Plains Road East exists a low-rise commercial typology with many surface parking lots. Waterdown Road has a similar built profile.

East: Plains Road East includes a built form of commercial retail uses predominantly on the north of Plains Road East, and low-rise residential housing on the south of Plains Road East.

South: Directly south of the subject lands, on the south side of Plains Road East, there is a gas station, a restaurant, surface parking and a 6-storey mixed use building.

The surrounding neighbourhood overall features an abundance of community facilities and services including public and private schools, daycares, libraries, long term care, retirement centres, restaurants, and retail businesses, along with community parks and green space.



Figure 5 - Surrounding Site Context of Aldershot GO (Source: Google Earth, 2022)

2.2 Area Context

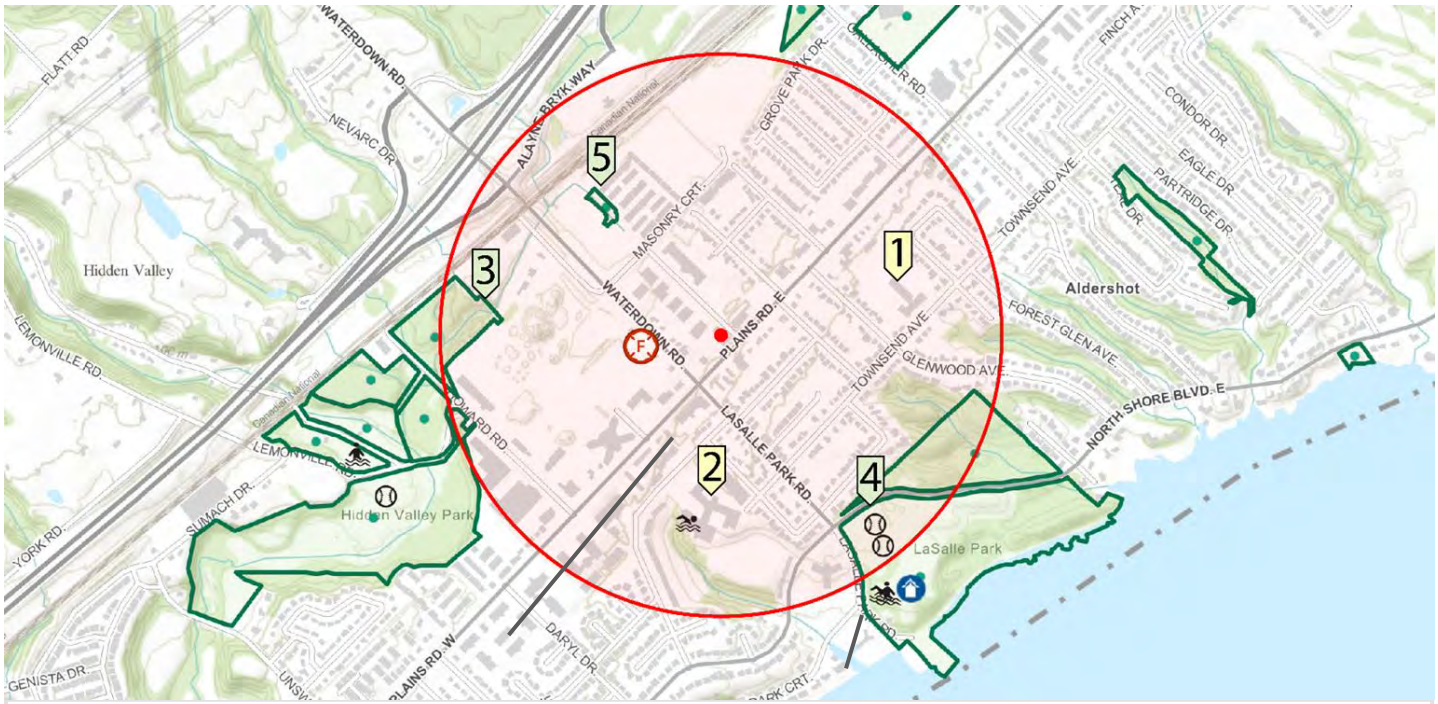
Figure 6 outlines the schools, parks and facilities that are within approximately 750 metres of the subject property.

Directly to the north of the subject property is the Aldershot GO Station. This proximity places the site within the Aldershot GO MTSA. To the southwest is the Royal Botanical Gardens and mixed-use mid-rise apartment buildings. Further southeast of the subject property is the Aldershot High School and Lasalle Park Community and Marina. East is the Glenview low-rise residential community and Elementary School.

The subject property is also surrounded by a large number of development applications, in various states of approval, being proposed to City of Burlington Planning department.

Streetscape Context

35 Plains Road East shares its lot frontage with a range of mixed-use, commercial and service uses along both main roads. Plains Road East is characterized by its retail and residential uses along both sides of the road. It connects a number of communities to Highway 6 and the QEW. Cooke Boulevard currently serves as a industrial centre but also includes a number of the mixed-use development applications neighbouring the subject property.



1 Glenview Public School	4 LaSalle Park & Community	F Fire Station
2 Aldershot School	5 Park	Pool
3 Hidden Valley Park	Community Banquet Centre	Community Sports Field

Figure 6 - Community Services Context Map

Transit and Mobility Context

The subject property is serviced by Bus 1 (Plains-Fairview) that connects residents from Appleby GO to Gore Park Hamilton. Additional bus stops in proximity to the site are serviced by Bus 4 (Central) that connects residents from Aldershot GO to Appleby GO. The subject property is within the Aldershot Mobility Hub and is located within 600 metres of Aldershot GO Station, which connects residents to Union Station using the Lakeshore West Line. Aldershot GO Station also provides transit connections with Hamilton Street Railway, Burlington Transit, and VIA Rail services (see Figure 7). Appleby GO Stations provides transit connections with Oakville and Burlington Transit. The site also supports bike users with the proposed protected bikeway on Plains Road East.

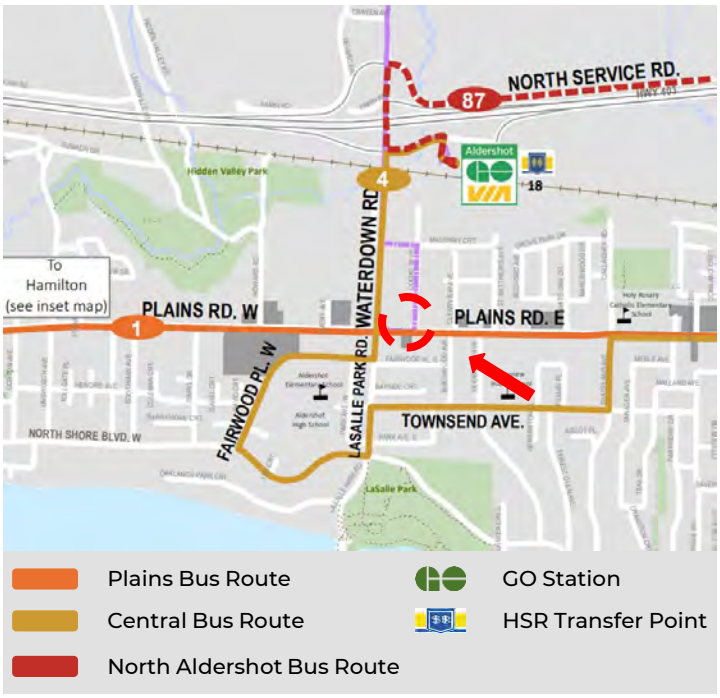


Figure 7 - City of Burlington 2021 Route Map (Source: City of Burlington Website)

Parks and Open Space Context

The subject property is located within proximity to the Hidden Valley Park and Turtle Pond Marina Park; per Schedule B of the City of Burlington Official Plan (see Figure 8). The Hidden Valley Park is considered a major open space and part of the Parkway Belt Plan Area. Turtle Pond LaSalle Park is also situated along the Burlington's waterfront.

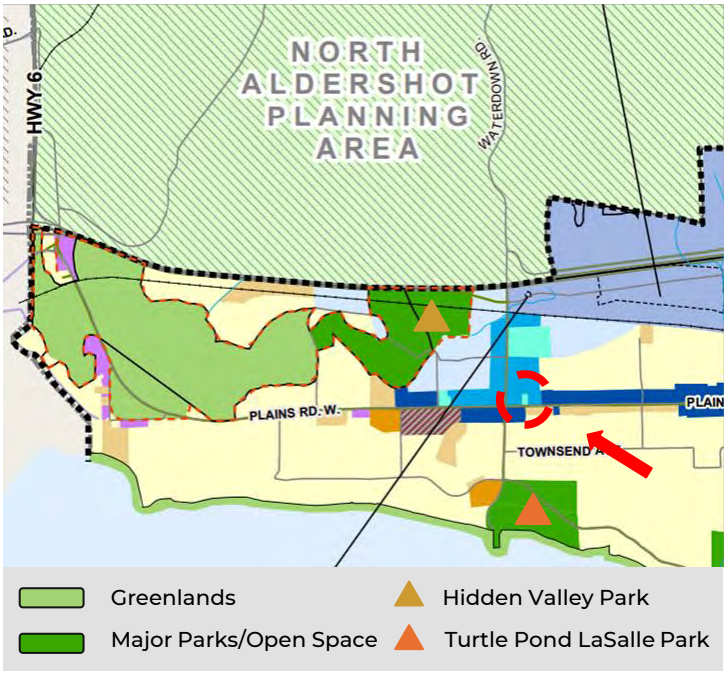


Figure 8 - Parks and Open Space Context (Source: City of Burlington Official Plan, 2008)

2.3 Nearby Development Context

There exist several high-density residential development applications within the Aldershot GO MTSA.

A - 40 - 70 Plains Road East

This OPA and ZBA application proposed a 12-storey residential apartment building featuring 389 residential dwellings. This application was approved in Spring 2023.



A - Applicants: Infinity (Plains Road) Corporation and Infinity (Aldershot) Developments Inc. (Source: City of Burlington Development Projects Map Ward 1)

B - 53 - 71 Plains Road East

This OPA and ZBA application proposed two mixed-use buildings of 18 and 9 storeys with retail/commercial uses at the street level and residential units above. Access to the property is proposed off Cooke Boulevard and Clearview Avenue with parking located at the rear of the buildings and an underground parking garage. The application was approved in Summer 2022.



B - Applicant: Burlington 71 Plains Inc. (Source: City of Burlington Development Projects Map Ward 1)

C - 1085 Clearview Avenue

The OLT previously approved a 7-storey building consisting of 164 residential units. That approval was based on the Official Plan and Zoning By-law Application numbers 505-01/19 and 520-02/10 and was approved in 2021.

In 2019, the applicant submitted plans for an increase in density and parking below grade.



C - Applicants: MHBC Planning Ltd. On behalf of LIV Communities. (Source: City of Burlington Development Projects Map Ward 1)

D - 1120 Cooke Boulevard

This application proposed to amend the Official Plan and Zoning By-law to permit a mixed-use development consisting of three tall buildings with retail uses at ground level and residential uses above. The revised 2023 proposal features increased density: Building A is 33 storeys tall with a 12-storey podium. Building B is 29 storeys with a six-storey podium. Building C is 31 storeys with a six-storey podium. The OPA and ZBA applications were approved in Spring 2024.



D - Applicants: WND Associates Ltd. for Aldi Development Group (Source: City of Burlington Development Projects Map Ward 1)

E - 1062 - 1074 Cooke Boulevard

This OPA and ZBA application was proposed to facilitate the redevelopment of the subject lands with two high-rise mixed-use buildings with heights of 30 storeys and 32 storeys, connected by a shared podium with a height of 6 storeys fronting Cooke Boulevard and Masonry Court. The development includes a total of 809 residential units and 2 retail units. The proposal was appealed by the OLT, and approved through settlement in Spring 2024.



E - Applicants: Camarro Developments Inc. (Source: City of Burlington Development Projects Map Ward 1)

F - 1029 - 1033 Waterdown Road

This proposal for OPA and ZBA contemplates the development of a 29-storey, 295 dwelling mixed-use building. A 4-storey podium is proposed as part of the building design and will incorporate ground floor retail and amenity space. The proposal was refused by City staff, and this decision was appealed to the OLT.



F - Applicants: Infinity Development Group (Source: City of Burlington Development Projects Map Ward 1)

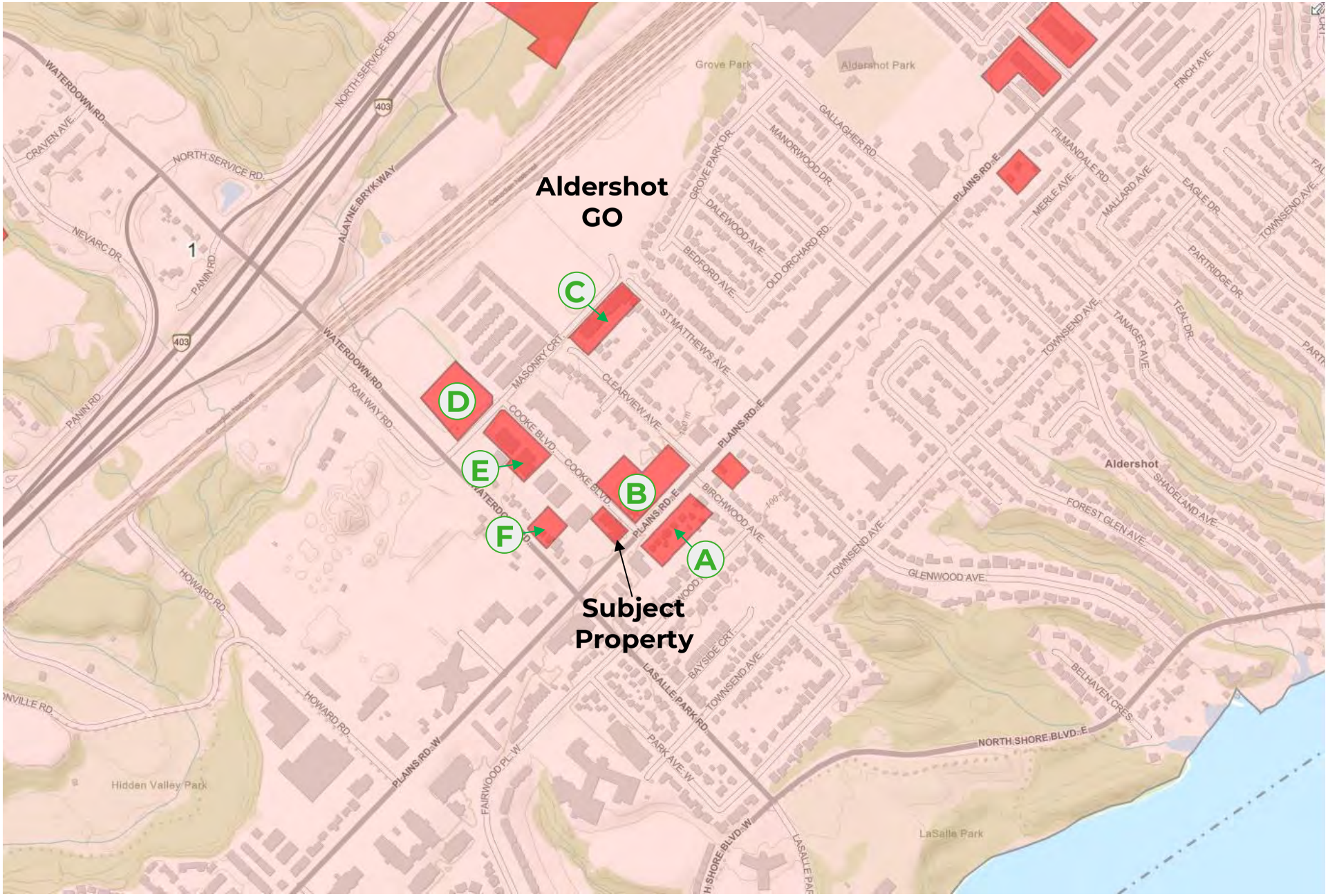


Figure 9 - Development Projects around Subject Property (Source: City of Burlington Development Projects Map Ward 1)

3.0 THE PROPOSAL

3.1 The Proposed Development

The proposal features a 12-storey (42.5 metre tall) building located at the corner of the Plains Road East and Cooke Boulevard intersection. The site has a total area of 1,992 square metres with a proposed gross floor area of 12,588.22 square metres. The building will be comprised of 161 studio, 1 bd, 2bd, and 3 bd residential units with commercial units at-grade fronting onto both Plains Road East and Cooke Boulevard.

The proposal provides two below-grade levels of parking, totalling 110 residential spaces and 6 visitor spaces. There are also 20 short term and 2 long-term bicycle spaces provided at-grade and 81 proposed long-term spaces in bicycle storage rooms within the P1 level.

The proposed building is setback 1.3 metres from Cooke Boulevard and 1.8 metres from Plains Road East. Setbacks have been increased on the 6.0 metre tall ground floor to create a more engaging and weather-protected retail experience. The rear yard and interior side yard setbacks are 6.9 and 1.25 metres, respectively. Balconies, a rooftop terrace, and indoor rooftop amenity space provide for private indoor and outdoor amenity space together totaling a 1,656.95 square metres.



Figure 10 - Rendering of Northwest View of 35 Plains Road East

Architectural Drawings

The following pages contain excerpts from the Architectural Drawing Package prepared by KFA Architects + Planners Inc., and submitted under separate cover as part of this application.

These drawings are discussed in greater detail in the Urban Design Brief prepared by KFA Architects + Planners Inc. This document describes the proposed siting on the property, the form and massing of the building, the building materiality, and the impacts of the development on the adjacent properties. The Urban Design Brief is provided under separate cover as part of this application.

The Site Plan is presented to show the relation of the proposed building to the property boundaries, the proposed setbacks, and the location and area of the rooftop amenities and green roofs (see Figure 11). The ground floor plan is shown to display the internal circulation and the at-grade non-residential programming (see Figure 12). The building elevations have been provided to present the materiality, height, and massing of the proposed redevelopment (see Figures 13 & 14).

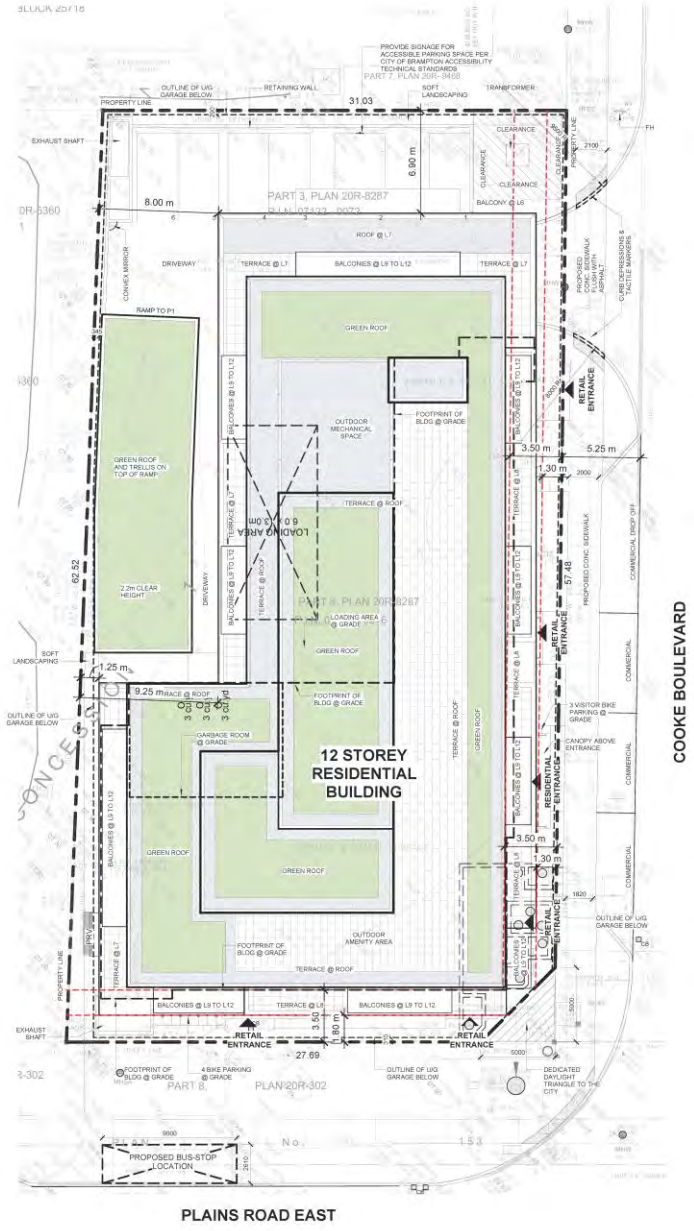


Figure 11 – Site Plan Prepared by KFA Architects + Planners Inc.

Required Approvals

A combined OPA and ZBA application is required to permit the mixed-use, mid-rise development on the subject property. The proposed development supports the redevelopment of the vacant site and surrounding area by increasing the amount of housing, amenity space, and improving the public realm experience; while supporting and utilizing the existing MTSA infrastructure.

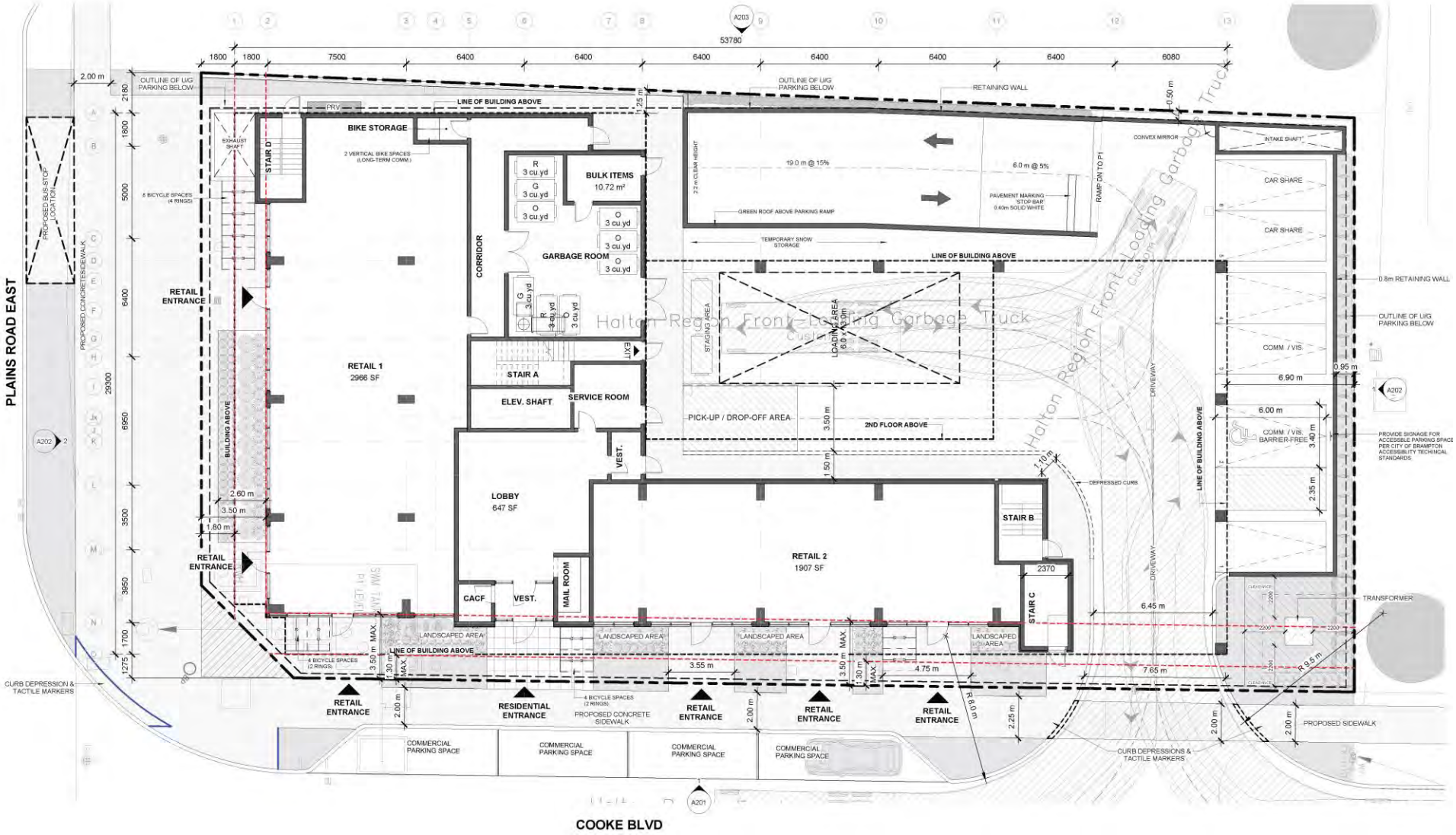


Figure 12 – Ground Floor Plan Prepared by KFA Architects + Planners Inc.



Figure 13 – East (top) and West (bottom) Elevations Prepared by KFA Architects + Planners Inc.



Figure 14 – North (top) and South (bottom) Elevations Prepared by KFA Architects + Planners Inc.

3.2 Planning History

The subject property had previously obtained an OPA/ZBA to facilitate the development of a 9-storey mixed-use building with 72 residential units and commercial retail uses at-grade.

The subject property was redesignated through OPA 105 in the City of Burlington Official Plan ("OP"), 2008. This OPA amended site-specific policies in order to permit a mixed-use building consisting residential and at-grade retail or service commercial with a maximum building height of 9 storeys and a maximum floor area ratio of 4.4:1.

The New Burlington Official Plan ("BOP") interim working version, 2020 carries this designation forward by including the same site-specific policies for height and density.

The site was also approved for a rezoning to MXC 470 - Mixed-Use Commercial Corridor ("MXC 470") in the City of Burlington Zoning By-law 2020. The ZBA approved site specific exception to addresses necessary changes to the height and density provisions, among other building requirements such as setbacks, parking provision, and more.

The previously approved concept is shown in Figure 15 below.



Figure 15 - Previous Rendering for Approved 9-Storey Concept

4.0 POLICY FRAMEWORK & ANALYSIS

The following chapter provides a review and analysis of the relevant Provincial, Regional, and Municipal policies which apply to the subject property.

4.1 Planning Act, R.S.O. 1990

The Planning Act is the highest form of legislation governing land use planning in the Province of Ontario. In consideration of the proposed development application for Official Plan Amendment and Rezoning, Part 1, Section 2 of the Planning Act provides general direction to all land use planning decisions. The following matters of Provincial interest apply to the proposed development:

a) The protection of ecological systems, including natural areas, features and functions;
e) the supply, efficient use and conservation of energy and water;
f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
h) the orderly development of safe and healthy communities;
j) the adequate provision of a full range of housing, including affordable housing;
p) the appropriate location of growth and development;
q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
r) the promotion of built form that,
    i) is well-designed,
    ii) encourages a sense of place, and
    iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Analysis

The Proposed Development, in accordance with the Planning Act, has been designed to mitigate any adverse ecological effects on the surrounding environment. The design contemplates the stormwater quality treatment for all stormwater run-off to ensure the protection of receiving watercourses. The design also mitigates the urban heat island effect by expanding urban vegetation measures through green roofs, which reduces waste heat and contributes to stormwater retention.

Appropriate measures have been included to provide a planned public realm that improves the existing streetscape condition and connects seamlessly with the surrounding transportation system. Active transportation will be encouraged through the pedestrian friendly street frontages and bicycle infrastructure.

The subject property takes action in implementing community appropriate design features for climate-sensitive urban design and planning with green roofs that increase residents' quality of life within the area.

The proposal also contemplates a typology of housing that is currently missing in the neighbourhood context. The proposed development features a mixed-use mid-rise building that focuses on the provincial goals of residential intensification, specifically the objective of diversified housing options, by providing a variety of unit sizes.

Additionally, the area is designated as a Protected Major Transit Station Area ("PMTSA") and is zoned for mixed use, and sited on a prominent corner lot. As such, it is an appropriate location for growth and development at this level of intensification.

The proposed development has been designed with consideration of the surrounding neighbourhood context and to support the local public transportation network. It considers responsible design in order to mitigate negative impacts on the local environment and limit vehicule trips, and will provide a variety of housing types not available in the vicinity. It is our opinion that the proposed development will achieve the matters of Provincial interest as they are outlined in the Planning Act.

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement 2024 ("PPS") came into effect on October 20, 2024, and replaces both the 2020 Provincial Planning Statement and the Growth Plan for the Greater Golden Horseshoe. According to the Government of Ontario webpage for this updated policy document, the PPS provides policy direction on land use planning issues such as:

- "Building more housing where it's needed
- Making land available for development
- Creating opportunities for economic development and job creation
- Planning for the appropriate transportation of water, sewer and other infrastructure necessary to accommodate current and future needs
- Protecting the environment and important resources including farmland, water, archaeology, cultural heritage, mineral aggregates and petroleum
- Protecting people, property and community resources by directing development away from natural or human-made hazards, such as flood prone areas"

Relating specifically to the provision of housing, the PPS requires municipalities to build an increased supply and mix of housing options to support the growing and diverse population of Ontario. It also states that the planning process in Ontario should prioritize compact and transit-supportive development while optimizing investments in infrastructure and public service facilities in order to provide access to housing, public services and recreation for all Ontarians (Chapter 1: Introduction - Vision).

Analysis

The proposed development will fulfill the Vision of the PPS in providing a compact housing development that increased the mix and supply of housing options, and which will support the

existing transit and public services infrastructure.

Chapter 2.1 of the PPS includes policies that require planning authorities to maintain the ability to accommodate residential growth and land with servicing capacity to support the provision of an appropriate range and mix of housing options and densities (2.1.4). The development of complete communities should be supported also through the provision of multi-modal transportation options, public service facilities, institutional uses, and parks, recreation and open spaces (2.1.6).

Chapter 2.2 of the PPS covers housing-specific policies, again with an emphasis on the provision of a greater range and mix of housing options and densities to meet the projected needs of the current and future residents. Policy 2.2.1(b) in particular requires planning authorities facilitate all housing options required to meet these needs and all types of residential intensification. Policy 2.2.1(c) and 2.2.1(d) promotes housing densities that efficiently use land, resources, and infrastructure, and require transit-supportive developments that prioritize intensification in proximity to transit, including along corridors. Further policies that support these housing goals can be found under 2.3.1.3 and 2.3.1.4.

Analysis

The subject property is currently zoned and designated for mixed-use development and is in an area currently serviced with municipal infrastructure and access to transit as well as active transportation networks. The proposed development will fulfill the PPS policies that require the provision of a range of housing options, both in type and density. High density, multi-family housing will serve the needs of current and future residents by providing starter homes, family-size units, and opportunities for older residents to age-in-place. This typology also reflects an efficient use of the land by providing 161 dwellings fully supported by the surrounding transportation and infrastructure networks. Additionally, this development would support the PPS policies that promote the intensification of areas along corridors and especially those in proximity to transit.

This residential intensification will provide opportunity for current and future area residents to have greater choice and access to housing along a corridor and with direct connections to transit and community and open space assets.

Chapter 2.4 of the PPS encourages planning authorities to "identify and focus growth and development in *Strategic Growth Areas*" (2.4.1.1).

Chapter 2.4.2 provides policies as they relate specifically to MTSAs. This section establishes the requirements for planning authorities to identify, delineate, and set minimum density targets for MTSA within their jurisdiction. The minimum densities provided in the PPS are 150 residents and jobs combined per hectare for MTSAs served by commuter or regional rail (2.4.2.1(c)). Furthermore, planning authorities are directed to promote intensification within MTSAs by planning for land uses and built-form that supports those minimum density targets (2.4.2.3). Finally, MTSAs should be planned to be transit-supportive and encourage multi-modal connectivity between transit stations and major trip generators.

Analysis

The proposed redevelopment of 35 Plains Road East will occur within a policy delineated PMTSA and will provide compact intensification that contributes to the provincially mandated minimum density targets. Additionally, the proposal promotes a multi-modal transportation split by connecting the development with bicycle paths, walking infrastructure, and local transit.

Chapter 2.9 of the PPS directs planning authorities to plan for the reduction of greenhouse gas emissions and the impacts of climate change through the support of compact, transit-supportive communities (2.9.1(a)) and the promotion of low impact development and active transportation (2.9.1(d)).

Analysis

The proposed development will support the requirement for planning authorities to consider the impacts of climate change by developing a compact mixed-use building with consideration for low impact development measures, sustainable materials, and ample bicycle facilities. Additionally, this development will support the investments made into the adjacent transit network.

Chapter 3 of the PPS covers policies as they relate to the provision of infrastructure and public service facilities. Chapters 3.2 requires the efficient use of "existing and planned infrastructure, including through the use of transportation demand strategies" (3.2.2) as well as connectivity between transportation modes (3.2.3). Chapter 3.3 contains policies surrounding transportation systems and corridors which include the protection of these locations from negative impacts, and the promotion of new development adjacent to them that supports their long-term purposes (3.3.3).

Chapter 3.6 contains those policies that regulate planning for sewage, water, and wastewater services. These policies requires that planning for water and wastewater servicing accommodates forecasted growth (3.6.1(a)), promotes conservation and efficiency (3.6.1(c)), and integrates servicing considerations and land use planning at all stages of the planning process (3.6.1(d). Additionally, municipal water and wastewater services are the preferred form of servicing within settlement areas (3.6.2). Planning for stormwater management shall also be integrated within planning for municipal servicing (3.6.8(a)), minimize increases in stormwater volumes (3.6.8(b)) and changes in water balance (3.6.8(c)), and promote stormwater management best practices and low impact development measures (3.6.8(f)).

Analysis

A Transportation Impact Statement ("TIS") has been provided as part of this application to support the development from transportation and infrastructure servicing perspectives. Please see Section 5.0 Supporting Studies & Key Findings for further discussion on this report. The TIS includes Transportation Demand Management ("TDM") techniques to ensure that impacts from the additional proposed residences will not negatively impact the transportation systems in place. Furthermore, this development will support Plains Road East by enhancing the public right-of-way and by

encouraging a multimodal split between vehicle, transit, and active transportation trips. The subject property is located at an axis of transit, vehicle, and multiple bicycle routes, and this development will support the investments made into these systems.

A Functional Servicing and Stormwater Management Report ("FSR/SWM") has been provided in support of this application. Please see Section 5.0 Supporting Studies & Key Findings for further discussion on this report. The FSR/SWM shows that the available stormwater and water servicing can accommodate the proposed intensification of the site. Although sanitary servicing upgrades are required, this is true for the area at-large which is experiencing a high level of development activity. This report concludes that there will be no additional impact from stormwater volumes or contaminant loads through the use of volume control methods and low impact development measures.

4.3 Ontario Regulation 162/06

The Halton Region Conservation Authority ("HRCA") regulates development to protect, restore, and manage the natural resources adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or inland lakes.

Analysis

The HRCA does not regulate any portion of the subject property, and it is not in any proximity to a regulated wetland feature.

All environmental requirements associated with the submission of an Official Plan Amendment and Zoning By-law Amendment have been met, including a Phase One Environmental Site Assessment ('ESA"), which is discussed in greater detail in Chapter 5.0 Supporting Studies & Key Findings.

4.4 Region of Halton Official Plan, 2022

The Halton Regional Official Plan, 2022 ("HROP") was adopted by the Regional Council on June 15, 2022, and was subsequently approved with modifications by the Minister of Municipal Affairs and Housing on November 4, 2022.

The HROP provides a long-term decision making framework that sets the Regional context for more specific planning as it relates to protecting the environment, directing growth, and providing Regional services.

Part 2 of the HROP outlines Halton's planning vision, and dictates policies to maintain and enhance the sustainability of proposed developments in the Halton Region, with the goal of ecological sustainability and healthy environments for the Region's residents.

Policy 31 in particular outlines Halton's vision for the development of healthy communities. This includes provisions to meet to protect and meet the life-long needs of residents (31.3), encourage a full range of housing, employment, and cultural services (31.4), provide convenient public transportation system access and support for non-motorized transit modes (31.5), and promote the principles of sustainability (31.6).

Analysis

The proposed building is designed to mitigate impacts that the development may have on the natural environment through the inclusion of green roofs, climate sensitive plantings, and stormwater management practices. The proposal also promotes sustainable design through the recognition of the importance of accessibility to public transportation and active transportation options, as well as the reduction of car-trips through residential intensification.

Efforts have been made to enhance the pedestrian and cycle infrastructure on the public right of way of Plains Road East. This is done by integrating bicycle parking spaces meaningfully into the site design by considering the City of Burlington Cycling Plan that designates the area as a high Live, Work, and Play Demand.

Part 3 of the HROP covers policies as they relate to development criteria and land use designations within Halton Region. Development must be located in environmentally suitable areas that feature the appropriate land use designation. Section 58 specifies that the designated land uses are permitted provided that:

> (1) the site is not considered hazardous to life or property due to conditions such as soil contamination, unstable ground or soil, erosion, or possible flooding;
>
> (1.1) adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region; and
>
> (2) development meets all applicable statutory requirements, including regulations, Official Plan policies, zoning by-laws, and municipal by-laws.

Analysis

The subject property requires a Phase I Environmental Site Assessment ("Phase One ESA") in compliance with the Development Application Pre-Consultation Form Requirements. The site was identified as not being in an environmentally sensitive area nor located within an area of natural or scientific interest ("ANSI"). The Phase One ESA identified no potentially contaminating activities on the property.

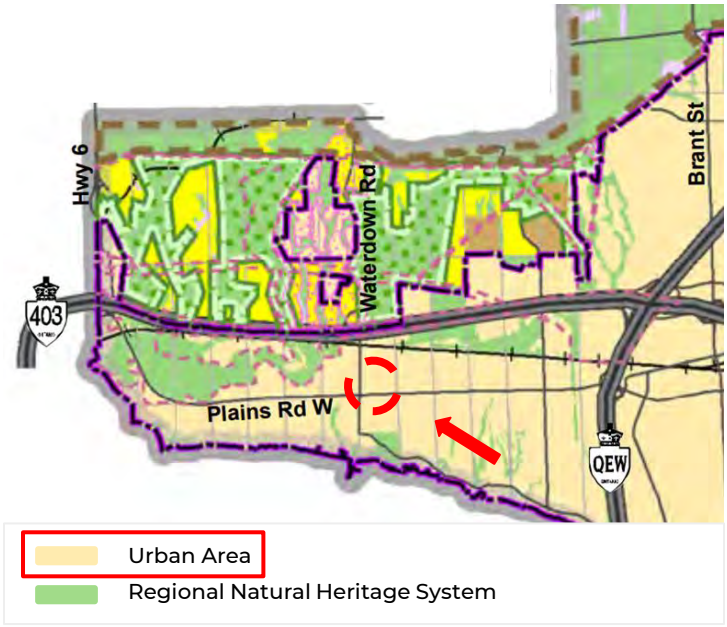


Figure 16 - HROP Map 1 - Regional Structure (Source: Region of Halton Official Plan, 2022)

The proposed development meets the required, and follows many of the voluntary, measures outlined in the City of Burlington's Sustainable Building and Development and adheres to the Stormwater Quality guidelines to achieve a level one/enhanced stormwater treatment for all stormwater runoff. All other components of the development have been met or the applicable amendment application has been submitted to conform with the Policy and Official Plans in place. The City of Burlington's Sustainable Buildings and Development criteria is covered in greater detail in Chapter 5.0 of this report.

The subject property is designated *Urban Area* under the HROP Land Use designations, and *Regional Intensification Corridor* and *Major Transit Station Area* under the Regional Urban Structure designations, both considered to be *Strategic Growth Areas* (see Figures 17 & 18). Section 72.1 outlines the objectives of the *Urban Area* designation. Included in these objectives, as they relate to the site, are the support of compact, transit supportive developments (72.1.2), the development of complete communities (72.1.3, 72.1.5), and the promotion of increased density and intensification (72.1.9).

Section 78.1.2 directs a significant proportion of the population to *Strategic Growth Areas* through mixed-use intensification. Section 79 outlines the objectives of the *Strategic Growth Areas*, which similarly support the development of compact, transit-oriented development to achieve complete communities, while also promoting vibrant pedestrian environments featuring diverse land uses and innovative urban design.

Section 81 and Section 82.3 of the HROP provide objectives for *Major Transit Station Areas* and *Regional Intensification Corridors*, respectively. These sections reiterate previous objectives in order to promote higher density and mixed-use developments within these areas, with the goal of creating complete communities.

Table 2B of the HROP sets minimum density targets for the Aldershot GO MTSA as 150 people and jobs combined per hectare planned to be achieved beyond the 2051 planning horizon; with the target proportion of residents and jobs to be 80% and 20% respectively.

Additionally, Section 84 states that the Halton Region goal for the provision of housing is to "supply the people of Halton with an adequate mix and variety of housing" that satisfies a variety of residents' needs.

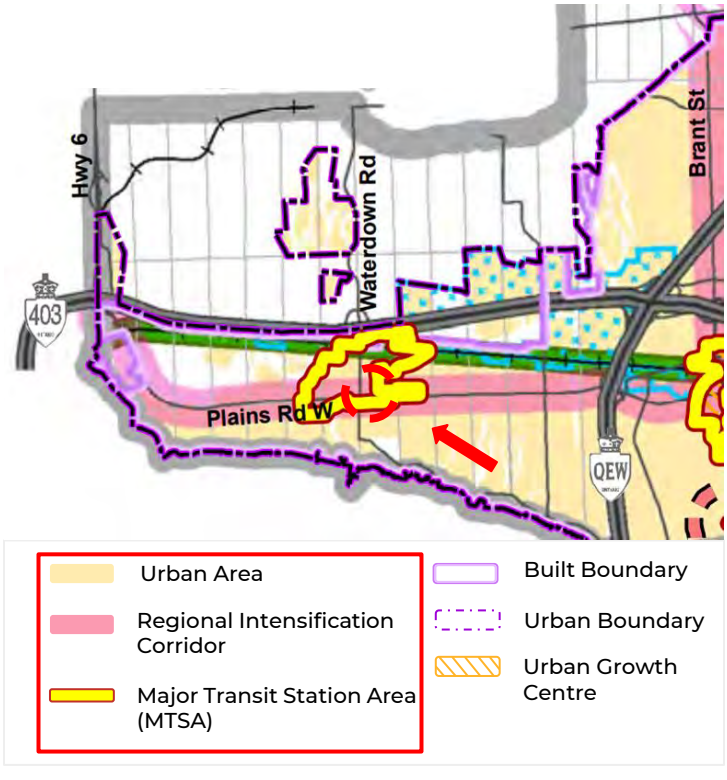


Figure 17 - HROP Map 1h - The Regional Urban Structure (Source: Region of Halton Official Plan, 2022)

Analysis

The proposed development aligns with the objectives of the HROP as they relate to the Urban Area, Regional Intensification Corridor, and Major Transit Station Area designations. The proposal contemplates a compact, mixed-use built form that will provide a variety of unit types and sizes in an area well served by an existing transportation network.

The site is located within a Strategic Growth Area, which through the HROP is directed to receive a significant amount of future growth, development, and intensification. This proposal is also aligned with the Region's goal to provide a greater variety of housing options throughout Halton Region.

The proposed development does not require an amendment to the HROP as the proposal conforms to the policies, goals, and objectives of the plan.

4.5 City of Burlington Official Plan, 1997

The Official Plan of the Burlington Planning Area ("OP") received regional approval on March 5th, 1997, and came fully into effect on October 24, 2008. The current office consolidation is dated December 2019. The OP guides how the City of Burlington will grow and develop, with goals and policies that are intended to be achieved in the medium and long term.

Schedule A of the Settlement Patterns Plan of the OP outlines the subject property as *Mixed Use Activity Areas*. Schedule B of the Comprehensive Land Use Plan-Urban Planning Area designates the area as a *Mixed Use Corridor - Commercial Corridor* (see Figure 19).

Part III of the OP outlines the vision for Burlington that includes the building height and use provisions of mixed-use development near Aldershot GO station.

The OP focuses on providing a long term planning framework for uses such as Residential, Employment, Major Retail, Mixed Use Activity, and Natural Features and Open Spaces. This includes prioritizing linkages through Burlington's transportation system, particularly to major urban centres, by providing a range of mobility and housing options for Major Transit Station Areas ('MTSA').

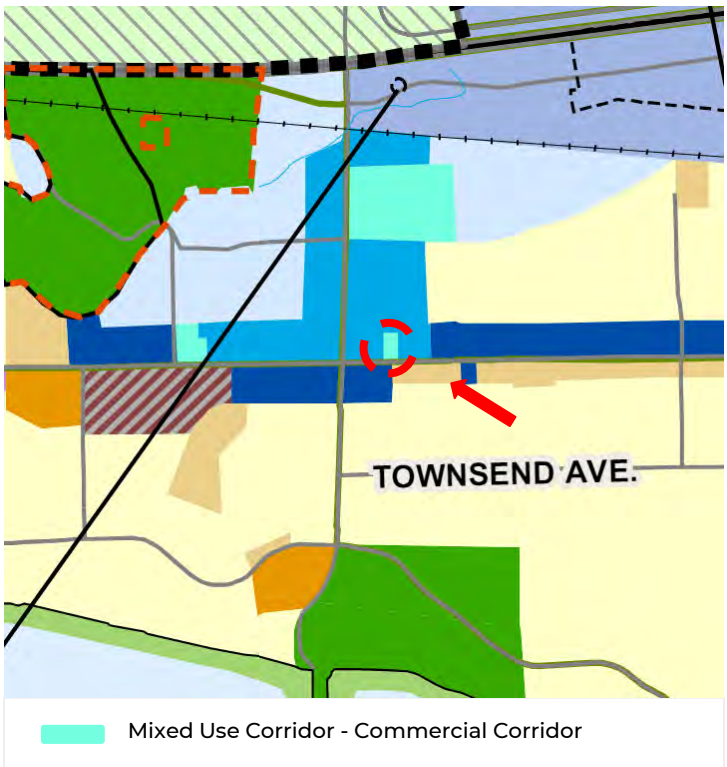


Figure 18 - OP Schedule B - Comprehensive Land Use Plan - Urban Planning Area (Source: City of Burlington Official Plan, 2008)

The previously approved Official Plan amendment set Policy 5.3.3.1 m) for 35 Plains Road East to permit a mixed use building consisting of residential and at-grade retail and service commercial uses. The site specific policies also permits the maximum building height to be 9 storeys and floor area ratio to be 4.4:1.

Parts of this Official Plan remain in effect until all broad appeals to the New Official Plan are resolved.

Analysis

The proposed Official Plan amendment will maintain the existing Mixed-Use Corridor - Commercial Corridor designation on the subject property and the OPA will amend the site specific policies to permit a maximum building height of 12 storeys and a maximum floor area ratio of 6.8:1.

The Draft Official Plan Amendment is provided in Appendix A of this report.

4.6 City of Burlington New Official Plan, 2020

The Burlington Official Plan ("BOP") is an interim working version which is still under broad appeal. Those parts that were not appealed came into effect December 22, 2020. Until all broad appeals are resolved the BOP should be considered on an informative, but not determinative, basis. Both Official Plans are considered here for the purposes of analyzing the proposal in the context of Burlington's planning policies.

The BOP provides policy directions on an area's land use, built form, transportation, and natural environments to fit the City of Burlington's vision for 2031 and beyond. The BOP encourages the development of complete and sustainable communities that provide convenient access to goods and services for daily living.

Chapter 3 of the BOP describes the goal of complete communities in meeting people's daily needs by providing a range of housing, recreation, schools, and open space for their residents. It also outlines the need for integrating convenient access to public transportation and active transportation options within the community. Policy 3.1.1 outlines the objectives of housing options to provide an adequate range of choices that promote the well-being of the city's residents and neighbourhoods. Section 3.1.1 policies for housing criteria in the City of Burlington include:

- Ensure that a sufficient supply of suitably designated and serviced land is available to accommodate residential growth to meet existing and future housing needs (3.1.1.a);
- Promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures across the city, subject to the policies of this Plan (3.1.1.b);
- Make more efficient use of existing developed lands, housing stock, and available services to increase the supply of housing, while maintaining compatibility with the character of the existing neighbourhood (3.1.1.c);
- Support the Region of Halton in the establishment and monitoring of minimum housing targets (3.1.1.e).

Analysis

The proposed development contributes to a complete community through the development of suitably designated land that can accommodate growth by supporting the housing, employment, commercial, and transportation needs of existing and future residents.

The surrounding area also provides institutional, recreational, and employment services with access to Aldershot GO, which will serve the needs of future residents of the proposed development. The proposal creates a compact, mixed-use, pedestrian-friendly and transit-oriented development on an underutilized vacant lot. Redevelopment of the lot supports Policy 3.1.1.c to make more efficient use of existing lands, in this case through residential and commercial intensification.

The development provides a range of units from studio to 3bd units that will assist the City of Burlington and the Region of Halton meet current housing supply targets and helps support a mix of residents and families.

Chapter 4 of the BOP overviews the goal of sustainable development to support the City's goal in supporting existing and future generations of residents. The chapter focuses on maintaining a liveable and healthy community by providing various types of green infrastructure and promoting efforts towards climate change mitigation within new developments. Policy 4.1.2 describes the objectives of the city to improve air quality and energy efficiency through land use and transportation policies as:

- Maintaining the urban boundary and seeking a compact built form in Mixed-Use Intensification Areas (4.1.2.i);
- Achieving a mixed use development to encourage walking, cycling, and transit (4.1.2.ii);
- Locating intensification in areas which are well served by existing or planned transit (4.1.2.iii);
- Promoting and encouraging modal shift towards transport and active transportation, using tools such as transportation demand management (4.1.2.iv).

Analysis

The proposed development supports Policy 4.1.2 in developing sustainable communities within the City of Burlington. The development features climate change mitigation efforts such as green roofs proposed throughout the development and stormwater management measures.

The proposal contemplates a mixed-use development in a compact built form. The redesigned streetscape of the site prioritizes the pedestrian and cyclist experience. The proposal will support a transition from the proposed protected bikeway along Plains Road East to the at-grade bike facilities located on the site. The subject property is also situated within approximately 600 metres of the Aldershot GO Station, with existing bus stops in close proximity. The proposed design also minimizes the impact of vehicular access on residents using the area to walk or bike by locating the only vehicular entrance towards the rear of the

site off of Cooke Boulevard. Together these will reduce automobile trips and increase the modal shift toward transit and active transportation.

Chapter 8 of the BOP contains policies on the land use designations that support the City's goal to create an area that supports that ability to live, work, and shop.

Section 8.1.2 establishes the importance of MTSAs to serve as main focal points that facilitate transit and active transportation for existing and future residents. This section serves a transitional role to guide new development to create high intensity and mixed-use development. The objectives of developments within an MTSA are as follows:

- Provide a network of complete streets which provide for the efficient, accessible and safe movement of peoples and goods and which prioritize pedestrian, bicycle, and transit activities (8.1.2.2.e);
- Prioritize the development of surface parking lots and the intensification of underutilized lands and buildings (8.1.2.2.h);
- Provide low-rise, mid-rise, and tall building forms, where appropriate, that support a variety of demographics in MTSAs (8.1.2.2.j);
- Prioritize and implement innovative sustainable practices and infrastructure related to energy, water, landscape, and waste management that together assist with adapting to the impacts of a changing climate (8.1.2.2.q);

Schedule C – Land Use, Urban Area designates the site as *Urban Corridor* (see Figure 20). Section 8.1.3(7.2) permits a variety of uses in the *Urban Corridor* designation, including retail/service commercial uses and residential uses (8.1.3.7.2.c). The maximum floor area ratio of development is 2:1 and an increase may occur through a site-specific Zoning By-law amendment or minor variance application, provided that the objectives of the Urban Corridor designation are maintained (8.1.3.7.2.f). The minimum building height shall be two (2) storeys and the maximum building height shall not exceed six (6) storeys (8.1.3.7.2.g).

The subject property features a site-specific policy 8.1.3(7.2).h), which sets floor area ratio and height provisions of the mixed-use building consisting of residential and at-grade retail and service commercial uses. The site-specific policies also permit a maximum building height of 9 storeys and floor area ratio of 4.4:1.

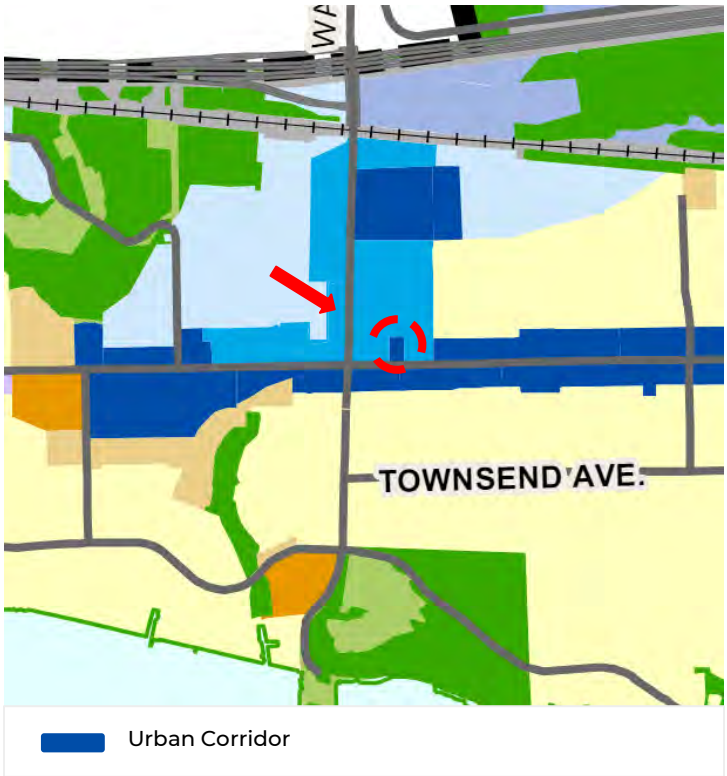


Figure 19 - BOP Schedule C - Land Use - Urban Area (Source: City of Burlington New Official Plan, 2020)

Analysis

The proposed development is located in the Aldershot GO MTSA and generally conforms to the policies and objectives of the BOP. The mid-rise development helps promote intensification in the Aldershot MTSA GO and provides residential and commercial units to support the creation of a complete community along Plains Road East. The proposed site design encourages a safer transportation network with a redesigned public right of way that creates an interface for pedestrians and cyclists to access the site to and from pedestrian and bicycle infrastructure. The mid-rise building form effectively intensifies a previously underutilized lot. This proposal includes sustainable practices with stormwater management measures and multiple integrated green roofs.

The proposed development conforms with the Urban Corridors land use designation within subsection 8.1.3(7.2) of the BOP. It includes a mix of uses, with commercial/retail uses at grade and residential uses on the upper levels. Chapter 8 of the BOP is still under broad appeal, and as such a draft Official Plan Amendment is not provided as part of this report. However, as described above in the analysis of the 1997 Official Plan (see Chapter 4.6), the proposal seeks to amend the site-specific policy for the subject property by permitting a maximum height of 12 storeys and a maximum floor area ratio of 6.8:1.

Chapter 12 of the BOP describes the Implementation and Interpretation of policies outlined in the Official Plan. Policy 12.1.2(2) states the development criteria of future development in Burlington to occur primarily through intensification; it ensures that future development is appropriate with the existing policy documents and characteristics of the subject site and neighbouring development. The proposed development conforms with all applicable policies of Section 12.1.2 and is located within the *Primary Growth Area* designation of Schedule B-1 - Growth Framework (see Figure 21). Wherein the development requires a change to the established criteria, the appropriate amendments and permits have been submitted to the City of Burlington for review.

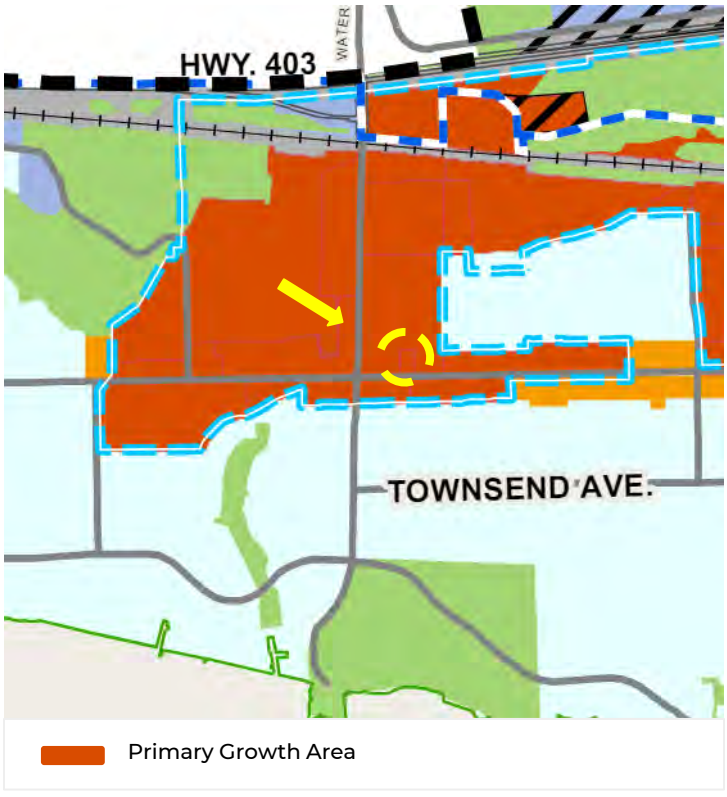


Figure 20 - BOP Schedule B-1 - Growth Framework (Source: City of Burlington New Official Plan, 2020)

4.7 Burlington Zoning By-law 2020 and Zoning Exception Matrix

The site is zoned MXC 470 - Mixed-Use Commercial Corridor in the City of Burlington Zoning By-law 2020 (see Figure 22). The MXC zone permits various retail commercial uses, service commercial, office, community, hospitality, automotive, entertainment and recreation, and residential uses.

Exception 470 provides site-specific regulations that permit a 9-storey mixed-use building with 72 residential units and a minimum of 220 square metres of commercial space on the ground level. Exception 470 also provides regulations for setbacks to the first storey, the additional storeys, and the underground parking garage. Additional regulations control for, floor area ratio, parking rates, and amenity space.



Figure 21 - MXC 470 Zoning Map - City of Burlington Zoning By-law 2020 (Source: City of Burlington Interactive Zoning Map)

Analysis

The submission proposes to rezone the site from MXC 470 to MXC XXX. The Draft Zoning By-law Amendment ("DZBLA") seeks site specific exceptions to address the proposed changes in the regulations for an apartment building zoned under MXC 470.

The DZBLA would permit an increase in height from 9-storeys and 34 metres to 12-storeys (42.5 metres). The number of permitted residential units would increase from 72 units to 161 units, with a minimum occupant vehicle parking space increase from 86 spaces to 110 spaces. Additional changes would allow for an increased floor area ratio, greater provision of amenity area, greater area of commercial space, increased visitor and non-residential parking spaces, and increased parking garage setbacks. Setbacks to the building at ground level and above grade are not being amended. The zoning table below shows a comparison between the most relevant existing and proposed development standard requirements sought by the proposal (see Table 19).

The proposed Zoning By-Law Amendment updates the zoning provisions to contribute to an appropriate increase in the supply of housing available along the regional intensification corridor as outlined in Map 1h of the HROP. The DZBLA is provided in Appendix A of this report.

MXC - 470 (EXISTING)	MXC - XXX (PROPOSED)
1. Regulations for an Apartment Building	
Number of units:	
72 units maximum	161 units maximum
Floor area ratio:	
4.4:1 maximum	6.8:1 maximum
Commercial floor area:	
A minimum of 220 m2 provided on the ground floor	A minimum of 458 m2 provided on the ground floor
9th storey / Rooftop:	
In addition to an outdoor amenity area, a maximum of 275 m2 of floor area may be used for an indoor amenity area, elevator lobby, stairs, etc.	In addition to an outdoor amenity area, a maximum of 290 m2 of floor area may be used for an indoor amenity area, elevator lobby, stairs, etc.
Building height:	
9 storeys to 34 m maximum	12 storeys to 42.5 maximum
Occupant parking spaces:	
86 spaces including 4 accessible spaces	110 spaces including 4 accessible spaces
Visitor and Non-residential parking spaces:	
6 shared spaces including 2 accessible spaces	6 shared spaces including 1 accessible space and 2 car share spaces
Amenity area:	
1240 m2	1460 m2

Figure 22 - Proposed Zoning Statistics Table

4.8 Mobility Hub Opportunities and Constraints Study, 2014

Brook McIlroy prepared the City of Burlington's Mobility Hub Opportunities and Constraints Study, which provides findings and design recommendations that guide transportation connections within Mobility Hubs or MTSA's ("Major Transit Station Area"). The study focuses on intensification and growth within planned areas such as Provincially-designated Major Mobility Hubs or MTSA's. The study also supports the shift from an auto dominant character to a more transit, pedestrian, and cycling-oriented hub surrounding Burlington's four major transit stations.

Analysis

The proposed development is within approximately 600 metres of the Aldershot GO Station, the only mobility hub to integrate VIA Rail (see Figure 25). With the regional rail connection, Aldershot GO is considered the predominant transportation mode that will serve both future and existing communities. The proposed development supports the study's goal to include greater densities in close proximity to each transit station. The development proposes a 12-storey mixed-use building that contributes to the developing mixed-use character of Plains Road East (as seen with the adjacent approved proposal at 53-71 Plains Road) without impacting local residential neighbourhoods.

Section 1.4.4 states Burlington's mobility hubs will see a significant increase in density, accommodated primarily through the shift to more intensive, mixed-use development, including a mix of uses within individual buildings and/or within a site. New development will facilitate modes of alternative transportation, including walking, cycling, and transit. Through redevelopment and improvements to the public realm, safe and direct connections will be established between the transit stations, the adjacent neighbourhoods, and the City. To augment this enhanced connectivity, a large amount of revitalization is envisioned throughout the four mobility hubs. The revitalization includes a mix of uses that support the vital neighbourhoods including pedestrian-oriented streetscapes, new buildings, and improved employment and retail opportunities.

Analysis

The proposed development helps support the intensification of mixed-use development within the Aldershot GO MTSA, and includes multiple retail/commercial units at-grade. A bus stop is proposed fronting the property along Plains Road East as a possible transit connection, which along with the planned bicycle and pedestrian facilities will provide enhanced connectivity for the future and existing residents of the surrounding the area. This proposal would create a shift from the car-oriented character of Cooke Boulevard into a pedestrian-oriented community. This will be supported by a designated retail frontage that will transition the approved mixed-use developments on Plains

Road to the existing employment uses along Cooke Boulevard.

Section 4.2 focuses on the nodes/entryways and the importance of intersections on primary streets. These nodes provide drop-off points at the gateway to the mobility hub, and facilitate transfers between different modes of transit, and should be highly walkable pedestrian-oriented spaces. The nodes should announce arrival to the mobility hubs, with opportunities to define and contribute to the community image and identity of each mobility hub area. Special recognition is encouraged through the incorporation of landmark buildings and open spaces, urban plazas, public art, enhanced landscaping, facade design, and higher order of streetscaping. Entryways are also key locations for information and wayfinding elements within the mobility hub area.

Section 4.7 encourages the use of mobility hubs as key destinations to become pedestrian destinations rather than areas that commuters simply pass through. Transit-supportive amenities, such as retail and restaurants, along with consolidated and updated station areas, will encourage users to travel to the mobility hub for reasons in addition to transit. Key destinations that can be incorporated into or enhanced within the mobility hubs include parks and open spaces, cultural facilities, heritage areas, and the stations themselves.

Section 4.8 states development in the mobility hub should act like landmark buildings and incorporate highly visible built form elements that act as landmarks and distinguishing features of the area. Landmarks, such as buildings, public art, open spaces and feature lighting, are visual elements that help reinforce the identity of the mobility hub area and the station's role in the City. Landmarks may be stand-alone features, or may be incorporated into nodes, gateways, and/or key destination areas. Along with providing visual interest to the area, landmarks assist with wayfinding and visitor orientation.

Overview of Site-Specific Opportunities and Constraints for Aldershot GO Station:

Transportation, Transit, and Circulation:

- Transit priority measures at Plains Road East and Waterdown Road.
- Increased transit service to Aldershot GO Station.

Opportunity Corridors:

- Sites on Plains Road East and Waterdown Road for mixed-use buildings.

Future Development:

- Protect existing stable employment uses on Cooke Boulevard.

Analysis

The subject property is located at the northwest corner of Plains Road East and Cooke Boulevard and therefore serves as an important connection between Plains Road East and the multiple proposed mixed-use developments along Cooke Boulevard. The proposed development along Cooke Boulevard encourages the use of the street as a pedestrian destination with

commercial retail spaces, seating, and plantings. The proposal follows the site-specific Opportunities and Constraints for Aldershot GO Station with an enhanced focus on safer more accessible transportation circulation and opportunity corridors that serve a range of residential, commercial, and employment uses.

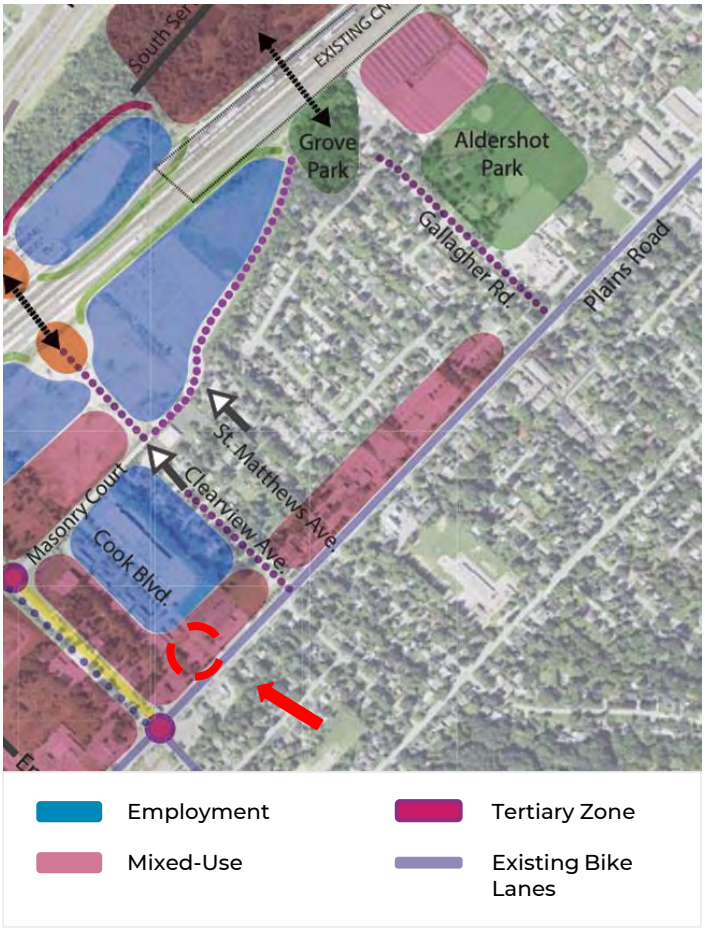


Figure 23 - Aldershot GO Opportunities and Constraints Map (Source: Burlington Mobility Hubs Study)

4.9 Major Transit Station Area Specific Plans Report, 2020

The City's Official Plan (2020) provides policies to guide development and manage the city via Major Transit Station Area Specific Plans ("MTSA ASP"), themselves a continuation of the work completed for the Mobility Hub Study. The subject property falls within a Major Transit Station Area and therefore should be informed by the MTSA ASP Specific Objectives for Aldershot GO. The following section review was prepared for the City of Burlington in May 2024. The map of the Aldershot GO MTSA below locates the subject land (see Figure 25).

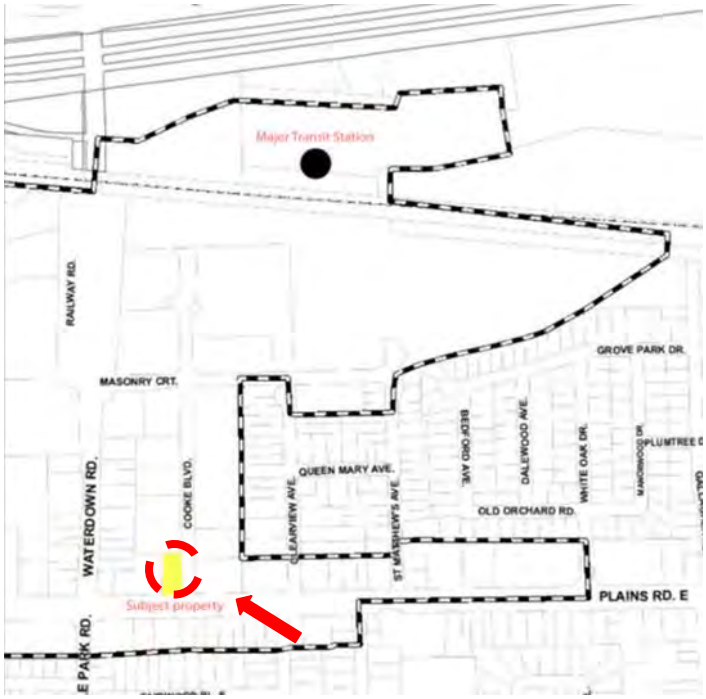


Figure 24 - Aldershot GO MTSA Boundary (Source: Figure 3.3 MTSA ASP)

Section 6.2.2 Specific Objectives for Aldershot Corners outlines the following objectives:

- Varying the maximum heights for new-mid-rise development within the MTSA;
- Encourage mixed-use development with higher density;
- Plan for future employment and commercial uses in the MTSA; and

- Focusing height away from Plains Road and towards the rail corridor to concentrate future residents in close proximity to the GO station and to maintain the mid-rise vision for Plains Road.

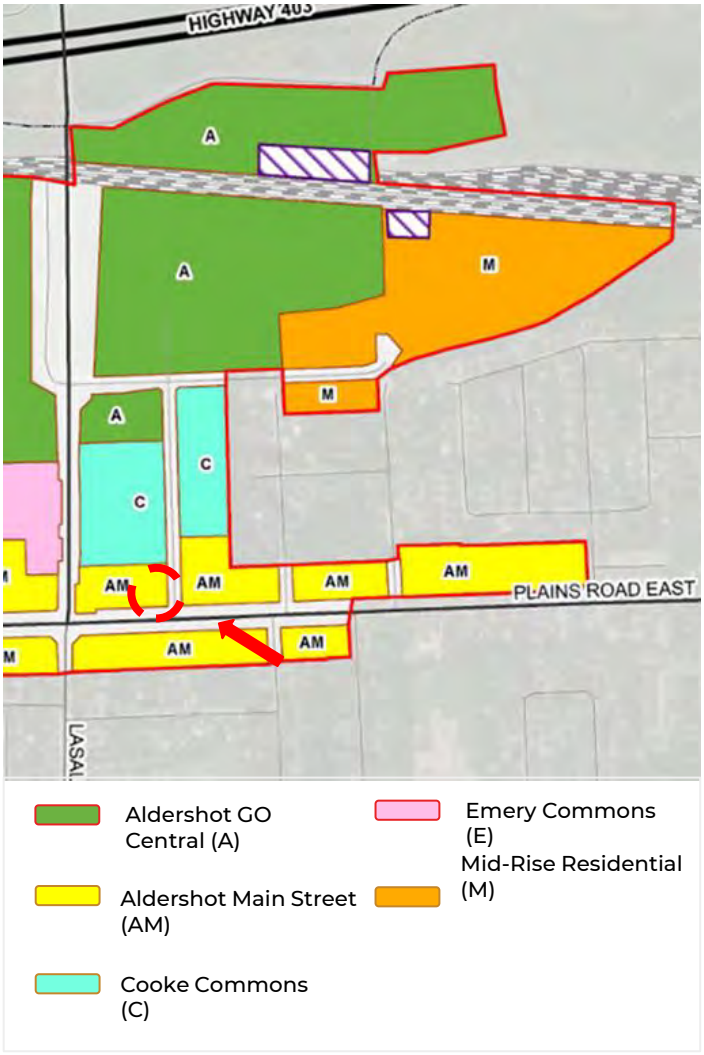


Figure 25 – Aldershot GO MTSA Precincts (Source: Figure 6.1 MTSA ASP)

Section 6.4.2 determines policies for this mid-rise Precinct to advance the historic neighbourhood driven-Plains Road Village Vision and establish a unique community destination with a focus on a continuous retail frontage and main-street pedestrian experience along the frequent transit corridors of Waterdown Road and Plains Road (East and West). A three-storey street wall is envisioned along Waterdown Road and Plains Road.



Figure 26 – Aldershot GO MTSA Maximum Heights (Source: Figure 6.2 MTSA ASP)

Section 6.4.2.1 outlines the following permitted uses within the Aldershot Main Street Precinct (see Figure 26):

- Residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings office uses (6.4.2.1.a.i);
- Retail and service commercial uses (required at grade, on bottom two floors only) (6.4.2.1.a.ii);

The maximum building height shall not exceed eleven (11) storey, except for locations specified in the Zoning By-law where taller buildings may be permitted (6.4.2.1.b).

Development abutting Plains Road East, Plains Road West, Waterdown Road or Cooke Boulevard shall contain a minimum of two permitted uses and should contain three permitted uses, where feasible (6.4.2.1.c). Development shall address the policies of Subsection 3.3.3.2 Retail Streets of this ASP (6.4.2.1.d), and a continuous street wall height of 3 storey shall be provided throughout the precinct. Above the third story, buildings shall be stepped back at minimum 3 metres (6.4.2.1.e).

New development will be scaled appropriately to provide transitions to the existing Residential – Low Density designation, adjacent precincts, and parks. Where development is proposed adjacent to a Residential Low-Density designation, considerations include (6.4.2.1.f);

- Maximum 6 storey building height adjacent to the existing Residential – Low Density designation (6.4.2.1.f.i);
- Minimum 7.5 m setback from the neighboring property line; and, (6.4.2.1.f.ii);
- The built form to fit within a 45-degree angular plane projected from the neighborhood property line (6.4.2.1.f.iii).

Analysis

The proposed development follows the policies outlined in Section 6.4.2 to establish a unique retail street frontage that prioritizes the pedestrian experience along Plains Road East.

During a previous application process for this site it was requested by City of Burlington that proposed street trees along Plains Road East be removed. This was done to facilitate future streetscape improvement projects planned by the City of Burlington. Despite this the streetscape has still been carefully designed to facilitate engagement of pedestrians and to create a visually appealing retail experience.

The proposed development follows all the permitted uses within the Aldershot Main Street Precinct within Section 6.4.2.1 with a mixed-use building with retail/commercial units provided at-grade.

The proposal falls just beyond the maximum height by 1 storey. However, the subject property shares the typological characteristics of an 11-storey 'mid-rise' building, and falls within a 45 degree angular plane drawn from the nearest property line of the only existing adjacent residential building: the mid-rise mixed-use building located across Plains Road East to the south. Building form and siting, as well as impacts on neighbouring properties, are discussed in greater detail within Section 4 of the Urban Design Brief provided under separate cover and submitted as part of this application.

The appropriate Official Plan and Zoning By-Law amendment applications have been submitted and seek approval under the basis that the redesignation of the property to permit a higher density supports the provincial, regional, and municipal housing objectives to broaden the range and intensity of residential developments. Draft amendments are provided in Appendix A of this report.

4.10 Burlington Housing Strategy

The City of Burlington Housing Strategy aims to address the community's diversified housing needs. The strategy outlines 12 recommended actions that contribute to an overall future vision for housing in Burlington.

Theme 2 outlines the City's goal of increasing the variety of housing types and options to meet the needs of current and future residents at all stages of life. The strategy's background research identifies that Burlington's current housing stock is primarily single-detached dwellings. Success of this action will be measured by the increase in diversification of the future housing typologies and unit sizes.

Action 4 seeks to establish minimum targets for unit type and mix. These targets are meant to achieve the Halton Region housing mix requirements, as well as local site-specific needs within the City of Burlington. The unit mix for new apartment dwellings is:

- 55% One and Two Bedrooms; and,
- 25% Three or More Bedrooms

Action 7 is to support, permit, and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate. The action identifies the importance for the City to ensure that a range and mix of housing is available in the City in order to achieve the Vision for Housing in Burlington.

Analysis

The proposed mixed-use mid-rise building meets the objectives of Theme 2 and Action 7 and is in line with the goal of proposing a number of diversified unit types, including studio, 1 bedroom, 2 bedroom, and 3 bedroom units to meet current and future resident's needs throughout their lifecycle.

The proposed development is considering a unit mix that does not fully comply with the targets recommended by the Burlington Housing Strategy. The proposal seeks to provide a unit mix of:

- **56% One Bedrooms;**
- **34% Two Bedrooms; and,**
- **10% Three Bedrooms**

Although the proposal will provide fewer than required three bedroom units, this is mitigated by the provision of 34% two bedroom units, of which 6% are two bedrooms plus den.

During a former submission phase for the previously approved rezoning application it was determined by the property owner through their market feasibility assessment that in the current housing market climate it was not possible to sell the larger dwelling units. As such, this proposal has shifted the unit mix towards a greater emphasis on one and two bedroom units.

5.0 SUPPORTING STUDIES & KEY FINDINGS

5.1 Arborist Report

The following is the conclusion from the Arborist Report prepared by Adesso Design Inc., and updated on April 25th, 2024.

“A total of 20 (5 Subject Site, 9 Neighbouring, 4 Public, 2 Boundary) individual trees have been inventoried and assessed for possible preservation in the context of the proposed work. Refer to appendix a the municipal address(es) of each tree inventoried.

Two trees (both Neighbouring) are recommended for preservation, and 18 trees (5 Subject Site, 7 Neighbouring, 4 Public, 2 Boundary) are recommended for removal. Twelve (12) Private Trees are included in compensation calculations and will require 50, 50mm caliper replacement trees. Where space does not allow for compensatory planting, a cash-in-lieu payment of $250.00 per unplanted compensation tree will be required.

Council Approval and a Public Tree Permit is required prior to the removal of Public Trees. Work conducted around any Public Trees will require a Tree Permit.

Compensation for Public Trees to be removed has been calculated using the Aggregate Caliper Method (ACM) as per City of Burlington Urban Forestry and Landscape Pre-Consultation comments (dated May 21, 2021). A total of twenty-one (21) 50mm caliper trees are required as compensation for the Public Trees to be removed; space limitations of the Subject Site restrict the ability to plant compensation trees therefore a cash-in-lieu payment will be required.”

5.2 Acoustical Feasibility Study & Addendum Letter

The following is the conclusion from the Noise Feasibility Study Addendum Letter prepared by HGC Engineering, dated July 10th, 2024.

“An updated traffic noise assessment was prepared by HGC Engineering. The results indicate that with suitable noise controls incorporated into the building such as air conditioning and upgraded exterior building façade constructions, the indoor sound levels will meet MECP Guideline NPC-300 and the development is therefore feasible from a noise perspective. Warning clauses will also be required to inform future residents of the traffic noise impacts and the presence of nearby commercial and industrial facilities. For more information on the noise control recommendations, refer to the Addendum Letter to the Noise Feasibility Study.”

5.3 Environmental Site Assessment, Phase 1 & Update

The following is a summary of the Environmental Site Assessment Update, dated June 24, 2024, provided by Toronto Inspection Ltd.:

"*Toronto Inspection Ltd.* completed a Phase One Environmental Site Assessment Update (Phase One ESA Update) report on June 24, 2024, for a property located at 35 Plains Road East in Burlington, Ontario (hereinafter referred to as the 'Site' or the 'Phase One Property'). The Phase One ESA Update was conducted in general accordance with Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Environmental Protection Act, (O. Reg. 153/04 as amended). It is understood that this Phase One ESA Update was conducted as part of the requirements for an OPA/ZBA for a 12-storey building with 161 units and ground floor retail. The Phase One Property is a rectangular-shaped property, with a total area of approximately 1,992.0 m^2 (0.20 ac).

A previous Phase One ESA report prepared by *Toronto Inspection Ltd.* for 2816544 Ontario Inc., dated July 14, 2022, was reviewed as part of the Phase One ESA Update report. Based on the findings of this Phase One ESA, no further investigation was recommended at that time. A review of the updated information or documents from ERIS, TSSA, and the MECP, indicated that no new records were found to contribute as a PCA, resulting in Areas of Potential Environmental Concerns (APECs) at the Phase One Property based on the orientation, the inferred groundwater flow in the Study Area, nature of the records and/or distance.

A site reconnaissance was conducted by the client on May 9, 2024. Based on a comparison to the findings of the site reconnaissance conducted as part of the 2022 Phase One ESA and the current site reconnaissance, the land usage for the adjacent and neighbouring properties of the Phase One Property were found to the be the same.

No other notable items of environmental concern, outside of those identified during the Phase I ESA site reconnaissance conducted in 2022, were observed during the site reconnaissance for this Phase One ESA Update. No further investigation is required at the time of this Phase One ESA Update."

5.4 Functional Servicing and Stormwater Management Report

The following is a summary of the Servicing and Stormwater Management plans provided by Schaeffers Consulting Engineers based on their Functional Servicing and Stormwater Management Report dated July, 2024:

"This document has provided detailed information on the functional servicing and stormwater management plan for the subject site, indicating the City's criteria is met.

- A stormwater management plan can be implemented to meet quantity, quality and water balance requirements. On-site controls are required to ensure the allowable release rate from the site to the existing 1200mm dia. storm sewer on Cooke Blvd is not exceeded. The municipal storm sewer system will not be adversely affected by the post-development conditions, as the total rate of stormwater released from this site should decrease. Water balance requirements will be met via the implementation of a rainwater harvesting system.
- No permanent groundwater dewatering is proposed for the site per the hydrogeologist. Short term discharge of stormwater, rainfall, during construction has been proposed to discharge to the existing 1200mm dia. storm sewer on Cooke Blvd.
- Sanitary servicing of the subject site will be provided through Plains Road East via a proposed 200mm diameter pipe connection off the existing 250mm sanitary sewer. Downstream upgrades are required for the area at large, specifically on Plains Road East (Cooke Blvd. to Lasalle Park Rd.).
- Water servicing of the subject site will be provided off the existing 300mm diameter watermain on Cooke Boulevard. Hydrant testing has indicated sufficient pressure and flows are available to service the subject site."

5.5 Pedestrian Level Wind Study

The following is a summary of the wind conditions provided by Gradient Wind Engineering based on their Pedestrian Level Wind Study dated July 4th, 2024:

“A complete summary of the predicted wind conditions is provided in Section 5 of the Pedestrian Level Wind Study report (GW-24-102-WTPLW), and is also illustrated in Figures 2A-4B, as well as Tables A1-A2 and B1-B2 in the appendices. Based on wind tunnel test results, meteorological data analysis, and experience with similar developments in the area, we conclude that wind conditions, with respect to the future scenario over most grade level pedestrian-sensitive areas within and surrounding the development site, will be acceptable for the intended pedestrian uses on an annual and seasonal basis. Exceptions include walkways and secondary access points near the northwest corner of the building, for which mitigation is recommended as described in Section 5.2 of the report. Additionally, to ensure the entire rooftop outdoor amenity terrace is suitable for sitting during the warmer months, mitigation is recommended as described in Section 5.2 of the report.”

The recommendations for wind mitigation resulting from this report have been incorporated into the proposed design of the building. These changes are described in more detail in the Urban Design Brief prepared by KFA Architects + Planners Inc. and submitted under a separate cover as part of this application.

5.6 Sun/Shadow Study

A Sun/Shadow Study was prepared by KFA Architects + Planners Inc. in accordance with the City of Burlington Shadow Study Guidelines and Terms of Reference, 2020.

The results of the Sun/Shadow study are explored in the Urban Design Brief prepared by KFA Architects + Planners Inc. and submitted under separate cover as part of this application.

5.7 Transportation Impact Study

The following is a summary of the Transportation Impact Study provided by Nextrans Consulting Engineers dated August 22nd, 2024:

“The proposed development will generate 49 two-way trips (19 in, 30 out) and 75 two-way trips (41 in, 34 out) in the weekday AM and PM peak hours, respectively. The resulting total non-auto site trip generation (transit, walk, cycle) for the proposed development will yield 28 two-way trips (24 in, 4 out) and 27 two-way trips (10 in, 17 out) in the weekday AM and PM peak hours, respectively. The Waterdown Road and Plains Road East intersection and the Cooke Boulevard and Masonry Road intersection will operate above capacity and failing levels of service in the future background conditions in the AM and PM peak hours due to a significant increase in traffic volumes primarily from a number of background developments located within and nearby the Aldershot GO MTSA. The overcapacity and failing levels of service continue into the future total condition for both peak hours. Traffic control signalization of the Cooke Boulevard and Masonry Road intersection is recommended for the AM and PM peak hours to mitigate the overcapacity and failing levels of service despite being technically not warranted based on a signal warrant analysis. Traffic signal optimization of the Waterdown Road and Plains Road East intersection is recommended to improve intersection operations in the AM and PM peak hours. However, the intersection will continue to operate above capacity in the AM and PM peak hours.

The City is recommended to monitor the Waterdown Road and Plains Road East intersection and the Cooke Boulevard and Masonry Road intersection for critical intersection movements and make adjustments as necessary, when the proposed development and other developments in the area are fully built out and occupied. Recommended TDM measures will minimize the potential traffic impact of the development and support active transportation and transit and reduce the reliance on single-occupant vehicle trips.

In addition to meeting the vehicular parking requirements of the site-specific zoning by-law, a provision of 103 bicycle parking spaces will be provided that meets the zoning by-law requirements and Community Permit Plan as approved recently in principle by City Council for MTSAs. Transportation Demand Management measures noted within the TIS are recommended to be implemented for the subject development to support a reduction in single occupancy vehicle trips and encourage alternative forms of transportation conducive to Aldershot MTSA.”

5.8 Urban Design Study

A detailed urban design analysis is presented further in the Urban Design Brief, submitted under separate cover as part of this application. The document discusses the built form of the area and purpose behind the site design. It also discusses municipal urban design guidelines for mixed-use mid-rise buildings and the sustainable buildings and development guidelines.

5.9 Urban Design Panel Feedback

A meeting with the City of Burlington Urban Design Panel ("BUD") is required prior to the submission of a development application. The subject property had previously had a BUD meeting to consider the development of a 9-storey mixed-use building on the subject lands. The site has since been reconsidered to 12-storeys after the project team and owners had a meeting with the City and Regional Staff to discuss the redevelopment potential of the site to meet the community's housing needs.

The meeting was held virtually on May 31st, 2024 with the Urban Design Panel in full attendance. The detailed BUD meeting minutes and responses to the feedback are provided in the Urban Design Brief, submitted under separate cover as part of this application.

The following three focus areas were analyzed in the BUD meeting. The design responses to the BUD meeting comments is provided in Section 4.5 of the Urban Design Brief, submitted under separate cover as part of this application:

Building Massing

- Clarification on overall sustainability measures of building materials, parking garage and site design. Addressed that materiality could be adjusted for a better sustainable design – too much glazing, dark materials, etc;
- Panel felt the projected balconies at the tower level weaken the separation between the tower and podium;

Site Circulation and Entrance

- Clarification on turning radius of Cooke Boulevard onto Plains Road East;
- Panel also felt the underground parking garage ramp entrance felt tight in the space and to consider switching location with loading dock;

Public Realm and Shadows

- Clarification required on the removal of street trees along Plains Road East;
- Reconsider setbacks of the podium and tower;
- Create a stronger public facing interface along Plains Rd and Cooke Boulevard to re emphasize the pedestrian experience;
- Reconsider retail entrances and design for increasing use and seating;
- Panel proposed increasing the residential parking spaces provided per unit given the mix of bedrooms per dwelling unit;
- Reconsider site design to feature more sunlight within each unit, specifically for units facing the west.

6.0 COMMUNITY ENGAGEMENT

6.1 Overview

As part of the complete application requirements, it was determined that a Pre-Submission Public Engagement Meeting was to be coordinated with the Mayor's and Councillor's office.

The virtual Community Engagement Meeting was held on the evening of Monday, June 10, 2024 between 6:00 p.m. to 8:00 p.m. to discuss the proposal to amend the Official Plan and Zoning By-law at the subject lands.

Notices were posted for approximately two weeks in advance for residents living in the surrounding area for registration to attend. Members of the public attended the meeting in addition to The Panel, consisting of members of the consultant team, City Staff (Community Planning), Councillor Galbraith, as well as Mayor Meed Ward.

The meeting began with an overview of the planning process presented by City of Burlington Planning staff. This was followed by the presentation prepared and presented by KFA Architects + Planners Inc. to discuss the development potential, provide the design proposal, and discuss the development impacts. The meeting concluded with a Question & Answer period from the community members and any closing remarks form the panel.



Figure 28 – Current Status within the Planning Process

6.2 Meeting Outcome

Key feedback from the meeting related to reconsidering parking counts for both residential and visitor parking. The community felt that both of these paring rates were too low to accommodate the increased vehicle trips generated to and from the property.

These concerns have been considered, however, the proposed counts are in line with the Provincial, Regional, and Municipal policies as they relate to the provision of parking within Major Transit Station Areas. The community also requested a response from City Staff, who reiterated the policy goals of reducing car dependency and increasing modal split within the Aldershot GO MTSA. The area is also considered well serviced by public and active transportation infrastructure, including bus lines and a bike lane along Plains Road East, paired with a proposed widening of the pedestrian right of way along the property frontage. Further comments regarding the parking counts are addressed in the Transportation Impact Assessment, summarized in Section 5.7 of this report and included under separate cover as part of this application.

In addition to the parking counts, the community raised concerns over the ownership of the land and how long the land had remained vacant. The presenter explained a portion of the planning history, as well as the housing market conditions that required the owner to alter the development proposal. Mayor Meed Ward commented to reiterate that market conditions had created a financial environment in which approved developments were unable to be built.

The above noted public input was considered relative to vehicular parking, but ultimately the parking rates are supported through the relevant policy and are not being considered for change at this time. Once the application has been submitted, further public consultation will be conducted under the requirements of the Planning Act.

7.0 CONCLUSION

As summarized below, the proposal is consistent with the Provincial Planning Statement and achieves a range of policy objectives outlined in the ROP and BOP. It encourages compact, transit-oriented development within and MTSA and will enhance the investments made into the public and active transportation networks.

Intensification to Support Mixed-use Nodes

The proposed development provides a mix of residential and commercial retail uses on the currently vacant site that is designated “Urban Corridor” in the BOP and is located at the intersection of Plains Road East and Cooke Boulevard. The proposed development provides intensification in the form of a mid-rise built form; supported by community nodes, including the Hidden Valley Park and will contribute to a more balanced mix of land uses that support the existing commercial uses along Plains Road East and Cooke Boulevard. The proposed development will allow for an appropriate intensification for housing supported by a mix of uses and enhanced public realm to reach Regional density targets of residents and jobs. The proposed development includes 161 residential units and 458.864 square metres of commercial-retail space along Cooke Boulevard. The proposal provides an appropriate intensification within the Aldershot GO MTSA, planned to achieve a density target of 150 people and jobs combined per hectare.

Range of Housing Options

The proposed development offers a range of unit sizes to support the future needs of the community, which is planned within the existing Aldershot GO MTSA. The development features the addition of 161 new residential units to the area, including a unit mix consisting of 82 one bedroom units (51%), 8 one-bedroom + den units (5%), 45 two-bedroom units (28%), 9 two-bedroom + den units (6%), 16 three bedroom units (10%), and 1 studio unit (1%).

Amenity Space

The proposed development also enhances the overall site conditions by providing for indoor and outdoor amenity space located on the rooftop area and balcony levels. Indoor amenities are well connected to the outdoor amenity spaces. Indoor amenity space is totaled at 104 square metres, while outdoor amenity space totals 1,356.1 square metres.

Transit-Oriented Development

The proposed development is located within the Aldershot GO MTSA and will provide a range of transit-supportive uses, including the mid-rise massing with at-grade commercial retail units that help serve as a visual node for the existing and future residents within the MTSA. The proposal is also supportive of multi-modal transportation with the long-term and short-term cycling infrastructure proposed along Plains Road East and at the P1 level.

The site plan is developed with a proposed bus stop along Plains Road East to prioritize convenience for future residents and is consistent with increasing the number of future transit users within walking distance of the Aldershot GO Station services including the VIA Rail.

Built Form and Massing

The proposed development has been massed and designed to be consistent with the neighbouring built context surrounding the area, specifically with the design of the retail frontage onto Cooke Boulevard. The building consists of the retail unit base designed to provide an attractive pedestrian experience along Plains Road East and Cooke Boulevard. The middle is designed with the strategic placement of inset and projected balconies that provide private amenity area. The top of the building includes the rooftop terrace and green roofs. The overall building design engages surrounding contexts and creates a positive relationship between the built form and the human scale along the public realm.

7.1 Planning Summary

Based on the information outlined in this Planning Justification Report and the findings identified in the supporting technical reports and studies, we believe that the proposed development and associated Official Plan and Zoning By-law Amendments represent an appropriate redevelopment of the subject property.

The proposal represents good planning due to the subject property's location, access to existing transportation and transit connections, provision of a mix of appropriate uses, community amenities, and its adherence to an array of applicable design guidelines and criteria outlined by the City of Burlington.

The proposal achieves the following:

- The Official Plan and Zoning By-law Amendments align with the Provincial Planning Statement (2024);
- The Official Plan and Zoning By-law Amendments align with the vision and policy objectives of the Region of Halton Official Plan, City of Burlington Official Plan, and the City of Burlington 'New' Official Plan;
- The subject property follows the minimum density targets set by Regional Official Plan Amendment 48 for Aldershot GO MTSA by providing new residential and commercial amenities;
- Aligns with the transit-oriented and transit-supportive policies within the City of Burlington's Major Transit Station Area Specific Plan Report and Mobility Hubs Opportunity and Constraints Study;
- The proposal implements a community centered approach to planning, leading change from lower density, auto-oriented, employment areas into transit-oriented, mixed-use, complete communities; and,

- The subject property features an appropriate massing and design on a underutilized site that balance and mitigate the heights of the neighbouring proposals within the area;

It is our professional opinion that the proposal is an appropriate and desirable use of the subject property, which will support the creation of complete communities and is representative of good planning. The combined Official Plan Amendment and Zoning By-law Amendment should therefore be approved.

APPENDIX A

AMENDMENT NO. XXX TO THE OFFICIAL PLANOF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment as contained in Part B of this text constitute Amendment No. XXX to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of the amendment is to amend the site-specific policies for 35 Plains Road East. The redesignation of the property will facilitate the development of a 12-storey mixed use building consisting of at-grade retail and service commercial uses with 161 residential units above.

2. SITE AND LOCATION

The subject lands are located on the north side of Plains Road East, east of Waterdown Road and on the west side of Cooke Boulevard. The site has an area of 0.20 hectares (0.49 acres) and is currently vacant. The policies apply to 35 Plains Road East on a site-specific scale, as detailed in the respective policies.

Surrounding land uses include a range of office and industrial uses that front onto Cooke Boulevard. Northwest of the subject property is zoned MXE (Mixed Use Employment) Zone and is developed with single detached residential dwellings fronting onto Waterdown Road. The south side of Plains Road East is developed with a mix of residential and commercial uses with a six-storey apartment to the south of the subject property.

3. BASIS FOR THE AMENDMENT

Mixed use corridors and future mixed-use areas such as mobility hubs will have a role in accommodating job growth and population growth. Mixed use areas along main roads with access to transit will contribute to intensification and support the long-term sustainability of the city.

a) The subject application proposes residential intensification that is consistent with the Provincial Policy Statement (PPS). The PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of public transit.

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b) Directing intensification to areas in proximity to transit and intensification corridors and providing policies that identify the appropriate type and scale of development assist the City in achieving its intensification targets and meet the intent of the Provincial “Places to Grow” Growth Plan and the Region of Halton Official Plan.

c) The redesignation of the property to permit a higher density midrise building form supports the city’s residential objectives to broaden the range of housing forms to meet city needs and address compatibility with surrounding properties.

d) The applicant submitted technical studies and reports that provide adequate and appropriate information to support the development.

e) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities in keeping with Official Plan policies to provide housing opportunities in locations that can reduce travel times and decrease dependence on the car.

f) The development is designed with its principle access on a collector road that can accommodate the traffic.

g) The subject site is also part of the Council-endorsed Aldershot Mobility Hub. Mobility Hubs consist of major transit stations and the surrounding area. Detailed area-specific plans for each of the City’s four mobility hubs will comprehensively plan for the future redevelopment and intensification of these areas. Establishing a site-specific Official Plan amendment is a decision required by the development application process in advance of an area-specific plan for the Aldershot Mobility Hub.

h) The provision of residential uses is appropriate because the proposal is in keeping with the diverse land uses along the Mixed-use corridor. After a consideration of possible environmental impacts of adjacent uses, this site is considered appropriate for higher density residential infill and compatible with the Aldershot Mobility Hub.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

No map change is proposed.

Text Change:

The text of the Burlington Official Plan, 2020, as amended, is hereby amended as follows:

1.) To amend the following policy m) in Part III, Land Use Policies – Urban Planning Area, Section 5.0, Mixed-Use Activity Area, 5.3.3, Mixed Use Corridor – Commercial Corridor, by amending the reference to (ii) and (iii) such that subsection m) reads as follows:

35 Plains Road East	m) Notwithstanding the use, height, *floor area ratio* and design policies contained in Part III, Subsections 5.3.2 a), d) and g) and Part III, Subsections 5.3.3.2 b) and e) of this Plan, for the property identified as 35 Plains Road East, the following policies *shall* apply: (i) A mixed-use building consisting of residential and at-grade retail or service commercial *shall* be permitted; (ii) the maximum building height *shall* be 12 storeys; (iii) the maximum *floor area ratio shall* be 6.8:1.

2. INTERPRETATION

This Official Plan amendment shall be interpreted in accordance with the "Interpretation" policies of Section 3.0, Interpretation, of Part VI, Implementation of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan amendment shall be implemented in accordance with the appropriate "Implementation" policies of Part IV of the Official Plan of the Burlington Planning Area.

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APPENDIX XX –

BY-LAW NUMBER 2020.XX, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.384

A By-law to amend By-law 2020, as amended; for 35 Plains Road East, File No.: 520-xx/xx

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XXXXXX on click here and enter date of approval, to amend the City's existing Zoning By-law 2020, as amended, to permit a 12-storey mixed use building with a total of 161 residential units and approximately 458.86 m² of commercial/retail floor area use for the lands located at 35 Plain Road East, Burlington;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 3-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from Mixed-Use Corridor - Commercial (MXC-470) to Mixed-Use Corridor - Commercial (MXC-XXX).

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended as follows:

   Delete Exception 470

   Replacing it with Exception XXX as follows:

   Past Exceptions for zone Designations:

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Exception 470	Zone MXC-470	Map 3	Amendment 2020.384	Enacted (date)

1. Regulations for an Apartment Building:

(a) Yard abutting Plains Road East	(i)	1st storey: 3.5 m maximum Other storeys: 1.8m
	(ii)	Balconies may not encroach into a yard abutting Plains Road East
	(iii)	
(b) Yard abutting Cooke Boulevard:	(i)	1st storey: 3.5 m maximum Other storeys: 1.3 m
	(ii)	Balconies are permitted within a yard abutting Cooke Boulevard
	(iii)	
(c) Balcony setbacks abutting Cooke Boulevard:	(i)	2nd storey: 1.3m
	(ii)	3rd to 8th storeys: 0.5m
(d) Distance from the hypotenuse of a daylight triangle for a building or balcony:		0 m
(e) Underground parking garage setbacks:	(i)	Abutting Cooke Boulevard: 0 m
	(ii)	Abutting all other lot lines: 0.2 m
(f) Number of units:		72 units maximum
(g) Floor area ratio:		4.4:1 maximum
(h) Commercial floor area:		A minimum of 220 m² of retail or service commercial must be provided on the ground floor of an apartment building.
(i) 9th storey:		In addition to an outdoor amenity area, a maximum of 275 m² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.
(j) Landscape area abutting a street:		0 m

(k) Building height:	9 storeys to 34 m maximum
(l) Building height first storey:	6 m
(m) Occupant parking spaces:	86 spaces including 4 accessible spaces.
(n) Visitor and non-residential parking spaces:	6 shared spaces including 2 accessible spaces.
(o) Amenity Area	1240 m²

Except as amended herein, all other provisions of this By-law, as amended, shall apply.

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Proposed Exceptions for Zone Designations:

Exception XXX	Zone MXC-XXX	Map 3	Amendment 2020.???	Enacted (date)

1. Regulations for an Apartment Building:

(c) Yard abutting Plains Road East	(i)	1st storey: 3.5 m maximum
	(ii)	Other storeys: 1.8 m
	(iii)	Balconies may not encroach into a yard abutting Plains Road East
(d) Yard abutting Cooke Boulevard:	(i)	1st storey: 3.5 m maximum
	(ii)	Other storeys: 1.3 m
	(iii)	~~Balconies are permitted within a yard abutting Cooke Boulevard~~
(c) Balcony setbacks abutting Cooke Boulevard:	(i)	2nd storey: 1.3 m
	(ii)	3rd to 12th storeys: 1.3 m
(d) Distance from the hypotenuse of a daylight triangle for a building or balcony:		0 m
(e) Underground parking garage setbacks:	(i) (ii) (iii)	Abutting Cooke Boulevard: 0.25 m Abutting Plains Road East: 0.45 m Abutting all other lot lines: 0.45 m
(f) Number of units:		161 units maximum
(g) Floor area ratio:		6.8:1 maximum
(h) Commercial floor area:		A minimum of 452 m² of retail or service commercial must be provided on the ground floor of an apartment building.
(i) Rooftop:		In addition to an outdoor amenity area, a maximum of 290 m² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.
(j) Landscape area abutting a street:		0 m

(k) Building height:	12 storeys to 42.5 m maximum
(l) Building height first storey:	6 m
(m) Occupant parking spaces:	110 spaces including 4 accessible spaces.
(n) Visitor and non-residential parking spaces:	6 shared spaces including 1 accessible space and 2 car share spaces.
(o) Amenity Area	1556.02 m²

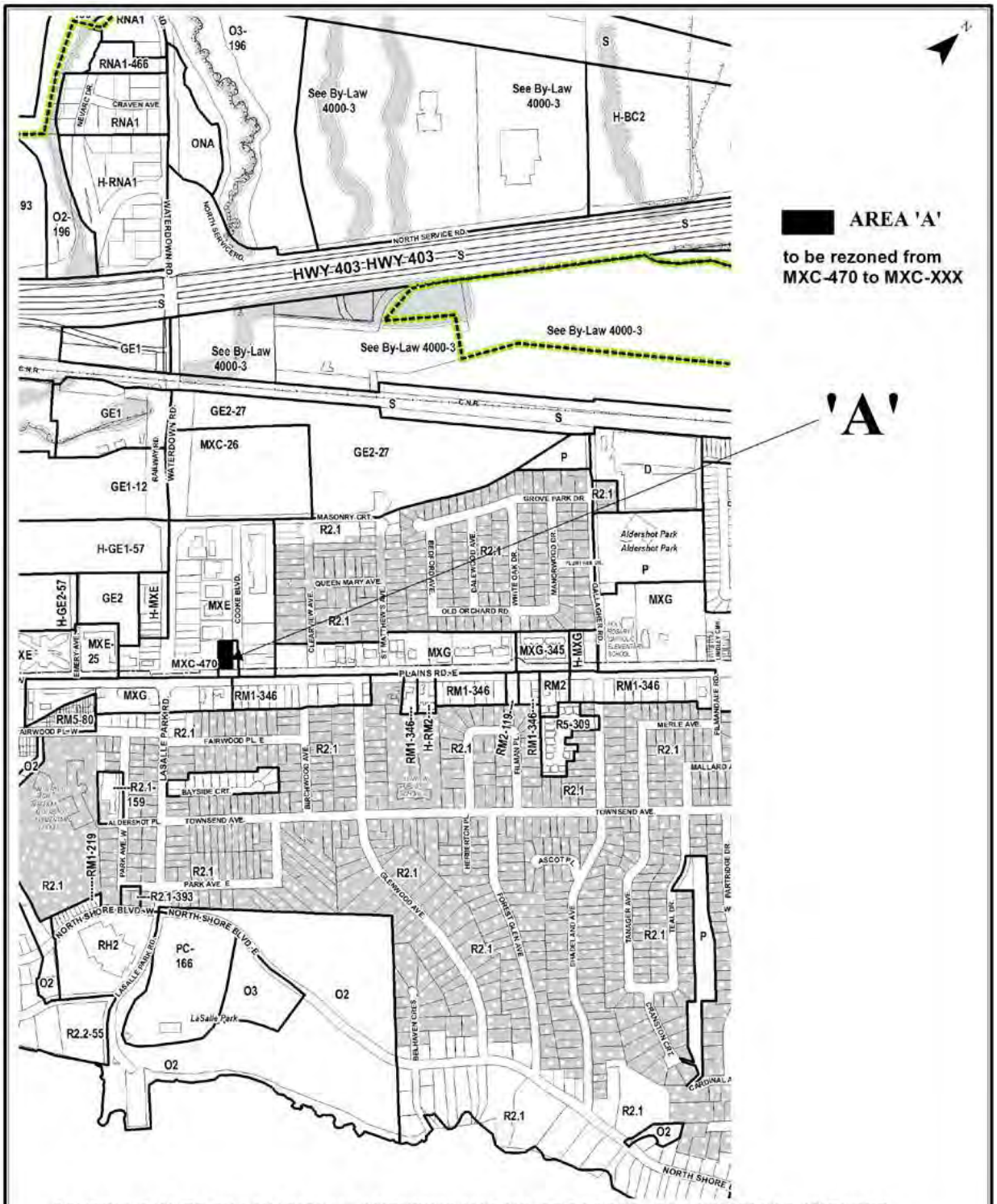
Except as amended herein, all other provisions of this By-law, as amended, shall apply.

ENACTED AND PASSED this ……..day of …… 202 .

_____MAYOR

_____CITY CLERK

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AREA 'A'
to be rezoned from MXC-470 to MXC-XXX
'A'
HWY 403
NORTH SERVICE RD
See By-Law 4000-3
MXC-470
MXC-26
MXG
MXG-345
MXE
MXE-25
GE1
GE2
GE2-27
GE1-12
H-GE1-57
H-GE2-57
H-MXE
H-MXG
RM1-346
RM2
RM5-80
R5-309
R2.1
R2.1-159
R2.1-393
RM1-219
RH2
PC-166
O2
O3
P
D
H-BC2
ONA
RNA1
RNA1-466
H-RNA1
O3-196
O2-196
Aldershot Park
LaSalle Park
PLAINS RD E
FAIRWOOD PL E
TOWNSEND AVE
NORTH SHORE BLVD E
NORTH SHORE BLVD W
WATERDOWN RD
LASALLE PARK RD
QUEEN MARY AVE
OLD ORCHARD RD
GROVE PARK DR
MASONRY CRT
BAYSIDE CRT
ALDERSHOT PL
PARK AVE E
PARK AVE W
MERLE AVE
GLENWOOD AVE
FOREST GLEN AVE
ASCOT PL
HERBERTON PL
TANGIER AVE
TEAL DR
CRANSTON CRES
BELHAVEN CRES
CRANSTON CRT
CARDINAL
PARTRIDGE DR
MALLARD
SCHEDULE 'A' TO BY-LAW 2020.xxx AMENDING MAP NO. 3E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE DAY OF
MAYOR
CITY CLERK
City of Burlington
Planning and Building Department

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XX

By-law 2020.XX rezones' lands on 35 Plains Road East to permit the development of a twelve storey building with 161 residential units and commercial uses on the street level..

For further information regarding By-law 2020.XX, please contact Thomas Douglas of the Burlington Community Planning Department at (905) 335-7600, extension 7811.

DRAFT

APPENDIX B

DEVELOPMENT APPLICATION PRE-CONSULTATION FORM

Meeting Date: August 9, 2023	**Site Address:** 35 Plains Road East
Property Owner: 2816544 Ontario Inc.	**Applicant / Address / Phone / Email** Kosta Derbish 197 Spadina Avenue Toronto, ON M5T 2C8 kderbish@Kfarchitecture.com (416)801-8917
Site Area: 0.19 ha	

APPLICATION TYPE (check applicable applications):

Local Official Plan Amendment	**X**	Zoning By-law Amendment	**X**	Plan of Subdivision		Parkway Belt Amendment	
Other Application							

1. **Brief description of proposed development:**
One (1) Mixed Use building of eleven (11) storeys. The building includes 385.76 m² of at-grade retail space, 94 residential units and roof top amenity space. The proposed density is of approximately 471.88 units per net hectare (based on a site area of 1,992m² with a development of 94 units). Two (2) levels of underground parking are proposed with 92 vehicle parking spaces including 87 residential spaces of which 4 are accessible spaces, 9 commercial/visitor spaces of which 2 are accessible spaces as well as 75 bicycle parking spaces including 68 spaces for residential units located underground and 7 spaces for visitor located at-grade.

2. **Conformity with Regional Official Plan Designation?** YES X NO _____

Has an application been made to amend the Regional Official Plan: YES _____ NO x

3. **1997 Official Plan Designation:** Mixed Use Corridor – Commercial Corridor

Conformity with 1997 Official Plan land use designation? YES _____ NO X

If 'NO' what is the nature of the OP amendment needed? Floor Area Ratio and Height

4. **2020 Official Plan Designation:** Urban Corridor

Conformity with 2020 Official Plan land use designation? YES _____ NO X

If 'NO' what is the nature of the OP amendment needed? Floor Area Ratio and Height

5 **Existing Zoning:** Mixed Use Commercial (MXC-470)

Conformity with existing zoning? YES _____ NO X

If 'NO' what is the nature of the zoning amendment needed? Floor Area Ratio, number of units, height, parking, amenity area, setbacks.

6. Design Guidelines in effect? YES ___X___ NO _____

Name of Design Guidelines Pedestrian Level Wind Study Guidelines, Shadow Study Guidelines, Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings, Sustainable Building and Development Guidelines, Plains Road Corridor Urban Design Guidelines

7. Is the property listed in Municipal Heritage Register, designated under the Ontario Heritage Act or adjacent to a designated property?

YES _____ NO ____X____

Please note the property adjacent to the subject lands on the south-east property line is not designated yet it is listed under the registry

8. Fees Required at Time of Application

APPLICATION	CITY	REGION	CONSERVATION HALTON
Official Plan Amendment:	$118,030.00	$8,892.87	--
Rezoning - Base Fee: (70% if combined) Rezoning - Variable Fee:	$23,370.00 $1,394.40	$1,048.96 --	--
Subdivision - Base Fee: Subdivision - Variable Fee:	-- --	-- --	-- --
TOTAL	$142,794.40	$9,941.83	--

Fees are based on a rezoning and redesignation for the existing vacant land to permit a 1-storey mixed use building of 11 storeys on a site with an area of 1992 m².

Separate payments are required for the City, Halton Region and Conservation Halton

9. Additional Agencies to be contacted: Burlington Hydro, Hydro One, Union Gas, Metrolinx

10. Pre-Application Public Consultation Meeting

Is a pre-application consultation meeting required?

YES ___X___ NO _____

The following steps must be completed if a Pre-Application Public Consultation Meeting is required:

- *The consultation meeting is to be organized by the proponent and must be held before the application is submitted.*
- *Circulation of the meeting invitation to residents and tenants within 120 metres of the development site will be completed by the City for a fee. Provide the required materials to the City at least one month prior to the meeting. Notice must be sent a minimum of 21 days in advance of the meeting.*
- *Please notify the Ward Councillor, Mayor, and the Coordinator of Development Review of the date, time & location of the meeting. Be sure your meeting location is accessible and close to the development site.*
- *During the meeting, provide a detailed overview of the development proposal and allow time for questions and comments from the public. Planning staff will provide an overview of the development application review process. Take notes of the discussion.*
- *As part of a complete application, you must provide consultation meeting minutes which include a written summary of public input received at the meeting. As part of the Planning Justification Report, you must explain how this public input was considered and used to modify the development proposal.*

11. Community Benefits

Is this an application for a building of five (5) or more storeys and ten (10) or more residential units?

YES ___X___ NO _____

If "YES" Community Benefits **may be** required. Please consult City of Burlington By-law 66-2022, Community Benefits Charges.

12. Required Information for Complete Application

1)	Completed Application Form	**Required**
2)	Fees for the processing of planning application(s)	**Required**
Supporting Reports, Studies, Plans **In accordance with Policies contained within 11.1.2 of the City's Official Plan, all identified materials must be submitted in accessible PDF format consistent with the City's standards and the standards of <u>The Accessibility for Ontarians with Disabilities Act</u> before an application is deemed complete.**		**Required (Yes/No)**
i.	Planning Justification Report, including employment or residential needs analysis, where required	**Yes**
ii.	Land Assembly Documents	**No**
iii.	Survey and Severance Sketch, prepared by an Ontario Land Surveyor	**Yes**
iv.	Land Use Compatibility Study	**No**
v.	Retail and Service Commercial Needs Assessment	**No**
vi.	Financial Impact Study	**No**
vii.	Housing Impact Statement	**No**
viii.	Park Concept Plan	**No**
ix.	Agricultural Impact Assessment	**No**
x.	Social Impact Assessment	**No**
xi.	Archaeological Report	**No**
xii.	Heritage Impact Study	**No**
xiii.	Cultural Heritage Landscape Impact Assessment	**No**
xiv.	Conceptual Site Plan Layout	**Yes**
xv.	Architectural Plans	**Yes**
xvi.	3-D Model of Proposed Buildings	**Yes**
xvii.	Burlington Urban Design Advisory Panel (BUD) Comments	**Yes**
xviii.	Height Survey of Adjacent Buildings	**No**
xix.	Angular Plane Study	**Yes**
xx.	Shadow Analysis Plan	**Yes**
xxi.	Wind Impact Study	**Yes**
xxii.	Arborist's Report	**Yes**
xxiii.	Tree Inventory and Preservation Plan	**Yes**

xxiv.	Landscape Plan	**Yes**
xxv.	Water & Wastewater Functional Servicing Report	**Yes**
xxvi.	Hydrogeology Study / Water Budget & Hydrology Study	**No**
xxvii.	Source Protection Disclosure Report	**No**
xxviii.	Noise Feasibility Study / Vibration Study	**Yes**
xxix.	Transportation Impact Study	**Yes**
xxx.	Transportation Demand Management Plan and Implementation Strategy	**No**
xxxi.	Parking Justification Report	**Yes**
xxxii.	Storm Water Management Report / Functional Drainage Report, Storm Services Plan and Flooding Hazard Delineation and/or Grading and Drainage Plans	**Yes**
xxxiii.	Environmental Impact Assessment	**No**
xxxiv.	Top-of-bank Demarcation / Slope Stability Assessment / Creek Erosion Assessment / Geomorphic Study	**No**
xxxv.	Shoreline Hazardous Land Studies	**No**
xxxvi.	Geotechnical Report	**No**
xxxvii.	Phase One Environmental Assessment	**Yes**
xxxviii.	Phase Two Environmental Assessment / Record of Site Condition	**Yes (unless demonstrated otherwise)**
xxxix.	Landfill Assessment	**No**
xl.	Sustainable Building and Development Guidelines Checklist	**Yes**
xli.	Phasing Strategy for Development of Retail and Service Commercial Uses	**No**
xlii.	Public Consultation Strategy	**No**
xliii.	Response to Comments Received at a Community Meeting Held in Advance of a Formal Development Application	**Yes**
xliv.	Comprehensive Block Plan	**No**
xlv.	Urban Design Brief	**Yes**
xlvi.	Tenant Relocation and Assistance Plan	**No**
xlvii.	**Other** Environmental Site Screening Checklist Draft Official Plan Amendment & Draft Zoning By-law Amendment Waste Management Report Construction Mobility Management Plan (CMMP)	 **Yes** **Yes** **Yes** **Yes**

13. ADDITIONAL REQUIREMENTS: See attached meeting notes & application checklist

NOTES:

1. **The applicant may request a Technical Preconsultation prior to submission of the application. This optional process involves electronic submission of the draft materials and a preliminary municipal review to determine whether there are technical issues which could be resolved prior to formal submission of the application.**

2. **Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.**

3. **The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Burlington to either support or refuse the application.**

4. **This document expires 180 days from the date of signing or at the discretion of the Director of Community Planning. Please note that development application fees may change during this period and it is the applicant's responsibility to ensure that the correct fees are paid at time of application.**

5. **Beyond 180 days, but prior to 1 year from the date of signing, proponents may submit a request to have this document updated for an additional 180 days. A detailed changed matrix must accompany an update request. Beyond 1 year from the date of signing of the original pre-consultation form, a new pre-consultation request must be submitted.**

6. **In the event this Pre-consultation Document expires prior to the application being accepted by the City, another meeting will be required.**

7. **The applicant acknowledges that submission requirements are subject to change and that additional reports, studies, plans or information may be required beyond what is identified within this document in advance of an application being deemed complete.**

8. **The City may require the peer review of any technical report or study submitted by the applicant. If this is required, the applicant will be advised and will be charged a fee equal to the cost of the peer review.**

9. **Application materials submitted without the information identified in this Pre-consultation Document, or without the supporting technical studies prepared in accordance with the direction provided in Appendix 1, the meeting notes, and the Pre-submission checklist attached to this Document, will be returned to the applicant based on insufficient information to properly evaluate the application.**

10. **The applicant acknowledges that the City considers the application forms and all supporting materials, including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the City copying and releasing the application and any supporting materials either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement.**

11. **It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.**

12. **The applicant must grant permission for municipal and agency staff to visit and access the property while the application is being processed.**

13. **There may also be financial requirements arising from the application, including, but not limited to, park dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, costs for lifting 0.3-metre reserves, and reimbursement for road widening acquisition or road improvements.**

14. **Personal information contained in this form is collected under the authority of the Planning Act, R.S.O. 1990, cP.13, as amended. The information will be used for the purpose of administering the City of Burlington's pre-consultation process on development applications.**

15. **The applicant requests that the information submitted on this pre-consultation form and associated documents be kept confidential. It is understood; however, that an access request may be filed under the Municipal Freedom of Information and Protection of Privacy Act, and information may be subject to release, notwithstanding the request to keep information confidential.**

Staff and Agency Signatures:

Planning Staff	Planning Staff (Signature)	Date
Site Engineering Staff	Site Engineering Staff (Signature)	Date
Site Engineering Staff	Site Engineering Staff (Signature)	Date
Capital Works Staff	Capital Works Staff (Signature)	Date
Transportation Staff	Transportation Staff (Signature)	Date
Regional Staff	Regional Staff (Signature)	Date
Regional Staff	Regional Staff (Signature)	Date
Conservation Halton Staff	Conservation Halton Staff (Signature)	Date

Proponent Sign-off (In Lieu of Signatures):

I acknowledge that the City will require the provision of the drawings, reports and other requirements indicated in Section 11 of the Development Application Pre-Consultation Form, in addition to a completed Application Form, any information or materials required by Statute, the required application fees and a signed copy of this acknowledgement prior to the planning application being deemed complete, pursuant to the *Planning Act* and applicable City of Burlington Official Plan policy. These items should be completed in accordance with the direction in this Development Application Pre-Consultation Form, the attached Notes, and the attached Pre-Submission Document Terms of Reference, in order to allow for the full consideration of the planning application. I have read and acknowledge the Notes listed in Section 12 of the Development Application Pre-Consultation Form. I have authority to bind the Owner.

Property Owner	Property Owner (Signature)	Date
Agent	Agent (Signature)	Date

(I have authority to bind the owner)

APPENDIX ONE: REQUIREMENTS FOR REPORTS/STUDIES AND PLANS

i. Planning Justification Report
A qualified planner (Registered Professional Planner) must submit a signed report providing planning justification for the proposed amendment in light of the objectives and policies of the City's Official Plan and the technical studies accompanying the application. The goal of the report is to document how the proposed departure from the local policies and regulations represents good planning and is in the public interest. The report must include items listed in the attached Pre-Submission Checklist.

ii. Land Assembly Documents
Required for applications where, in the opinion of the Community Planning Department, the assembly of additional lands is required to facilitate orderly development of the area. Applicants are required to submit documentation demonstrating that a reasonable, bona fide offer has been made to acquire such lands.

iii. Survey and Severance Sketch, prepared by an Ontario Land Surveyor
Survey / Reference Plan of site showing PINs, easements, property boundaries etc.

iv. Land Use Compatibility Study
Required for applications proposing sensitive land uses in proximity to existing industrial uses, or proposing industrial uses in proximity to existing sensitive uses, in accordance with 4.6.2 of the City's Official Plan, Part IV, Sections 143 of the Regional Official Plan, and the Ministry of the Environment D-6 series guidelines or other Provincial land use compatibility guidelines.

v. Retail and Service Commercial Needs Assessment
Required in accordance with Chapter 8 of the Official Plan.

vi. Financial Impact Study
Required for a major development application which is deemed to have a potential impact on the City's financial sustainability and which meets the criteria listed in Subsection 6.5.2. of the Official Plan.

vii. Housing Impact Statement
Required for a development proposal which includes more than 100 dwelling units. Required in accordance with Subsection 3.1.1(2) h) of the Official Plan.

viii. Park Concept Plan
Required to illustrate how a parkette, neighbourhood park, community park, city-wide park, special resource area / linkage, and / or privately-owned publicly accessible open space (POPS) could be provided and function on a site in accordance with the applicable policies of Subsection 3.3.2 of the Official Plan.

ix. Agricultural Impact Assessment
Required In accordance with Subsection 9.2.2 (d) of the Official Plan, the Regional Official Plan and Halton Region's 'Agricultural Impact Assessment (AIA) Guidelines'.

x. Social Impact Assessment
Required to analyze, monitor and manage the intended and unintended social consequences of a development proposal, an infrastructure project, a policy or project, or any social change processes invoked by those interventions in accordance with Subsection 6.1.2 h) of the Official Plan.

xi. Archaeological Report
Required for all applications in or near areas of archaeological potential, as determined by the Region of Halton. Reports must be completed in accordance with Provincial requirements, the Regional Archaeological Master Plan and Subsection 3.5.2(5.2) of the City's Official Plan.

xii. Heritage Impact Study
Required where the City foresees potential unacceptable impacts on heritage attributes (including important landscapes, vistas and streetscapes) of a property designated pursuant to The Ontario Heritage Act, or of a property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, in accordance with Subsection 3.5.2(5) of the Official Plan.

xiii. Cultural Heritage Landscape Impact Assessment
Required for a major development or infrastructure proposal within a Cultural Heritage Landscape Study Area Boundary or potential Cultural Heritage Landscape Study Area in accordance with Subsection 3.5.2(5.1) of the Official Plan.

xiv. Conceptual Site Plan Layout
General plan required showing proposed building envelopes, setbacks, driveways, parking and landscape areas.

xv. Architectural Plans
Architectural plans to include floor plans and elevation plans.

xvi. 3-D Model of Proposed Buildings
Required for major development proposals within the City's intensification areas, in accordance with the City's 3D Model Specifications, as amended.

xvii. Burlington Urban Design Advisory Panel (BUD) Comments
The Burlington Urban Design Advisory Panel (BUD) is an independent advisory body comprised of design professionals that provides urban design advice to the Community Planning Department. Advice from BUD will be integrated early in the review process to reinforce the City's expectation for a high standard of design excellence resulting in a more efficient and effective municipal development review. A copy of BUD meeting minutes must be submitted with the application along with a Design Brief explaining how their advice has been incorporated into the development proposal, in accordance with Subsection 12.1.2 (1.2) of the Official Plan.

xviii. Height Survey of Adjacent Buildings
Required for all infill and intensification development applications adjacent to residential properties, in accordance with Subsection 8.3.3(1) e) of the Official Plan. A surveyor's report must identify the highest points of the existing adjoining roofs measured from the existing average grade of the shared property line.

xix. Angular Plane Study
Identifies visual (height & overlook) impacts, sun shadow and wind impacts, and demonstrates how any adverse impacts can be mitigated to acceptable levels in accordance with Subsection 12.1.2 (1.2) of the Official Plan.

xx. Shadow Analysis Plan
May be required to demonstrate the potential shadow impacts of a proposed development on its surrounding context, in accordance with Subsections 7.3.2 and 12.1.2 (1.2) of the Official Plan and in compliance with the City's Shadow Study Guidelines and Terms of Reference.

xxi. Wind Impact Study
May be required to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions, in accordance with Subsections 7.3.2 and 12.1.2 (1.2) of the Official Plan and in compliance with the City's Pedestrian Level Wind Guidelines and Terms of Reference.

xxii. Arborist's Report
Required in accordance with Subsection 4.3.2 of the Official Plan.

xxiii. Tree Inventory and Preservation Plan
Required when a property under application contains woodlots, tree stands or hedgerows, in accordance with Subsection 4.3.2 of the City's Official Plan and Part IV, Sections 146-147 of the Regional Official Plan. A tree survey must be prepared by a qualified professional, identifying all existing trees, their type, size and condition, those trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of those trees to be retained.

xxiv. Landscaping Plan
Required in accordance with Subsections 4.3.2 and 7.3.2 of the Official Plan. The Landscaping Plan must be prepared by a qualified professional (certified member of the Ontario Association of Landscape Architects), identifying the location and general design intent of the proposed plantings, identifies minimum required soil volumes for proposed planting areas and location of any structural soil cell installation areas.

xxv. Water and Wastewater Functional Servicing Report
Required for all applications in urban areas in accordance with Part III, Sections 87-89 of the Regional Official Plan. Municipal (Urban) Servicing Guidelines are available from the Halton Region.

xxvi. Hydrogeology Study / Water Budget & Hydrology Study
Required for all applications in areas subject to private water and septic services, in accordance with Subsections 9.1.2 and 9.5.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Hydrogeological Studies & Best Management Practices for Groundwater Protection Guidelines.'

xxvii. Source Protection Disclosure Report
Required where there would be significant drinking water threats from activities associated with a proposed development, in accordance with Subsections 4.4.2(2) o) and p) of the Official Plan.

xxviii. Noise Feasibility / Vibration Study
Required for applications in accordance with Subsections 4.6 and 6.2.5 (2) of the Official Plan, Part IV, Sections 142-143 of the Regional Official Plan, and for all properties abutting arterial roads. In the case of Regional roads, applicants shall refer to Halton Region's 'Noise Abatement Guidelines'.

xxix. Transportation Impact Study
Required to assess the impact of a proposed development on current travel patterns and/or future multi-modal transportation requirements in accordance with Subsection 6.2.1(2) d) of the Official Plan and Sections 171-173 of the Regional Official Plan. Contact City Transportation Services staff (City roads) or Regional Public Works staff (Regional roads) for background information and to discuss TIS requirements. For Regional roads, applicants shall refer to Halton Region's 'Transportation Impact Study Guidelines.' The Ministry of Transportation must be contacted for development proposals near provincial highways or interchanges.

xxx. Transportation Demand Management and Implementation Strategy
Required for development proposals within Primary, Secondary and Employment Growth Areas and may be required within other areas of the City, excluding Residential Low-Density areas, in accordance with Subsection 6.2.10(2) of the Official Plan.

xxxi. Parking Justification Report
Required for development proposals that are requesting a reduced parking rate in order to assess the potential impacts and appropriateness of reduced parking rates, in accordance with Subsection 12.1.2 (1.2).

xxxii. Stormwater Management Report / Functional Drainage Report, Storm Services Plan and Flooding Hazard Delineation and/or Grading and Drainage Plans
Required for development proposals in accordance with Subsections 4.4.2(2) and 12.1.2 (1.2) of the Official Plan to understand and mitigate the effects of urbanization / development on the hydrologic and hydraulic cycle including increased runoff, and decreased infiltration or rain and snowmelt.

xxxiii. Environmental Impact Assessment
Required in accordance with Subsection 4.2.4 of the Official Plan, the Regional Official Plan and the Region's Environmental Impact Assessment Guidelines to demonstrate that a proposed development or site alteration will result in no negative impacts to the City's Natural Heritage System, its ecological functions, or hydrologic functions, to sensitive surface water features, or groundwater features or their hydrologic functions, or to key natural features.

xxxiv. Top-of-bank Demarcation / Slope Stability Assessment / Creek Erosion Assessment / Geomorphic Study
Required for applications on any property containing, or abutting a creek or valley feature, Lake Ontario or Burlington Bay shoreline, in accordance with Subsection 4.4.2 (3) of the Official Plan.

xxxv. Shoreline Hazardous Land Studies
Required in accordance with Subsection 4.5.1(2) of the Official Plan for applications along Lake Ontario and Burlington Bay/Hamilton Harbour.

xxxvi. Geotechnical Report
Required for proposals with underground parking structures or to determine stable top-of-bank in accordance with Subsection 4.4.2(2) of the Official Plan.

xxxvii. Phase I Environmental Assessment
Required to assess matters related to known or potential site contamination in accordance with Subsection 4.7.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites'. All requirements of O. Reg. 153/04 must be met for Phase One and Two studies and required Records of Site Condition (RSCs). A letter of reliance from the Environmental Consultant/Qualified Person, confirming the City of Burlington and the Region of Halton can rely on the information contained in the report(s) is required. All reports must be signed by a Qualified Person as defined under O. Reg. 153/04.

xxxviii. Phase II Environmental Assessment
Required to assess matters related to known or potential site contamination in accordance with Subsection 4.7.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites'. All requirements of O. Reg. 153/04 must be met for Phase One and Two studies and required Records of Site Condition (RSCs). A letter of reliance from the Environmental Consultant/Qualified Person, confirming the City of Burlington and the Region of Halton can rely on the information contained in the report(s) is required. All reports must be signed by a Qualified Person as defined under O. Reg. 153/04.

xxxix. Landfill Assessment
Required for development proposals on or within 500 metres of an area identified as a former Waste Disposal Site, in accordance with Subsection 4.8.2 of the Official Plan.

xl. Sustainable Building and Design Guidelines Checklist
Required for high and medium density residential, mixed use, commercial, industrial, office, institutional and public service facilities in accordance with Subsection 7.4.1 of the Official Plan, the Regional Official Plan and Halton Region's 'Healthy Communities Guidelines.'

xli. Phasing Strategy for Development of Retail and Service Commercial Use
Required for applications proposing a comprehensive development of a site that include the replacement of existing commercial floor area. Required to demonstrate that the proposed development does not adversely impact the long-term provision of goods and services as the site transitions to its complete stage of development in accordance with Chapter 8 of the Official Plan.

xlii. Public Consultation Strategy
Required for individual development applications and outlines a proposed strategy for consulting with the public, in accordance with Subsection 12.1.2 (1.2)

xliii. Response to Comments Received at a Community Meeting Held in Advance of a Formal Development Application
In accordance with Subsection 12.1.2 (1.2).

xliv. Comprehensive Block Plan
Required to provide a framework for the distribution of development and provide design direction on streets and blocks, land use, parks and open space, building massing, building setbacks, public realm and streetscapes, parking and access, landscape, pedestrian connections and heritage integration in accordance with 8.1.1(3.7) and 8.1.1(3.20) of the Official Plan.

xlv. Urban Design Brief
Required to be prepared by a qualified person, and demonstrates how a proposed development meets the policies of the Official Plan and addresses the relevant design guidelines in accordance with Subsection 7.1.2 of the Official Plan.

xlvi. Tenant Relocation and Assistance Plan
Required for development applications which include the demolition of residential rental properties or the conversion to condominium tenure or owner occupancy, including the right to return and alternative accommodations to lessen hardship in accordance with Subsection 3.1.2 (2) and 12.1.2 (1.2) of the Official Plan.

xlvii. Other
Any other studies as determined to be necessary to facilitate proper consideration of the application.

Draft Plan of Subdivision
The plan of subdivision map is to contain information required under Section 51(17) of the Planning Act, as well as: legend, map scale, boundary of property to be subdivided, north marker, address, registered plan number, lot and concession, date plan prepared and date of any revisions, name of person or firm who prepared the plan, all landowners names, signatures and date, and the Ontario land surveyor’s name, signature and date.

Preconsultation Meeting Notes

35 Plains Road East - August 9, 2023

Attendees:
City of Burlington – Mariana Da Silva, William Wallace, Annette Simpson, Melissa Dalrymple
Region of Halton – Navjot Kaur, John Kisneris
Proponent – KFA Architecture (c/o Kosta Derbish), Kregg Fordyce, Nick Sampogna

Description of Development Concept:

- One (1) Mixed Use building of eleven (11) storeys, including 385.76 m² of at-grade retail space, 94 residential units and roof top amenity space.
- The proposed density is of approximately 472 units per net hectare (based on a site area of 1,992m² with a development of 94 units)
- Two (2) levels of underground parking are proposed with 92 vehicle parking spaces.
    - 87 residential spaces of which 4 are accessible spaces.
    - 9 commercial/visitor spaces of which 2 are accessible spaces.
- 75 bicycle parking spaces are proposed.
    - 68 spaces for residential units located underground.
    - 7 spaces for visitor located at-grade.

Planning Comments:

Official Plan (1997, as amended)

- The subject lands are designated as 'Mixed Use Corridor – Commercial Corridor' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area.
- In accordance with Part III, Section 5.3.3.1 b), lands designated as 'Mixed Use Corridor – Commercial Corridor' may permit:
    - a range of retail, service commercial and personal service uses; financial institutions and services, a broad range of office uses; entertainment, recreation and other community facilities such as day care centres and motor vehicle dealerships;
    - medium and high density residential uses subject to the policies of Part III, Subsection 5.3.2 a) (ii);
    - a limited number and range of large-scale retail and service commercial uses such as retail uses up to 5,600 sq. m. in gross floor area where food products are not the principal goods retailed, and retail commercial uses that require either multitenant or freestanding buildings on sites that have significant needs for on-site storage and parking, such as garden centres, automotive commercial, furniture and home furnishing uses and home improvement stores.
- In accordance with Part III, Section 5.3.3.1 d), industrial uses shall not be permitted in Mixed Use Corridor-Commercial Corridor locations.
- In accordance with Part III, Section 5.3.3.2 e), Zoning By-law regulations affecting Mixed Use Corridor - Commercial Corridor locations shall be based on the following factors:
    - the maximum floor area ratio shall be 1.5:1. City Council may consider a higher floor area ratio in conjunction with a site-specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and infrastructure; the provision of compatibility with adjacent uses through measures such as terracing; a high quality of building design, landscaping and streetscaping; and the provision of underground parking;
    - the maximum building height shall be three storeys, except office and residential uses where the maximum building height shall be six storeys.

- There have been two previous Official Plan Amendments on the subject lands including:
    - OPA 14 – Application received in 1999 and approved in 2000.
    - OPA 105 – Application received in 2016 and approved in 2018 at the LPAT (now known as the OLT)

        - Includes the following site-specific policies to permit the development of a 9-storey mixed-use building:
            - "In accordance with Part III, Section 5.3.3.2 m), notwithstanding the use, height, floor area ratio and design policies contained in Part III, Subsections 5.3.2 a), d) and g), and Part III, Subsections 5.3.3.2 b) and e) of this Plan, for the property identified as 35 Plains Road East, the following policies shall apply: (i) a mixed use building consisting of residential and at-grade retail or service commercial shall be permitted; (ii) the maximum building height shall be 9 storeys; (iii) the maximum floor area ratio shall be 4.4:1"
- The subject lands are also designated as 'Mixed Use Activity Areas' in accordance with Schedule 'A' – Settlement Pattern.
- Part III, Section 2.5 – Housing Intensification policies are to be addressed where applicable.

New Official Plan (2020)
On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020 update under "Burlington Official Plan, 2020 appeals process".

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the May 16, 2023 update under "Burlington Official Plan, 2020 appeals process". This update also includes a list of site-specific appellants.

Until all broad appeals to the Region's approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the April 26, 2018 City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

As the OLT process continues, the Burlington Official Plan, 2020 may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the Ontario Land Tribunal's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington". For more information please visit the City's New Official Plan Project website https://www.burlington.ca/en/services-for-you/official-plan-review.asp.

- The subject lands are designated as 'Urban Corridor' under Schedule C – Land Use – Urban Area.
- In accordance with Subsection 8.1.3 (7.2) c), the following uses may be permitted on lands designated 'Urban Corridor':
    - retail and service commercial uses;
    - automotive commercial uses, including large-scale motor vehicle
    - dealerships existing on the date this Plan comes into effect;
    - residential uses with the exception of single-detached and semidetached dwellings;
    - office uses;
    - entertainment uses; and
    - recreation uses
- Subsection 8.1.3 (7.2) d) further describes that other forms of ground-oriented dwellings may only be permitted, provided that the ground-oriented residential portion of the development:

- does not abut a Multi-Purpose Arterial Street, Urban Avenue or Main Street, as shown on Schedule O-1, Classification of Transportation Facilities-Urban Area, of this Plan;
- is developed in conjunction with, and is part of, a multi-residential or mixed use building; and
- does not compromise the objectives of the Urban Corridor designation

- Subsection 8.1.3 (7.2) e) describes stand alone ground-oriented dwellings shall be prohibited in Urban Corridor lands located within MTSAs.
- Subsection 8.1.3 (7.2) f) describes a maximum floor area ratio of development of 2.0:1 is an appropriate built form in Urban Corridor lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Urban Corridor designation are maintained.
- Subsection 8.1.3 (7.2) g) describes the minimum building height shall be two (2) storeys and the maximum building height shall not exceed six (6) storeys. Where required to ensure compatibility, four (4) to six (6) storey buildings may be required to be terraced back from adjacent residential areas and/or the street.
- Subsection 8.1.3 (7.2) h) describes that to ensure compatibility with adjacent residential areas the maximum six (6) storey building height may not be permitted on sites that are small in size, have insufficient depth, are adjacent to areas designated Residential-Low Density, or front local streets.
- The subject lands are designated as 'Mixed Use Nodes and Intensification Corridors' under Schedule B – Urban Structure, therefore Subsection 2.3.1 would be applicable.
- The subject lands are designated as 'Primary Growth Area' under Schedule B-1 – Growth Framework, therefore Subsection 2.4.2(1) would be applicable as well as the urban design and built form policies for primary growth areas under Subsection 7.3.2(1).
- Plains Road East is designated as
  - 'MTSA Primary Corridor' and 'Frequent Transit Corridor' under Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors.
  - 'Multi Purpose Arterial' under Schedule O-1 – Classification of Transportation Facilities - Urban Area.
  - 'Bike Lane' under Schedule P – Long Term Cycling Master Plan.
- In accordance with Subsection 7.3.1, the design of development in New Communities (including lands in MTSA Special Planning Areas) the appropriate public realm and built form and the urban design objectives and implementing tools shall be determined through a co-ordinated area-specific planning exercise. The design of new communities shall serve to create and promote a new distinct character within Burlington as a result of an area-specific plan. New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit.
- Chapter 12.1.2(2.2) Development Criteria shall be satisfied where applicable for this proposal.

MTSA ASP Study for Aldershot GO MTSA

- At the January 11th, 2022 Community Planning, Regulation and Mobility Committee Meeting, through staff report PL-02-22 (released on January 4th with the CPRM agenda), Council endorsed in principle the Recommend Preferred Precinct Plans for Burlington's Major Transit Station Areas. Council's endorsement represents a critical check point in the project that enabled staff to move forward to the next stage of the project which involved the creation of area-specific plans and supporting Official Plan Amendments for each of the MTSAs.
- *MTSA Recommended Preferred Precinct Plans (Dec 2022); Final Report (Jul 2022):*
  - The Council endorsed Recommended Preferred Precinct Plan (as shown in Appendix B to PL-02-22) for the Aldershot GO MTSA shows 35 Plains Rd E. as being located in a new "Aldershot Main Street" Precinct. There are a variety of uses that will be permitted across the MTSA and encouraged throughout all the precincts as they are

mixed use in nature. Public service facilities will be permitted and encouraged in all precincts.
    - The Aldershot Main Street precinct will consist of mid-rise building forms along Plains Road in the Aldershot GO MTSA. This precinct is planned to advance the historic neighbourhood-driven Plains Road Village Vision and establish a continuous retail frontage and main-street pedestrian experience along Plains Road. A continuous streetwall height of three-storeys is envisioned throughout the precinct.
    - Permitted uses include residential uses with the exception of standalone ground-oriented dwellings; retail and service commercial uses (required at grade); office uses; hotel uses; entertainment uses and recreation uses.
    - 35 Plains Road East is located along MTSA Retail Main Streets as shown on Figure 3.8 of the MTSA Area Specific Planning Study Final Report. Along MTSA Retail Main Streets, active uses, including retail and service commercial uses, are required at grade fronting public streets. See Section 3.3.3.2 'Retail Streets' of the Final Report for policy directions.
    - The minimum building height is 6 storeys and maximum building height is 11 storeys.
    - For more information, visit www.getinvolvedburlington.ca/mtsa, refer to staff report PL-02-22, including Appendix A, Interim Report or PL-10-22, MTSA ASP Planning Study Update, Appendix A, MTSA ASP Planning Study Final Report.
- Halton Region has confirmed through Regional Official Plan Amendment 48 that the subject lands are within the Aldershot GO MTSA (now Protected MTSA). Therefore, while not determinative, the policies in Section 8.1.2 (Major Transit Station Areas) of the Official Plan (2020) are informative in the review of the subject applications. This section contains guidance for development applications preceding the completion of the City's area-specific plans.
- On June 27, 2023, the Community Planning, Regulation and Mobility Committee considered staff report PL-40-23: MTSA Update & Community Planning Permit Exploration. The report provides an overview of the Community Planning Permit (CPP) System tool under the Planning Act and recommends that a CPP System and By-law be established in the MTSAs. The staff report also provides a general update on the MTSA ASP Planning Project and delivers the technical studies that have been completed since staff's last update report to Council in June 2022.
- A first draft of the official plan policies and CPP By-law are anticipated to be released for public engagement in early Fall 2023. In August, staff will be sharing a preliminary first draft of the CPP by-law with all interested members of the development industry for advance feedback, to help refine the by-law before it is released more generally for public engagement. Please reach out to mtsa@burlington.ca if you are interested in providing advanced feedback on the preliminary first draft of the CPP By-law.
- Continue to follow the MTSA project as the draft Official Plan policies and Community Planning Permit By-law are developed for the City's MTSAs at www.getinvolvedburlington.ca/mtsa.

City of Burlington Housing Strategy

Subsection 3.1.1(2)(g) of the new Official Plan (2020) and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The Burlington Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of curr

ent and future residents at all stages of life and at all income levels. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan that also identifies a list of Prioritized Actions and Quick Wins.

One of the objectives (Theme 2) of the Housing Strategy is to support a broad variety of housing types and forms to increase housing options to meet the needs of all current and future residents at all stages of life. This objective is to be measured through increased diversification of the housing stock, including units for smaller households and units for larger households in high-density dwelling types. Similarly, action 4 of the Housing Strategy establishes minimum targets around housing that build upon the policies of the Official Plan (2020) and use the findings of the Housing Strategy Project. Minimum targets for apartment buildings under the Housing Strategy include requiring that 55 percent of the building is dedicated to one- and two-bedroom units and 25 percent dedicated to three- or more bedrooms. Furthermore, action 7 describes to support, permit, and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate.

Preliminary Review of the Concept Plan

NOTE: Section 22(2.1) of the Planning Act states that no person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. Exceptions include where a council has declared by resolution that such a request is permitted.

- Confirmation on the type of uses at-grade is to be provided, including whether these are service commercial or retail in accordance with the Zoning By-law definitions as these may alter the below mentioned Zoning By-law requirements.
- In accordance with the housing intensification policies under Part III, Section 2.5.2 a) of the current Official Plan, the proposed housing intensification within established neighbourhoods must achieve compatibility 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. Similarly, in accordance with Subsection 7.3.1 of the New Official Plan, the design of development in New Communities (including lands in MTSA Special Planning Areas) the appropriate public realm and built form and the urban design objectives and implementing tools shall be determined through a co-ordinated area-specific planning exercise. The design of new communities shall serve to create and promote a new distinct character within Burlington as a result of an area-specific plan. New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit.
- The proposed Floor Area Ratio (FAR) is of approximately 4.4:1. The 1997 Official Plan outlines that the maximum FAR for ‘Mixed Use Corridor – Commercial Corridor’ shall be 1.5:1. Similarly, in accordance with Part 5, Section 4.3, Table 5.4.2 under the Zoning By-law, the MXC zone permits a maximum FAR of 1.5:1 for apartment buildings and a maximum FAR of 5600 m² per Retail or Service Commercial Use. Furthermore, the New Official Plan outlines that a maximum FAR of development of 2.0:1 is an appropriate built form in Urban Corridor lands.
- The proposed building height is of eleven (11) storeys. In accordance with the underlying 1997 Official Plan ‘Mixed Use Corridor – Commercial Corridor’ designation, the New Official Plan ‘Urban Corridor’ designation and the MXC zoning the maximum permitted height for apartment buildings would consist of six (6) storeys. Furthermore, in accordance with the MTSA Area Specific Plan Study for Aldershot GO, the subject lands “Aldershot Main Street” Precinct would permit up to eleven (11) storeys.

- Given the amendments required to the 1997 Official Plan and Zoning By-law in terms of increased height and FAR, in accordance with Part III, Section 5.3.3.2 e), of the 1997 Official Plan, staff request that consideration of various factors such as adequacy of services and infrastructure; the provision of compatibility with adjacent uses through measures such as terracing; a high quality of building design, landscaping and streetscaping; and the provision of underground parking be considered as part of the required Zoning By-law Amendment and Official Plan Amendment applications though the required Planning Justification Report and the Urban Design Brief.
- In accordance with Table 1.2.6: Off-Street Parking Standards under Part 1, Section 2.25 of the Zoning Bylaw, apartment buildings within a Primary Growth Area as identified on Schedule B-1 of the City Official Plan (2020), would require 1.25 spaces per unit inclusive of visitor parking. This is an interim rate and is subject to further study to be undertaken by the City. An application to reduce this parking rate will be required to be supported by a Parking Justification Study deemed acceptable by the City. Similarly, in accordance with the same section 3.5 spaces per 100 m² of retail gross floor area is also required.
- The proposed development therefore requires 118 residential vehicle spaces and 14 retail vehicle parking spaces (a total of 132 vehicle parking spaces) as per the underlying MXC zone. The current zoning exception number 470 requires a minimum of 86 vehicle occupant parking spaces (including 4 accessible spaces) as well as 6 visitor and non-residential parking spaces (including 2 accessible spaces). The proposed development includes a total of 87 residential vehicle parking spaces and 9 retail/visitor parking spaces. Given the increased number of residential units from the prescribed 72 residential units under the existing zoning exception number 470 to the proposed 94 residential units, staff request that appropriate justification for the parking reduction be provided in accordance with Official Plan policies and transportation staff comments through the requested Parking Justification Report.
- Staff recommend that accessible and bicycle parking spaces are provided in accordance with Part 1, Section 2.26 (9) and (10) Table 1.2.8 of the Zoning By-Law.
- In accordance with Part 5, Section 4.13 of the Zoning By-law, the underlying MXC zone of the subject lands would require the following amenity area calculations:
    - 15m² per efficiency for dwelling unit
    - 20m² per one-bedroom dwelling unit
    - 35 m² per two or more bedroom dwelling unit
- The current zoning exception number 470 requires a minimum of 1,240 m² of amenity area. The proposed development includes approximately 1,943.50 m² of amenity area, given the increased number of residential units from the prescribed 72 residential units under the existing zoning exception to the proposed 94 residential units, staff request that additional amenity space be provided as part of the development and appropriate justification be provided to describe (if any) the reduction from the underlying MXC zoning Amenity Area requirements.
- It is recommended that the proposed apartment building includes approximately 55 percent of the building dedicated to one- and two-bedroom units and approximately 25 percent dedicated to three- or more bedrooms in order to meet the Housing Strategy policy direction. If alternative percentages are provided justification is to be provided as to how the different rates represents good planning.
- Effects on existing vegetation should be minimized and appropriate compensation should be provided for significant loss of vegetation to assist in maintaining neighbourhood character. In particular, retaining the existing trees and providing landscaping along the property lines abutting existing residential uses is encouraged to maintain the neighbourhood character.
- The following design guidelines are applicable to the proposed development:
    - Pedestrian Level Wind Study Guidelines
    - Shadow Study Guidelines

- Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings
- Sustainable Building and Development Guidelines
- Plains Road Corridor Urban Design Guidelines

Application Requirements

- An Official Plan and Zoning By-law amendment application would be required to facilitate the proposed use. A condominium application will be required as part of the Site Plan process.
- Prior to submitting the application, a Pre-Application Public Consultation Meeting is required:
  - The meeting is to be organized by the applicant and must be held before the application is submitted. Please try to avoid holding meetings in late December.
  - Circulation of the meeting invitation to residents and tenants within 120 metres of the development site will be completed by the City for a fee. Provide a PDF of the meeting invitation on the applicant's letterhead for distribution. Notice must be sent a minimum of 20 days in advance of the meeting.
  - Please notify the Ward Councilor, and the Coordinator of Development Review of the date, time and location of the meeting. Be sure your meeting location is accessible and close to the development site. The meeting may be held virtually. Please contact William Wallace, Coordinator of Development Review, at william.wallace@burlington.ca for further instructions on hosting a virtual meeting.
  - During the meeting, provide a detailed overview of the development proposal and allow time for questions and comments from the public. Take notes of the discussion.
  - As part of a complete application, the applicant must provide neighbourhood meeting minutes which include a written summary of public input received at the meeting. As part of the Planning Justification Report, the applicant must explain how this public input was used to modify the development proposal.
  - If a complete application is not submitted within six months of this pre-consultation form, another community meeting may be required.
- A Planning Justification Report will be required:
  - to discuss the impact of Provincial, Regional and local planning policy (including both 1997 and New Official Plan (2020)) on the proposed land use;
  - to explain why the requested change to higher floor area ratio and height is desirable and represents good planning;
  - to explain how the proposed land use, traffic access and servicing aspects of this development work within the context of the greater area, is desirable and represents good planning;
  - to discuss how the results of required technical studies have been used to refine the redevelopment proposal;
  - to explain how input received at the pre-application public consultation meeting has been used to refine the proposal; and
  - to explain how the proposed development is compatible with surrounding land uses including height, setbacks, massing, design and community features.
- Architectural Plans including conceptual floor plans and elevations.
- 3-D Model of Proposed Building
- Burlington Urban Design Advisory Panel (BUD) Comments
- Angular Plane Study
- Shadow Analysis Plan
- Wind Impact Study
- Section 37 Benefits may be required.
- Please consult with Burlington Hydro, Metrolinx and Union Gas in regard to servicing supply and requirements.
- Please consider sustainable building design in your proposed development, using the City's Sustainable Building and Development Guidelines. An introductory letter from the Burlington Sustainable Development Committee is provided.
- Staff contact: Mariana Da Silva, Planner II, mariana.dasilva@burlington.ca

Zoning Comments:
We have reviewed this Site Plan application and have the following comments.

Plans and Files Reviewed:

Plan	Date	Revision Date
Architectural Drawing Package – Site plan, Floor Plans, Elevation, Construction Mobility Plan	See Rev	2023/04/18

Zoning:
The subject property is zoned MXC-470, under By-law 2020. The applicant is proposing the construction of an 11 storey 94 unit apartment building with 2 levels of underground parking. There is an existing Zoning Exception which permitted a 9 storey 72 unit apartment building. The following comments are based on the plans provided.

Site Plan:

Site plan site statistics chart to accurately account for floor areas. Ensure site stats account for all enclosed floor area on 11th floor (mech room and amenity areas). In addition, the following may be excluded:

- elevator shaft on each floor
- air intake shafts
- enclosed inaccessible areas
- Water storage tanks.

Notes:
- Deficiencies would be required to be addressed through Zoning By-law Amendment.
- Proposed expansion of development triggers review for parking and may trigger additional review for other regulations previously amended at the discretion of Planning staff.
- Development charges will apply subject to various agencies by-laws.
- Community Benefits payment will need to be determined by staff due to expanded proposal.

Residential Comment Sheet

APPLICANT: Kosta Derbish		
LOCATION : **35 Plains Rd E**		
PROVISION	**PROPOSED**	**CONFORMS**
MXC Exception 470 – Permitted Use: Apartment Building – Use conforms		
1a. Yard abutting Plains Rd E : **1st storey – 3.5m maximum** **Other storeys: 1.8m min.** **Balconies may not encroach into a yard abutting plains rd E**	 2.905m 1.8m	 Complies **No (Note: by-law regulations are minimums unless otherwise noted.**

Rear Yard – 3m **Side yard – No minimum**	No encroachment into **required yard**. 7.08M 0.97m	Yes– Balconies and terraces meet mins Complies Complies
Yard abutting Cook Blvd **1st storey – 3.5m max** **Other storeys – 1.3m min.** **Balconies are permitted within a yard abutting cooke rd**	3.4m **1.345m** See balcony setbacks below	Appears to comply – maximum setback required to be shown. Note: other storeys minimum was previously established based on 9 storey design,
Balcony setbacks abutting Cooke Blvd **2nd storey : 1.3m** **3rd to 8th storey: 0.5m**	N/A 0.945m +	BALCONIES ON 9TH AND 10TH FLOOR NEED TO BE ACCOUNTED FOR
Distance from hypotenuse of a daylight triangle for a building or balcony: 0m	Does not appear to encroach.	Yes
Underground parking setbacks: **0m abutting Cooke Blvd** **0.2m abutting all other lot lines**	0.3m abutting plains, 0m at daylight triangle, 0.3m west side yard, 0.29m at rear yard.	Yes – 0m at daylight triangle permitted
Number of units – 72 Max	94 units	No
Floor area ratio – 4.4:1 max	5.55:1 based on gross building floor area information in chart	No
Commercial floor area: A minimum of 220m2 of	262 m2 and 122m2	yes

retail or service commercial must be provided on the ground floor of an apartment building	provided (380m2 plus)	
9TH Storey: in addition to an outdoor amenity area, a maximum of 275m2 of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical or storage room	9TH storey is now proposed to be apartments – needs amendment to account for 11th storey floor area in similar fashion	No
Landscape area abutting a street – 0m		Yes
Building Height – 9 storeys to a maximum of 34m	11 storeys and 39.3m	No
Building height at first storey : 6m	6m	Yes
Occupant parking spaces: 86 spaces including 4 accessible spaces **Visitor and non-res parking – 6 shared spaces including 2 accessible.** **Note: Part 1, Section 2.25.1 would apply – "whenever a new development occurs or whenever an existing development is enlarged or extended or increased in capacity, In accordance with this by-law, off-street parking spaces shall be provided and maintained on the property and within the zone designation for all uses..."**	86 resident spaces and 4 accessible. 6 visitor and commercial including accessible, plus 2 car share.	NO original ZBA was based on 9 storey 72 unit design. Proposal results in expansion of development which was not contemplated through previous ZBA Parking should be evaluated based on expanded proposal per Part 1, Section 2.25.1
AMENITY AREA **1240m2 total**	1308m2 (note: evaluated based on 9 storey 72 unit design for exception 470)	YES - COMPLIES WITH EXCEPTION REG.
4.14 – DOORS **Every building located within 60m of a street with a deemed width of 26m or greater shall provide a pedestrian accessible door on the building elevation facing the street.**	Elevations facing a street have doors	YES
PARKING REGULATIONS - 2.26.1 **Each parking space to have a min. size of 2.75m width and 16.5m2**	2.75m x 6m typical	YES
2.26.2 – illumination	N/A - UNDERGROUND	
2.26.3 **Surface treatment**	Concrete/asphalt	YES
2.26.4 **Each parking space shall have adequate means**	Provided	YES

<table>
<tr><td>of access directly to an existing street or lane</td><td></td><td></td></tr>
<tr><td>2.26.5

Parking structures

i) Any part of and enclosed parking structure that projects 1.6m or more above grade shall be subject to the yard requirements of the zone designation

Amended to 0.2m from all lot lines and 0m from cooke.

ii) entrance and exit ramps to below grade and above-grade parking shall be set back 7.5m from a street line.

iii) Below-grade parking structures shall not extend into required landscape buffers and shall be setback 3m from all other property lines or street lines</td><td>0.48m proposed – west side yard. No minimum required.

Entrance ramp location appears to comply

n/a – site specific setbacks apply</td><td>Complies with principle building (as amended by exception 470)

Yes

Yes</td></tr>
<tr><td colspan="3">MXC BASE ZONE REGULATIONS - 4.1 LOT WIDTH, AREA, AND YARDS

Table 5.4.1

<table>
<tr><th>Regulation</th><th>Requirement</th></tr>
<tr><td>Lot width</td><td>25 m</td></tr>
<tr><td>Lot Area</td><td>1000 m^2</td></tr>
<tr><td>Yard abutting Plains Road west of the Queen Elizabeth Way</td><td>3 m minimum; 23 m maximum</td></tr>
<tr><td>Yard abutting any other street</td><td>3 m minimum; 4.5 m maximum (a)</td></tr>
<tr><td>Rear Yard</td><td>3 m</td></tr>
<tr><td>Side Yard</td><td>no minimum</td></tr>
<tr><td>Yard abutting a residential zone</td><td>Floors 1 to 3: 12 m
Floors 4 and 5: 15 m
Floor 6: 18 m</td></tr>
<tr><td>Building setback from a creek block</td><td>7.5 m</td></tr>
<tr><td>Yard abutting a Pipeline Easement</td><td>7 m</td></tr>
<tr><td>Yard abutting a railway right-of-way</td><td>none required</td></tr>
<tr><td>Separation Distance from a railway right-of-way</td><td>30 m for land uses sensitive to Railway rights-of-way</td></tr>
<tr><td>Yard abutting a PC or P zone</td><td>6 m</td></tr>
</table>

Footnote to Table 5.4.1:</td><td>Lot width complies
Lot area complies
Yards amended – see exception 470.
Side yard complies
Site does not abut residential
Creek block: n/a
Pipeline: n/a
Railway: n/a
Does not abut P or PC zone.</td></tr>
</table>

4.2 SEPARATION DISTANCE

Standard Restaurant: 15 m between the use and a residential zone

Fast Food Restaurant: 30 m between the use and a residential zone

Night Club: 45 m between the use and a residential zone

Uses not confirmed – Zoning clearance will be required for tenant fit up in commercial units.

4.3 FLOOR AREA, FLOOR AREA RATIO, AND DENSITY

Table 5.4.2

Requirement	Zone			
	MXG	MXC	MXE	MXT
Maximum Floor Area Ratio for: Entertainment or Recreation buildings: Industrial buildings: Other buildings:	0.5:1 * * * 1.5:1	1.0:1 * * * 1.5:1	0.5:1 0.5:1 1.0:1	* * * * * * * * *
Maximum Floor Area per Retail or Service Commercial Use:	1800 m^2	5600 m^2	500 m^2	* * *
Minimum Floor Area Ratio for Buildings other than Entertainment, Recreational, or Industrial Buildings:	0.3:1	0.3:1	* * *	0.5:1
Minimum Density in a Residential Building	30 units/ha	30 units/ha	* * *	55 units/ha

Floor area ratio amended – see Exception 470. – Will require a new amendment as indicated.

Maximum floor area non-res complies.

Minimum density complies.

Notwithstanding the above minimum floor area ratio provisions, any buildings or structures of less than 0.5:1 floor area ratio which legally existed as of the date of the passing of Zoning By-law 2020.205 (April 28, 2008) are deemed to conform to the floor area ratio regulations of this By-law for the life of the building or structure.

See exception 470.

4.4 LANDSCAPE AREA AND BUFFER

Landscape Area:
Abutting a street: 3 m
Abutting a creek block or O3 zone: 3 m
Abutting a PC or P zone: 3 m
An outdoor patio may encroach into a required landscape area abutting a street.

Landscape Buffer:
Abutting a residential zone: 6 m

MXT Zone – Landscape Area

Abutting a street: 3 m
Abutting a creek block or O3 zone: 3 m
Abutting a PC or P zone: 3 m
An outdoor patio may encroach into a required landscape area abutting a street.

See exception 470. – Will require amendment for height based on new design

4.5 BUILDING HEIGHT

MXE Zone

Industrial/automotive uses: 2 storeys maximum

Other uses: 6 storeys maximum

MXG Zone

Automotive uses: 2 storeys maximum

Other uses: 2 storeys minimum, 6 storeys maximum

MXC Zone

Office/Apartment building: 2 storeys minimum, 6 storeys maximum

Automotive uses: 2 storeys maximum

Other uses: 2 storeys minimum, 6 storeys maximum

MXT Zone

All uses: 2 storey minimum, no maximum

In MXG, MXC, and MXT zones, the floor area of the second, third, and fourth storeys of a building containing more than one storey must be at least 50% of the floor area of the first storey.

Parking amended – see section 470. Will require amendment for use expansion per notes.

Notwithstanding the above minimum height provisions, any buildings or structures of less than two storeys in height which legally existed as of the date of the passage of Zoning By-law 2020.205 (April 28, 2008) are deemed to conform to the building height regulations of this By-law for the life of the building or structure.

4.6 PARKING

(a) Parking shall be provided in accordance with Part 1, Subsection 2.25 “Off-Street Parking and Loading Requirements”, except as amended by the following:

(b) The minimum number of parking spaces required for non-residential uses in MXG, MXC, and MXT zones is deemed to be the number generated by the standards outlined in Part 1, Table 1.2.6, less a factor of 5%; and

(c) For non-residential uses in MXG, MXC, and MXT zones, the number of parking spaces provided shall not be greater than 102% of the minimum standard outlined in Part 1, Table 1.2.6;

(d) Visitor Parking: Where a development is comprised of a mix of residential and non-residential uses, non-residential parking located on the same property as the residential use may be counted toward required visitor parking for the residential use, using the standards outlined in clause (c) above;

Provide pedestrian walkway, minimum of 3m width connecting sidewalk to entrances.

(e) Where the use is a mixed-use development, the parking requirement may be calculated using percent of peak period use as given in the detailed table outlined below, using the standards outlined in clauses (b) and (c) above. For purposes of this subsection, “mixed-use development” is defined as a development which contains any combination of office, retail/service commercial, restaurant, and/or overnight accommodation uses which shares parking on the same lot.

The initial step in determining the parking for a mixed-use development is to calculate the parking requirement for each use contained within the development as if these uses were free-standing buildings. The parking requirement for each use is then multiplied by the percent of the peak period for each time period, (e.g.: noon) contained in the charts below. Each column is totaled for weekday and weekend. The maximum figure obtained from all time periods shall become the parking requirement for the specific mixed-use development.

Loading space provided for unloading.

APPLICABLE TO RETAIL

GARBAGE ROOM PROVIDED.

Percent of Peak Period Occupancy (Weekday)				
Type of Use	**Morning**	**Noon**	**Afternoon**	**Evening**
Office/Financial Institution	100	90	95	10
Retail/Service Commercial	80	90	90	90
Restaurant	20	100	30	100

Percent of Peak Period Occupancy (Weekend)				
Type of Use	**Morning**	**Noon**	**Afternoon**	**Evening**
Office/Financial Institution	10	10	10	10
Retail	80	100	100	70
Restaurant	20	100	50	100

(f) Pedestrian Walkway: A 3 m walkway shall be provided from the street connecting the sidewalk to the principal entrance of the building and shall be unencumbered except that the walkway may cross a driveway.

N/A

(g) Notwithstanding (f), if a detached dwelling is converted to a service commercial or office use, a pedestrian walkway of 1.5 m shall be provided from the street connecting the sidewalk to the principal entrance of the building and shall be unencumbered except that the walkway may cross a driveway.

N/A

(h) Truck and Trailer Parking: Truck and trailer parking is prohibited except:

N/A – IF PATIO IS PROPOSED SITE PLAN REVIEW WILL BE REQUIRED.

i. when the truck or trailer is being loaded or unloaded

ii. when the truck or trailer is for customers of the permitted principal use

iii. when the truck or trailer belongs to a property owner or tenant

NOT APPLICABLE

iv. when the truck or trailer is being used for charitable purposes

4.7 OUTSIDE STORAGE

(a) Only merchandise displayed for retail sale may be stored outside, provided the merchandise is not stored in a truck, trailer, or other vehicle.

(b) Perishable waste must be kept in refrigerated storage within a building. Alternatively, perishable waste may be stored outside if a deep collection waste disposal system, comprised of a sealed container with a lockable lid located primarily below grade, is used.

LOADING IS INTERNAL TO THE SITE AND SCREENED.

(c) Non-perishable waste stored outside on lands abutting a residential

zone shall be kept within a solid screen enclosure subject to Part 1, Subsection 2.2.2.

4.8 OUTDOOR MANUFACTURING

Outdoor manufacturing in the MXE zone is prohibited.

AMENITY AREA PROVIDED PER EXCEPTION 470 (based on 9 storey design)

4.9 FENCING

On lands abutting a residential zone fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.

4.10 OUTDOOR PATIOS

Outdoor patios shall be set back 45 m from a residential zone.

4.11 DRIVE-THROUGH FACILITIES

(a) Restaurants:

(i) Where drive-through facilities are located in or adjacent to building elevations facing a street, landscaping shall be provided to screen the building elevation from the street.

(ii) External conveyor pick-up systems are not permitted in a yard abutting a street and shall be set back 15 m from a residential zone.

(iii) Intercom ordering stations shall be set back 15 m from a residential zone.

(b) Other uses:

(i) Not permitted in building elevations facing a street.

(ii) Freestanding facilities shall be set back 15 m from a residential

zone. **4.12 LOADING AND UNLOADING** (a) Loading/unloading shall not take place within 7.5 m of a residential zone. (b) Loading/unloading docks shall be screened from view from a street or adjoining residential zone. **4.13 AMENITY AREA** • 15 m^2 per efficiency dwelling unit • 20 m^2 per one-bedroom dwelling unit • 35 m^2 per two or more bedroom dwelling unit • Back-to-back townhouse: 25 m^2 per dwelling unit **4.14 DOORS** Every building located within 60 metres of a street with a deemed width of 26 metres or greater shall provide a pedestrian accessible door on the building elevation facing the street.	

- Staff contact: Nathan Dart, nathan.dart@burlington.ca

Region of Halton Planning Comments:

Description of Proposal (OR COMPLETED FORM from Locals - Uploaded):
A LOPA and ZBA to permit the development of an 11-storey mixed-use building including 94 residential units and gross floor area of 385.76 m² for the retail space. A residential density of approximately 494 units per net hectare is proposed based on a site area of 0.19 ha. A total of 1,943.50 m² of Amenity Area is being proposed. 96 vehicular parking spaces and 75 bicycle parking spaces are proposed.

REGIONAL OFFICIAL PLAN, 2009

Designation & Overlays: Urban Area (Map 1), Built Boundary, Major Transit Station Area on a Commuter Rail Corridor (Map 1H), Regional Intensification Corridor (Map 1H)

Regional Official Plan Amendment No. 48

Regional Official Plan Amendment (ROPA) 48 was adopted by Regional Council on July 7, 2021 and approved by the Province on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment defines specific elements of a Regional Urban Structure including strategic growth areas and the delineation of Urban Growth Centres and Major Transit Station Areas. ROPA 48 also includes a limited number of Employment Area conversions, establishes targets for strategic growth areas and updates the population and employment allocations assigned to Halton Region to 2051 by the Growth Plan, 2019.

Regional Official Plan Amendment No. 49

Regional Official Plan Amendment (ROPA) 49 was adopted by Regional Council on June 15, 2022 and is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

The Ministry of Municipal Affairs and Housing is the approval authority of ROPA 49 and issued a decision on November 4th 2022. The minister's decision is final and not appealable. The proposed development has been reviewed against the in-force Regional Official Plan with regard to the policies of ROPA 49, as adopted by the Province.

Urban Area, as amended by ROPA 48 & 49

- The Urban Area (Section 72) policies of the Regional Official Plan (ROP) identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.
- Within the Urban Area, the Regional Urban Structure as shown on Map 1H implements Halton's planning vision and growth management strategy to ensure efficient use of land, amongst other matters. Section 72.1 (6) identifies a Regional Urban Structure that directs growth to Strategic Growth Area. The policies of the ROP provide for a structure and hierarchy in which to direct population and employment growth. Staff note that the Subject Lands are within a Strategic Growth Area.
- Section 72.1 (6) identifies a Regional Urban Structure that directs growth to *Strategic Growth Areas*. The policies of the ROP provide for a structure and hierarchy in which to direct population and employment growth. Staff note that the Subject Lands are located within the boundary of a 'Major Transit Station Area (MTSA) on a Commuter Rail Corridor' (Aldershot GO MTSA) and along a 'Regional Intensification Corridor' which form part of a defined *Strategic Growth Area*.
- The ROP identifies a minimum growth target of 150 persons and jobs per hectare for Aldershot GO MTSA growth area, and further identifies a resident to jobs ratio of 80%:20% for this growth area.
- The ROP identifies and supports the comprehensive planning for these areas in accordance with policy 77(5) of the ROP. Specifically, the Region's Official Plan (Section 48, 77 (5) and Section 79.3(3)) provides that Area Specific Plans are required for the development of new Strategic Growth Areas. An approved Area Specific Plan would provide for the comprehensive development for the area. Any application received in advance of the approval of an Area Specific Plan for this area may be considered premature. Careful consideration of the proposed intensification of use for the subject lands needs to be given in the context of the Region's growth management strategy.
- A Planning Justification Report is required to address the following matters should an application be submitted in advance of the completion of the Regional Comprehensive Review and City of Burlington Area Specific Plan for this area:
    - How the proposal addresses the Regional Urban Structure and growth management policies of the ROP as amended by ROPA 48 & 49.

    - Consideration and evaluation of Section 77(5) of the ROP;
    - Comprehensive evaluation of the municipal services within the area consistent with the Region's Area Servicing Plan requirements;
- Section 84 states that it is a goal for housing to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.
- Additional housing polices in the ROP speak to making efficient use of serviced lands to increase the supply of housing, and encouraging Local Municipalities and the development industry to be innovative in housing designs.
- The ROP also contains a number of policies that support the provision of assisted and affordable housing, especially within areas where public transit, retail and other facilities are readily available. Increased opportunities for the development of Affordable Housing, particularly within Strategic Growth Areas is encouraged.

Potential for Site Contamination

- Section 147(17) of the Region's Official Plan states that a property is to be free of contamination prior to any development/change of use taking place.
- Submission of a Regional Environmental Site Screening Questionnaire is required and as the proposed development would result in a change to a more sensitive land use as per O.Reg. 153/04, a Ministry acknowledged Record of Site Condition (RSC) is required.
- Staff understand that the RSC was previously submitted under the Site Plan application for the property, under a different proposal. As such, Staff only require the RSC to be submitted for the current LOPA/ZBA application along with the ESAs used to file the RSC for Region's record purposes.

Waste Management:

- Regional staff note that the proposed residential building may be eligible for Region waste collection services provided the design of the development meets the requirements as outlined in Development Design Guidelines for Source Separation of Solid Waste.
- Please note that the Subject Property is not eligible for Regional waste collection for any commercial units proposed. These must be on private collection for waste materials; however, the Supplementary Waste Plan must demonstrate how waste will be managed, stored and collected in a manner that is safe, functional and accessible.
- To ensure that the proposed meets Region's waste guideline, Regional staff are requesting the submission of:
    - A detailed Supplementary Waste Plan is submitted with Application that details how this residential buildings waste will be managed, stored and collected.
    - A letter from Professional Engineer certifying that any structures that will be driven over by the collection vehicle are rated for 35 tonnes minimum.
    - A completed drive through agreement before collection is to commence.
- Additionally, in the Supplementary Waste Plan, please show the following (including representative scaled drawings):
    - The number of Recycling and Organic Material Receptacles required as per Section 1.8.1.
    - The size and number of Front End garbage collection bins required as per Appendix 2;
    - Truck turning plan showing waste collection truck route from the municipal road to the Collection Point and back to the municipal road.
    - Configuration of Waste containers, compacting and sorting equipment in the internal Waste handling room(s) (as per Section 1.3.7.) – show how residential and commercial waste will be separated.
    - The flow of Waste receptacles from the Waste storage room to the outdoor Waste collection loading area.
    - The Waste collection loading area(s), including the configuration of the required number of Waste containers. Includes area for required bins and 9.7 m for truck.
    - External enclosures showing the configuration of the required number of Waste receptacles, if applicable.
    - Items to ensure:
        - Turning radius of 13 m centre line is required for waste collection vehicles.

- Overhead clearance of 7.5 m within the loading area.
- Collection point level (+/- 2%)
- Weight capacity 35 tonnes (P.Eng certified) if waste collection truck required to drive over structure (i.e. parking garage).
- Two-way traffic – 6 m road width/ One-way traffic – 4.5 m road width
- Continuous forward collection of Waste collection vehicles without reversing (Cul-de-sac or T- 18 m minimum head-on approach
- 18 m maximum back-up distance
- Collection area – minimum area required for waste receptacles.
- Door width for waste rooms and any door where a waste receptacle must go through– minimum 2.2 m.
- Internal storage requirements included as per Section 1.9. Note which section applies.
- Sufficient storage for all waste receptacles (and compactors if required).

Municipal Servicing:

- Regional Staff note that in accordance with Policy 89(3) of the ROP, all development within the Urban Area is to be on full municipal services. The following comments are provided based upon ROP policy direction in this regard and are supported by various implementing Guidelines, by-laws and standards:

  Existing Municipal Services:

  - There is a Halton Region local watermain within Plains Road East adjacent to the proposed development. There are Halton Region trunk/transmission watermains within Plains Road East adjacent to the development property. No trunk watermain service connection laterals will be permitted. There is a Halton Region local watermain within Cooke Boulevard adjacent to the proposed development.
  - There are Halton Region local wastewater mains (sanitary sewers) within Plains Road East adjacent to the proposed development, and within Cooke Boulevard.

  Submission Requirements:

  - The developer should undertake to locate the size and location of all watermains, water services, water meters, wastewater mains (sanitary sewers), wastewater (sanitary) services, property line wastewater (sanitary) inspection manholes, stormwater mains and stormwater services that exist within the road right-of-ways, to the property and within the property and place them on an Existing Site Servicing Plan drawings within their reports. Public and private utility companies can be utilized for this purpose.
  - The previous Functional Servicing Report is required to be updated by the developer's civil engineering consultant (watermains, water services, fire hydrants, sanitary sewer mains, sanitary sewer services, property line wastewater (sanitary) inspection manholes, stormwater mains and stormwater services) to show options for how the property is proposed to be serviced according to City of Burlington and Halton Region standards. Local watermain and wastewater main (sanitary sewer) hydraulic analysis should be completed by the developer's consultant as well for the local sewers and the drainage area down the to the nearest trunk sewer. The consultant should include details about all other developments properties in the drainage area in their analysis of the local sewers. The report should speak to the number/type of units proposed and the phasing of the development with respect to the impacts on the Region's water distribution system and wastewater collection system. Phasing, timing of the development, and required/available capacity shall be detailed in the report. The consultant will include details about potential external main upsizing or main extensions to accommodate the development, etc.. Also future forecast Regional capital works projects. It should speak to the upsizing of the local wastewater mains (sanitary sewers) located immediately adjacent to the proposed development within Plains Road East and Cooke Boulevard, to accommodate this development and the Aldershot GO, Major Transit Station Area. The proposed development (FSR) will have to align with any Area Servicing Plan and Master Servicing Plan that is required for the area, City and Region. All are currently in progress, as noted below.

- The FSR report should incorporate Fire Flow Rate Testing. The proponent should undertake fireflow rate testing of representative Regional fire hydrants in the area, with the proponent's fireflow contractor and Region forces present. Include within the Report a copy of the fireflow rate testing results, and the Fire Underwriters Survey (FUS) requirements for the development. This information will help to assist in informing the watermain design and watermain hydraulic modelling analysis that is being undertaken by the proponent's consultants.
- Further to the formal hydraulic analysis requirement, the developer's consultant can utilize the Region's current water and wastewater models (if required). The developer's civil consulting engineering firm will be required to enter into a Data License Agreement prior to obtaining any digital information from the Region.
- The FSR should include information related to all the other Utilities infrastructure in the area and potential conflicts.
- The FSR should show the existing site services and note how they are proposed to be decommissioned to make way for the development.
- The developer must physically locate the watermains and wastewater mains (sanitary sewers) that are located immediately south and east of the property within Plains Road East and Cooke Boulevard. The developer's Professional Engineer that is preparing the FSR must consult with the Region regarding the proximity of the proposed development to the watermain and wastewater mains (sanitary sewers), and the Region's approved set-back of the development from the watermain and wastewater mains. There shall be no impact from the development on the Region's watermain and wastewater mains. The Engineer shall prepare a number of cross-section engineering drawings along the east portion of the property and the City's road boulevard, for discussion with the Region. Proposed footings, foundation walls, overhangs, excavation, shoring, tie-backs, municipal mains and utilities will require to be detailed for review by the Region.
- Please note that this development may require additional municipal watermain isolation, and possibly a full size water chamber(s) (including three/four valves) for the proposed development's water service connections, to the Region's water distribution system. The developer's civil engineering consultant must undertake a design exercise within the FSR in order to demonstrate that a full size water chamber(s), if required, can fit within the roads/boulevards, while giving adequate separation distances from the other utilities in the area. The Engineer shall prepare a number of detail drawings, for discussion with the Region early in the process.
- New development must be on the basis of full municipal services.
- The developer should be aware of the Region's Multi-Unit Servicing Policy with respect to the number and location of water meters.
- Regional policies state that water and sanitary services cannot cross lot lines, the owner will ensure this throughout the process. Each lot must be independently serviced if it is proposed to be a separate lot.
- Any major servicing works required for this project would fall under the Regional Servicing Agreement process, including securities, Agreement registration, developer's liability insurance and the payment of Agreement fees. Please note in the FSR that the upsizing of the wastewater mains (sanitary sewers) in the area within Plains Road East and Cooke Boulevard would fall under this process, and full participation is required.
- Servicing of a standard nature is required to go through the Regional Services Permit process.
- The size and scope of, utility trench and road cut, road restoration shall be to the satisfaction of the City of Burlington for local roads.
- Watermain and wastewater main (sanitary) servicing capacity is not guaranteed at the LOPA and ReZoning stage. Servicing of development in the Burlington area of Halton Region is currently on a first-come-first-serve basis. The owner can pre-consult about servicing capacity with the Region at any time in the future going forward. This current development proposal capacity will be reviewed closely and commented upon at the time of Planning application receipt. Should a servicing capacity issue be identified at that time then it will have to be dealt with, working through it with the Region. Servicing capacity is

deemed to be in hand at the issuance of a Regional Servicing Agreement, Special Financial Agreement, and Regional Services Permit, which is reviewed and obtained toward the end of the City's Site Plan approval process, or Regional Servicing Agreement.

- The property appears to be located within the Aldershot GO Major Transit Station Area, of the City of Burlington. The City of Burlington is undertaking an Area Specific Plan process (including the Area Servicing Plans) for the Burlington Major Transit Station Areas. Halton Region has initiated an Integrated Water, Wastewater and Transportation Master Plan review exercise for the Region, together with, and in time, Background Studies and formal Programs. Please see the Planning comments for more context.
- As always, acquiring land for development purposes and hiring consultants, at this time, is at the risk of the developer.
- Any water services and sanitary services that currently exist to the property(s) that will not be utilized for any reason will be required to be disconnected right at the respective main by the developer.
- The developer's site servicing consultant can preconsult with the Region at any time regarding their proposed draft site servicing water design, wastewater design and identified utility conflicts (including storm).
- The Region would like to receive confirmation in writing when any required formal land assembly has taken place at the LOPA and ReZoning stage in order for servicing to conform with Regional Policies, that water and wastewater services do not and will not cross lot lines for different property owners.

Submission Requirements:

- All submission materials on a USB
- Applicable Regional Fee(s)
- Complete Application forms
- Planning Justification Report
- Concept Plans
- Environmental Site Screening Questionnaire
- RSC (along with all the related ESAs)
- Supplementary Waste Plan
- Engineer's Letter (certifying structural capacity)
- Functional Servicing Report
- Staff contacts: Adam Huycke (Planning) Adam.Huycke@halton.ca and John Kisneris (Servicing), john.kisneris@halton.ca

Development Engineering Comments:

GENERAL COMMENTS

1. All plans to use the same base layer.
2. Identify existing and/or proposed property lines on all plans.
3. Identify existing and/or proposed easements on all plans.
4. Identify limits of existing and/or proposed underground parking on all plans.
5. Identify any existing reserves across property frontage.
6. Identify any and all applicable external agency setbacks on all plans.
7. All private utilities must be constructed within the subject property limits.
8. As per the City's Hydro Services Policy for development sites within a designated MTSA and/or the downtown, any new 27.6 kV hydro service or other utility which is required for the multi-story development shall be buried. Additionally, any existing overhead 4 kV hydro service along the frontage of the subject property shall be buried. The costs associated with the hydro service works shall be borne by the Developer.
9. City Plan and Profile drawings may be downloaded from the Open Data Portal.

RIGHT OF WAY

1. A Municipal Consent Permit is required for any works on public lands, including but not limited to temporary staging, grading, servicing, construction or disturbance of vegetation.
2. Land conveyances are to be free and clear of contamination and will not be accepted with a Certificate of Property Use. For sites with contamination concerns, environmental works should be undertaken for any lands to be conveyed separate from those for lands to be retained.
3. Plains Road East fronting the proposed development is scheduled for re-construction in 2025, through the existing site plan application (535-015/21) we have advised the City's Design & Construction team of the proposed development. Please refer to the site plan correspondence regarding coordination with the City project.

FUNCTIONAL SERVICING & STORMWATER MANAGEMENT REPORT

1. All documents to be prepared in accordance with the Council approved Stormwater Management Design Guidelines (COB SWM), as amended.
2. To be stamped and certified by a Professional Engineer.
3. External agency may review the report. If differing requirements exist between them and the City than the most stringent criteria shall apply.
4. The City's Stormwater Engineer has provided the following criteria, please also refer to site plan 535-015/21 for detailed comments on the stormwater management section of the Schaffers July 2022 FSR:
    a. **Quality Control (COB SWM 6.1.4.1 and 6.1.4.2):**
        - Enhanced 80.0% TSS removal achieved with a treatment train approach. An OGS will only be credited with 50.0% TSS removal.
        - OGS CA-ETV certified units only.
        - OGS to be sized to capture and treat a min. 90.0% of the runoff volume.
        - Rooftop areas may be considered clean if the flows are separated from non-roof areas as per COB SWM 3.6 and 6.1.4.1.
    b. **Quantity Control (COB SWM 6.1.1.1):**
        - Control 100 year post development flows to 5 year pre development flows
        - A max. pre-development imperviousness of 36.0% (C = 0.50) for re-development is to be used for the pre-development calculations.
    c. **Erosion Control (COB SWM 3.4 and 6.1.2)**:
        - Not required
    d. **Water Budget (COB SWM 3.5 and 6.1.3):**
        - Strongly recommend the first 5mm of rainfall be retained and infiltrated or reused onsite.
    e. **Groundwater:**
        - If there is a foundation drainage collection system, flows must be accommodated in the quantity control for the site, and discharge must meet the Storm Sewer Discharge Bylaw 59-2022 Table 1 criteria, as amended.
    f. **External Flows**:
        - Identify all external flows and safely accommodate them under the developed conditions to avoid upstream flooding or ponding.
    g. **Overland Flow Route (COB SWM 5.3.2 and 6.1.1.3):**
        - Provide the emergency overland flow route on the plans and direct it towards the municipal right of way. Include the neighbouring properties to ensure existing drainage patterns are being maintained.
5. Provide full sized scalable, signed, and stamped plans for the following:

a. pre-development storm drainage area
b. post-development storm drainage area
c. grading
d. servicing
e. any additional applicable plans

6. Include a Letter of Reliance that allows the City to rely upon the documents.

NOISE AND VIBRATION FEASIBILITY STUDY

1. All documents to be prepared in accordance with the MECP's Environmental Noise Guideline Publication NPC-300, as amended.
2. To be stamped and certified by a Professional Engineer.
3. External agency may review the report. If differing requirements exist between them and the City than the most stringent criteria shall apply.
4. Please also refer to site plan 535-015/21 for detailed comments on the HGC July 25, 2022 Noise Feasibility Study. The site plan study will need to be updated to reflect the additional stories, i.e. include the revised architectural drawings in the appendix of the report, the rooftop amenity area for the site plan is on the 9th floor but is now proposed on the 11th floor, does that change any of HGC's recommendations?, etc.
5. The study to include but not limited to the following:
   a. Considered a Class 1 property.
   b. Identify offsite stationary noise sources that may require mitigation for existing and/or proposed development and provide the mitigation requirements. If offsite mitigation is required, then confirmation of a legal agreement between the development and offsite sources is required. Please note, adjacent property owners are not obligated to mitigate their onsite stationary noise sources, as it relates to stationary noise impacts on the subject development. The applicant is responsible for mitigating the exceedances within the limits of the subject development, which may require a site redesign.
   c. Provide all model calculations for both onsite and offsite.
   d. Provide any onsite noise measurements.
   e. Use reflective surfaces for model calculations where applicable.
   f. Provide capacity volumes received from the City's Transportation Services for roads using model calculations. Include the correspondence within the appendix.
   g. Provide any correspondence from external agencies to confirm traffic and/or train counts within the appendix.
   h. Provide all mitigating measure calculations including but not limited to window glazing, façade requirements, noise walls, etc.
   i. Provide a key plan identifying points of reception.
   j. Provide a key plan identifying sources of noise for both stationary and linear and including distances from subject property.
   k. NPC-300 exceedances and/or max. points of reception required for every floor and side of the building.
   l. Points of reception required for every neighbouring property.
   m. Provide a table for the points of reception and include the allowable noise level under NPC-300, estimated noise level, and the mitigated noise level.
   n. Provide warning clause recommendations where applicable.
   o. Provide a summary and drawing of any required mitigation measures.
6. Include a Letter of Reliance that allows the City to rely upon the documents.

ACRONYMS

CA-ETV	Canadian Environmental Technology Verification
City	City of Burlington

COB SWM	City of Burlington Stormwater Management Design Guidelines
Max.	Maximum
MECP	Ministry of the Environment, Conservation and Parks
Min.	Minimum
MTSA	Major Transit Station Area
OGS	Oil Grit Separator
TSS	Total Suspend Solids

- Staff contact: Annette Simpson, Annette.Simpson@burlington.ca

Urban Forestry & Landscape Comments:

Please be advised that the Urban Forestry and Landscaping review of this application is considered preliminary at this time. Urban Forestry and Landscaping may provide additional comments, raise additional concerns, or request additional information upon receiving the outstanding or revised information, and upon further comprehensive review of its contents

1. A Landscape Plan will be required showing the general layout and intent of what is proposed for landscaped areas, including landscape buffer planting, outdoor amenity areas, fence location and types and pedestrian circulation. See the Pre-Submission Checklist for requirements.
2. The Landscape Plan must show and dimension pedestrian walkways and connections to the city sidewalk (1500mm minimum width, 1800mm recommended). Consider the width of the pedestrian walkways minus the doors that open out to ensure pedestrians don't need to walk on vehicular driveways.
3. The Landscape Plan must show conceptually the proposed layout and use of any outdoor amenity areas.
4. The Landscape Plan must show all regulated limits/hazard lines on the landscape concept plan.
5. The Landscape Plan must show the location of air vents/shafts and coordinate with landscape concept (i.e., do not locate vents in walkways and coordinate with proposed planting locations).
6. The Landscape Plan must show bicycle parking and snow storage locations.
7. The Landscape Plan must show proposed tree plantings that follow the ESA's guide *Planting Under or Around Powerlines & Electrical Equipment:* trees and/or shrubs with a max. mature height and spread of 4.5m in the Low Zone (to 4.5m from the power lines), trees with a max. mature height and spread of 7.6m in the Medium Zone (7.6m from the power line), and trees of any size beyond 7.6m from the power line. See the ESA Guidelines for Planting Under or Around Powerlines & Electrical Equipment.
8. Where trees are proposed, ensure the minimum required soil volumes are provided and documented on the landscape plans using good quality soil. The minimum requirements are as follows: $30m^3$ of soil per tree in a single tree pit, $20m^3$ per tree in a shared planting environment. Excavation for each planting environment should be 0.75m to 1.2m depth and should not exceed 1.5m depth and be tailored to stock size used. Smaller rooting volume (minimum 15-$20m^3$) may be proposed for smaller trees.
9. Where trees, shrubs and herbaceous material is proposed, ensure material is suitable for the existing and proposed conditions to ensure success (i.e., salt tolerant, and suitable for existing and proposed soil and other environmental conditions).
10. Any recommendations or issues of compatibility (i.e., noise, light, uncomfortable wind conditions) noted in the Planning Justification Report, Noise Report and Wind Study should be addressed and reflected on the Landscape Plan, for example with buffer planting, screens and fencing, trellises or awnings for outdoor areas including pedestrian walkways and amenity areas.
11. Where required, landscape buffers should provide separation and be designed to partially obstruct the views to adjacent properties along shared property lines. The landscape buffers should be a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen and deciduous trees and understory shrubs.
12. Screen parking spaces from road frontages.
13. Please review and apply the Sustainable Building and Development Guidelines.
14. Once the number of parking spaces is finalized, confirm the required number of Type "A" and Type "B" barrier free parking spaces required. Type "A" shall be 3400 mm in width and signed to indicate Van Accessible Parking. Type "B" shall be 2750 mm as per city zoning by-law. As per city zoning by-law, the access aisle shall be 2000 mm. The access aisle is to be clearly identified and

can be shared by both spaces. Please see GAATES Figure 2.6.4.1 (page 127) for Van Accessible Signage detail.

15. Locate the barrier free parking spaces closest to the main entrances and not crossing vehicular traffic.
16. Contact the city's Accessibility Coordinator if you have any questions concerning **Accessibility:** Judi Lytle, 905-335-7600, ext. 7865, judi.lytle@burlington.ca.
17. An Arborist Report, Tree Inventory and Tree Protection Plan is required to document all existing trees greater than 10cm DBH on site and on adjacent properties within 6m of the property lines, and all trees of any size on city property. See the City of Burlington: Pre-Submission Checklist for further requirements. Ensure your tree inventory table is provided as an excel file in addition to the word file. Note, the inventory data for this file provided with the Arborist Report will require an update to existing conditions and a revised tree protection plan should evaluate the proposed development related impacts against all civil drawings (i.e., grading, servicing etc.).
18. Any existing private trees on the subject site should be considered for preservation. The removal of trees shall be considered as a last resort. Trees that are to be removed will require a plan for replacement. Private trees that are 15cm in DBH will be counted toward replacement requirements using the City's aggregate caliper method. Tree replacements will be based on 50mm caliper replacement sizes. Proposals for replacement shall consider planting on the existing subject property as a priority. Where there is no room for replacement trees, cash-in-lieu of replacement will be required.
19. Removal to trees on neighboring properties, or that are located on a shared property line (boundary trees) will require consent from the adjoining and/or adjacent owner(s).
    Where impacts are proposed (i.e., encroachment / injury) to neighbouring and/or boundary trees the adjoining and/or adjacent owner(s) shall be consulted and made aware of the proposed development and potential impacts to their trees and/or boundary trees and the applicant shall submit a document in writing from adjoining and/or adjacent owner(s) that there are no concerns with the proposal for those trees, or the applicant's qualified tree professional (as defined in Pre-Submission Checklist) shall address the potential impacts to the neighbor's trees and/or boundary trees and provide an attestation in the Arborist Report that the impacts proposed will not be a detriment to the trees, and they will remain in healthy condition. Information in the report shall also include the preservation methods, including pruning and fertilizing, that can be implemented by the owner to ensure the health of trees on neighboring properties.
20. Private trees that are regulated and require removal or injury to facilitate project works may require a private tree permit depending on the timing of removal and/or injury relative to planning application(s). Please consult with the City at all stages of your project (i.e., demolition) to ensure compliance. Additional documentation may be required.
21. There are public trees located on Cooke Boulevard as well as Plains Road West. The City's Public tree by-law is applicable to the proposed development. The removal of public trees shall be considered as a last resort. Where City of Burlington public trees are proposed for removal, council approval is required prior to tree permit issuance. The number of replacements will be evaluated using the City's aggregate caliper method. Similarly, work shall be modified to avoid working inside the minimum tree protection zone of all public trees. Where impact is proposed for public trees, a public tree permit will be required and securities provided.
22. Trees and corresponding tree protection hoarding (vertical and/or horizontal) shall be illustrated and considered on all civil drawings and factored into all Construction Management and Mobility Plans.
23. Please provide a comment matrix that identifies the above comments and how they were addressed with the site plan submission.

- Staff contact: Zelaikha Shareqi, Zelaikha.Shareqi@burlington.ca

Parks & Open Space Comments:

- No comments at this time
- Staff contact: Marion Rabeau, Marion.Rabeau@burlington.ca

Transportation Services Comments:

BACKGROUND

Transportation Planning are in receipt of pre-consultation documentation for 35 Plains Road East, including a site plan and architectural plans, dated April 18, 2023. The site is in the northwest corner of the intersection of Plains Road East and Cooke Boulevard. This memo serves to inform the applicant what materials are required to be submitted in support of their application.

DEVELOPMENT PROPOSAL

The proposed development aims to increase the previously approved (OPA/ZBA in 2008) 8-storey mixed-use building by adding three additional stories. As a result, the total of 11 -storey mixed use building includes:

- 94 residential units and a gross floor area of 385.76 m² for the retail space.
- A residential density of approximately 494 units per net hectare based on a site area of 0.19 ha.
- A total of 1,943.50 m² of Amenity Area.
- 96 vehicle parking spaces provided through 2 levels of underground parking and at grade including:
  - 87 residential vehicle parking spaces (including 2 accessible spaces)
  - 9 commercial/visitor parking spaces (including 2 accessible spaces and 2 car share spaces)
- 75 bicycle parking spaces (including 68 residential and 7 visitors)

TRANSPORTATION PLANNING REVIEW and COMMENTS

Site Context

1. The proposed development site is in the northwest corner of the intersection of Plains Road East and Cooke Boulevard:
   a. Per the Official Plan, Plains Road East is a Multi-Purpose Arterial and Cooke Boulevard is a Local Road, per Schedule O-1, Classification of Transportation Facilities - Urban Area,
   b. is in a Mixed-Use Node and Intensification Corridor, per Schedule B, Urban Structure,
   c. is in a Primary Growth Area, per Schedule B-1, Growth Framework, and
   d. Plains Road East is an MTSA Primary Connector and a Frequent Transit Corridor, per Schedule B, Growth Framework, and Long-Term Frequent Transit Corridors. It is in the Aldershot GO MTSA area.

2. Plains Road East has a four-lane basic cross-section with a two-way left-turn lane (center turn lane) as well as proposed protected on-street bicycle lanes on both sides of the road. Its intersection with Cooke Blvd has an eastbound auxiliary left-turn lane. It has a posted speed limit of 60 km/h. It is a signalized intersection with Cooke Boulevard.

3. Cooke Boulevard has a two-lane basic cross-section. It has a posted speed limit of 50 km/h.

Deemed Right-of-Way Widths

4. The deemed right-of-way widths per the Official Plan and Zoning By-Law:
   a. for Plains Road East is 36 meters. The existing right-of-way adjacent to the subject site is approximately 36 metres and no additional lands are required.
   b. for Cooke Boulevard is 20 meters. The existing right-of-way adjacent to the subject site is approximately 20 metres and no additional lands are required.

Daylight Triangles

Dedicate to the City free of charge lands in accordance with Schedule E of the Section 41 Agreement, A 5m-by-5m daylight triangle dedication at the west corner of Plains Road East and Cooke Boulevard intersection is required, identified as Part 1 on Plan 20R-22022, prepared by R-PE Surveying Ltd., deposited at the Land Registry Office on October 15, 2021. (From: Engineering department)

Transportation Impact Study/Mobility Impact Assessment

5. A revised (previously approved TIS dated April 2016) Transportation Impact Study (TIS), also known as a Mobility Impact Assessment (MIA) is required for this application. The TIS/MIA shall be completed by a qualified/recognized traffic/transportation engineering consultant. It

shall be submitted to the satisfaction and approval of the Director of Transportation Services or designate.

6. Typically, the TIS/MIA would follow the Region of Halton's Transportation Impact Study Guidelines (https://www.halton.ca/Repository/Transportation-Impact-Study-Guidelines). The same Terms of Reference can be used.

Auto and Bicycle Parking supply

7. The subject land use and proposal shall meet the parking supply requirements of the Zoning By-Law Table 1.2.6: Off-Street Parking Standards. A parking study is required if the proposed parking does not adhere to the City of Burlington by-law requirements.

8. The bicycle parking supply shall meet the Zoning By-Law Table 1.2.8 requirements.

Access

9. Site accesses must adhere to the standards of the City of Burlington. The sidewalk shall be continuous through the driveway.

10. The site plan is to include abutting right-of-way widths including driveway accesses and utilities such as street lighting, hydro poles, and fire hydrants if any. Also, all existing and proposed subject site driveways as well as existing access and driveways of adjacent and opposing properties.

Construction Mobility Management Plan (CMMP)

11. The applicant shall submit a Construction Mobility Management Plan (CMMP) as a part of this application which shall be to the satisfaction and approval of the Director of Transportation Services or designate. During construction, staff will not support the closure of vehicle lanes.

- Staff contact: Smeeta Adiga, Smeeta.Adiga@burlington.ca

City of Burlington: Pre-Submission Document Terms of Reference

Address: 35 Plains Road East

Date: August 9, 2023

NOTE: These general Terms of Reference (below) will be used to assess the materials and technical studies submitted in support of a *Planning Act* application(s) and are to be reviewed upon the submission of and prior to the deeming of 'complete' of the application(s). The following Terms of Reference are intended as a guide to assist proponents in the preparation of materials and technical studies due upon submission (see: Section 12 of Development Application Pre-Consultation Form) and to provide recommendations as to the information content of those materials that would assist City of Burlington, Region of Halton, Conservation Halton and external agency partners in their review, once circulated. In circumstances where these Terms of Reference are generally not adhered to, submission materials may be returned to the proponent/applicant and/or a file not initiated.

1) General Requirements

- Correct application fees (based on most current fee schedule)
- Correct number of application forms and copies of reports
- Application form fully completed and commissioned
- Landowner's authorization and consent to enter property signed
- Three CDs or flash drives containing electronic copies of all materials
- Consistency within technical reports in terms of the development concept evaluated, and supporting appendices and drawings.
- Consultants have coordinated data and conclusions so that reports are consistent between disciplines
- Clear and legible drawings
- All electronic file submissions must be named using the following naming protocol: "Address_StudyName_MM-DD-YYYY". If a document is revised and resubmitted the file name should indicate that it is a revised submission and the date of the revision should be noted: "Address_StudyName_Revised_MM-DD-YYYY".
- Two digital copies of all plans are required along with paper copies. Digital plans must be submitted in Autocad and/or GIS Shapefile format that must be geospatially positioned to match the City of Burlington's Geographic and Projected Coordinate Systems (Geographic Coordinate System: GCS_North_American_1983; Projected Coordinate System: NAD83_UTM_ZONE 17N).
- Pre-Application Community Meeting Notes
- BUD Meeting Minutes

2) Planning Justification Report

- Signed by a Registered Professional Planner
- Contains a written acknowledgement by the RPP that they have reviewed all supporting technical studies in consideration of their planning opinion.
- Contains a review of the applicable policies of the Provincial Policy Statement.

- Contains a review of the applicable policies of A Place to Grow Growth Plan
- Contains a review of Ontario Regulation 162/06.
- Contains a review of all other relevant Provincial legislation.
- Contains a review of the applicable policies of the Region of Halton Official Plan.
- Contains a detailed explanation of how the proposed development is consistent and/or conforms to all relevant Provincial Plans and policies.
- Contains a review and analysis of the applicable policies of the City of Burlington Official Plan (2008) and 'New Official Plan' (2020).
- Contains an analysis of the Intensification Criteria in the Burlington Official Plan.
- Contains a fulsome discussion of the results of the required technical studies and how they have been used to refine the redevelopment proposal.
- Contains a discussion of how input received at the Pre-application consultation meeting has been used to refine the redevelopment proposal.
- Contains a discussion of how input received from the Burlington Urban Design Panel has been used to refine the proposal.
- Contains a discussion of how the requested change addresses the objectives of Burlington's Housing Strategy.
- Contains an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.
- Draft Official Plan Amendment and/or Amending Zoning By-law.
- Contains an explanation of why the requested change represents good planning and adheres to Provincial and municipal plans and policies.
- If land division is required, contains an explanation of the proposed process (condominium type, subdivision, consent), timing and next steps.

3) Survey and Severance Sketch / Conceptual Site Plan

- Legible, metric scale drawing on 24x36 inch paper (or digital)
- Prepared and signed by an OLS Surveyor
- Clearly identifies all development constraints including easements, MTO setbacks, floodlines & hazard lands, natural heritage buffers, required right-of-way widenings, daylight triangles, etc.
- Survey / Reference Plan of site showing PINs, easements and property boundaries, etc.

4) Housing Impact Statement

- Completed in accordance with Section 3.1.1(2)(h) and other applicable policies of the City's New Official Plan (2020)
- Comprehensive review of the proposal from an existing use and a proposed use perspective with a focus on affordability, unit/bedroom count, etc.
- Identify and discuss the proposed development in the context of Halton Region's Housing policies, and the Region's most recent State of Housing Report (note: the Region issues a State of Housing Report annually and any justification should reflect the current year report);
- Should identify and discuss other relevant and current housing information available;

5) Pedestrian Level Wind Study

- Completed in accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of Reference.

6) Shadow Study:

- Completed in accordance with the City's Shadow Study Guidelines and Terms of Reference.

The Arborist Report, Tree Inventory and Tree Protection Plan is to be prepared by a qualified tree professional (i.e., Arborist certified by the International Society of Arboriculture (ISA), including ISA number; qualified by Ministry of Training, Colleges and Universities (MTCU) or Ontario Training and Apprentice Board (OTAB); registered professional Forester in Ontario, etc.) and the Landscape Plans shall be prepared by a qualified member of the Ontario Association of Landscape Architects. Documents prepared by non-qualified professionals will not be accepted.

Tree Inventory Table Requirements:

- The address of the subject site
- Tree Identifier No. as indicated on the Tree Protection Plan.
- Common and botanical name of tree species
- Diameter at Breast Height for each individual tree identified on the Tree Protection Plan. For multi-stemmed trees, each stem diameter is to be provided in addition to the DBH using the sum of square formula.
- Health and structural condition rating for each tree
- The minimum tree protection zone, and critical root zone and associated impacts as a percentage based on the City's standard specification SS12A
- Tree ownership (i.e., private, public, boundary, neighbour) and corresponding address;
- Recommendation for each tree: injure (encroachment), remove, preserve (fully protect)
- General notes on the subject tree and mitigative measures (e.g., hydro-vac)
- Copy of excel file for tree inventory table to be provided

Tree Protection Plan Requirements:

- Contains legible drawings on 24x36
- Drawn to a metric scale of 1:100, 1:200, 1:250 or 1:300, and include a scale bar
- Illustrates the proposed development (including property lines, easements, regulated areas, paved areas, buildings and entrances, landscaped areas, regulated limits, etc.) and is coordinated with the Site Plan and civil drawings (i.e., grading, servicing etc.

- A label and location of all existing tree(s) over 10cm diameter at breast height (DBH) measured at 1.4m above the ground) on site and within 6m of the property lines, and trees of any size on city property. Trunk for each tree to be scaled to size.
- Legend that defines the symbols, lines or colours etc. used on the plan. The elements included in the legend should match those shown on the plan. Do not include other elements that are not applicable
- Label and dimension minimum tree protection zones (circles) and critical root zones (circles) in accordance with City's Tree Protection and Preservation Specification SS12A
- Label and dimension protective tree hoarding (fencing) and root protection (as required) in accordance with the City's Tree Protection and Preservation Specification SS12A
- Label all mitigative work around trees as necessary (e.g., exploratory air-spade and root pruning etc.)
- Location of all associated construction activities, including but not limited to:
- Construction access route (with width measurements)
- Construction material storage area(s)
- Excavation area including limits of over-dig
- Trenching and/or boring locations (with depths and width measurements)
- All proposed servicing and utilities on both public and private property
- Fill placement from excavation, or material being brought to the lot
- Grade and surface changes

Arborist Report Requirements:

- The address of the subject site
- The author, contact information, and relevant qualifications (e.g., ISA, RPF)
- The date(s) that the assessment was conducted, methodology and limitations; ensure assessments were completed within the last year (365 days)
- An overview of the proposed work and explain what arboricultural work is to be undertaken for each tree(s) (e.g., tree to be injured, tree to be destroyed (removed), tree to be preserved and protected)
- Where applicable, a description of the trees to be removed including the specific reason(s) (e.g., new sanitary service) per tree. Alternate layouts and construction measures should be considered and discussed to ensure all proposed removals are necessary and justified (i.e., there are no alternatives)
- Where applicable, a description of the trees to be injured where construction activities will be in the minimum tree protection zone and the mitigation measures to be implemented to minimize impacts (e.g., exploratory air-spade and root prune)
- Where applicable, a description of the trees to be fully protected and the methods to be implemented to ensure no impacts

- Tree inventory (table of tree details) (refer to the tree inventory section)
- A proposal for the replanting or replacing of trees that are to be removed
- Confirmation that the Tree Protection Zones established and maintained around any trees on the property and all mitigative measures prescribed are in accordance with the City's relevant policies, procedures, and specifications (SS12A)
- Where applicable the minimum frequency of site inspections by a qualified tree professional during proposed works
- Recommendations for post-construction care and/or monitoring (as required) for regulated trees and proposed replacement trees
- Where applicable a consent letter for the removal of boundary tree(s) (those located along the shared property line) or a neighbours tree(s) to be attached to the report document
- Where applicable a consent letter for the injury to a boundary and/or neighbour tree(s) to be attached to the report document or an attestation
- Where applicable any additional relevant information (e.g., legal survey, TRAQ form, pre-construction exploratory review etc.) to be attached to the report document
- Abbreviations should be defined, and industry standard terminology used

Landscape Plan Requirements

- Is stamped and signed by a qualified member of the Ontario Association of Landscape Architects
- Contains legible drawings on 24x36 inch paper
- Includes all dimensions in metric, to scale, and on a consistent base map layer
- Includes bar scale
- Identifies the location and general design intent of the proposed plantings and amenity areas
- Shows location and dimensions of pedestrian walkways and crossings. Include dimensions from open doors if doors open out onto walkways.
- Identifies minimum required soil volumes, and location of any structural soil cell installation areas to achieve minimum soil volumes ($30m^3$ of soil per tree in a single tree pit, $15m^3$ per tree in a shared planting environment. Excavation for each planting environment should be 0.75m to 1.2m depth and should not exceed 1.5m depth)
- Identifies the location, type and height of proposed fencing
- Identifies snow storage and bicycle parking areas
- Identifies the location of air vents/shafts

- Identifies property lines, easements, regulated areas, impermeable surfaces (including curbs, roads, driveways, sidewalks, etc.), buildings and entrances, landscaped beds, lawns or other permeable surface areas, other information as needed
- Identifies the location of all underground, at grade and overhead utilities
- Identifies the location of any storm water management infrastructure, including swales, sub-drains, catch basins, pipes, and other quality and quantity controls as required
- Is coordinated with the Site Plan, Grading and Servicing drawings, Planning Justification Report, Noise Study, Wind Study, and shows any recommended mitigation measures (e.g. buffer planting, screening, fencing) conceptually on the Landscape Concept Plans

7) Functional Servicing Report

- Is prepared, signed and stamped by a Professional Engineer.
- Contains legible drawings, including all dimensions, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500 on 24x36 inch paper, and on a consistent base map layer .
- Follows the terms of reference agreed upon by the Regional and City staff in advance of study commencement. Includes a copy of this approved Terms of Reference as an Appendix.
- Includes digital copies of models.
- Includes all dimensions in metric, to scale, and on a consistent base map layer.

8) Noise & Vibration Feasibility Study

- Is prepared, signed and stamped by a Professional Engineer.
- Includes determination of project feasibility
- Includes assessment of existing and proposed transportation sources of noise and stationary sources of noise and vibration.
- Includes traffic/train counts confirmed by relevant agencies and includes correspondence from those agencies in an appendix.
- Includes assessment of outdoor and indoor acoustical environments, including those onsite and on neighbouring noise sensitive land uses
- Includes clearly defined environmental sound levels for transportation sources of noise and stationary sources of noise as per City's requirements and the MOECC publication NPC-216 and NPC-300 as amended
- Includes investigation of feasible means of noise impact mitigation, including a chart outlining noise control measures required to achieve sound levels of 55dBA (or as close as possible) for each outdoor living area
- Includes all calculations and modeling (i.e. STAMSON output)
- Includes technical details, and clarifies the responsibility for the implementation and maintenance of the required noise control measures.
- Includes recommendations for warning clauses.

9) Traffic Impact Study

- Confirmation of Scope of Work by Burlington Transportation Services staff
- Signed by CET or signed and stamped by a Professional Engineer
- Follows Regional TIS Guidelines for Regional roads
- Follows MTO Guidelines for sites within MTO permit control area
- Includes correspondence about traffic projections from City, Region and MTO in an Appendix.
- Includes SYNCHRO files as an electronic attachment (not a PDF)
- Traffic counts are not completed during school holiday times, and are completed during the mid-week period (Tuesday through Thursday).
- Traffic counts are no older than one year.
- Electronic copy of all signal warrant calculation files (not a PDF)
- Includes all traffic counts and modelling data in an Appendix and electronically
- Includes a multi-modal approach to transportation analysis
- Incorporates Travel Demand Measurement measures

10) Stormwater Management Report

- Please refer to the City of Burlington Stormwater Management Design Guidelines, approved by City Council on June 22, 2020, please be advised of new IDF curves for the City of Burlington: https://www.burlington.ca/en/services-for-you/Stormwater.asp
- Refers to the Ministry of the Environment "Stormwater Management Planning and Design Manual" and the TRCA/CVC Low Impact Development Stormwater Management Planning and Design Guide.
- Is prepared, signed and stamped by a Professional Engineer
- Includes pre and post development drainage area plans that are legible, plotted to an acceptable metric scale, plotted on 24" by 36" paper and plotted on a consistent base map layer
- Includes site grading and servicing plans that are legible, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500, plotted on 24" by 36" paper and plotted on a consistent base map layer
- Includes digital copies of modeling, modelling program acceptability to be confirmed with City Staff prior to use and prior to submission of report.
- Includes a list of all past reports and current technical documents that have been consulted.
- Includes all calculations, modelling, and parameters (as per City Standard Drawings S-IDF, S-2D, S-3D, etc., as amended)
- Includes clearly defined stormwater criteria for the site (including source) and demonstrates in report how these criteria will be satisfied.
- Addresses all interim conditions as well as the ultimate condition
- Contains engineering details and cross-sections showing existing utility locations if any temporary and/or permanent encroachments are proposed.
- Provide chemical analysis of groundwater to determine if it satisfies the City's storm sewer discharge criteria for water quality. (including documentation from the Geotechnical or Environmental Engineer in the appendix)
- If groundwater cannot be directly outletted to the municipal storm system, detail where it will outlet, i.e. treated then outlet to storm or outlet to the sanitary system.

- Provide an estimate of groundwater flow to be permanently managed in the site storm system (including documentation from the Geotechnical Engineer or Hydro-geologist in the appendix)
- Provide comment on whether or not it is anticipated a permit to take water would be necessary either temporarily during construction or permanently.

11) Grading and Servicing Plans

- Must be separate Plans
- Are stamped and signed by a Professional Engineer
- Contains legible drawings, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500, on 24" by 36" paper and plotted on a consistent base map layer
- Identifies property lines, dedications, easements, regulated areas, impermeable surfaces (including curbs, roads, driveways, sidewalks, etc.), buildings and entrances, and other information as needed
- Identifies the location of all underground, at grade and overhead utilities
- Identifies the location of all storm water management infrastructure, including swales, sub-drains, catch basins, pipes, and other quality and quantity controls as required
- Identifies Municipal Benchmark and Horizontal Control

12) Environmental Site Assessment Report

- Completed in accordance with Ontario Regulation 153/04 as amended
- Regional Environmental Site Screen Questionnaire included
- Prepared, signed and stamped by a Qualified Person
- Letter of Reliance for City and Regional staff
- If the Phase One Study recommends a Phase Two Study, then the Phase Two is included with the submission
- If the Phase Two Study recommends site remediation, then the remediation plan is included to ensure that remediation feasibility has been considered.

13) Urban Design Brief:

- Contains a itemized and detailed analysis of how the proposed development meets the urban design objectives and policies of the Official Plan and any relevant approved urban design guidelines.
- Indicates how the proposed development responds to its surrounding context (both existing and planned).
- Provides a close examination and understanding of the surrounding area including blocks, streets, and buildings that could influence overall site and building design.
- Describes the overall architectural expression; building relationship to streetscape and adjacent properties; pedestrian, cycling, and transit connections; sustainable building elements; and other urban design features that ensure design excellence.
- Contains an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.

- Contains a discussion of how input received from the Burlington Urban Design Panel has been used to refine the proposal.
- Include the BUD Meeting Minutes as an Appendix.

14) Waste Management Report

- Contains a loading plan showing turning radii for trucks
- Contains building elevations illustrating vertical clearance for truck access
- Contains details of layout for waste storage areas
- If no public waste collection is proposed, includes a letter confirming private pick-up.

15) Construction Management and Mobility Plan:

- Legible, metric scale drawing on 24" x 36" paper
- Clearly identify property lines, easements, floodlines & hazard lands, natural heritage buffers, existing trees/vegetation to be preserved (and tree preservation fencing), etc.
- Clearly identify limits of above ground development, including buildings, parking, sidewalks, curbs, etc.
- Clearly identify limits of underground parking structure, including dimensioning distance from property lines
- Includes shoring and excavation details
- Clearly identify limits of all elements of the underground parking structure including foundation drainage system/shoring/tiebacks/etc.
- Clearly identify limits of temporary perimeter/security fencing, covered sidewalk protection (if proposed) and tree protection fencing
- Clearly identify proposed temporary (trailers/material storage/fencing/etc.) and/or permanent encroachments (tiebacks/shoring/etc.) into the Right of Way and identify approximate time line of closure
- Clearly identify any proposed temporary sidewalk and/or lane closures and identify approximate time line of closure.
- Identify haul route, i.e. what roads are to be used for material deliveries
- Identify crane location and swing radius – please note that further detail/additional requirements will be provided at the site plan stage
- Drawing must clearly note that no trades parking or truck staging will be allowed on the Municipal Right of Way
- The applicant is advised that if the Official Plan Amendment/Re-Zoning application is approved, at the Site Plan stage additional construction management details may be required, including requirement of Road Occupancy and Municipal Consent permits if applicable.

APPENDIX C

Pre-Consultation Community Meeting Minutes
Project Name: 35 Plains Road East, Burlington
Project No.: 21024

Meeting Date: June 10th, 2024

Panel Members:
Mayor Meed Ward (City of Burlington)
Councillor Galbraith (City of Burlington)
William Wallace (City of Burlington)
Alicia West (City of Burlington)
Kregg Fordyce (Proponent)
Luca Chandler (Proponent)

Meeting Agenda:

1. Introductions to the panel
2. Meeting agenda & technical considerations
3. Staff presentation of the planning process
4. Proponent presentation of the proposed development
5. Question period
6. Closing remarks

The following table summarizes the question period of the pre-consultation community meeting:

Question Period		
Speaker	**Question**	**Response**
Jenny Rawlins (Community Member)	There is no visitor parking in the area. The 6 proposed spaces will not be enough. Can staff speak to paid parking being introduced in the area?	
Kregg Fordyce (Proponent)		We are aware that we are proposing a lighter amount of parking. But we are also sensitive to the changing policy surrounding parking which is emphasizing the decrease of parking and automobile use. In this instance, we have bus service and are within walking distance to the GO station. Units are more affordable without parking spaces, and more accessible. Building additional levels of underground parking is also very expensive, in cost and in terms of environmental impact. We understand that lower parking rates can be difficult to support from the community, but we believe this is the appropriate direction for this development.
William Wallace (City of Burlington)		You are right that policy is changing to reduce parking requirements, which limits city staff in how they can address parking needs. But we are also seeking to encourage greater modal split and reduce dependence on automobiles. Transit, bicycles, pedestrian travel, and the GO all support greater modal split at this location.
Jenny Rawlins (Community Member)	I would like to reiterate that this kind of development does not match the proposed parking rate. This area has a high senior population, who will not use bicycles or transit. If you want to add these residences and commercial units, you will need more	

	parking. It feels like the site has changed hands multiple times over the last years. Developers are just flipping the property over and over and not building.	
Kregg Fordyce (Proponent)		The same developer has applied for the last two applications. The market has not responded to the previous application, and it required changing. The developer is eager to get something built here.
Jenny Rawlins (Community Member)	Can you share the name of the developer?	
Jenny Rawlins (Community Member) & Kregg Fordyce (Proponent) & Mayor Meed Ward (City of Burlington)		**Back and forth on who the developer is, how long they have been involved, and why the units didn't get sold previously…*
Mayor Meed Ward (City of Burlington)		There are lots of reasons why units are not being built. Developers who cannot sell units will return to the development application process to propose a new project. This is the system at work, and not a bait-and-switch. Please subscribe to the proposal website to keep up to date with this, as it is still very early days.

Jenny Rawlins (Community Member)	How much retail space is proposed?	
Luca Chandler (Proponent)		Just under 5,000 square feet of retail is proposed at ground level.
Jenny Rawlins (Community Member)	This amount of retail should require much more parking. If developers have the money to purchase the land, can you please hire someone to care for the land while it is vacant? It shows that the developers do not care about the perception of the area.	
Kregg Fordyce (Proponent)		We can definitely bring that back to the developer.

Closing Remarks	
Speaker	**Remarks**
Councillor Galbraith (City of Burlington)	I had some of the same questions that Jenny raised about the developer changing hands. There are a lot of approved developments in the area which are not being built or sold, so I understand that the market has changed, and it has been a tough environment. I'm happy to see the commercial and would like to see the larger retail spaces remain. We have a demand for food operations: grocery stores and restaurants. I encourage everyone to follow my newsletter or reach out to me directly with any questions.

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